

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Tuesday, March 16th, 1965.

Opening Prayer by Madam Speaker.

MADAM SPEAKER: Presenting Petitions

Reading and Receiving Petitions

Presenting Reports by Standing and Special Committees

HONOURABLE STEWART E. McLEAN, Q. C. (Attorney-General), (Dauphin): Madam Speaker, I wish to present the first report of the standing committee on law amendments. In presenting this report I might say to the members of the House that the committee agreed to meet again next Tuesday at 10 o'clock if anyone wishes to come before the committee at that time.

MR. CLERK: Your Standing Committee on Law Amendments beg leave to present the following as their first report.

Your Committee met for organization and appointed the Honourable Mr. McLean as Chairman. Your committee recommend that for the remainder of this session the quorum of this committee consist of ten members. Your Committee has considered Bills No. 3, an Act respecting Public Health; No. 36, an Act to amend the Manitoba Evidence Act, and has agreed to report the same without amendment; all of which is respectfully submitted.

MR. McLEAN: Madam Speaker, I move, seconded by the Honourable the Minister of Education that the report of the Committee be received.

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

MADAM SPEAKER: Notices of Motion

Introduction of Bills

The Honourable the Leader of the New Democratic Party.

MR. RUSSELL PAULLEY, (Leader of the New Democratic Party), (Radisson) introduced Bill No. 75, an Act to incorporate Transcona Curling Club.

MADAM SPEAKER: Orders of the Day. The Honourable Member for Assiniboia.

MR. STEVE PATRICK, (Assiniboia): Madam Speaker, before the Orders of the Day, I would like to direct a question to the Honourable First Minister. Madam Speaker, I wonder if the Honourable First Minister has extended an official invitation to the Carlings people for the Carlings Rural Golf Tournament which is to be held in Canada in 1967. I wonder if he has extended an invitation or will be extending one so that the tournament can be held here in Manitoba. I think we can have it in conjunction with our centennial. I think Carlings Golf Tournament is one of the largest ones in the world. I just would like to know if the Honourable Minister will be extending an invitation.

HONOURABLE DUFF ROBLIN, (Premier and Provincial Treasurer), (Wolseley): I have no information on the subject Madam Speaker.

MR. GILDAS MOLGAT, (Leader of the Opposition), (Ste. Rose): Madam Speaker, I would like to ask a question of the First Minister. In view of the announcements of the Minister of Welfare regarding additional assistance to welfare people regarding the new taxes, has the government started a study insofar as the other low income groups?

MADAM SPEAKER: Orders of the Day. Proposed resolution standing in the name of the Honourable Member for Brokenhead.

MR. S. PETERS, (Elmwood): May I have this resolution stand, Madam Speaker?

MADAM SPEAKER: Agreed. The adjourned debate on the proposed resolution of the Honourable the Member for Inkster and the proposed amendment thereto by the Honourable Member for Selkirk. The Honourable the Member for St. Vital.

MR. FRED GROVES, (St. Vital): Madam Speaker, I think a vast majority of Canadians are not satisfied with our antiquated divorce law. These laws are different in some of the provinces, they are difficult to operate, they are embarrassing to comply with in many cases and they are inadequate for many people. However, while the majority might agree that change in these laws are necessary, there is not a substantial agreement amongst these people that what the changes should be. In my view I agree that the grounds for divorce should be widened to include perhaps desertion for a period of at least five years or to finalize a long period of legal separation, but this is the extent to which I would be prepared to agree in any change in the grounds for divorce. Cruelty both mental and physical cannot really be properly defined in my opinion and can be open to too broad an interpretation or to too narrow a one. The elected

(MR. GROVES, cont'd) representatives of the people I think when we're dealing with the matter of divorce would find it impossible to have the courts interpret their intentions accurately at the time any extension was made to include cruelty. It is just such misrepresentation of the term cruelty that has made people cynical and disrespectful of what we call Hollywood style divorces. Laws to protect against physical cruelty should be altered to fit the current needs without tampering with our divorce laws. Cruelty in a sense is a form of a sickness and where it is not a form of sickness I think could be dealt with through our criminal code or some other law without actually changing our law in respect of divorce.

I also submit Madam Speaker, that insanity is no longer an incurable disease and there have been a number of awkward cases where one partner to a marriage has been deemed to be incurably insane, has been divorced from their spouse in some other jurisdiction and later on cured of their so-called incurable insanity and prepared to take up their married life where they left off and shocked into finding that their marriage no longer existed.

Habitual drunkenness Madam Speaker, is also a form of sickness that is not entirely incurable. I think that the resolution that we have before us and the amendment go too far in liberalizing our divorce law. The Honourable Member for Inkster asks for a period of desertion not more than two years. I submit Madam Speaker, though there are grounds for I think extending the grounds for divorce to desertion but certainly not for a period as short as two years. Persistent physical and mental cruelty I have already dealt with. I do not think that the grounds for divorce should be enlarged to include these.

Insanity is not incurable and certainly I am not in agreement with this provision that asks for the enlargement of grounds on the basis of imprisonment for two or more years. Legal separation, I think if a legal separation has gone on for a good many years and there is reason to believe that it is permanent then this may be some grounds for enlarging the grounds for divorce.

The Honourable Member from Selkirk amends the resolution to include other things. Cruelty I have already dealt with Madam Speaker, and again I ask how does one define cruelty. It is a form of sickness and I maintain that a person, that in many cases where a person is inclined to be cruel this is something that is known prior to the marriage and should be taken into consideration by the parties at that time.

With respect to mental illness we all know I am sure of the near miracles that have taken place in our mental institutions. Many of these people have come out of these institutions cured and I think this should not be grounds for the enlargement of the divorce law.

Madam Speaker, I would like to repeat what I said at the time this resolution was before us, or one similar, and that is, two years ago, or 1964, and that is that I am going to oppose this resolution on the grounds that in my opinion a marriage contract is a contract that is entered into by two persons before God and is a contract for life.

At this time Madam Speaker, again I would like to say that I think divorce is a federal matter and that the Federal Government has facilities to properly study any changes that might be made in this law. It's time too, Madam Speaker, when we're talking of this subject that we might review the vow that is taken by our young people when they get married. I think that one of our problems today has been this vow is not taken seriously enough. When one gets married one takes the other party to be his lawfully wedded wife or husband, to have and to hold from this day forward, for better or for worse, for richer or for poorer, in sickness and in health, to love and to cherish, until death do us part. According to God's holy ordinance and thereto they pledge each other their troth.

Madam Speaker, I think that this is a vow or an oath that is taken before God and one that should not be taken lightly by the parties concerned and one that they should think over many times during the course of their married life. I'm inclined to agree with some of the remarks that the Honourable Member for Brandon made the other day, about the fact that we are living in an age of moral decay in many instances. And it is difficult with the type of movies, the type of TV programs and the type of books that are available to our young people to retain many of our moral standards, particularly those standards that we have always held high with respect to marriage. This is all the more reason Madam Speaker, why I think that it is our duty as parents and as counsellors to young people contemplating marriage, that we should be preparing them more for their embarkation on the sea of matrimony and preparing them for the seriousness of the vows which they take at the time they embark on that sea.

So although I am in agreement with a good lot of what has been said about the difficulties that married people find themselves in these days, I find too that we should not tamper with the

(MR. GROVES, cont'd). divorce law lightly, we should remember that marriage is a contract for life taken before Almighty God and I am therefore not prepared to support either the resolution or the amendment.

MR. ALBERT VIELFAURE, (LaVerendrye): I do not rise at this moment, Madam Speaker, to say that I am violently opposed to this resolution, or that I don't see its merit. However, being a strong believer in the sanctity of marriage, I do not take this resolution lightly and I understand, I think I understand the intentions of the mover, which are certainly not to liberalize divorce laws but rather to help those who are in trouble. However, Madam Speaker, I wonder if by liberalizing our divorce laws we might not be encouraging many of our young people who are getting married today in thinking in the line, "Well, we don't have to take it too too seriously, there will be an easier way out in the future." And I certainly think that when we look across the line and see how lightly for example the word "cruelty" is used there for applying for divorce, I wonder sometimes if my wife won't divorce me every week for just being away from home all the time. Mind you, I'm not worried to that point yet. However, I think we should take this very seriously, and we should also, although it doesn't concern this resolution directly, I think us legislators should take a very good look at the advertising that is going on in this country and the falsification of marriage. If we look around today, practically every billboard shows a woman more as an instrument of promoting the sales of some product rather than as a future mother as was wanted by God. Now I don't intend to make a sermon here. However, when I see our young generation growing with this advertising literature stands all around, I think they will have to receive very good education at home and in school if we are not asked to liberalize divorce laws again in the future.

Madam Speaker, again I repeat, I understand the ideas of the amendment of the Honourable Member from Selkirk, which is to help those that are in difficulty rather than just liberalizing the divorce laws, I should say that at this time I am not convinced that this will do as well as it is thought it would do in here and in my estimation might cause more people to think more lightly of marriage, and therefore at this time I am not prepared to support this resolution.

MR. D. M. STANES, (St. James): Madam Speaker, rightly or wrongly, I look upon this resolution as a general expression of thought to the Federal Government, and therefore I don't think one should go in to any specific detail. I agree with the philosophy behind it in there should be some relaxation on the grounds for divorce, but one also must be very conscientious as I am that by relaxing too much can be worse than the present situation. I'm a little concerned on the question of cruelty --who shall be the judge? It can be a farce like there is in some other areas, and after all as was pointed out by the Honourable Member from St. Vital, in many cases is a sickness. The other item of unsound mind is also a sickness, in which we are making great strides in curing people and bringing them back to society; and the fifth item is also in many cases a mental sickness, and I don't think anyone can say what progress will be made in curing these sicknesses in the next few years. Probably by the time this resolution does get to Ottawa, the matter will have been gone into in very much greater detail with more information at hand.

However, there is one item which I feel is left out, and that is on the amendment, and that is the sixth item which was on the original resolution, legal separation for more than two years. I would therefore like to pose an amendment, Madam Speaker, a sub-amendment, seconded by the Honourable Member for Churchill, that the resolution be amended by adding (7) has been legally separated for at least three years.

MADAM SPEAKER presented the motion.

MADAM SPEAKER: The Honourable the Member for Kildonan.

MR. JAMES T. MILLS, (Kildonan): Madam Speaker, also speaking as a Roman Catholic in this House, I feel it my duty to participate in the debate. As other members of my church have stated, I feel somewhat as they do. I feel that in my position as a Catholic I have to turn down the theory of divorce, but that's my own conscience; but I also have to legislate to other constituents in my area which they feel with the divorce laws we have at present, they are very strict. But I feel there should be other alternatives rather than to bring out a resolution as strong and as direct as we have brought up in this House. There must be other alternatives. I was fortunate the other night in picking up a brief which I think could add a bit of solution to this before we carry on the drastic measures we are planning on doing. I would like to read out the foreword of this brief. This brief is based on a Conciliation Court of Los Angeles County. I would like to read one or two paragraphs here. The December 1962

(MR. MILLS, cont'd).....issue of Reader's Digest in an article entitled: "The Walk-in Court that Rescues Rocky Marriages declares, most divorce courts pit troubled husbands and wives against each other as bitter adversaries. Los Angeles has a new approach a Conciliation Court." In 1956, the Journal of the American Bar Association carried an article on Conciliation Courts of Los Angeles entitled: "An Instrument of Peace." The function of the Court is to render compatible husbands and wives whose marriages are threatened with divorce. Although not restricted to aiding families with children, the disastrous impact upon children of broken homes emphasizes the importance of the work of this Court, and approximately 15,000 children have been restored to their parents through reconciliation effected in courts since 1954." Madam Speaker, I feel as I said before, rather than go ahead, I would like to see a court similar to this inaugurated in the Province of Manitoba.

MADAM SPEAKER: The Honourable Member for St. John's.

MR. SAUL CHERNIACK, Q. C. (St. John's): Madam Speaker, I am bound to tell the Honourable Member from Kildonan that as soon as he has a resolution drafted along the lines that he wishes to see carried out here, I would be honoured if he would allow me to associate myself with it and second it, because the court that he envisages is one which could be of very great benefit to the people in this province. We have very busy courts today. We have a Magistrate's Court which deals with humanity on all occasions and hasn't time really to deal with any particular problem which arises except in a superficial and quick manner. We have the Family Court which takes a very serious view on the entire question of separation and the Wives and Families Maintenance Act. The judges of that court take very great pains to look into the problems that have occurred and are presented to them with the objective to help cure what appears to be a problem and save a marriage. In my opinion, that court is overloaded, and that court does not have sufficient assistance in preparing itself by having case workers look into the problem, investigate the background and follow up in the future when marriages aren't being kept together.

We have the Court of Queen's Bench which deals with divorce, divorce only, and that's a very cut and dried court where the background of the problem is not looked at at all; all that is looked at is the question of proof, in our courts, of adultery, proof of domicile, proof of the various matters, proof of marriage, whatever has to be presented, and it's not unknown that in twenty minutes a divorce may be granted. When I say it's not unknown, I think that's probably the average.

Now, Madam Speaker, if the Honourable Member for Kildonan is serious, and when I say "if", I know he is serious, but if he really means to carry out a progressive measure in this province to see what can be done about saving marriages, then by all means anything that can be done in this Legislature to create or to augment the work that may be done in a court such as he describes would be a tremendous contribution to this province. I urge him to do it, and I urge him not to hide behind the Cabinet or behind the party which is in power but rather come out in the open and bring out a resolution such as he suggested; and I think that it will obviously receive tremendous support in this House.

I would like to second what has been said by the Honourable Member for St. James in that this resolution does not in itself legislate. It sets out suggested grounds for divorce and it recommends them for consideration to the Parliament of Canada. As such, I think that the principle is more important than the detail; and as such I think that if we agree that our present divorce law is not up to the mark for present-day society, then we should vote in favour of this resolution, or another resolution which is watered down if necessary. It seems to me that if certain members, and two honourable members spoke today, saying that they agree that what we have today is not adequate for our needs, but they think that the suggestions go too far, I suggest to them that they should nevertheless support it, in order to indicate to the Parliament of Canada that we feel that the law as it exists today is not a proper one in dealing with the problem of marital relations.

I want them to mention a third point, which I think should be brought to the attention of the Honourable Members for St. James and St. Vital, both of whom --and I think also it was mentioned by another speaker-- and that is the interpretation of the word "cruelty". I think you do our courts an injustice in suggesting that they are not capable of defining cruelty as this Legislature would want them to do. It is true that there are courts south of us that use the term cruelty for any ridiculous thing in order to be able to dissolve a marriage; but that is done surely with the co-operation and consent of the legislative bodies, because here in this province we have a definition of cruelty. It is one which is found in the Wives and Childrens

(MR. CHERNIACK, cont'd).....Maintenance Act and it does speak of persistent cruelty as being a ground for separation. It has been contested time and again in the courts and there are many decisions and precedents defining the term "persistent cruelty" as it is meant by the Legislature under The Wives and Childrens Maintenance Act. And there is sufficient law, both in this province and elsewhere to give us good cause to have a great deal of confidence in our courts, in our judiciary, to be able to interpret the will of this Assembly, so I think that they were unfair in suggesting that the definition would be so vague as to be able to be misused. I can assure you from my experience --and I believe I speak for the vast majority of members of my profession who've appeared in the Family Court, that the question of cruelty is one which has clearly defined characteristics which the courts recognize and which they make sure about. Our courts and I think our lawyers are deeply conscious of the responsibility placed on them to always try to keep a marriage together before they do anything in terms of separation or divorce. It is my experience that just about every lawyer, and certainly every court, recognizes this responsibility and does look into the question in the hope that a marriage may be made sound again.

Having said that I must immediately contradict myself, Madam Speaker, by saying that this does not apply in Court of Queen's Bench when you deal with the question of divorce itself. What I have said applies to the question of separation. When it comes to divorce the ground of adultery is all that is necessary once you have placed yourself within the jurisdiction of the court, and although the court might feel that there is great hope for this marriage in terms of bringing the people together, it is my interpretation that the court, if it finds adultery, must grant a decree nisi. And this alone is an indication that when you have a very hard and fast rule such as we have here, the application of it derogates against the possibility of a marriage being saved by the court itself.

I should also say one other factor and that is that I don't recall any case in my own experience where adultery was the original cause in a divorce. It seems to me that in all the cases that I can think of the grounds for the separation preceded any act of adultery. The grounds of the separation were cruelty. The grounds of the separation might have been desertion. The grounds for the separation might be incompatibility, or many, many factors, and after there has been a separation, after the marriage has been broken in all respects except in the concept of the legal aspect, then with the couple separated, with the people living their own lives as if they were single, adultery has taken place and the divorce has come into court. So that I suggest to you that we are no longer being at all realistic in thinking in terms of the present grounds as being the real grounds, and that we would be much more realistic if we washed out all these various reasons here and said there has to be a review. But if we said that we would be behind in our times because we have had --well I think I received it while I was in this Assembly, but in any event I've had for some time a very well documented pamphlet issued by the United Church of England and I've seen it in the hands of many people. --(Interjection)-- Pardon? Of Canada, yes, thank you, -- the United Church of Canada. I have seen reports of other religious bodies that have looked into the question of divorce and I commend to the attention of those members here who have not read this United Church review on marriage and divorce as being something which commands a great deal of respect because the studies given in that pamphlet or booklet indicate clearly that we must, in order to accept society for what it is and not wear blinkers about it, we must do our best to see to it that we make our society adapt to the requirements that modern technology bring before it. It's a peculiar thing that we read so much and hear so much about common law marriage and about illegitimacy, and all the problems that come as a result of it, and we are just wearing blinkers, we are just blind to the problem if we don't at the same time recognize that by keeping these hard and fast rules we are in part participating in perpetuating the problems that occur in society as a result of broken marriages, that are broken, that cannot be mended but are still tied together by an artificial legal concept.

MADAM SPEAKER: The Honourable the Member for Selkirk.

MR. T. P. HILLHOUSE, Q. C. (Selkirk): Madam Speaker, I rise to address myself to the amendment to the amendment which reads that --it gives an additional ground for divorce, " has been legally separated for at least three years. " Now I don't know if the honourable member realizes what is involved in this amendment to the amendment, whether he is referring to a judicial separation or whether he is referring to a separation order which was granted under The Wives and Childrens Act by a police magistrate, but I take it that he means a legal separation regardless of the court from which it emanated. Now on that basis Madam

(MR. HILLHOUSE, cont'd). you would actually, indirectly, be conferring jurisdiction to grant divorce on a police magistrate, because a police magistrate has jurisdiction to grant a legal separation under the provisions of The Wives and Childrens Maintenance Act simply on the grounds of assault. And "assault" is a legal term which has a very definite legal meaning; and assault doesn't have to mean cruelty, it doesn't have to mean inflicting bodily harm. As long as I reach out with the intention of striking somebody and as long as I strike that person, or if I am prevented from striking that person because that person jumped out of my way, I am guilty of an assault. Now that in effect is what you are asking the Parliament of Canada to add as a ground for divorce, because that is a ground for granting a legal separation.

Now as to the remarks by the Honourable Member for Kildonan, I respect his conscience, I respect the fact that he is a member of a church to which I do not belong, and I give him full credit and the full right to stand up in this House and express his creed and faith; but I do suggest this to the honourable member do not by your action prevent anybody else or another person from taking advantage of a law which is not binding on their conscience; and please keep in mind this, that divorce is only the legal recognition that a marriage has broken up. The marriage was broken up long before the divorce decree was ever granted.

MR. MILLS: On a point of privilege may I ask one question? You mention that I as Roman Catholic, state that I am not in favour of divorce but I also want to inflict this on my fellow constituents and other friends in this House. This is not what I said.

MR. HILLHOUSE: Then please do not because your conscience doesn't allow you to take advantage of it, to impose your conscience on somebody else.

MR. MILLS: I am not forcing my conscience on someone else, sir.

MR. HILLHOUSE: I submit you are if you are taking this attitude. Now the Honourable Member for Kildonan also raises the question that we should have more efforts and more attempts made to bring about conciliations. I would like to point out to this House that in our Wives and Childrens Maintenance Act there is a section which says, "Before a public hearing of any proceedings under this Act the judge or police magistrate shall consider, having regard to the information, whether it will be well to hear the parties in private with a view to settlement by mutual consent of the matters in question; and if he thinks fit he may summons the parties to appear before him, and shall hear them in private with the intent before mentioned and may receive in their presence information from any person whom the judge or magistrate believes to have a knowledge of the relationship of the parties." Now that is a procedure which is fairly generally carried out in our courts at the magisterial level. There's very few police magistrates are prepared to grant an order under The Wives and Childrens Maintenance Act without calling the parties into his private chamber and discussing the matter with them, with a view to seeing whether reconciliation cannot be effected. It's true that in the Queen's Bench, perhaps due to the pressure of business or perhaps due to the fact that the judges there realize that the marriage has broken up that that procedure is not followed. But there is nothing to prevent any Queen's Bench judge if he so desires for calling the parties together in his chamber privately and seeing if a settlement or a reconciliation cannot be effected.

Now the Honourable Member for Kildonan mentions the fact that surely there is some alternative. I don't want to be facetious, Madam, but I say the only alternative to divorce is not to get married, because the number of divorces will never exceed the number of marriages.

Now a great deal has been made here too about legal cruelty. The Honourable Member for St. John's has dealt with that very fully, and as far as our courts are concerned they are not going to place the interpretation of some of the United States courts on what constitutes cruelty. They are not going to consider it cruel because a man has halitosis or a man has dandruff or a man hangs from a chandelier or some of the silly notions that they have in California. Legal cruelty in Canada is that cruelty which must be established according to the laws of England in order to entitle a person to a divorce or a separation on that ground; and that cruelty has been so well defined by so many decisions that our judges in Canada and in Manitoba particularly are bound to follow these decisions. Legal cruelty is one of the hardest things to prove because in a great number of instances you are trying to prove a state of mind. You are trying to prove what the actions of the spouse in default, what effect those actions have had on the other person and in a great number of instances it is and it largely becomes a medical matter. You've got to prove that that cruelty is such that it is endangering or has endangered the health of the other party, and I think any lawyer will agree with me that legal cruelty is one of the hardest things to establish in our courts, because as I said, it is largely a state of mind.

(MR. HILLHOUSE, cont'd).....

Now I do hope that this House will carry this resolution as amended. I don't think they should vote for the sub-amendment because I think the sub-amendment is going a little too far and I don't think that the Honourable Member for St. James who moved that sub-amendment was fully aware of the legal impact of his so doing.

MR. GROVES: on a matter of keeping the records straight, I think that the Honourable Member from Selkirk gave the Honourable Member for Kildonan a lecture which he didn't deserve. The Honourable Member from Kildonan stood up and made exactly the same statement that the Honourable Member for St. Boniface made and the Honourable Member from Brokenhead, and that statement was that he being a Roman Catholic did not accept the principle of divorce but that he was not going to try and impose those views on others.

MADAM SPEAKER put the question.

HONOURABLE GURNEY EVANS, (Minister of Industry and Commerce), (Fort Rouge): Madam Speaker, I would just like to say a very brief word about my own position. I am in the difficult position of not knowing how to vote on this question except that I am of the opinion that voting for this particular resolution and the amendment and the sub-amendment is less desirable than voting for it. It's a matter of detail. I believe that the situation confronting the divorce courts and those concerned with divorce matters is such that does require the most earnest study and I support the resolution to that extent, that it does bring to the notice of this Legislature and is intended to bring to the notice of the Government of Canada, the views of the members here on this particular resolution. But I think it's in the detail in which I find fault and it is the detail that causes me to vote against all the resolutions that are on the Order Paper.

There is nothing to indicate here that we are asking the Government of Canada to consider the matter on a broad basis. It names specific items which are recommended specifically to the Government of Canada as grounds for divorce. Technical or legal difficulties have been raised about the item in the sub-amendment. Other considerations have entered into those items one to six in the amendment, and equally so with respect to the items in the main motion, and so with these specific details in which the resolution as worded now would recommend to the Government of Canada that dissolution of marriage may be claimed by either husband and or wife on the grounds that the respondent -- then we name the six items -- and add the further one that has been suggested by the Honourable Member for St. James. There is nothing suggestive about it; it is simply a categorical imperative in that sense that we ask the Government of Canada to consider these as the specific grounds for divorce. I am not in agreement with a number of them and for that reason cannot support either the sub-amendment, the amendment or the main motion.

MR. PAULLEY: Madam Speaker, just a word or two. It is rather hard to speak on this resolution directly to the amendment to the amendment because it is dealing with one specific, namely the question of legal separation. However I will try to do so because I reserve my privilege a little later to speak on the whole aspect in the field of divorce.

I would suggest that the Honourable Member for St. James has raised a very interesting point when he suggests the amendment to the amendment which will insert a clause number seven dealing with legal separation for more than three years. You will recall Madam Speaker that the original resolution as proposed by my colleague from Inkster in clause six used the words "legal separation for more than two years." The Member for St. James has now reinstated this particular clause with the exception that the two is now changed to three.

I listened with a great deal of interest to the arguments as proposed by the Honourable Member for Selkirk and his reference to The Wives and Childrens Maintenance Act. But I think my honourable friend from Selkirk, in all due respect to his knowledge of the law has omitted the important part or the important contention as contained in the resolution as proposed originally by the Member for Inkster, now the endeavour of the Member for St. James to have it reinstated, is the period of time -- from the time that the magistrate under The Wives and Childrens Maintenance Act has declared a legal separation. I would say that my friend from Selkirk might have a point that a legal separation by a magistrate became grounds for divorce immediately on receipt of the legal separation by the magistrate. But such is not the case Madam Speaker insofar as this resolution is concerned, or the amendment, because it imposes a length of time of the legal separation and as my colleague for Inkster implied or meant -- and I am sure this is the contention of the Member for St. James -- that if a couple after having been legally separated for a period of two or three years have not become

(MR. PAULLEY, cont'd) reconciled to each other, notwithstanding how that separation came about, then it may be a ground for the consideration of the granting of a divorce. I think this is the point that my honourable friend the Member for Selkirk has overlooked completely for I am sure this is the intention in the resolution, in the original resolution and in the amendment as proposed by the Member for St. James. It's not the question again to recapitulate; it's not the question as to whether a magistrate has granted the legal separation under The Wives and Maintenance Act or any other Act, it's the fact or question that the separation has been for a period of time during which no reconciliation has taken place and to all intents and purposes they are a couple living apart. I think this is the point Madam Speaker that the members of this Assembly should take under consideration in dealing with the amendment to the amendment; not the point as raised by the Honourable Member for Selkirk.

MR. HILLHOUSE: Madam, would the honourable member permit a question?

MR. PAULLEY: Providing it's not too technical. . . .

MR. HILLHOUSE: No, no, no. It's quite factual. Does the honourable member imply in his remarks that a lapse of three years would change the nature of the order made by the magistrate, would it make an order of the Court of Queen's Bench or would it still remain an order of the magistrate?

MR. PAULLEY: I suggest, Madam Speaker, in answer to my honourable friend it wouldn't matter whether it was an order of a magistrate or an order of a justice of the Queen's Bench. It's a fact, a fact of being separated for a period of three years that we are contending within this matter, not who made it, but the fact that a couple for a period of three years under a legal separation have not become reconciled in order to live together. That is the fact, notwithstanding Madam Speaker I respectfully suggest who originated the original legal separation.

HONOURABLE ROBERT G. SMELLIE, Q. C. (Minister of Municipal Affairs), (Birtle-Russell): Madam Speaker, the question of divorce is one that has perplexed all of us from time to time. Those of us who when we were married accepted a vow and who heard the person performing the marriage ceremony in most cases say, "now what God has joined together let no man put asunder," and accepted these words in all seriousness. This is a question that has really bothered many of us, and yet I am sure that those of us who have had the opportunity to carry on the practice of law in this province have been made very clearly aware that this is one of the most serious problems that besets people in our society from time to time.

I am sure that the Honourable Member for Selkirk has had people who have come in to his office and who have in fact had their marriage ruined; who have in fact been living separate and apart from one another, but who have in fact under our present laws no cause for divorce. I must disagree with him when he suggests that by accepting the amendment proposed by the Honourable Member for St. James that we are in fact letting a police magistrate make an order of divorce. Because when the matter comes before the police magistrate this is the beginning of a procedure which may or may not come to a conclusion, and I am sure that the Honourable Member for Selkirk knows as well as I do and any other members who have had experience in this thing that in many cases where an application is made to a police magistrate or to a county court judge under The Wives and Childrens Maintenance Act, that a reconciliation is effected. But I know of no case where an order has been granted and where the parties have remained separate and apart leading their own separate lives for a period of three years or more, where a reconciliation has subsequently been effected. There may be some. There may be some. But I know of none in my experience. So Madam Speaker, if after that period of three years has elapsed as suggested by this amendment are we still going to insist that these unhappy people have either got to go out and purposely commit adultery in order to provide grounds for divorce, or, as happens infrequently I trust, but occasionally, where perjured evidence is given to our courts in order to obtain divorce on the only grounds that is now available to them.

I suggest Madam, that in my view this is not right. That in such a case where there has been a legal separation that has continued for a period of three years, there is no marriage left. There is a legal bond that unites those two people but there is in effect, no marriage. And that while we are considering or while we are asking the Federal House to consider broadening the grounds upon which divorce can be granted, I think that this is one of the things that should be included.

I cannot agree with the remarks of the Honourable the Minister of Industry and Commerce either, because although we have set out in these resolutions specific terms, although we have set out in these resolutions the things that members or some members of this House believe should be taken into consideration as grounds for the granting of divorce by our courts,

(MR. SMELLIE, cont'd). we know in passing this resolution that this is not going to be the final decision, that this is only going to be a request made of the House of Commons, the Government of Canada, to consider the advisability of broadening the law and making possible what society in general has accepted, the idea of divorce, but not on the present restrictive grounds that pertain particularly in this province.

And so, Madam Speaker, I intend to vote for the sub-amendment as proposed by the Honourable Member for St. James.

MADAM SPEAKER: The Honourable Member for Carillon.

MR. LEONARD A. BARKMAN, (Carillon): Madam Speaker, I have very little to add to this debate but it seems to be customary in this House that if someone tends to vote against the resolution, to declare himself. Madam Speaker, coming from the area that I do, I guess I do not really have to declare myself as to how I'm going to vote. I am happy though that I can vote as my conscience dictates me, and I'm very happy that I can vote as my conscience dictates me knowing that I will by a large percentage vote the way the people of Carillon would wish me to vote. Possibly some day as Carillon becomes more wicked and more central I will have to change my mind.

MADAM SPEAKER: Are you ready. . . .

MR. W. G. MARTIN, (St. Matthews): Madam Speaker, dealing with the sub-amendment I am a little bit confused I have been heartily in support of the amendment because I think the time has come for us to have some relaxation in our marriage laws. But in the amendment --or rather in the sub-- rather in the amendment, "has deserted the petitioner without cause for a period of at least three years." The sub-amendment says "three years after legal separation has been brought to pass." Now I know out of my own experience that there are many cases where there has been unhappiness in the family circle and going on for some length of time, but before three years have transpired there has been reconciliation. Suppose, hoping all the time that there might be this reconciliation, it doesn't take place, then they proceed along the lines of legal separation which will take three years and so you are going to have those added years of misery, unhappiness and in many cases sort of "hell on earth." So I'm opposed to the sub-amendment but I'm heartily in support of the amendment.

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

MR. HILLHOUSE: The yeas and nays, Madam.

MADAM SPEAKER: Call in the members. The question before the House the proposed sub-amendment of the Honourable the Member for St. James: (7). Has been legally separated for at least three years.

A standing vote was taken, the result being as follows:

YEAS: Messrs. Alexander, Baizley, Beard, Bilton, Bjornson, Carroll, Cherniack, Cowan, Gray, Harris, McDonald, McGregor, McKellar, Mills, Moeller, Paulley, Peters, Schreyer, Seaborn, Smellie, Stanes, Steinkopf, Strickland, Watt, Witney, Wright and Mrs. Morrison.

NAYS: Messrs. Barkman, Campbell, Desjardins, Evans, Froese, Groves, Guttormson, Harrison, Hillhouse, Hryhorczuk, Jeannotte, Johnson, Johnston, Klym, Lissaman, Lyon, McLean, Martin, Molgat, Patrick, Shewman, Shoemaker, Smerchanski, Tanchak, Vielfaure and Weir.

MR. CLERK: Yeas, 27; Nays, 26.

MADAM SPEAKER: I declare the motion carried. The proposed amendment as amended by the Honourable the Member for Selkirk.

MR. PAULLEY: Madam Speaker, I move, seconded by the Honourable Member for Inkster the debate be adjourned.

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

MADAM SPEAKER: I would like to request the House permission to welcome a group in the gallery which I inadvertently forgot to welcome before the Orders of the Day. May I draw your attention to the gallery where there are 32 Grade 11 students from the Miles McDonnell School under the direction of their teacher, Mr. Doern. This school is in the constituency of the Honourable the Member for Kildonan. On behalf of all members of the Legislature I welcome you.

The adjourned debate on the proposed resolution of the Honourable the Member for Inkster and the proposed amendment thereto by the Honourable the Member for St. Matthews.

(MADAM SPEAKER, cont'd). The Honourable the Leader of the New Democratic Party.

MR. PAULLEY: Madam Speaker, I listened with a great deal of interest the other day to the contribution that was made by the Honourable Member for St. Matthews dealing with this resolution. I noted in his discourse that he suggested that during my remarks previously that I had said that basically I agreed that the increase should be more or less associated with those who require additional help, and on page 555 of Hansard of March 12th, my honourable friend referring in the first instance to the remarks of my colleague from Inkster says this, and I quote: "You will notice that his sole argument was on behalf of the needy." Then in the next line, the member for St. Matthews goes on to say: "When the New Democratic Party Leader rose he took a similar line of argument."

I want to say to my honourable friend that such is not the case, that I did not base any arguments that I was endeavouring to make on the basis that the pension should be increased from \$75 to \$100 based on need. And I think actually if I may, Madam Speaker, say that my honourable friend in proposing his amendment still retained in the preamble to the resolution of the Honourable Member for Inkster the basis of my refutation of it being on need, when he left in the original motion our contention that the reason of the increase should be providing of the means for those elderly citizens to live a life of dignity in the absence of deprivation should be one of the most worthwhile efforts. So I suggest that this is our contention, not the question on the basis of need.

It is true, Madam Speaker, in my remarks, I did use the phraseology that our old age pensioners should have the increase from \$75 to \$100 in order to provide them with the basic necessities of life. I think here is where my honourable friend came in conflict, because there is a difference of interpretation of what might be the basic necessities of life and those of applying the prescription of need in respect of our old age pensioners. And I think that maybe my honourable friend from St. Matthews is using the phraseology and concept of need similar to that of the Minister of Welfare, because there is a difference entirely, Madam Speaker, between the concept of need as given to this House by the Minister of Welfare than that of providing the basic necessities of life; because if one reads the reports of many of our social welfare organizations who are deeply interested in this --when one reads the reports of the YWCA, they find there's a vast difference between what is being provided for on the so-called basis of need by government such as we have in Manitoba and the provision of the basic necessities of life that we have in our minds when we're speaking of this increase to those on social security and also those in receipt of the old age assistance pension. I want to repeat, if I may, Madam Speaker, what I said again on page 410: "I am not satisfied that we should have an old age security pension of an amount that makes it necessary, to apply to the provincial authorities through social allowances or any other method, to increase what we deem to be a pension that should be adequate at least for the basic necessities of our senior citizens." So I just want to say to my honourable friend --and I'm sure this was inadvertence on his part-- we were not or at least I was not, making an appeal on the basis of need in the concept that the Government of Manitoba has at the present time.

But it's most interesting, Madam Speaker, after hearing from my friend who is a member of the Conservative caucus here in Manitoba to get his idea --and I do not know as yet whether my honourable friend was speaking on behalf of the Government of Manitoba or not-- and I trust and hope that if he was not then one of the front row, one of the treasury bench members will tell us before this debate is concluded what is the position, the official position of the Conservative Party as such in the Province of Manitoba. I think, Madam Speaker, this is most important. I think not only the people of Manitoba are entitled to know. I think too that the people of Canada are entitled to know what the Conservative Party of Manitoba thinks in respect of pensions, because after all this resolution is dealing primarily with legislation at the federal level.

Madam Speaker, may I first of all just run over a brief history of old age pensions, old age security, in our Dominion, as contained in Volume One of the Minutes and Proceedings of Evidence at the Special Joint Committee of the Senate and the House of Commons dated Tuesday, November 24th, Wednesday, November 25th, Thursday the 26th, wherein the Deputy Minister of Welfare of the National Department of Welfare and Health gives a bit of a history of pensions in Canada, and I am sure that my honourable friend, the Member for St. Matthews, will find some interest in the statement which appears on page 57.

MR. CAMPBELL: month and the year?

MR. PAULLEY: Month and Year? Of which --of this? November 24, 1964.

(MR. PAULLEY, cont'd)..... First of all, the first pension was adopted in Canada according to this statement of the Deputy Minister in the year 1927. Prior to this, in 1924 and '25, there was a parliamentary committee which made certain recommendations suggesting the adoption of a social assistance approach. Following this development, Canada adopted in 1927 The Old Age Pensions Act which was patterned on legislation in a number of countries. Then the article goes on: "Canada took this basic social assistance approach and adapted it to a federal-provincial structure suitable for a federal state. Canada took the basic elements of this type of assistance program which had a means test, a residence requirement, a citizen requirement at that stage, and even an eligibility requirement that the recipient must be of moral character. The first pension was for \$20.00 a month. It was payable on the basis of a test of means, which meant that information on income, property or other assets had to be provided to determine whether or not the recipient would be eligible for the benefits." This means test program payable to persons 70 years of age and over as we know, was carried on from 1927 up to the time the recommendations of the 1950 parliamentary committee was implemented. I might say, Madam Speaker, that while the recommendations were made by a parliamentary committee in 1950, the recommendations were not adopted until 1951. I revert now again to this document from which I am reading: "When the universal flat rate benefit payable at age 70 was brought in, a new old age assistance program was introduced for those in the age group of 65 to 69." Mark very closely, that when the new legislation was brought in in 1951 for the first time we get away from the concept of a means test, Madam Speaker, for the change was made in 1951 to place the Old Age Pension on the basis of a flat rate benefit payable at the age of 70; and this was in 1951.

Now, Madam Speaker, in order to get the conservative approach to this basis, which is contrary to that being proposed by my honourable friend on the basis of need, I would like to quote from what a very influential Conservative said who was a member in the House of Commons in the year 1951 regarding this point of a flat pension rather than that that is now being proposed by the Honourable Member for St. Matthews. I want to quote, Madam Speaker, from the Debates of the House of Commons of the Dominion of Canada, Second session, 1951, Volume One. I want to quote from page, starting at Page 392. And who am I quoting? The Honourable Donald M. Fleming, the Member for Eglington. I think the members of this House will recognize Donald M. Fleming was a very prominent Conservative --if I'm not mistaken, he became the Minister of Finance in the Diefenbaker administration. What did this prominent Conservative have to say about a needs test or a means test, in respect of old age security pensions in 1951? -- and I quote: "There are those who have said" --may I deviate, such as my honourable friend the member for St. Matthews said the other day -- and I go back to the text: "there are those who have said why have a universal pension to include all those who do not need it. Unquestionably there are people in this country 70 years of age and over who do not need this pension. After reviewing this particular aspect of the problem with great care the committee arrived at the conclusion that there should be no departure from the universal principle. To illustrate how much this point did bother some of the members, one Senator asked at one stage why we should provide payments to those who do not need them." I recall says Mr. Fleming, "about two years ago when the Prime Minister Mr. St. Laurent, was asked in this House about the possibility of universal payments or payments for the greatly reduced or liberalized means test, he asked for himself why the country should pay him a pension in his circumstances when he had reached 70 years of age." And Mr. Fleming goes on, "these are serious questions and I think the Minister should have dealt with them in his speech this afternoon. I can give reasons why the committee recommended universal payments. First, it was felt that in the case of those who did not need the payments it would be a simple matter for the Minister of Finance if he so chose to draw them back in the way of taxes. In the second place, it was thought that the administrative problem would be considerable. It does not matter which figure you choose as the breaking point between those who receive and those who will not, you are applying a means test." Again, this very eminent Conservative is objecting to the imposition of a means test in respect of old age security pensions. To go on with my quoting from Hansard of '51 "it may be that it would be an infinitely more generous means test than that which had prevailed hitherto, but nevertheless it would involve the application of such a test." There is more in this particular volume, I refer to Madam Speaker; I commend it to the Conservative Party of Manitoba as to what the stand of the Conservative Party was in 1951. I believe the Honourable Member for Lakeside pretty well has it that the Conservative Party and one of their most influential men was against the resolution as suggested by the Member for St. Matthews the other day in

(MR. PAULLEY, cont'd).....this Conservative Assembly, well almost Conservative Assembly.

Then Madam Speaker, may I go back a little bit to the history of pensions in Canada. In 1957, there was another important step in the development of the social assistance approach. At that time, as time went on federal sharing of the cost of supplementation of recipients of old age security and old age assistance began to take place under the Unemployment Assistance legislation. At the present time, therefore, we have the provision through Unemployment Assistance Act for sharing half the cost to the provinces of supplementation for any person in need. This Madam Speaker is bringing in this word "need" as I see it for the first time. But I also want to note one very important point in this documentary history of pensions in Canada. That sort of is in conflict with my honourable friend, the present Minister of Education, because reference as I say here is made to 1957 of assistance on the basis of need, and my honourable friend opposite continuously tells us in this House that it was not until they came into power that the needs instead of a means test came into effect. Now I will agree with him to this degree that I'm talking of federal legislation not provincial at the present time and using the word need. However, at the present time 18.6 percent of the recipients of old age assistance and about 4.8 percent of the recipients of old age security are receiving such supplementations.

Now and I go back, again I'm quoting from this report and make this observation: "The major recommendation of the 1950 committee was the universal flat rate pension. This represented a very important new approach and a change in emphasis with regard to income security for the aged in Canada. We had adopted as I mentioned before," says the Deputy Minister, "a voluntary approach back in 1908, a social assistance approach on a means test basis in '59 with a needs test type of supplementation after 1957." This Madam Speaker gives a general idea coming up to our present day situation, and I need not say to this assembly how just prior to elections generally speaking, this pension of \$55.00 as it was back in 1957 was increased in stages to what it is \$75.00 at the present time.

So Madam Speaker, I think that I have established the position of the Conservative Party with its spokesman in 1951, being Donald Fleming. But lest my honourable friends of the Conservative Party says come on there Paulley, get out of the ancient history, may I refer to 1965 and the position of the Conservative Party respecting means test, needs test, what have you at the federal level, the position now of the Conservative Party in opposition in Ottawa.

May I refer Madam Speaker, to the joint, the Minutes and Proceedings of the Joint Committee of the Senate and the House of Commons to consider and report on Bill No. C 146 --and I'm going to quote from Issue No. 24 dated Monday, February 8th, 1965; not so very long ago. And what is the position of the Federal Conservative Party respecting the implementation of the resolution as proposed by my colleague from Inkster, calling for a pension of \$100 to recipients without a means test? Lo and behold, page 274 of this Volume No. 24, Mr. Aiken, who is a Conservative member of the Joint Committee of the Senate and Commons at Ottawa, proposed an amendment to Bill C 136 which reads as follows: "All persons over the age of 70 receiving Old Age Security benefits shall receive an additional uniform flat amount of not more than \$25.00 a month to be paid from the Canada Pension Fund when the first payments are made from the fund" --(a), "(b) all persons between 65 and 70 who meet a retirement test and who elect to draw the actuarially reduced old age security payment shall receive an additional uniform flat amount of not more than \$25.00 a month." Here Madam Speaker, February 8th, 1965, Conservative representatives in opposition dealing with the Canada Pension Plan suggesting that they would be satisfied with no less than a flat rate of \$100.00 per month. Now I might say there was some disagreement among representatives of the New Democratic Party and Mr. Aiken who was representing the Conservative Party, or one of the representatives, because what Mr. Aiken attempted to do was to have the increased amount paid out of the Canada Pension Fund rather than the funds of the old age security.

So Stanley Knowles, M. P. Winnipeg Centre, who I am sure is known in this House, on page 2086 had this to say. First of all he was referring back to Mr. Aiken's proposal and he says "Parts (a), (b) and (c) as I take them all aim at increasing the amount of income in the hands of our older people, whether it is those now over the age 70, those between 65 and 70, or those who will get older later on. In all cases the proposal is either that there will be a \$25.00 addition or there will be a minimum guarantee of \$25.00. Now I want to see this kind of advantage and I will be proposing it," Stanley Knowles, says a little later on. "But I disagree with the contention of the Conservatives, he says, basically that they should come out of the

(MR. PAULLEY, cont'd). Canada Pensions Fund." Then later on, on Page 2100, Mr. Knowles makes comment first of all on the recommendation that was made by the Joint Committee of which the majority were Liberals. The recommendation of the committee which was to be forwarded to the House of Commons for its consideration had this to say: "The committee also recommends that the Government give consideration to further measures regarding the position of those people, who, because they are or soon will be retired, will not be substantial contributors to the beneficiaries in the Old Age Pension Plan."

In other words, Madam Speaker, the contention of the Committee at that particular time was that the Government of Canada should be giving consideration to increasing the \$75 pension but not stating any particular amount that the increase should be. And this was the proposal of the Liberals and I don't know maybe it would be unjust for me to say, well now they didn't want to be placed in the position where they couldn't prior to an election come along and say well we are going to give you another five bucks boys, or six bucks boys, as we did once before.

However, subsequent to this, or may I quote again from page 2100 from the remarks of Mr. Stanley Knowles: "I think that the Liberal members will realize that they cannot go on forever trading on the fact that the \$10 increase was made independently under the Canada Pension scheme." And then Mr. Knowles moved an amendment, "the Committee recommends for consideration that part 4 of Bill C136, be amended to provide for an increase in the pension paid under The Old Age Security Act to \$100 a month and for the lowering of the eligible age for the full pension under Old Age Security to 65." Following this, Madam Speaker, after objections were raised in the Committee, a motion was then proposed that the Committee recommend a consideration be given to provide for an increase in the amount of the pension and for the progressively lowering for a full pension at age 65 under the Old Age Security Act. That motion too was defeated by the Committee. But the basic point is however, Madam Speaker, that on the proposition to give or award or to make provision for, whichever way you want to put it, a pension, a flat pension of \$100 a month at age 70 with a reduction of eligibility to 65 was supported in February of this year by the Conservative representatives on the joint committee. My honourable friend here, either speaking as the spokesman for the Conservatives or as an individual in this House has suggested Madam Speaker that we turn the clocks back, back to the days prior to 1950 when we had a means tests respecting old age pensions in the Dominion.

I am pleased to note, I am pleased to note, Madam Speaker, that just yesterday as I understand it, legislation has been approved by the House for the gradual reduction of the age of qualifying for old age security from 70 down to 65, and that next year, as I understand the Bill that has been approved, the age will be reduced so that those who are in the age, at the age of 69 will be eligible for the old age security pension. Now what is this going to mean insofar as the Province of Manitoba is concerned? It is going to mean that the joint sharing program I would suggest under the Old Age Assistance Act at the present time which is taking care of those between 65 and 70 will have a fifth reduction generally speaking because we will only have to provide under the sharing and under the Old Age Assistance Act for those between the ages of 65 to 69. I suggest to the Minister of Welfare that in the estimates that we are now considering that he take this now into account and use the savings that he is going to make as a result of this progressive lowering of the age of eligibility for the Old Age Security Pension to increase benefits to those still not receiving the true basic necessities of life.

So in conclusion Madam Speaker, may I say we reject completely the contention of my honourable friend the Member for St. Matthews. Donald Fleming, that great Conservative rejected this contention back in 1951. The Conservative representatives on the joint committee of the Senate and the House of Commons, considering the Canada Pensions Act have rejected it in 1965. I respectfully suggest that in this Assembly now Madam Speaker that unless he wishes to withdraw his amendment that the Honourable Member for St. Matthews stand up alone as the only one of any of the political parties who is in favour of going back to a means test in respect of Old Age Security Pensions in this Dominion of ours.

MR. J. M. FROESE, (Rhineland): Madam Speaker, if I may at this time address myself to the resolution before us. It seems to me that the whereases are quite in order. I fully go along with them. It mentions that the purchasing power is inadequate and I heartily agree that our people, not just the aged, but our people in general in Manitoba should have more purchasing power, as well as the next whereas, which mentions the means for these elderly citizens to live a life of dignity. Too often it has been the case that people come to their

(MR. FROESE, cont'd).....old age and they have to live in a way which does not present a life of dignity at all and I feel that this is all a matter of finances. Surely if we had the finances available we could give higher pensions to our aged. There would be nothing in the way of doing this. I think the previous speaker missed the point completely because surely if the finances are available there would be no problem and we could give them the necessary pensions. Why is it today that the provinces paying the best pensions are under Social Credit administration? Both Alberta and B. C. give higher pensions than any of the other provinces in Canada and many people today when it comes to retirement age move to the West Coast. Here they receive higher payments in pensions, but not only that, the taxes are lower too, so that it works both ways. First of all they get a higher pension, they have more purchasing power, then they have to pay less in taxes. Certainly there is no fuel tax in B. C. such as we have in Manitoba.

MR. LAURENT DESJARDINS, (St. Boniface): That's a dirty crack.

MR. FROESE: Oh, I wouldn't say that's dirty. I don't think you believe that's dirty. --(Interjection)-- And here I might add that the Premier of this province prides himself when he says that Manitoba has one of the lowest tax structures of the provinces in Canada. And we've heard this repeatedly. Not in this House only but on TV and so on. Well one thing he fails to do though is to tell the people that we are also the lowest salaried weekly income province west of the Maritimes. Nowhere is the weekly salary income lower than in Manitoba west of the Maritimes. Even Quebec Province which is very often considered a depressed area and where we've had reports from the ARDA people that the incomes are very low in Quebec and especially in the rural parts, yet we in Manitoba are lower than they are as an average weekly salary income. I think ours amounts to some \$75 whereas Quebec's is \$77.00. Mind you the provinces to the west of us have a much higher income so that even if they have to pay some tax they don't mind it as much because they have more money to pay the taxes with.

This brings me to the point which I would like to make, and that is that the provinces to the west of us, both B. C. and Alberta have paid their debt and as a result don't have to pay the large amount of interest annually, and thus make a considerable saving which can be passed on to the people. If this was the case in Manitoba, if we didn't have to pay the income on our provincial debt we could pay our pensioners, if we took the total amount of \$18 million, this would give our people \$281 a month because we have some 4,000, 5,436 pensioners as listed in the welfare books. Now if we reduced the amount that we presently pay or that the utilities are paying toward this cost of interest, that's a figure of \$12 million, we still have \$5,911,575 left which we have to take out of our revenues toward the cost of paying the interest. If we deduct that amount we would still be able to pay our old age pensioners \$90 a month. Just think of it! To pay our pensioners \$90 in addition to what they are getting now. And this could be done if we weren't going into debt at the rate that we are and if we weren't in the situation that we've got ourselves into. The resolution that's before us calls for an increase of \$25.00 a month. This amounts to \$1,630,000 which is only a quarter of what we pay in interest. Then, they make the appeal to the Federal Government. This wouldn't be necessary at all if we had matters under control in our Province of Manitoba. We could do this on our own, and we wouldn't have to depend on going out begging to the Federal Government. This could be done locally, and very well too.

I thought I should bring these matters into this debate here because we get so wrapped up in this pension deal and especially with the Canada Pension Plan that we always have to go to other places and ask for funds when we could well be doing these things on our own.

MR. PAULLEY: I wonder Madam Speaker, if my honourable friend would permit a question?

MR. FROESE: Well if I can answer it I sure will.

MR. PAULLEY: I'm sure my honourable friend could because he is so well steeped in the philosophies of the Social Credit and their abilities. I wonder if my honourable friend could tell me whether or not insofar as Old Age Security pensions that the two Social Credit countries of Alberta and British Columbia intend to opt out of the arrangements we have at the present time, if given the opportunity.

MR. FROESE: I am not in favour of our present opting out legislation we have in Ottawa. It's no good. It needs revision and therefore I cannot answer it.

MADAM SPEAKER: Are you ready for the question?

HONOURABLE J. B. CARROLL, (Minister of Welfare), (The Pas): Madam Speaker, I beg to move, seconded by the Minister of Health that the debate be adjourned.

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

.....continued on next page

MADAM SPEAKER: The adjourned debate on the proposed resolution of the Honourable the Leader of the Opposition. The Honourable the Member for Souris-Lansdowne.

MR. M. E. McKELLAR (Souris-Lansdowne): Madam Speaker, I beg the indulgence of the House to let this matter stand.

MADAM SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member for St. George, and the proposed amendment thereto by the Honourable the Member from St. Vital. The Honourable the Member for Gladstone.

MR. NELSON SHOEMAKER (Gladstone): Do you think I should speak now?

A MEMBER: Oh yes, speak now.

MR. SHOEMAKER: Madam Speaker -- Madam Speaker, I don't know whether I should stand it or not. There's some members suggesting that I should, I don't know why. I don't know why I should call it a practice of most of the government members who have resolutions standing in their name. They always seem to like to drag them out and hope that a lot of them will die on the Order Paper I guess, but I will not disappoint some of the members. I intend to speak briefly today -- briefly.

Now, Madam Speaker, I spoke at some length yesterday when we adjourned the House to discuss a matter of urgent public importance, namely, the subject matter that is before us today. But what prompted all of this debate anyway, Madam Speaker? What prompted it all? Well I don't mind admitting that we in this side of the House get letters from people, and a lot of those letters were complaining about the government naturally, and in particular about this heating tax. The people get bills, and in 1965 the average householder will be reminded 36 times of the new utility taxes that have been imposed, or that were imposed at the special session. That is, he will get 12 telephone bills with the tax staring you in the face; he will get 12 Hydro bills in a year with the tax staring you in the face; and providing you don't burn wood, you will get 12 bills likely -- could get a lot more than that -- of fuel bills with the tax staring you in the face. So it is these reminders every two or three days, reminding us of the taxes, that prompts the people I think to write us and to object to these nuisance taxes.

Now in addition to individuals we have the Farmers' Union, an organization who met with our group the other day, I think, after meeting with the cabinet and members of the government. I don't know what they told the government, but when they met with us they said, in effect, you fellows will have our annual brief and time is short, so we would just like to point out some of the highlights of our brief. It contained something like 25 pages. One thing they did want to point out to us though, Madam Speaker, was Page 8 under the heading of Taxation, and they say: "That a responsible government in our opinion is one which will not relentlessly continue with unlimited government expenditures and public works program even though it may be expedient to do so from a political standpoint", and then is continued on Page 9, and they say that they don't think that a responsible government would impose taxation on home heating fuels, telephones and hydro, and suggested it was a most unfortunate decision for the government to take.

Now, Madam Speaker, yesterday you heard me read a little article from the Free Press suggesting that the cabinet in devising these new taxes had no special reason for putting this tax on in the first place. Now I know my Honourable Friend the Attorney-General said that he didn't say it, but I think I should remind him -- I'm sorry that he is not in his seat right at the moment -- I was going to ask him did he attend the Conservative Convention on November 14th, yes or no; and if he did, did he attend this round-table discussion -- I guess that is what it was. It says -- it starts off: "Attorney-General Stewart McLean said Friday there had been 'a good deal of criticism' of the government's recently imposed tax on heating fuel." Even he admitted that there had been a good deal of criticism. And then asked why he had imposed it then, why did he put it on, he said, "There was no special reason", he replied. "He said he didn't say that yesterday -- (Interjection) -- Yesterday, I think it was. However, it doesn't matter.

Now we have continued to say ever since the new \$22 million worth of taxes were imposed at the special session that it was hard to imagine why they were put on in light of the statements that the First Minister makes continually in the House, on the road, on TV and on the radio, about the huge annual surpluses that we have -- the huge annual surpluses. Now I know that this government are experts on printing propaganda. They are experts on that and I must give them credit for that, Madam Speaker. All of their propaganda sheets are well worded and desiring to show the government up favourably.

I just happen to have one, Madam Speaker, a recent one, March 5th, that's not long ago. It is headed; "Tax Cuts to Accompany \$185.5 million Budget." Well, surely Madam Speaker, after us putting out \$22 million of taxes last August they didn't expect we'd slap another 22

(MR. SHOEMAKER cont'd) million on again now. But yet this went out to all of the newspapers in the province and suggests that, lo and behold, here's a government that's going to spend \$185.5 million, they're going to end up with a huge surplus; and they're going to cut taxes at the same time. Now, isn't that something? They don't mention anything about that 22 million that we put on four or five months ago, but now they're going to do all this. So the people are rather at a loss to know why it is that the government needs this little niggardly tax. Why do they need it? In the light of the annual surpluses, why do they need it?

Well, Madam Speaker, I must say that nearly every province in the Dominion of Canada has either followed the First Minister of this province in this type of bookkeeping or he has copied the bookkeeping that is presently in use by some of the other provinces, because last year, according to an article I have here, seven of the ten provinces reported a surplus and Manitoba had the third smallest in the Dominion.

So even if the surpluses that my honourable friend talks about, if he thinks that he's made such a wonderful job of running the affairs of the province, I must remind him that a lot of the other provinces are doing a lot better than he is according to this article here. But this article that I have before me, September 8, 1964, is attempting to point out that the federal authorities are saying to the provinces, in light of the surpluses that you have, why are you coming to us for more money? This is the whole theme of this article that I have here.

Now, Madam Speaker, we have been told by the Honourable Member from St. Vital and other members that have spoken on this, well what are you fellows complaining about anyway, it's only 60 cents a month. It is such small potatoes, why are you worrying about it? In fact the Honourable Member for St. Vital, who generally gives us a second Throne Speech -- you might consider that the talk we got the other day was a second Throne Speech, I suppose -- he said that it was fair game -- he said fair game for us on this side of the House to criticize the government, but it wasn't fair to single out one little tax out of all the taxes that this government has put on in the last seven or eight years, to single out one little measly thing like this and attack them on that. That was going too far altogether, he said. That was dirty pool. He says, Madam Speaker, that it's not being fair when he picks out one tax.

And then he goes on to say that "40 percent of the people," -- I'm reading from page 558 of Hansard -- "so that at least 40 percent of the people in the Province of Manitoba" are not affected by the tax at all. Why? Because the oil companies saw the impact of this new tax and they had pity on us poor people and they reduced their fuel by the same amount of the tax. That's what my honourable friend has suggested, that the oil companies -- right? -- He's nodding his head in the affirmative so I guess he agrees with what I said -- that the oil companies actually immediately saw the impact and reduced the price of the fuel, so that the fuel today

MR. FRED GROVES (St. Vital): The oil companies reduced their price of fuel before the tax went on.

MR. SHOEMAKER: They could see it coming I guess, Madam Speaker. But his entire speech -- I'm referring to my Honourable Member for St. Vital -- seemed to follow the theme that it's such a small little thing that it is hardly worthwhile talking about anyway. Sixty cents a month, 40,000 people are not affected, and in addition to the 40,000 -- or 40 percent is it -- 40 percent of the people are not affected anyway. Now of the remaining 60 percent, what percent burned wood? I should ask my honourable friend. He says that there's a whole raft of them up north that burn wood and there's only a few people left anyways that's affected by the tax, and it's only 60 cents a month for them, and why in the world do you want to talk about this anyway?

Then he goes on to say -- just before he moves the amendment he goes on to say in spite of what he has said about all of this being small potatoes, that if it wasn't for this, there'd be no tax rebate. The \$10 million of tax rebate would have to go by the board. And then he ends up by saying, Madam Speaker, moving the amendment that is before us now -- can't find the Orders of the Day. Where is the amendment? -- Yes, he says that he appreciates the incidence of it -- he should have put in the incident and the impact because you can't hardly have one without the other, if there is an incidence then there must be a bit of an impact, and had he worded this resolution properly, why some of us could have probably gone along with it. Then he suggests here too -- or the inference is certainly left by the amendment that -- I'll read it, "And whereas the tax on heat amounts to about 60 to 90 cents per month for the average family", and then he goes on to say, "and whereas the government is pledged to a multi-million dollar school tax reduction on the homes", tying the two together again that you can't

(MR. SHOEMAKER cont'd) . . . have one without the other. What's that old song? Love and marriage goes together, you can't have one without the other. That's what he's suggesting here, Madam Speaker.

Well, Madam Speaker, I said yesterday that in light of what my honourable friend the Minister of Welfare said, when my honourable friend the Leader of the NDP was speaking and asking some rather embarrassing questions of the Minister of Welfare, as reported on page 563 -- and I think this is the shortest speech that the Minister of Welfare ever made in his life.

MR. CARROLL: You should try it sometime.

MR. SHOEMAKER: If it doesn't make any more sense than this, I don't think I will. "It's in the process, Madam Speaker, at the present time and it's going through." That's the end of his speech. He made that statement following some questions by the Honourable Leader of the NDP. The Honourable Leader of the NDP simply said in light of the increased cost of living resulting from the heating tax, did he intend to increase the "needs" test or the budget accordingly, and he said yes he intends to do it, and certainly that was reported at some length in both of the papers. "Carroll Promises the Needy to Get More to Offset the Heat Tax"; and in the Free Press, "Heating Tax on Needy to Be Offset", and so on. He apparently has made an announcement which must be government policy. They intend to increase the heating allowance by \$1.00, going up from the present \$19 to \$20.00. I would like to ask him and he can answer it now or when I sit down, Madam Speaker, would that mean \$12.00 a year or \$6.00?

MR. CARROLL: \$8.00.

MR. SHOEMAKER: Eight -- \$8.00 a year. So he's going to increase that by \$8.00 for the increase for electricity and so on.

However, I said yesterday, Madam Speaker, that this increase in the cost of living would take in a whole new group of people who had made application for social allowance and had been turned down -- had been turned down. I have a letter before me and I think I would like to read it, Madam Speaker, to point up what I am saying. This is written by a district supervisor of the Department of Welfare. "As you know, your old age assistance pension has been increased" -- Madam Speaker, I should say the date of this letter is January 24th, 1964. "As you know, your old age assistance pension has been increased. The social allowance program was devised to supplement individual incomes, therefore it is necessary at this time for us to review your social allowance budget. In view of your increased income you will now receive a cash allowance of \$2.00 from this department effective February 1st, 1964."

Now this points up the method that is used, and there's nothing wrong with it, of assessing the needs of the individuals that make application for social allowance. But here is just one out of thousands, I suppose, where the department has said, we have assessed your assets, your liabilities, your income and your outgo, and we owe you \$2.00. That's what they're saying in effect and accordingly we're going to send you \$2.00.

Now in light of the new taxes on heat, light, fuel and so on, there will be a whole raft of people whose cost of living has increased and therefore should now re-apply for social allowance. This man that's been getting \$2.00 will be getting \$3.00 I suppose or \$2.60 or something of this kind. The fellow that was getting nothing, that just happened to be coming out even, now he's got an additional increase so he should be entitled to two bucks a month or whatever the social worker decides is coming to him.

So, Madam Speaker, in light of what I have said, and in light of what the people of the province have said, I would like to move, seconded by my honourable friend the member for Lakeside, that the amendment be amended as follows: (a) By striking out the word "only" in the fourth line thereof; (b) by striking out the word "many" in the fourth line thereof and substituting therefor the words "the important"; (c) by striking out the words "about 60 cents to 90 cents per month for the average Manitoba family" in the sixth and seventh line thereof and substituting therefor the words "a substantial penalty on low income families"; (d) by adding the word "yet" after the word "not" in the eighth line thereof; (e) by striking out the words "is pledged to" in the tenth line thereof and substituting therefor "has promised"; (f) by adding at the end of the eleventh line thereof the words "but is at the same time imposing upon those homes and farms increased taxes amounting to more than double the promised reductions; (g) by striking out the word "while" in the twelfth line thereof and substituting the word "in"; (h) by striking out the word "incidence" in the twelfth and thirteenth lines thereof and substituting the words "discriminatory nature"; and (i) by striking out all the words after the word "as" in the thirteenth and fourteenth lines thereof and substituting therefor the words "inequitable,

(MR. SHOEMAKER cont'd) . . . unfair and unjustified. "

MADAM SPEAKER: This is a very lengthy -- I think that I'll take it under consideration and I'll give my ruling on whether it's admissible at a later date.

MR. SHOEMAKER: Madam Speaker, I wonder if I could have one copy back. I sent up about six copies. Is it necessary that you have all of the copies that you have before you there?

MADAM SPEAKER: I'm holding the resolution for the time being. I'll give my decision on it at a later date.

MR. McLEAN: Madam Speaker, I may be out of order. I was inspired to speak on this resolution. I don't much care whether I speak on the resolution -- the amendment which is now before the House. Would I be in order to speak or should I wait until after you have ruled on the amendment presented by the member for Neepawa?

MADAM SPEAKER: I think there is a motion before the House. I am holding it. I would suggest that you speak when I give my ruling on this.

MR. M. N. HRYHORCZUK, Q. C. (Ethelbert Plains): On a point of order, Madam Speaker, you are not permitting the Honourable Attorney-General to speak now on the motion before the House?

MADAM SPEAKER: If the Honourable Member wishes to speak on the resolution . . .

MR. E. R. SCHREYER (Brokenhead): On a point of order, may I suggest that the only way the Minister could speak now is by leave and I don't think we are prepared to give him leave.

MADAM SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member for Ethelbert Plains. The Honourable the Member for Brokenhead.

MR. SCHREYER: Madam Speaker, this resolution has to do with the appointing of an Auditor-General. Now I know that members opposite are not too impressed with the arguments that have been put forward in recent years asking for the appointment of an Auditor-General. In fact I distinctly recall the Honourable the Premier suggesting last year that this resolution calling for an Auditor-General was simply one calling for the establishment of a second master bookkeeper, and I can recall him saying those words with curled lips, sort of an attitude of disdain -- who needs a second bookkeeper?

Madam Speaker, there's more to this than merely the appointment of a second master bookkeeper. I suggest to honourable members that when we asked for the appointment or the establishment of an Auditor-General position that what we are asking for here is to rationalize a little more the organization of government. I don't think that it is good that we should have the same officer and the same staff conduct both pre-audit and post-auditing. I just don't think that it is good business practice. However, it has been done for decades and has not caused any problem. I don't think that any funds, in fact I am quite sure that no funds have been authorized for expenditure without in fact them having legal basis. I am sure that whatever post-auditing was carried out was carried out properly and thoroughly and effectively. This is not the point, Madam Speaker. I suggest that it is just a case of being prudent and cautious when we ask for a separation of pre-auditing and post-auditing in the control of finance in this province.

There is yet another reason why there should be an establishment of the post of Auditor-General and that is so that we may have an officer of this Legislature who would be responsible not just for conducting an audit, post-audit, but also for conducting an investigation into basic administrative practices and procedures. You could refer to this as an efficiency audit. This is in fact what is being done now by the Auditor-General in the Federal Government. It is what is being done now by the Auditor-General in the government of the United Kingdom, and I think that as government grows larger and more complex and more intricate, as its activities grow in volume, that it is no more than wise, no more than right that we should take whatever steps are practical and possible to see that there is some investigation of the administrative practices, to see that they are as free of extravagance and waste as is humanly possible.

I know that members of the front bench opposite are not particularly anxious to have an efficiency audit done of their departments. This is but human nature, but I suggest that if they would forget about their own personal concerns and worry about what is good for the administration of government in the province, that they would welcome the establishment of an officer, of an office, of a position that would conduct efficiency audits. I think those are two powerful reasons, Madam Speaker, for the establishment of an Auditor-General.

But there is still a third, and I think the third may be in some ways the most important. I believe that it stands on its own, and that is that the establishment of an Auditor-General

(MR. SCHREYER cont'd) would be but one additional means that we in this Legislature would have of keeping a check on the executive. The original conception was that Parliament or the Legislature was to pass laws, I think the day has long gone when we have exercised that function in its full and complete sense. Today, legislation is for the most part determined by the administration and by the Treasury benches, and it is admitted that Parliament and the Legislature are there but to analyze the legislation, to comment on it; that the real function of the Legislature today is no longer to legislate in the full sense but to check the executive, and in order for us to do that we must have more machinery, and this is but one such additional means of keeping a check on the executive.

We talk about having library and research facilities for members of the Legislature. We talk about the establishment of an Ombudsman whose function it would be to investigate citizen complaints and investigate allegations of mal-administration, etcetera. All of this is designed for the purpose of keeping a more effective check on the executive, and the establishment of an Auditor-General would be yet one more such means of checking the executive. I believe strongly that as the government function increases, as government involves itself more and more, the executive and the administration is growing in power, the Legislature has to be given additional tools with which to keep a check on this executive that is growing in power with each passing decade, and I think that that in itself is an argument that should recommend itself to all members of this House.

So therefore, Madam Speaker, I wish to make it clear that we support this resolution. However, I do have some reservations, some misgivings about the wording of the second paragraph where it indicates that the Auditor-General would be empowered to make spot checks and efficiency audits of all government departments, boards, commissions and utilities and to report to the Legislature. Now certainly the Auditor-General should be empowered to make the post-audit and the efficiency audit of all departments and to report to the Legislature. He would be an officer of this Legislature, not of the executive.

Now that is fine, but what I am uneasy about is that we should include as part of his function the running of an efficiency audit on these boards, commissions and utilities. Some of them, yes; but others, I know that the practice in other jurisdictions is not to subject these proprietary commissions and agencies to the Auditor-General's scrutiny for the reason that they are either producing a good or performing a public service for sale and they must operate in the nature, or somewhat in the nature of a corporation, and therefore we must keep political interference, intercession in their affairs to a minimum. And while I think that the Cabinet should obviously have the power to authorize the independent auditing of their affairs, of their books, nevertheless I don't think it should be done by the parliamentary officer, Auditor-General.

And so, Madam Speaker, I conclude then by saying that while I support the bill or the resolution in principle, and I support almost all of the proposals, I do have reservations about the inclusion of the reference to commissions, boards and utilities and would hope that someone will move such an amendment. In fact, Madam Speaker, if it is in order, I would move such an amendment at this point. I move, seconded by the Honourable Member for Elmwood, that the motion be amended by inserting the words "and all non-proprietary" after the word "department" in the sixth line thereof.

MADAM SPEAKER presented the motion.

MR. McKELLAR: Madam Speaker, I move, seconded by the Honourable Member for Hamiota, that the debate be adjourned.

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

MADAM SPEAKER: The proposed resolution standing in the name of the Honourable the Member for Emerson.

MR. JOHN F. TANCHAK (Emerson): Madam Speaker, not because I like to, but I would like to have the indulgence of the House to have the matter stand.

MADAM SPEAKER: The proposed resolution standing in the name of the Honourable the Member for Selkirk.

MR. HILLHOUSE: Madam, I wish to move, seconded by the Honourable Member for Lakeside that whereas great public concern is being expressed with regard to the methods used and prices paid by the government and its boards and commissions in the purchase of property, such as the purchase of property for the Arts Centre, the purchase of property in the Delta marsh and the expropriation of property in the Birds Hill area, among others, therefore be it resolved that the government give consideration to the advisability of establishing a Special

(MR. HILLHOUSE cont'd) . . . Committee of the House to examine, investigate and enquire into all property purchases and expropriations by the government, its boards and commissions, and to make such findings and recommendations as are deemed advisable with respect thereto; and be it further resolved that this Special Committee of the House have power to sit during the present session and in recess after prorogation and to report to this House in the matters referred to them at the next session of the Legislature.

MADAM SPEAKER: I have had under consideration the proposed resolution of the Honourable the Member for Selkirk, and in the light of the statement made in the Throne Speech where it is stated, and I quote, "Legislation providing for the reorganization of the procedure of the acquisition of property required for public purposes will be introduced", in my opinion, the proposed resolution of the honourable member anticipates the matter that has been appointed for consideration by the government and accordingly I must rule the proposed resolution out of order, and in so doing I am applying our Rule No. 31, Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba.

MR. HILLHOUSE: Madam, I must bow to your will, but have you considered this resolution in the light that it is not in anticipation because it deals with a matter which took place in the past.

MADAM SPEAKER: I have given my ruling. I will have to ask the honourable member to accept it.

MR. HILLHOUSE: You are going to give your ruling on that are you, Madam, or have you given your ruling?

MADAM SPEAKER: I didn't understand you, I'm sorry.

MR. HILLHOUSE: No, my question was, did you consider, in giving your ruling, your first ruling, did you consider that this resolution was not in respect of anticipating future matters but was in respect of matters that had happened in the past.

MADAM SPEAKER: I have given consideration to all aspects of it and my ruling stands.

MR. HILLHOUSE: Madam, I regret that I will have to challenge your ruling.

MADAM SPEAKER: Call in the members. The question before the House is shall the ruling of the Chair be sustained?

A standing vote was taken, the result being as follows:

YEAS: Messrs. Alexander, Baizley, Beard, Bilton, Bjornson, Carroll, Cherniack, Cowan, Evans, Gray, Groves, Harris, Harrison, Hutton, Jeannotte, Johnson, Klym, Lissaman, Lyon, McDonald, McGregor, McKellar, McLean, Martin, Mills, Moeller, Paulley, Peters, Schreyer, Seaborn, Shewman, Smellie, Stanes, Steinkopf, Strickland, Watt, Weir, Witney, Wright and Mrs. Morrison.

NAYS: Messrs. Barkman, Campbell, Desjardins, Froese, Guttormson, Hillhouse, Hryhorczuk, Johnston, Molgat, Patrick, Shoemaker, Smerchanski, Tanchak, Vielfaure.

MR. CLERK: Yeas 40; Nays 14.

MADAM SPEAKER: I declare the motion carried.

The adjourned debate on the proposed resolution of the Honourable the Member for Lakeside, and the proposed amendment thereto by the Honourable the Leader of the New Democratic Party. The Honourable the Member for Rhineland.

MR. FROESE: Madam Speaker, the resolution before us has to do with Rule 33, and the main thing involved here is to recognize opposition party leaders other than the official opposition. In the resolution itself, it says that -- the second whereas -- "This Committee reported to the House on March 1, 1960, which report recommended among other things, 'That for the improvement of the procedure of the House and the attainment of a higher degree of efficiency, Rule 33 of our present Rules be repealed'." I'm not so sure that it is efficiency that we are trying to get here by replacing the present Rule 33 that we have in the rule book and substituting it with the one mentioned in the resolution.

However, I first of all would like to say this to the Honourable Member for Lakeside, that I feel that it is good in bringing it forward to correct an error in the printing of the Rule No. 33 that involved a decision reached in committee to change it some time ago. I don't know just how long ago this is -- a year or two -- it must be a year or two anyway. Then I also think it's good to bring it to the attention of the honourable members and to remind them of a thing like this, if an error is made it shouldn't be just left in abeyance. I think it should be brought forward, and bringing it forth in this fashion provides a basis to have it formally discussed by the members of the Assembly.

Then I would also like to thank the member for Lakeside for providing me with information of this type in past years, which I do greatly appreciate. We have had other matters of this

(MR. FROESE cont'd) type which have been discussed in the House and I appreciate getting information along this line so that when the time comes for discussion that I can discuss or debate in a worthy manner.

In my opinion, the change involved would deprive opposition parties other than the official opposition of some extra time needed on occasions when they might have an important matter on issue to bring forward requiring additional time, longer than is normally allowed for a leader or a member to speak in formal debate. This in my opinion would have the effect of weakening the opposition in this House. If we take away this right from the leaders of the other parties in this House, I think we're doing harm to the Assembly as a whole, and I do not think that the Honourable Member for Lakeside would want this to happen, or that this should be the case. I cannot believe it. I for one always feel it refreshing, and think it advantageous to the House to have more viewpoints on a given matter expressed, be it on various bills placed before us, resolutions that are up for discussion, or any item of current interest or issues, be it the Pan Am Games, government taxes, expropriation or purchases of properties, government finances

MADAM SPEAKER: Order please. The Honourable Member from Rhineland, I believe, is debating the main motion. We have the amendment before us at the time.

MR. FROESE: The amendment concerns itself with the same matter, which just states that we should retain the present section that we have in the books. So it pertains to the same matter in my opinion, Madam Speaker.

If I may continue -- all these matters can be considered from various angles and argued on different basis, but so often a party will take certain stands, having adopted a certain policy, and will proceed along that line. That being the case, it narrows down the ideas put forward to the political parties represented in this House, and to further restrict this by limiting the time required for presentation of such a viewpoint or explanation of policy would not be in the best interests of the Assembly of this or future sessions.

I fail to, nor can I see the need for such restriction, and this is an honest opinion. I cannot see the need for such a restriction. I have yet to witness an occasion where the privilege on the present Rule No. 33 has been abused. There has been no abuse been taken over the years that we have had it in the book. It is seldom that it has been applied, therefore let us not unduly restrict members, and particularly leaders of parties, from debating in this Assembly to the fullest extent.

I think that the honourable member, the member for Lakeside must realize and recognize that we will have multi-party Houses for some time to come and that we must of necessity adjust ourselves to this fact, unless the old line parties want to get out of business and leave the field to the newer parties, which might not be so bad after all. However, in all seriousness, I appeal to all members to leave Rule 33 as it is presently constituted in the rule book.

I think the Honourable Member for Lakeside, having brought the matter to our attention, I would say has partially achieved his purpose, and would he not reconsider, and could we prevail on him to withdraw his motion or, failing that, may I suggest that it be tabled or referred back to committee for further consideration. In my opinion this House is no longer bound to that decision and that the error should have been corrected at an earlier date. Failing that, however, I will have no alternative but to support the amendment that is before us.

MADAM SPEAKER: Are you ready for the question?

MR. McLEAN: Madam Speaker, I move, seconded by the Honourable the Minister of Education, that the debate be adjourned.

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

MADAM SPEAKER: The adjourned debate on the proposed resolution of the Honourable the Member for Logan. The Honourable the Member for Roblin.

MR. KEITH ALEXANDER (Roblin): Madam Speaker, I ask that this be allowed to stand please.

MADAM SPEAKER: The adjourned debate on the proposed resolution of the Honourable the Member for Churchill. The Honourable the Member for Assiniboia.

MR. PATRICK: Madam Speaker, I beg the indulgence of the House to have this matter stand.

MADAM SPEAKER: The adjourned debate on the proposed resolution of the Honourable the Leader of the New Democratic Party. The Honourable the Member for St. Vital.

MR. GROVES: Madam Speaker, I would ask the indulgence of the House to let this

(MR. GROVES cont'd) . . . matter stand. And I would probably ask that this stand again -- twice, Madam Speaker, and I have no objection if anybody else wants to speak in the meantime.

MADAM SPEAKER: The proposed resolution standing in the name of the Honourable the Member for Morris.

MR. HARRY P. SHEWMAN (Morris): Madam Speaker, on account of the hour, I wonder could I have the permission of the House to call it 5:30.

MADAM SPEAKER: Agreed. We'll call it 5:30 and I leave the Chair until 8:00 o'clock.