

THE LEGISLATIVE ASSEMBLY OF MANITOBA  
2:30 o'clock, Friday, June 30, 1972

Opening Prayer by Mr. Speaker.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 15 members of the Cultural Exchange Group from Port Hope, Ontario. These people are under the direction of Father Mireault. On behalf of all the honourable members I welcome you here today.

Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports. The Honourable Attorney-General.

MINISTERIAL STATEMENTS

HON. A. H. MACKLING, Q.C. (Attorney-General) (St. James): Mr. Speaker, I have a statement, with copies here. Mr. Speaker, on behalf of the Acting Minister of Urban Affairs, my colleague the Honourable Saul Cherniack, I would like to at this time make a brief statement in respect to the Winnipeg Rail Rationalization Study.

The Province of Manitoba has appreciated the opportunity to have been able to participate in the development of this important technical study of railway relocation in the City of Winnipeg.

The study has demonstrated a high degree of consensus among the five participating agencies of the need to bring about physical urban changes in a creative and constructive manner.

While the Province has not had sufficient time to study the report in great detail, and while a good deal more study analysis and negotiation between all the parties will take place before implementation of any particular alternative can proceed, the study has made clear certain principles namely:

(1) To reclaim the deteriorating fabric of our inner cities, a national policy whereby sufficient funds would be made available for major urban restructuring in our large urban centres must be provided. A useful guideline for a cost-sharing formula for investment in the kind of urban change which the study illustrates could be the proportional split in the costs of the Winnipeg Rail Study.

(2) In the City of Winnipeg the release of substantial areas of inner city land from railway and related uses could permit the development of a very much more compact and efficient urbanized area and could significantly reduce the tendency towards urban sprawl and provision of costly services such as highways, access roads, and sewers, that are generated by such extensive patterns of development. As a consequence, Winnipeg could be much more effectively served by a variety of urban services including transit, recreation, and community facilities as well as providing for the variety and complexity of future urban activities which will make it a great 21st Century city.

(3) The principle that both the community and the railways should be made whole in any major change affecting either of them is a vital concept which can ensure that no community or neighbourhood need be adversely affected by a careful process of railway relocation.

(4) In so far as the public at various levels of government would be primarily responsible for the decision to relocate any railway right-of-ways and for the major portion of the costs thereof, that the railways may be entitled to compensation in so far as they must be made whole in continuing to provide transportation services.

The Government of Manitoba would welcome the opportunity to sit down with other levels of government and the railways to discuss and review the consultants' report and agree upon a mutually satisfactory course of action which would ensure that the very important work of the past two years can be taken many steps further in the months to come.

Mr. Speaker, I anticipate that copies of a summary of the technical report will be available to be distributed to members as soon as they are received from the consultant and this is anticipated in approximately ten days. I'm sure that if the House is in session copies will be distributed then. If not, they could be mailed to members. They will be printed apparently in both of the official languages. I therefore table the technical study, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): We welcome the announcement that has just been made by the Minister in his capacity as Acting Minister of Urban Affairs, dealing with the

(MR. JORGENSEN cont'd) . . . . study that has been made of the relocation of railways within the City of Winnipeg and the participation of the Provincial Government in assisting in the relocation of railway lines within the boundaries of the City of Winnipeg.

It's a step that in the light of changing conditions seems to be inevitable and is being carried on in other cities across Canada and it was only I suppose a matter of time that such a study and such a decision would be made by the City of Winnipeg and the Province of Manitoba. On the basis of the studies that have currently been carried on, the statement made by the Minister, we welcome this opportunity of telling the Minister that we are happy the government is ready to participate in this program.

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

HON. LEONARD S. EVANS (Minister of Industry and Commerce) (Brandon East): Mr. Speaker, I would like to make a brief statement and I have copies for yourself, Sir, and other appropriate groups in the House.

Mr. Speaker, I am pleased to announce that "Operation Manitoba 1972" will take place on Thursday, September 7th. At this time the communities of Selkirk and Gimli will be visited by a group of people representing varied interests in the Province of Manitoba.

I might add for clarification, Mr. Speaker, that "Operation Manitoba" is something we like to do annually, whereby we take members of the Manitoba community, those in the business sector, professional sectors, union sectors, etc. who are interested in particular developments within the province. You might recall a couple of years ago a group of us that went to Fox Lake on the occasion of the official opening of the Mine there. Selkirk, one of the communities to be developed is one of our key provincial industrial communities and we can see at that time what an aggressive community can accomplish, partly on its own and partly through some Provincial Government co-operation, even though it does live in the shadow of a large Metropolitan Centre.

Gimli will be visited for two reasons. The first is - the Attorney-General has a particular interest in a distillery because he is in charge of the Manitoba Liquor Commission and sees all the tax revenues coming into the province. But Gimli will be visited for two reasons. One of course is that many members opposite have expressed keen interest in the Saunders Aircraft Corporation and of course it is one of the large companies in the Gimli Industrial Park. On that occasion I would hope that every member, each and every member in this House who wishes to will have an opportunity to take a short trip on the prototype, on the model that we do have available, or demonstrator model that we do have available at the Saunders base in Gimli. Second, and equally important of course, is the fact that we have now accomplished within a very short period of time a very thriving industrial park in Gimli and this has had a very salutary effect in cushioning the economic blow to the Gimli community which resulted from the closure of the air force base there a couple of years ago.

I therefore, Mr. Speaker, take this occasion to extend a cordial invitation to each and every member of the Assembly to join in this tour in this progressive area of Manitoba. I have reason to believe that the municipal officials as well as the residents at both Gimli and Selkirk will welcome this opportunity to show off their communities, just as I welcome this opportunity to make such a pleasant announcement.

As I said, Mr. Speaker, members of the business community, both urban and rural, and both management and labour who are interested in the continued growth and development of these two areas will also be invited to join with us on this occasion. Thank you. The date is September 7th, and invitations will go out to you individually in the mail -- free of charge.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, on behalf of our group we'd like to thank the Minister for this announcement which comes I think partly in response to our request for the opportunity to visit the Saunders Aircraft operation at Gimli. We would also like very much to visit Selkirk on this day. I think that this is a very useful arrangement that will be -- the opportunity I think will be taken by many of the members on this side to join with the government in visiting these developments.

We are particularly of course interested in seeing the Saunders Aircraft operation in which the Government of Manitoba has an investment of approximately \$9.5 million. We think this is an important area for the members of the Legislature to visit. Thank you very much.

MR. SPEAKER: Any other Ministerial Statements? Tabling of Reports? Notices of Motion; Introduction of Bills. The Honourable Minister of Universities and Colleges.

INTRODUCTION OF BILLS

HON. SAUL A. MILLER (Minister of Colleges and Universities) (Seven Oaks) introduced Bill No. 108, The Health Sciences Centre Act; and in the absence of the Honourable Minister of Agriculture introduced on his behalf Bill No. 98, an Act to amend The Natural Products Marketing Act.

MR. SPEAKER: Oral questions. The Honourable Member for Morris.

ORAL QUESTION PERIOD

MR. JORGENSEN: Mr. Speaker, I should like to direct my question to the Minister of Municipal Affairs and ask him what the current state of negotiations are between the officials of Autopac and a computer that reportedly has again refused to co-operate with the Board of Autopac?

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs) (Selkirk): It's very difficult to answer a question like that. Maybe the honourable member should feed the question into the computer and he might receive an answer.

MR. JORGENSEN: I will re-feed the question back to the Minister. I understand that the computer at Autopac is again suffering from a malfunction and I wonder how long it will be before that thing is corrected?

MR. PAWLEY: ... make an important observation. Autopac does not have a computer, so I see no way that the computer at Autopac can be malfunctioning.

MR. JORGENSEN: Perhaps the Minister can advise the House who processes the cheques that are received by Autopac and records them?

MR. PAWLEY: The cheques are processed by way of the Government Computer Centre which is I believe under the Ministry of the Minister of Finance. If the honourable member knows of malfunctioning I would be very happy to receive information of it so I can proceed to find out just why the computer is acting in such an inhuman fashion.

MR. JORGENSEN: Mr. Speaker, then I wonder if the Minister would look into reported cases of people who have submitted cheques early in April for their insurance and they are now being told that unless they pay their bills immediately their insurance is not going to be covered. And those people that I have spoken to have the cancelled cheques in their possession.

MR. PAWLEY: Mr. Speaker, I wonder if the honourable member would happen to be thinking of billings that have been forwarded from the Motor Vehicles Branch in connection with underpayments either in respect to the insurance or the licence registration fee. There have been billings that have been issued from that department along those lines and it might be that that is the type of case that the honourable member is referring to. Again I would be very happy if he would like to give me the individual case to check into it.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: I have a further question for the House Leader. I wonder if he could advise the House when we can expect an end to the avalanche of bills that are now appearing on the Order Paper?

MR. SPEAKER: The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Speaker, my honourable friend the Member for Inkster quite properly I suppose said that "when the computer stops throwing them out". I give my colleague credit for that.

In all seriousness, on the Votes and Proceedings that is before us today I note there are notices of motion for two additional Acts, namely the routine Statute Law Amendments Act in the name of the Attorney-General, also the City of Winnipeg Act in the name of the Honourable the Minister of Urban Affairs. It is my understanding that there may be one additional Act coming in in respect to The Public Schools Act which has some provision in it for uniformity with The Municipal Act.

The acts dealing with financial aspects have now been introduced and passed. There could conceivably be about an additional two acts, two or three acts introduced before the possible adjournment of the House. I do not anticipate, Mr. Speaker, that there will be any more than three than have been announced at the present time.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I have a question for the First Minister. Is there any special consideration being given by the government to commercial owners

(MR. PATRICK cont'd) . . . . on business tax in the fringe areas of Winnipeg? For example, Headingley will have a 60 percent increase in their commercial businesses, or commercial properties.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Mr. Speaker, the honourable member's question in a sense anticipates the introduction in this House of The City of Winnipeg Act, amendments thereto. I believe that his question would come better next Tuesday or Wednesday.

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

MR. JAMES WALDING (St. Vital): Mr. Speaker, my question is for the Minister of Municipal Affairs. Could he inform the House how many units of public housing have been completed in Charleswood and are now occupied by tenants?

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, I think the question arises from allegations by the Honourable Member for Charleswood that units were completed and children were running around from those units. There are no units completed in Charleswood whatsoever. It's very much like the reports that we had three or four weeks ago that public housing developments looked monstrous in St. Norbert on the west side of Pembina Highway, where in fact no such developments existed. I think that it's another case of honourable members confusing public housing developments with Federal Government innovative homeownership projects . . .

MR. SPEAKER: Order, please.

MR. PAWLEY: . . . but they are not projects built by Manitoba Housing and Renewal Corporation.

MR. SPEAKER: Order, please. The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): My question is for the First Minister. Has the Manitoba Government made representation to the Honourable Otto Lang regarding the grain handlers strike in Montreal?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, the Minister of Agriculture would have to reply to that definitively on our behalf. I have not been advised that any formal representations have been made by the Government of Manitoba to the Government of Canada with respect to the grain handlers strike. Did the honourable member say at the Lakehead or Montreal? At Montreal? That is correct. I am not advised that any representations have been made by the Government of Manitoba in this respect.

MR. SPEAKER: Orders of the Day. The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I'd like to address a question to the Minister of Industry and Commerce. In making the announcement to visit Selkirk and Gimli, would he care to extend that to Leaf Rapids by the time the visit is supposed to be made?

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

MR. EVANS: Well, Mr. Speaker, we can take the suggestion under advisement. I think what we have suggested is a full day of visiting. To go to Leaf Rapids would involve a lot more expense, of course, and would involve additional time. I would think that at some time however in the future it would be worthwhile for members of the Assembly and others to take a special visit to Leaf Rapids. So I'll take the matter under advisement and maybe we could have a special visit by all MLAs to Leaf Rapids at an appropriate occasion.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. MCGILL: Mr. Speaker, my question is in the absence of the Minister of Finance to the Honourable the First Minister. In respect to the forthcoming visit of the Federal Minister of Finance to Winnipeg on Wednesday will the agenda include a review by Manitoba of its recently imposed sales tax on production machinery in the light of the Federal Budget's tax incentives to production and processing.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I don't see the connection at all because if there were to be a review of Manitoba's levying of a tax on production machinery which does not include farm machinery, then necessarily there would have to be a review on the part of the Federal Government of similar taxes in at least six other provinces. I understand that at least three other provinces that have Conservative administrations have levied a tax on production machinery for a number of years now.

MR. MCGILL: A supplementary question, Mr. Speaker. Is it proposed to discuss the

(MR. MCGILL cont'd) . . . . . recently imposed tax on air space use in Manitoba with the Federal Minister of Finance?

MR. SCHREYER: Mr. Speaker, that may come up for discussion, I have no way of knowing in advance. Although I rather suspect that the Federal Government's interest in this tax in Manitoba would be no greater than in the case of British Columbia or Quebec which also levy the same kinds of tax.

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

MR. WALDING: Mr. Speaker, I'd like to ask the First Minister if any of the absent opposition front bench members are on official government business?

MR. SPEAKER: Orders of the day. The Honourable Minister of Labour. The Honourable Member for Emerson.

MR. GABRIEL GIRARD (Emerson): May I ask the First Minister if all the members of the government side that are absent are out on official business.

MR. SPEAKER: Orders of the Day. The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, if I may reply to the Honourable Member for St. Vital. I realize that this government is known for its spirit of ecumenicism but it doesn't go so far as to include Tories.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, on a point of order. Because of the question put the way it was by the Honourable Member for St. Vital, I would like to have the record show that the Member for Rhineland was in his seat.

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

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, I feel compelled to rise on the same point of order. I would like the record to show that all three Liberals are here and on Monday there will be a tough opposition facing the government.

MR. SPEAKER: Order. The Honourable Member for Charleswood.

MR. ARTHUR MOUG (Charleswood): Mr. Speaker, I'd like to direct a question to the House Leader. When he was mentioning the bills and acts that are to come does that include the one that he put on last night?

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: My answer to the Honourable Member for Charleswood: the Minister of Labour put on no act, but the Honourable Member for Charleswood undercut all of the propositions by the Federal Leader of the Conservative Party of Canada.

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

#### ORDERS OF THE DAY

MR. PAULLEY: Mr. Speaker, I understand that His Honour awaits to give the Royal Assent to some very important financial bills and I would suggest to you, Sir, that we hold ourselves in abeyance pending the arrival of His Honour.

#### ROYAL ASSENT

SERGEANT-AT-ARMS: His Honour the Lieutenant-Governor.

MR. SPEAKER: We, Her Majesty's dutiful and faithful subjects, the Legislative Assembly of Manitoba, in Session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's Person and Government, and beg for Your Honour's acceptance of these Bills:

Bill No. 77 - an Act to authorize the expenditure of moneys for Capital Purposes and authorize the Borrowing of the same (2).

Bill 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.

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.

MR. CLERK: His Honour, the Lieutenant-Governor doth thank Her Majesty's dutiful and loyal subjects, accepts their benevolence and assents to these Bills in Her Majesty's name.

SECOND READING - GOVERNMENT BILLS

MR. PAULLEY: Mr. Speaker, would you kindly call the second reading of Bill No. 99.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Transportation, The Honourable Minister of Transportation.

HON. PETER BURTONIAK (Minister of Transportation) (Dauphin) presented Bill No. 99, an Act to amend The Taxicab Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister.

MR. BURTONIAK: Mr. Speaker, I want to first of all say that this is not -- I don't think is too contentious of a bill. There's only two or three minor amendments insofar as The Taxicab Act is concerned although I do know that there are one or two members of the opposition side that perhaps would have some interest in the bill and I certainly would be glad to hear from them. However, to begin with because of the fact that the City of Winnipeg is now just that, that as far as The Taxicab Act is concerned we have to make that change from "Metro" to "City of Winnipeg" as defined under The City of Winnipeg Act.

Some of the other items that we feel that ought to be changed insofar as this Act is concerned is the fact that under the refund situation most of your other vehicles are based on a formula of one-twelfth. Unfortunately last year this was not done and we find that the present Act does not provide for the refund on the unexpired portion of the taxicab licence or drive-yourself licence. The amendment will provide for a refund based on the one-twelfth formula of the unexpired portion. I think it's only fair that they too should have -- qualify under that same formula. Also, The Taxicab Act does not make reference to fees prescribed in The Highway Traffic Act for taxicabs. In respect to drivers of such vehicles there is no reference whatever to the fees payable for such licences issued under The Taxicab Act. The amendment makes it clear as to what fees are payable in respect of taxis and drive-yourself vehicles.

Another problem that had been brought to our attention over the past while has been the situation whereby when someone either hails a cab on the street or phones in, naturally the cab driver does not ask the person whether he is able to pay for his fare before he gets into the taxi and there has been a growing problem that -- in the last couple of years or so -- whereby a number of people that do take a cab, when they reach their destination they refuse to pay. And the fine for that offence has only been \$5.00, and it is felt that in some cases or in many cases the taxi fare is actually more than the \$5.00, so we're proposing to increase that from \$5.00 to \$20.00. These are just a few of the comments that I have to make at this time, Mr. Speaker, in regards to The Taxicab Act.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. DAVID R. BLAKE (Minnedosa): Mr. Speaker, I beg to move, seconded by the Honourable Member for Charleswood, that debate be adjourned.

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

MR. PAULLEY: Would you like to call Bill 57, Mr. Speaker.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Labour, The Honourable Member for Fort Rouge.

MRS. INEZ TRUEMAN (Fort Rouge): Mr. Speaker, I adjourned this bill for the Member from Emerson.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker, Bill 57, The Apprenticeship and Tradesmen's Qualification Act, is basically a piece of legislation that we on this side can accept. However there are a few things that we would like to comment on now and we would like the Minister to be aware of and to realize that some of these things might have to be put into effect, used for a while before we can assess the full impact of the bill. One thing I found a little strange was that over the past while we've heard the Minister talk about how industrial disputes, which by the way are not really affected by this bill, but industrial disputes he said ought to be resolved by those concerned. He said it is up to the management and labour to get together to resolve their own problems. However when it comes to matters of apprenticeship and tradesmen this bill indicates to me that the Minister is saying the Minister of Labour must have more say in matters of apprenticeship and training and he might be right. You will find in this bill, Mr. Speaker, that a great deal of authority lies with the director. The director is really one you can compare to the Executive Secretary of the Board which is established for the direction of the bill. The Apprenticeship Board is a board appointed to assume some responsibilities within the parameters

(MR. GIRARD cont'd) . . . . . of this bill. The director is really their Executive Secretary or fulfils that kind of function we could classify as the Executive Secretary of the Board. But the Board has really no say in the appointment of the director. The director is appointed strictly by the Minister of Labour. Now I don't suggest that it might be good to have it strictly appointed by the Board, however I would like to see a situation where the Board has some suggestions to be made with regard to the appointment of the director.

One other area, the makeup of the Board itself is being changed by this particular bill. It used to be that we had seven members on the Apprenticeship Board. It used to be that two members were members from the Department of Labour with two members from the employers, two members representing the employees and we had one member representing Red River Community College or the Department of Education. I can see validity in having these people as members of the Board. I can see great validity with regards to having the Department of Education represented. But now the act is being changed, it's being changed to include those people, but over and above we include two members appointed by the Minister of Labour. -- (Interjection)-- Yes, from the public. From all ranks and files, from all colours, from all walks of life but from the public, I'm suggesting that this really is an effort by the Minister to possibly control even more than he has been able to control this far the decisions of the Apprenticeship Board; and I challenge that he and his department have been able to control the decisions of the Apprenticeship Board up to this time with only two members appointed from labour has been, has been able to - and some meetings I've quoted here before have indicated that where the meetings were held and how the meetings went and how the meetings finally resolved in the same kind of decision that the Minister of Labour expected. But now of course we even have more strength, more persuasion, more representation given to the Department of Labour in this bill. The jurisdictions and the functions of the Board are not greatly changed but it's funny that we should think of appointing such an illustrious board. Really I wonder, I wonder if the responsibilities that they are given are all that they should have.

We find also in the same bill that the composition of the committees representing trades is changed. It used to be that the committee was made up of five members I believe and two were from the trade employers, two from the employees in that trade and one was the Director I believe. Now of course it is changed to be one person from the employers, one from the employees and again two from the department over and above the director. That to me indicates that, whether good or bad, the Department of Labour is going to be able and certainly willing to control the decision-making of the committees that will deal with the particular trades, deal with apprenticeship requirements of the particular trades. Again I suggest, Mr. Speaker, that this might not be a bad move but I think we should recognize it as a move that is taking place. I suppose it is customary for the Minister to be able to appoint people to boards, to commissions and to committees and pay them whichever salary he sees fit. I suppose that within the government services that there are ranks or salary schedules or arrangements that are usually followed but again I want to point out that according to this act, the way the act is written the member of the Advisory Committee may be paid whatever salary the Minister deems fit.

One other thing with regards to declaring which trade will be affected by this act, will be included in the areas where apprenticeship will be available are purely determined by the Minister. I think it would be maybe profitable to as much as possible make it known which trades are and which trades will be, to as much as possible inform the future apprentices of the trades that will be available for indentureship and which trades will be available to them.

Coupled with that, Mr. Speaker, may I suggest to the Minister that he will recall no doubt some discussions during the estimates that related to studies of researching in the Department of Labour. I think that the Department of Labour in Manitoba has maybe relinquished some of its responsibilities in the past to other areas of the Federal Government, but I also suggest that we have in Manitoba some responsibility to the future students who will become apprentices to indicate to them as much as possible the possibilities of employment, the developments in technology and what this will result in in terms of what job opportunities they will have, what kind of livelihood, what kind of salaries and so on. I think this has not been done by the Department of Labour and I would like to see some work done in that area if the Department of Labour in fact controls the apprenticeship. I find in this bill also that the offences for the employees -- the employers rather, who fail to live up to this particular arrangement are subject to some pretty stiff kind of penalties. And I thought for a while maybe this was a bill that was once drafted by the Member from Thompson when he was still Minister and the Minister of Labour

(MR. GIRARD cont'd) . . . . now picked it up because it to me may be a little punitive. I find that the offences for an employer who has one employee or two employees or three employees, one who is not incorporated is subject to a minimum fine of \$100.00 if he makes one mistake with regards to apprenticeship, and it seems to me that depending on how it's applied it could be made into a rather punitive bill. I'm confident however that this will not be the case because of the administration of the act rather than the wording of it.

Now, this might sound critical, Mr. Speaker, but overall I realize that something has to be done in the area of apprenticeship to lay out new guidelines. I don't say it was absolutely necessary to remove an existing act, but we welcome the new legislation on this particular aspect of our society. I, for one, intend to support it.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, I'll be quite brief. I rise to support the bill. I know that apprenticeship in Manitoba for many years has really served a good purpose because this is how we acquired a very skilled labour force in this province, and I know in the last few years there has been some concern if it was working as well as it should have been. So perhaps the changes that the Minister is making by bringing in this new bill - and it is my feeling that setting up a board to deal with apprenticeship and also a Director of Apprentices in my opinion will be improved. I know the new act has a Board to be responsible for both apprenticeship and trades qualifications and I'm looking at the Board composition which I have no argument with. I agree, and perhaps we could have had even two people from the Red River Community College on this type of a board. I know that the Director it seems to me under this bill will be required to really look after the whole operation and I understand one of the duties of the board is to hear from the decisions of the director. I hope I'm correct and this is the way I read the bill, but I think it's streamlining the work under the existing two acts, and I hope it will improve the operation of apprenticeship in the province. We can only wait for a year under this act and see what results we get; perhaps we'll then have to make some further amendments to improve it. But I know I spoke on this on the Labour Estimates and I said to the Minister, in fact for the last couple of years I mentioned that we should try and do everything possible to improve the apprenticeship in the Province of Manitoba, and I do support the bill, the new bill.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I too won't be long. I know that there is a number of provisions in the act which give the government power to look into the internal matters of businesses regarding to inspections. I know this has been a sore point in some other legislation in previous years. I also note that the jurisdiction functions of the board and their findings apparently are final and they will hear all appeals and there will be no further appeal - whether this is advisable and whether there should not be further appeal available. The act proposes that the Minister may name any trade as a designated trade. I would like to hear from the Minister just what trades will come under the act. Most likely consideration has been given to this and that he could indicate to us just what trades would come under the Act. If I recollect correctly we had some difficulty a few years ago in connection with the electricians. I haven't heard whether this was ever resolved completely or to the various parties satisfaction. I certainly will make some inquiries before this bill is finalized and if so may bring some of the matters to the attention of the committee and the House or the Committee of the Whole and if necessary provide some amendments. Other than that, Mr. Speaker, at this time I have no further comments. I notice it is a new bill and I hope the legislation when it is passed will do the necessary job, and that the legislation will be for the better in Manitoba.

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

MR. PAULLEY: Mr. Chairman, I want to thank my honourable friends in the Legislature for their support for this bill. There are one or two points that have been raised by different members in respect of this. The Honourable the Member for Rhineland mentioned the matter dealing with designated trades can be established by the Minister. Actually it's not the establishment by the Minister, Mr. Speaker, but in view of technological changes that are taking place constantly. What used to be a shoemaker is no longer a shoemaker, or what used to be a tinsmith is no longer a tinsmith. There is a variation of changes taking place within the trades, and the purpose of that section of the bill is so that the Minister rather than by legislation can designate the technological changes that are taking place within the trades. There's no sinister motive I want to assure my honourable friend, and whether the present Minister of Labour happened to be the Minister of Labour at that particular time, it's not with that idea but



(MR. PAULLEY cont'd) . . . . a recognition of the change in the operation of our respective industries.

And I want to say to the Honourable Member for Assiniboia I appreciate his viewpoint too, and also of course the Member for Emerson. The Member for Emerson made particular reference to the changing of the composition of the board. The act does provide at the present time for the inclusion of public representatives on the Advisory Board. This may or may not be a good idea, Mr. Speaker, but we felt that in the initial instances that we should make provision within the act for public representation on the board, and if when we get to the Industrial Relations Committee it is deemed by the committee that there should not be public representatives on the Advisory Board, of course we can quite simply, easily withdraw that provision.

I would suggest to my honourable friend, the Member for Emerson -- and I realize his difficulty in the field of industrial relations representing his party and I do not wish, Mr. Speaker, to berate him because of that. I do really appreciate the difficulties with which he, and of course the Conservative Party are confronted, because they haven't anyone in their ranks that has really been involved as far as I am aware with the trade union movement; or indeed with the working community when you consider the workers as a separate entity as differentiated between bankers and management and the likes of that. So my heart bleeds for my honourable friend for Emerson. --(Interjection)-- Yes, my heart even bleeds for the honourable lady member of the Assembly who I'm sure hasn't had a great deal of involvement in the trade union movement in the Province of Manitoba.

And now I do recall my honourable friend, the Member for Emerson, berating me as the Minister of Labour dealing with the apprentice situation in Manitoba. He berated me because we did establish in the electrical trades a ratio as between apprentices and mechanics and it was very evident of course at that particular time with the lack of knowledgeability of my honourable friend, but I think sincerely he participated in that debate as he did this afternoon. I would say, however, Mr. Speaker, that my honourable friend had a little bit different approach this afternoon in respect of those considerations. And maybe, maybe, and I'm keeping my fingers crossed, Mr. Speaker, - the longer my honourable friend for Emerson is the labour expert of the Conservative Party, we will contribute to his edification as to the operation of industry and the position that the trade union movement, the apprentices have to take in the industrial life of the Province of Manitoba. So, Mr. Speaker, I do appreciate the support that has been given to this bill this afternoon. There will be ample time for consideration when the bill goes to the Industrial Relations Committee and as I indicated yesterday, Mr. Speaker, it is the intention to call a meeting of the Industrial Relations Committee for Wednesday morning next. I'm sure all and sundry will be appreciative of the expeditious handling of this bill by all members of the Assembly.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: I wonder now, Mr. Speaker, whether you would kindly call Bill No. 66, the adjournment in the name of the Member for Emerson.

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

MR. GIRARD: Bill 66?

MR. SPEAKER: Right.

MR. GIRARD: Yes, Mr. Speaker, the bill in question, Bill 66, a bill to amend The Equal Pay Act, is another one of these I suppose we could call a rather innocuous bill in some respects. However, there are a few more far-reaching clauses in this particular bill, some rather innovative ideas. I do wonder, however, as I read the introductory paragraphs in this bill why it is that suddenly we find that we don't have to have the Minister of Labour to enforce or administer this bill, it might be some other Minister designated by the Cabinet. And I was wondering, I couldn't myself read into that kind of bill anything very significant, but I realize I suppose that the Department of Labour is a very demanding one and maybe the Minister of Labour will need some help and consequently we can now have this kind of bill administered by some other Minister. I like the idea to a point of differentiating as much as we can legally between the kinds of work done by women and by men and establishing that for equal or substantially identical work we are establishing equal pay. We go even further than that. We don't say now substantially identical we say substantially the same kind of work, which again conveys to the workers and to the people of Manitoba, that we are making an effort to in all justice pay equal

(MR. GIRARD cont'd) . . . . pay to women and men for substantially the same kind of work and I don't think, Mr. Speaker, that you will find any member in this Chamber refusing to accept that as a very fundamental and basic principle. It might well be that it's the kind of thing that did not occur for some time, but it wasn't for lack of conviction that it did not occur, possibly it was because of the cumbersome ways in which the legislation previously had been set down.

With regards to complaints being lodged by employees with regards to equal pay, there are provisions throughout the act; there are ways and means by which the Minister can be informed by one who complains about being paid less than he should be paid. And may I suggest to the Minister that at one stage the complaint comes directly to the Minister, and I would like to see the kind of information that goes to the Minister conveyed to the employer as soon and as similarly if not identical as possible. I think in this kind of dispute we have to rest on the goodwill of those involved and the best way to obtain that good will is to keep them as informed as possible. Although there are provisions eventually to inform the employer of that employee after the director might have named an inspector to go and inspect the claimant's complaint, then at that stage or even at a later stage when the inspector reports to the Minister, provision is made so that a copy of the report goes to the employer. I would suggest very humbly that the best place to start is right from the beginning, inform the employer as well as the employee of what's going on before steps are taken.

Mr. Speaker, there is a question I would like to ask the Minister here with regards to one particular aspect, and that is with dealing with the director who will instruct the investigation. I understand that if a complaint is lodged an investigation ought to take place, and I keep wondering why is it that "it may take place". Is it that we wish to leave the discretion up to the director, or is it that maybe we worded it that way to give us more leeway than really we need. It might be well to clarify that particular kind of thing. I --(Interjection)-- No, it's not frivolous and I understand also that --(Interjection)-- Oh I see, oh yes, well that would clarify it then.

Another aspect that I was wondering about is the fact that the director and the investigator are employees of government services. I would suppose that that is a daily routine, a daily job for them and the reason for this is that rather than have to go hire outside of the service we have civil service employees doing this kind of thing.

There is one section, Mr. Speaker, with which I would like to be a little critical, and that is with regard to the restriction on the prosecution. My objection is that in this bill if a complaint is lodged and if the Minister takes no action, and if the director takes no action and if the inspector -- I know I'm using the wrong term but the fellow, the investigator takes no action, then it is the right of the claimant to go to court if necessary. And I cannot see why that kind of thing would have to be in the act because it would seem to me that the real responsible people in this kind of issue would be those who had a job to do and didn't do it. And I suggest even further that let us suppose, let us suppose that some employee who wishes not to have activity taken by the Minister's department files a half-hearted complaint, gets no activity, then he by his own will can go to the courts and sue for redress. I suggest that I would like to have some explanation on it. As I see it that particular section would seem to be unnecessary. I fail to see why we have to have a condition that the Minister's department will not act on that kind of issue. I think it's automatic that the action should take place.

One final point I would like to submit to the Minister. In dealing with this particular act we, let's suppose find a complaint being lodged by a member or an employee of a certain firm. Within the parameters of this act we are responsible to look at that particular claim and make an assessment and take the necessary steps to rectify. And I like by the way the fact that the responsibilities with the employees of the department lie to rectifying that situation in having the employer and the employee satisfied both before we go further, before we launch lawsuits and so on. However I wonder if it would be possible in a case of that kind to also have a look at not only one employee but look at the employees generally in that particular firm. Because it might well be that we have to go after one and then after another then after another. Now this might be done as a matter of practice and I'm not aware of it. However within the Act as it is this is not really a legally permitted or insisted upon matter.

Again, Mr. Speaker, this is not an unimportant bill yet I can't see it as a controversial bill because the principles enunciated as I see them in this particular bill are important measures, they're rather a bit like motherhood, something that we from this side would not object to.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, the bill before us is designed to amend equal pay. In amending it it makes the loopholes much smaller and the wording of the clauses more exact and accurate. The Director in the Labour Department would appoint a referee to inquire into the complaints and after the complaints the director would draw his conclusion by the evidence that he has acquired and would recommend the course that ought to be taken with respect to the complaints. In the amendment the referee gives all the parties I believe affected the opportunity to be heard and in my opinion this is a good example of participatory democracy. But having said this, Mr. Speaker, I wish to perhaps make a couple of points and suggest a few recommendations to the Minister, and that is in connection with the referee.

I believe the bill should spell out who the referee will be, the fact that he has to hold a hearing and the fact that in all the dispute cases the referee will act more or less like a judge; he will have to deal with not only big business but he will have to deal with perhaps large labour unions as well and I think the bill should specify who the appointed referee will be. I'm sure that the Honourable Minister of Labour will agree that this person must have some qualifications, must have some experience in labour and management negotiations and I feel it just cannot be anyone. So I do feel that the key to the success in this bill, in my opinion, will be who the referee will be that will be appointed. The fact that he has to hold such important meetings and in fact act like a judge I think that perhaps the bill, the legislation, may spell out a little more in detail who this person should be.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, in examining the bill and hearing what the two other representatives have already mentioned I think the one matter that leaves itself open for dispute or probably irregularities is the very thing of the procedure of a referee. He is free to decide on what basis he will collect evidence and how this is supposed to be done and no doubt this will vary from whoever is appointed. If you do appoint someone who is not familiar with the type of work or who is not as well qualified certainly this will make a difference in the type of report that you will get, and I think this represents a weakness in the bill. I think something should be done to clarify this because sooner or later I think difficulties will arise as a result of this very provision the way it stands.

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

MR. PAULLEY: Once again, Mr. Speaker, I want to thank my honourable friends for their participation and their support to the general propositions contained within the amendments to The Equal Pay Act. As I indicated when the bill was introduced we found that there were certain deficiencies within the act itself, that there was a possibility of possible violations of the act not being able to be prosecuted due to the terminology contained within the act and that is the basic principle of the act.

My honourable friend from Emerson again points out his support in general for the bill as the labour representative of the Conservative Party. This bill of course has been on the Statute Books of Manitoba for some considerable period of time. I indicated when I introduced the amendments that the ground rules dealing with equal pay were changed by this government in order to make it more practical for people who have been persecuted as the result of the non-payment of equal pay as between male and female and that this bill is to strengthen that legislation. So I want to say once again, this is a progressive piece of legislation.

My honourable friend the Member for Emerson while he was speaking wondered why it was that the Director had to refer the matter to the Minister or why the Director had to consider whether or not prosecution should take place, and as I indicated informally while my honourable friend was speaking, the reason for this of course is that frivolous, frivolous complaints would have to be sorted out from those that have some substance.

The Honourable the Member from Assiniboia and indeed the Member for Rhineland questioned reference to the appointment of a person called "a referee" with the suggestion that they should be named within the act. Well in effect, Mr. Speaker, they are named within the act, or at least some are named within the act because the section referred to does say that the referee can be a member of the department.

I want to assure my honourable friends what whether I happen to be the Minister of Labour or some other individual either in this political party or any other political party I am sure will realize the responsibilities of their office, that they will not appoint a referee who is not qualified

(MR. PAULLEY cont'd) . . . . to investigate into the reasons for the complaint and to make the report to the Minister. There is provision in the Act for the appointment of a departmental person. I'm proud to be able to say, as I have said on a number of occasions in this House, that the general run of the employees in the Department of Labour are capable and they were not appointed in the main by the present Minister of Labour, they're a carrying over from previous administrations, and I would suggest, Mr. Speaker, even back to the times some many years and years and years ago that we happened to have a Liberal administration in the Province of Manitoba. I have confidence in the employees within the department; I have confidence that they can be referees in respect of The Equal Pay Act. If I didn't have that confidence, Mr. Speaker, I want to assure this House that they wouldn't be employees of the Department of Labour under my jurisdiction.

So I'm satisfied that the expertise happens to be there within the department and I'm sure that notwithstanding who happens to be the Minister of Labour if he or she were to go out of the civil service within the department for the appointment of a referee they would use their intelligence and their judgment in appointing a person qualified and capable of investigating into the complaint.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Would you kindly call Bill No. 72, an Act to amend The Employment Standards Act.

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

MR. GIRARD: Mr. Speaker, the Act to amend The Employment Standards Act is one again that might in some areas be thought of as having far-reaching effect but in most cases at least it is not unjustifiable and maybe very timely.

I wonder if the Minister of Labour would accept that for the progressive parts of this bill we should really pay recognition and thank the Honourable Member from Fort Rouge because I can recall that she has been raising this kind of issue in the Legislature in the past and I knew that the Minister of Labour as an observant member of this House and he has been aware of the honourable member's suggestions and now he puts it into law and this of course we like to see. I'm referring to the law that will now permit employed ladies to have by law maternity leave of given periods of time. As I read it, I interpret the maternity leave section to be at least 11 weeks prior to delivery, must be notified four weeks before the beginning of the maternity leave and then another six weeks after delivery with the possibility of being re-employed before that if a medical certificate is obtained. I find as I read through this particular part of the legislation that it was very carefully thought out and I cannot suggest any improvement on that particular section.

Just one question I would like to raise. At the end of the maternity leave by the act six weeks after delivery is the time when the lady will be expected to be back to work, but if she returns even 10 weeks after delivery the employer is still bound to give her back her same position and pay and so on. I am wondering if I misread the act or if there's a discrepancy or if there's lack of explanation. Between six weeks after delivery- then provided that she is back ten weeks after she will be reinstated; but after ten weeks he does not have to reinstate her - he or she, the employer does not have to reinstate her. If I read that correctly there seems to be a bit of a limbo between the six and ten weeks and that could maybe be clarified in committee or . . .

One other area that I was wondering about, Mr. Speaker, was that during that leave of absence the employee is to be considered as though having been on staff and worked with really a loss of no privileges, which is fine and agreeable, but I was wondering in a case where there might be pension plans contributed by both employee and employer, will this mean that the employee during her absence will have to make contribution towards her pension plan, or will it be that the employer during that absence will have to make the contribution of both his and hers. And maybe again it's simply because I'm such a novice in the area of labour that I don't understand this kind of thing and therefore I would appreciate very much if the Honourable Minister would help me out.

The other principle that is of considerable strength in this bill is that of controlling sizable termination of employment. I know that the Member from Crescentwood has on occasion been critical of corporations that lay off a good number of people at one time and so this Act provides

(MR. GIRARD cont'd) . . . . . that any employer who terminates employment for 50 people at one time must give four weeks notice. If it's 100 people it's eight weeks notice, and if it's over 100 people it must be 12 weeks notice and if it's over 300 people it must be 16 weeks notice. Now this of course will raise a lot of questions. I approve of the principle but I can't say that I approve of it with a little bit of nervousness because I can realize that there will be many extenuating circumstances under which employers might be compelled to do things they don't like to do. But I find very satisfying that the Minister in drafting this legislation must have been just as nervous as I was because he has seemed to cover these possibilities fairly well where he says "this bill will not apply" and then he lists a whole number of situations and some of them are quite general. It must be that the employee was not employed for 12 continuous months and so on. I thought that that was satisfying in part. And then I was even more satisfied when the Minister also saw fit to put in this act "at his discretion" that this section will not apply. And therefore really the act makes a suggestion. It's going to be the law but I think very appropriately because of circumstances that might develop we'll have to trust the Minister in this case. He has seen fit to suggest that the law will not apply in some cases which he will determine.

Just one other item of interest in the bill, Mr. Speaker, and that was with regard to termination of work of an employee. I found it interesting to note that when an employer will terminate the contract with the employee, will terminate the job, that the employer -- and that's with regard to the layoff of course of a large number of people -- the employer will have to give notice to the union if there is a union in force, but if there is no union in force then he must give the notice to the employee himself. I would suggest, Mr. Speaker, that I would rather see that all employees be treated the same way whether they were in union or out of union so that they'd both be informed; I'm sure that they're both interested. It would seem to me that we're short-changing unnecessarily the members who are unionized in this particular case. Strangely that the Minister should think of it that way possibly, but nevertheless I would like to see that the employees who are going to be terminated as employees be notified just as well whether or not they are unionized.

It's understanding, Mr. Speaker, that a bill of this kind with far-reaching effects, with many of them unknown and many that will not be known until the bill is made into law and enacted, that flexibility in regulatory powers are reserved by the Minister; and he has done just that. I consider the bill an interesting piece of legislation. I am anxious to see how it will work. We have intention of supporting it, we have no intentions of not supporting it. We are interested in seeing it enacted and we are eager to see the Minister handle it in his administration.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Thank you, Mr. Speaker. I had occasion on several occasions to talk about maternity leave on the Labour Estimates. I welcome the legislation, I know that the bill before the House recognizes the shift from the traditional roles and customs pursued by many women in the province, because some women today want to pursue a career in addition to being a housewife and I believe other women that cannot afford to just be a housewife, some are forced to maintain themselves and their families, so this in itself is a very strong reason why we should pursue and support this legislation. I think there is also a switch from the time when women were completely dependent on their husbands. I think they want to get into certain occupations such as - I know that there are many who perhaps have chosen and wanted to stay as careers, nursing and school teaching, but I feel that we find many many females and mothers in the labour force. For example, 81 percent of the women in the Federal Civil Service with children are sole supporters, are sole supporters of families, which to me this is a very high figure.

Mr. Speaker, with the changing roles and customs I think that a woman's responsibility to her children and home is still very important and perhaps much more important to her than to her husband. And when you find in the Federal Civil Service that you have 81 percent of them sole supporters of their families, this in itself is a good and strong indication that many mothers today are breadwinners in the family and certainly this should be given serious consideration. I know that many members must be familiar in here that the Federal legislation provides for this at the present time. --(Interjection)-- Well it's passed the House.

Mr. Speaker, I think that the present state of affairs assumes that all women have the protection and income of a man to support her during the pregnancy and I would say that this

(MR. PATRICK cont'd) . . . . assumption does not hold true in very many cases. I think the society that gave birth to the old code has long since been transformed by the pressure of progress and desire of women to take their rightful place alongside men in the labour force. I have described some of these changes but I feel that we must not fool ourselves into thinking that we can treat the problem of women in labour as one would try to treat a child. I think that the bill recognizes the problem of pregnant women in the labour force and guarantees their rights in their job and seniority and I agree with this. In many respects I still feel -- that I've checked, the Minister says it may not be proclaimed but I know it passed the House -- it's similar to the Federal legislation that I have perused.

I know that some may say that the bill does not go far enough and the others perhaps would say that the bill goes too far because I know in the small offices where you have perhaps two girls and if they happen to be expecting at the same time it may put some pressure on small businesses and that's the ones that may say that we've gone too far. Perhaps there may be some safety where I know in some instances the same workers may not be wanting to come back to work or they have changed their minds or not be able to and perhaps it will be necessary for some communication between that female employee and the employer to continue on, to know exactly if she's coming back because it may put some hardship on some small employers.

On the other hand, I understand that one of the articles, I believe it's 10 (2) of the United Nations Declaration or United Nations Declaration of elimination of discrimination against women goes much further in this respect. Goes much further, and it states that the women should take the right in labour and that measures should be taken to prevent their dismissal in the event of maternity and it also states that they should be paid while on maternity leave. That's the declaration of the United Nations. So again I say somebody will say that it doesn't go far enough.

Certainly many women in Manitoba cannot find suitable day care centres and as a result they may be unable to work - as I talked on this the other day. But I feel that I would be correct to say that it is frustrating for some women in our schools and colleges - perhaps I should say colleges and universities - that there is some discrimination against women. And I only need to bring one point to you. The Board of Governors of the University of Manitoba. How many women is there on the Board of Governors of the University of Manitoba? So there must be some discrimination. I think it would be only right that we had some women on the Board of Governors. In my opinion the women in Manitoba do not enjoy full equality before the law; I can't help but support the legislation and compliment the Minister for bringing it in at this time. I think we should adopt the measure as soon as possible; I think that there's only perhaps in the private industry has a small percentage of people covered by maternity leave and so I think that this legislation is necessary. So I do support legislation governing maternity leave as necessary; I think it's desirable and it's very timely.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, the bill and its contents probably in some respects are a little delicate to respond to or discuss but I think if we're going to put it to the statutes that we submit our views on it as we see it. The provisions for maternity leave while I don't take exception to it but certainly I think we should have employers by all means at the meeting so that they could express their views on it. I'm just wondering the time for pre-delivery that is set out whether it's sufficient or not. Women are working in different kinds of jobs and in some cases this could probably be embarrassing to an employer and therefore that the time limits given whether they're correct and will apply equally to all people I'm not so sure of.

At any rate I just wonder when you have a pregnant woman working with other women whether you can expect the same amount of work from her and whether employers will not feel taken aback requiring the same amount of work from a person so involved; and whether consideration is being given to this in the bill. Because when you put down the stipulations I think you should make provision for this.

There are other matters in the act such as the reinstatement of employees. Here again I am just thinking of - supposing you have a teacher who is on leave. If it's a larger school no doubt they will have a reserve of substitute teachers who can take over, but I think school children in many ways suffer when you have replacement teachers for certain periods of time only. And this is fact in my opinion because I have seen it happen more than once, that when you just have substitute teachers that it's not the same as having a regular teacher on staff.

The other matter in the bill which mentions that notice be given for group termination of

(MR. FROESE cont'd) . . . . employment and it sets out the number of days depending on the number of employees involved. Again I think there is a point that should be mentioned here. There are exceptions listed in the following provision to certain conditions where it will not apply, but what in the case of a bankruptcy. Are these people going to get the money regardless of whether there is sufficient money in a business if you're requiring that so much be paid? I would like to hear the Minister on this. --(Interjection)-- Well you make exception for certain things but there's nothing in the act the way I see it for bankruptcies.

I think if you're going to make it mandatory for some companies then I think the Crown should step in and make sure that the employees where a bankruptcy takes place that they are provided for as well. I don't think we should call the shots for one group and then not provide for another group. In another provision co-operation is required with the Minister but there is nothing to indicate that the Minister has to co-operate. I think this should also apply equally in both cases.

So, Mr. Speaker, with those few comments I will not delay the bill. I certainly have some reservations on the legislation that is being brought in.

MR. DEPUTY SPEAKER: The Honourable Member for Crescentwood.

MR. CY GONICK (Crescentwood): Mr. Speaker, I know that the Minister wants to get on and I'll just take a few minutes to talk about one or two aspects of this bill that I think deserve further consideration.

With respect to maternity leave it seems to me to be very unlikely that it was a woman that would have drafted this, the details on this particular legislation. I think it certainly is in principle a very sound piece of legislation, one which all members would support. But 11 weeks before delivery I suppose, six weeks after. It seems to me that most women who have just given birth to a child would want - many of them would want more than six weeks. I suggest many of them would want more than ten weeks. And while one year might be too lenient, I would say perhaps three months would be more typical of and more reasonable in view of the habits of most women in North America and I would like to see some consideration given to extending this period. It seems in particular strange that more leave is granted before than after, eleven weeks before, six weeks after. I would like to see that six weeks extended even beyond the ten weeks to perhaps three months.

The only other point I wanted to say a few words on is the provisions in regard to notice of layoff, which again I think is a forward piece of legislation and sound in principle. I have only two things to say about that. One is I am not convinced of the need for discretionary powers given to the Minister to intervene. I rather like the philosophy of the Minister with regard to keeping the state out of industrial relations as much as possible and allowing the two forces to confront each other and deal with each other, but here there is the intervention of the state as a possibility and there may be good reasons for this but I would like the Minister to explain why it is necessary to allow not only his discretion but the numerous loopholes which the Member for Emerson was mentioning. I would rather see first off a fairly clear-cut - a clear-cut provision without loopholes and without discretion, and if that proved difficult, if certain difficulties were raised as a result of having a clear-cut formula, then perhaps amend it as deemed necessary. But as a start I think I prefer to have a clear-cut formula which would not provide loopholes or discretion to the Minister. And I don't mean this in any way an insult or criticism to this Minister; I'd rather have a clear-cut situation which could be amended if it proved unworkable.

The only other thing I'd like to say about this one is that it in a way sanctions, it gives recognition of the right of management to layoff their employees and doesn't question that right; it only provides that management must give notification to the labour force that they are about to take that decision. And I don't think the Minister -- I'd like him to clarify this -- would want to say that this legislation expresses the belief of this government that it recognizes that it is management that has the right to layoff employees at will, but rather this could be a matter of negotiation with the unions who might be able to gain some authority itself; not only with regard to saying we want more time notification but we won't allow layoffs, or we want to have proof that layoffs are required by opening the books, or some other provision which would take away the kind of dictatorship on the part of management who would have the right on its own without any provision of proof to the labour force that such a layoff is necessary, without having to refer to any other authority, any other body, including its labour force, has the right to cast aside labour at will. I think that this legislation provides that when they have come to this

(MR. GONICK cont'd) . . . . decision they must give notice but I don't think the Minister wants to say therefore that this government sanctions the sole right of the owners of property to layoff their labour force at will, that this itself might be a decision which labour through the collective bargaining process might want to check and might want to curb through some means other than legislation.

So, Mr. Speaker, I certainly think that the principles involved in this legislation are important. I support them. I think that there are a few changes, particularly with maternity leave which I'd like to see and an explanation with regard to why these loopholes are required.

MR. DEPUTY SPEAKER: The Honourable Member for Fort Rouge.

MRS. TRUEMAN: Mr. Speaker, I really had not proposed to speak on this bill. I was very pleased to see that the Federal legislation concerning maternity leave was being complemented by similar legislation in Manitoba. However, after the remarks that were made by the Member for Crescentwood I felt that on behalf of the feminine sex I should stand up and say something.

He has proposed that women should have a longer period of time following the birth of a baby and perhaps he forgets how casually women used to have their children not very many years ago. In fact the progress concerning maternity care has been so great that it might be that within the century we have come from the stage where women simply stopped at the side of the field from the work briefly and it may be that in some parts of the world this is still occurring. However, the mortality rates were very high and we're all blessed now with far better care and are very grateful for it. However, I think that women feel that it's very broad-minded and generous that they should be given six weeks following the birth of a baby. If a woman wants more time than that, if she is the sort of woman who wants to stay home with her child then the chances are that she is going to resign her position and simply settle for that.

The member has suggested that this time be expanded to three months and one of my colleagues in the back row said well maybe it should be five years so they could get them off to school first. And this could be carried to its absolute most ridiculous level by suggesting that perhaps they should have a sabbatical in order to have their children; have every seventh year off at public expense. There are overtones in this. I think that with the provisions that are within this bill a woman retains her independence, it's her decision whether she's going to go back to work or not and to suggest that she should have more time than this sort of has overtones, too great overtones of sort of a public service, that the function of childbearing is really in effect a service to the state, and in my opinion trying to extend this time period further to me it sounds offensive and I think that she would thank the government for providing that she can have six weeks, if she would be granted a further and perhaps unnecessary period of time I think that she would feel that perhaps she was being overly looked after and you know they do like to be independent and not be too much governed by other elements in our society.

So, Mr. Speaker, I just wanted to say that I think this legislation is eminently satisfactory for this day and age and it's tremendous progress, and I was very pleased to see that this legislation was brought forward.

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

MR. PAULLEY: Mr. Speaker, I find myself on the wings of a dilemma, I believe, because I'm caught between the expertise of the feminine lady of the House as to the effects of pregnancy, and the observations of the Honourable Member for Crescentwood, and not having had the opportunity, at least thus far in my life, as to being able to carry a child, I really don't know which is the more correct. But I do think though that most of the members, if not all of the Assembly, would agree with me that I should take the words of wisdom of the Honourable Member for Fort Rouge over those of the Honourable Member for Crescentwood, at least in this respect.

And I want to say too, Mr. Speaker, that when suggestions were made to me and I had considered introducing changes in the employments standards legislation to make provision for maternity leave I was worried lest I come under the ire of the Human Rights Commission of Manitoba that says that there should not be any discrimination between male or female because I know, I know of many men, and possibly even including myself, during the pregnancy of my wife that I may have been even more concerned than she was as to the effect of pregnancy and of maternity leave, and on a couple of occasions I did suggest to my employing officer that by jiminy Christmas maybe I better take a month or so off during the pregnancy of my wife, in



(MR. PAULLEY cont'd) . . . . essence, maternity leave, and I hope to heaven that I will be protected during my absence. Such of course is not the case, and I'm sure that my friend the Attorney-General will forgive me if I say to him that in some respects at least this is somewhat discriminatory legislation, but I think practical legislation, and sometimes when we get into the field of protection of human rights and the likes of this as contained in The Human Rights Act we have to recognize the fact of life that thank goodness that there is a difference between male and female, and I'm sure that my friend the Attorney-General will agree with that fact of life and he will not prosecute me as the Minister of Labour for introducing legislation that could conceivably be discriminatory against the male because there isn't a provision in here, in this legislation, for maternity leave for males.

A number of interesting points arose during the discussion, Mr. Speaker, and again I want to thank the support in general that is being given by all sides of the House for this progressive legislation. It seems to me, Sir, that one of the concerns is the power of the Minister to set aside the strict provisions on termination of employment. I think that if my honourable friends who raised this point would consider the possibilities as to mass layoff, that they would understand why it is necessary to have contained within the legislation a provision whereby the Minister could set aside the time element in respect of layoff. I'm thinking of floods. Most of us here, in one instance, most of us here recall the devastation prevailing in 50 and 51 when as a result of the inundation in and around the Greater Winnipeg many factories had to close down, affecting a number of employees. This is one of the situations, Sir, where I'm sure that there should be some discretion to the Minister to waive the six months or six weeks or fourteen weeks period of notice as the result of layoff. I can see that as a result of fire that a plant is closed down and without that ministerial discretion being contained within the act, certainly it would be an imposition on the employer, and I'm sure that the employee basically would agree that the terms of the act would not have to be strictly adhered to but unless, Mr. Speaker, in my opinion, there was the legal possibility for the Minister to use his discretion there could be a legal battle as to whether or not the full terms of the legislation would have to be adhered to. This then basically in that respect, Mr. Speaker, and I'm only using but two illustrations, where ministerial discretion would be used. And while I can't speak of my successors as Minister of Labour, I can give my assurance at the present time that there would be no inclination to violate the general principle of due notice in respect of mass layoffs.

One of the honourable members, I believe it was the Member for Assiniboia, raised the question as to the possible prejudicing of the employer of one or two girls in respect of maternity leave. But I'm sure that he would agree with me, Sir, that if we adopt a basic principle in legislation, that principle should apply to all whether there's one, twenty or thirty individuals concerned. It would be very hard in my opinion to have contained within legislation a clause that in respect of an employer who only had one girl who becomes pregnant the act shall not apply to her or to that employer. If they had two then it would. And if they had three, it would not. This would be to me the type of legislation that would get us into a lot of difficulties and would be hard really to enforce.

The Member for Crescentwood raised the question that the bill doesn't go far enough in that there isn't a requirement in there in respect of layoff notices to any employee and that the management should not have, as I understood him, if I understood him correctly, an employer would have no authorization or right to lay off any employee. Now I don't know whether this Assembly would want to go as far as that or not. I might say quite frankly that I don't think that the present Minister of Labour would introduce legislation so severe as that recommended by the Honourable Member for Crescentwood. All I can say basically, Mr. Speaker, is that in the labour situation, the labour scene in Manitoba at the present time is such that we have the lowest labour unemployment rate in the whole of the Dominion of Canada, and I trust and hope that that will be improved and not aggravated. I'm sure it will not be aggravated as the result of this piece of legislation.

It seems to me, Sir, that while we've had the discussion on this bill, the amendments to The Employments Standards Act that there has been a concentration of thought of honourable members on maternity benefits, on layoff notices. But there are one or two other clauses in the legislation which I think are very progressive. We bring into the ambit of the Employment Standards Act provision for homemakers, for female employees in particular without designating them as such, in the field of involvement as persons employed as professional homemakers,

(MR. PAULLEY cont'd) . . . . and the likes of that, that have never been covered before. I do not think that they are covered in any legislation in the Dominion of Canada. Reference has been made, Sir, to the federal legislation. I appreciate the federal legislation. It was introduced by my former colleague the Minister of Labour, Bryce Mackasey some considerable time ago; it's still on the shelves in the files or in the Chamber at Ottawa. It appears to me that there is going to be an adjournment within a day or two at Ottawa. The legislation that my honourable friend from Assiniboia and others referred to will gather dust during that adjournment. I trust and hope, Mr. Speaker, and it seems evident today that with the cooperation of all members of this Assembly that this progressive legislation will not gather dust in the files of the Minister of Labour and it will be enacted before the House adjourns within a few weeks. So again, Mr. Speaker, I thank the participation in the debate; I thank the support that we have been receiving for our legislation.

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

. . . . . continued on next page.

GOVERNMENT RESOLUTION

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: I wonder, Mr. Speaker, whether you would now kindly call the proposed resolution standing in the name of the Honourable the First Minister dealing with the school system.

MR. SPEAKER: On the proposed motion of the Honourable First Minister. The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I move, seconded by the Honourable the Member for Gimli, that

WHEREAS the purpose of the Manitoba school system is to provide education opportunities and programs accessible throughout life to all on an equitable basis;

AND WHEREAS the school system must satisfy the needs of society for an educated and productive citizenry;

AND WHEREAS education programs are to serve the students and the community, be relevant and meaningful to the participants, and the participants should grow in the knowledge and skills necessary to be fully active in the economic, social, political and cultural life of a diverse and pluralistic society;

AND WHEREAS in making efforts to realize these goals and objectives the Legislative Assembly of Manitoba, at its Second Session of the Twenty-Seventh Legislature, on the fifteenth day of April, 1964, adopted resolutions setting forth principles affecting government action in the field of public education and the obligation to provide for the maximum educational opportunities for all Manitoba children and established a Special Committee to consider the matter and make recommendations thereon;

AND WHEREAS the aforementioned Special Committee met, received public presentations and, on the eighth day of April, 1965, submitted its report to the Fourth Session of the Twenty-Seventh Legislature, incorporating recommendations which were, in substance, embodied in Bill No. 141, an Act to Amend the Education Department Act and the Public Schools Act which received the Royal Assent on the eleventh day of May, 1965;

AND WHEREAS although the Special Committee concluded that "the principle of Shared Services may not usefully be considered in isolation from its practical operations", it is now apparent that certain anomalies have developed in the application of the Act since 1967 to the present in that some private schools have been able to secure a very substantial degree of public grant and services support either because of the nature of agreements that deem private schools to be public schools for purposes of shared services grant eligibility or because of their proximity to public schools while others, because of lack of such proximity or other causes, have not so benefitted;

AND WHEREAS instances have occurred, in some school divisions, of the removal of the distinction between public and private schools through the action of various forms of local agreement and the constitution of parental or other advisory committees such as in Brandon, The Pas, Norwood and St. Vital School Division;

AND WHEREAS, subsequent to the adoption in Manitoba in 1965 of legislation for shared services, the neighbouring provinces of Alberta and Saskatchewan have adopted legislation providing financial assistance on a per student basis to those in accredited private schools on the basis of 25% of the average cost per student in the public schools;

AND WHEREAS, at the Second Session of the Twenty-Ninth Legislature, a resolution was adopted by this Legislature that there be consideration of the advisability of granting financial assistance for the costs of instruction provided by qualified teachers in all educational institutions of the Province that offer a curriculum approved by the Department of Education;

AND WHEREAS within recent months the neighbouring province of Ontario has enacted certain changes with respect to the relationship between public and denominational schools in their actual operation;

THEREFORE BE IT RESOLVED that a Special Committee of the Legislature be appointed to consider and recommend on proposals submitted in the reference paper on options for greater community and parental involvement with the public school system and which also includes the concept of accommodating those private and denominational schools that may desire to integrate into the public schools; the advisability of revising the program of shared services and assistance to students of private schools in the light of the report of the earlier Special Committee of 1964, and because of the anomalies discovered in the actual operation of legislation governing shared services since 1966 as shown in the statistical and contract form

(MR. SCHREYER cont'd) . . . . appendices in the above noted submitted reference paper; the legislation adopted in 1967 in the provinces of Alberta and Saskatchewan; changes enacted in Ontario in 1972 and such other documents and information as may, from time to time, be laid before it;

AND BE IT FURTHER RESOLVED that this Special Committee have power to sit during the present session and in the recess after prorogation and to submit a report with recommendations to this House on any or all of the alternatives hereby referred to it.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, I rise on a point of order. Sir, I ask you to consider whether or not this motion now is properly before the House. I note that when the First Minister introduced the resolution he indicated that the motion was seconded by the Honourable Member for Gimli, and the Member for Gimli is not a member of the Cabinet and I have raised this point on previous occasions, Sir, that when a money resolution is before the Chamber that it is a resolution that can only be proposed by the members of the Executive Council and therefore I ask you to consider, Sir, whether or not it is properly before the House unless it is seconded by a member of the Executive Council.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, on the point. I think the remarks of the Honourable Member for Morris indicates the answer because the motion is proposed by a member of the Executive Council, namely the First Minister. I do not know of any rule of order that I have observed that suggests that the seconder of a resolution must of necessity also be a member of the Executive Council. So I suggest in all due respect to my learned friend from Morris he answered his own question when he talked about the proposition, the proposal. The introducer of the proposal was a member of the Treasury Benches, namely the First Minister, and I would like my honourable friend to indicate to me in any parliamentary document or treatise dealing with procedures that says of necessity that it must be seconded also by a member of the Treasury Bench.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, speaking to the point of order, I like my colleague the Minister of Labour am satisfied that there is precedent for a member of the Treasury Bench to move a motion and have it seconded by some other person, be it in the private member on this side or even on the other side of the House, and in fact I'd like honourable members to know that had the Member for Churchill been here he had indicated he would be quite willing to second the motion. Unfortunately he's not here. But in order to dispel any need for wrangling on a point of order, I will move the motion, seconded by the Honourable the Attorney-General.

MR. SPEAKER: That clarifies the point of order without further ado. I indicate that the proposed motion by the Honourable First Minister, seconded by the Honourable Attorney-General, is now on the floor. Debate is open. The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, in commencing my remarks on this resolution I do not intend to make any extended reference to the historical context of the Manitoba school question. Anyone who cares to read about it can find easy access to all that was involved with the great debates, perhaps I should say the infamous debates of the 1890s in connection with the Manitoba school question. Certainly politics of our province and our country were greatly affected by that issue at that time and the way in which it was handled. What is important to note is that ever since the problem was dealt with in the 1890s in the way it was, successive governments from time to time have felt a compelling urge to try to bring about some change, some new compromise, some redress of some kind, and all compromises were found ultimately to be unsatisfactory, and for that matter not particularly commendable.

Most commendable of all efforts to try to grapple with the nature of this problem was in 1964 and I, certainly at that time and now, commend the administration of that day for its genuine efforts to bring some semblance of reason to bear in trying to find a solution. But alas we know now that in the practical application of the shared services legislation of 1964 however good and genuine the intention was, and I believe they were, that it hasn't worked very well.

And so, Mr. Speaker, I really intend to make my presentation from a starting point of 1959 with the submission that year of the Royal Commission on Education. I would commend honourable members if they don't have time to go into the longer or older history of our province and the organization of educational effort here, to at least start with 1959 in which

(MR. SCHREYER cont'd) . . . . year this Royal Commission which consisted, by the way, of five persons all of them I regard to be persons that were able to bring a dispassionate analysis to bear on problems in the field of education, and I refer to Dr. McFarlane the Chairman at that time, Mrs. Hortense Wood, Dr. J. A. Cuddy, Brother Joseph Bruns, Mr. Steven Hanson, and among the many recommendations in many different fields of education that this Royal Commission group recommended there were a series of recommendations with specific reference to the problem of financing of private and denominational schools. I believe for one that it was unfortunate that it wasn't found possible for the government of the day to proceed substantially along the lines of the recommendations of that Royal Commission. But as I said in 1964, and I say now, it is not that one should particularly want to fault the government of the day for failing to do because it was admittedly a pretty major step to take in an admittedly extremely sensitive area. So after this Royal Commission report came in with its several recommendations with respect to private and denominational schools, nothing happened; about six years passed and in a determined effort, a genuine effort to try to do something, the government in 64 brought forward what was then described as a novel or new concept, shared services and established a committee of this House to sit, authorized to sit between sessions so it would have the time, and time is important here, so it would have the time to understand what the concept really meant, what its implications might be, and to hear representations on it.

I had the privilege, Mr. Speaker, privilege in terms of experience, to be sitting in this House during the debate of 1964 and 1965, and one thing that I must say is that although dossiers are full, scrapbooks and dossiers of newspaper clippings, legislative Hansard pages of speeches of honourable members, as recorded in Hansard or as reported in the press, that by and large members on both sides of the House did succeed in resisting the temptation to indulge in mischief and trying to inflame party partisanship, and inflame public passions and prejudices. Looking back in retrospect about the only exception to that general statement was the one occasion when -- and I will not mention party names here because I don't want to fall into the trap of appearing to want to start interparty strife on this question -- but I recall the Premier of the day being caught in a crossfire of criticism from two members who sat in the same group across the way, one of whom criticized the then Premier for wanting to make a party issue of the problem, and the other member only two or three days later accusing the Premier for failing to take a government and party stand on the issue. Criticisms exactly opposite in what they were saying, from which I could only conclude that perhaps the Premier of that time was acting in a way calculated to avoid the probability of stirring up hard acrimonious and bitter interparty strife. Certainly it is not my intention nor desire, far from it, to seek to deal with this issue on a basis that doesn't allow for almost, you might say, the complete avoidance of partisan considerations.

The Legislature of 1964 finally voted in overwhelming manner to accept the resolution and to appoint, to authorize the establishment of this committee. The committee sat in the period between August of 64 and February of 65 and heard, I believe, 27 or 28 presentations in all, and made a recommendation back advocating legislation amending The Public Schools Act which is now embodied as Section 171, etc., of The Public Schools Act, the concept of shared services.

And I must say that the logic that lies beneath the concept of shared services is irrefutable in every respect. Surely, surely one can say that even though the concept may in its practical application seem to be causing certain problems, nevertheless merely in the consideration of the logic of the argument it is, I repeat, irrefutable because, what is the argument for shared services? It was and still is that if a young Manitoban has entitlement to 100 percent of public expenditure on him as a student in the public schools, and by definition he has such entitlement that's axiomatic, then if he should choose, or his parents should choose, that he avail himself of only part of the services of the public school then it would seem that his entitlement surely ought to extend to at least as much as that part which he wishes to avail himself of. The logic is pristine, pure, and irrefutable.

Therefore it is I think unfortunate and sad that in its practical application some, I think, serious inconsistencies and anomalies have presented themselves. And what are they? Well for one, for those private and denominational schools that are, shall we say, fortunate enough the students are fortunate enough to be attending a private school that is in immediate or very near proximity to a public school, it is then relatively simple to arrange to enter into an agreement whereby in certain periods of the day they simply walk across, or kitty corner, or

(MR. SCHREYER cont'd) . . . . half a block, or whatever, to the nearest public school and there exercise their full right to the public facilities of the public school, and this is done in some cases, whether it be gymnasium, science or chemistry lab, or whatever, library, etc. But if the schools are some distance apart then that kind of access as is intended through shared services becomes meaningless, it becomes a dead letter. Fortunately shared services does not encompass only that limited amount of possible assistance, the actual utilization of the physical facilities of the public school nearby. Shared services as enacted into The Public Schools Act in 1965 also provides for public grants, public monies, to be paid on the basis of \$12.00 per capita, per student rather, to students in private schools to help them purchase books and learning and printed and I suppose audio-visual material, although there isn't very much that can be bought for \$12.00 per pupil. Nevertheless it does amount to several tens of thousands of dollars and that has been of some peripheral or marginal help. In addition to that shared services also provides for transportation to be made available to private school students who enroute to private schools may happen to be along the same route as is traversed by a bus serving a public school, that service is provided to the private school students as well, and to me that is, although very sort of mundane and undramatic, is nevertheless a good example of where reason has been allowed to replace passion and prejudice in this issue because after all it's only common sense that if the bus is going, it's a matter of practical common sense that if the bus is going along the particular route, there's some kids along the way that are on their way to a denominational or private school, that they should be picked up and given a ride. It's I suppose the latter-day application of the allegory of the Good Samaritan. Beyond that shared services really doesn't provide very much except, and here honourable members should really want to be interested, except that under a rather peculiar, in my opinion, a rather peculiar interpretation of The Shared Services Act a certain lawyer or lawyers have succeeded in drafting agreements between school divisions and certain private schools by virtue of which peculiar interpretation of The Shared Services Act makes it possible for private schools to be deemed to be public schools for certain periods of the day. I certainly don't regard that as being inexcusable or unacceptable, except what has happened is that while such agreements have been entered into in isolated cases, other school divisions, other private schools, have heard it said many times, and it has been said many times, that those kinds of agreements are illegal. And, Mr. Speaker, those agreements have never been challenged in the courts. Nevertheless it must be said in all candor that some of our advisors advise us that those rather peculiar agreements are illegal and other advisors allow as how they may well be legal. And so the matter has been allowed to drift, to carry on from year to year for the past five or six years now with the consequence that while two or three schools are really invoking or making a very substantial utilization of shared services and moneys, public moneys through The Shared Services Act, two or three schools are taking full advantage of that; other schools have not sought to apply because they have heard it said that this is illegal, and moreover one or two school divisions and private schools have applied and been advised that the matter is really one of unclarity and uncertainty and that a decision can only be taken after there is clarification. In other words honourable members I'm advising you that despite the fact that the shared services legislation was brought forward in 1965 with the best of intentions it is in dire need of some revision, some amendment, the precise nature of which I am not in a position to suggest at the present time but which I hope the deliberations of the committee over a period of some weeks, if not months, would be in a position to come to precise grips with. This is of course one course of action which literally stares us in the face.

The other is to perhaps look quite beyond the concept of shared services to something broader such as, and I believe the Member for Brandon West is on record in this respect, such as perhaps the looking at, considering the advisability of the adoption of the Brandon and The Pas practices because de facto in those two communities, The Pas and Brandon, for a period of, I think three or four years now, private schools, denominational schools, in those communities have been given the opportunity to opt into the public school system by virtue again of, by virtue of a particular agreement signed between the division and the previous private school board under the terms of which agreement the school is operated as an integral part of our public school system but parents, the students of which, retain an amorphous, loose kind of parental advisory committee that maintains a continuing interest in the internal operation of that particular school, the children in it, the teachers in it, the curriculum within the school, etc. It is not a step, it is less than a small fraction of a step from that

(MR. SCHREYER cont'd) . . . . practice to this notion and concept of the umbrella which my colleague the Minister of Education has referred to from time to time in recent months.

If any of these alternatives recommend themselves to any small extent to honourable members then it seems to me that it is a foregone conclusion that they should want to support the idea of the establishment of a committee of this House so as to have adequate time in which to study, analyze, question, but dispassionately, always dispassionately, because if there is anything I fear it is the very thought that somehow the matter will be dealt with in a way in which right from square one immediately infighting starts in order to jockey for political advantage. Frankly I don't believe that we should have any difficulty in avoiding that temptation, Mr. Speaker, because, because three successive political administrations in this province, Liberal, Conservative and New Democrat, despite their intentions have not been particularly successful in solving the problem or even dealing with it in any effective way, and so therefore we all have let us say the problem in common. There will be no particular advantage to any one group if we managed to settle this problem in a successful way, nor will there be any particular advantage to any group that tries to take advantage of the situation in order to jockey for popular support. So I don't dwell on that any more, Mr. Speaker, because honourable members may think that I protest too much. Anyway I do have faith that we can deal with the matter in substantially the same procedural way as we have seven years or eight years ago.

Members may ask well in 1964 when the matter came before this House did you not vote against the resolution to establish a committee. And I must tell my honourable friends so that they understand the exact nature of the circumstances that I indicated in advance during debate at the time that I would support the concept of shared services and I did. I indicated a year in advance after having only a relatively cursory explanation of the concept of shared services, that if the government chose to proceed with it I would support it which I did do. The reason why I did not support the resolution the prior year, in looking back it's only of academic interest now really, but it was because of one of the preambles which I explained at the time. Because in one of the preambles there was a reference made to the principle of separation of church and state "separation of church and state as that expression is understood in Manitoba". For the life of me, Mr. Speaker, I do not know how that expression is understood in Manitoba. I do know that it is understood in different ways by different people and there is far from unanimity or even I suspect consensus as to just precisely what is meant by separation of church and state. I do know this, and I rather suspect I share this in common with all 56 members of the Assembly, I certainly believe that there shall never be any establishment of any church or any religion that all churches and all religions must be treated on the basis of equality, non-preferential treatment. But to suggest that no establishment of church or any religion is the same as separation of church and state to me -- it's very easy for me to become emotional on that very point. I hope honourable members will regard it just as an academic hangup of mine. But there's all the difference in the world I suggest between the endorsement of the principle that no modern democratic state shall ever establish any church or any religion, to try to go from there to say that there is separation of church and state because, Mr. Speaker, there never was, there isn't now, and I hope to God there never will be. That's the way I understand this idea of separation of church and state. I do know that in some countries of the world historically, and in a few even at the present time, one particular denomination has the endorsement of the state. It is the established church. Well I think all 57 of us can easily agree and quickly that we do not, and never have, wanted to support that kind of idea. But in Manitoba in the context of the 1960s and 70s we have tried to deal with this problem far away from any notion or idea that there would be entanglement with this principle of establishment of church and religion because what is being proposed, what was proposed in 1965, what is being suggested now has to do with treatment that would provide parity of treatment, whatever that treatment was it would be parity of treatment to all, to all groups. There's been no change in that respect in the last ten years and more.

Manitoba in a sense has a golden opportunity to perhaps have the best, the most ideal treatment of private and denominational schools because as is often argued by supporters of aid to private and parochial schools, direct full support, which I stop short of, it is often suggested that we should have it in Manitoba because eight other provinces have it. Well that may be an argument that impresses some, and it had some validity, but it is not particularly important in my mind because in some of the provinces the nature of the arrangement is such that it really does not only appear, but does in fact provide financial support in a way that gives

(MR. SCHREYER cont'd) . . . . preference to a particular denomination. Now of course I'm referring there to Ontario and the constitutional 1905 arrangement in Alberta and Saskatchewan. The counterargument is that in Quebec the converse applies and the Protestant schools receive the same treatment as the Catholic schools receive in Ontario Alberta and Saskatchewan. Mr. Speaker, frankly I'm not interested at all in trying to emulate the practice in most of the other Canadian provinces. What I really wish, what I really hope, could obtain here is agreement on both sides of the House that we should look at the Alberta-Saskatchewan legislation of 1967 as though the 1905 legislation never existed. Because in those two sister western provinces since 1967 all private and denominational schools have the entitlement, if accredited, of receiving 25 percent of the average provincial per pupil cost in the public schools. Now of course some will say, 25 percent, that's peanuts, it's not going to help. My honourable friend from Thompson I know has that view. But it is significant surely that in Alberta and Saskatchewan those who have been in positions where they've had to struggle to keep these schools going feel that it is of significant and substantial and worthwhile help. Of course they would like to see more but they are not agitating for it. That much is clear. They are not agitating for it. And I cannot pretend that I have made any detailed investigations on my own but I have made a number of inquiries both in terms of inquiries from among the -- within the government of those two provinces and then inquiries among those who still have responsibility for helping to make these private and denominational schools work and operate financially. And on both sides -- I shouldn't say both sides -- from both sources the information I received is that there is almost a sublime satisfaction and happiness with that particular kind of arrangement.

The only think that mars it in my opinion -- and it's not easy to do anything about it -- is that the 1967 legislation and arrangement in those two provinces exists side by side with the 1905 treatment of the separate public schools which received full 100 percent public grants, and I regard that as being sort of -- well by its very essence it is inconsistent and illogical but that's the arrangement. Nevertheless the 1967 reforms must surely be regarded as reforms and improvements even though they have not made for a completely consistent and logical situation.

In Manitoba we have in a sense tabula rasa. We have a clean slate in which any reforms we might make would be almost perfect in their consistency, and the shared services legislation of 1965 gave us reason to hope -- although I confess I was a little, certainly I was uncertain as to just how it would work -- the concept seemed okay. It seemed to make sense and its logical foundation could not be attacked. But at the risk of being repetitious, Mr. Speaker, I say that having introduced that concept in the mid 60s we must now in all candor say that it is badly in need of revision and amendment in order to make it possible to have more broadly equal treatment among the 40, 38 or 40 private and denominational schools that exist in our province. Now I know that there are some who will just not be able to bring themselves to think in terms of adopting the Alberta or Saskatchewan reforms of 1967, but I would argue that those reforms in those two provinces were possible and were enacted on their own merits and had nothing to do, didn't require any justification by searching back to the 1905 legislation.

Those reforms that I refer to, the 1967 reforms, really have enough to commend them that they can stand on their own and certainly lend themselves to adoption here in the Province of Manitoba. But failing that it is always possible to think in terms of amendments to The Shared Services Act to make it more meaningful and consistent. Failing that it is possible to think in terms of what the Member for Brandon West has at least two or three months ago suggested as something of a model, namely the practical application of the working of the Brandon and The Pas school agreements.

If honourable members find it within themselves to support the establishment of a committee to look systematically at the possibility of either or all of these alternatives or options then I do believe that there is more hope today than there has ever been for thinking that we can really grasp the nettle, which was something very difficult to do 60, 50, 40 years ago. It has become progressively less difficult to do with each passing year -- at least I like to think so. I know that some people have very definite views just on the most fundamental principle of the whole question. I don't know if it's a sign of our times that we are moving towards more pragmatic and practical treatment of human problems but I hazard to suggest to honourable members that the sort of public reaction, which I rather suspect some of them are fearful of, will not develop provided we ourselves deal with the problem in a dispassionate



(MR. SCHREYER cont'd) . . . . manner. And of course for the past thousand years or more it has often happened that if it is the desire to whip up emotions on an issue, of course it can be done, and that makes it virtually impossible to deal with the matter in the way that I feel we can deal with it. Now, Mr. Speaker, honourable members received the other day a copy of the reference paper, and if they have had an opportunity to peruse it as yet they will see that there is a series of statistical pages showing for each of the private and denominational schools in Manitoba which are receiving shared services public grants, to what extent, what their enrolment is, what they would receive if they were to invoke the theoretical maximum possible under shared services, what they would receive based on their enrolment if they were a public school, etc. And you will note, honourable members will note, that in case of two or three schools the amount that is granted through shared services is substantially higher than the average of these schools, than all the others put together practically, which means that in the case of these two or three schools they are receiving something in the order of 25 to 30 percent of the per pupil grant that they would receive if they were public schools. And as I say again the honourable members really must look at this, that is because of the way in which certain sections of The Shared Services Act have lent themselves so far to the drafting of an agreement whereby the private school is deemed to be a public school for certain subjects and certain periods of the day. But if that is possible in say, Norwood or St. Vital or Transcona, or wherever, then should it not in all fairness be equally available in that fashion under a similar form of agreement to the Mennonite Brethren Collegiate in Elmwood or in Gretna, or St. Vladimir's in Roblin, or St. Alphonsus in East Kildonan, or whatever.

Mr. Speaker, it's very difficult to deal with this issue because there are those who are fundamentally opposed; there are those who are so fundamentally for that they cannot bring themselves to support some intermediate position; there are those who would want to see any caveats that might be placed on a compromise solution, caveats that most of us might think are necessary in order to safeguard our public school system, others may not be prepared to accept because of the principle of the thing. But it seems to me for example that we do have the guidelines for the effective safeguarding of our public school system if we should decide to venture forth further with respect to public financial assistance to private and denominational schools.

What are those effective guidelines for safeguarding the public schools? I suggest that they are to be found in the appendices to The Public Schools Act as it now exists. I suggest that the safeguards that were incorporated into The Shared Services Act of 1965 are effective safeguards. They guard against the possibility of proliferating private and denominational schools. There were many members of the government of 1964 and 65, to which I joined on this issue, that argued that while there are many good reasons why we should proceed with shared services nevertheless there should be incorporated into the Act certain safeguards, and so if you look at Bill 141, as it was then called, which has not been incorporated as Section 171 of The Public Schools Act, you will see two specific provisions.

No. 1. That a private or denominational school must be operational for three years or more -- I'm sorry it may be five or more. But in any case it's certainly three or five years or more. They must be operational before they are deemed to be eligible for any form of shared services public financial assistance. That is one effective safeguard against proliferation. Some may think it is too restrictive in that it militates against the establishment of so-called free schools, such as Montessori, with different school philosophy, various education philosophy schools that might be established. That's a practical problem I admit.

A second safeguard that was provided which exists now, and which I propose ought to be retained, whatever we do ought to be retained, is that there be no public money for any private or denominational school that is not yet constructed, that is proposed to be constructed in a school division with a population of less than -- I believe the existing Act stipulates a population of 5,000, school population. The reason for that is that I really believe that our rural school divisions already face a problem of having to bus children too far in order to bring together the optimum school population numbers. And so if we cause a thinning out from our schools because of the establishment of additional schools, we are compounding and aggravating a problem that already is quite severe in rural Manitoba. But in an urban centre, in a city of 500,000, 50,000, 25,000, what possible fear could there be of having inadequate concentration of sufficient numbers of students to give optimum operational possibilities to our schools.

(MR. SCHREYER cont'd) . . . . So these are very practical and mundane problems but they certainly have to be recognized and safeguards have to be provided for -- and they are already, and I suggest that they not be changed. The committee may wish to of course review them painstakingly.

The other provision of course is that it provides as an addendum to The Shared Services Act, to The Public Schools Act, an addendum listing in a schedule all of the existing private and denominational schools . . .

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, I hesitate to interrupt the First Minister but I was wondering since the hour of adjournment is arriving if the Minister would care to deal with the manner in which the committee that is proposed in this resolution will be dealing with the subject, when he proposes that they will be meeting, and what kind of hearings will be held. I wonder if he'd mind doing that before the hour of adjournment, so that we'll have some idea what we're discussing.

MR. SCHREYER: Mr. Speaker, that's of course a fair enough question, although I really think the Honourable Member for Morris is becoming perhaps a little too anxious. Certainly debate, discussion, on this resolution will be continuing intermittently next week, but I can in a very few words indicate to the Member for Morris that it is proposed that this committee if established will meet in approximately the same time frame, approximately the same frequency, and in the same fashion, I would think, as the select committee of this House met with respect to shared services. I see a very close parallel with respect to the practical proceedings and operations of this committee with that of 1964/65. In other words some time between September or late August and the end of the calendar year.

I have heard it said many times that even if you provide these safeguards for our public school system that our public school system will somehow suffer. And I really can't accept that, certainly not in the context of school divisions that already have relatively large student populations. I for one, and I believe I share this with others who support the intent of this resolution, am a firm and fervent supporter of our public school system as we have succeeded in developing it over the years, but I do know that in other jurisdictions where they have public school systems equal to ours that they have managed to accommodate within their jurisdictions some more significant measure of financial support to at least some of their denominational schools than we have. The pity of it is that they weren't able to do so in a more broadly consistent manner. It is said that -- and some people I suppose have opposed the idea of doing anything because they say they are so great a supporter and so proud of our public schools. Well, Mr. Speaker, I would like to think that no one would suggest for a split second that because one believes that it is possible to be more accommodating with respect to certain minority school arrangements that that would mean that somebody is not -- that person is not proud or happy with our public school system. I know that it's always possible theoretically to improve on an already good situation.

I am one who happens to think that our school system now and has been for quite a number of years pretty well organized, pretty innovative. There are some who disagree as to whether our schools tend to be disciplinary enough, and some have very great and strong feelings that our schools are not disciplinary enough, while others think that some of our schools are run, our public schools are run in too rigid and disciplined a manner, and there isn't enough opportunity and scope for the creative outlet of young people's energy and talent. And so necessarily our public schools are operated in a way that is arrived at, sort of by lowest common denominator with respect to this question of discipline versus freedom of action for the young students. But some people like to think that they can exercise their right to send their children to a school where there is a particular emphasis on discipline, or where there is a particular emphasis on the opposite, where there is a particular emphasis on language training as opposed to something else. And all I am pleading with honourable members to agree is that in our modern times with the means available to us for effective administration and scheduling and co-ordination that surely it should be possible to provide more rather than less room for accommodation for those who think differently. Call it magnanimity, call it what you like, but surely we should find it possible to make this kind of allowance for greater recognition and greater scope for diversity of expression and attitudes.

I know that some members pay more than lip service to the thought that our country and our province is a society which provides for pluralism, freedom, for a sort of a colourful

(MR. SCHREYER cont'd) . . . . mosaic of the cultural expression and identity, and I really think that over the years more and more of our compatriots and fellow citizens are thinking this way, and if we really believe this, and if we really want to do more than pay lip service, then we should to be consistent want to support the extension of diversity of educational systems within the framework of the educational system in our province. The umbrella concept that has been mentioned by the Honourable the Minister of Education is one which in a theoretical way I endorse with great feeling, great positive feeling. But I am afraid, and I suspect honourable members opposite and on this side, are apprehensive that the concept, the notion, is too broad, it is too amorphous to this point in time, that it will take considerable thought and consideration before we can really get the more specific measure of just what this umbrella concept will really mean and how it will actually work in its practical application. So for all of these reasons, Mr. Speaker, including the last one in particular, I really think that it is logical in every respect to recommend to honourable members that they support the establishment of a committee of this House in much the same way as we have done in the past, seven, eight years ago, so that we can with good will -- and we have succeeded so far -- so that we can with good will and reason and dispassionate analysis try to grope with something that our forefathers unfortunately were not able to handle very well.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN, Q. C. (Inkster): Mr. Speaker, I move, seconded by the Honourable the Member for Flin Flon, that debate be adjourned.

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

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, it is a requirement upon me under the rules of the House to indicate on Friday what the procedure of the House will be in the ensuing week and I'm sure that honourable members will agree with me that I'm not able to give precise indications as to the procedures in the House at the present time for next week. There will be no meeting on Monday of Committee or the House. This has been . . . -- (Interjection) --

MR. SPEAKER: Order, please. The Minister of Labour has the floor.

MR. PAULLEY: I thought I had. There will be no meeting Monday morning of any Committee or the House itself. -- (Interjection) -- I love them. Friday I'm amiable. And then at 2:30 on Monday of course we will meet as we will at 8:00 o'clock. There has been a notice to the effect that on Tuesday morning at 10:00 o'clock there will be a meeting of the Law Amendments Committee. A notice has been issued that on Wednesday morning at 10:00 o'clock there will be a meeting of the Industrial Relations Committee. Beyond that, Mr. Speaker, I'm sorry I can't tell my honourable friends what the procedure of the House will be. It could -- (Interjection) -- Quiet! It could conceivably be that at some stage next week we will not meet in the evenings in the House as such but go into committee be it Law Amendments Committee, Industrial Relations Committee, or some other committee. So I want to apologize Mr. Speaker, to members of the Assembly that I'm not able at this particular stage to say what the procedures will be. Sufficient for me to say that I will be consulting with the Honourable the House Leader of the Conservative Party, who is the only party at the present time that is recognized in the House, as to what our procedures will be. I understand that some event, Mr. Speaker, may take place on Monday, that another party who has been out in the wilderness will be recognized in the House. I'm not sure of that, there may be a protest. However, Mr. Speaker, that is all I can say to my honourable friends at the present time.

So therefore I move, seconded by the Honourable Attorney-General, that the House do now adjourn and stand adjourned until 2:30 on Monday afternoon.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 Monday afternoon.