

THE LEGISLATIVE ASSEMBLY OF MANITOBA
2:30 p.m., Monday, May 31, 1976

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 40 students, Grade 11 standing, of the Tuxedo Shaftsbury School, under the direction of Mr. Perrette and Mrs. Goodman. This school is located in the constituency of the Honourable Member for Charleswood.

We also have 22 students, Grade 6 standing, of the Duke of Marlborough School under the direction of Mr. Woroshello, from the constituency of the Honourable Member for Churchill.

And 16 Grade 4 students, of the Jameswood School, under the direction of Mrs. Stefanson, from the Sturgeon Creek constituency.

And 25 students, Grade 6 standing, of the Westgrove School, under the direction of Mr. Verstrate and Mrs. Berry, from the constituency of the Honourable Member for Charleswood.

On behalf of all the honourable members, I welcome you here this afternoon.

Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees. The Honourable Member for Radisson.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. HARRY SHAFRANSKY (Radisson): Mr. Speaker, I beg to present the fourth report of the Committee on Economic Development.

MR. CLERK: Your Committee met on Thursday, May 27, 1976, to consider the Annual Report of the Manitoba Development Corporation for the fiscal year which ended March 31, 1975.

Mr. S. J. Parsons, Chairman of the Board and General Manager of the Corporation presented a general statement with respect to the affairs of the Manitoba Development Corporation and replied to questions by members of the Committee.

Your Committee considered and adopted the financial reports of the following corporations in which the Manitoba Development Corporation holds equity investments;

Alphametrics Ltd. - for the Fiscal Year ending September 30, 1975.

William Clare (Manitoba) Limited - for the Fiscal Years ending December 31, 1973, and December 31, 1974,

Cybershare Limited (Phoenix Data Limited) - for the Fiscal Year ending March 31, 1975,

Dawn Plastics Ltd. - for the Fiscal Year ending May 31, 1975,

Dormond Industries Limited - for the Fiscal Years ending December 31, 1973, and December 31, 1974.

Electro-Knit Fabrics (Canada) Ltd. - for the Year ending May 31, 1975,

Evergreen Peat and Fertilizer Ltd. - for the Year ending March 31, 1975,

Flyer Industries Limited - for the Year ending December 31, 1974,

Macey Foods Ltd. - for the Year ending January 31, 1976,

Morden Fine Foods Ltd. - for the Year ending March 31, 1975,

Sheller-Globe (Manitoba) Ltd. - for the Year ending September 30, 1975,

Tantalum Mining Corporation of Canada Limited - for the Year ending December 31, 1975,

Venture Manitoba Tours Ltd. - for the Year ending October 31, 1975.

As an audited Financial Statement was not available, Mr. Parsons answered general questions with respect to the operations of Saunders Aircraft Corporation Ltd.

Having received all information requested by any member of the Committee, the Annual Report of the Manitoba Development Corporation for the year ending March 31, 1975, was adopted.

MR. SPEAKER: The Honourable Member for Radisson.

MR. SHAFRANSKY: Mr. Speaker, I move, seconded by the Honourable Member for Emerson, that the report of the Committee be received.

MOTION presented and carried.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: Ministerial Statements and Tabling of Reports. The Honourable Minister of Consumer, Corporate and Internal Services.

HON. IAN TURNBULL (Minister of Consumer, Corporate and Internal Services) (Osborne): Mr. Speaker, I wish to file Returns to Orders for Return Nos. 3 and 35.

MR. SPEAKER: The Honourable Minister of Mines.

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Mangement)(Inkster): Mr. Speaker, I did indicate that we would be meeting to consider the report of Manitoba Mineral Resources tomorrow morning. I have to amend that. It's Hydro that we will be considering tomorrow. The Chairman of Hydro is now back and is available for tomorrow morning at 10 o'clock. I will try to have the meeting of the Mineral Resources and possibly Leaf Rapids tomorrow evening at 8 o'clock, but I'll come to that in due course. In the meantime, tomorrow morning at 10 o'clock is Public Utilities for Hydro.

MR. SPEAKER: The Honourable Member for Radisson.

COMMITTEE SUBSTITUTION

MR. SHAFRANSKY: Mr. Speaker, I wish to make a substitution on Economic Development Committee; substitute the name of the Honourable Member for Flin Flon for that of the Honourable Member for St. Matthews.

MR. SPEAKER: Is it agreed? (Agreed). The Honourable Leader of the Opposition.

MR. DONALD W. CRAIK (Leader of the Official Opposition)(Riel): With regard to the House Leader's announcement, Mr. Speaker, I'm just curious to ask is there any other report to be received by the Public Utilities Committee after Hydro? Or is that the last appearance before us?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, it's usually the honourable member who's reminding me but I gather Telephones and Manitoba Public Insurance Corporation are the other reports that go to Public Utilities. If I've forgotten one then he'll have to remind me. As to whether or not it's the last meeting or not, the House will proceed normally, I don't know.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. CRAIK: Mr. Speaker, I was thinking out loud here and I was thinking of the Leaf Rapids Corporation, but it's going before Economic Development. Right.

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

INTRODUCTION OF BILLS

MR. GREEN on behalf of the First Minister introduced Bill 87, the Statute Law Amendment (Finance) Act 1976; and Bill 88, The Corporation Capital Tax Act; and Bill 90 the Provincial and Municipal Tax Sharing Act. (Recommended by His Honour the Administrator of the Government of Manitoba)

MR. SPEAKER: The Honourable Minister of Tourism and Recreation.

HON. RENE TOUPIN (Minister of Tourism, Recreation and Cultural Affairs) (Springfield), on behalf of the Honourable Minister of Health and Social Development, introduced Bill 86, an Act to amend the Marriage Act.

MR. SPEAKER: The Honourable Attorney-General.

HON. HOWARD PAWLEY (Attorney-General)(Selkirk) introduced Bill 89, the Statute Law Amendment Act (1976).

MATTER OF IMPORTANCE - THREATENED STEEL WORKERS STRIKE

MR. SPEAKER: Questions. The Honourable Leader of the Opposition.

MR. CRAIK: Mr. Speaker, I move, seconded by the Member for Fort Garry, that the House do now adjourn to consider a matter of urgent public importance, namely,

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(MR. CRAIK cont'd)the threatened strike set for midnight May 31, 1976, at Thompson of the United Steel Workers of America, and the serious implications of this action to the people and economy of the City of Thompson and the Province of Manitoba.

MOTION presented.

MR. SPEAKER: I should like to indicate to the honourable members that subject to our Rule 27 the honourable members on both sides have an opportunity of debating for five minutes the urgency of this matter, not the substance of it. The Honourable Leader of the Opposition.

MR. CRAIK: Mr. Speaker, I start by quoting to you from Page 89 of Beauchesne, stating in 2 of Section 100: "The definite matter of urgent public importance for the discussion of which the adjournment of the House may be moved, under Standing Order 26, must be so pressing that public interest will suffer if it is not given immediate attention."

Well, Mr. Speaker, there has never been a motion before this House in the time that most of us have been here where we have had a motion that so adequately met the requirements of the Beauchesne clause I just read you.

We are faced with a strike in Thompson to go into effect at midnight tonight. This alone gives you the time frame within which this serious matter must be discussed. It is urgent because we do not have before us Estimates of the Department of Labour under which matters of this type could be discussed. It is urgent more importantly because this strike affects not only the people and the economy of the City of Thompson or the people and the economy of the Province of Manitoba, it affects in a very major way a decision that has been handed to the whole of Canada in the form of the guidelines of the Anti-Inflation Board. It is very much a decision at this time that must be dealt with with a great deal of urgency and with a great deal of attention and a great deal of understanding, because it affects so many areas.

And, Mr. Speaker, we have before us, if we read all the reports accurately, we also are faced with a situation that unless action is taken and understanding is applied, not only by the Manitoba Labour Board but by the Government of Manitoba, we could be faced with, as early as tonight, a very serious confrontation in Thompson as well.

It's urgent, Mr. Speaker, because what would appear to have been a due process of voting, may have been brought into serious question by a very large number of the people directly affected, the workers in the mines at Thompson. It has been brought into question to a degree that there must be a very clear statement now from the government from the Manitoba Labour Board, as to whether or not the vote that was taken at Thompson is in fact an accurate and fair reflection of the people who were eligible to participate in the vote and who also voted under conditions that were normal and standard conditions of casting ballots.

So, Mr. Speaker, we're faced with as I say, the most serious matter of urgent debate that has been faced in this Legislature.

This government is caught directly in the position of having to make perhaps one of the most important decisions in the whole field of labour relations, that it has been forced into a position of making in the period of its tenure as the Government in Manitoba. And all of that, Mr. Speaker, to avoid an unfair settlement, an unfair action and to bring about a very fair adjudication of the laws of the province, it must act now in the next few hours to ensure that the rights of workers and the rights of people, and the laws of Canada are in fact adhered to. So, Mr. Speaker, I urge upon you to have this debate now to solve this very serious problem that faces us.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Well, Mr. Speaker, I'm not going to try to minimize the problems that are created by a stoppage of work by a group of people who are not of the opinion that they are receiving what they are entitled to. That is a part of our system, has been part of the fabric of the Province of Manitoba ever since I was born, and it is a part of the fabric of the Province of Manitoba under every administration, and strikes in Thompson have taken place under other administrations, and Mr. Speaker, strikes have taken place under this administration. A group of men decide whether or not they are going to work at a certain wage, whether that wage is set by the Government of Canada or whether

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(MR. GREEN cont'd)that wage is set by the mining company. That is a freedom that legislators have only under terrible duress have taken away, and which I for one have never taken away. Mr. Speaker. . .

MR. SPEAKER: Order please. Would the Honourable Leader express his point of order.

MR. CRAIK: Mr. Speaker, on a point of order, the five minutes of debate is allowed to establish whether or not the matter is urgent, not the issue contained in the matter.

MR. GREEN: Mr. Speaker, I am dealing with the matters that were raised by my honourable friend, and he has raised the question of urgency, meaning that a group of people are not going to work. He has also raised as a question of urgency, Mr. Speaker, somehow a proceeding before the Labour Board where this Assembly he says should be debating what the Labour Board should be doing. And the Act that was passed by the Conservative administration indicates that if there is a question as to how a vote was taken, and I, unlike my honourable friend, do not immediately and without evidence suggest that the United Steel Workers of America a bona fide union of integrity in this province has wrongfully taken a vote. And if they have, that question is not determined in this House, that is determined by the Labour Board, and that is the question that the honourable member raised, as to whether the Labour Board should be doing something. I submit, Mr. Speaker, that unlike perhaps what my honourable friend would do, this government does not tell the Labour Board what they should be doing. There are proceedings before the Labour Board and they are taken in the normal way.

Mr. Speaker, there is a problem with regard to employment in the province of Manitoba created by various conditions, one of which is the Anti-Inflation Board Guidelines. When the Government of Canada enacted those guidelines I assumed that they knew that they would have this kind of a problem. I suggest, Mr. Speaker, that it would not clean up the problem, a debate, but would aggravate the problem as between the employees that are concerned and who have a right to try to solve their own problems, for this Legislature to engage in a debate which can do nothing but see arms flailing about the problem. There is nothing that the honourable member suggests should be done except perhaps that the House should let the Labour Board know that they think that the men have not had a proper right to vote. I submit, Mr. Chairman, the Honourable Member for Lakeside is saying exactly that, that what the House should be doing, and there's no better reason for rejecting this motion, that the House without evidence, on the basis of what they themselves have here and their own particular prejudices should be telling the Labour Board that they should conduct the hearings and find that a vote was improperly taken. Mr. Speaker, I have no intention of voting for such a debate.

MR. SPEAKER: I thank the honourable members for their contribution. I must indicate however Beauchesne Citation 101 indicates that "the debate must centre around it involving the administrative responsibility of the government." In this instance the matter falls outside the jurisdiction of the Province of Manitoba by virtue of the Federal Anti-Inflation Guidelines which apply to this company.

Secondly, all avenues of provincial mediation through the Labour Board have been exhausted to date, everything has been done correctly as I am informed, and, thirdly, the Canada-Manitoba agreement in respect to the Anti-Inflation Guidelines applies only to provincial employees, employees of Crown agencies and municipalities and school boards, and therefore is not relevant to the INCO dispute. On those grounds I must reject the resolution.

The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): Mr. Speaker, with great regret I must challenge that ruling.

MR. SPEAKER: Very well.

QUESTION put, MOTION carried.

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

MR. SPEAKER: Call in the Members. . . Motion before the House is shall the ruling of the Chair be sustained.

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

YEAS

Messrs.	Adam	Jenkins
	Barrow	Johannson
	Bostrom	McBryde
	Boyce	Faulley
	Burtniak	Pawley
	Cherniack	Petursson
	Derewianchuk	Schreyer
	Dillen	Shafransky
	Doern	Toupin
	Gottfried	Turnbull
	Green	Uruski
	Hanuschak	Walding

NAYS

Messrs.	Banman	Jorgenson
	Blake	McGill
	Brown	McGregor
	Craik	McKenzie
	Einarson	Minaker
	Enns	Patrick
	Ferguson	Sherman
	Graham	Spivak
	Henderson	Steen
	Johnston (Stur Cr)	Wilson

MR. CLERK: Yeas 24; Nays 20.

MR. SPEAKER: In my opinion the Yeas have it. I declare the Motion carried. Question Period. The Honourable Leader of the Opposition.

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MR. CRAIK: Mr. Speaker, I direct a question to the First Minister and ask him whether the government has had representation today from Thompson regarding the strike vote that was taken in Thompson; and secondly, whether there has been representation made to the Manitoba Labour Board on the matter?

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier)(Rossmere): Mr. Speaker, I would indicate as follows: I've had telephone communication last evening from representative of the company, International Nickel, and today direct person to person discussion, communication, from the Steel Workers Union with respect to the situation obtaining at Thompson in the light of the Friday decision of the Anti-Inflation Board. There is some indication that there may well be a formal application to the Labour Relations Board alleging certain irregularity in the vote. I can say that as of two o'clock this afternoon, according to the advice of my colleague the Minister of Labour, that we had not been advised that it had yet been received. It may be that later today it may be received. That's bringing it right up to date, Sir.

MR. CRAIK: Mr. Speaker, a further question. Can the First Minister indicate whether consideration may be given by the Manitoba Labour Board today to the application alleging an improper vote and if so, can action be taken soon enough to avoid a strike tonight?

MR. SPEAKER: The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour)(Transcona): Mr. Speaker, the First Minister asked if I might reply to the question of the Honourable the House Leader

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(MR. PAULLEY cont'd)of the Opposition. In conversation that my honourable friend the Premier referred to, in order to set a time, up until which there was no application to the Labour Board, I was in discussion with the Chairman of the Labour Board, Mr. Murdoch MacKay. At two o'clock and shortly after, there was no request at that time from Thompson in respect of any vote that had been taken at Thompson in respect of the possibility of a strike.

I can only answer as the Minister responsible that if the request was forwarded to the Board, I'm sure that the Board would give it every consideration that it could. I would like to remind honourable friends that there is such a thing as a quorum for the Board; a call would have to be sent out for the meeting of a quorum to consider the matter.

The Honourable the Leader of the Conservatives raised a further question as to whether or not the meeting might be held in order to prevent a strike, which raises a dual question, Mr. Speaker. First of all as to whether or not a quorum could be obtained soon to hear any request if such a request is made; and secondly, whether that decision of the Board would be such that would offset the possibility of a strike at Thompson.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. CRAIK: Well, Mr. Speaker, I have a further question to the government. In view of the fact that over 1,000 members eligible have indicated a desire for a more adequate vote, and that number exceeds any number voting for or against in the original...

MR. SPEAKER: Question please.

MR. CRAIK: . . .government not going to take some more initiative than indicated here today to avert what could be one of the most serious situations? It's not just the strike in terms of its impact, long-term impact, but a serious confrontation that could occur from it.

MR. PAULLEY: Mr. Speaker, may I first of all question statements of the Honourable the House Leader of the Conservative Party, in his allegation pertaining to numbers. He referred to somewhere in the neighbourhood of 1,000. We're used to the numbers game in this House but I would question any authority or any authenticity of the Honourable Leader of the Conservatives to mention a figure of 1,000.

I would also indicate in reply to my honourable friend, his accusation that this government has done nothing or would do nothing to offset the strike is fallacious, that this government has without ostentation or publicity or inaccuracy of statements, endeavoured to offset the possibility of any withdrawal of services in Thompson, indeed in any other institution in the Province of Manitoba.

MR. CRAIK: Mr. Speaker, to vindicate any source of the information that I used..

MR. SPEAKER: Question, please.

MR. CRAIK: I wonder if I could have the privilege of the House, Mr. Speaker, to table for the use of the government, if they have not already received it, the special edition of the Thompson Citizen which was published this morning, or yesterday, and to table it in the event the government should wish to make use of it.

MR. SPEAKER: Order please. Any other questions? The Honourable Member for Fort Garry.

MR. L.R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, on the same subject I should like to direct a question, either to the Honourable the First Minister or the Minister of Labour, and ask them whether the results of the petition on the strike question have been communicated either to the province or to the Labour Board or to the leadership of the Union in the knowledge of the government itself?

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: First of all, Mr. Speaker, may I point out to my honourable friend, unfortunately due to a certain operation, I haven't had the same pleasure, for the last seven or eight weeks, as my honourable friend of reading newspapers, so I have to rely on more correct sources of information for statements that I make in this Assembly. But apart from that, my friend mentions the question of a petition. I'm not aware of a petition actually having been taken.

MR. SHERMAN: A supplementary, Mr. Speaker, and it relates to a question

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(MR. SHERMAN cont'd)that I asked the First Minister last week on this subject, whether the government can advise the House whether to his knowledge any trade unionists or any working people of any significant number have left Thompson, as has been reported in recent weeks because of the present situation, to seek employment elsewhere?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, it is, I think, statistically demonstrable that people arrive at and leave a mining community from time to time: whether or not their leaving is strictly and exclusively relatable to any one given factor is of course difficult to ascertain. In case there is any doubt about the matter I would indicate to the Honourable Member for Fort Garry that a petition has been forwarded and received at my office. I propose to forward it to the office of the Minister of Labour, having just received it within the matter of the last hour or two. If in the event there is any formal instrument making application under Section 81(1) of the Labour Relations Act, that would be forwarded to the Labour Relations Board for adjudication. That is, about the sum and substance of the involvement of the government would be one of relaying any formal application to the Labour Relations Board in that respect.

In all other respects this matter is one which comes under the purview of the Administration of the Government of Canada so far as the guidelines are concerned and the enforcement thereof. I certainly propose, as I have indicated in the past, to make representations to the Government of Canada and to communicate that intention to the people involved at Thompson, but I cannot give any guarantees as to what the outcome will be.

MR. SPEAKER: The Honourable Member for Flin Flon.

MR. THOMAS BARROW (Flin Flon): I direct this question to the Minister of Labour, Mr. Speaker. Did the Minister of Labour not have enough confidence in the steel workers to run a ballot vote on the strike situation without the help of the anti-labour people on the other side of the House?

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: The only answer I can give to my honourable friend the Member from Flin Flon is that I haven't questioned the accuracy of any vote that has been taken.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SIDNEY SPIVAK, Q.C. (River Heights): Mr. Speaker my question is to the Attorney-General. I believe the question of the constitutionality of the guidelines is before the Supreme Court today. I wonder if he can indicate whether the Province of Manitoba holds a watching brief and whether officials of his department are present at the hearings.

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: Yes, there is a watching brief, Mr. Speaker.

MR. SPIVAK: I wonder if he can indicate. . . Are there officials from his department?

MR. PAWLEY: It's my understanding there are, Mr. Speaker. I would have to confirm but it was my instruction there would be a watching brief.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I have a question for the First Minister. It was indicated that power generated by the Limestone Generating Station will be exported or quite a bit of power from that generating station will be exported to the northern states. Has the government signed, or the Manitoba Hydro signed a contract with the northern states?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, there is no contract with Northern States Power that relates specifically to Limestone. What there is, of course, is a proposal for the entering into an agreement for the exchange of energy with some net export of course, but basically an exchange of energy as to summer and winter diversity.

My honourable friend, I should point out perhaps, the easiest way to understand this matter is to understand that every time that 1,000 megawatt plant is brought onstream or brought into operation, that there is a descending staircase effect for a period of several years, be it six to ten years, during which time as domestic load builds up there is an inverse relationship to the amount of energy that is available for export. For a

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(MR. SCHREYER cont'd) province of one million people, to harness a 1,000 megawatt power plant means by definition that in the first year there is quantity X available for export, and the next year X minus 10 percent, approximately, X minus seven percent, and so on and so forth, until after several years domestic load is such that the entire amount is needed except for summer exchange.

MR. PATRICK: I thank the Minister for his answer. Can the Minister indicate if he'll be tabling those contracts and intricate documents that go with it? I mean the descending power, will that be tabled in the House for all the members?

MR. SCHREYER: Mr. Speaker, it is I believe a matter of public record in the sense that it has been all in the documentation that had to be tabled with the National Energy Board. If the honourable member has some further specifics in this, I would invite him tomorrow morning at 10 a.m. to direct questions of a specific nature in that regard to Manitoba Hydro when they appear before the committee.

MR. PATRICK: One supplementary, Mr. Speaker. Is there, aside from what was tabled at the National Energy Board, is there any extra provincial contract besides what was tabled, is there anything extra that's signed with northern power states?

MR. SCHREYER: Well there couldn't be, Mr. Speaker, anything extra, as my honourable friend puts it, that would be germane because of the nature of the National Energy Board hearings and authority is such that all relevant documents must be tabled and if they're not, and therefore approval is not received on them, then there is no authority to proceed with any sale of energy, extra-provincially or extra-nationally.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BOB BANMAN (La Verendrye): Mr. Speaker, I direct my question to the Minister of Tourism, Recreation and Cultural Affairs, and would ask him in light of the extreme forest fire conditions in the Whiteshell, if the government is planning any special action?

MR. SPEAKER: The Honourable Minister of Tourism and Recreation.

MR. TOUPIN: Mr. Speaker, I'm informed as of two o'clock that there are no fires burning in any of our provincial parks. But I'm informed equally that by Thursday of this week, if weather conditions do not change, that we will have to take measures to restrict travelling in some of our provincial parks. But I am not in a position today to so indicate.

MR. BANMAN: A supplementary question. I wonder if the Minister could inform the House if they are considering closing the Whiteshell to the camping public.

MR. TOUPIN: Mr. Speaker, I thought I answered that in the first part of my answer to the honourable member. I will not be in a position to so indicate before Thursday.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. I have a question for the Attorney-General. Seeing as how this is the last day of May, can the Attorney-General indicate whether a contract has been signed with the RCMP for policing in the province of the current year?

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: No, Mr. Speaker.

MR. GRAHAM: Can the Attorney-General give any indication as to how far along they are with their negotiations with the Federal Government in this matter?

MR. PAWLEY: Mr. Speaker, there will be a meeting of Provincial Attorney-Generals and the Solicitor-General in the near future. The date has not yet been established. The Solicitor-General has agreed to some accommodation in connection with the cost-sharing vis-a-vis the province, the municipalities, and the Federal Government. The cost-sharing arrangement though is not yet satisfactory and we require still a further meeting to further deal with this and one is contemplated and being arranged.

MR. GRAHAM: A final supplementary. As we have now been two months without a contract, has the Attorney-General had any complaints from any areas of Manitoba concerning the present policing arrangements?

MR. PAWLEY: Mr. Speaker, there has been no complaint because of the

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(MR. PAWLEY cont'd)absence of a settlement of these negotiations. In fact I think that the municipalities in Manitoba would prefer that we not settle the negotiations at this time on the basis of the present proposal from Ottawa. Needless to say, as mentioned before, there has been no interference with the traditional method of RCMP policing in those communities which presently enjoy a Federal-Municipal-RCMP agreement.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. DAVID BLAKE (Minnedosa): Thank you, Mr. Speaker. My question is to the Honourable the Minister responsible for Renewable Resources and it pertains to the new Marine Division. I wonder if he could advise the House if contracts have been awarded for the construction of the two ferries and the other vessels proposed for Lake Winnipeg.

MR. SPEAKER: The Honourable Minister of Renewable Resources.

HON. HARVEY BOSTROM (Minister of Renewable Resources)(Rupert's Land): No, Mr. Speaker.

MR. BLAKE: A supplementary, Mr. Speaker. I wonder if the Minister could give some indication of when these contracts will be awarded.

MR. BOSTROM: I can't indicate at this time, Mr. Speaker.

MR. BLAKE: Mr. Speaker, a final supplementary. I wonder if the Minister could advise if the contracts will be awarded in sufficient time to have the vessels operating on the lake this season.

MR. BOSTROM. That is not known at this time, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Thompson.

MR. KEN DILLEN (Thompson): Mr. Speaker, to the Minister of Municipal Affairs. In view of the fact that less than 10 percent of the population at Thompson vote in municipal elections, if an equivalent number of names on petition were received by your department would you order another vote?

MR. SPEAKER: The question is hypothetical. Order please.

The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): Mr. Speaker, I have a question to the Honourable Minister of Tourism, Recreation and Cultural Affairs. I wonder, Mr. Speaker, would the Minister advise the House of the new program which will permit citizens to lease vacation home lots at Blacks Point on Lake Winnipeg.

MR. TOUPIN: I'm not quite sure, Mr. Speaker, that I understood the question the honourable member posed of me. I can take it as notice as printed in Hansard or if he wants to repeat it.

MR. MCKENZIE: I'll try and be a little more specific, Mr. Speaker. I wonder, Mr. Speaker, would the Minister care to advise the House or elaborate on the recent program changes which will allow citizens to lease vacation home lots at Blacks Point on Lake Winnipeg. I think the applications close June 14th, 1976.

MR. TOUPIN: Yes, Mr. Speaker. I've let a press release out on that and if the honourable member would like a copy giving the actual lease price of those lots, I can make it available to him or any other member of the House?

MR. MCKENZIE: I wonder, Mr. Speaker, would the Minister advise the House if this program will cover all the parks in Manitoba or is it just Blacks Point?

MR. TOUPIN: No, Mr. Speaker, it doesn't cover all leased property within provincial parks. There is specifics that have to be dealt with when we start leasing Crown lands within parks.

MR. MCKENZIE: I wonder, Mr. Speaker, then would the Minister advise the House of the procedure which will be followed in selecting the names of those citizens who will be allocated the 81 lots at Blacks Point.

MR. TOUPIN: Mr. Speaker, that is equally part of the press release available to anyone in the province.

MR. MCKENZIE: I have another question to the Honourable Minister. I wonder would the Minister advise the House, will all the citizens under the age of majority be required to carry ID cards for admission to theatres after the proclamation of Section 9 of An Act to Amend the Amusements Act.

MR. TOUPIN: Mr. Speaker, this is not a requirement, the ID card is voluntary

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(MR. TOUPIN cont'd)and being offered by any group, any association that meets the requirements as set out by the Order-in-Council, but it is not made compulsory.

MR. McKENZIE: I wonder then, can the Minister advise the House of those citizens over the age of majority be required to produce ID cards for admission to beer parlours and theatres, etc., etc.

MR. TOUPIN: Mr. Speaker, if they all look as young as the honourable member and I, maybe they will.

MR. SPEAKER: The Honourable Member for Lakeside. The Honourable Member for Roblin.

MR. McKENZIE: A final question. I wonder, Mr. Speaker, then would the Minister advise the House, are these ID cards going to be distributed all over the province or just in the larger growth centres?

MR. TOUPIN: Well, again, Mr. Speaker, the Department of Tourism and Recreation and Cultural Affairs, or any other department of government, is not offering the service, it is now being offered by different organizations, I'm told, by the University of Manitoba, as an example. The Manitoba Hotel Association, and possibly others are offering this service to consumers or to individuals desirous of obtaining an ID card, and the Hotel Association has informed me that they will be offering this service on a regional basis.

MR. McKENZIE: Well then, Mr. Speaker, I ask the Minister one final question. Will implementation of this proclamation of Section 9 of An Act to Amend the Amusement Act be required before these cards can be used?

MR. TOUPIN: Yes, Mr. Speaker, the content of the card is proclaimed by Order-in-Council.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Thank you, Mr. Speaker. I direct a question to the Honourable the Minister of Highways. Can the Minister inform the House whether or not the Annual Dust Control Program on provincial gravel roads has commenced?

MR. SPEAKER: The Honourable Minister of Highways.

HON. PETER BURTNIAK (Minister of Highways)(Dauphin): Mr. Speaker, I don't know what the honourable member refers to as the annual dust control program - it all depends on weather conditions I guess - but there is a policy whereby roads are treated for certain lengths of distance wherever there are residences alongside this particular road, and that of course will be applied as in the past.

MR. ENNS: A supplementary question, Mr. Speaker, Speaking for one who drives on those roads, can the Department not make some effort to acknowledge the unusually dry and early spring that we have and generate some steam into that program?

A MEMBER: Salt.

MR. ENNS: Well salt as well. My question to the Minister: Would he not undertake to put that program into high gear in lieu of the weather conditions that we have?

MR. BURTNIAK: Mr. Speaker, I can assure the honourable member that we will do everything that is within our power and within our funds. I recall, Mr. Speaker, as well as the honourable member, that in the years past we have had dry weather and I wasn't aware of any special type of program that was implemented when the previous administration was in office.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I have a further question to the Honourable the Minister of Labour related to the Thompson situation and the quorum situation with respect to the Labour Board. Can the Minister assure the House that the Manitoba Labour Relation Board is readying itself for the possibly emergency of having to hear an application in the crucial few hours remaining in this situation

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, I cannot give my honourable friend such assurance.

MR. SHERMAN: A supplementary, Mr. Speaker. Can the Minister advise the House whether the government would be prepared to take the initiative in bringing the two parties before the Labour Board to examine the voting procedures? It seemed to be the centre of some dispute.

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MR. PAULLEY: May I first of all point out to my honourable friend, if he is not aware of it, the fact is that the Manitoba Labour Board is a part-time board.

In reply to his second question, Mr. Speaker, as I indicated earlier, to my knowledge as of this moment, the Labour Board has not been asked its opinion on this or any other matter pertaining to Thompson.

MR. SHERMAN: A final supplementary, Mr. Speaker. Can the Minister tell the House whether he himself is satisfied that the . . .

MR. SPEAKER: Order please. Asking for an opinion, that's not proper. The Honourable member rephrase?

MR. SHERMAN: Perhaps I'd better rephrase it, and ask the Minister of Labour whether he accepts the voting procedures as they've been reported to him?

MR. PAULLEY: Mr. Speaker, if my honourable friend is referring to the reports I've received inside of this House, my answer is a definite no.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, I ask a question of the Minister of Labour with respect to the matter raised re the quorum of the Manitoba Labour Board, and I know this government is very sensitive of making any suggestions to that Board, but would the Minister consider suggesting to the Members of the Board that they perhaps use their phones in arising at a quorum.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: I'm sure my honourable friend is aware of the fact that the composition, other than the personnel of the Labour Board, has not been changed during the lifetime of this particular administration. As far as the use of telephones or telegrams, wigwams or what-have-you, I'm sure that the Labour Board is of such an intelligent leaning that it would use whatever facilities necessary in order to meet as quickly as it possibly could to deal with any exceedingly important matters.

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

ORDERS OF THE DAY - SPEED-UP

MR. GREEN: Mr. Speaker, I would like to move, seconded by the Attorney-General, that for the remainder of the Session the House have leave to sit in the forenoon from 10:00 a.m., to 12:30 p.m., in the afternoon from 2:30 p.m. to 5:30 p.m., in the evening from 8:00 p.m., and each sitting to be a separate sitting, and have leave to sit from Monday to Saturday, both days inclusive, and the rules with respect to 10:00 p.m. adjournment be suspended and the government business take precedence over all other business of the House. And that for the remainder of the session the operation of sub rule (3) of Rule 88 of the Rules, Orders and forms of Proceeding of the House be suspended, but the report stage of any bill shall not be taken into consideration prior to twenty-four hours following the presentation of the report of the Standing or Special Committee with respect thereto.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, it's my hope that what this resolution will do insofar as this year is concerned is see the House occupied in the morning and afternoon with respect to those bills remaining on the Order Paper and occupied in the evening with committees. I would hope that we could be meeting in Law Amendments perhaps Wednesday night, Thursday night, and what other nights are necessary, that we meet possibly tomorrow night with regard to the Mineral Resource Committee, and that the remaining time in the mornings and the afternoons be made available for debate on the bills. I am of the opinion that if we do not do this when we will really be not able to have enough committee meetings to fill the mornings, because the material that is on the Order Paper that would require the most debate would be the bills that are left. So this is merely an intention as to how I think we would be proceeding from this point if we adopted the resolution for extended hours.

MR. SPEAKER: The Honourable Leader of the Opposition.

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MR. CRAIK: Mr. Speaker, we haven't taken the position in previous years that we opposed this resolution with any great opposition because its recognized towards the end of the session that this sort of flexibility is desirable from both sides of the House, but we do object most strenuously to major legislation being brought in late in a session, and this government has shown a particular penchant for doing this sort of thing, and we have now before us bills such as the Labour Relations Act, which is probably one of the most major pieces of legislation before us and it should be going for proper study; it should run over a much longer period of time than what is normally allowed by the period of time you're in speed-up.

Now certainly we can prolong the sitting by one way or another to try and provide that period of time, but of course it's just not practical to do it, and bills such as the Labour Relations Act should not be brought in in a period of time when you only have the speed-up period to look at it and we don't have a long speed-up period in front of us. I would suggest here that perhaps consideration should even be given to let that particular Act sit for study over the summer.

I see another move is being made by the Consumer Affairs Minister to perhaps do the same sort of thing on a bill, of course, that is much less significant in terms of the number of people that it's going to effect than Bill 57, the Labour Relations Act. And we still of course have some bills which have not been distributed.

So we object, Mr. Speaker, to the actions of this government of bringing legislation in late. We're not going to oppose the speed-up motion because that probably isn't going to help the situation that much by doing so; we're trying to expedite legislation as rapidly as we can, and I think we've done a pretty effective job in doing so. So we don't intend to oppose the speed-up motion, we just simply wish to censure the government for bringing in legislation, that is, important legislation at a late stage of a session.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, I'd like to if I may add to what the Honourable Member for Riel has said by suggesting that there is an additional difficulty in dealing with major legislation at the time of the speed-up, and I think that the procedures that have been involved in the way in which the committee structure has operated during this session and in the past session are very good, the procedures are very good. I think there really is an improvement and I think that, notwithstanding the fact that there still should be further improvement, in principle it would appear to me that speed-up should not occur until all the bills of government have been presented and second reading has taken place. I think in principle that would be a very good one to follow. Obviously it's not going to be able to be completed this year, but I would recommend that to the government as a legitimate position to consider for the purpose of facilitating proper debate and proper understanding by the public of the implications of legislation, because I want to, if I may, deal with what I think is one major difficulty, and even with the legislation that remains and with respect to the times that have been set:

First of all there's a general feeling on the part of people that there is no way that they can really affect what government is doing. Whether that's correct or not we live at a period of time when that feeling exists both in the federal, provincial and the municipal level, and it has to be a hardy soul that's prepared to fight for what they consider to be their right or principle on an issue, or for a group of people to fight for the issues that are important to them.

And the difficulty with the procedures we have, and particularly in the issues such as Law Amendments and the other committees, other than the Committee of the Whole where we'll . . . here on Finance matters, the difficulty we have is that there is not sufficient lead time for people to understand the nature of the appearance that can be made by them or the nature of the presentation that can be made by them, and the difficulties with the speed-up proposal now is that in effect some of the matters that will be pretty important to people will not be properly dealt with by the committee because the people involved will not either understand their timing, will not be aware of it, and there's no way in which there can be a public awareness of the fundamental principles and issues involved.

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(MR. SPIVAK cont'd)

Now I know that there are people who are professional lobbyist; I know there are people who are aware of the way in which the Legislature operates, who will in fact be in attendance if there are matters that are important to them, but there are a whole range of people who are affected and who do not understand this and the difficulty we have is that we are not able in the time limits that are set to create and develop the public awareness. And that's part of our responsibility. If there is an issue, the issue itself has to be resolved, it has to be debated in this House, it has to be developed. And so this will be a continuing problem, but I would recommend to the government that really serious consideration be given in principle, having achieved I think a very important objective here that that speed-up does not come really until the Estimates are, if not concluded, almost concluded - I'm not sure whether they're concluded yet or not - and that if they are concluded that speed-up does not occur, but in principle as well all bills should have been completed for second reading by that time as well. And that's a target for government to achieve and it's difficult for the Ministers to be able maybe to do it within the time limits but I think if we do that, we at least have achieved that part.

The other problem is that there has to be sufficient, both publication and notice, and appearances before the committees where the public can appear, that: (a) they should be able to appear; and (b) that the procedures are such that they have the ability to appear and they've got sufficient time to know that they can appear. And I think that this year it's going to be fairly difficult, and there may not be that many controversial bills, but without getting involved I've already indicated my position with respect to the Corporation Act, and it is my opinion that frankly most of the small businessmen in this province know nothing of that Act. My position is that most of the lawyers in the province and accountants know nothing about that Act, and I cannot see that in a two day appearance that may take place with some of the professionals that are involved, that there's any way in which this Legislature can adequately deal with it and I've indicated my position on that.

I simply say that there has to be sufficient lead time for matters that are important affecting different interest groups, whether it be business, labour, professionals, women, whichever you have in terms of the specific legislation which will affect an interest group, there has to be sufficient lead time for public awareness and discussion of the implications to be understood and for presentation to be able to be made.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Thank you, Mr. Speaker. I wish to just make a few points on the resolution of the House Leader. I do not object to the Speed-up Motion as such. I feel there's nothing wrong with three sittings each day, morning, afternoon and evening. I do have some concern and reservations when we go to three sittings each day, I don't believe that we should sit too late in the third session. I know that there's no reference to what time because the 10 p.m. adjournment is suspended and the government business will take precedence. I know the Minister indicated that, well, we'll perhaps be in committees. But I'm sure that there'll be days that we'll be here discussing bills, and it's not too long ago when we had an amendment - the former Minister was Minister of Highways - we had an amendment to the Highway Traffic Act. It was one of those 12 midnight hours and after three sittings something went through, then the next session we had to change that amendment and what did the Minister say - well, you didn't catch it, what were you doing in opposition? This is what happens when we have three sittings; and three sittings in itself is I believe sufficient. So I hope that the House Leader would give some concern to adjourning about 11 o'clock or 10:30, because once you go into three sittings I think you're doing quite a bit of business in this House. But if we're going to continue to sit till 12 or 1 a.m., I think that's too much, and I'm sure there are other members in this House that will agree with that. So I just want to warn the Minister and the House Leader - I know he's been quite fair this session and I have no arguments - but I'm not so sure that he's so fair when we get in the last week or the last 10 days of the session when we start sitting till 1 or 1:30 and I think that's not right, and that's what I would object to. I hope that when we go to three sittings that the last sitting does not go past midnight and perhaps we should adjourn by 11 o'clock. So I hope that he'll take that quite seriously.

QUESTION put, MOTION carried.

SPEED-UP

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Could you proceed to call the bills that are standing on the Order Paper for Second Reading.

ADJOURNED DEBATES - SECOND READINGS

BILL NO. 54 - AN ACT TO AMEND THE TEACHERS' PENSION ACT

MR. SPEAKER: Thank you. Bill No. 54 - the Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, Bill No. 54 turns on the question of equity and equitability for a limited number of teachers in this province. I use the term "equity" and "equitability" because the Minister himself in introducing Bill No. 54 in this House used that terminology; and he suggested in his introduction of the bill that it was being brought in at this time and in this form in order to provide equity where he believed none existed. He said, for example, that one of the aspects was a desire to achieve some similarity as between pension plans and to remove some of the inequities which had become apparent.

He said that our in-government Task Force to which I referred earlier in my remarks - that's the Minister speaking - is continuing its review of our pensions legislation with a view to bring about the maximum measure of equity to all teachers, not only to the few whom this amendment in the bill affects. Those remarks were made by the Minister on May 18th in introducing the bill. I say, Sir, that the Minister is quite right when he takes the tack that the important thrust of this legislation is one aimed at equity and equitability. I say he's quite right. But it's a different kind of equity that we seek from the kind that he evidently hopes to achieve in this legislation.

We believe this bill turns on equity and equitability, and we believe that it does not in part of its major content provide the equity and the equitability for a particular group of teachers in this province who, in the demonstrable opinion of thousands of their colleagues, feel that they have a legitimate right to a pension plan status that has been denied them thus far. --(Interjection)-- The Member for Flin Flon says, why? I'm coming to that.

Bill No. 54 has some desirable aspects to it, Sir, and it would not be our intention that at this juncture in the procedures of the House to oppose the bill formally by vote. But we do want to try to impress upon the Minister and upon his colleagues, and upon the Member for Flin Flon obviously who raised the question why, that there is an aspect to the bill and it's involved in the very principle of the bill itself, Sir - there is an aspect to the bill which we find distasteful and repugnant and which we hope to have altered and which we shall do our level best to have altered at the committee stage.

Sir, the Member for St. Johns in speaking the other day on this particular piece of legislation said that there are many veterans in all walks of life in Manitoba who would like the opportunity to buy into a good pension plan. He suggested that what we are advocating here on the Conservative side of the House with respect to 54, was that some special consideration, some special opportunity be afforded a particular self-interest group in the province to buy into something that was being denied other veterans throughout Manitoba.

But, Sir, in all fairness and humaneness, when one sits down and looks at the legislation and looks at the situation of technicalities in which these particular teachers - and there are only 25 or 30 in number - the web of technicalities in which they have been caught, I don't believe that the Member for St. Johns sincerely can hold to that opinion. I don't believe any member in this House could sincerely hold to that opinion, because it's been specifically on a technicality of language, Sir, almost something that for the sake of our application to this legislation could be described as a grammatical error, a technicality of language, Sir, that these 25 or 30 Manitoba teachers who have been deprived of what are now generally recognized as their basic pension plan rights continue to be so deprived and are asking for some consideration that appears to us to be fair and equitable.

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(MR. SHERMAN cont'd). . . . One can only compare their situation with what is done in other provinces, and Sir, in most if not all other provinces in Canada the parameters for this kind of consideration have been widened.

The Member for St. Johns raised the question of other provinces. It's my understanding, and discussion with my colleagues and with concerned persons involved in this particular question - and that obviously doesn't include the Member for Radisson, who seems to be having a wonderful and titillating time talking to himself and to the ceiling - it's my observation Sir, that all other provinces have recognized the contribution that this particular category of teachers made during World War II and have expanded the parameters to accommodate them. In the Manitoba Teachers' Society brief on the subject which was carefully prepared and in large part done in response, or at least in acknowledgement of the government's own enquiries and investigations of the subject, it's pointed out, Sir, that on a province by province basis Manitoba lags far behind the rest of the country in consideration of this specific kind of service for these specific types of individuals.

So, Sir, we're asking for a more equitable treatment, to use the Minister's own words, than what he is proffering in this legislation at the present time. There seems to be an attitude on the part of some members of the opposition that we're asking for some sort of direct pension or some innovative pension to be paid. We're not asking anything of the kind, Sir, we're simply asking that the war service of those particular professionals be recognized. The fact of the matter is that all the others in the teaching profession in Manitoba who did serve their country in the Armed Forces during the war and who did not suffer as a consequence of this particular technicality, do have that service recognized, are afforded the comparative security and the comparative reward of the legal and legitimate status in that pension plan. All we're asking is that these 22, 25 or 30 be afforded the same kind of security and the same kind of reward, and not be penalized twice for having served their country; once for the time that they gave up in the pursuit of their social and professional endeavours, twice for the kind of technical manoeuvring that squeezes them out of pension consideration that should be legitimately their due.

Mr. Speaker, the teachers are prepared to accept a piece of legislation that would see them pay the employee's share of the kind of buy-back-input that is necessary to put them into the pension plan where their war service is concerned. They are not prepared to accept the principle of having to pay the employees and the employer's shares, and that's what the 12 percent ruling amounts to. And lest anyone raise the question, and my colleague, the Honourable Member for Brandon West touched on it earlier, that this is an acceptable mechanic, an acceptable procedure where the Manitoba Government Employees Association is concerned - lest anyone raise that question, Sir, the fact of the matter is that we were talking about two precisely different attitudes, two precisely different positions. The Manitoba Government Employees Association, and I've had many conversations with them on this point, never asked for the kind of consideration, the kind of eligibility with respect to their share of pension plan participation for war service that the teachers have asked for. The Manitoba Government Employees Association made it quite plain, in fact, in conversation, I believe with agents of the government, certainly with members of my party, that they have priorities in respect to their pension plan and in respect to their whole contract position vis-a-vis the government, which took great precedence over any consideration of legislation that would hold them responsible only for the employee's share if they were to try to buy in for their war service in the pension plan. That was never a priority with them. They were prepared to accept the proposal put forward by the government in other legislation that they should pay the employee's and the employer's share, because they did not want to fight on that issue and jeopardize other priorities. That is what they assure me. I believe that both the Minister of Education and the Minister responsible for the Civil Service and the Minister formerly responsible for the Civil Service would find if they honestly and objectively examined that question with the Manitoba Government Employees Association, that that is their position.

The teachers have taken, and have always taken an entirely different position, and Sir, it's not 22 or 25 or 30 teachers alone who are asking for equity in this area. I think that no one can fail to be impressed by the degree of moral support that they have

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(MR. SHERMAN cont'd). . . . received from thousands of their colleagues in the Manitoba Teachers Society all across the province. I don't think that that kind of support, I don't think that that kind of demonstration of moral reinforcement can be dismissed lightly. I think that it speaks volumes for the sense of fair play and the fear of unfair play that is held within the heart and soul of the Manitoba Teachers' Society where its membership is concerned. It speaks volumes for that when one considers the degree to which that society and its membership, in the thousands as I have said, has made public demonstration of support for their colleagues who are caught up in this particular web of technical difficulty.

Sir, the teachers have suggested - and I'm talking here of the teachers en masse, not just the 25 or 30 involved in this particular issue, but the teachers as a class, as a society in the province, have indicated to us - and I believe, I'm sure I can say that they have indicated whether it's been an acceptable indication, indicated to government members on the other side of the House that they are not prepared to accept that principle that holds them responsible for both sides of the contribution coin. They would rather have nothing, they would rather have no clause in the bill whatsoever than the one which insists that they must pay 12 percent in order to get into the plan for the years in which they served their country in the Armed Forces.

Sir, --(Interjection)-- Well, the Honourable Minister of Education says I have been misinformed and misled. But that is my understanding of what they told me, and I believe if I'm not capable --(Interjection)-- Sir, I believe if I'm not capable of articulating the message I am certainly capable of listening to and comprehending the message, certainly that's what I took from their remarks, that they would prefer not to have that clause as it exists in Bill 54 at the present time rather than have it existing in its present form imposing a 12 percent buy-back mandatory condition upon them.

Sir, the Member for St. Johns in his comments said that on the basis of the argument advanced by my colleague the Member for Brandon West, that he and the Member for Brandon West who are veterans of World War II could by inference become teachers now and claim the right to buy in for their war service if we pursued the argument of the Member for Brandon West and the argument of those of us on this side of the House to its logical conclusion. Well that, Sir, is a smoke screen if I ever saw one. That, Sir, just simply clouds and muddies the issue because it was never advanced by anybody in this argument, by the teachers, by the Member for Brandon West, or by anybody else who has put this argument over the years, that any of us who are war veterans could go out and become teachers now if we were to have the kind of legislative provision advocated by us and qualify in such a way as to have our war service counted in our pension benefit status. Nobody has ever advocated that. What we're talking about, as I've said before, is that the war service that those particular persons had and were deprived of on a technicality, because they hadn't signed their teaching certificates or because they enlisted, their enlistment instructions came through before they had actually signed the contract, because they trusted in the good faith of the governments that they lived under and were going to fight under, they are deprived of a legitimate reward and acknowledgement for a service that I think all of us would agree was of extreme value and extreme danger. --(Interjection)-- Well the Member for Flin Flon raises the issue that there's always welfare. That's a typical attitude from the back benches of the government party, Sir, that if you can't do it any other way you just tell these people to go on welfare; no regard for their sense of dignity, no regard for what they have contributed to the community, but somewhere we'll find the money by taxing the middle income man, by taxing the worker and the producer, by taxing the small businessman, how we'll give them welfare. That's a typical attitude, and I suggest one that Manitobans will be considering very keenly the next time the Member for Flin Flon and the rest of us are competing for their support with respect to the formation of the next government.

Sir, the comments of the Member for St. Johns the other day, as I suggested, really muddied the issue because what he is trying to do - and I don't believe he really believes in it. I don't believe the Member for St. Johns really believes in half of what he was saying. I think he was outraged because somebody has suggested that the government in this situation was callous and he didn't like being called callous; it's not all that

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(MR. SHERMAN cont'd). . . .attractive a description, and as a consequence he lashed back in a kind of an emotional reaction. He was wounded and as a consequence he said some things that I'm sure on introspection and re-examination he would not subscribe to in a general way.

Sir, the question of the relationship between the teachers' Pension Fund and the MGEA Fund brings up another point of argument that I think must be defined for the record. The Minister and many others have said that they want to effect parity, they want to effect equity and parity between different segments of society where this kind of legislation is concerned. But, Sir, the so-called issue of parity as applied by the government is a farce. There's no parity at all between these two plans. For example, as my colleague I think pointed out the other day, there was something in the neighbourhood of . . . I think something in the neighbourhood of \$1-1/2 million, \$1.445 million that was paid out in 1974 in refunds under the teachers' Pension Plan, the people retiring from the service. There was no interest paid on that \$1.445 million. If there had been interest paid on it, it would have been something like \$45,000 that would have gone into the fund. On the MGEA Plan, Sir, there is three percent interest paid in those situations where refunds are awarded to persons retiring, there is three percent interest paid, But there is no such interest paid under the teachers' plan so where is the parity? The parity applies only where it suits the government. The parity applies only if the government feels that they can put something through that they believe will heighten the centralized control and efficiency of their operation without regard for personal dignity and individual situations and individual conditions, then the parity is fine, but if you come to look at the mathematics of the thing, if you come down to look at the totality of the two plans, one compared against the other, there is no parity, Sir. It's just a convenient technique of argument in presenting the government's position.

Sir, the Member for St. Johns suggested that we should look at this from a business standpoint. Well I say that our basic position was one of looking at it from a standpoint of equity and equitability. But let us take the Member for St. Johns at face value on his challenge and look at it from a business standpoint. How much is it going to cost for the government to assume the legitimate employer's share where these few teachers, this handful of teachers and their war service is concerned? You know the war was over, and you know better than most members in this House, Sir, the war was over more than 30 years ago and that makes all of us more than 30 years older than we were in 1945, and a great many of those teachers are on the threshold of retirement, if they haven't already retired. So we're only looking at a handful, we're only looking at a handful, and the costs, Sir, were in fact examined, explored and documented in documentation that passed between the hands of Mr. Glen Buhr, Secretary-Treasurer of the Teachers' Retirement Allowances Fund Board, and Mr. Carroll Heard, who I believe is an employee of the province. And I want to just read for the record the mathematics of that report and that documentation, Mr. Speaker, to show you and to show the House, and particularly to show the Member for St. Johns who raised the question, that being businesslike about it one should endorse the principle that we're arguing for, because it provides the equity and provides the equitability, and provides the protection without saddling the Province of Manitoba with a cost that would be severe or in any way arduous. That estimated cost presentation made by the foregoing Mr. Buhr to Mr. Heard, Mr. Speaker, shows the following facts that I think should be placed on the record:

"That all the teachers listed who are over the age of 60 will retire in 1976 and the remainder will retire at age 60. In two cases where I was aware" - and this is Mr. Buhr talking - "where I was aware that current salaries are relatively high, I assumed an average salary for pension calculation of \$30,000 per year, and for the remainder I assumed \$15,000 per year. Based on the foregoing, Sir," - and I hope the Member for St. Johns if he's not able to listen to this at the present time, will study it in Hansard - "based on the foregoing, the resultant increase in annual pension costs in 1976 through to 1986 would be as follows: 1976, \$7,700; 1977, \$7,700; 1978, \$10,100; 1979, \$14,100; 1980, \$13,500; 1981, \$16,500; 1982, \$19,600; 1983, \$21,900; 1984, \$22,500; 1985, \$22,500; and 1986, \$23,500, for a total of \$174,630."

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(MR. SHERMAN cont'd)

Sir, Mr. Buhr goes on to say, "To put the above figures in perspective, our total pension payments this month will be over \$950,000, or about \$11.4 million annually. He suggests that maybe doubling the estimate that he presented - which I read to you a moment or so ago - would be fair in order to take into account the unaccountable, the natural course of events, and so he says that doubling the 1976 estimate of \$7,700, which would bring it up to \$15,400, would represent an increase in cost of 13/100 of one percent. The government's share of the increase, a half of that \$15,400 is \$7,700, and he says that compares with my estimates of the payments required from departmental appropriations for 1976-77 on this subject, of \$9,050,000, or 8/100 of one percent."

Sir, I wanted to read that into the record because the Member for St. Johns, quite legitimately, asked the question, how much would it cost, asked us whether or not we would be businesslike about this thing? The businesslike examination, the businesslike approach reveals that we're looking here at an increase in cost, where the government is concerned, of 8/100 of one percent when viewed against the total departmental appropriation for this item. And, Sir, considering the kinds of spending that this government is embarked on in a wide-ranging spectrum of experiments and elusions and dreams and unrealities, I hardly think that the Member for St. Johns, or anybody in this House, can argue that that kind of an increase, that kind of an additional expenditure, is unwarranted or unjustified, particularly when viewed in the context of where it's going, to what it's being directed. So, Sir, I think that one cannot uphold or one cannot resist the kind of argument, the kind of appeal that has been put forward by the teachers and by the Member for Brandon West and others on this side on the grounds that it would be unbusinesslike and over-expensive.

The Minister said in his remarks introducing the bill, Sir, that the Task Force on Superannuation and Group Insurance has already begun preliminary investigations, and it is hoped that discussions can be held with interested parties in good time. Well I'm informed, Sir, that no such discussions ever were held with the Manitoba Teachers' Society. And so I put that to the Minister to examine and hopefully to respond to.

The fact of the matter is, Sir, that this government and this Minister are hell-bent on pushing through a particular piece of legislation which suits their objectives from the point of view of neat bureaucratic centralized efficiency and which does not take into account the legitimate rights of 22 to 30 of our citizens in Manitoba whose rights in this respect have been recognized everywhere else across the country.

The Member for St. Johns in his remarks said there were parameters. There are parameters with respect to the legitimate qualification for these teachers to have their war service counted as part of their status for pensions under the fund. There are parameters, but what we're saying is that the parameters are too narrow and that fairness dictates that those parameters should be widened and that the teachers themselves don't believe that the principle of insisting that they pay both sides of the contribution coin is equitable or is regarded as equitable anywhere else in Canada.

And the strongest argument that comes in support of them is not the argument made by the Member for Brandon West or anything that I've said today, the strongest argument comes from the support of an overwhelming nature that they've received from their own colleagues. If it were just a handful down here lobbying and parading and they did not have that support, then, Sir, I think it could be questioned, but I think it's demonstrable that there is a principle and an issue at stake here in which the teachers feel very very deeply interested and by which they are deeply exercised. They don't believe it's fair and they're asking the Minister for fairness, and they have suggested that if the bill remains in its present form that they would wind up with something worse than is the case if they're not counted in the plan for their war service at all.

The Honourable Minister for Education says they've got nothing now but let me tell you what they've got under his plan. Let me tell you what they've got under his plan, Mr. --(Interjection)-- Just a minute. That's right they have nothing, but they're not being forced to dig into their pockets and pay something. Let me ask you this, Mr. Speaker, through you to the First Minister. He says they have nothing now well here's what they

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(MR. SHERMAN cont'd). . . . have if his legislation goes through. You take the case of a teacher whose salary is \$18,000 a year - that's not an unreasonable example - let's say that he has to buy back three years of war service. You know what he's looking at under the Minister's plan, under this legislation, Sir? He's looking at an outlay of approximately \$6-1/2 thousand. --(Interjection)-- Well I defy the Minister to show me anybody on that side, I certainly can't show him anybody on this side of the House who has \$6-1/2 thousand lying around. --(Interjection)-- Over what period of time, the Minister says? The period of time today where one is facing 11 and 12 and 13 percent prime rate interest charges on even a bank loan, the period of time today is always a critical factor in these considerations. And to have to borrow the money is almost as bad as having to dig it out of whatever particular aspect of the holdings of that particular individual is available to them. I say that to have to shell out \$6-1/2 thousand either in cash or borrowed and pay it back at 12 or 13 percent is unfair and unreasonable when it's being levied upon people who already gave up - to use the instance of this example - three years to serve their country in the Armed Forces. So I say that the teachers would be better off with nothing, these teachers, this particular group would doubtless in many cases be better off with nothing.

Sir, there are some who probably, simply because of faith and actuarial statistics, would never live to get back what the Minister or what this bill insists they put into the plan under the bill as it is presently constituted. There are some who actuarially can be demonstrated beyond a shadow of a doubt to be in a position - we don't know which ones they are but some out of that 22 or 30 actuarially will never reach the point where they will get back out of the pension fund what they are being forced to put in should this legislation go through. And I ask you if that's equity? I say, Sir, as I said a little while ago, that what's happening here is that those war veterans are being doubly penalized. They gave up their three or their four years; they did no more than hundreds of thousands of other Canadians did in that respect, but nonetheless, they gave them up and many of those other hundreds of thousands of Canadians have had these rights recognized in their pension plans. --(Interjection)-- The Minister responsible for the Civil Service says they didn't get a thing. That's absolute nonsense. In many many pension plans across this country they've had those years of war service recognized, and in fact their own colleagues who served in the Armed Forces have had those years of service recognized. The reason these 22 or 30 aren't having them recognized is because of, as I said, a grammatical slip, a technical error that nobody on that side seems willing to remedy.

MR. HANUSCHAK: Which you had 10 years to correct.

MR. SHERMAN: Well, Mr. Speaker, the age-old argument comes up on that side of the House from the Minister that we had ten years to correct and didn't do anything about it. I can only say this to the Minister, that politics like schooling is an educative process, hopefully people learn some things along the way. I'm not too proud to say that the previous administration of this province made some mistakes, and I'm certainly not going to refrain from saying that the present administration in this province is making some mistakes. But one hopefully learns from those mistakes, one hopefully has pointed out to them or comes to recognize some of the omissions and some of the areas, and some of the inequities and then moves on to try to do something about it. Surely the Minister of Education should know that better than anyone in this Chamber, that surely is the whole process of education, to learn and to correct and to profit by learning. So we made a mistake, does that justify the present administration and the present Minister from perpetuating that mistake? We say there's no reason why those 22, 25, 30 war veterans should be doubly penalized, once for military service and once in their pension plan status.

MR. SPEAKER: The Honourable Minister of Education on a question.

HON. BEN HANUSCHAK (Minister of Education)(Burrows): Mr. Chairman, if I may ask the Honourable Member for Fort Garry a question. I want to make certain that I understand his contribution to the debate on this bill. Is he suggesting that the bill ought to be amended to limit itself only to the 20-30 teachers about which the Manitoba Teachers' Society has expressed the concern and exclude all others who may stand to benefit from the provisions of this bill?

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MR. SHERMAN: No, Mr. Speaker, I'm not suggesting that at all. I'm suggesting that the 12 percent figure is unfair and a 6 percent figure would be equitable.

MR. HANUSCHAK: In that event then, Mr. Speaker, I want to be clear on this point. In view of the fact that the honourable member seemed to imply that 12 percent was fair for the civil servants because they did not ask for it, is he then suggesting that the contribution be something less than 12 percent for those 25-30 about whom the Teachers' Society has expressed concern, but that it remain at 12 percent for those teachers who may benefit from this bill but did not ask for this bill?

MR. SHERMAN: I didn't say that the 12 percent for the Civil Service was fair, I didn't disagree. . . .

MR. HANUSCHAK: Oh yes you did.

MR. SHERMAN: I did not. I didn't disagree with it because the Civil Service itself doesn't disagree with it. I consulted with them and it's acceptable to them, they don't want to damage or infringe upon other priorities, so I'm not going to intrude into an area which jeopardizes other of their priorities. If you want my honest opinion, the 12 percent in that area isn't fair.

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

MR. SAUL CHERNIACK, Q.C. (St. Johns): Mr. Speaker, may I also ask the honourable member a question or two? Could he assist me by clarifying the kind of parameters that he believes ought to be set for pensioners to be included in the scheme? For example, would any one of us who's never been a teacher be able to come in with war service and claim a pension, or should there be a limitation such as he suggested could be broadened? He said that the present parameters are restrictive and leave out important people, could he help me by defining the kind of parameters he thinks would be fair?

MR. SHERMAN: Certainly, Mr. Speaker, I would not suggest - and I thought I said that in my remarks but perhaps the Member for St. Johns was not in the Chamber at the time - I would not suggest for one instant that he or the Member for Brandon West or I or anybody else could become a teacher now and buy into the plan. I would not suggest that for one instant; that, as I said at the time, was muddying the issue and reducing it really to a point of reductio ad absurdum. The parameters as I understand them at the present time are fairly well defined in briefs that have been put forward by the Teachers Society themselves. What the problem is, that where a person who was about to enlist or who did enlist had not in fact actually signed a contract or signed his teaching or her teaching certificate, they got caught in this technical bind, and I think those parameters should be widened to accommodate those particular specific individuals - and there aren't very many of them as we both know, maybe 30.

MR. SPEAKER: Order please. I find that we are running over the member's 40 minutes, and the only way I can allow any further questions is by unanimity of the Assembly. Does the honourable member have leave to ask a question? (Leave) The Honourable Member for St. Johns.

MR. CHERNIACK: Thanks, Mr. Speaker, I thank honourable members. Then would - and this is helpful to me, Mr. Speaker, I am trying to understand it - then would the member consider the case of a person who was in high school, joined the army, and after discharge from the army embarked on the career of teaching after going through the proper schooling; that is, not having before enlistment been a teacher, be it permit or other, would he say that that is within the parameters that he would include or exclude? It would be helpful to find out that.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, that's a tough one, because there is --(Interjection)-- no, that's a tough one, because there is a specific case within the 22 or 30 group that we're talking about - the Member for St. Johns asked me to read it, I don't mind reading it. --(Interjection)-- Oh, I thought the Member for St. Johns asked me to read it. There is a specific case that refers to one who was a student in high school in 1939 and then went into the services and then came back and took his teacher's training. I haven't looked into that individual case, I've got précis of those individual cases in front

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(MR. SHERMAN cont'd). . . . of me. I assume that the Teachers' Society, who as I've said have supported the position advanced from this side of the House a thousand strong, have satisfied themselves that there's a legitimate case here because of the fact that that particular individual had war service interrupting his - I think they called his planned career objective, and he never had a chance to sign any kind of a teaching certificate. Well, I agree with the Member for St. Johns that that is a tough case to adjudicate, but the fact is that there are 22 or 25 or 30 specific cases that the Teachers' Society has adjudicated and those are the only ones they're asking for, they're not asking for application across the spectrum. What they're asking for are the specific ones that they've adjudicated. They seem satisfied that this particular case is legitimate, and I doubt that they're making an exception to the principle that they've applied all the way through on this, so I accept their word that it is legitimate.

MR. CHERNIACK: Mr. Speaker, I apologize, and yet I feel it is helpful because I'm trying to understand it. Well, then is the honourable member suggesting that only those who are named by the teachers should be included in this broadening of the parameters? And would he not, if he suggests that, be inviting the naming of others who have not bothered because they weren't entitled to it and did not name themselves or describe themselves? Either we have parameters or we have actually an Act for the relief of 22 or 24 people, which does the honourable member promote?

MR. SHERMAN: Mr. Speaker, that depends entirely on what the response would be to the kind of question the Member for St. Johns has just put to me if it were put to the Teachers' Society. As I understand it, there are only 30 cases and that's what I'm dealing with. If the Member for St. Johns is suggesting that this would open up an army of applications, and I don't believe it would, then we have to pass an Act for the relief of. I believe that we still should take into consideration the service that those people gave in their right to this status, but I believe, Sir, that evidence prepared over the years would demonstrate that there are only these two and a half dozen cases, so it's really an academic question.

QUESTION put.

MR. SPEAKER: The Honourable Minister of Corrections.

HON. J. R. (Bud) BOYCE (Minister responsible for Corrections and Rehabilitation) (Winnipeg Centre): Mr. Speaker, I beg to move, seconded by the Attorney-General, that debate be adjourned.

MOTION presented and carried.

BILL NO. 62 - AN ACT TO AMEND THE HUMAN RIGHTS ACT

MR. SPEAKER: Bill No. 62. The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, Bill 62 is another one that troubles me, Sir.

There are some aspects of the bill which are necessary from the point of view of technicality of language, from the point of view of adding additional considerations for protection against discrimination, and for some housekeeping with respect to the literary construction of the bill itself. And those are not the sum or substance of any disfavour or the reason for any debate. But the principle of the bill, Sir, as far as I understand it, as I read it, is a dangerous one. The principle of the bill that's been alluded to by earlier speakers is the widening of access to premises and documents. It also increases and expands the powers of the board, which concerns me to a certain extent because there is a section now in the bill which never was there before, which provides for a form of damages to be awarded where a person discriminated against has been able to prove to the satisfaction of the Board of Adjudication that he or she has suffered damages in respect of his feelings or self-respect. I think that opens up an area that is almost impossible to adjudicate and impossible to fathom. How does one determine whether somebody has offended somebody or discriminated against somebody else's feelings or self-respect to the point where punitive damages should be admitted? So I think that there's a whole wide area of potential abuse opened by that aspect of the bill, Sir, but it's second in its import and its potential danger to what the bill does in the area of the widening of access to premises and documents.

I think that we have to look at Human Rights' legislation from this perspective, Mr. Speaker, that the purpose and the purport of legislation such as this, Human Rights' legislation, is good, nobody can argue with the basic principle that such legislation is essentially good and essentially humanitarian. But like anything else that's good, that's humanitarian, that's enjoyable, that's profitable, that's worthwhile, almost anything else you can have excesses that turn that good to something less than good, in fact may turn it to a greater evil than that which existed before the good first appeared. Excess is likely to creep into almost any field of human endeavour, and I think that Human Rights' legislation is no less vulnerable. I think that powers of government boards and agencies or quasi government boards or agencies are no less vulnerable to the evolution of that kind of zeal, to the evolution of excess, than anything else in the field of human activity or endeavour. And we're in a very fragile area here, Mr. Speaker, we're in a fragile area of privacy of the individual and the individual's rights to that privacy which is really the nub on which the society of free men and women turn and operate.

I think we have to ask ourselves some basic questions when we look at this bill, particularly one subsection of it, and I know I can't discuss subsections, but one subsection which to me embodies the whole principle that we're examining here, Sir, and the questions we have to ask ourselves are these: How far are we prepared to chip away and chivy away at the fragile fabric of individual privacy and the individual's right to privacy? How far are we prepared to go in testing and prodding and trying that fabric, to the point where we dent it or we break through it and we destroy it? Because it's a very tricky and a very uncertain kind of exercise that one has embarked upon when one is testing the limits of invasion of individual privacy and individual private rights. There is a likelihood, Sir, of a greater evil, there's always the likelihood of the greater evil, and no doubt many evils existed and still exist and can only be corrected by the kind of Human Rights' legislation that is now on our books. But there is such a thing as the greater of two evils and the lesser of two evils, and if we reach the point where individual privacy is undemocratically and unacceptably threatened and intruded upon, then I think that the penalty we are paying is far far more severe than the kinds of difficulties and troubles that exist in society that the legislation is intended to control or hopefully eradicate.

So I for one, Sir, intend to ask myself as we examine this legislation and process it through the succeeding stages of the House, whether it's worth it to go as far as this bill does. I want to ask the Attorney-General and his colleagues what's wrong with the present legislation in this area of access to premises and documents? I have not had demonstrated to me an argument that convinces me that the legislation as it currently exists on the books was not doing the job that it was set up to do. After all, Human

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(MR. SHERMAN cont'd) Rights' legislation, legislation of this type can never be specific and concrete and inflexible, it can never be as practical as some forms of legislation. It's legislation that really is intended to persuade, legislation that really is intended to create a climate of opinion and a general attitude, and the fact that the legislation is on the books and that it says certain things and that a Human Rights Commission exists is salutary to the condition of society because it gives tacit recognition in a public and recorded way to the fact that there are responsibilities in the area of human respect, one person for the other. There are expectations that devolve upon individuals from society in that area that we must keep those in mind when we are proceeding with our daily affairs and our daily business, and that's a good thing; and to me that's the essential value of Human Rights' legislation, the fact that it contributes to the environment and to the mood and to the general climate of a community and a society. But when one reaches the point where one is enforcing Human Rights' legislation and perhaps finding it enforced by those who are over-zealous at times to the letter of the law, one broaches upon that area that I've referred to, Sir, where more danger than benefit may potentially exist, where more evil may come of it than good, and where the resulting wrong-doing is greater than that which existed in the first place.

So I ask the Attorney-General and his colleagues, what was wrong with the original statute, what was wrong with the principle relating to the subject matter of access to premises and documents in that statute, and why do we need the change that is before us in the legislation now in the House? I'm not comfortable with it, I'm not happy with it, I think that it's the kind of legislation that can in certain circumstances redound to the sorrow of a free society, and I think we should examine very carefully the question of invasion of privacy before we put any legislation of this kind firmly on the books.

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

MR. PAWLEY: Mr. Speaker, I would like to deal with some of the objections which have been raised. First in connection with the issues raised by the Honourable Member for St. James in connection with the training programs. At the present time the training programs I am informed do not come within the ambit of the Human Rights legislation.

In respect to the several issues which have raised the greatest debate, including the comments just now advanced by the Honourable Member for Fort Garry. I'd like to mention that under the present provisions the staff of the Human Rights Commission may not view occupied places of residence, and they only view places of business during reasonable periods of time. So that the question is whether or not under those types of restrictions, can the staff of the Human Rights Commission function properly in carrying out its responsibilities to the public.

And I think, Mr. Speaker, that the evidence is that indeed the present provisions are too restrictive. And I would like to indicate to honourable members in what way they are:

If we take first housing, discrimination in housing, we would find, Mr. Speaker, that in fact the staff member who was asked to investigate a particular complaint runs into difficulty upon receiving information, a particular argument insofar as why the landlord for instance refused a certain application for tenancy. And there are many instances. For instance, a landlord may state that the complainant has too many children for the premises itself. Unless the staff member has the opportunity to inspect those premises in order to ascertain the number of rooms, the size of those rooms etc., the staff member would be totally dependent upon the word of the landlord, and therefore would be unable really to carry out his responsibility in an effective way.

Another example might be that the landlord might have indicated to a prospective tenant, no I'm not going to rent those premises to you, and might give as a reason the need for repairs. In that case of course, too, the staff member ought to have the right to inspect upon receiving a complaint in order to ascertain whether that is a bona fide reason given by the landlord in any given situation, whether in fact the premises in question are in need of the repairs as alleged by the landlord, or whether in fact it is just an

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(MR. PAWLEY cont'd) excuse to get around various provisions of the Human Rights Act.

Or for instance, another example could be that the reason given is that the apartment is not suitable for children. In this case the investigator would be required, or ought to be required to investigate the premises to view those premises in order to ascertain if there is in fact a suitable basis for refusing to rent those premises if children are involved. For instance, are the hallways too narrow? Are the steps too steep? Is it an area where there is very limited play area, very little room for children to play? Is the block so situated that it is located in a heavy traffic area? There are different questions that the investigator must be able to answer in order to I think, Mr. Speaker, properly carry out his responsibilities.

Then if we take for instance a business premise and a refusal to rent a business premise: A person may complain of discrimination in being hired for a job on the basis of sex. The employer may state that the reason why the complainant was not hired was because there was not suitable dressing room facilities, for instance. And of course here again there would be need for an inspection of the business premises in order to ascertain whether or not this in fact is the case; or whether in fact this explanation, this excuse, did hold up under inspection. The inspector might in fact ascertain that in fact it was true that there were not suitable dressing facilities. On the other hand, the inspector might find otherwise. If the employer refused to admit the investigator the Commission would be I think frustrated in its attempt to investigate without the actual power to attend at the business premises itself.

The same comments would also relate to offensive signs in either the residential or the commercial premises, and whether the owner of any property or the employer refused access to the investigator. I think the same arguments, the same need in order to properly carry out one's duties would be applicable not only in the residential but in the business, and as well that pertaining to commercial and residential signs.

I would also like to note that the amendment does provide for attendance at a residence at all reasonable times. Of course it would be an unreasonable time for that attendance to take place at night when the occupants are sleeping. It of course would be inconvenient and would be improper for the inspection to take place when all the occupants are in fact eating or when they have visitors on the premise. All these areas could be given as suitable explanations for the time in question being unreasonable. The reasonable period of time I think ought to and could very well be specified as being only that period of time during daytime itself.

I would like to mention to honourable members that the Human Rights Act presently provides reference to the Manitoba Evidence Act and that the inspectors, the investigators do in fact have the same powers granted to them, and power to them under the Manitoba Evidence Act. The Manitoba Evidence Act indicates that the Commissioners could, and under Section 91 of the Manitoba Evidence Act in fact indicates that entry upon or into and view or inspect any land, buildings, works, or property, if in their opinion a view thereof will assist in the enquiry and a view may be had if deemed necessary to the enquiry at any time, by day or by night.

So that is existing provision now in the Manitoba Evidence Act. And I agree that I think that that existing provision, the Manitoba Evidence Act provision, which as I indicated is applicable to the Human Rights Act in this case, that Commissioners do work under that provision, is too broad and too extensive. For that reason I think that we would want to ensure, and I would be prepared to examine this closely at committee stage to ensure that there is some restrictiveness insofar as the time of inspection. I think that we could certainly consider that at committee stage as to whether or not the time of entry inspection should be restricted to daytime.

In addition, there have been a number of complaints in connection with the legislation in regard to confidentiality. The Honourable Member for Fort Rouge discussed this at considerable lengths, the other day. He stated that under the existing Act the executive director with the consent of the persons involved may release information. Well, Mr. Speaker, this is not so. The Commission or the Executive Director can only communicate

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(MR. PAWLEY cont'd) information publicly with the consent of the person to whom the information relates. As a result of this interpretation the Commission has been very reluctant to release any information publicly as to its investigations because we have not been able to obtain the consent of the respondents, those against whom the complaints were directed. And I think honourable members will be quite conscious of the fact that for a commission to work under this type of handicap in fact is to remove one of its most effective means of countering discrimination in employment or in housing. If in fact the Commission is unable to publicize violations of the Act by employers, by landlords, by whoever it be, at any given time, then in fact the Commission is being placed in a very weakened position.

So that the purpose of the amendment is in fact quite contrary to that suggested by the Member for Fort Rouge. But in fact it is to permit the Commission to publish information without the consent of the respondent and/or the complainant himself - and I know that this does require discretion, common sense and reasonableness on the part of the Executive Director - and this information could be publicized with or without the name of the respondent or the complainant, the offending party. Mr. Speaker, I am satisfied that this type of publicity in the newspaper, radio, or the TV, probably is the best means of deterrent insofar as violations and infringements as against the Human Rights Act. In every type of infraction under statutes in which violations are found where convictions are rendered, I think within an open society, it's felt best in the interests of justice, where in fact an infraction has been found by a tribunal, or by a board, or by any court, that such information ought to be made available, at least within a certain amount of discretion, under certain guidelines this type of information should be made available.

The Honourable Member for Fort Rouge also discussed with us the other day the use of permanent boards of adjudication. And I want to say that this is an area where we wrestled for some time whether or not there ought to be a permanent board of adjudication - and there are arguments pro and con in this respect. We finally decided not to propose a permanent board of adjudication in respect to the Commission. The reason for that is to have a certain degree of flexibility. There is a danger of course if you have a permanent board of adjudication that you in fact will have members of that board who you would not select under normal circumstances for the particular complaint before you. For instance, if it's an employment complaint you might wish a board involving members of a particular background and understanding. On the other hand, if it's a complaint dealing with housing, you might want a different type of a board of adjudication. So that I think there is need for a certain amount of flexibility, a certain degree of flexibility in respect to the use, to determination as to the use of a board of adjudication.

The number of hearings involving boards of adjudication are very limited under the Human Rights Act. I believe that I can say safely that during the past two years - in fact I can't recall of a single board of adjudication being held within the last two years. In fact, Mr. Speaker, it may be rather than something I should boast about, it's something that I should be somewhat concerned about that in fact there has not been more boards of adjudication held in order to deal with complaints and bring them to a resolution, but it appears that most of the complaints are reconciled, are dealt with, short of the holding of boards of adjudication, and boards of adjudication of course would be only held in those instances where the matter is grave and difficult and non-resolvable at the conciliation level. So that I would sooner leave flexibility within the legislation pertaining to the appointments of boards of adjudication and as to whether or not they be of a permanent or a temporary nature.

Some reference was made too by the Member for Fort Rouge, in which he suggested that the Commission ought to be reportable to the Legislature. This is a matter which is debated at considerable length, I suppose and believe in each and every province in Canada, because all provinces now do have Human Rights legislation. And I believe without exception each commission, provincial commission is reportable to a Minister of the Crown. I think that there probably is a very practical reason for this, and that is, when it comes to the discussion each year, which is a difficult exercise, as to budgetary requirements, then at least there is a Minister who is responsible for presenting the case

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(MR. PAWLEY cont'd) on behalf of the Commission for the budgetary requirements for that Commission during the course of the budgetary debate as to the amount that is to be included within the Estimates. Without a Minister to present that case, Mr. Speaker, there might in fact be less argument presented for the Human Rights Commission budget. So I think from that point of view there is a practical reason for reportability to a Minister rather than reportability to the Legislature. And as well of course it is the government, the government of the day that is responsible and must hold itself accountable for any actions by any commission or board of that government, not the legislature but the government of the day. And in that way, I think that again that we ought to stand clearly and openly and hold ourselves responsible and accountable for the actions in this case for the Human Rights Commission rather than to attempt to thrust it off onto the Legislature.

I can say, Mr. Speaker, that I don't believe there has ever been an instance, certainly that I can recall, where it has been successfully suggested that there has been ministerial interference with any policy direction or any file, any file, case file of the commission. And I think any Minister that would intervene in such a way as that would in fact, unless he was prepared to indicate very clearly the rationale for his interference, in fact would be clearly unwise, and for that reason I think that this great fear that sometimes is presented, a fear that there will be in some way a weakening of the independence of the Human Rights Commission because it's reportable to a Minister, can be very much exaggerated.

I know that much of the debate in fact has I think been constructive, and I look forward to submissions at committee level, and possibly to examine, as I indicated in a few instances where there could be some further changes at the committee level.

QUESTION put, MOTION carried.

MR. SPEAKER: Bill No. 75. The Honourable Member for Rhineland.

MR. BROWN: Stand, Mr. Speaker.

MR. SPEAKER: Bill No. 57. The Honourable Minister of Labour.

MR. PAULLEY: Stand, Mr. Speaker.

BILL 67 - AN ACT TO AMEND THE MUNICIPAL ASSESSMENT ACT

MR. SPEAKER: Bill 67 - The Honourable Attorney-General.

HON. HOWARD PAWLEY (Attorney-General) (Selkirk) presented Bill 67, an Act to amend The Municipal Assessment Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: Mr. Speaker, let me commence my remarks by indicating as I did during the Estimate review, that I think assessment practice in law is one that requires a great deal of attention. I think at some point very shortly that we're going to have to examine many of the present practices insofar as assessments in general are concerned - whether we deal with the question of personal property assessment, full value assessment, many other areas, I think they ought to be openly discussed and debated.

The purpose of this bill is really not to deal with the general questions relating to the philosophy of assessment, but to deal with in general a number of technical house-keeping changes; and in view of your stricture to me two or three weeks ago, Mr. Speaker, about going into too much detail insofar as specific bills before the House, I will minimize my comments insofar as those items are concerned, but I do have notes which I would make available to opposition party's critics pertaining to this department so they could go into the detail in each particular item.

There are two sections that I do feel require some comment. One is the principle dealing with nurseries. This is a provision which I must admit, Mr. Speaker, I gave a lot of thought to; and when I indicated at the beginning that I think we must review assessment practice in general, this is one of the areas that I think we must review. But in Manitoba for 20 some years nurseries have been considered exempt from assessment and they have been included within Farm Building Classifications, so exempt under Farm Building Classifications, Nurseries.

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(MR. PAWLEY cont'd)

There's been court rulings which in fact have found that - and the Honourable Member for Pembina I think is very very familiar with the subject matter which I'm dealing with because one of his constituents faces this very problem - there has been a court ruling which has held that technically a nursery is not included under the Farm Building Classification, so that I believe last year for the first time nurseries became the subject of assessment. Well, my view is, Mr. Speaker, that if we are to make a policy change in this respect that that policy change should take place here after 20 some years, rather than find a change in policy develop as a result of a court hearing, so I would propose to clarify those sections in The Assessment Act dealing with nurseries in order to remove the difficulties insofar as interpretation is concerned. I would therefore propose that the exemption be extended in respect to farm buildings to include an addition to operations pertaining to grain growing, grazing or keeping a farm stock, or market gardening, the growing of nursery stock, so that it's clearly specified so that we're not confronted with the problems which we have been confronted with in regard to interpretation under this section previously in The Assessment Act.

I admit that there are difficulties here because there are some nurseries that are involved in more than just the farming end of it, are involved in really what comes down to a commercial operation in which they're selling equipment and are very much in a commercial nature of operation, landscape gardening, etc. So I think that insofar as any identification by an assessor, he is going to be required to provide some division as to what he is basically - the nursery operation and that which is more in tune with the commercial operation, that at least recognition must be given to the nursery operation which is akin to the farm operation, rather than as was the case to find it all excluded as being exempt as a result of a court ruling.

There is another area which required consideration, one of principle, and that was provisions in The Municipal Act which presently provide for enabling a municipal council within its discretion to pass by-laws permitting exemption from business taxation certain businesses and they are all listed within The Municipal Assessment Act. The purpose of this amendment is to ensure that if any such by-law is passed, that they will treat each class of businesses, and here we're dealing with generally non-profit businesses of a fraternal and occupational or a trade nature; non-profit that we treat them the same as a class rather than taking out of that class and treating one differently from another. For instance, under the present provision a Municipal Council could exempt from business taxation Chamber of Commerce offices but assess a trade union office, or vice versa; or a fraternity, and treat it differently from an agricultural society offices, etc.; that they be dealt with as a class rather than singling out one part and treating it on a preferential basis to other items which are included within the exemption group. Here again a municipal council is enabled - they may pass a by-law within their discretion, they either exempt all or they exempt none within the particular provision. So it's their choice whether they exempt all or whether they tax all, and that responsibility rests at the municipal level.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: . . . at this point if I may ask the Minister, if they only have that particular choice, either all or nothing at all, they can't exercise any other discretion.

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: They have two. They must either assess all or exempt all, rather than to pick and choose within the class. We felt this was the fairest way of dealing with it and I certainly would look forward to the comments of members. It's not something that has come up too frequently, but it has from time to time, there have been complaints that the areas in question have not been treated alike as one group or one class.

So those are the amendments that any real importance could be attributed to in a policy way. The other amendments I think I could safely say are all very much of a technical nature, amendments which will streamline the legislation and make it more effective.

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

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

MOTION presented and carried.

BILL NO. 72 - AN ACT TO AMEND THE CHANGE OF NAME ACT

MR. SPEAKER: The Honourable Attorney-General.

HON. HOWARD PAWLEY (Attorney-General) (Selkirk) presented Bill 72, an Act to amend the Change of Name Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: Mr. Speaker, this is a very small bill which deals with a change which I think is needed. Under the present Change of Name Act where a married person applies for a change of name, the change of name cannot be registered until certain things are done: 1. That the application for Change of Name is accompanied by the spouse of the applicant to the change of name; in most instances that would create no problem. But there are certainly instances that have come to the attention of the department, possibly two or three in the course of a year, in which a person - for instance in the cases that have come to our attention, a woman separated from her husband wishing to return to her maiden name, has been required to obtain the consent of her husband, but runs into a brick wall in obtaining that consent; or for very reasons of principle does not want to request that favour of her separated spouse. We have considered this at some length, Mr. Speaker, and we see no reason why, as long as the spouse is notified, because there could be sound reason why the spouse may wish to object to the change of name, maybe sound reason, but as long as he is notified we see no reason that consent must be obtained from the spouse. --(Interjection)-- Or she, it works either way. So we're eliminating the need for written consent, a requirement of notice still within the legislation, Mr. Speaker.

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

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

MOTION presented and carried.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I intend that The Act to amend The Labour Relations Act to be introduced at 8 o'clock tonight, and I am going to ask that the House adjourn now.

MR. SPEAKER: Very well. It having been agreed, I shall leave the Chair to return at 8 p.m.