

THE LEGISLATIVE ASSEMBLY OF MANITOBA
9:30 o'clock, Thursday, July 22, 1971

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees.

REPORTS BY STANDING COMMITTEES

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

MR. WALLY JOHANNSON (St. Matthews): Mr. Speaker, I beg to present the Second Report of the Standing Committee on Municipal Affairs.

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

Your committee has considered Bill No. 36, the City of Greater Winnipeg Act, and has agreed to report the same with certain amendments, as agreed to by the committee.

All of which is respectfully submitted.

MR. SPEAKER: Ministerial Statements; Tabling of Reports; Notices of Motion; Introduction of Bills.

ORAL QUESTION PERIOD

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition)(River Heights): Mr. Speaker, my question is to the First Minister. In view of the change that the government has brought forward in the election of mayor for the unicity bill, and in view of the public statements outside this House by the First Minister, I wonder if he can now indicate who will be running as the NDP candidate for mayor of the unicity.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier)(Rossmere): Mr. Speaker, I don't know what public statements my honourable friend is referring to. He may recall one statement in particular which I made three or four months ago to the effect that there might well be some change with respect to the method of the election of mayor. I don't see what his problem is.

STATEMENT

MR. SPEAKER: The Honourable House Leader.

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management)(Inkster): Mr. Speaker, apparently there have been some people who have anticipated the House with regard to Agricultural Committee and are present today in the hope that they can make presentations relative to the Farm Machinery Bill. Although the committee wasn't called we want to accommodate anybody who has come, and it's my suggestion, see whether it can get approval of the House that we have Agricultural Committee meet for the purpose of hearing these delegations at 3:00 o'clock this afternoon; and I put the additional suggestion that the House run concurrently. Now if that is not acceptable, we won't ask the House to agree with it, but we feel that the Agricultural Committee members could hear the delegation; those that are interested in a particular matter in the House could come in and the House could carry on with its other business. If that is not satisfactory then we'll adjourn the House for the committee.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Mr. Speaker, as much as we would like to make matters move along, in the hope that we move along the business of the House, I was prepared to agree with the House Leader of having the possibility of concurrent committee meetings taking place; it was a suggestion that he made just in private conversation yesterday. But I would have to state, Sir, that our numbers are just not such that we would think that we could do justice to the House and a committee at the same time.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Well, that's -- Mr. Speaker . . .

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I certainly would not agree to it. We've been relegating agriculture down in this House so much and now we're even going to the

(MR. FROESE cont'd) extent where we're going to have -- (Interjection) --
I have the point of order, Mr. Speaker.

MR. SPEAKER: Order, please. The honourable member does not have a point of order. He has an objection which is correct. It is required that unanimous consent be given when a question of leave is desired. He stated that he would not agree. It would have to be the consensus of the House when we are changing or abandoning our rules in regard to procedure, and therefore I note the Honourable Member for Rhineland's objection. The Honourable House Leader.

MR. GREEN: Well, Mr. Speaker, on a point of order. This is not a moment for debate, and the House was not forcing anything on anybody. Consent was requested, it was denied, and that's it. -- (Interjections) -- Mr. Speaker, I

MR. SPEAKER: Order, please. Order, please. I did indicate how the matter stood. I note the Honourable Minister of Mines and Natural Resources' point of order is correct. It is no point in debating the matter any further. The Honourable House Leader. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I would like to direct a question to the House Leader in connection with his statement. There's no objection on this side and I think he understands the position of some of the members who are not members of the committee who would want to be present. The difficulty, and I think we have to resolve it, is I recognize that there are people from out of town who will want to make some submissions, and others who are in the city, and the committee of course conducts its own business; but I think we should make it clear, does this mean that this will be the only committee meeting which will hear delegations and briefs, because there are a number of others who possibly have not been contacted who are really not aware of the fact that it will be on this afternoon. I think there either should be some indication that this is the only one or a further indication that there will be an opportunity, whether it's tomorrow morning or what have you, so that in case there are some who are not able to come that they'll be Yeah, that's right.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, let us deal with it as if we got up this morning and announced that Agricultural Committee would meet this afternoon at 3 o'clock, and on that basis delegations should be notified and if they wish to be here they'll be here. If somebody indicates to us -- and the House has always been accommodating -- that they can't be here for this afternoon I'm sure the committee would want to accommodate them on another day. But let's deal with it as if I got up and announced that Agricultural Committee would meet this afternoon at 3 o'clock.

MOTION FOR PAPERS

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: I wonder if I might get leave of the House to table an Order for Return, or rather a Return to an Order. (Agreed) Thank you.

MR. SPEAKER: We are proceeding to Orders of the Day. The Honourable House Leader.

GOVERNMENT BILLS

MR. GREEN: Mr. Speaker, I noticed that on the adjourned debates on second readings that Bill No. 99 is in the name of the Honourable Member for Souris-Killarney. Is that so, or is it able to be called at this moment? If it's not able to be called, I'll go on to Bill No. 111 or 115, if there are members here who are ready to speak on it. Am I able to call Bill No. 99 or is that not able to be spoken to at this moment?

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, this act was adjourned by my colleague, the Member from Souris-Killarney for further perusal. We have no objections to allowing the matter to move on.

MR. SPEAKER: Would the Honourable House Leader name the bill instead of the number.

MR. GREEN: Well, Mr. Speaker, I'm trying to facilitate matters. Bill No. 99, An Act to amend The Highway Traffic Act. It is in the name of the Member for Souris-Killarney. If the member is going to speak on it and is not here, I won't call it. If that is not the case, I will call it.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, the member is not here now. I expect he'll be here before the adjournment this afternoon; he'll be prepared to speak on the bill.

MR. SPEAKER: The House Leader.

MR. GREEN: Is the same true of Bill No. 111? 115 then, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): Mr. Speaker, in regard to Bill 115, I should preface my remarks by saying that it is regrettable that this bill, as important as it is, should be coming in so late in the session. However, Sir, the Attorney-General when introducing this bill the other day did for some reason or other pass over it lightly. It seems to me that the contents of this bill indicates dramatic changes, placing in the hands of the proposed Police Commission extraordinary powers.

What I would like to know, Mr. Speaker, is just how necessary this commission is required in the light of the fact that the City of Winnipeg presently has a commission. What is this commission intended to do that is not already being done by the Department of the Attorney-General and that of the presently appointed commission in the city. The duties as outlined, as I read it, are toward the promotion of the prevention of crime and the efficiency of police services and police community relationships, which are to my way of thinking, Sir, excellent now. Or is this, Sir, to be construed, the contents of this bill, as a further deliberation of the many boards and commissions under the control of the Provincial Government?

I note, Sir, that the commission by a decision in a hearing of any kind is final. This, Sir, I suggest to you is wrong. There must always be an appeal against a decision of a commission ruling, a commission that is appointed by the government. This I believe, Sir, is the individual right of any individual regardless of his calling in life.

It is recorded, Mr. Speaker, in the bill that the commission will be responsible for planning and training. What is wrong with the City of Winnipeg's present form of instruction? For many years, Mr. Speaker, the Royal Canadian Mounted Police have extended their training facilities to municipal police forces across Canada; and I would suggest to you, Sir, that they have done an excellent job. Is this, I would ask the Attorney-General, to be terminated? Does this suggestion mean that the province will ultimately reinstitute or bring into being a provincial police force? For the present I can only see that this legislation is directed to the City of Winnipeg and that of Brandon, in the main.

I also notice that the commission may conduct an investigation into the activities of a member of the Royal Canadian Mounted Police. I am wondering, Sir, where this suggestion sits with the Federal force, which is entirely under the jurisdiction of another government or another department, if you like, for discipline. I think that we're moving into new territory when we say that a provincial government as such, through its commission, can investigate the activities of a member of the Royal Canadian Mounted Police. Surely the Province of Manitoba is not moving into the investigation on the occasion of personal activities in the performance of duties by a member of this famous Force. This Force, Sir, I suggest to you is doing a tremendous job throughout this province in hundreds of localities and has the respect of the people of the Province of Manitoba; and I suggest to you, Sir, that under no circumstances must a witch hunt be commenced toward this personnel. I believe they are quite capable of handling discipline of their own members as they have done since the beginning of the Force so many years ago.

Mr. Speaker, mention was made the other day to the Labour Relations Act. The Minister of Labour introduced a bill, Bill No. 116, that gives the right of policemen to strike. I'm sure, Sir, the Honourable Member for Emerson will deal with the act in his usual efficient manner when that time comes. There is, however, a new word entered the vocabulary of this Legislature during this session, Mr. Speaker, and it intrigues me. That word is, or two words, is "Companion Act." We have seen it in education, we've seen it in highways, we've seen it in the Attorney-General's legislation on several occasions. One of the difficulties here, Mr. Speaker, is that it is against the rules, and I know only too well that it is against the rules to speak on the contents of any other bill. It is fair, however, when you talk of companion bills, which has been constantly referred to throughout this session, one should surely be given the privilege of mentioning it in a general way.

It is, however, Mr. Speaker, not my intention to talk of the contents of Bill 116, but rather to say that Bill 115 has been referred to as a companion bill to Bill 116; and surely,

(MR. BILTON cont'd) Sir, those two bills are companion bills to Bill 36, the unicity bill. Is this not something that has been developed for the governing and guidance of this large anticipated city police force? That being the case, Mr. Speaker, I'd like you to remember the chaos in Montreal not too many months ago. Sir, can Winnipeg look forward to this? Must a population of 500,000 of people anticipate the terrifying experience of a breakdown in our law enforcement establishment. From what I can understand, Mr. Speaker, there is no demand for this legislation, nor is there any demand that I know of for a Police Commission as indicated in Bill 115. For you remember, Sir, in only March of this year, the Manitoba Police Commission let it be known that they never wanted to exercise the rights to strike; and this, Sir, I publicly say, is to their credit.

Sir, Bill 115 states that applications of the Relations Board is applicable to senior offices through the Association, that they may separately bargain with the Commission. Again I say, why the exclusion of the rank and file. Provincial Government, or at least the Provincial Police Commission, Mr. Speaker, in my humble opinion as a layman in looking at this legislation strikes me as being entirely unnecessary. In my opinion, matters such as this should remain, and are, the proper responsibility of the lower level of government; the responsibility of those people that are properly elected by vote to municipal office. They I say, Mr. Speaker, should continue to have the absolute right to determine matters such as police discipline in the province. The province, Sir, as such, in my opinion has no logical right beyond the present assistance given to interrupt, interfere and snoop into municipal matters; matters, Sir, pertaining to the health, the well-being and the protection of the people of the several municipalities who I suggest to you, Sir, are quite capable of carrying out that responsibility, with the subsistence and the assistance of the Attorney-General and his staff on occasion. I can therefore, Mr. Speaker, not support this bill.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, briefly let me add a few comments to the bill. While my colleague from Swan River may have expressed his reservations with respect to the bill more firmly than I shall, I express, nonetheless, just a general air of concern about why the bill and what really are we doing with this act, and it's in that light do I question its relevancy and its necessity.

Now if we are to understand that the Attorney-General's department has felt that a centralized police commission handling the affairs of various jurisdictions of police within the total province is desirable, that's one matter, Mr. Speaker. But as I understand this bill and the intent of the government that that is not in fact happening.

The Brandon Police Commission will continue sitting, the City of Winnipeg Police Commission will continue sitting, whether in a changed form or somewhat. I don't know what will happen under the unicity bill, under the other commissions that are sitting municipally here in the Greater Winnipeg area, and the Attorney-General really has given us no clear indication as to the necessity or the requirements or the hopes that he has that this Provincial Police Commission that is being set up under this act is going to provide. He seems to me, Mr. Speaker, to be perhaps over-reacting to a single specific situation that arose with respect to the Winnipeg Police Commission some time ago; indeed that was the only matter of substance that in introducing the bill the Attorney-General could point to as a justification or sufficient cause to bring in this Act. Well, Mr. Speaker, I just don't know; it's in my judgment, the building of another group, another body, and I think at any time that the creation of another commission or group of men with specific powers is asked for, there should be a fairly in-depth study taken at the existing groups of people that are doing similar work; I think there should be some pretty far-reaching questions asked whether in the light of this new group they can now be eliminated or should now in fact be eliminated.

I can certainly foresee areas of conflict arising, say with duties of the commission as enacted in this bill and the commission — and possibly a much strengthened commission representing the half a million people of the unicity. Are we somehow naive enough to believe that the Police Commission that will be set up under the City of Winnipeg that will be operating the affairs of the largest, most powerful police forces in the province and be immediately responsible for that jurisdiction? Is it to work side by side under the duties of this commission that we're setting up in this act; and if so, why? I mean, we've been in a centralizing mood in the last few weeks here, Mr. Speaker, and I just say to the Attorney-General, through you,

(MR. ENNS cont'd) Mr. Speaker, that he has not given us any indication that he intends to — you know, if you want to at least use the argument in favour of centralization, that of streamlining of doing away with many peripheral bodies or groups charged with the same kind of general duties, and use that as cause and justification for this bill and for the setting up an entirely new body, more members, more costs, and maybe even at this stage of the game we could buy that explanation — but he's not doing that, Mr. Speaker. As I indicated, the various police commissions are going to be left standing; and then I have to ask myself really under those set of circumstances what's wrong with the Attorney-General's department from maintaining its role as the head of our justice process here in Manitoba; as arbitrator in cases of disputes? Or, Mr. Speaker, has the Attorney-General's department reason to believe that for some reason its objectivity and its effectiveness with respect to playing this very important role has somewhat been diminished in the last few months or years.

I would not specifically like to inject that into the debate on this bill, and if the Attorney-General believes, Sir, that I am then I withdraw it. But, Mr. Speaker, I'm simply, you know, casting stray questions about the necessity of this bill, and suggesting to you, Sir, that the Attorney-General has not in all fairness indicated to us, you know, what this bill is going to build up new. He seems to have left us with that vague inference, which we all recall. You know, weigh a specific, a complaint, a claim, lay it against the Law Enforcement Officer with which there was some reason to believe — not correctly perhaps, I don't even pretend to know all the facts — that perhaps the existing Police Commission or the immediate Police Commission in charge with investigating that specific complaint, perhaps did not act as well as it might have, I don't know; but to me, Mr. Speaker, this bill is here as a result of over-reacting to a single incident and I suggest that that is a poor basis on which to form legislation, particularly legislation that, again, is being brought into this House at this time with little or no opportunity to air the various concerns that people outside of this Legislature may want to bring with respect to this subject.

We in the opposition surely have had no opportunity to ask the present members of Police Commissions what their reaction will be to working under this new group of people. You know, perhaps they want it, I don't know. We have had little opportunity of asking again the various municipal jurisdictions who to some extent are going to be governed by this new Police Commission, as to what their attitude is going to be. We are also providing limited, limited opportunity for them to come forward in public representation and indicate to us their feelings on this bill.

Mr. Speaker, I want to make it very clear that my position on this bill will be possibly to reject it and to vote against it, but principally, principally because I really don't know what the Attorney-General is trying to achieve with this bill, and for the few reasons that he's given me in second reading of the bill, they're not sufficient. I don't believe in legislating or over-reacting with legislation to single any isolated incidences of perhaps abuse, you know, under existing system.

However, as my colleague from Birtle-Russell indicates to me, and I really shouldn't even repeat it because it would probably destroy the decorum that we've established, at least so early in the day. Let me close by saying perhaps the reason is, how in the hell can you have a police state without a police commission?

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I did not have the time to go through the bill in detail, but my first reaction would be that I will and would like to support the bill on second reading with some reservations, and if explanations from the Attorney-General are not sufficient then perhaps I would reserve the right to vote against the bill on third reading. But in principle I am in favour of a police commission, because not only now is there a need for a police commission in the Province of Manitoba, I believe even the former government was contemplating establishing a provincial police commission so that there would be minimum standards established in all communities of the whole Province of Manitoba so there would be some training facilities established in the province for the training of police for the small communities. I understand there is a requirement of municipalities once they reach a certain population that they must have a police force, so with the increase of crime at the present time I think there is a necessity and a need for improving our police forces in the province for the prevention of crime, for the efficiency of police services in the communities, in the small centres, and perhaps to attain a better communication system within all communities there

(MR. PATRICK cont'd) must be some central committee, so there must be some kind of a commission that would coordinate - I don't know if it's necessary to establish a new board to do this.

The Minister may have been able to do it presently within his Attorney-General's department, but if he can't then I certainly say that this is in the right direction. But I may say that there may be other things; if this is strictly to put some of the Minister's friends on this commission so they would have jobs, well this would be most unfortunate. I don't think this is the case. I think that there is a purpose and I think that information and advice respecting managing a police force is necessary for the small communities. I think there is a need to examine the present lock-up facilities and jail facilities throughout the province which are not adequate at the present time, and I think there is no one better that could examine these facilities, lock-up facilities, our jail facilities throughout the whole province and make recommendations, what improvements are necessary. I think that again it's time that we examine, is our police force adequate, be it in the Winnipeg area itself or be it in any community throughout the whole Province of Manitoba.

In fact, you will recall, Mr. Speaker, that last session my colleague from LaVerendrye did present a resolution to this House that the government be requested to assist those municipalities who are not large enough to be able to pay for their own police force that they would be assisted by the provincial government, and I still feel that this is most important and necessary today, because, Mr. Speaker, you have much more crime being committed today out in the country than used to be committed years ago because of your transportation and the roads and there's probably more businesses established in some of the larger rural communities and quite a bit of crime has been committed in those centres so I feel that it's time that we examined our police efficiency throughout the whole Province of Manitoba. I think that a proper provincial police commission should deal with this matter. I think it's time that we establish minimum standards for the selection and training of municipal police forces and this is one of the things that I see or envision that this commission can do. If I am wrong in my assumptions I hope that the Minister will explain that the bill is not for that purpose.

I think there should be one central supervision of training police in this province, Mr. Speaker, because I understand at one time there was thought that perhaps the two provinces could get together, Saskatchewan and Manitoba, for that same purpose and I know debates to some extent have taken part in this House to that extent even two or three years ago that this may happen. So I'd say certainly, Mr. Speaker, that development of police education maybe even can take place at the secondary school level and in some instances I think it's perhaps taking place in a very limited way but there should be some guidelines set.

I think the other point, that we must certainly try to improve the functions and probably promote the responsibility of the police work in the community so that the people in the community would sort of understand the importance of the police and appreciate the policeman instead of thinking that here's a big bad wolf instead of respecting what they're really trying to do is to enforce the law; and your community, Mr. Speaker, in my opinion is only as good as the law is obeyed and the law is enforced in that community, so I would feel that this is necessary. To some extent I know it has been even done in the City of St. James-Assiniboia where you have an appreciation day for your police force. I know it's done in very few instances, but it has been done and it certainly improves the relationship and the general public has a more understanding of the difficult work that our police people have and it improves the relationship to some extent. So I would say in that respect that some form of a police commission on a provincial basis is in the right direction.

The other point, Mr. Speaker, I think it's necessary and important that we have some kind of intercommunication of our police services throughout the province, because even at the present time in the Greater Winnipeg area there has been continual complaints that there isn't the proper intercommunication or instant intercommunication amongst the police forces that there should be; so I would feel that the Police Commission would probably do its work in the same manner as the members who serve on committees in this Legislature, who do their work, prepare reports and make recommendations to the government, and I would hope this would be the same case in this instance too, that as far as training of policemen, enforcement of law in this province that this Police Commission would more or less do the same thing. And if this is the basis for this act, I can't help but say on second reading I would have supported it; if it's not the basis and the purpose for establishing the duties of the commission then perhaps the Minister will have to explain what is the purpose.

Mr. Speaker, there has been talk and demand for quite some time in this province for

(MR. PATRICK cont'd) . . . some form of a commission, a provincial commission instead of the present time when we had say in the Greater Winnipeg area, almost in every town, in every city and municipality where you have a police force, and at the present time we have many because of our structure of the cities within the Metropolitan area - that we had a duplication in this area and they weren't able to do the type of work that was required and is required in this area. So with those few remarks, Mr. Speaker, I do support it on second reading, with some reservations, and perhaps the Minister will explain the detail.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I'll make a brief contribution to the debate. I've had an opportunity to discuss this privately with the Attorney-General; I think some of the views he knows in connection with it or can anticipate.

There are a couple of items in connection with this that I think are important and worthy of consideration and should be discussed now and discussed in committee. One is the question of the liability of the Chief of Police for the tort committed by his men. I gather the sections were taken from other statutes, but my concern would be that there would be no question of the indemnification of the Chief of Police who in his own name will be liable to be sued for actions taken by his own men in the course of their duties. And the sections -- without dealing with the specific sections -- but the sections that deal with indemnification indicate that the municipality may to such an extent as it thinks fit indemnify; so that the liability of indemnification on the part of the municipality of the Chief of Police who now in his own right may be sued is basically limited to the extent that the municipality itself may deem fit. Now we can visualize a situation where a particular Chief of Police is out of favour with the municipality and as a result while there are contractual obligations that must be honoured, he nevertheless does not have their confidence and a tort may be committed by one of his officers or one of his personnel and he may very well be sued in his own name and he is put in the impossible position that the municipality will not indemnify him because basically they want to break their contract with him and their obligations with him and as a result they do this through this device.

Now this may appear to be a situation that may not arise, but realistically it can arise under the legislation, and if in fact what we are doing is basically saying that policemen should be liable and the municipalities should be liable as the employer for the actions of their employees and policemen are placed in that category, then I think that we have to ensure that that liability is sustained by the employer, which means a municipality does not have the discretion as it deems and thinks fit to indemnify to the extent that it may decide. So, Mr. Speaker, I would say that this particular section required consideration in committee and requires I think further study and further investigation and representation on it and probable change.

The other particular concerns, Mr. Speaker, have to do with the appeal from disciplinary action, the disposition of appeal and the basic concept that is being set up on the Provincial Police Commission. There is nothing that indicates that the meeting or hearing de novo will in fact be open; and if in fact the Provincial Police Commission is going to operate in secret; and if in fact the hearings on disciplinary action are going to be held in camera, we may very well defeat the objective of setting up a Provincial Police Commission, and because it's not spelled out I think that this has to be clarified by the Attorney-General and I think it may very well be considered as a possible amendment to ensure that there is the fullest kind of open hearing on the disciplinary action and on the situations that may come up before the Police Commission itself.

The other question is whether there should be a right of appeal from the Provincial Police Commission's decision on a hearing de novo, and the act specifically says there should not be a right of appeal. Now the argument will be advanced that those people who have received discipline are in a position to enforce their contractual obligations, their contract provides for certain remedies; they also have all the remedies that everyone has at common law, but the truth of the matter is that there should be a right of appeal from a Police Commission to a judge of the Court of Queen's Bench. There's no question that if we are going to set this procedure up and we are going to allow for the staging, that the right of appeal should be provided because we must recognize that the Police Commission is really no different than any other administrative tribunal which should not be given the complete authority with no right of appeal on a question of fact, or a question of law. The right of appeal should be built

(MR. SPIVAK cont'd) In as an added protection for the individual and it would be just wrong practice in this particular situation because it's a Police Commission that we're dealing with, rather than another administrative body, not to deal with it.

So, Mr. Speaker, I would suggest that these matters require more consideration and discussion. I would hope that they would be considered as a contribution to the Attorney-General's thinking, the government's thinking, and I look forward to a discussion in Law Amendments when we possibly will be able to amend this to make this a more workable act. There will be difference of opinion as to whether in fact the commission should be set up, and I think we may say, Mr. Speaker, that to a large extent the manner in which the police operate, the checks and balances for the public with respect to the way in which the commission operates is essentially foreign -- and I think that was the expression used -- "foreign" to most of the people. They have some understanding that there is some structure in which they operate. If the objective is to be achieved in this act it is to make this procedure, not foreign, but known and something which the public can understand and appreciate as a proper protection for themselves and a proper protection for the individual who is employed as a policeman so that in fact they will know that one group of people whom they have learned to rely on and have learned to respect, and have accepted as being essential in their operation to the well-being of the mass, at least has some checks and balances for the protection of the individuals and for the protection of the people who enforce the law. Therefore, the objective that is intended in the act I think is worthy and I think can be sustained; I think that the changes are essential if this act is going to be able to work properly and accomplish the objective I've mentioned.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I do wish to briefly comment on Bill 115. I didn't hear the Minister's opening remarks or introduction of the bill on second reading; I'm sorry I missed it. However, I think the points raised by the Leader of the Opposition were very valid ones; I had thought of raising the points myself.

This matter of a rural municipality being responsible for fines and to the extent that they see fit, I think this is leaving it wide open both ways; the whole bill it seems to me can be argued on both sides and you can make a case on both sides. However, I'm also wondering about the autonomy of the local municipalities in respect to a police force. What is the effect going to be where municipalities have arrangements presently with the RCMP or with other police? Will they be affected?

The matter of hiring and firing, if salaries will be negotiated. What about the police that are presently being employed, if it is not under an agreement with the RCMP if they're local people. I noted that certainly the requirement or the qualifications may be of such a nature that some of the police presently in force may be out of a job if the qualifications are raised to such an extent that these cannot be met by the people presently serving. I think these are matters that are to be considered at this time when we pass the legislation because so many communities in Manitoba can be affected and many of them adversely in this matter. I know there has been a training program going on and that the qualifications of many of the local police certainly have been advanced and also I think as a result of this there is more equality amongst the various police so that they know what is going on in other places in the province and also what the general requirements should be. I think that this has helped a lot in recent years in developing a better police force in this province, even though they may be local men and local police engaged locally by the municipalities. I am very much afraid the autonomy of the local towns and villages can be adversely affected and I certainly would like to hear from the Minister on this.

I notice the Member for Assiniboia gave approval but has reservations; I would put it the other way around. I would not approve at this time because of having these reservations, but may vote for it on third reading.

MR. SPEAKER: The Honourable the Attorney-General shall be closing debate.

HON. A. H. MACKLING, Q.C. (Attorney-General)(St. James): Well, Mr. Speaker, despite the admonitions of the Honourable Member for Point Douglas, I should in recognition of the concern that members have indicated endeavour, albeit it may be that some members think my remarks be overly lengthy, to address myself to their concerns and try to convince them, particularly those who have any reservation that they should become wholly enthusiastic about the legislation and support it without dissent.

(MR. MACKLING cont'd)

Now to do that I would like the attention of the House to address myself to the principles that are involved in this bill. I regret the fact that the Member from Swan River isn't in his place at the moment so perhaps I'll pass over his remarks and hopefully he'll be here when I conclude.

The Member from Rhineland is here and I will perhaps work in reverse order then in the notes that I have taken. He indicates a concern in respect to the effect that the establishment of the Police Commission as provided under this bill might have on the maintenance of local autonomy of local government in respect to the provision of adequate police protection for the community. As the honourable member knows, the local governments are admonished and required by The Municipal Act to maintain police forces, so it's a duty that is thrust upon them by the provincial government. I think the provincial government in turn recognizes that there are varying standards of training and discipline and equipment and communications in local police forces. There have been requests made time and again to the Attorney-General's department that there ought to be some central training facility made available for local police training.

Now the City of Winnipeg has been in a different position because they've maintained their own police training school and because of the large number of men that would be involved in such a program it was practicable for them to do so, but many of the areas in the province who have a relatively small number of police officers find it extremely difficult to maintain any police training program. We have requested and the RCMP have cooperated to some extent in providing some elementary training for peace officers, but it has been on a very inadequate basis, so there has been a continuing request by the rural municipalities for more responsibility on the part of the provincial government to maintain a training program or a training school.

Now the bill as such does not set up a training school or a training program. The Police Commission is charged with general responsibilities to consider the training and make recommendations, and as you read the provisions of the bill in respect to the commission, really you will note that it is obviously an adjunct to the Attorney-General's department to act as the eyes and ears for the Department of the Attorney-General in respect to the needs in Manitoba in respect to police training, police education, police facilities, because it's not possible for people who are removed from the needs and requirements to be in all places of the province and to see all standards, measure all standards. The policing is not the same standard, or the requirements are nothing like the same as they were 20 or 30 years ago. We have now far greater sophistication in police techniques, police training, and the demand for standards for police.

The Honourable Member for Assiniboia will note that in the local issue of the newspaper in our community, considerable focus is made on the recent appointment of a young lady, who is a university graduate, who will now be the first female police officer in St. James-Assiniboia, whose concern will be primarily with the young people in respect to also the areas where young people are involved in abuse of such things as alcohol or other chemical comforts, other drugs and so on, and it's been some time now since we've had female police officers in Winnipeg. And we have a youth squad in Winnipeg that's done excellent work. And there's a far greater demand for sophistication and expertise on the part of police, and that is reflected in the concerns that we have that a police commission will advise on, and make arrangements for; greater sophistication and training for police officers; and it's my hope that we'll be able to establish courses in respect to the additional training necessary for police officers in sociology, psychology and so on, and the criminologist, the sociologist, those in the police associations across Canada, have reflected on the need for far greater sophistication and the need for higher and higher standards of police training, and along with it a better recognition from a monetary sense of what the policeman ought to be paid in society, that he has to become more and more professional. He has to deal with people of all kinds, people who may be extremely brilliant but prone to violent acts. They have to deal with the complete range intellectually, from an intellectual capacity, of people from all walks of life and in all circumstances, under all different kinds of trying situations, and these people -- we have to have a very sophisticated and enlightened policeman in our modern day because the challenges are great, provocations are great.

Now, I'm sorry, I've gone a bit afar in connection with the question of the Member from Rhineland but there is no concern, or there is no endeavour on the part of the Attorney-General or the government to in any way take away from local government what has been forced upon

(MR. MACKLING cont'd) them and . . . it was forced upon them. Now we've had submissions by the rural municipalities that the province should pay for all policing in all communities, and I appreciate the difficulty of many local communities to provide - those who have a population of 500 or more - to provide for their own police force, because of the high real estate taxes that already exist. But unless our society is prepared to say all right, the provisioning of police is an essential service and all people in Manitoba will have to pay for that out of the Consolidated Revenue of the province, and it won't be on any local government to furnish that, then until that time comes, for the province to say that communities, certain communities have to maintain their own and pay for their own police forces and others not, it's just completely inconsistent and unacceptable, because the larger centres have their own police forces and they tax the people for them - and we've gone through this argument on several occasions in this House. So it may be that one day there will be sufficient acceptance of that argument that the costing of police forces everywhere in every community will come out of the Consolidated Revenues, but that day hasn't arrived yet and so the communities have to maintain their own police forces.

Now, we're not going to try and drive the communities to the wall in connection with standards. Naturally there'll have to be an evolution, because we don't want people who have a position with a local police force to be requested to retire or to leave because they don't have the capacity. Hopefully, such people now have sufficient capacity that they can be trained and improved so that the techniques can be upgraded. It may be in some cases that some individuals will have attained an age or be at a point where they, you know, just wouldn't accept having to take a further course or be prepared to be flexible enough to want to upgrade their capacity. Well, in such cases it's possible. It's possible that some might retire or want to leave the police force. I wouldn't like to . . . the practice as a result of some recommendations in future that the Police Commission might make that could be a result, but I don't see it as any real problem at all. I believe that the individuals who are now employed as policemen are anxious to try and be able to fulfil all of the requirements that are necessary to do the best job for their community. And I don't see that as any real problem at all. And in connection with the RCM Police, where a community has a contract with the RCM Police, that is through the Provincial Government's contract again with the Federal Government, there's no problem at all. The RCM Police have an excellent standard of training, an excellent program, and we have no problem with the RCMP at all. I wish that all local police had the same high qualities and the same high standards of training and facilities as the RCM Police, but we don't have a uniform police force in all of the provinces.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: It's just a question. Are the RCMP subject to this legislation, too?

MR. MACKLING: They are subject to the legislation to the extent that it will be necessary. In respect to training, I can't see that the Provincial Police Commission will have anything to suggest in respect to the RCM Police training, because in the first instance it would be impossible because the RCM Police are a federal police and are merely hired under contract by the Attorney-General's Department, so that removes them from the direct concern in respect to training and standards of education and so on. There's just no jurisdiction in respect to the appeals or disciplining. There's no jurisdiction. There's just no way that -- you know, there's just no way that -- (Interjection) -- and I'm going to get to the concern of the honourable member. But when it comes to an assault or an abuse of authority on the part of any policeman, whether he be a policeman in the City of Winnipeg or in Thompson or anywhere, whether he be an RCM Policeman, or a local policeman or a special constable - whatever - if there is an alleged abuse of police authority, then that complaint may be investigated.

Now initially, the investigation would be by the employing authority, and if the individual isn't satisfied he can go to the Police Commission and the Police Commission, if they're satisfied that the case warrants a hearing, will have a hearing, or may have a hearing. And then in the case of a local police officer, they make disposition of the cases set out and I won't refer to the exact details. In respect to an RCM Policeman, they have no authority, they have no authority but to send a copy of the report to the Attorney-General who then can discuss it with the RCM Police Force itself. So there's no interference with the RCM Police because that would be -- well, it's impossible to interfere with a federally constituted and maintained force. We engage them under contract and to that extent all matters dealing with the RCM Police are, from a point of view of any change in service, any re-deployment of personnel, is all by contract through the Attorney-General's Department. So there's no conflict there. We

(MR. MACKLING cont'd) went into that problem very carefully — (Interjection) — Well, I'll endeavour to deal with any specific problem. If you still continue to see a continuing problem, I'll be happy to deal with it at Law Amendments Committee but I can assure you that we took every pains to make sure that that conflict is certainly avoided and the provisions of the Act are so made to do that.

The Member for River Heights was concerned about the provisions for indemnification of police officers. Now there may be, there may be some technical error in the drafting of the Act that I'm not aware of, but I want to assure members — and I say that I'm not aware of, I'm still not aware of any technical difficulty — I want to assure members that I have dialogued the principles of this legislation with representatives of the various police associations and they are satisfied with the provisions of the Draft Act as it then was, and the draft has been brought forward into the Act we have before us. As a matter of fact, I frankly confess that a very large portion of the provisions of this Act are a direct borrowing from the Ontario Provincial Police Commission provision with some very substantial . . . — (Interjection) — Oh no, I think the Minister of Transportation is quite aware of the fact that we look from time to time at our sister provinces and if they have better ideas or improved legislation, we're pragmatic enough to be able to work with it. But the provisions in respect to indemnification I think are clearly to provide for indemnification where the peace officer has been sued, for some conduct, some damage that has resulted during the course of his employment, and there's an additional section which gives a discretion to the municipality to indemnify him in any case — that is, even where such a claim arose from an incident that wasn't during the course of his employment. So it's double-barrelled. And there may be some confusion arising by just the reading or the interpretation of the Act as it's drawn, but certainly there was no concern, certainly there was no intent that a police officer was not to be indemnified for claims.

In respect to the hearings by the Police Commission, that is the Provincial Police Commission, on a complaint, certainly they were to be public and in the absence of anything else I would assume that anyone would believe them to be public hearings. Now whether or not we have to say public hearings, I don't know. I don't know whether that's essential or not, and we can certainly go into this.

Now, in connection with the right of appeal, this takes a bit of explaining. As the law now exists, if a citizen claims to have suffered by an assault or an exercise of undue police authority, and he suffers some sort of injury to his person or to his character in some way, then he has several courses of action. Let us take the instance where he claims that he has suffered a physical injury. Well, then, as a citizen he can lay a complaint under the Criminal Code and that's his right to bring a criminal proceeding against the offending party if that person is a police officer. Similarly or concurrently, he can bring an action in civil court for damages from the injury he has suffered. So he already has two sources of redress. True, one is a public wrong and the other is a civil wrong. We are providing a third. And by the way, in both of those cases there are appeal mechanisms. There's an appeal from the magistrate in respect to the assault if he lays a criminal charge. There's an appeal from the County Court or the Queen's Bench, in whichever jurisdiction it might lie, to a higher court. So this is a third forum, and so the need for an appeal from that forum we consider unnecessary because there are already two forums for that individual.

But why the third forum? Well, the need for the third forum is to ensure that the public is aware of their rights and protection to make sure that the employing authority is aware of the rights and protection of citizens and to make sure that a citizen, in order to be assured that the law is being administered by fair and responsible people, that a forum will be provided which will act as a deterrent to any excessive use of police authority, and far from creating — and you know, it's ironic that the Member from Lakeside should suggest — well, maybe it wasn't his idea; it sounded like a good phrase that, you know, to have a police state you have to have a police commission. It's the complete reverse. It's the complete reverse. Here we are providing for a forum to make sure that there won't be a police state; that you won't have a bureaucratic over-use of police power; that you won't get an Attorney-General or an Attorney-General's Department or a provincial government with a police force using high-handed and harsh techniques in respect to people, because you'll have an airing of any disagreement or any disputes or any over-use of power publicly, and that's the intent of the Act. — (Interjection) — Only with the right of appeal. Well — the Honourable Member for River Heights puts on the record "only with the right of appeal" but, as I have tried to indicate —

(MR. MACKLING cont'd) now maybe, maybe I'm not persuading him but, as I've tried to indicate, there are already two approaches that the citizen can take and this is the third one, and it's not to provide a technique whereby he can recover his personal damages in a monetary sense. This is not another court in the sense because --(Interjection) -- the honourable member wants to ask a question?

MR. FROESE: In connection with injury, I just wonder if a policeman had a nervous breakdown, could he consider this as an injury? I know this is not new; this has happened in other organizations and . . .

MR. SPEAKER: The Honourable the Attorney-General.

MR. MACKLING: Mr. Chairman, I'm sure that that is an internal matter and that a police association would have provisions within its agreement - if it doesn't, it ought to have - to deal with the incapacity of a police officer arising from the nature of his work, whatever that incapacity may be, whether you have a nervous breakdown or a nervous stomach or whatever might transpire. But -- I'm sorry that you asked about that because I was dealing with the question of the distinction that has to be drawn between a provincial police commission and a court. It is not a court in the sense that it will be making decisions in respect to damage claims, injury claims. It will provide a vehicle to ensure that there is adequate response to the concern that police authority must be exercised in a careful and responsible way.

Now I don't know that, as I said, that I've been able to persuade or change the thinking of the Honourable Member for River Heights. However, he has heard the explanation made public. And the Member for River Heights was concerned that there should be wide publicity to the technique that is available and the rights of individuals in respect to the hearing of disputes and so on, and that is one of the powers that is granted to the commission, to articulate the rights of individuals and the need for the best public relations in respect to the police and the community, and that's one of the things that time and again I've heard from individual police chiefs, or Chiefs of Police, when I've talked with them, that there is a great need for better publicity, and they see in the provisions of a Police Commission an answer to this, and I want to assure honourable members that the Chiefs of Police that I have talked to are enthusiastic, really enthusiastic about the provisions for a police commission which will have this capacity to give an overview to the concerns of police in society and to reflect the needs in that field.

The Member from Assiniboia touched on a couple of matters in connection with the bill. I'm sorry that there was a bit of a negative import in his address in that he suggested well perhaps really the commission isn't all that important; maybe it's another form or another body in which some friends might be appointed -- well, maybe strictly to put some of the members' friends on the commission. Well, our record in respect to the appointment of people through tribunal, I think has been an impeccable one. If you look at the Law Reform Commission, I challenge any member of this House to reflect in that appointment of political friends or political favorites or personal favorites of any kind. These are people of opposing political views, publicly, publicly held, diverse political views, who have been recommended and appointed by this government, and I hope that the honourable member was merely jesting when he said that.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: . . . to answer the question of the . . .

MR. SPEAKER: Order, please.

MR. MACKLING: No, I didn't ask you a question. I was not yielding the floor.

MR. SPEAKER: The Honourable the Attorney-General. Order, please.

MR. MACKLING: It's all right, you can . . . Do you want to ask a question? Yes.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Is it not true that in my remarks I stated that I hope it wasn't for the purpose of putting their friends on the . . .

MR. SPEAKER: Order, please.

MR. PATRICK: . . . but I don't think it . . .

MR. SPEAKER: Order, please. I do believe all honourable members know the procedures of the House. I should not have to caution them in respect to questions during debate. The Honourable the Attorney-General.

MR. MACKLING: Mr. Speaker, as I've indicated, I assumed that the Honourable Member from Assiniboia had his tongue in cheek to a large extent when he indicated that perhaps it was -- yes, there was some qualification in the honourable member's remarks, but I can

(MR. MACKLING cont'd) assure honourable members that the need for the provision of a police commission is one that is not only desired by the police in Manitoba, by the officers that I have spoken to - they welcome the provisions that are reflected in this bill - but it will provide the vehicle for a constant overview of the needs in respect to police training, police facilities, that is necessary in our society today.

Now I think that perhaps I may have covered many of the concerns of the Honourable Member for Swan River in my answers or my remarks directed to some of the other questions, but nevertheless I will refer to my notes and see whether or not I have not. The honourable member was somewhat critical of the light treatment which I gave this bill in introduction, and in my remarks on introduction I pointed out that the media, particularly the newspapers, had given a very full treatment of the specific provisions of this bill. Without communication from me they listed all of the powers that will be granted to the Police Commission, and there was extensive coverage on it; and I indicated to the House that I felt, therefore, that I wouldn't go into an elaboration which already had been made effectively by the media. However, I did touch on the principles of the bill, which we are most concerned with, and if my treatment was overly light it was not meant to be a casual one, because I think this is a very important piece of legislation for the police and the people of Manitoba.

The concern that the Police Commission would have too much power is one that I want to answer very, very briefly. The bill, as I've indicated, did look to precedent, an example elsewhere, and the Ontario Police Commission, among others that we studied, provides for a police commission with much greater power and authority for direct control of police activity and provisioning in that province. What you will find here is that the Police Commission's authority is primarily one of investigation and report and recommendation to the Attorney-General, and that's, I think, how the Honourable Member for Swan River thinks it ought to be and that's the way it is drawn, so that it isn't an abrogation of the power and authority of the Attorney-General or his department; the authority and responsibility is left with the Provincial Government, but this commission may act as a source of information, in effect to be the eyes and ears or supplemental to the Attorney-General in his department in connection with a continuous overview in this area; and I think that -- (Interjection) -- Yes.

MR. SPEAKER: The Honourable Member for Swan River.

MR. BILTON: Is the Minister suggesting that the one commission will forward its findings to another commission, the commission we're talking about; that commission in turn will forward its findings to the Attorney-General?

MR. MACKLING: No. In connection with complaints, if that's the area, the complaints in respect to an individual's problem with a peace officer will go to the local police commission, and in 99 percent of the cases I am sure that the complaint will be satisfied, because often it's just a misunderstanding of the law or a failure to recognize that it was a reasonable discretion that the peace officer used; but in the small number of instances where an individual still feels that he has been unjustly treated, then he'll be able to take his complaint to the provincial police commission, and if they think that case warrants a hearing, a full hearing, and it'll be a public hearing, then they'll have such a hearing, and they'll be empowered to make certain recommendations and they're spelled out in the bill.

In respect to complaints that involve an RCM Police officer, then there is a different treatment. The Police Commission merely forwards a report to the Attorney-General for his consideration. That's it. But the provincial police commission in respect to this wide area of things, recommendations on the training, standards, education, types of equipment and so on, are merely making recommendations for the Attorney-General, and as such are a body which will be of great assistance to me and my department, or successive Attorney-General, and as such are a body which will be of great assistance to me and my department, or successive Attorney-Generals as well.

MR. SPEAKER: The Honourable Member for Swan River.

MR. BILTON: Whilst the matter is still in his mind, those words he has just spoken with regard to the Royal Canadian Mounted Police, the investigation of the behaviour of a member of that force, what he is saying now is in entire contradiction to Section 26(8). Am I not right?

MR. MACKLING: The question, Mr. Speaker, is investigation of a complaint. The investigation of a complaint may be handled by the Provincial Police Commission, and it's the intent that they will have people who will be able to investigate complaints, but the disposition

(MR. MACKLING cont'd) of that complaint when it involves an RCM Police officer will be merely a report and recommendation to the Attorney-General; it will not be a specific direction as is provided for in respect to other police officers; there is a distinction that is made.

Now, I want to assure the honourable members that although a reference has been made to the amendment to the Labour Relations Act, that the two acts -- (Interjection)-- well, the two acts are related to the extent that the provisions in the Labour Relations Act certainly directly affect the same people that are concerned about the provision of the Provincial Police Act, and there is no rationale, there is no basis for the argument that the provisions of the Provincial Police Act were tailored to some concerns that we had in respect to Bill 36, the unicity bill. I have met on numerous occasions with Chiefs of Police and others, who have referred to me the provisions of police commissions elsewhere, in the provinces of Ontario, Quebec and Alberta, and particularly the recommendations of Assistant Commissioner or former Commissioner Maxted, who made quite an exhaustive study of the needs of police training and police standards, and recommended the establishment of a police commission in Alberta; and there has been an anxiety on the part of the Chiefs of Police and others, that we get on with the provision of an adequate technique or tribunal in this province accordingly.

Now the provisions in respect to the -- (Interjection) -- well, I think the honourable members' questions ought to be answered, gentlemen, and if you'll bear with me, I . . . "Briefly" -- the Premier admonished "briefly". I know we're all very anxious but then the honourable member will criticize me, if I fail to answer every question that he's asked. He says, "Never". Well, I'd like -- you know, I'd like him to stand up and say that on the record; but . . . Now, he's concerned that perhaps the provisions which indicate that the senior officers now may bargain collectively, excludes the rank and file. Well, it's been the reverse. The senior officers could not bargain, and this will now make provision for them to bargain as a unit, because they were excluded; they were excluded under the Labour Relations Act and could not bargain as part of the unit. They were considered -- well, the honourable member is interjecting. I don't know what his interjection is and I'm anxious to conclude.

Now I think, Mr. Speaker, that although I've had to jump around a bit in my notes, I want to conclude on saying, now that the Honourable Member for Lakeside is here, that it's not my intent to rise to his somewhat more gentle bating of me this morning in connection with the *raison d'être* of this bill. It does not arise from my over-reaction or over-concern to a particular situation or situations which have been distorted by some as having some particular significance. There has been an overriding concern on the part of people that how can they know that there has been a fair and proper adjudication of a complaint against a peace officer when it's the employing authority which, behind closed doors, makes a review of the case and says everything is fine. And it may have been 100 percent correct, but the public questions that sort of a handling of a dispute that has received wide currency in the press, and I can go back through the papers and name instances of cases where the police were subjected to severe criticism in suggesting that they mishandled people, and there were enquiries and then the result of the enquiries was negative, that there hadn't been; but in the eyes of many, the police had been indicted and I think it does a great disservice, not only to the police but to individual citizens, to allow this situation to continue, and it is therefore a concern, not only of government, but of the police themselves that there be a proper technique whereby there won't be any adjudication of disputes which will leave anyone under a cloud; there will be a clear, independent tribunal that will make a finding of fact that will be appreciated as a finding of fact by all, and that will be welcomed by everyone in Manitoba, I'm sure, and that is the *raison d'être* of this bill, part of the bill; but the other portions, as I've indicated, is a concern for the development and the maintenance of a type of police expertise that is necessary in the 20th century.

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

MR. SPEAKER: The Honourable the House Leader. The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, before the House Leader calls the next item of business, I have an item of business here to relate to honourable members for their information, and I would like Mr. Clerk to take note of it for information as well, that with respect to the convening of the Committee on Municipal Affairs with respect to Bill 107, the City of Brandon and surrounding areas bill, that it's the intention to call this bill before committee for presentations to be made on Saturday at 2:30, with the understanding, of course, that if

(MR. SCHREYER cont'd.) . . . necessary the presentations can be made before the committee at 2:30 on Monday as well, and in the event that Saturday at 2:30, by then we shall know whether or not presentations will still be forthcoming on Monday. If not, we can conclude with that on Saturday. If there are additional presentations that can't be dealt with on Saturday or if a person cannot appear on Saturday, then Monday at 2:30. With that understanding, I'm hopeful it will be agreeable.

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Bill No. 116, Mr. Speaker.

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

MR. GABRIEL GIRARD (Emerson): Mr. Speaker, the Act to Amend The Labour Relations Act (2) was one that at first seemed to indicate very little major changes in our labour relations, might have seemed really a rather innocuous piece of legislation, but on studying it in detail or in some detail, Mr. Speaker, we find that this is probably a more far-reaching Act than we thought it would be at the outset and we think, Mr. Speaker, at least I think it's unfortunate that this kind of legislation was unable to be brought forth early in the session because it's the kind of thing that we ought to consider very very seriously and not pass lightly.

The bill brings with it a change in a fundamental principle that has existed for many years in our province, that of changes with reference to the right to strike. I think that fundamentally the bill deals primarily with matters of right to strike. This bill if passed, will give the police force in Manitoba a right to strike in spite of it being on conditions approved by the Lieutenant-Governor-in-Council and if necessary the Legislative Assembly. I wonder, Mr. Speaker, why it is that the Labour Minister who says he would like to see as much of the labour legislation apply to everyone in Manitoba, why it is that we have this kind of bill that suddenly crops up that deals with rather specifically the police force but does not deal with associations and groups of people beyond that. It seems to me that if we are really concerned about making changes with reference to our strike legislation that we consider not only one group of people but that we consider the police force, the firemen, the engineers, the doctors, the teachers, the lawyers, that we consider the whole of the groups providing services to society and not legislate by piecemeal. I find it unsatisfactory that we have to dwell with one particular group at a time. It seems even rather strange that we in society have a tendency to associate the policemen and the firemen and yet this bill has not seen fit to associate them and give them the same kind of legislation.

Also, Mr. Speaker, I would like to suggest that although the bill makes reference to striking, it does have some conditions upon this strike. We are in favour of this kind of condition. I think that the procedures laid out to go to mediation instead of conciliation and to leave the matter to the Lieutenant-Governor-in-Council for 15 days and then call the Legislature is probably one of the good measures of the bill. But again, Mr. Speaker, I must suggest that this bill is introduced at a time when we are sitting from 9:30 in the morning till sometimes as late as 4:00 o'clock in the morning, that we on this side have not had a chance to caucus this particular bill; that I am speaking supposedly on behalf of our group but I feel ill equipped to do so because I don't know what my fellow members think; and I would suggest that this would be one of the bills that is not marked with any real urgency and this is one of those bills which should not be on the Order Paper at this time, Mr. Speaker. I think that it deals with matters that affect Manitobans in a very serious way, and affects many Manitobans; is not accompanied by the kind of urgency that we know that Bill 99 has; is not essential to the public and even the policeman at this time. I say it has no business being on the Order Paper and to consider it lightly because of time is irresponsible, and I suggest, Mr. Speaker, that it would be very appropriate if some member from that side could choose to take the adjournment with a view to reconsider this particular measure, but I suggest to you that it would be difficult for me to support this kind of bill - not so much that I'm opposed to the matter in the bill but, I'm certainly opposed to the way that it is brought in at a very late date. I'm disappointed to have to show that I'm not in favour of this kind of maneuver, but, Mr. Speaker, it's my better judgment that tells me to do so.

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

MR. PATRICK: Mr. Speaker, I rise to support the bill. I do not see a real big change because on one hand we are changing the bill in respect to deleting the Section 25 which relates

(MR. PATRICK cont'd.) to the Labour Relations Act which states that no member of a Municipal Police Force has a right to strike so that all we're doing is changing that portion. On the other hand, we're making a declaration of essential work, so I can't see - it's just a matter of mechanics and in a sense it's almost like a housecleaning bill and I think it's in the right direction, that I cannot see why police force or firemen or anybody else, except I wish you would have dealt with almost everybody, why shouldn't they have the same right as anybody else. So it's not a major change in my opinion. I think it's a very small change so I have no argument in that respect.

But I do say that perhaps the remarks of the Honourable Member for Emerson should probably be taken quite seriously, that the bill did come at this time of the session. I don't think that, even myself I never had time to go through the bill in detail and perhaps it would have been a good idea if our committee that will deal with the whole labour code would have dealt with this piece of legislation. I think it would have been to the benefit to probably those who it will affect, so I think it would have been a better way if the Minister would have decided to deal in that manner. But aside from that, I see no great change and I do support the Bill.

MR. SPEAKER: The Honourable Minister of Transportation.

HON. JOSEPH P. BOROWSKI (Minister of Public Works and Highways) (Thompson): Mr. Speaker, I'll just say a couple of words on this bill. I had intended to speak against it and vote against it. I'm told by the Minister who is proposing it that it is not giving the police the right to strike but rather giving them some rights under our laws so they can go to arbitration and get some justice, and for that reason I changed my mind and I will support the bill.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. I just heard the Member for Assiniboia here stand up and say that he was heartily in favour of this type of legislation. I just wonder how this ties in with the philosophy of the federal party in the field of labour relations, Mr. Speaker, when we find that our federal Minister of Labour is really attempting to put into legislation ways and means of actually preventing strikes, not by legislating against the strike but by doing everything he possibly can to provide avenues whereby meaningful discussions can take place and disagreements can be settled in a most amicable manner.

Here in this House we find our Minister of Labour who has, by his own admission, is doing everything he can to bring in what he calls his labour code. But I find in that labour code that the Minister is bringing in, Mr. Speaker, a different thrust than that that seems to be the action of the Federal Government in the field of labour, where the Minister is using confrontation as a right and most of this legislation is aimed at providing the means of confrontation rather than, in essence, providing every available type of reconciliation or arbitration or dialogue. I think this is most important, Mr. Speaker, because if this province is going to go ahead and make its contribution to Confederation, I think that we must have similar directions and have policies which will provide for a certain continuity, especially in the economic field, throughout the whole Dominion of Canada. But here we find that it seems to be the policy of this government, not only in the field of labour relations, but in many others to attempt to pit one segment of society against another; and, Mr. Speaker, sometimes I wonder whether the pitting of one segment against another, or in other words, confrontation, is really the best way of solving some of the problems that face us.

For my own part, I would far sooner sit down at a table and discuss things even if it takes us till 4:00 o'clock in the morning, as sometimes it does, but I believe in the principle of using every available means of sitting down in a most amicable manner to try and solve some of the problems that face us rather than provide the machinery or the armament that so often appears when we talk about strikes. I have always believed, Mr. Speaker, that a strike really does nothing for either party. In very few cases, Mr. Speaker, have I seen evidence that a strike has been beneficial to one party or the other; and I'm also of the opinion, Mr. Speaker, that the effective use of the strike as a weapon is slowly disappearing. I don't believe that it is the implement that should be used to provide the terms that people want when they're trying to negotiate. Heated argument and the temperatures that are generated by strikes, especially long and protracted strikes, quite often, Mr. Speaker, do not provide the best settlement; and I would much rather see the Minister directing his efforts in the field of labour negotiations to provide some alternative to striking, to provide every means possible of settling arguments or

(MR. GRAHAM cont'd.) differences of opinion in a very worthwhile manner rather than directing his efforts towards providing for the means of striking.

I don't think the Minister is serving the labour movement in the best way in doing things of this nature and it causes me some concern at this time, Mr. Speaker, because I think we have to provide for good settlement in labour negotiations. This province cannot afford to have stagnation and this is what happens when we have strikes. We are rapidly moving in a backward manner in comparison to the rest of the country in economic affairs and any legislation that we bring forward at this time which enables increased confrontation, I don't think is in the long-term interests of the province and in fact of the Dominion of Canada.

Many times, Mr. Speaker, I've wondered if the Minister really himself believes in some of the legislation he brings forward or is he listening to just two or three of his advisers. Labour relations, good labour relations are essential for a healthy economy and I would be very happy to see the Minister bringing in changes in labour relations which would provide for other methods of arbitration, provide for longer negotiation periods. In other words, Mr. Speaker, providing every available means to prevent strikes without hurting the interests of the working man.

Mr. Speaker, we saw the long protracted strike in Flin Flon which happened not too long ago and I don't believe that it served the interests of the working man of that area. I don't believe it served the interests of the community and in fact the province. The Minister has told us repeatedly that it was in the field of federal jurisdiction and I congratulate the Minister for repeatedly offering his services to do everything he could to get both parties back on to an even keel and industry continue.

I'm not one who believes that there should be confrontation and I would really be much happier if the Minister used his good offices and in fact used all his advisers and efforts to devise ways and means of providing the machinery for the settlement of differences in labour relations without resorting to the use of the striking method. As I said before, the strike may very well have outlived its usefulness and I think we have to start looking for other means of providing the answers to the questions of contractual arrangements and I would sincerely hope that the Minister would direct every effort that he can in that direction.

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MR. SPEAKER: The Honourable Member for Gladstone.

MR. J. R. FERGUSON (Gladstone): I beg to move, seconded by the Honourable Member for Rock Lake, debate be adjourned.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: I am just taking it for granted that there has been an understanding with respect to adjournment of bills, that is well understood as between both sides of the House. If the Honourable Member for Gladstone isn't aware of it perhaps the House Leader could indicate just what the understanding was in this respect.

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: No, Mr. Speaker, I don't wish to imply anything was stated or firmed. I did receive an indication from the Minister of Labour that he thought that this was going through, but we'll call this bill again this afternoon.

MR. SPEAKER: The Honourable Member for Lakeside on the same point of order.

MR. ENNS: . . . Mr. Speaker. We have no objection to dispensing with the bill this afternoon but do request an opportunity to further caucus the matter.

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. 120.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet) presented Bill No. 120 An Act to amend the Animal Husbandry Act for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister.

MR. USKIW: Mr. Speaker, this bill provides for a new structure in the A.I. industry in Manitoba. It allows for the establishment of a central distribution system which would be owned and operated by a producers organization, or in other words the users of the product. The bill provides that a Board of Directors will be elected to represent those users of the product but in the meantime an interim board may be appointed by the Lieutenant-Governor-in-Council for the purpose of establishing the agency and to develop the regulations. I think that's pretty well it, Mr. Speaker. I think members opposite are fully familiar with it and . . .

MR. SPEAKER: Are you ready for the question? The honourable member -- (Interjection) -- It's a very good idea. The Honourable Member for Lakeside.

MR. ENNS: Well, Mr. Speaker, there is a statement roundly proclaimed by most people in Canada made by our current Prime Minister on a subject matter not that far removed from this particular bill that says "the state has no business in the bedrooms of our nation". I want to ask you, Mr. Speaker, and through you to the government, does the state really have any business in the vaginas of the female livestock of our province. And this, Mr. Speaker, is what this bill is purporting to do, to set up a full state-controlled agency to see that nobody other than through this agency shall place semen into the vagina of a female livestock beast here in Manitoba. But I have to go on, Mr. Speaker, and ask them at least to explain to us on what order, where on the social reform program of this government does this fit in their priorities.

MR. SPEAKER: Order, please. I realize the honourable gentlemen is trying to make a point. Order, please. I should also like to indicate to him that as an honourable gentleman of this Assembly he should be aware that the printed words will get out to all and sundry. The Honourable Member for Lakeside.

MR. ENNS: Well, I'm speaking specifically to the bill although I'm not permitted to at second reading to discuss in sections the bill but I think we should understand what it says. Artificial insemination means the depositing of the semen in the vagina of a female domestic animal by means other than the natural method. Firstly, Sir, this could be considered as gross discrimination to the bulls of the province but then the concern that I really have is a further clause in the Act that states that the distribution agency, this distribution agency that this bill will set up, will have the full charge of distribution of said semen into the said depository here in this province. Mr. Speaker, I have objections to chastising the present government; they do lead us to believe from time to time that they are on a predetermined course of social reform in this province, that their Planning and Priorities Committee is working much more effectively now than it did before, so I question the presence and the appearance of this bill on that matter, but then also, and much more to the point perhaps, is the fact that this is

(MR. ENNS cont'd.) a matter that concerns many livestock producers in the Province of Manitoba, not all, because it is essentially a practice that is used in the dairy industry more so than in the beef industry, but those of you that were in the House some two years ago when this subject matter last appeared before us will recall that there was considerable representation made on either side by the various breed representatives. There are those who strongly endorse some of the concepts contained within the bill, that is the setting up of a special, or Manitoba agency to handle this, there are others; and many individual farmers who have recognized the valuable instrument or tool that this is in the production of livestock and that have taken it upon themselves to become very capable of administering it themselves, that is providing the service to themselves. Mr. Speaker, I'm having some difficulty and I'm trying to be serious.

I'd like to point out one other reason for my concern about this bill, that is a principle that's involved in the whole artificial insemination program. The reason why the artificial insemination program was introduced or why we artificial inseminate cattle is to be able to improve genetically our cattle herd at a much faster rate and to provide access for Manitoba livestock producers to the finest bulls and their specimens for our cattle producers. Now, Mr. Speaker, the bill does not indicate that this will necessarily be the case after we pass this piece of legislation. For instance, there are several sources from where Manitoba farmers, cattle people gain their sources of semen supply at this present time. We have no guarantee, no assurance, in fact there is some suggestion from past history that some of those sources of supply will not wish to deal, who will not wish to process or distribute their semen through this agency. The Minister has not indicated that to us, and in fact I think the Minister knows very well that I am referring specifically to a distinct possibility.

Mr. Speaker, if as a result of this bill a Manitoba dairyman can't have access to the finest bull in New Zealand, to the finest bull in Wisconsin, because another organization happened to be distributing that semen in Manitoba and fails to come to an agreement with the proposed provincial agency that we're setting up, then, Sir, we're doing a disservice once again to the farmers of Manitoba.

Finally, Mr. Speaker, let me simply say that I object that this bill be put forward to us at this time; I know it doesn't perhaps rank as among the giant pieces of legislation that we're dealing with in this Chamber. I object again to the kind of downgrading of the agricultural interests in this province, that we've had two bills seriously affecting the welfare of farmers and in this case particularly the livestock people. before this House with little or no opportunity for outside representation to be heard and in areas where a great deal of interest abounds. And I'm referring to Bill 113 and now this Bill 120.

Mr. Speaker, I would be irresponsible if I advised, through you, Sir, the members of this Chamber, to seriously take this bill - and I make a direct appeal to the House Leader, to those responsible for the conduct of this House the remainder of this session, to bear in mind that we have just recently established the Agricultural Standing Commission, empowered it to sit after the session prorogues, and what better business could that committee be doing than taking a bill like this and taking the bill previous to this, Bill 113, and sitting down with those directly affected by this legislation, those directly concerned by this kind of legislation, and sit down and have a bull session with these people and discuss these matters.

Mr. Speaker, perhaps I've - and I apologize - I've entered into the spirit of this particular bill in a light way but I want to make it very clear, Mr. Speaker, that I make a very genuine appeal to the House that they do not force us to arbitrarily vote against the bill because we haven't had an opportunity to hear what the real concerns are in this respect. It's not the kind of a bill that requires, you know, this kind of pressing action. I want to know, for instance, what happens to a chap like Tom Bruce in Stonewall who is an active distributor, a person in the business of artificial inseminating cows throughout my area, Stonewall, Stony Mountain, Selkirk, has done a good job, is well respected. I want to know whether he finds himself in or out of business as a result of this bill. I don't particularly know. But I know that he happens to be getting 85 to 95 percent of his semen, which the farmers in his area specifically request, specifically request from American Breeders Association and I know that there is the distinct possibility of real conflict that American Breeders Association will deal with this agency, particularly if some of the personnel that I suspect are involved in the heading up of the new agency. Now I don't know that, and I don't pretend to know that, but I'd like to think that the Agricultural Committee sitting under a different set of circumstances without the kind of pressure that's

(MR. ENNS cont'd.) upon us at this particular time, I could think of nothing better that they could spend their time with than taking this bill along with Bill 113 and allowing for wide and in-depth discussion of these bills, and then come back, come back in November - we'll come back in November to pass these bills if that is the Minister of Agriculture's wish. I think, you know, that's something we could readily accede to. But, Mr. Speaker I would otherwise have to indicate to you that we have to object, and I have to object, to the bill on the grounds that it would require, and indeed if the government is obstinate in this particular case then we will have to get the phones busy and try our best to at least see that those persons that are directly affected by this bill have an opportunity to let their positions be known.

So, Mr. Speaker, I close with these few remarks. I have tried to say nothing, Mr. Speaker, in my comments to this bill that detracts from the importance of artificial insemination to the cattle livestock industry in our province. I have no objection to the Minister or the government setting up this distribution agency to distribute livestock semen in the province. I know that there are considerable number of cattle producers that are supporting this measure and would like to form a group or co-operative of some kind under this bill and be able to provide some of their outstanding bulls, Manitoba bulls and build up the Manitoba bull industry in this way. That's fine; I have no objection to it at all. In fact I would have suspected I would have gotten up and applauded the Minister for bringing in this bill. I object to the one word contained in this clause "sole", exclusive. Another monopolistic piece of legislation, and in all honesty, in all honesty, I can't see where my friends opposite find artificial insemination of cows as being so important to their priority of program that we again have to possibly raise a sector of, you know, state control versus a little bit more freedom, in this case in the artificial insemination business. And more importantly, Mr. Speaker, I base my arguments against the fact that it is - for those who understand artificial insemination and for those who know why this kind of a program was brought about in the first place - is it's at variance with its very purpose. That is that the whole idea, the whole program of artificial insemination is that you can have virtually limitless access, providing that certain health standards are met, and they can be set by the department or by the board governing, providing any other standards that the Department of Agriculture may wish to set, but the whole purpose of artificial insemination is that you can fly frozen semen in from New Zealand, from Wisconsin, from Russia with love, or wherever, and impregnate your cows to what the individual producer thinks will be an aid and a benefit to the build up of his herd.

Mr. Speaker, I think the government would be well advised to reconsider their position in forcing this bill at this time. Thank you.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Speaker, the Member for Lakeside has put the case so well, that I don't think that I can add very much, but if I read this bill correctly I'm very, very concerned that this is definitely a step backwards as far as the progress of our dairy situation - not only dairy; also beef and other types of animals. I realize that I represent an area that ships in perhaps approximately two-thirds of all the milk that is drunk in Greater Winnipeg, and I also realize they are perhaps not buying -- the artificial insemination group are perhaps not buying their semen from where certain people across apparently wish these people to buy it from, but I think this freedom should be left up to these people if they so desire, and I agree there's nothing wrong with trying to improve or own herds; there's nothing wrong with trying to build up to where we can compete with some of the other firms that sell a very high standard of semen, but I do think that this bill is definitely detrimental to the progress of improving our herds and I see no reason for this bill at this time, or perhaps any other time, if it isn't going to improve the situation. I do believe that, as the member just said that sat down, that perhaps this government is thinking of certain groups in respect to the selling and improving of semen, and I do not think that this is fair because there are other groups that wish to buy from wherever they wish to get their semen, and I think they should have that opportunity. I don't think that opportunity should be taken away. I realize that further in the bill there's a small possibility, if it's read right and the intention is right, perhaps it can so be done that they can be buying elsewhere, but I think the one clause or the one principle of the bill makes it very clear that the distribution agency has sole charge of the distribution of livestock semen in the province and I believe this is dangerous and I don't think this is a step forward, and therefore I cannot see how I can support the bill.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I too wish to briefly comment on Bill 120, an Act to amend The Animal Husbandry Act. First of all, I felt that the Minister did not do justice to the bill when he introduced it. I think he should have elaborated a little more than what he did, because this is going to affect the industry to a large degree. We're now venturing into a new area with the legislation before us, and who knows where it will lead to next? They're regulating the cattle industry in this way; I don't think that this will necessarily increase the cattle population in Manitoba, but certainly it has had the effect over the last number of years of improving the quality; and we have a number of Regional Associations that have been set up over the last ten years or so, probably 15, ten year, at least, anyway that they have been in operation and having done, I think, a pioneering job in this respect, and I think they are to be congratulated for doing this.

I'm just wondering at this time how these association will be affected as a result of the bill that is before us which will now centralize the operation and the control into one sole agency and no doubt one that is going to be regulated by the government. I object to this regimentation and centralization that we continually see happening here. Private individuals set up an industry, set up a business according to their wishes, and then government steps in, takes over and controls. I think they could have set up guidelines but certainly not just limited to one sole agency so that the breeders will not have a say individually as to what they want to happen; and when they want to get semen of a different kind from other areas, I think they should be free to do so and not be regimented by legislation of this type.

Certainly, Mr. Speaker, I object to the bill on this very ground and do not intend to support it. I look forward to the discussion that will take place in committee and also hearing representations in connection with this bill. I hope that the producers are given proper notice so that they can appear.

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

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

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

MR. SPEAKER: The Honourable Minister of Education.

HON. SAUL A. MILLER (Minister of Youth and Education) (Seven Oaks) presented Bill 118, The School Tax Reduction Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Education.

MR. MILLER: Mr. Speaker, this bill brings in the second phase or the second step in the commitment made by this government last year and reiterated again in the Throne Speech, to ease the burden of education taxes being carried by owners, and tenants as well, of real property in Manitoba. -- (Interjection) -- From the Finance Minister. This will take the form of a tax credit which will be applicable to multiple residential units, single residential units and, as well of course, farm residential units. In the case of multiple units, the credits will be passed on to the tenant himself; and I think it's an important point. It isn't a homeowner grant as is usually referred to where money is made available, or a credit or a rebate, a special grant is made to homeowners only, but rather it recognizes that tenants pay rent and they pay rent -- they pay taxes rather, they pay taxes through their rent, and therefore they, too, should benefit from any easement of property tax.

It is anticipated that the relief will be in the form of a tax credit which will reduce the school taxes payable in each year in respect to each residential parcel in a municipality by 50 percent to a maximum credit of \$50.00. This means that any residential parcel on which the education tax is, say, \$100.00 or more, will receive a maximum credit of \$50.00, and those residential parcels on which the deduction tax is less than the \$100.00 will then of course receive 50 percent of the amount that they actually paid.

Without referring to specific clauses in the bill, just talking principle, the members will notice that allowance is made for farmers to claim additional credit on parcels of land other than where their residence is located, in order to bring their total tax credits to the \$50.00 to which they might be entitled, because it's very possible and happens, I gather, in a number of cases, that a farmer's residence is located on a parcel of land on which the assessment may be very low -- a small home and a very small parcel on a very small lot -- but that he has other parcels of land within the municipality in which he farms, on which the assessment is high,

(MR. MILLER cont'd.) and so it is the intention to permit such a person to apply for additional credit on the additional parcels of land to bring his total credit, the total amount for which he could claim a tax credit, to a maximum of \$50.00.

Mr. Speaker, I would like to emphasize that this credit will apply in both the unitary and the non-unitary divisions - for Mr. Froese's benefit - and will apply to the entire school tax paid. Also, Mr. Speaker, the present \$50.00 rebate applicable in the non-unitary divisions will continue to apply, and I think that's a question that's . . . -- (Interjection) -- To those matters which deal with educational tax, dealing with residential, not commercial or anything else, it has not disturbed the previous arrangement. The new credit will be based on the remainder of the school tax payable after the first \$50.00 has been paid.

The bill, Mr. Speaker, contains a definition of a dwelling unit and we feel that this will enable us to draw a clear line of demarkation which I think is necessary, for administrative purposes if nothing else, between dwelling units and transient accommodations or rooming houses, because it's almost impossible to deal with these things, and I can tell honourable members that one of the reasons this bill is late in forthcoming is because of the great complexity of the administrative arrangements that have to go into it. We're working with computer people to try to see how best this program could be administered to avoid an excessive cost, and it will be some time before we finally have the problem licked although I don't doubt that the staff from the various departments involved, the Assessment Department, Municipal Affairs, our own staff, the computer service, will undoubtedly come up with a simple form of handling it.

With reference to the multiple dwelling unit, our intention is to allow a tax credit in the amount of the average school tax paid in a dwelling unit. For example, in the City of Winnipeg or any large area where you have large apartment blocks, let's say one that contains ten suites, which isn't a very big one, and the total education tax is \$80,000, then on that basis the average tax per dwelling unit for ten suites would be \$80.00 and so the credit would be 50 percent or \$40.00 per dwelling unit, and that amount would have to be turned over by the landlord to his tenant - that is the renter - and he'll be required to do so. The bill clearly states that this credit shall be passed on to the tenant at all times. Sir, these are the major features of the bill, Mr. Speaker, and members will note that in several clauses provision is made for quite detailed regulations by which the terms of the bill be administered, and this is necessary because of the great deal of administrative work to be looked into and to examine to find the most efficient way of doing it.

I'd like to emphasize that the regulations will be formulated in consultation with the municipal officials. It will involve, as I said, the computer people, the Department of Municipal Affairs, the Assessment Department, all parties that can contribute and have to contribute to make this thing work smoothly and also to make sure that all parties are fully aware of the implications of the bill and the workings of the bill, and be familiar with the principles under which it will operate so that, in consultation with the municipal people, secretary-treasurers, the details of the operation will then be worked out and a smooth transition can take place.

It's important, I think, that we emphasize this doesn't just apply to owner-occupied dwellings, because our society is changing and we have to recognize this change. It isn't enough simply to make it an owner-occupied grant, a homeowner grant, or simply to zero in on those over 65, as has been suggested as those who need this grant. We think that there are people who may not be 65 years or over, or they may not be pensioners, who are equally in need and perhaps in greater need, and this has to be recognized as well.

It's interesting how our life style is changing; that in Greater Winnipeg, in the Winnipeg area, out of 155,000 residential units 33,000 are multiple units. Now ten years ago this would have been almost inconceivable, but this indicates the trend in our life style and the fact that more and more people are turning to multiple units, whether they be apartment blocks, condominiums, town housing or what have you. It's anticipated that by this year there may be an extra 3,000 units and of those 3,000 -- no, there'd be about 5,000, I would say, and of those 5,000, 3,000 will be single, 2,000 will be multiple units, which is a very very high percentage as compared to what would have happened, as I say, even a short ten years ago.

And so the recognition on this bill is to the fact that people in paying for rent are indeed taxpayers the same as anyone else, and should receive any benefits which accrue from a shift in the taxation from property tax to the Consolidated Fund. So that this bill, Mr. Speaker, really brings to reality the program and the promise made to this Legislature and to the people

(MR. MILLER cont'd.) of Manitoba, to alleviate to some extent the burden of education tax on Manitoba householders and, since this is no time to make long speeches, I recommend it to the members of this House.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, I beg to move, seconded by the Honourable Member for Arthur, that debate on this bill be adjourned.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. CY GONICK (Crescentwood): I just have a couple of questions to ask the Minister on this bill and perhaps he covered it and I didn't hear it. How would the Department enforce the provision whereby landlords are required to reduce their rents proportionately? How would that be enforced if a landlord did not do so? And secondly, what would stop a landlord from increasing his rent, increasing the rent so that the amount that is reduced by way of this provision is won back by means of an increase . . .

MR. SPEAKER: Order please. The honourable member realizes that he's asking very complicated and detailed questions. He may as well participate in the debate. And the Honourable Minister will not be able to reply because they're lengthy under our procedure, so therefore he would have to wait anyway.

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

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, there was one bill that was inadvertently left off the Order Paper, which I think honourable members are aware of. It's Bill No. 114, The Communities Economic Development Fund Act. I wonder if the Minister can have leave of the House to introduce it. It was on the Votes and Proceedings and what have you - just off the Order Paper. (Agreed)

MR. SPEAKER: The Honourable Minister of Industry and Commerce.

HON. LEONARD S. EVANS (Minister of Industry and Commerce) (Brandon East): Thank you, Mr. Speaker.

MR. EVANS presented Bill No. 114, The Communities Economic Development Fund Act, for second reading (with reference to Law Amendments Committee).

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister.

MR. EVANS: Mr. Speaker, I will be very brief in my explanation, my introductory remarks. However, I will be pleased to elaborate during the debate on any questions that anyone might have, but basically this piece of legislation, Bill 114, in many ways is parallel to the Manitoba Development Corporation Act, or the Development Corporation Act, inasmuch as we are establishing a fund, a fund meant to assist in the economic development of our province, and the difference is, of course, that this particular fund has particular reference to remote and isolated communities in the Province of Manitoba. The legislation and the associated fund are aimed at promoting in a very particular way the development of local communities which, as I indicated, can be considered rather isolated and remote, perhaps both geographically or culturally.

The program under this bill is meant to complement rather than to substitute for other development programs such as co-operative loans, such as loans that are available from the Manitoba Development Corporation's program, and the program is particularly designed for economic enterprises of any description in local areas and for need of communities. I might point out, Mr. Speaker, that the federal agreement between Manitoba and the Federal Government referred to as ARDA IIIB is a program which I am glad to see will now complement also the proposed legislation. Under the ARDA IIIB program, of course, the Federal Government will pay up to 100 percent of feasibility studies and 100 percent of training costs related to employment as well as a possible contribution towards capital. This is in relation to people in isolated communities anywhere, isolated communities of disadvantaged people of Indian ancestry. This is ARDA IIIB regulation or agreement. And I say therefore, Mr. Speaker, that it nicely complements what we are proposing here today.

In order to avoid unnecessary duplication of resources and to capitalize on the experience and expertise that we have in the area of loan-making, the administration of the community's Economic Development Fund will be handled by the staff of the Manitoba Development Corporation. However, the policy decisions on both, whether it relates to loan or equity

(MR. EVANS cont'd.) positions, will be made entirely by the Board of the Communities Economic Development Fund which will be distinct and separate from the Board of the Manitoba Development Corporation, although this does not mean, of course, that some individuals could not serve on both boards - I'm not suggesting that. But it will be a completely independent board and I would think that it will be composed in large part of people, of members of these various communities, local and native communities, to which we referred.

I might add, Mr. Speaker, that the program encompassed in this legislation, or envisaged in this legislation, was developed after considerable discussion and consultation with the Northern Association of Community Councils, the Manitoba Indian Brotherhood, the Manitoba Metis Federation. I would also point out that the legislation does stress local and indigenous development as opposed to ownership and control from outside a particular area. Furthermore, considerable leeway is being permitted to facilitate imaginative approaches to local development.

I would stress, Mr. Speaker, that this program is intended to cover only one aspect of regional and community disparities which has not always been adequately covered by the more conventional industrial development programs. I therefore feel confident, Mr. Speaker, that this particular piece of legislation will go a long way to assist in the economic and the social development of the people in these communities. Thank you.

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

MR. ENNS: Well, Mr. Speaker, unless somebody else wishes to speak to the bill at this time, I move, seconded by the Honourable Member for Arthur, that debate be adjourned.

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

MR. SPEAKER: The Honourable the Attorney-General.

MR. MACKLING presented Bill No. 112, The Statute Law Amendment Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable the Minister.

MR. MACKLING: Well, as most honourable members know, this bill generally comes during the last days of a session, and is designed to effect corrections, replace anomalies that have been discovered in the statutes, and generally to pick up any small change that is required in a particular statute without the necessity of producing a full bill to place before the Legislature. Such is the case again this year. There are changes which affect titles to organizations, a very large number of changes to particular statutes where there's a change from the age of majority as 21 to the new age of majority of 18, a very extensive list of that kind of change in various bills, and a large number of miscellaneous changes to various statutes where it's required either to correct an error that exists, an error in reference, or to correct an omission that occurred in drafting the revised statute and so on. It's a compendium of a very large number of miscellaneous changes, some of which do have some principle to them but most of which are mechanical, and I'll be happy, with Legislative Counsel, to review in particular any one item that an honourable member may have some concern about, and I think that that should suffice, Mr. Speaker, at this time.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Well, Mr. Speaker, I believe - at least from our group - that we can expedite this matter and have this proceed to second reading at this time. I'm familiar with the procedure that is followed. As the Attorney-General stated, this is done with some regularity, and understandably so, to clean up some of the things. I would suggest and hope, of course, that this government is proceeding in the same way other governments have done and not used this occasion at any time to in fact bring about any significant changes in principle in any bills, and I have no reason to feel that they have done so in this occasion. The members of course will have an opportunity, as the Attorney-General has indicated, to express further interest in any individual item that may have caught their attention, of the bill. With those few remarks, Mr. Speaker, we approve of the bill and will support it.

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

MR. FROESE: Mr. Speaker, I beg to move, seconded by the Honourable Member for Souris-Killarney, 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: Bill No. 119, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Finance, The Honourable Minister of Municipal Affairs.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs) (Selkirk) (on behalf of Hon. Mr. Cherniack) presented Bill No. 119, an Act to amend The Insurance Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, this bill is not a contentious bill. We are proposing to remove, so that there should be no need for any debate, Sections 1, 2 and 3 in your bill that you have before you, Sections 1, 2 and 3, which I think are the sections which could create some debate at this late time of the sitting, so those will be removed and will be looked at further.

Insofar as the other sections are concerned of the bill, the bulk of the amendments are to bring into uniformity the provisions of the Insurance Act in Manitoba with provisions in other provinces, changes recommended by the Superintendents of Insurance at their annual meetings in order to bring about uniformity.

There are some changes that are being recommended due to the introduction of Autopac. The one major change is as a result of the request by private insurers, and that is that the Superintendent of Insurance may approve a short form of standard auto policy or possibly a certificate of sufficient evidence of insurance. This is required due to the fact that after November 1st private insurers will be offering extra or additional coverage and at the present time they would have to issue an insurance policy. To maintain that provision and not undertake the proposed amendment would in fact cause private insurers to be unable to offer the additional insurance coverage under the package policy so that the private insurers have approached us, pointed out this problem, and the amendment is in order to accommodate.

Other provisions are very straightforward. The reduction of the age from 21 to 18 in regard to insurance contracts which is simply to bring that provision in line with legislation passed last session. Legislation to say that the use of a private vehicle for certain school activities does not constitute commercial use of the vehicle. This again is in line with uniformity of insurance provisions in other provinces. Changes in order to provide that the minimum liability limits of \$35,000 for every automobile policy issued repealed, and this is brought about by the fact that the maximum liability limits now will be \$50,000 rather than \$35,000 - the minimum, I mean - and also this provision, the increase in the minimum liability pertains to the same provisions that related to absolute liability insofar as the old sections of the Insurance Act were concerned for the \$35,000 minimum.

The other provisions in the main are quite routine and I believe, Mr. Speaker, that the only provisions that would not have been routine possibly would have been the provisions that you see in Sections 1, 2 and 3, which we are withdrawing.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Souris-Killarney.

MR. EARL MCKELLAR (Souris-Killarney): I beg to move, seconded by the Honourable Member for Lakeside, that the 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: Could you call Bill No. 99, Mr. Speaker?

MR. SPEAKER: Proposed motion of the Honourable Minister of Transportation. The Honourable Member for Souris-Killarney.

MR. MCKELLAR: Mr. Speaker - lots of time eh? I was very interested to hear the Minister's statements on this on introduction of this bill. In reading the bill, there's a lot more condensed in this bill than what the Minister actually informs us of. In fact, there's a lot of new principles in this bill that I think that many of us here who have been driving cars for many years are wondering whether we'll be driving very long, partly because of our own selves and partly because of the condition of our car. I'm greatly amazed to know that from now on even the noise of your car is affected. It's bad enough to have the breathalyzers on the road but when you get noise meters, or whatever they're called, which are going to be placed in the Mountie cars from now on, each one of us are going to have to look under our cars every morning before we start driving to see if there's any holes in it, and I don't know whether this

(MR. McKELLAR cont'd.) is a bad principle or whether it's a good one; in fact sometimes around some of our towns on Saturday night I think maybe there's nothing wrong with it. But there isn't enough police to police it. This is the problem in many of our towns that the Mounties — the Mountie in fact in Souris tells me he gets out on the highway and 25 miles south-west of Souris he gets a complaint from Wawanesa 60 miles away in another direction. So by the time you get down there, I guess the car could be in Winnipeg. So it's pretty hard to decide on the amount of noise of that particular car when the Mountie is 60 miles away — and this is the problem that we have in rural Manitoba. It isn't possible for any particular province or community to police some of these smaller towns. So the boys and girls, younger boys and girls, have a field day on Saturday nights and many other nights. And I don't know how the Minister is going to go around making this statute stick. Is he going to give this particular machine to every policeman in the province? Do the towns have to buy for their individual policemen or how is this going to be effected in our several communities?

I also notice that even the bumpers — and I was greatly interested in the statement the Minister made on bumpers where he talked the Big Four into considering changes in bumpers, and I have had many accidents myself and I know about how much my bumper on my Meteor car will stand. It won't stand a steer and it won't stand a deer and it won't stand very much. And also I wouldn't be concerned about the bumpers if they didn't make the crazy hoods all over top of the bumpers. It isn't the bumper that takes the brunt of it, it's this crazy nose they put out on some of the cars which penetrates out farther than the bumper. And if all bumpers were at the same level it wouldn't be so bad too, but some cars are higher than others and the bumper goes over top of it and crawls in the trunk. So here again, the fellow that's got the strong bumper and hits a car in front of him, that car is going to be damaged more than ever. I don't know; there's lots of things that can happen in car accidents and I've been involved personally and I've had many people insured that's been involved in accidents. But, you know, it's strange for those of us that have been driving cars for many years to think that our bumpers up to now won't stand five miles an hour. Many people, I don't think, are aware of this, and you are right, Mr. Minister, when you say that the companies have to produce a bumper that will stand five miles an hour. Well this day and age, how many people go five miles an hour? This is the thing that bothers me about the construction of these particular bumpers. And they're not cheap. The bumpers aren't cheap. This is the part of it too that annoys me. You get a crease in it, you can't straighten it out. So if they do agree that in 1973 to put out a bumper that's going to last, a bumper of five miles an hour, I suppose it will help reduce some of the cost of that particular accident, but it won't be really, because most accidents that are involved are at least 25 miles an hour and over, and all the way up to about 60 or 70 miles an hour.

Now there are many other sections. Head lamps are another one, and I see there's penalties involved in most every section too. Head lamps are one part of the car where most of us don't really know what or how our head lamps are focusing. The man that's coming at us on the highway is the man that really knows how good our headlights are. And our speedometers also have to be checked, and our tires. Now I don't know how the Minister is going to enforce this section on tires and I don't know what the regulations will be or what kind of regulations they decided, but this in itself I think — I realize the hazards a man takes when he goes out on the road with poor tires, but who's to say on his own car when he should change his tires? If he has an accident, either, if he's got insurance the insurance company's supposed to pay, if he hasn't got sufficient insurance he has to look after that loss himself. I don't know how the Minister is going to enforce it and I'd like to know from him what — and I know all the garages have gauges — what depth of tread do you have to have before your tire is worn out?

Mr. Speaker, there's many sections here that deal with the Unsatisfied Judgment Fund, and I haven't had time to really look them all up according to The Highway Traffic Act, but I have them listed here, and it's very difficult to pick them up, the particular sections up, unless you have a lot of time, and those of us who have been on the Municipal Affairs Committee the last couple of weeks haven't had that much time to go into depth in looking up these particular sections; but I'd like to ask the Minister what he is going to do with the Unsatisfied Judgment Fund. Is he going to replace it? Is he going to wipe it out? Or what are his intentions on the Unsatisfied Judgment Fund? — (Interjection) — Well there's another question. The Honourable Member for Assiniboia says he's increased the fee — and I know it's true — from \$1.00 to \$2.00, but in the back of the Act here where it states the rates of individual cars, I'd like to

(MR. McKELLAR cont'd.) know whether those increased fees are part of this Table No. III -- no, Table No. I. Are the increased fees for the Unsatisfied Judgement Fund inserted in the fees for automobiles here, or is it still the \$1.00 original fee? -- (Interjection) -- Yes, I know, but it's increased by Order-in-Council and, you know, it should be changed at any time.

Also when I'm mentioning on these tables here, are these tables the same as they were a year ago or are they changed? Are they increased? Any increase on all these tables on trucks, cars, farm trucks, PSV trucks, trailers -- any increase in trailers? Are there any increases in trailers that haul milk and cream? And right down the line here -- commercial trucks, all PSV trucks and buses, because I'm not just aware of what -- even what I pay for my own licence so I wouldn't even know whether my licence has gone up or not.

Mr. Speaker, there's one particular section on here and it just changes one word, and I think yesterday in all our meetings in Municipal Affairs, I think the only argument that our caucus won yesterday, I think we changed the word "may" to "shall"; I think that's the only -- I think it was the Member for Sturgeon Creek fought hard all day on many amendments and I think we finally won one argument, "may" to "shall" or "shall" to "may".

But there's one particular section in here that changes "may" to "shall" - "may" to "shall" - and those words are very small; to the average person they don't mean anything; but to the average one of us who are driving the car, who have a driver's licence in the Province of Manitoba, they're very important, because from now on if you go to the doctor for an ordinary examination or for any other reason, that doctor shall report to the Motor Vehicle Branch. He "shall" report. Or the optometrist. And this is very important, Mr. Speaker, because there's a new principle involved here in this particular section, and it's one that I don't know, I haven't really had the chance to talk to the doctors about, but it must concern them.

The Minister mentioned in his speech on the opening up, second reading on this bill, there's very few doctors have reported to the Motor Vehicle Branch up to now - two doctors - on the condition of an individual when he went into the doctor's office; so I would imagine, Mr. Speaker, the number of doctors that I had a year ago when I was in the hospital for about six weeks, that any one of them could have sent that report in and I wouldn't have been driving today for that very reason. And I don't suppose they did send in a report because it said "may". But this puts a person in a pretty delicate position if the doctor "shall" send in a report once this Act is passed. And I don't know whether there's been any calls to any of the medical profession by the Minister, whether he's contacted the medical profession to get their opinion on this particular section; and I realize the doctors, if they do send in their reports, they cannot be charged. Individuals cannot charge them under this particular section. But I often wonder, Mr. Speaker, whether this is the way to approach this problem.

Now most of the insurance companies presently, if a man had a slight stroke and had a car accident, immediately he has to take a driver's test and also have a medical report. This is pretty well -- he has to have that. And also many insurance companies, when they reach the age of 65, Mr. Speaker, a medical report is sent out with a renewal and they have to go to the doctor of their choice and the doctor fills it out. It may be sent back to the insurance company for them to have some type of knowledge about that particular . . . But the agent has a big part to play. The agent has a big part to play because most applications, where it may not state if the owner of that particular car is in good health, most of the companies ask the agent to report the medical condition of that particular driver if they're in doubt, if they think there's you know, some question. I myself have never really had any problems with that because I think it's only right and fair that the agent should, you know, inform the company if that individual has had medical attention or a serious heart condition or some other ailment that might have affected his driving habits. -- (Interjection) -- I haven't -- No, I must say that over the years all my people have been fairly healthy that I've insured. I've been fairly fortunate that way. But just the same, though, if a man has one leg removed and one arm removed, we report that; you know, we have to report that, and they in turn have to have a medical in that case too. But these are some of the conditions.

Now, I don't know how this section will work out and it frightens me in some cases; well, it might not be so bad, it might save lives and this is, I think, what the Minister is trying to get at, that a man who has had a slight heart condition, a year later he will have to have a medical every year he gets his renewal. I think this is what the Minister is getting at.

(MR. McKELLAR cont'd.) -- (Interjection) -- Yeah, it's possible through the doctor's report. The thing that frightens me about most of the doctors - they know these people in our area personally and they're always concerned about hurting the livelihood of a person, and I don't know whether doctors will want to be so anxious to fill out these forms; in other words they'll send them on to another doctor maybe, rather than them to be involved in having a man's licence cancelled.

But these are some of the problems that are involved in this word having been changed from "may" to "shall" and it really concerns me and I think I'll have something more to say when we're in Law Amendments Committee.

Mr. Speaker, it's getting -- I'll just say one last word, Mr. Speaker. Okay. Well, yeah, I'll keep it in my name. Mr. Speaker, there's so many other things that I have written down here that I'll keep it in my name . . .

MR. SPEAKER: Order, please. The hour being 12:30, the honourable member can continue when we reassemble. The House is now adjourned until 2:30 this afternoon (Thursday).