

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Thursday, June 29, 1972

Opening Prayer by Mr. Speaker.

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

INTRODUCTION OF BILLS

MR. SPEAKER: The Honourable Minister of Health.

HON. RENE E. TOUPIN (Minister of Health and Social Development) (Springfield) on behalf of the Minister of Highways introduced Bill No. 106, An Act to amend The Highway Traffic Act.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): On a point of order, the Minister is asking leave to introduce this bill. Has not sufficient notice been given? Why then ask leave?

MR. SPEAKER: The courtesy of leave was asked because the Minister was doing it on behalf of another Minister. There is no leave required.

Oral questions. The Honourable Member for Rock Lake.

ORAL QUESTION PERIOD

MR. HENRY J. EINARSON (Rock Lake): Mr. Speaker, I direct this question to the Minister of Agriculture. Can the Minister inform this House whether or not any one or more of his officials of his department are now, or have been, in the Province of Ontario for the purpose of purchasing dairy cows?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): Mr. Speaker, I'm not aware of any. I can find out for my honourable friend.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I'd like to address a question to the Honourable the Minister of Agriculture. Apparently there is a misunderstanding - did he inform the House that as far as the water rate is concerned, anything over \$3.00 would be completely subsidized by the government?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Yes, Mr. Speaker, with respect to the 37 Water Supply Board Districts where their rates may be about \$3.00 for 1,000 gallons, the province will pick up all costs above the \$3.00.

MR. SPEAKER: Orders of the Day. The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition) (River Heights): Mr. Speaker, my question is to the Minister of Industry and Commerce. I wonder if he can explain to the House the apparent discrepancies in the article that was written in the paper today with respect to Cowl Industries, who I believe have received a Manitoba Development Corporation loan.

MR. SPEAKER: Order please. It is not a necessary procedure to explain newspaper articles. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I wonder if the Minister of Industry and Commerce can inform the House whether Cowl Limited is an operating company in Manitoba?

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

HON. LEONARD S. EVANS (Minister of Industry and Commerce) (Brandon East): Cowl industry with head office in Winnipeg, Manitoba, is a thriving prosperous company which was brought here through the efforts of the Department of Industry and Commerce and the Manitoba Development Corporation.

MR. SPIVAK: A supplementary question. I wonder if the Minister of Industry and Commerce can explain why the president of the company remains in Toronto with his head office in Winnipeg.

MR. EVANS: Mr. Speaker, that's very simple. It was always understood that the president is essentially, in this particular company, and it's a privately owned company, is essentially concerned with the sales end of the business and he believes that it's fruitful and most productive for him to be in the area where the greatest sales potential is for that particular company, and for its products. This was always known and is a fact. The bulk of the executive however, live and work in Winnipeg.

MR. SPIVAK: I wonder can the Minister explain why the original warehouse and office building built at 88 Fennell Street was abandoned and is now in possession of Flyer Industries?

MR. EVANS: Yes. Well, Mr. Speaker, I would remind the honourable member that this is a private enterprise company operated by a very fine group of people. You know, if he's interested in all these details I suggest he contact the president and ask him himself.

MR. SPIVAK: Mr. Speaker, I have another question for the Minister of Industry and Commerce. Was the Cowl Limited Industries Building, Cowl Industries Building at 88 Fennell Street financed by the Manitoba Development Corporation?

MR. EVANS: The factory of the company was partially financed by MDC.

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

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, I ask leave of the House to make a short statement.

MR. SPEAKER: Is it agreed to? The Honourable Member for Portage la Prairie.

STATEMENT

MR. G. JOHNSTON: Mr. Speaker, I would like to remind members of the House and of the public that tonight at 9:30 on CTV national network a program entitled "The Quality of Life" will be shown and the subject matter of the program is the enlightened method of treatment of retardates, the Manitoba School for Retardates at Portage la Prairie, and I would recommend the program to those who know about it.

MR. SPEAKER: The Honourable House Leader.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): May I have the same privilege as my honourable friend from Portage la Prairie. As one who has long been interested in the retarded children and the program in respect of retarded children, I join my honourable friend from Portage la Prairie in his statement of a moment or two ago. The House may not be free to attend but I certainly trust and hope that those citizens of Manitoba that are free will be able to take a look at the program tonight. It's well worthwhile.

MR. SPEAKER: Orders of the Day. The Honourable House Leader.

MR. PAULLEY: Mr. Speaker, I wonder if you would start calling the second readings of government bills on the first page, commencing with Bill No. 88, the Honourable the Attorney-General. These bills have not been introduced for second reading and I suggest that you start with 88, and continue down.

ORDERS OF THE DAY - SECOND READING GOVERNMENT BILLS

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General. The Honourable Attorney-General.

HON. A. H. MACKLING, Q.C. (Attorney-General) (St. James) presented Bill No. 88, an Act to amend The Securities Act, for second reading.

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

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Well, Mr. Speaker, in respect to this Act it is in large part administrative detail in order to bring our Act into juxtaposition from a legal point of view with the securities provisions that are existent in other jurisdictions, particularly in Ontario, where the bulk of securities transactions occur. We have followed very closely the developments from the point of view of company law and security law in our sister Province of Ontario because to use the colloquial expression "that is where the action is" in the money markets, in the security markets of this country, and the provisions of Bill 88 reflect the concerns that have been manifest to provide for a better definition of the rights and responsibilities of those who trade in respect to securities. It is difficult for me to evaluate the technical principles that are involved in the bill and I think that if honourable members would appreciate it I will certainly endeavour to have staff available at Law Amendments Committee to go through the bill, any problems in the bill in a step by step way. But generally speaking they provide for the more certain provisions to protect the public in respect to the operation of companies in the securities field providing for basic protections which we consider necessary to protect the buyer of securities in the marketplace.

With those few brief words, Mr. Speaker, I think I indicate the basic function of the bill. To go into the specifics at length would involve a considerable amount of time and probably unnecessary detail. But I'll be happy to have the expert counsel in this department, in the

(MR. MACKLING cont'd) Department of the Companies and the Consumer, Corporate and Internal Services Branch that deals with securities operations available for any detailed questioning about particular aspects of the bill.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

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

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

MR. SPEAKER: On the proposed motion of the Honourable Minister of Transportation, Bill No. 89.

HON. PETER BURTNIAK (Minister of Transportation) (Dauphin) presented Bill No. 89, An Act to amend The Snowmobile Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Transportation.

MR. BURTNIAK: Mr. Speaker, this is just a very minor thing insofar as The Snowmobile Act is concerned. This actually should have been done last year. Unfortunately this was just an oversight. A provision in the regulation section of The Snowmobile Act, which was not included, which would provide for prescribing fees for searchers or for furnishing particulars of snowmobiles registered under the Act. Requests have been made, or have been received I should say on numerous occasions for individuals as well as from business people requesting the listing of names of registered owners of snowmobiles, similar to listings furnished in respect to motor vehicles registered under The Highway Traffic Act. The amendment would permit the establishment of fees to be charged for such searchers and the furnishing of particulars on the snowmobiles.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Mr. Speaker, while I don't wish to cast any doubt on the Minister's words, I beg to move, seconded by the Honourable Member for Swan River, that debate be adjourned.

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

MR. SPEAKER: On the proposed motion of the Honourable the Attorney-General. The Honourable Attorney-General. Bill No. 90.

MR. MACKLING presented Bill No. 90, An Act to amend The Trustee Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, the provisions of this bill will remove the limitation on the number of trustees. At present other than trust for charitable ecclesiastical or public purpose, the number of trustees shall not exceed four. Other provinces do not limit the number of trustees. This amendment will permit trusts such as union, health and welfare trust funds, to have large boards of trustees which are representative of labour unions and employer associations. Even though it will be possible to have a large number of trustees it would seem likely that in practice the number of trustees will be limited for the sake of convenience, control, and cost.

The purpose of a further amendment provided for in this bill is to permit trustees to invest in securities of a Crown corporation that is an agent of Her Majesty in the right of Manitoba.

A further provision will bring the Trustee Act into line with Section 19 (2) (b) of The Securities Act, which provides for a new method of securing hospital debentures.

A further amendment removes the existing requirements for trust and loan companies to obtain the approval of the Lieutenant-Governor-in-Council so that these classes of securities may qualify as authorized trustee investments. Some approvals have been granted in the past and the applications have been processed through the Attorney-General's Department. However a certain caution has developed in granting these approvals because of the lack of expertise available to investigate and analyze the financial condition of the applicant, and to monitor and review approvals once granted. By requiring that the trust and the loan company be a member institution, as defined in The Canada Deposit Insurance Corporation (Canada) Act, the inspection service of the Federal Superintendent of Insurance will be applied to the member company with the related reduction in the risk of the investment, and this department will be relieved of the responsibility of approving these companies by way of Order-in-Council.

(MR. MACKLING cont'd)

A further proposal makes trust funds much more accessible to and more available for placement in first mortgage investments in residential, commercial and industrial property in Manitoba. The insurance companies are becoming involved in providing a service of insuring mortgage investments traditionally and exclusively provided in the past by Central Mortgage and Housing Corporation under National Housing Act mortgages -- that was under The National Housing Act 1954. This amendment extends Section 70 subsection (3) of the present Act to permit a trustee investment in a first mortgage providing the amount of the loan does not exceed 80 percent of the value of the property mortgaged, and providing the payment of principal and interest payable under the mortgage, or at least that portion of the principal which exceeds two-thirds of the value of the property mortgaged, is insured by an insurance or guarantee company. I might say, Mr. Speaker, that this change was suggested by the President of the Progressive Conservative Party of Manitoba to the present Attorney-General in his capacity as Minister of Consumer, Corporate and Internal Services, and simply because the recommendation or the suggestion came from that source did not mean that it wouldn't be considered, and as you can see it is being considered favourably.

A further change will permit credit unions to act as depositories of trust money pending it's investment providing the credit union and in addition, any trust company, is a member institution as defined in the Canadian Depository - what the devil is the name of that outfit again - Canadian Depository of Insurance. I'll get the proper handle - the Canadian Deposit Insurance Corporation Act (Canada).

Those, Mr. Speaker, are the details of this bill which have some very interesting principles involved, nothing of any great moment, but we think of considerable interest and benefit and worthy of the adoption by this House.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Thank you, Mr. Speaker. I would like to move, seconded by the member from Brandon West, that the debate be adjourned.

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

MR. SPEAKER: Proposed motion of the Honourable Minister the Attorney-General.

Bill No. 91.

MR. MACKLING presented Bill No. 91, The Provincial Judges Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, Bill No. 91 is intended to replace The Magistrates Act and contains some of the following basic principles.

Firstly, legally trained magistrates would be called Provincial Judges rather than magistrates, and no person would be appointed a provincial judge unless he is a member in good standing of the Law Society. When appointed on a full-time basis as a provincial judge the appointee would hold office during good behaviour with retirement at age of 65, subject to such extensions as may be granted from time to time by the Lieutenant-Governor-in-Council.

Provision is made to establish pension benefits for such provincial judges and their widows as may be provided by regulation under the proposed legislation.

Provision is made for the establishment of a judicial council composed of a judge of the Court of Queen's Bench, two members of the Law Society, and two other members at large, to receive and deal with complaints, or misconduct, or neglect of duty, by a provincial judge, or incapacity of a provincial judge to perform his duties.

I might say, Mr. Speaker, that in other jurisdictions there are similar provisions where they have a similar Act and the councils or the tribunals that are appointed reflect a complete overbalance of the legal profession or the judiciary. This specific bill will provide for a public input other than strictly judicial or legal. It will still be chaired by a judge of the Court of Queen's Bench; there will be two lawyers in good standing, and there may well be a doctor, there may well be a farmer, they may well be a president of a credit union, there may well be a railroad engineer, there may be a professional, an ex-professional football player, or an insurance salesman --(Interjection)-- Well I don't think that because people are members of the New Democratic Party we should discriminate against them. And, Mr. Speaker, this judicial council then will be able to receive complaints in respect to the conduct of provincial judges and will be able to effectively deal with them.

Provision is made for right of appeal by the judge from the decision of the judicial council

(MR. MACKLING cont'd): to the Court of Appeal. Where the judicial council suspends the judge the Lieutenant-Governor-in-Council may remove him from office and revoke his appointment.

It is intended that full-time provincial judges will thus be given security of tenure and at the same time a tribunal will be established independent in nature which can fully and fairly adjudicate in relation to complaints, or alleged misconduct, or neglect, by a provincial judge.

Provision is continued in this bill for the appointment of magistrates and justices of the peace either full-time or part-time as may be required to aid and assist the provincial judges in the administration of justice within the jurisdiction of the provincial judges.

At the present time legally trained magistrates serve both in the criminal courts and in respect of delinquency cases under The Juvenile Delinquents Act as well as proceedings under The Wives and Children's Maintenance Act, The Child Welfare Act, and related statutes. It has long been recognized that wherever possible the judges who deal with family court matters, and matters of delinquency, should be separate in function to those who deal with adults charged with criminal offences. In recent years by administrative practice the magistrates appointed to the Winnipeg Family Court deal almost exclusively with matters under The Juvenile Delinquents Act and the matters under the jurisdiction of a family court judge. Long ago this practice was extended to the Brandon area where -- I should say not long ago this practice was extended to the Brandon area where we appointed a full-time family court judge.

I would like to point out, Mr. Speaker, that our concern in the whole area of the field of domestic law has been registered with The Law Reform Commission and that body is considering the whole ambit of domestic law because there is a great area of duplication in various levels of the judiciary having some concern in respect to matters, or proceedings involving marital matters and domestic matters. The bill before you therefore recognizes provincial judges courts - criminal division, and provincial judges courts - family division. It is hoped that consistent with practicality the separation of operations of family courts and the criminal courts can be extended. It's certainly my hope, Mr. Speaker, that as soon as reasonably practicable and economical, we'll be able to extend that separate expertise that we have noted as necessary so that adjudication of this type of case will be handled in a similar manner through the entire Province of Manitoba.

Other matters contained in the bill deal with administrative reports and the making of returns and the disposition of fines and costs by provincial judges, magistrates and justices of the peace largely carried forward from the provisions of The Magistrates Act.

Mr. Speaker, I could go on at some length and compare or contrast what is proposed with legislation elsewhere, but I'm sure that the honourable members will appreciate that what is being advocated here is being proposed after a careful review of what legislation is in being elsewhere.

I could briefly indicate that recently the Federal Parliament enacted new provisions in their Judges Act which sets up similar provisions in respect to the dealing of complaints arising from some conduct of or incapacity of the judiciary and they have a judicial council but it is composed entirely of judges.

In Ontario a similar situation exists where the judicial council is composed of the Chief Justice of Ontario who is Chairman, the Chief Justice of the High Court, the Chief Judge of the Provincial Courts, Chief Judge of the Provincial Courts, criminal division and family division, and the Treasurer of the Law Society of Upper Canada, and not more than two persons appointed by the Lieutenant-Governor-in-Council.

Now our Act really in some areas is unique in that it does place much greater emphasis on a public application and a public involvement in adjudication of problems involving the judges at this level, this section of the judiciary.

I think with those few brief remarks, Mr. Speaker, I can warmly commend to the members of the House this piece of progressive legislation.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, I would like to move, seconded by the Member for Gladstone, that debate be adjourned. --(Interjection)-- Oh no, oh no you don't.

MR. SPEAKER: Order please.

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

MR. SPEAKER: On the proposed motion of the Honourable Minister of Industry and Commerce, Bill No. 92.

MR. EVANS presented Bill No. 92, An Act respecting Certain Former Employees, now Deceased, of Moose Lake Loggers Ltd., for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister.

MR. EVANS: Mr. Speaker, this is a very brief bill as members may note by examining it. As honourable members of the House may know there was a very unfortunate accident in the Moose Lake logging operation and in order to provide for adequate compensation for the families of the victims of the people who unfortunately were affected, we are providing by means of this Act that the deceased persons shall be deemed to have been workmen within the meaning of the Workmen's Compensation Act. And as I stated a minute ago, it is a matter of simple social justice that this bill entails, and I would trust that it will receive the support, unanimous support, of all members of this House. Thank you.

MR. SPEAKER: The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): Mr. Speaker, a perusal of this bill suggests its intent. I thank the Minister for his explanation. It's obviously being brought about to bring relief to families of three persons who lost their lives whilst employed. It has the effect of providing subsistence as I understand it through the Workmen's Compensation Board, if this bill is approved. Our Party, Mr. Speaker, has no hesitation in lending its support to the contents of this bill.

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

MR. G. JOHNSTON: Mr. Speaker, I move, seconded by the Member for La Verendrye, that debate be adjourned.

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

MR. SPEAKER: On the proposed motion of the Honourable Minister of Industry and Commerce, Bill No. 93.

MR. EVANS presented Bill No. 93, The Clean Environment Act, for second reading. (Recommended by His Honour the Lieutenant-Governor)

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister.

MR. EVANS: Mr. Speaker, I intend to make only very brief introductory remarks to the bill. I know there will be ample -- there may be considerable interest both in second reading and at committee stage, and there will be perhaps much discussion on it, because it is very vital piece of legislation. This bill -- if the honourable member would take the opportunity to read it he would understand that this bill provides a new thrust, an expanded thrust, a stepped-up thrust, a forward thrust, as my honourable friend suggests to me, in the whole area of environmental management. We believe that with the bill before members of this House that the passage of it will enable the government through the Environmental Management Branch, and with the assistance of the Clean Environment Commission, to make much greater strides in the future towards insuring that we live and our children and their children are able to live in an environment which is clean, which is suitable, which is healthy, which is adequate for the quality of life, the high quality of life and living we desire in the Province of Manitoba.

The policy intent of the Act was announced in the Speech to the Throne at the opening of this session, and we have in effect given flesh to this policy in this bill by the reformation of the Clean Environment Commission with a full-time chairman to act as a quasi-judicial decision-making body.

The establishment of an environmental management division in the Department of Mines, Resources and Environmental Management for the purposes of implementing strong programs to manage our environment.

Finally the establishment of an environmental council representative of the citizenry of the province whose duty it is to advise the Minister of the kind of environment that Manitobans want.

Experience gained, Mr. Chairman, in the past by the Clean Environment Commission and the establishment of the new agencies with clearcut responsibilities in connection with the environment have clearly indicated a necessity for the presentation of a new Clean Environment Act as we announced in the Speech to the Throne.

The new Act while essentially preserving the Commission provides greater responsibility to the Minister and to the government, placing responsibility where we believe, Mr. Speaker, it should properly be.

(MR. EVANS cont'd)

The new Act also provides for the avoidance of any implication that pollution is being licensed, permitted or allowed, and it will give the opportunity for the new environmental division to carry out its program.

The Act enables a more simplified appeal procedure, although the penalties under the Act will be increased.

There will be provisions for the simplification of the Clean Environment Commission's work, and a provision for the commission to require the cleaning up of environmental damage, or for the Minister to do so under emergency situations.

Finally there is a provision for the commission to include in its annual report a report -- and I use this as a proper title -- A Report on the State of the Environment in Manitoba, that of course will be brought before the Legislature each year.

The changes that have been made, Mr. Speaker, have been dictated by experience and fall in with the general trend in other jurisdictions in Canada and elsewhere. I could indicate perhaps in more detail the major thrust of the bill. I tried to highlight very briefly but because of the honourable members' interest let me go to a little more detail. First of eight major new thrusts,

1. To assign responsibility to the Minister for supervision and control of the environment, as per noted in Section 2, Subsection 1, rather than the Commission which was formerly the case. And this, Mr. Speaker, will clearly indicate responsibility where responsibility should lie, and that is within the Department of Mines, Resources and Environmental Management. Responsibility lying with the government very clearly and properly so.

2. To avoid any implication that the Commission is permitting, allowing, or licencing pollution, or contamination, by replacing the licencing procedure, by the setting up of limits or standards.

Third thrust to enable limits or status to be set related to the discharge of contaminence by order of the commission or in the form of regulations.

4. To avoid the necessity for those operations that fall within the regulations to come before the commission. This provision, Mr. Speaker, will enable the environmental management people in the department to administer regulations as part of programs for environmental management.

5. To enable the Minister to establish advisory committees such as the Environmental Council, I mentioned earlier, and to provide for the expenses as required thereof.

6. To enable the Minister to direct the Commission not to investigate a matter if this is deemed to be in the best interest of the public of Manitoba.

7. To enable the Lieutenant-Governor-in-Council to restrict the number of industries, operations, etc., in the province. This I would point is in Section 13 (2) and when we get into the Committee stage, this will become clear that there is an obvious area within the province, there's obvious sections of industrial activity, where certain restrictions should be applied in order to enable the Clean Environment Commission to cope with other areas of the province, and other industries, as deemed advisable, and as requested by the people of the province.

8. To allow for appeal through the Minister, and the Minister may on receipt of the advice of the Municipal Board and with the approval of the Lieutenant-Governor-in-Council bearing the commission's order if this is seen to be the case.

Well there are many other changes in the bill, Mr. Speaker, which I could take ten or fifteen minutes additional time to explain, such as the better definition of contaminence to remove ambiguities of what we refer to as contaminence whether it be noise contamination, odor contamination, or what have you. We could refer in a lot of detail - I don't think I should at this time - but we could refer in some detail to the increase in the size of fines for example in one section, Section 7, fines will be increased from \$100 to 1,000 in some cases, and from 500 up to 5,000 dollars in other cases.

There are other provisions such as provision for a larger annual report, an expanded annual report which will include a list of regulations made during the year. And I think all members of the House should be interested in this particular provision because it will provide them with more information on the state of the environment in the Province of Manitoba.

I might add too as another detail, there is some provision for the delegation of powers to the City of Winnipeg in conformity with a similar section in the City of Winnipeg Act, and there is provisions for appeal against a decision of the City in the same way as there is an appeal against the order of the commission itself.

(MR. EVANS cont'd)

Well, Mr. Speaker, I refer to these as some of the details that one could discuss at some length. I do not suggest that I go into the detail at this time but to leave this for the committee stage. I would simply state that the passage of this bill will take us a long way in an administrative fashion to deal with the problems of improving the environment of the province. It will enable government to take action much more quickly, much more effectively, in dealing with problems of pollution wherever they may arise within the boundaries of our province, and in whichever industry, or in whichever individual or collective activity of our citizens. I think it's in tune with what the people of Manitoba want and I trust therefore, Mr. Speaker, that the members of this House will give it their hearty support and see to it that it is passed expeditiously as possible so we could get on with the job of improving our environment.

MR. SPEAKER: The Honourable Member for Lakeside.

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

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

MR. SPEAKER: Proposed motion of the Honourable Minister of Labour. Oh sorry, 94. The proposed motion of the Honourable Attorney-General, Bill 94.

MR. MACKLING presented Bill No. 94, An Act to amend the Legal Aid Services Society of Manitoba, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister.

MR. MACKLING: Mr. Speaker, Section 4 of the present Act, the Legal Aid Services Society, provides that the Board of Directors shall consist of nine persons, four of whom shall be selected from a list of seven solicitors submitted annually by the Law Society. In the case of vacancy among legal members of the board the requirement the list be submitted annually, could from time to time leave too restricted a list from which to choose replacements. It is therefore proposed for practical purposes that the legal members of the board be chosen from a list of seven solicitors submitted by the Law Society as requested, rather than annually.

Section 8 of the present Act deals with the employment of area directors under the legal aid plan but at present restricts the employment of area directors on a part-time basis. It is felt that some of the areas may require a full-time director and accordingly the restriction to part-time employment is removed.

Section 20 of the present Act provides for duty counsel under legal aid system to service in Magistrate's Courts for the purpose of advising persons charged with criminal offences, or who are detained, or under arrest, so that matters such as bail can be dealt with without delay.

The amendment proposed in this bill would permit a wider use of duty counsel in civil as well as criminal matters. For example it is anticipated that if legal aid counsel were appointed in connection with divorce matters, there is no reason why one duty counsel could not attend at court in respect of several cases. And I might say, Mr. Speaker, that this has been found to be an expeditious solution in the Province of Ontario where with this one simple change they've been able to effect considerable savings in their legal aid programs dealing with legal aid for divorce matters.

At present, the Legal Aid Services Society of Manitoba Act provides that Law School graduates in the Bar Admission Course may furnish assistance to solicitors in respect of legal aid.

The Act also prescribes by regulation that graduates at law may be employed in neighborhood legal aid centres.

The present amendments before you would permit the Legal Aid Service Society of Manitoba to provide financial assistance to legal aid projects undertaken by undergraduates in the faculty of law in any manner not inconsistent with the Law Society Act.

The amendments also provide that the Legal Aid Society might make use of undergraduates at law to assist in the work of the Legal Aid Services Society.

These amendments are straightforward, are designed to facilitate the sound administration of the Act and the program which we are hopeful will be full and flourishing later on this year and will bring to the citizens of Manitoba a much greater equality before the courts of this province.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, I'd like 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: Proposed motion of the Honourable Minister of Labour. Bill 96.

MR. PAULLEY presented Bill No. 96, An Act to amend the Hairdressers' Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, I think this is one of the most profound bills that has been introduced into this House since the commencement of the session back in March. And it is introduced in deference to Women's Lib, Human Rights Commissions, and the likes of that. Because it appears to me that someone took time out to scrutinize Manitoba legislation and they found in the Hairdressers' Act reference to a situation that a hairdresser could only perform functions with a female's hair, or a male under the age of seven. And it was drawn to my attention that this may be construed as being discrimination and that many of our males, and some on either side of the House, who have their locks down to their shoulders, or below, could not go into a hairdresser's emporium in order to be shampooed, or their hair trimmed, or the likes of that. I have noted, Mr. Speaker, some of my colleagues on this side of the House are absent at the present time, who may desire to go to a hairdresser to be trimmed, and I also am knowledgeable of the fact, I believe, - and I'm saying this in affection and not derogatory - that the incoming Member from Wolseley also has his hair down rather low, that he may want to go to a hairdresser, a female, in order to have a shampoo or be clipped. And the purpose of this Act therefore, Mr. Speaker, is to allow that there shall be no discrimination insofar as the performance of work with a hairdresser. We are removing, we are removing the seven year old restriction for a male, and making it even for a person of seventy or over, be he male, he may go to a hairdresser, and as I said earlier have a shampoo or really be clipped. Now that is the purpose of this Act, Mr. Speaker, I recommend it to the House.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSON (Morris): Mr. Speaker, apparently the explanation given by the Minister is always in inverse proportion to the importance of the bill. The Minister of Industry and Commerce introduced a very complicated and far-reaching bill and decided that it should require only a very short explanation. But we are very happy to see this and we've been awaiting with eager anticipation this manifestation of the forward-thrust of this government in the introduction of this legislation. And whoever it was that perused the Hairdressers Act and noticed this grave anomaly should be commended by the Minister, because I am sure, I am sure that the hairdressers themselves without a proper profile are having difficulty these days in determining which sex is which. This is going to make it very easy, Sir, for hairdressers now to be able to accept customers from both sexes without having to go through what must have been a rather painful experience, and embarrassing experience, in determining whether they were operating within the confines of the law, and we are happy to see that this amendment is introduced to remove that difficulty.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, --(Interjection)-- No, no, I think this is the only time that I can agree with the NDP labour laws that have been brought in so far.

MR. SPEAKER presented the motion.

MR. SPEAKER: Order please. Oh, I'm sorry. The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, if I may close the debate I'm very deeply appreciative of the members of the House for their co-operation in this most important piece of legislation, and I want to assure my friend the Honourable Member for Morris that the person that drew this to my attention has been adequately compensated for the suggestion and I do appreciate his remarks as to in this day and age a differentiating between man and woman, particularly when you're looking at them from the back with their hair down to their - beyond their shoulders, and I'm sure that this is one of the most forward thrusts in the Province of Manitoba, and I thank the co-operation of my honourable friends.

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

MR. SPEAKER: Proposed motion of the Honourable Minister of Labour. Bill 97.

MR. PAULLEY presented Bill No. 97, an Act to amend the Barber's Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: This is slightly different, Mr. Speaker, than the previous Act. I find that under the Barbers Act there never has been a definition of what a barber is, and so one of the purposes of this Act is to clarify that.

The other is I think far more important, and that deals with the right of the barbering profession to regulate their hours of work and their days of closing within the respective municipalities in which they carry on their business and their occupation.

We find that under the Shops Regulation Act there are provisions whereby certain classes of merchants or professions on petition to a municipal council can request by the petition that the hours of work, shop closing and the days of closing will be established in respect of that particular section of industry or enterprise within the municipality.

I think honourable members, Mr. Speaker, will agree with me that it is getting more difficult all of the time to differentiate by what we mean by a trade or a calling in regards to shops these days. With the advent of supermarkets and the likes of that we no longer know what a drug store is; we no longer know what a grocery store is as was at the time the original Shops Regulation Acts were enacted. We do, however, know that by and large a barber is still a barber. But because of the complexity of our shopping centres and the likes of that, difficulty has been encountered by the barbering profession to have any semblance of regulation within their calling.

The purpose of this Act, the part as I indicated, Mr. Speaker, a moment ago, of a definition of a barber, is to give to the barbers under the Barbers Act rather than the Shops Regulation Act the right to circulate a petition within their profession or calling to apply to a municipal council for regulation. And the provisions contained within this Act are to the extent that where two-thirds of the barbers - who incidently, Mr. Speaker, are licenced through the Department of Labour - that where two-thirds of the barbers in a given municipality apply to a municipal council for control by a by-law of their hours and their days of work, that municipal council must pass such a by-law and give to the barber concerned control over their hours of operation in total. And similarly, Mr. Speaker, provision is contained within this Act, or the amendment to the Barber's Act, that where a municipal council on petition by the barbers - again two-thirds which I think is a substantive majority - that where a municipal council passes a by-law that by-law cannot be repealed or altered unless upon petition of the like number or percentage of the barbers within the municipal corporation. I have found on a couple of occasions at least where there have been violations of the intent of the original Shops Regulation Act in respect of barbers and others as well. But because of the clear-cut definition of a barber, I feel that as the Minister of Labour responsible for the Barbering Act, that it is only fair and reasonable that we should take out of the jurisdiction under the Shops Regulation Act the barbers in order that they may have some semblance of control over their hours of work.

I think all members of this House, I hope all members of this House would agree with me that we've gone away from the day when we can have unregulated hours of work of the individual. In our labour legislation, Mr. Speaker, we have attempted to do this - and by agreement generally by successive Legislatures of the Province of Manitoba. And here, I suggest in this Act or the amendments to the Barbers Act that I am proposing at this time is a methodology whereby the barbers themselves, by a substantial majority, two-thirds, will be able to regulate the hours of work and the days of work in their profession. I have had a number of meetings with the Master Barbers Association and their executives and I pointed out to them that there may be some apprehension that people will not be able to get their hair cut due to their particular hours of work and the likes. However, I have been assured by the Association that these matters have been given consideration.

Finally, Mr. Speaker, I suggest that the type of an amendment to the Barbers Act that I am proposing at this time is only fair and reasonable in that the profession, or tradesmen if you want to call them that, will have some semblance of control by a substantial majority insofar as how they operate within the respective municipalities. I realize that insofar as the Shops Regulation Act, many municipal councils -- and of course at one time, Mr. Speaker, I was a member of a municipal council -- that there have been some differences of opinion as to regulation within the municipality. --(Interjection)-- Pardon? It all depends on the type of municipal council, I would say to my honourable friend. I know that there have been difficulties - I know, Mr. Speaker, that there are difficulties under the Shops Regulation Act today due to the change in the trend of shopping centres and the likes of that, to decide what a barber is - not a barber we know what a barber is - what a drug store is, what a grocery store is. Because you

(MR. PAULLEY cont'd) can go into a drug store today and buy groceries. And I guess you can go into a grocery store and buy drugs of a certain category.

Basically again, Mr. Speaker, this gives to this profession - and I suggest that it is a profession - some semblance of control of their members. And it can only be controlled by, as the amendment suggest, two-thirds of the membership or the number of the barbers within any given municipality. I recommend this to the House.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, the Minister has given a full explanation of the intent of this legislation. In the first instance, it is intended to set up a definition for a barber. The Minister understands that, the people I presume that drafts the bill understands what the definition of a barber is. I hope now that some of the barbers I've gone to understand what the definition of a barber is as well. I sometimes wonder with some of the barbers that I've gone to. But essentially, as the Minister has outlined, the intention of the legislation is to give to the barbers themselves some means of regulating the hours upon which they work. I hope that this is not going to be taken as an occasion to the barbers to determine that the only people to be considered are the barbers themselves; we hope that they will use this occasion to ensure that their shops and their facilities will be available to customers when customers want them most.

The Minister mentioned shopping centres. I can't think of a better thing to do than - and I'm sure that many husbands are in the same position, when you are on one of those enforced shopping sprees with your wife - to be able to find some excuse to get out of that trip by going to a barber shop. I hope the barbers themselves are aware of the great potential that is available to them in giving haircuts or trims or shampoos whatever the case may be, to many many people who may not want that but will use it as a means of getting out of shopping as a lesser of the two evils. I hope that barbers themselves are aware of the great future that's in store as a result of the passage of these amendments, to enable them to have better control over their own industry.

I don't think that anyone could have any serious objections to passage of these amendments and therefore we're prepared to allow them to go - and if there are any objections they will perhaps manifest themselves in Law Amendments Committee if the Barbers Association themselves choose to appear before that committee and submit whatever arguments they may have. In any case, I can't see any reason to hold them up here in the House. If there are going to be representations made in Law Amendments I think this would be the proper place to make any changes that they may wish to have.

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

MR. G. JOHNSTON: Mr. Speaker, a few brief words on this great - another great piece of legislation by the Minister? I wonder if the Minister could tell us whether a person who gives shaves is a barber. Mr. Speaker, I was wondering if the Minister when he closed debate could tell us if a person who gives shaves would be known as a barber. Perhaps that term should be used in the definition. And also, I had the unfortunate experience of going to a barber once on Colony Street and I never went back because he tried to sell me a wig. So should that be in the definition, that a barber can merchandise certain accouterments, if that is the word, or appliances or whatever is the proper terminology.

So I point that out to the Minister for his consideration. When his high-priced help was hunting through the bill for something he could find such as on the hairdressers bill, I'm surprised that person didn't look at the Barber Act because I know the Minister has a great regard for the Women's Lib movement --(Interjection)--

MR. SPEAKER: Order, please.

MR. G. JOHNSTON: I wouldn't want the Women's Lib to be down my honourable friend's throat when they read Section 5 of the Act. And it says - and I refer only to the second and third last lines, and this is talking about a candidate to apply to the Department of Labour. And it says: "and after "he" has passed the examination", so perhaps the Minister could amend that section to say "he" or "she", because he's practicing the rankest type of discrimination by only using the word "he". We shall go along with the bill.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, I want to be very brief on this but I want to bring something to the Minister's attention. I think the barbers in the area that I am most familiar with have now moved to the Minister of Labour for legislation of this kind because the local

(MR. F. JOHNSTON cont'd) councils have not gone along with renewals of regulation which presently many barbers have had in many areas. And that is a two-third majority will decide who will be open and when they won't be open.

In the City of St. James-Assiniboia, Sir, when I was an Alderman we had this and just before last leaving council last year we did not approve the barbers request, for one reason. We found that although two-thirds were agreeable to this type of legislation, we found that certain men suffered and actually went bankrupt because of it. And the Airliner Hotel is one example that I will give. The man has a very large investment in barber equipment; there is not that much residential in the area, Sir, and the barbers in St. James-Assiniboia decided that they would be closed on Monday. Saturday is not a busy day in that Hotel, there's not that much residential, but Monday was his busiest day because of the travellers who arrived who wanted to have haircut, shoeshine, etc., and Monday was very very profitable day for that barber. And then he had his regular clients during the week. But because of that legislation, we had on two occasions barbers go broke in that hotel who used to appeal to us regularly, why do I have to close up on the best day for myself and stay open while I sit there all day and do nothing.

So I think, Sir, that there has to be very great consideration; it's all very well for two-thirds of the barbers to say, we want to close Monday or we want to close Friday, but there are men who have investments at the present time, the investments are there right now that when this decision is made will have a very large affect on them and I think that has to be considered when this bill goes to committee.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I would like to ask the Minister, from the representations that he had requesting legislation of this type, how much of that was from rural areas, or was it mainly from the urban areas that this request came forward?

If this is a request from the barbers in general I don't take exception to it then. Others who have already spoken have mentioned some points that I feel that the bill could be amended and I do hope that the barbers generally are made aware of this bill being before the House and before Law Amendments so that they can make representation or at least make their views known to the members of this House.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Speaker, again very briefly, my concern is also with - not I believe, at least to the barbers I have spoken to, I don't believe that there is any problems there. Of course someone may just say that a barber is now forced to stop working if he wants to or not, but I think the Minister brought that point forth quite clearly, that we are living in different times and naturally the kind of hours are not expected that used to be expected even in the rural areas. I am a little bit concerned when he said that there's two-third majority if it was brought before the municipal corporation. I was wondering what would happen in the case of a village or a town that perhaps have their own boards and want to set their own rules. I have a feeling that he would be referring to that village or that board have the authority since I'm sure that the municipality would not want to overrule the wishes of that village or town. So I wanted to bring that point up.

I must agree with the Honourable Member for Sturgeon Creek. We had a very similar experience in the Town of Steinbach a couple of years ago. It's surprising though, if people get hurt enough they usually turn back to what had happened before they started changing rules, and waited a few years and afterwards when the time was ripe they changed back to decent hours and it's working out fine now. But sometimes in the rural areas it's pretty hard to just tell the farmer how you adhere to exactly these conditions. I think that was the concern of the Member for Morris when he mentioned the fact that as long as the barbers realize -- I think we all realize that they are special or perhaps even professional physical labour, whatever you wish to call it -- I think they are part of a community that all of us need, in fact a lot of us perhaps need more often. But in the meantime I wanted to bring this point up, I hope that that village, that town has the authority to make that decision and not necessarily the municipality only.

MR. SPEAKER: The Honourable Minister of Labour shall be closing debate.

MR. PAULLEY: Mr. Speaker, I want to thank the support that apparently we have for this legislation, or the barbers have for this legislation. As I indicated, I'm bringing it forward at the request of the barbers themselves.

The Honourable Member for Rhineland wanted to know how much support has been given

(MR. PAULLEY cont'd) by the rural representatives of the barbering fraternity or profession or whatever you wish to call it, Sir. First of all, representations were made to the Honourable the Minister of Municipal Affairs, my name sake the Honourable Howard Pawley, in respect of the Municipal Act and because of the complications that I indicated as to the change in trend under the Shops Regulations Act it was suggested that maybe under the Barbers Act this could be more properly legislated for, that is the request of the barbers themselves. The result was that a meeting was held, or a number of meetings held -- there is such an organization in Manitoba as the Master Barbers Association. A meeting was held just recently in the auditorium at the Norquay Building attended, I understand, by about some 400 or so barbers from all across Manitoba. There were representations from Thompson, from Dauphin, from Brandon, Portage la Prairie - I believe Steinbach, Altona, and other areas as well, and it was the almost unanimous decision, so I am informed, and I take people's word for what they tell me in cases like this, that it was almost unanimous that this type of legislation should be put forward for the consideration of the Assembly at this particular session. All I can say to my honourable friend the Member for Rhineland, I'm sure that representatives of his constituency were there, how many I don't know I can't tell him precisely.

Now then the Honourable Member for La Verendrye raised the question about control over the board or the board controlling the local council if I understood him correctly. The legislation said, and I think very very clearly, Mr. Speaker, that on application of two-thirds of the barbers within the municipality, the municipality shall pass by-laws accordingly; there will be no exterior control over the barbers within any given municipality. And my honourable friend the Member from La Verendrye living in the Town of Steinbach I'm sure will appreciate that in order for that by-law to apply within the Town of Steinbach it will require two-thirds of the barbers within Steinbach to approach the local council for the passing of a by-law. So the control, Mr. Speaker, I suggest is not external but internal in respect of each of the municipalities.

I think they were the general questions that were raised. The Honourable Member for Sturgeon Creek raised the question as to the availability of services and the attitudes of local councils in respect to the by-law, and I can understand my honourable friend when he talks of the difficulties. The only answer I can give to my friend from Sturgeon Creek, who better, or who should know better as to how they should operate than the person concerned, in this particular case the barber. I wouldn't as a railroader or former railroader suggest that because I happen to be a member of a municipal council that I should have the final say of control over how a business entrepreneur should operate as far as hours of work is concerned. I would suggest that they should decide that, with all due reason, and that, Mr. Speaker, is the whole purpose of this act or amendments to the Barbers Act that are being introduced.

Again in conclusion, Mr. Speaker, I want to thank the honourable members for their contributions regarding this bill. I'm sure that the barbers of Manitoba will be deeply appreciative of the general support that apparently is evident here this afternoon for them so that they don't have to work long hours in order to make a reasonable living or a reasonable return for their investment in their equipment, and so on and so on.

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

MR. SPEAKER: The Honourable Minister . . .

MR. PAULLEY: I wonder, Mr. Speaker, whether instead of calling Bill 99 at this time, that you would call Bill No. 49, the adjourned debate on second reading standing in the name of the Honourable Member for Inkster.

MR. SPEAKER: Proposed motion of the Honourable Minister of Tourism and Recreation. The Honourable Member for Inkster.

MR. SIDNEY GREEN, Q.C. (Inkster): Mr. Speaker, I rise to speak to this bill for a particular reason. Ordinarily and especially during the past ten years I think that a bill to incorporate a cultural centre which reflects the French fact in Canada would go by rather unnoticed and with the approval of, I am sure, an overwhelming majority of the members of the Legislature. This was not the case I don't think some ten years ago and I think that it would be interesting for the moment - and for reasons which I'll indicate in a moment - to reflect a little on the history of this type of recognition for a centre such as is proposed in this bill.

Mr. Speaker, during the last six or seven months, during the time when debate has been rather heavy in connection with the recognition or the attempt to obtain financial assistance for the support of parochial schools or schools which are based on the perpetuation of a particular

(MR. GREEN cont'd) culture or a particular ideology, has not been the case that my views have gone unnoticed in this connection. And having been to some extent in the forefront in opposing any extension of public financial support to religious teachings or schools based on racial separation or ideological separation, I found that a curious thing occurred -- at least I found it curious insofar as myself was concerned -- because although I had generally been of the impression that people had regarded me as being a person who has a great deal of respect for the different ethnic groups in our society and one who wishes to do as much as I can to encourage that character of our society which militates in favor of each of us having a mutual respect for the other of us, not in spite of us but more as a consequence of our differing backgrounds, I found it rather hard to understand how people would use my particular position on the school question as somehow singling me out as being against the respect which is afforded or which we should be affording to each other in terms of our background and have chosen to use my position in this connection to identify me as somehow being less than tolerant insofar as cultural groups are concerned.

Mr. Speaker, the first time I ran into a bill of this kind was when I joined the Metro council in 1962, I believe I sat on Metro council starting on December 26th of 1962. I continued to sit on that council until November of 1965. And as a member of council I was on the Grants Committee, and in the Grants Committee requests were received from various groups for grants. I can remember a grant being requested from the Winnipeg Symphony, from the Royal Winnipeg Ballet, from different groups, and then there was a grant requested from an organization called Cercle Moliere, and when that particular grant was discussed -- and I'm not going to name the other members of the committee because I consider it irrelevant -- but it was immediately and without almost any debate, attempted to be turned down on the basis that Cercle Moliere was an ethnic organization and that the Metropolitan corporation of Greater Winnipeg as an overall Winnipeg organization and that it could not start giving out grants to the different ethnic and racial groups insofar as their particular cultural activities were concerned.

Mr. Speaker, I remember the astonishment on the faces of the other councillors when I said "how do you characterize Le Cercle Moliere as an ethnic organization?" And they said, "Well, it's a French Theatre." And I said, "well do you consider French not to be a Canadian language". And the answer I got at that time, Mr. Speaker, was that that was decided in 1759 - or 1763; that that question was decided in 1763. That the Battle of the Plains of Abraham proved that this country was not in any way a French country, that it was an English country.

Mr. Speaker, at that time I said that I thought the Battle of the Plains of Abraham the decision in 1759 was that Canada would be divided into two provinces, one Upper Canada, one Lower Canada; that the guarantee was that the Canadian culture would always include the French fact. And, Mr. Speaker, when I was saying that, I want to assure honourable members that I was not doing so because I had some particular affinity to the French language. I had about the same affinity to the French language as I had to the English language. My point at that time, and my point now, and my point in the intervening years has been that Canada has a character which is not based on the achievement of a homogenous culture, and that that wasn't something that accrued to the English fact or the French fact, but that is accrued to all of the peoples of this country, and especially it accrued to those minority groups which were neither French nor English. Because in those countries, Mr. Speaker, where we do strive for what is called the homogenous culture, the minority groups have no existence whatsoever and are encouraged merely to become part of the majority group. And nowhere has this national characteristic, that is the characteristic which strives towards homogeneity, nowhere has it reached a more horrendous conclusion than it reached in Germany, where it was suggested that there was going to be a national character in which everybody would be 100 percent Arian. And of course the minority groups under that condition - and particularly my own minority group - did not make out very well. And I have indicated throughout, Mr. Speaker, - and I say that this started in 1962 - I have indicated throughout that not by genius but by accident Canada happens to be a country which was formed on the basis of the joining of different groups rather than the striving for the becoming of one particular group; and that the thing that most valuably distinguishes the Canadian culture from the American culture, or from the French culture or the German culture or the Polish culture that the thing which most valuably distinguishes the Canadian culture is that the Canadian culture is one which in its essence strives not to be homogenous, but strives to confer mutual respect on the part of people for each other. That's what Canadianism is. And it's not particularly because the French fact made it that way, and

(MR. GREEN cont'd) they don't deserve a particular credit; and it's not because the English-speaking fact made it that way, and they don't deserve any particular credit; it happened to be an accident of history. But I say that we are all the beneficiaries of that accident, Mr. Speaker, and I have done everything that I could in all of the years that I've been in public life to try to get the greatest benefit from that accident.

Now it did not stop, Mr. Speaker, in 1962. This House considered in 1967 a bill which talked about using French as a language of instruction in the schools. Mr. Speaker, I have the reports from the newspapers of the day, the Tribune of April 21st, 1967 -- and I'm going over these reports, Mr. Speaker, not in order to bore honourable members or to prove that I was right, I am merely going over them to indicate that what I am saying now is not something I dreamed up today or that I'm saying in response to something. It's a position which I have taken consistently since the first day that I entered political life. And in April of 1967 when the French language of instruction question was being debated in the House the Tribune report ends as follows: "Unanimous approval of second reading came Thursday after Sidney Green, NDP Inkster, said the bill offered ethnic minorities in Canada a long-term guarantee against attempts to eliminate their cultural heritage. With two recognized founding races, Mr. Green said, smaller minority groups can also exist making a contribution to the national fabric but retaining some links with their cultural past. I make these remarks as a member of an ethnic minority. Mr. Green told the House he was Jewish and represented a riding composed primarily of people whose ethnic background was neither of Canada's founding races, English or French."

The fact is that in Inkster constituency, Mr. Speaker, one can find a large sprinkling of almost every population group that make up this country. One can find Ukrainians, Poles, Russians, Germans, Irish, English, Scottish, Jewish, Mennonite, what have you, and I hope that I will not be found wanting for having missed out one of the ethnic groups in going through this proposal. But, Mr. Speaker, --(Interjection)-- I skipped Scandinavian -- there are -- Mr. Speaker, the fact is that the constituency I represent and the locale which I grew up in the northern part of Winnipeg is of that character. It most resembles what I think is the true Canadian character. But I say that its continuance on that basis depends, Mr. Speaker, curiously, not on the recognition of the Jewish culture, the Ukrainian culture or the Polish culture, it's really the recognition that we are not a homogenous culture, and that recognition will not come by attempting to recognize every single culture that exists, it really comes by recognizing that we are not single, and the thing that enables us to do that is the existing of the French and English fact.

So, Mr. Speaker, that is the position I took on that particular bill. I want to read briefly also from the Tribune report of the same day: "Speaking during debate on second reading Sidney Green, NDP Inkster, welcomed the legislation as recognition by Manitoba of the true national characteristic of Canada. He said he regarded the bill in a wider context than the limited objective of achieving greater use of the French language in schools. Since the cultural revolution in Quebec the nature of our cultural characteristics has changed and this province is correct in moving along with this change. He said the many other ethnic groups in Canada could be encouraged by this trend to sustain their own backgrounds and traditions and at the same time contribute to the cultural plurality of our country." Members will excuse me if they notice that I've been having a speech impediment the last few weeks. It's because the dentist has removed a good part of my teeth. Maybe that's why I've lost weight as well; it's not will power, it's lack of power to eat. "We can thank providence for the accident of Canadian history which not only gives something to the French and Anglo-Saxon people but also to the other cultural minorities." Mr. Speaker, that was on the speech relative to the use of the French as a language of instruction in the schools. It is the same position that I am taking today.

Mr. Speaker, there were those who thought that this particular position was a damaging political position. I've never believed so, I have continued to believe that what is right is also right politically, but in order to indicate, Mr. Speaker, that that was the case in the 1969 election campaign. At the height of the campaign I was speaking at a nominating convention for the present First Minister of the province in Rossmere, it was immediately after the leadership convention. I indicated at that time what subsequently did take place, that certain candidates from particular political parties would try to attack the New Democrats because we were favouring the language bill. Not because we favoured the mechanics of the bill but because we said that the bill establishes the kind of national character which all citizens of Manitoba could profit

(MR. GREEN cont'd) by; and that some candidates would say that we were attempting to favour the French over the Ukrainian or the Jewish over what have you. That subsequently did occur in North Winnipeg, Mr. Speaker, and the fact is that in North Winnipeg there wasn't a single non-New Democratic Party candidate who succeeded in keeping his deposit in that campaign, in spite of the fact that that was part and parcel of the nature of the campaign.

Now, Mr. Speaker, I want to read again what I was reported as having said on June 10th of 1969. And again I do this with some degree of apology to honourable members for quoting myself but I am doing so merely to indicate to those who want to shout "bigot" that some of the most important steps in my view that were taken to preserve this cultural plurality that people now talk about and taken at times when other people said, don't do it, keep quiet because you're hurting us. Mr. Speaker, that is a fact. People in my own party were urging me not to be so outspoken on this issue because they too felt that the issue wasn't that simple and it was more complicated and that it would hurt us. In spite of that -- and I suppose this is one of my characteristics that doesn't always accrue to my benefit -- in spite of that I continued to pursue the issue. And after the election Manitoba was congratulated nationally for having met this issue head on.

But I want to read what I said on June 10th: "There is no future for my background -- Mr. Green is Jewish -- or for that of any ethnic minority if this country becomes formally and exclusively English-speaking. Canadian nationalism needs first the realization of the dualism in our foundations then the respect for differences rather than an achievement of sameness. If we eliminate our mutual respect for differing backgrounds we eliminate whatever contribution those backgrounds can make to Canadian culture and the French fact, it is the best protector we have for those backgrounds, Mr. Green told 125 people who attended Princess Margaret School."

Now, Mr. Speaker, 1962 was before we heard of bilingualism, it was before we heard of multi-culturalism, it was before the large majority of people ever heard the name Pierre Elliott Trudeau and I only use that to indicate that in 1962 when Cercle Moliere first got -- and the Member for St. Boniface can confirm this -- that in that year it was the first year that Le Cercle Moliere ever got a public grant from a government institution, because it was at that time urged upon the Metropolitan Corporation of Greater Winnipeg that we cannot regard the French fact as being anything other than one of the facts in Canada which makes up what we call Canadianism and that an English theatre in Quebec, and I would hope that the same would be true, that one would not say in Quebec if one was applying instead of for Le Centre Culturel Franco-Manitobain, if one was applying for a cultural centre for English Quebec that I would hope that in a Quebec Legislature one would not say well that is an ethnic group, that's an English group which has no place in the terms of the Quebec characteristic as a province.

I think, Mr. Speaker, that I don't have to overburden the Legislature with this type of talk, I think that there is general acceptance for that position from all sides of the House and from most of the people of this country. What I regret, Mr. Speaker, is that some people would now say that, and attempt to say, that all of these people of diverse backgrounds who should have mutual respect for each other, or who do have mutual respect for each other, cannot have that respect for one another or cannot have their backgrounds respected if they happen to be part of the same school system. And to be called, Mr. Speaker, to be reckoned as somehow being against the cultural minorities in this country because one is against the provision of public funds for the perpetuation of ideological or religious beliefs -- not that I'm saying they should not be perpetuated, I'm saying that the public should not pay for their perpetuation -- doesn't mean that one is opposed to the ethnic groups. I happen to think, Mr. Speaker, that the position that I have taken -- and I'll explain that when we come to the debate on that question -- I happen to believe that the position that I'm taking is done for the protection of the cultural minorities of this country. I happen to think that the provision of public aid to the schools of cultural minorities is the most damaging thing that one can do for them. Now I may be wrong, and others will argue that I am wrong, but I happen to believe that that is so. Therefore I think, Mr. Speaker, that the approval of this bill is something which I do because I believe that it doesn't -- and I'm not concerned -- it's not that I am concerned with helping the French-Manitobain, I'm interested in helping the people of this province which include the people of my ethnic background and which include the people of the many ethnic backgrounds of those who constitute the Inkster constituency. And when I say that, Mr. Speaker, I am not a dreamer. I don't accept the fact that we are living in a cultural mosaic and that you will find distinct cultural

(MR. GREEN cont'd) patterns amongst the people of Manitoba; that you'll find a Ukrainian group wearing one kind of clothes and talking one type of language and you'll find a Jewish group wearing a different type of clothes and talking a different language; I think that culturally, accept it or not, we are generally of a North American pattern and that we live generally as North Americans do, that we will not have distinct cultural differences. There will be heritages that are brought forth from time to time to recall cultural differences, but that the only basic difference which this Canadian characteristic gives us is one that we respect each other's differences, we respect each other's backgrounds, and we don't urge on each other that you are not one of us unless you conform to a particular standard.

Mr. Speaker, I think that that kind of Canadian character is retained by emphasizing the French fact in this province. I think that the emphasis of the French fact in this province doesn't accrue to the Frenchmen -- I'm not of French background and I'm more interested frankly in those of my own background than I am of the French background. But, Mr. Speaker, I say that it's to the benefit of all of the peoples of this province of whatever background we come from that we not strive towards a homogenous culture, and I say that if it happens accidentally to be the English and the French which protects us from this drive to homogeneity, then I will not only accept I will try to further it.

When I spoke on the French language six years ago I indicated, Mr. Speaker, at the time -- and I can go back to Hansard, I won't -- that there will be a time when I will be able to speak this other Canadian language. And I reprimanded, Mr. Speaker, the previous government for having brought me up in a French-English country and taught me to speak only half Canadian, that that was a defect on our part and I said that I'm going to make up that defect. Well, Mr. Speaker, I think that I've come a long way towards making up that defect and I'm not quitting. And not, I repeat, because I am interested in a French cultural centre, it's because I'm interested in maintaining and preserving a character of Canadianism which I believe, Mr. Speaker, has to work. Because if Canadianism of that kind can't work how much bigger a problem do we have in making the world work which is composed of many more, and many more diverse and much more diverse, different cultural characteristics and diverse backgrounds. We can make it work in this country and hopefully -- and in this respect I'm a religious man -- I hope we can make it work in the world. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Crescentwood have a question?

MR. CY GONICK (Crescentwood): A question to the Member for Inkster. Would he also agree that there should be public support in the form of aid, and I presume that there is aid that will be attached to this, to Yiddish cultural centres and German cultural centres and Ukrainian cultural centres?

MR. GREEN: Mr. Speaker, I believe that . . .

MR. SPEAKER: Order, please. Again I must indicate that all honourable members have an opportunity to debate the question. Our rules are pretty specific that it opens up a new area of debate. The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I recognize a difference in Canada in the French and English languages as against the other languages; and I say that the English and French languages have a particular status, that those status have to receive official public support; and that the others receive support from their own groups, and participate by the way -- and participate in Le Centre Culturel Franco-Manitobain and the Centennial Centre on William and Main. There are many Jews, Ukrainians, Germans and others who participate in those forums and receive in their participation whatever public support is given to the group. But I am not, Mr. Speaker, interested in setting up -- others may be, I am not -- I am not interested in setting up an entire system of grants for every ethnic group that exists in our society.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, I choose to make a few remarks on this bill at this time. In doing so, Mr. Speaker, I believe that it's the kind of a bill that one may find different positions being taken by different members on both sides of the House although it would be my hope and my wish that that would not be the case, that indeed we would be able to approach this with a degree of unanimity on all sides of the House because I rather suspect that a good portion of the remarks just made on the bill by the Honourable Member for Inkster are very appropriate and indeed perhaps much better than I can express a fact that is all too often buried, unrecognizable because of the involvement or the introduction of emotional arguments into this kind of situation. Or indeed, Mr. Speaker, the kind of confrontation or appeasement positions that are put forward or as being suggested for certain actions being taken by the governments from time to time. I believe that it's not an unfair comment to make that by and large all too often when a bill such as this is advanced in a Legislature in the predominantly English speaking west, or any predominantly English speaking portions of Canada, that it is considered by many to be an act of appeasement in some form or other. I want to assure you, Mr. Speaker, that I don't regard it that way, and I would hope that most members of this Legislature don't regard it in that way.

I think, Mr. Speaker, that the description the Honourable Member for Inkster gave with respect to our basic difference from so many other nations of the world in that we do not seek a homogenous sameness of grouping or culture, is perhaps as best a definition of Canadianism as we're going to hear for some time. I also recognize, Mr. Speaker, that it is an argument that needs to be made with a great deal of clarity and straightforwardness because it can be misconstrued and found unacceptable quite readily by many groups who look upon the situation usually in terms of percentage figures, how large is our group in this part of the province, how big is the influence of that group in that part of the province, and forget the history and the total situation that we have in Canada.

I find myself not necessarily entirely in agreement with the Member for Inkster with respect to his judgment that we arrived at this state in Canada by an accident of history. I think the conclusions are the same but whether or not it was an accident of history at that time perhaps astute and deliberate judgment on the part of a minority group that found itself in a position of authority over a majority group, and I take my hat off as I often have done to the diplomacy of the British, particularly in those days, who found themselves not necessarily motivated for the noble reasons that one may wish to attribute to them now in hindsight, not necessarily for those reasons that we can now say it was a wonderful accident of history that makes us in Canada somewhat different and apart, and indeed provided us with a unique example or model to the rest of the world in terms of shying away from that drive thrust for forcing everything into a common mold, into a homogenous grouping as being the only way towards the development of a nation. I would suspect that at that time it was a question of sound politics and not merely an accident of history. Well maybe an accident that way that brought that about.

Mr. Speaker, the facts or the concept that recognition of this single fact, and that includes that 50 percent of the fact, the French fact, that the concept of the kind of umbrella protection that that gives to all ethnic groups within this country in my mind is very evident. I suggest to you, Mr. Speaker, that the difficulty is that we have in all too many instances failed to have, failed to have made that point with all too many of our fellow Canadian citizens.

I also suggest, Mr. Speaker, that proponents, or those who would support this bill, speak toward this bill, on the basis that we are now doing this for the French community, of the French culture, and that we would certainly want to be in a position to do this for the Ukrainian culture next, or the German culture next, or the Italian culture next, or something like that, are again essentially misleading the public and somehow attempting to make it easier to adopt this bill because of their limited concept in why we are doing this, and why it is important we are doing this.

Mr. Speaker, unlike, or like the previous speaker, I too come from an ethnic minority not of the founding races of this country. I appreciate very much the kind of unhindered and by and large freedom that we enjoy as such, and it is of course made available to us largely because of the pressure of sameness isn't upon us here in Canada as much as it is in most other countries of the world.

Mr. Speaker, the question was brought in by a circuitous route with respect to the possible relationship that the previous speaker had on this matter with his position on the aid to

(MR. ENNS cont'd) private and parochial schools question. And without contravening any rules of the House, allow me to bring in the same question in the same manner. I can just about make the same argument in aid of private and parochial schools, cultural or ethnic schools, and using the same arguments that were advanced so nobly by my colleague and friend from Inkster that the value that this position that we have in Canada to our background is that it makes it possible for us to respect and to nurture various cultures and ethnic groups within our non-homogenous society. And I have to say to you that this has not happened by accident either, these various cultures and ethnic backgrounds do from time to time need some support in their attempts to maintain their cultural identity, and my arguments could be said that if we recognize that in a national concept, and I think we do and the Member for Inkster does, then can the argument not be advanced that we should not be aiding financially those institutions that feed that stream of cultural activities and thought, create those leaders and teachers and musicians or crafts' people, or something like, that we at least have a tendency, or further those propagate further the history and the heritage of those cultures that we think are making a contribution to this country. Because, Mr. Speaker, I'd suggest to you that if we fail to do that, then again by accident, or by neglect, we will become a homogenous society not necessarily with the same rapidity, or by design, as it is for instance in some other countries, but I do suggest by neglect.

MR. GREEN: . . . my honourable friend I know that he'll let me ask him a question on this. Would the honourable member not agree that he said, I believe yesterday, or two days ago in one of his more profound moments, that one of the most dangerous things that you can do to the existing ethnic groups is give them money for their separate schools.

MR. DEPUTY SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Yes, indeed, the Honourable Member for Inkster is quite correct, and we've discussed this matter privately and I think we've reached an agreement, but I've said this in the House. So then, Mr. Speaker, the question of course is a matter of degree; the question is a matter of degree and for that reason I welcome the introduction of the Premier's resolution so that we can decide that degree.

Now, Mr. Speaker, I believe I am out of order and I will . . .

MR. DEPUTY SPEAKER: Well I recognize I was a bit lax in allowing the member to stray and perhaps even allowing the Honourable Member for Inkster, but I think that we should get back to the motion that is before the House, Bill No. 49. The Honourable Member for Lakeside.

MR. ENNS: Thank you, Mr. Speaker, I have not a great deal more to say. I wanted to indicate that at least in this particular area in this particular bill that it would be my intention personally to support the measure before us. I feel that it is a question that we have to consider for the arguments that have already been well advanced in the House, both by my friend and colleague the Member for Pembina and also for the arguments advanced this afternoon in the House by the Member for Inkster. Thank you.

MR. DEPUTY SPEAKER: Is it the will of the House to adopt the motion? Agreed. Oh, I'm sorry, the Honourable Member for Charleswood.

MR. ARTHUR MOUG (Charleswood): I beg to move, seconded by the Member for Minnedosa, that the debate be adjourned.

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

MR. MACKLING: . . . call the adjourned debate on Bill 77, please, standing in the name of the Honourable Member from Rhineland.

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

MR. FROESE: Mr. Speaker, it seems we're moving up and down the agenda to a large extent so I earlier expected that it might be called but now I had already decided that it wouldn't. The finance bills that we are considering this afternoon, if we are going to consider the other ones as well, were just brought in around midnight last night and one of them passed second reading without any comment. However I did adjourn two of them in order to examine them and to make some comments on them.

Bill 77 is an Act to authorize the expenditure of monies for capital purposes and authorize the borrowings of the same. And we are dealing here with the new hospital authority, the Manitoba Hospital Capital Financing Authority, that was set up at this session I think by another bill. And the amount asked for here is for \$30 million --(Interjection)-- Pardon? That's all, the Minister for Agriculture says. It might not appear that much but I think the

(MR. FROESE cont'd) Minister of Agriculture should remember that we already passed another bill, Bill 16 which provided for 393 million in addition. So we're bringing up the total to 423 - 24 million roughly. This is a lot of money, Mr. Speaker, that this government intends to borrow for capital purposes, and while the bill I guess is more or less a standard form from that of bills that we have passed of this kind; however there is one provision in the saving clause which I want to make reference to, and that deals with the matter of refunding and renewal, and especially renewal. By authorizing this bill, the borrowing of \$30 million, this means that that 30 million can be renewed at any time if I am correct. So that that amount of debt can carry on for years to come. I'd certainly - if I'm wrong on this I certainly would like to hear the Minister in charge, the Acting Minister who is the Attorney-General, to put me straight on it, if I'm wrong. But I take exception to that particular wording in the savings clause of the bill. And we are borrowing very heavily, Mr. Speaker, I think this is the highest amount that we have ever authorized in any given year as far as borrowings for capital purposes. I think the previous highest amount was close to 400, but this brings it well over 400 million dollars. And at the rate that we are making repayment and depreciating or especially making repayment, I'm not sure whether the Hospital Financing Authority falls under the provincial rate of three percent or not - I note the other bill makes reference to the Finance Administration Act, this one doesn't, and therefore, I'm not sure at this point just what the amount that we are to pay into the Sinking Fund for the repayment of this bill is going to be. But I take it that it is the three percent as has been the custom for financing of the province's debt except those of the utilities which are only one percent a year, and which take 100 years to repay. This in my opinion is much more than the lifetime of a utility, especially in connection with telephone. Some of the hydro utility might last long but I think even there that we're overdoing it.

So, Mr. Speaker, I don't intend to hold up the debate at this time. I take exception though to the large amounts that are being borrowed for capital purposes and adding to the provincial debt at the rate that we do, and I take opposition to that part of the bill.

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

MR. MACKLING: Mr. Chairman, I would just like to briefly respond to the Honourable Member from Rhineland to this effect that we all decry the necessity to borrow money but the alternative is to increase the taxation to the equivalent amount, and then the honourable member would damn us for that.

So surely, you know this is what has always been done. It's even been done in sister provinces you know, and we don't think that there's anything terrible about this. It's for hospitals; the honourable member knows that and I don't think that basically he's opposed to it.

I just want to point out the honourable member's concern about a saving clause, it provides for the capacity to borrow up to \$30 million and to the extent that the Manitoba Hospital and Capital Financing Authority borrows, then the province doesn't borrow. There's a total of \$30 million, it's not \$30 million on each, so that there's no question of a duplication here to the extent that they are able to raise funds, then the province doesn't borrow to cover that as well. That's the explanation.

MR. SPEAKER put the question and after a voice vote declared the motion carried.
(On Division)

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, would you now call Bill No. 86 please, again standing in the name of the Honourable Member for Rhineland.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Finance, the Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, this is another one of the finance bills that was brought in last night, or was it early this morning, I forget. I'm not sure whether it was before 12:00 or after 12:00 midnight, so I know that I got back to the hotel just a little before 1:00 o'clock, so I wasn't quite sure. --(Interjection)-- No we didn't adjourn around 11:30, and I'm sure it was later than that. --(Interjection)-- That's a little later than 11:30.

MR. SPEAKER: Order please. May we proceed?

MR. FROESE: Yes, Mr. Speaker, I intend to proceed to discuss this bill which will authorize the government of this province to spend 564, almost \$565 million, for the current year out of current revenue. While examining the bill again I find that we are going more and more into this area of having certain sections of the monies that we appropriate under current

(MR. FROESE cont'd) revenue not to lapse, and in the days gone by I don't think this was the practise at all and we find that under this bill that there is something like 24 or 25 million dollars of monies that are going to be voted which will not lapse, and for which there is provision in the Act to that effect. I would like to know from the Minister just why we are having to pass these monies and that they can continue on indefinitely.

The Minister of Finance has the power under this bill to transfer from the revenue division to a separate account in the capital division, and then later on the Lieutenant-Governor in power also can exercise certain powers in respect to removing them from that division. Although the discretion on the first hand is in the Minister of Finance himself.

The amounts that are going to be spent under the various departments have already been debated very extensively and also have been concurred in through concurrence motions, so I do not want to discuss that part of the bill at this time. But I take exception to the increasing amounts that are being carried over from current and which legislation is being passed enabling it to be put into capital, and therefore I too take exception to the increasing amounts that are being spent on the part of government for government purposes. I think we should be saving more money and that we should try and reduce the expenditures of government rather than to increase it the way we are doing. The increase is roughly 60 million from the year before. In addition to that I have pointed out previously that there's 92 million in capital which can be used for current purposes, so that in fact we have an increase of around 150 million at the disposal of the government as an increase over the previous year and I feel that this is excessive, this is far too much and I disapprove of it.

MR. SPEAKER put the question and after a voice vote declared the motion carried. (On Divison)

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I move, seconded by the Honourable Minister of Colleges and Universities that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the following bills: No. 87, an Act for granting to Her Majesty Certain Further Sums of Money for the Public Service of the Province for the Fiscal Year Ending the 31st day of March, 1973; No. 77, an Act to authorize the Expenditure of Moneys for Capital Purposes and Authorize the Borrowing of the Same (2); No. 86, an Act for granting to Her Majesty Certain Sums of Money for the Public Service of the Province for the Fiscal Year Ending the 31st day of March, 1973.

MR. SPEAKER presented the motion and after a voice vote the House resolved itself into a Committee of the Whole House with the Honourable Member for Logan in the Chair.

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: Bill No. 86, an Act for granting to Her Majesty Certain Sums of Money for the Public Service. Section No. (1) --(Interjection)-- page by page?

MR. FROESE: No, because I want to make reference to certain sections.

MR. CHAIRMAN: (Bill No. 86, Clauses 1 to 3 (1) were read a third time and passed.) Clause 3 (1) (a) . . . the Honourable Member for Rhineland.

MR. FROESE: 3 (1) (a) deals with the 32,000 for co-op development. Could we have an explanation from the Minister why this has to be delayed, or why the monies have to be put into such a position that the allocation doesn't lapse?

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: I'm not sure, Mr. Chairman, whether I have any notes on that specific item. I don't think the honourable member would quarrel with the particular item. His concern was, why the necessity, I gather, of indicating this as a special sum, and I don't believe that I have a note here than answers that query. I'll be glad to point that out to my colleague, or at least get the officials of the department to give me that information and convey it, but I'm certain that I haven't got that kind of detail here with me.

MR. CHAIRMAN: 3 (1) (a) --passed . . . the Honourable Member for Rhineland.

MR. FROESE: On (b) the same thing applies. The \$411,700 for the Provincial Garage..

MR. CHAIRMAN: Can we pass (a) first before we get to (b).

MR. FROESE: Why can't we -- well I thought we were calling (b) already.

MR. CHAIRMAN: Well you rose again and I recognized you. 3 (1) (a) --passed, 3 (1) (b) . . . now the honourable member.

MR. MACKLING: A similar comment. I don't have a specific answer for that kind of specific detail for the honourable member. I'll make a note of it and I'll see that there is an explanation given to him. I can only assume that commitments were made for the sums of money but they haven't actually been paid out and where that happens there would have to be something in the bills so that they wouldn't lapse because, unless the moneys had been paid out, the authority would lapse as I understand it. There's a commitment made and in order to insure that the funds that are there, and could be carried over to answer that commitment, they would have to be specifically dealt with. That's my assumption. It may not be correct, and I'll certainly insure that those details are confirmed to the honourable member.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, in next year's financial statement we will find that these monies are listed as spent. That's what the Act says. They will be listed as spent yet the money will still be there in another account for the Minister to spend for certain purposes that they may decide later on. And this is why I take exception to this fact because the financial statements that we will be getting will state that these moneys are spent, and that's the main point for all these amounts that are not going to lapse. It's stated in the bill.

MR. CHAIRMAN: (Clauses 3 (1) (b) to 4 (1) (c) were read and passed) 4 (1) (d) sub (i)--passed . . . the Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I do hope when the Attorney-General gets the explanation for the other amounts that he will also include the amounts in Section 4.

MR. CHAIRMAN: (Clauses 4 (1) (d) sub (i) to the end of Page 13 were read a third time and passed.) Preamble--passed . . . the Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, I do find some note in respect to the particular problem that the Honourable Member from Rhineland has been concerned with and I will endeavour to rationalize what appears to be a very technical adjustment in funding with him. The provisions of section or paragraph 3 subsection (i) is a revised section. The 1971 bill restricted transfers to trust and special division to the period from March 31st to April 20th. This has resulted in problems with computer processing of accounts which must be completed before unexpended balances can be determined for possible transfer. Accordingly this section has been amended so the time period is referred to as "before the close of the books for the fiscal year". This change has been approved by the Provincial Auditor.

3 (1) (a) is a new section, it did not appear in the 1970 or 71 bills but did appear in 1969. A transfer of at least \$10,000 of the \$32,000 voted will be required to bring the revolving fund for loans to Indian and Metis co-operatives in trust and special back up to it's authorized level of \$100,000.00.

3 (1) (b) is a revised section. The 1971 bill provided for transferring \$200,000 of the \$285,000 vote for the Central Provincial Garage. This vote is to provide funds for new additional cars for the government fleet. If cars are ordered late in the fiscal year and not delivered prior to March 31st, then provision is required to transfer the necessary portion of the voted amount to trust and special division to insure funds do not lapse. The timing of purchases during the past year has been so uncertain that it is felt desirable to provide for the possible necessity of transferring the total 1972/73 vote of \$411,700.00.

In respect to Section 4, 4 (1) is a revised section. My comments in respect to 3 (1) also apply. The provisions of 4 (1) (a) (b) (c) and (d) are similar to last year's section. The amounts altered are altered to conform to the voted amounts in 1972/73 current estimates of expenditures. The Canada Manitoba Special ARDA Agreement has replaced the 1971/72 provision for The Pas Special Area Agreement in 4 (1) (d). All four items are of a capital nature provided out of current and the amounts voted should not lapse. The amounts requested in subsequent years have always assumed full availability or use of the previously voted funds.

Subsection 4 (1) (d) (ii) is new and was found to be necessary as a result of the 71/72 experience. If funds are voted in a single main appropriation and then transferred to implementing departments any funds remaining unspent at year end should be transferred to capital and not lapse. The year end transfer will take place subsequent to consideration of next year's estimates which will have assumed that all previously voted funds will have been spent. This provision is particularly necessary when the vote involves Federal-Provincial Shared-Cost Agreements.

The transfer to several departments of government of certain funds appropriated, Section 5, is similar to last year's section. It provides for transfers of a single voted amount

(MR. MACKLING cont'd) to various implementing departments. Exact distribution was not known at the time of printing the estimates. Canada-Manitoba Special ARDA Agreement is the appropriation involved in 1972/73. Last year The Pas Special Area Agreement was listed in this section on a similar basis. In 1972/73 the departmental responsibilities for The Pas Special Agreement are known and separate amounts have been requested as main appropriations within the departmental estimates such as Agriculture and Commissioner of Northern Affairs.

Other than the foregoing items of the Appropriation Act it was really -- it's really basically the same format as last year's main Supply Bill. Now perhaps with those explanations the honourable member needn't have further -- if he still is concerned again I undertake to him that I will draw his concerns to the attention of the officials so that he can get some further explanation if he deems it necessary.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: I thank the Minister for his statement. There is just one question remaining and that is the point that I raised that monies set aside into other accounts will appear on the financial statement as spent and yet they aren't spent. This is an area where I feel that we will have monies set aside available next year, or in future years, that they can make use of but which in our financial statement that we will be getting are shown as such, and this is what I take exception to very strongly.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. ENNS: Mr. Chairman, I am very cognizant of the fact that the point the Member for Rhineland is making is one that perhaps, you know, we too want to express a concern about, except for the fact that knowing how this government spends money that that is unlikely to happen, that I doubt very much whether there's going to be too many lapsed funds. The penchants that they have for spending taxpayer's money like, well I won't use the colloquialism that is sometimes hurled at us from the other side, you know, I think that I perhaps can let it pass. But the point that the Honourable Member for Rhineland is making is of course a very valid one. What it means is that we as the Legislature have expropriated, or have appropriated certain funds for specific causes. These causes, or these projects, or programs, have been debated in this Chamber, and then eventually passed, and then if the government has the mechanism to not use the funds for this directed purpose, and these funds do not, as in most instances they should lapse, if not spent, and returned to the general treasury, that the government then has a pretty powerful tool in its hands come election time, and if the Minister of Agriculture then all of a sudden decides that it's time to give the farmers another \$100.00 for acreage payment because it might seem advisable to do so, or if indeed a few more recreation halls or skating rinks have to be built in certain areas of acute, you know, where acute political activity is being engaged in and then surely, Mr. Speaker, it hasn't escaped my attention that the funds or a slush fund of this kind its availability of the government you know has its attractions. But I said, Mr. Chairman, and I stick to that, I believe the rut that they are into in just spending our taxpayer's money twice as fast as they can gather it precludes me from taking too seriously this situation, that I'm prepared to let the subject matter pass.

MR. CHAIRMAN: (The remainder of Bill 86 was read a third time and passed). (Clauses 1 to 5 of Bill No. 87 were read a third time and passed). Schedule A -- passed . . . The Honourable Member for Rhineland.

MR. FROESE: This is the bill we let proceed yesterday without any comments on second reading. It deals with the Urban Affairs, the transitional amount that is being required one-quarter of a million dollars. I did discuss it on an earlier occasion. I feel that Unicity is getting grants, certain monies, that we are not giving to the rural areas, and again I just want to voice my protest on this. I think we should treat the people of Manitoba on an equal basis and not make such a distinction.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, during the course of my colleague's estimates the information was conveyed to the House as to what they contained by way of provision for the transitional tax base equalization payments and it provided for \$1.5 million and that was just a guesstimate, and as result of the fixing of the mill rates it has been determined that the additional amount necessary will involve \$250,000 and that is why this particular sum is here, and I think that is reasonably understandable, and I think that the bill is straightforward. I nevertheless appreciate the comments of the Honourable Member for Rhineland but in many programs that have been enunciated I think bear out our concern for financial input in all parts

(MR. MACKLING cont'd) of the province. I refer to the work, the programs, involving sewer and water infrastructure in many communities, about \$4 million I gather, and the Honourable Member from Lakeside mentioned acreage payments. I think our track record is good in the other areas as well. Thank you.

MR. CHAIRMAN: (The remainder of Bill No. 87 was read a third time and passed.) (Bill No. 77 was read clause by clause a third time and passed)

Committee rise and report. Call in the Speaker.

Mr. Speaker, your Committee of the Whole has considered Bills No. 86, 87 and 77 and directs me to report the bills without amendment, and asks leave to sit again.

IN SESSION

MR. SPEAKER: The Honourable Member for Logan.

MR. WILLIAM JENKINS (Logan): Mr. Speaker, I beg to move, seconded by the Honourable Member for Point Douglas, that the report of the Committee be received.

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

GOVERNMENT BILLS - THIRD READING

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, by leave, I move, seconded by the Honourable the Minister of Agriculture, that Bill No. 77, an Act to authorize the Expenditure of Monies for Capital Purposes and authorize the Borrowing of the Same (2) be now read a third time and passed.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I don't want to repeat what I've already said before but I do oppose capital borrowing to the extent that we are doing in this government. The monies will have to be repaid and the borrowings will be over a long period of years at high interest rates. Many of the borrowings that take place are over a longer period of time with no option to refinance at lower rates should they come about, and therefore this means that the people of this province for generations will be paying for the monies that we are authorizing today to be borrowed, and I for one protest and take opposition to this.

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

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I move, seconded by the Honourable the Minister of Colleges and Universities, that Bill No. 87, an Act for granting to Her Majesty certain further sums of money for the public service of the province for the fiscal year ending the 31st day of March, 1973, be now read a third time and passed.

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

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: On division apparently that last one, Mr. Speaker.

MR. SPEAKER: On division.

MR. MACKLING: Mr. Speaker, by leave, I move, seconded by the Honourable Minister of Education, that Bill No. 86, an Act for the granting to Her Majesty certain sums of money for the Public Service of the Province for the fiscal year ending the 31st day of March, 1973, be now read a third time and passed.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried. (On Division)

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, would you now call Bill No. 54 standing in the name of the Honourable Member from Rhineland.

SECOND READING

MR. SPEAKER: On the proposed motion of the Honourable Minister of Agriculture: The Honourable Member for Rhineland. Bill 54.

MR. FROESE: Mr. Speaker, Bill 54 is an Act to amend The Farm Machinery Act which was brought in, when was it? A year ago? It's an Act that was brought in fairly recently anyway and we have a number of amendments before us. There is some in the definition section which brings in the matter of rentals and also the definition for a custom operator. I don't take exception to the definitions, I think we have to have some definitions. But then we find that there are numerous provisions to the cancellation of contracts where we now will have to have notice in writing and by registered mail, and within a specified time. I'm just wondering how many farmers really will be knowledgeable of the Act that we are passing. I think very few so that maybe very few people will benefit on some of the sections or the provisions in it. And I don't say that a lot of the provisions are good in my opinion, and I don't say that everything is bad, not by any means.

The warranty sections I notice are being changed. This has been mentioned by other members who've already spoken on tractors exchanged from 1,000 hours to three years, combine from 300 hours to three years. I think this is a fairly long enough period by which time any defects should show up, so that I don't quarrel with it at all. On the other machinery there is going to be a one-year period according to the Act and the bill.

Some of the additional warranties -- and I don't want to refer to the sections but they have been dropped and maybe the Minister could tell us why. The one question that I have is: is there going to be any warranty for the custom operator? It appears to me that as far as the custom operator is there is no warranty, or don't I understand it correctly, and I would like the Minister to explain that one point.

As far as defective parts, here again from personal experience, and maybe I should bring it in as an example. I had bought a plough from a certain company and -- (Interjection) -- a plough. And it just so happened that there was an "S" link to lift the plough up, and this was a five-furrow plough, it was quite heavy, and that "S" link broke every so often, and I think I have dozens of them, broken ones, at my place and they only lasted so long, sometimes a day, sometimes a few weeks, and sometimes longer, but this is one thing that the factory never corrected because it was that type of a model and the strength was all right for a two or three furrow plough but when it came to a five furrow plough, that particular piece didn't have the strength to do it. And as a result it always broke, and I still have that problem, and I guess I'll have that problem as long as I'll have that implement. And I am sure that other people must have that same problem with that particular type of implement. I notice, Mr. Speaker, that the . . . has been dropped. However I would like to see new machinery defined in the Act -- (Interjection) -- New machinery. New. N-E-W, because we find nowadays that machine companies will have machines on their lots probably one, two, three years that are unsold, and you buy a new machine, a so-called new machine. Later on you find when you want to buy parts that the machine is three years old and I think there should be some provision in the Act which would define new machinery, because if you run into trouble as a result of that, there should be recompense or some way of being compensated if you have difficulty as a result.

In connection with Section 33 (6), the reason I am mentioning this section is because it refers to packaging. I guess this is when dealers give up and the parts are returned and they have to be repackaged. I think this could cause considerable difficulty. I don't know how to get around it. Some of the smaller parts that naturally come in boxes and so on, it's not so difficult there. But other parts that probably come packaged originally cannot be as readily packaged in the same kind of package, and I'm just wondering whether this can cause trouble and whether the Minister has any answer to that one.

I also noticed -- I haven't got my bill before me. Oh yes, here it is -- that it states that, I think somewhere about the 1970 Act being repealed. I can't just put my hands on it -- (Interjection) -- Oh. The Minister says it's just a certain section, so if that is the way it is in the Act then that is okay, but I thought it was worded slightly different. Maybe I'm wrong and if so I stand to be corrected on that, and I certainly will check it more so that when the bill comes into committee I can refer to it at that time.

These are the comments, Mr. Speaker, that I have on this particular bill. I would certainly allow it to go forward and to hear representation in committee and see what reactions there are to the various . . .

MR. SPEAKER: The Honourable Minister of Agriculture will be closing debate.

MR. USKIW: Mr. Speaker, the Member for Rhineland who just spoke touched on some of the areas which perhaps could be given some thought to, such as the definition of new farm machinery. I always assume that that is not necessary in the legislation although it's something that I suppose is a debatable point for reasons that he pointed out. I know that I personally have had similar experiences so it is a valid point of consideration and perhaps we might take a look at it as between now and the committee stage and perhaps have some further discussions, and there may be some representation in that respect. So we're open-minded on that particular aspect and certainly willing to take a look at it.

I want to say though to the Member for Rhineland that I appreciate the positive comments that he has made, having a great deal of knowledge of the industry, as opposed to some of the negative positions taken on the part of some members opposite; negative not because they are not in support of the legislation but negative, Mr. Speaker, because they are rather caught in somewhat in an embarrassing position because of their stands during their term of office some few years ago on this particular issue. So if we separate the politics from the need to bring about reasonable legislation, I think that we can pinpoint comments such as those made by the Member for Rhineland as being positive ones and non-political. I don't think that this is a kind of legislation that should really be political because it is an act that expresses the desire to bring about some reasonable approach to the relationships between dealers and farmers and between companies and dealers and so on. And we have not had anything of any substantial nature up until a year ago that would do the job for us, and the legislation is long overdue as members opposite would recall that we have hours and hours, days of representation during the committee hearings that were held on this very subject matter when the Conservative Party was the government of Manitoba.

And you know, Mr. Speaker, I want to point out to members opposite that the way some of those opposite have spoken on this bill it would appear, it would seem that they were not at all aware of the posture of the previous government of Manitoba and that is the Conservative Government of three years ago. Because, Mr. Speaker, that particular government had a resolution passed in this Legislature some time in the late 60s to look at this very question but it was very obvious from the hearings and the discussions that took place that it was not a government that was keenly interested in bringing about any significant, or any changes whatsoever. It was very evident, as with many other committees that were set up by that government to consider different problem areas. Committees that were set up to consider problems in my view were only set up in order to avoid the need to make a decision on the subject matter.

Now the Member for Morris of course was not present at that time and perhaps he doesn't know, he doesn't know what all had transpired. He didn't know that his fellow members of the present time who were in responsible positions at that time, were really not all that concerned about the need to bring about some amendments to the then Farm Machinery Act that was in existence. So based on those representations, Mr. Chairman, this government felt that there was no need for further representations, and I really question the advice given to the government by the Member for Souris-Killarney when he spoke the other day, when he suggested that perhaps we should delay these amendments and go to the countryside over the next year to see what other people think of these amendments.

Well, Mr. Speaker, last year when we brought in the act, and I appreciate it was an act that did not have adequate time for proofreading which did result in a lot of technical amendments, amendments which changed a word here and there and changed the spelling of a word, and I can advise members opposite that I already have about ten amendments prepared for this particular bill changing the spelling of the word "monies" is one example, an error made in the draftsmanship, or something along that nature. So I'm not all that excited about the fact that the staff in its work does have the problem of trying to rush legislation through so that the members of the House would get it early enough and that there are small errors in print and otherwise. But basically the legislation, the principles contained therein are sound. We did set up the act last year to be an effective piece of legislation, in fact to be a very tough act for the benefit of all concerned. And we did set it up in that way, Mr. Speaker, in order that we would bring about the necessary reaction from the various sectors within the industry which did come about and in fact which resulted in the government not proclaiming some sections, and in particular the warranty provisions of that Act, which necessitates of course the current amendments before us.

(MR. USKIW, cont'd)

The reason for not proceeding, Mr. Speaker, was that the Farm Machinery Board which was set up to develop some relationship between the industry as between the farmers and the dealers, and the dealers and the companies, were able to agree after a great deal of discussion, particularly with the manufacturers, that it might be a costly procedure to force the industry to standardize our meters. They were advised, the Board was advised by the manufacturers that there are no, no unreliable meters from their point of view that they would accept, and that we would either have to legislate a standard meter system to conform with the hourly warranties that were then within the Act, or we would have to trade off the hourly warranty system in favour of a longer calendar period. And the companies recommended to the board that they would prefer an extension of time as opposed to having to do some retooling and changing the manufacturing in this respect. They felt that it would be to their advantage and at a lower -- it would be something of a lower cost to the farmer as well if he would do this. They preferred the extension of time. Now it may be that they don't want to go the full three years, many of them have said that we would trade off 1000 hours for two years and the board has recommended to me that we go the three years.

And all these amendments are recommended to us by that board which has had an opportunity to take a good look at the problems within the area, and by the way which has representation from the manufacturing sector and from the dealer sector, as well as the producers. It's a well balanced non-political board.

But, Mr. Speaker, I want to take exception to statements made by the Member for Lakeside because, Mr. Speaker, a year ago when that bill was brought in we did run into some embarrassing moments, embarrassing moments to the government, not because of the action taken by government but because of the action taken by some unknown party which appears to have identified himself during the course of debates on these amendments this year. And I'm referring to the Member for Lakeside when he asked, Mr. Speaker, whether it is going to be his responsibility to inform those groups in the various sectors of the industry about the nature of the legislation and when the committees will be meeting, and so on.

Well, Mr. Speaker, I want to go back to the events that took place last year because last year my office was in constant consultation with all the sectors during the drafting of the legislation and during the committee stage, and so on. We were giving the industry the advice they needed as to the time when they might expect to appear before the committee to make their views known. Mr. Speaker, on one morning, on one morning, Mr. Speaker, I arrived at my office to find that we had all of the heads of the manufacturing industry waiting at my office door expecting to make their views known in committee that day, because they were informed by someone, by someone, that we were going to proceed in committee stage and that the government was hoping to outfox the industry by not giving them the adequate notice required for them to get down here from Toronto and Montreal, and so on. Well that was really amazing Mr. Speaker, because we did indicate to the industry when those hearings would take place; we did give them ample notice, but someone thought that they were going to play a role of mis-chief, Mr. Speaker, -- (Interjection) --

MR. SPEAKER: Order, please, Order!

MR. USKIW: Mr. Speaker, the Member for Lakeside suggests that we introduced the bills late during the session, and that is correct. But while we did so, we did inform the industry. We did inform the industry well in advance when they may have an opportunity to present their views. Three or four days at the very least, and it may have been five or six, but at least three or four, Mr. Speaker. The Member for Lakeside says twelve hours so, Mr. Speaker, let me remind the Member for Lakeside it resulted in 12 hours because someone, which at that time, Mr. Speaker, I recalled a comment that the late President Kennedy used to make on occasion when he referred to some of the shenanigans that occurred. He made reference to people as being SOBs and I said to myself that particular morning, I wonder whether I could even apply that kind of commentary to the individual who misled, who misled the industry people, and who had brought them here prematurely which resulted in this Legislature having to ask leave to allow that bill to go to committee so that those people would not have to go back to Toronto, and then come back again for the time that we had told them that we would be holding those hearings. So, Mr. Speaker, I say to the Member for Lakeside, if the hat fits, wear it, because he did identify himself in the course of the debate of this bill when he asked the question whether he again will have to be responsible for indicating to the

(MR. USKIW cont'd) industry when this bill is going to committee. So, Mr. Speaker, if the hat fits, wear it.

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

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: I move, seconded by the Honourable the Minister of Agriculture that the House do now adjourn and reconvene at 8:00 this evening.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned till 8:00 o'clock, Thursday evening.