

THE LEGISLATIVE ASSEMBLY OF MANITOBA

9:30 o'clock, Tuesday, July 21, 1970

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Notices of Motions; Introduction of Bills; Orders of the Day.

The Honourable House Leader.

GOVERNMENT BILLS

HON. SIDNEY GREEN, Q.C. (Minister of Mines and Natural Resources)(Inkster): Mr. Speaker, would you call the bills on the Order Paper for third reading?

BILLS NOS. 127 and 140 were each read a third time and passed.

MR. SPEAKER: Bill No. 138. The Honourable Minister of Industry and Commerce.

HON. SAUL CHERNIACK, Q.C. (Minister of Finance)(St. John's) in the absence of the Honourable the Minister of Industry and Commerce presented Bill No. 138, The Development Corporation Act, for third reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SIDNEY SPIVAK, Q.C. (River Heights): Mr. Speaker, I have a few remarks to make before we pass this bill. I think they're rather pertinent and in many respects they summarize the debate that's already taken place in connection with this.

First, Mr. Speaker, while we have a new Act called The Manitoba Development Corporation Act, essentially this Act is The Manitoba Development Fund Act with a few changes, and the word "Corporation" has been substituted for the "Fund". At the time the Honourable Minister introduced -- (Interjection) -- I said with some changes -- (Interjection) -- yeah, well I wonder if the Premier would allow me -- (Interjection) -- now, I want to tell the Premier -- (Interjection) -- Yesterday, he lowered himself to the level of the Minister of Transportation and he still continues to do this. Someone ought to lecture him on the fact that he is Premier of this province and he can allow me the opportunity of expressing an opinion. If you think I'm a hypocrite, then that's fine. You've already said that once, I suggest as well that there are three sections that have been changed dealing with disclosure. Outside of that, The Manitoba Development Fund remains intact without any significant change at all, and all you've done is substitute the word "Fund" for "Corporation". And I want to tell the First Minister -- (Interjections) -- I want to tell the First Minister -- (Interjections) -- The Minister of Industry and Commerce in his terms had the gall, the absolute gall to stand up - to stand up in his presentation and announce five or six sections of a new policy, all of which were announced by myself on May 12th in this House, and all he did was take one of the speeches that he had available to him, and he repeated it verbatim. And --(Interjection) -- Mr. Speaker, Mr. Speaker, for the Honourable . . .

HON. ED SCHREYER (Premier)(Rossmere): The Honourable Member doesn't know what he's talking about.

MR. SPIVAK: Yes, I know what I'm talking about.

MR. SCHREYER: Mr. Speaker, would the Honourable . . . -- (Interjections) --

MR. SPIVAK: Yeah, well, Mr. Speaker, if it's necessary because if I don't know what I'm talking about, to repeat this in detail I can, very easily, because my information happens to be correct. Now, Mr. Speaker, the Manitoba Development Corporation is the Manitoba Development Fund. It's not a corporation in the concept that I originally thought was intended; a corporation that would in fact become involved with public support . . .

HON. RUSSELL PAULLEY (Minister of Labour)(Transcona): A rose by any other name.

MR. SPIVAK: A rose by any other name. So is The Manitoba Development Fund. But this is like so much of the legislation that has been forthcoming from the honourable members on the opposite side who are concerned about the window dressing that they can put on in certain situations to present an impression that something radically is different. Well, it isn't, it isn't, and now we have the items of a disclosure. Now the items of disclosure are very interesting, Mr. Speaker, because the Honourable Minister of Finance and the Honourable Minister of Mines and Natural Resources know that the proposal that was put forth by me with respect to disclosure on Part II because they are lawyers, happen to be a correct interpretation of the law. Now they allow the Minister of Industry and Commerce who knows nothing about industry

(MR. SPIVAK cont'd.) and commerce and knows less about law to stand up and suggest -- (Interjection) -- to stand up and suggest that the sections as he read them are correct and neither one of them were prepared, Mr. Speaker, neither one of them were prepared to stand up and acknowledge the fact that the suggestion given by the honourable member on the opposite side, by myself, should have been adopted. Now, Mr. Speaker, one almost gets the impression, you know, almost the impression that there may be a little bit of vendetta here on the part of the government; that maybe, Mr. Speaker, maybe we cannot make any suggestions that will be worthwhile considered. But for the honourable members opposite on a legalist position that the legal people on the other side know to be correct, to allow it not to be altered because it was in fact introduced by this side, I do not think speaks very highly of the government or of the host of members on the opposite side.

Now Mr. Speaker -- (Interjections) -- Mr. Speaker, let me say this. There has been an indication that there is disclosure; yet when we dealt with the three items dealing with disclosure, and we on this side introduced an extensive amendment, which could have been accepted, the honourable members opposite saw fit to draft with the Legislative Counsel in more general statements, which I am prepared to accept, and which I did accept by withdrawing my presentation. -- (Interjection) -- Yes, even though my presentation had been worked out in detail with the Legislative Counsel, and my intent was exactly the same. -- (Interjection) -- And one wonders - my proposed amendment. -- (Interjection) -- I beg your pardon? I'll tell the Honourable Minister of Transportation when I have it ready.

MR. SPEAKER: Order - order, please. I'm wondering - I'm wondering whether we couldn't start the day off adhering to rules of debate. I believe that at this point there's only one member of the House who hasn't exhausted his right to speak, and that was the mover of the motion, and any other member who may wish to participate in the debate on the third reading of the bill will have his opportunity to do so. The Honourable Member for River Heights.

MR. SPIVAK: The government had adopted the position to disclose information. The Minister in his statement when he introduced the bill indicated that most of the information was in the public domain in any case. Now that's what he said. Well, Mr. Speaker, the Minister is shaking his head. Let me now refer to his actual statement. If it's necessary to deal with this in any great length then I'm quite prepared. The day is young, although the tempers appear to be already a little bit frayed. And it might very well be that some did not go home. Surprising, I can't find the speech of the Honourable Minister - oh yes. In the prepared text that was released, the Honourable Minister suggested. He said: "However," -- on Page 6 - "a great deal of information is already available on the public domain." Yes. "So to me what we believe are the legitimate requirements for public scrutiny and to ensure the government is better informed." Now, you know, I think I interpreted that correctly. Well you'll have an opportunity of rebutting - there's no question about that. And you know, yes -- (Interjection) -- all right. By the way, Mr. Speaker, just so that the record will show, I have a speech of mine prepared April 1969 -- (Interjection) -- the same people who worked with the Honourable Minister of Industry and Commerce. And the Honourable Member for Crescentwood I think must acknowledge now that the Honourable Minister of Industry and Commerce is just parroting the things the previous Department of Industry and Commerce have done, and really nothing new has happened. And has he said this more than once, and I think we have to accept his statement in connection with this.

But the suggestions and the explanatory notes by the Minister of Industry and Commerce that of adopting a more aggressive attitude towards capital supply; of instituting a broadened program of research development of major new products; of emphasis on small and medium sized firms; of introducing financial packaging and financial counselling; of engaging in plant and equipment leasing; of setting up an internal consulting group; of establishing a private enterprise program. Every one of these provisions, and the same wording was used in the speech that was presented in this House on May 12th by myself. So, Mr. Speaker, Mr. Speaker -- (Interjection) -- it has no bearing whether I wrote it or not, all I'm suggesting - and I must say that I had more to do with the speech that I presented than the Honourable Minister of Industry and Commerce had, I can assure you of that. I may say, Mr. Speaker, that what the Minister of Industry and Commerce has done is attempted to stand up and say that this is something essentially new. Admittedly there are new disclosure provisions and if the Premier thinks that this is the most significant thing to the Act, and thinks that this is the important thing, he can say it. I accept the fact that we do have disclosure. I would have liked by way

(MR. SPIVAK cont'd.) of acknowledgment the fact that we did make a contribution, or could have made a contribution to the proper drafting of the legislation, so that the intent of the government would have been carried out. And I am one who resents a little bit the fact that the government was not prepared in a reasonable way to accept the recommendations but rather allow the Minister of Industry and Commerce to make some statements that are rather foolish on the surface of it, in connection with this.

Now the one item, Mr. Chairman, that was rejected completely was the question of the appearance of the General Manager, or the Chairman of the Fund before the committee, the Standing Committee on Economic Development. Now the amendment that was proposed by myself provided that after the audited statement of the Fund for the fiscal year ending at the end of March was presented to the board and then ultimately presented to the government, that the next meeting of the Standing Committee on Economic Development, whenever it would be held, would be the meeting at which the General Manager and the Chairman would come forward with the statement so that there could be an opportunity for a discussion of the Fund functions, particularly with respect to the equity matters. And I indicated at the time, Mr. Chairman, that the reason for the change was a very obvious one. I sat for three years as Minister of Industry and Commerce and heard a harangue on the opposite side by those who were concerned about details with respect to particular loans, not just Churchill Forest but a number of other loans, and it would seem to me, Mr. Chairman, that there should be an opportunity for the members of the committee and the members of the House to have an opportunity to scrutinize with those who are responsible the overall loans involved and to be in a position to make a judgment and to make an assessment, that in fact the method which has been carried out, particulars, the rumors, the suggestions that may have been made to the individual members, or the information that may have been supplied, was either correct or not correct. And I pleaded with the Premier to remember that if in fact this procedure was set up and this amendment had been proposed, or the proposal was accepted, that there be an opportunity at the first meeting of the Standing Committee on Economic Development to deal with these matters, so that there wouldn't be the necessity of a daily harangue in the Legislature dealing with particular matters, so that there would be a repetition of the companies' names that were involved and the particular loan, which adds very little to the total debate and which could harm in a very real sense the companies involved.

And I pointed out that the three companies who were involved in equity positions are companies whose financial positions are somewhat in question - and I don't think there's any purpose in having a debate continuously with respect to the procedures and particulars - and there should have been some agreement that there would be an obligation for the matter to be discussed, not a discretionary thing as suggested by the Premier. Well this has been rejected, Mr. Speaker, and I think it was a fair request; I think it was one that should have been entertained, and I'm sorry that the government has taken the position.

Mr. Speaker, we'll look forward to seeing what takes place with respect to disclosure items when the government, if it still is the government, introduces the particulars on the loans. And we'll look forward to seeing that the full intent of the amendment that was withdrawn by myself is in fact detailed so that when the information is forthcoming, we really do have information which is full disclosure in connection with the items. Because, Mr. Speaker, I'm not satisfied from quite a bit of what I know in connection with what's happening on the other side, that while the Premier and the members of the government on the opposite side talk in terms of an open government, and talk in terms of this Legislature being supreme, and of the fact that they are now following a policy that is completely different than the other - well I'm not so sure it's so different. You know, you could fool yourself, I can tell - I can tell - you can fool yourself and, you know, if you want to fool yourself, this is fine. -- (Interjection) -- Oh, I can fool myself too. -- (Interjection) -- Yeah, well I'm not attempting to fool you -- (Interjection) -- I'm not attempting to fool you, but don't tell me that when you sat down, when you allowed the Minister of Industry and Commerce to deal in the legal matter that you did not understand, that the suggestion made by this side was not correct.

MR. GREEN: Is the honourable member as a lawyer suggesting that the present Act does not permit what he has said?

MR. SPIVAK: Oh. There's a distinction between permitting and obligating. Now the whole objective of the Act . . .

MR. GREEN: Are you suggesting . . .

MR. SPIVAK: . . . was to allow and to ensure that there would be an obligation for disclosure, not for the permission. Permission is a discretion of the government. We already have a situation, Mr. Speaker, with respect to discretion, where in dealing with the Public Utility item and in dealing with Hydro, we're not going to have the General Manager of the Hydro even appear before us. We're not going to have him give us any information. God forbid we should have been put in a position where he may contradict some of the very lengthy information supplied by Cass-Beggs. It's not going to happen. Although, you know, you could have - the government had the right to permit him to come but they aren't going to permit him to come. And there's a big decision, Mr. Speaker, from permitting and from obligating, and the intent of disclosure was really to in fact give some teeth to the suggestion. And I'm not too impressed by what has happened, about what the government has said with respect to disclosure, because I tell you something - yesterday when questions were asked in connection with Churchill Forests, it was interesting to hear the Minister of Transportation declare the edict of our government, that's none of our business, and that's exactly what he said -- even though the Minister of Mines and Natural Resources stood up and said, well it wasn't really on the record because he said it in his seat and probably it hadn't been recorded, and I hope - well properly recorded, and by doing that I think he probably ensured that it won't be recorded.

Well Mr. Speaker . . .

MR. GREEN: You're filibustering.

MR. SPIVAK: I'm not filibustering, I'm not filibustering. I just want to suggest to members opposite that, you know, it wasn't necessary to introduce a new Act, The Manitoba Development Corporation Act. We could have introduced an Act that would have been the same size as the Act or Bill 96 dealing with the Queen's Bench, which in fact accomplished the objectives of the Honourable Minister of Mines and Natural Resources with respect to ex parte injunction. The Act that could have been introduced would have been as lengthy as that, and we could have dealt with that. We could have had the whole Manitoba Development Fund, even though it may have reflected on the previous administration.

But there's one other point and then I'll close, Mr. Speaker. The Honourable Minister of Industry and Commerce -- (Interjection) -- Mr. Speaker, the response that I hear sort of indicates that maybe I should continue for a little bit longer. You know, in the same speech - Yes I'm reading the same speech that I've made - this is the speech the Minister of Industry and Commerce made. But I want to conclude by quoting from his opening paragraph: "This Act to establish The Manitoba Development Corporation is designed to strengthen and expand the existing Development Fund and makelt 'the key agency in the promotion of investment in new industry and expansion of existing business in the province'."

Well, Mr. Speaker, in case the Minister of Industry and Commerce did not know this, the Manitoba Development Fund has been the key agency in the promotion of investment in new industry in the expansion of existing business in the province. And all I can say Mr. Speaker, that in everything that's been presented, with the exception of the disclosure items, there's absolutely nothing new, and the government should not be too - or should not rush headlong into their publicity saying that they now have created for Manitoba a new Manitoba Development Corporation. Because, Mr. Speaker, as I indicated before, I think we've reached a point where a Manitoba Development Corporation in the terms that I've already expressed in this House would have been of value. I think there was a great opportunity to set up a corporation in which the public could subscribe by shares; where we could take advantage of the key management we have in Manitoba, who in fact would be prepared and could be encouraged, and financed by the Development Fund, to continue on in those industrial undertakings that were worthwhile for the province and had been identified but in which private enterprise outside of this province, or even inside this province, was not prepared to go. And I think this would have given the people of Manitoba the opportunity to invest; the people an opportunity to have growth in their share structure; and the opportunity to be able to receive dividends from the actual operation of such a corporation.

And I believe based on the contribution that the business community has made in so many of other areas of our cultural and sporting activity - and I mention Pan-American games and I mention Winnipeg Enterprises as an example - that they would have been prepared to give of their time and energy without -- (Interjection) -- well any thought of salary to assist a corporation to be able to develop so that in fact Manitoba could have moved ahead. And this is

(MR. SPIVAK cont'd.) . . . the kind of partnership I think that could still be undertaken and would hopefully be undertaken, because I think we've reached this point and I think we have an opportunity because of the desire on the part of many Manitobans for involvement in this kind of function to invest.

I suggest that the investment that could be made through the Fund is an investment that Manitobans will not realize because all it will do if it's successful is add to the consolidated revenue of the Minister of Finance, who has, I'm in no doubt, a number of purposes for that revenue, but at the same time will not necessarily reap the benefits of the people in this province, nor will it martial the kind of capital, and I think, Mr. Speaker, if we look at the way in which the savings issue has been - the Centennial Saving issue has been subscribed by the people of Manitoba we recognize that there is a desire to support the province, and I think that that could have been brought forth in a corporation developed along the lines that I suggested.

Mr. Speaker, this is my contribution. The Act I support. I'm sorry that the government did not see fit to accept pretty sane and reasonable proposals in connection with the other items, and while they may stand up and say it's permitted, I would have liked the opportunity to have had it included in the legislation. The time may come, Mr. Speaker, when they may regret the posture taken that there should be permissiveness on the part of the government rather than obligation.

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

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I, too, wish to rise and make a few comments and for that matter, I don't mind if I close debate if no one else wishes to speak. I rise in opposing the bill because, and I'll be giving my reasons. I don't say that the corporation as such will not have value; we know that the Development Fund has been extending loans, which certainly have helped to develop industry in this province, and I don't want to discount that. But I certainly take exception too when this government is going to go into business on their own, and while the same section was in the old bill, nevertheless it was not exercised but we now find that the government will be exercising it and they will be taking up equity in various business concerns that come forward and require assistance and cannot give security otherwise, or that offer equity to the corporation of their own. However, I do not subscribe to this principle and I object to the bill on those grounds. I feel that the government - we are there to govern, and that we should create a climate that is conducive for development by private enterprise. I think if we do make the proper and a good job of governing to bring about such a climate, development will take place. I don't think it can be without it because we see in other provinces where the climate is better tax-wise and otherwise, that we see development take place and therefore I feel that we could in many instances reduce cost and in this way reduce the taxes as well. And that I think would be a very big reason for business to come in and to take up development.

And then too often we find that when government does go into business generally it's to a Crown corporation and they acquire unto themselves large powers. Very often it is monopolistic powers so that they won't have to compete, and too, where they don't have those powers we find so often that they cannot make a go of it and eventually what happens then is that they are getting treatment better than competitive enterprise and therefore the free enterprise has to take a back seat because of the assistance. I offered an amendment which too, prompts me to oppose the bill because I thought that the amendment I proposed was a proper one and one that should have been acted on, so that leaves me no alternative but to oppose the bill on third reading.

MR. SPEAKER: Are you ready for the question? The Honourable Minister of Industry and Commerce.

HON. LEONARD S. EVANS (Minister of Industry and Commerce)(Brandon East): Mr. Speaker, if no one else wishes to . . .

MR. GILDAS MOLGAT (Ste. Rose): Mr. Speaker, I regret, I believe . . . permits the Minister to speak -- (Interjection) -- No but he's the promoter of the bill and I don't believe has the right to -- (Interjection) -- He's the mover of the bill, is he not?

MR. GREEN: No.

MR. CHERNIACK: I moved the bill.

MR. MOLGAT: But this bill stands in the name of Mr. Evans, Mr. Speaker, and I believe that the mover has no right to close the debate. -- (Interjection) -- Well he has no

(MR. MOLGAT cont'd.) right to speak. -- (Interjection) -- Well I would like an interpretation on this but my understanding is that on third reading the person whose bill it is, is allowed to speak, to propose the third reading but if he doesn't he has no right to speak. -- (Interjection) -- but he is the mover of the bill.

MR. GREEN: Mr. Chairman, there's no doubt, that the honourable member is correct if the Minister moved the bill. -- (Interjection) -- Well the Honourable Member for Souris-Lansdowne has said that he didn't move the bill. Obviously that is the only question on which there is a difference of opinion, so why should the Honourable Member for Souris-Lansdowne adopt the view that this difference of opinion must be answered as he says. I am suggesting that if the Minister moved the bill then the Member for Ste. Rose is right. If the Minister did not move the bill, then the Minister can speak. And the question is whether or not he moved the bill. He wasn't here, I know that this is unusual, I'm not trying to make something out of it. It was moved on his behalf -- (Interjection) -- Well, Mr. Chairman, you know, if people think that the suggestion that is being made is wrong they have an opportunity to get up and say so, but it's not nearly as simple as the Member for Souris-Killarney is.

MR. EARL MCKELLAR (Souris-Killarney): Mr. Speaker, I rise on a point of order. The Minister of Finance moved third reading on this bill, in the name of the Honourable Minister of Industry and Commerce -- (Interjection) --

MR. CHERNIACK: Mr. Speaker, . . . I couldn't move it in the name of . . .

MR. MCKELLAR: Well it's the same thing.

MR. CHERNIACK: Is it? Ask the lawyers.

MR. MCKELLAR: If the Minister of Industry and Commerce had been in the House, you surely couldn't have moved it in third reading at the same time. -- (Interjections) --

MR. CHERNIACK: I certainly could.

MR. MCKELLAR: And I don't think this is right and proper. It's never been done before, never been done before in third reading.

MR. GREEN: Mr. Speaker, any honourable member could move the third reading of a bill. I appreciate that there is an anomaly here and if the Speaker says that the Minister moved the bill, then I'm not arguing about it, but the Member for Souris-Killarney talks about it as if it's an open and shut thing, and it certainly is not.

MR. MCKELLAR: It is open and shut.

MR. FROESE: Mr. Speaker, on a point of order, Sir. If we allow this to happen certainly there's no reason at a future time that the government can circumvent this very point by having another Minister move the third reading of a particular bill.

MR. GREEN: There's no doubt that this can be done. There's only a question as to whether it amounts to a circumvention or not. If, let us presume, I as Minister wish to make the last speech on third reading, or to hear what others said, I could if the Minister has not spoken say to a colleague would you move third reading because I'd like to speak later in the debate. Now there's nothing - if that can happen, and I'm not taking a firm position on it. There's nothing sinister about it, it just could happen according to the rules.

MR. SPEAKER: The Honourable Minister of Industry and Commerce on the understanding, of course, that he is not closing debate not having been the mover of a third reading.

MR. EVANS: Thank you very much, Mr. Speaker, I will not take much time of the House. I don't intend to harangue; I don't intend to beat the drum; I intend to make a few rational remarks. Unfortunately during debate on second reading, I happened to be in Brandon on government business and was not able to participate at that time.

I would like to state categorically that the change in the name of the Manitoba Development Fund to the name of the Manitoba Development Corporation is a signal. It is a signal of a new policy approach on the part of the government, and as much as the Honourable Member from River Heights would like to belittle and underline that new approach and sort of cast it aside to say, it doesn't mean anything, the fact of the matter is that we are taking a new approach, and the key of course is our equity approach, our concern with equity participation. And this is something that is new; it is something that in our opinion is going to make a considerable amount of difference. Now the fact of the matter is that in considering some of the changes in the Act, and some of the policy approaches because the original statement included not only legislative changes but indicated policy changes, changes in administrative approach. The fact of the matter is that on discussion with the former Chairman of the Manitoba Development Fund there were a number of recommendations laid down in the TED Report which we accepted,

(MR. EVANS cont'd.) and there's no - nobody's trying to hide that, there they were. And we discussed them and we decided that these were worthwhile implementing. But in addition, it was decided that there were other matters that the Development Corporation or Development Fund had to be concerned with and these were included in the Act and they are new, and they are significant.

I think that the point is, Mr. Speaker, that this government is concerned with optimum economic development and not simply with economic development at any cost. And by optimum development I mean economic development which takes into consideration some of the very points that were included in the Act. The fact that we want to minimize pollution - I think that gone are the days that we can have economic growth for the sake of economic growth; that we have to be concerned with the impact on society, the polluting impact on society of a particular industry. We've seen many examples where pollution has created social costs that far outweigh the value in some cases of the initial industry. And we are indeed concerned with other types of social costs. We are concerned with the promotion of high wage industries - and these things are referred to now in the Act.

We are also concerned with emphasis to be placed on small to medium-sized businesses. We feel that the Fund in the past has put too many eggs in one basket - one need only look at The Pas complex to see the vast amount of capital that is going into one complex. I submit, Mr. Speaker, that in future that we can obtain more jobs for Manitobans, and good jobs for Manitobans, by placing the emphasis on native Manitoba firms, on the relatively small and medium sized firms.

The matter of disclosure is very significant as well. It's something that the other government did not have the courage to bring in, and we have brought it in and we're criticized merely because of the wording. This is merely what it boils down to.

Now the matter of equity again I suggest is being underrated by certain members of the opposition. The equity position is referred to in Section 40 under Part II, and the honourable member completely missed it. There's an additional phrase there that's very significant. But I won't bother to read the particular section or to even point out the phrase. But the fact of the matter is, that the corporation is now in a position, and the government is now in a position to take a stronger equity position than it has ever taken before. And it is true that the supply of capital is extremely important in the location of industry in this province. The fact of the matter is we don't have enough capital and therefore the proper use of the Development Corporation can indeed make things happen. One only has to look at the record over the past ten or fifteen years to note that the growth in Manitoba has not been what it should have been, that the growth in Manitoba leaves much to be desired. And obviously in spite of any accomplishments that can be pointed to, the fact of the matter is things have not happened in the way that they should have had -- and I'm not suggesting that taking an equity position in industry is new in the world as a matter of fact there are many examples of where governments have participated in partnerships with private enterprise. I can go around the world pointing to examples: in Germany, the West German government owns 20 percent interest in Volkswagen. In the Netherlands, the Dutch government owns 60 percent shares in the Dutch State Mines, which in turn operates coal mines, chemicals and so on. Even Winston Churchill set up the Anglo Uranium Oil Company which later was renamed British Petroleum with 51 percent government share. Even Winston Churchill, the arch Tory, as some people refer to him. There's also another mixed enterprise in England referred to as an Agricultural Mortgage Corporation. In Canada there's another example the Pan-Arctic Oil Company, a consortium of 20 companies and the Federal Government, where the government receives a 45 percent interest in the company. And there are examples in Italy; and there are examples in many other countries, Mr. Speaker. And I'm merely pointing out that our suggestion that the government take a strong equity position in order to make things happen to the economy of Manitoba is not necessarily new in the world but is new in this Act, and the fact of the matter is the emphasis is now being placed on it in this Act. And I submit, Sir, that I did indicate a policy that we would take a more aggressive attitude towards capital supply and this is what we mean when we say we're prepared to take an equity position.

We are going to engage in more research, we are going to put more emphasis on small and medium size firms; we are going to do financial packaging. Some of these suggestions were in the TED Report, not all of them. There was not the emphasis on equity that we are prepared to give in order to make things happen and as much as the Honourable Member for

(MR. EVANS cont'd.) River Heights would like to belittle our intentions, I submit, Sir, that in the future you'll see a great number of significant industries coming to this province, because of the new approach and the new policy that is being taken by this government and the Development Corporation.

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

BILLS NOS. 150, 110, 130, 136, 133, 144, 145, 146, 63, 129, 10, 65, 123 were each read a third time and passed.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable Minister of Cultural Affairs, that Mr. Speaker do now leave the Chair and the House resolve itself into Committee of the Whole to consider the following Bills, Nos. 43, 109, 121, 134, 17 and 39.

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

COMMITTEE OF THE WHOLE HOUSE

MR. GREEN: Would you go back to Bill 109, Mr. Chairman.

MR. CHAIRMAN: I am informed that we have an amendment to Section 6 (3) as well as a sub-amendment, 6 (3) and (4), the sub-amendment is to subsection (4). The sub-amendment reads: that subsection (4) of Section 6 set out in the amendment, be amended by striking out the words "permitted under the regulations" in the first line thereof and substituting therefor the words "a dental mechanic is working in a clinic".

Are you ready for the question? The Member for River Heights.

MR. SPIVAK: Mr. Chairman, for the record I think the definition section which would be moved if the sub-amendment was passed along with the amendment, at least should be read so that it will be clear what's intended by that, and I wonder whether it reads . . . again, Mr. Chairman, just for the record now, and because there were some people who were absent, some who were sleeping -- (Interjection) --

MR. CHAIRMAN: Order please. I'm informed that if the sub-amendment goes through there must be a definition of clinic. If the members are interested, I will read out the definition of clinic which will be included. And this would come under Section (f). Clinic means a government-operated denture, education and treatment facility under the supervision of a dentist who assumes responsibility for the services provided therein.

MR. CHAIRMAN put the question on the sub-amendment and after a voice vote declared the motion lost.

MR. CHAIRMAN: The amendment reads as follows: . . .

MR. McKELLAR: Ayes and Nays . . .

MR. CHAIRMAN: Ayes and Nays? Call in the members.

For the members' edification the sub-amendment before the Assembly, which we are having a division on, proposed by the Member for Souris Killarney - do you wish to have it read out again? That subsection (4) of Section 6 set out in the amendment be amended by striking out the words "permitted under the regulations" in the first line thereof, and substituting therefor the words, "a dental mechanic is working in a clinic" and clinic has been defined -- (Interjection) -- would be defined which in a further amendment "clinic means a government-operated denture, education and treatment facility under the supervision of a dentist, who assumes the responsibility for the services provided herein".

Are you ready for the question?

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

YEAS, 14; NAYS, 31.

MR. CHAIRMAN: The sub-amendment has been defeated.

MR. CHAIRMAN put the question on the amendment and after a voice vote declared the motion carried.

MR. CHAIRMAN: (Sections 6 and 8 of Bill 109 were read and passed.) Section 8. -- (Interjection) -- Page by page? (Pages 4 and 5 were read and passed.) The Attorney-General.

HON. AL MACKLING, Q.C. (Attorney-General) (St. James): There is a necessary amendment which follows from the previous amendment which has just been adopted, and that is a further provision in the regulation which provides for the making of the regulation as

(MR. MACKLING cont'd.) called for in the amendment. I'll read the amendment:

THAT Section 14 of Bill 109 be amended by adding thereto the following clause

(q) permitting dental mechanics to produce, reproduce, furnish and supply:

(i) an upper prosthetic denture or upper dental plate for another person who has no live teeth in his upper jaw, or

(ii) a lower prosthetic denture or lower dental plate for another person who has no live teeth in his lower jaw,

or for any of those purposes take impressions of the inside of the mouth of another person without a prescription signed by a dentist or medical practitioner, and prescribing terms, conditions, limitations or restrictions to which such permission is subject.

MR. CHAIRMAN: Page 6 as amended--passed. Have you heard the amendment? The amendment is: (q) . . . Do you wish to have it read out? Question on the amendment. Passed? I believe the Ayes have it. (The remainder of Bill 109 was read page by page and passed.)

MR. CHAIRMAN: The Honourable House Leader. Which bill?

MR. GREEN: 121, Mr. Chairman.

MR. CHAIRMAN: Bill 121, The Human Rights Act. I believe that we're dealing with the proposed amendment of the Honourable Member for River Heights that subsections (a) and (b) of Section 9 be deleted and a following amendment substituted. Are you ready for the question? The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, the other day the Member for River Heights moved an amendment to this bill which would simply incorporate into the Human Rights Bill the United Nations Universal Declaration of Human Rights. Of course, to be fair, it should be said of the Member for River Heights he did indicate that it would be the declaration of, Universal Declaration of Human Rights would be incorporated in the Human Rights Act only by way of declaration, and at the present time this would seem to pose no problem. But I think that there is a better way to proceed, particularly in light of the fact that the Government of Canada has for many years, and certainly for the last two years, indicated a definite interest and intention to have the Universal Declaration of Human Rights taken up at Dominion-Provincial conferences until such time as agreement can be reached between the two levels of government, to the end of having the declaration included in the Canadian Constitution of B.N.A. Act.

I believe some time in mid-June or late June there was an exchange in the House of Commons relative to the Universal Declaration of Human Rights and Canada's posture relative to it. My information is that the Prime Minister of Canada has indicated that the Government of Canada, much as it would like to, is not in a position to embody the Universal Declaration of Human Rights in any statutory instrument, for the simple reason that it alone lacks the jurisdictional competence to do so. So, Mr. Chairman, that is the situation we are in. Being a federal state, the Federal Government by itself does not have the jurisdictional competence to embody in statute the Universal Declaration of Human Rights, and on the other hand, no province -- the provinces do not by themselves have that competence either. So if we are serious about giving the fullest legal effect to the Universal Declaration, it would require the agreement of both levels of government and the embodiment of, or the entrenchment or embodiment of the Declaration in the Constitution of our country.

I should like to take this opportunity to say that it is the position of the Government of Manitoba that if the federal initiative in this respect is renewed, as we believe it may well be, then the Government of Manitoba would want to endorse and co-operate with the Federal Government and the other provincial governments to that end. That being so, I think at this time it is necessary to say that the attachment of the Universal Declaration of Rights in a provincial statute at this time is not only premature, it goes beyond a provincial constitutional competence. It is therefore, I think, inappropriate for us to put into -- or to try to put in some statutory document something that we know is beyond our competence to give effect to in any case. I think it's premature, it's presumptuous, and it is also simply ignoring the realities and facts of the Canadian Constitution.

So we do not accept the amendment, not because we are opposed to the intent, but rather because it would have no real meaning in law. I serve notice now that the Government of Manitoba will be responding positively to any and all initiatives within Canada by governments in Canada to having full discussion and eventual embodiment of this Declaration of Rights in

(MR. SCHREYER cont'd.) some appropriate place in the British North America Act, or any Act that is successor to the B.N.A. Act if there is going to be any Act successor to it.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, I waited for a few days in anticipation of the government's position in connection with this amendment, recognizing that at one point they were going to attempt to cop out on this as they have done on so many other programs of social reform that were really part and parcel of their presentation over the last little while. And I must say that in listening to the Honourable First Minister, I still come to the same conclusion, that in effect, for reasons best known to themselves, they're not prepared to accept the proposal, and if the argument advanced is the only argument, then I suggest that it is a very silly one, for the simple reason, Mr. Speaker, that there is a distinction between the obligations, the human right obligations that are contained in a specific constitutional guarantee and those which are expressed as to be achieved in our society by the Declaration itself.

We're aware, Mr. Speaker, that the United Nations has accomplished two objectives. One is that they have had a declaratory statement on the Universal Declaration of Human Rights and that they've also drafted a Covenant of Human Rights, and the Covenant of Human Rights is a treaty obligation, and if in fact Canada, along with others, was to sign that obligation, they would be bound then to enforce that obligation within their society. In the federal system that exists in Canada with the division of responsibility between the provinces and the Federal Government, the issue as to whether the signing of the treaty could be undertaken without the concurrence of the provinces is one which constitutional lawyers would argue on both sides.

What was proposed here though was an acceptance in the powers of the Commission of the Universal Declaration as a declaration. There is no legal obligation to fulfill the objectives set herein as there really is no legal obligation within the present section under Section 9. But what was proposed at the end, with all the 30 clauses of the Universal Declaration, was an attempt to have published annually a report by the Human Rights Commission to the Legislature. Now this is an important distinction, Mr. Chairman, not to the government but to the Legislature, of the progress of Manitoba society toward the achievement of the principles of human rights set forth in this Act. And what was visualized, Mr. Chairman, was that the Human Rights Commission, in dealing with this item and these particular clauses, would act in the same way, to a certain extent, that the Economic Council of Canada acts, as a commission or a body which reviews the particular situation in our society and presents its conclusions so that there can be the benefit of discussion both by government and by all sectors of our society with respect to the attainment of the objectives set forth.

The objectives of the Economic Council of Canada have been set forth several times. Their basic report and the annual report plus their study are to the attainment of those objectives, and no one quarrels with the fact that what they are doing is to try and lead our society, and lead government, and lead the private sector in doing those things that are necessary to better the human condition in Canada. And really what was attempted here, Mr. Speaker, was a restatement of the principles in the Universal Declaration of Rights, and the ability for the Commission to do something more than is visualized under the present Act.

Now, as I've indicated, Mr. Speaker, and I had an opportunity of reviewing the Ontario Act and I have the documents in connection with it and I have read the criticisms that have been offered in there, there has not been that much writing on the Human Rights Commission in Ontario. I've come to the conclusion, as I have come to the conclusion in reading the Saskatchewan Bill of Rights which I have in front of me, and reading the very few articles in connection with this, that in terms of what is being proposed, while it is more than what we had before and the Minister of Finance has indicated, it really isn't very much. It's true this comes at the end of the session and everyone is tired. But this is a pretty important -- (Interjection) -- Well no, the Minister of Mines and Natural Resources is not tired. It comes at the end of the session and it comes at a time when we should have a much more thorough discussion than we will have in connection with this because this is an important item and there is an ability - and this is in a non-partisan way - to try and achieve something more than what has been achieved in the other area. -- (Interjection) -- The bill itself. Which amendment? Yes. I think . . . more. Well, I don't know what the Honourable Minister is referring to. Are you talking about my amendment? Well, I'm suggesting that what I have proposed is something more, because I've given the Commission, I've given the Commission the opportunity to report to the Legislature and to take the 30 clauses and to present its review.

(MR. SPIVAK cont'd.)

If one listened to the Executive-Secretary of the Civil Liberty Association when he made his presentation in Law Amendments, you recognize the zeal and the passion with which he dealt with those rights which are the social rights, and with the ability of our society to change, to alter the human condition for the aged, for the disadvantaged, and for the necessity of a recognition - and we have that recognition. We say it and express it in so many ways when we stand up in the Legislature and outside. But nevertheless, having said that, surely it would be important to try and have the Human Rights Commission achieve the additional educational function of leading our society by analyzing in great detail in particular, what has happened with respect to these particular items, with respect to our total society. Not with respect to government action, and I think there may be a fear on the part of government that what has been proposed is that government will be under scrutiny, but in terms of the whole private sector, because if in fact changes are going to occur, they are not going to occur because of the writings that occur in Dimension or any other magazine; they're going to occur if society accepts that change should occur and take place, and the whole objective of the Human Rights Commission is to exercise an educational function to move our society along this way.

And so, I would have felt that this would have been, as I've indicated before, a giant step forward, recognizing that in effect it's as good as the commission that will be appointed, because in the event the government decides to appoint one individual as a commissioner who in effect is fulfilling a civil service function, then I don't know how much will be really achieved in this.

Now, this proposal was based on the desire to do something more with respect to this Act. The government obviously is not interested in this and the arguments, I suggest, that are advanced by the First Minister are not entirely correct because, while there may very well be a situation where we may have in our constitution, as a result of constitutional amendment, a Bill of Rights, the Bill of Rights will deal to a large extent, or, from what I understand and what I've heard, will not deal in a general way with the 30 clauses that are contained in the Universal Declaration of Rights, and will be limited to what is conventionally listed in the Bill of Rights that now exists both in the federal jurisdictions and other communities where it has been put in legislation.

Remember, Mr. Chairman, that the Universal Declaration of Human Rights which we would ask to be introduced by way of amendment into the function of a commission, is really only a declaratory function; it's not a legally binding function; and I see no way in which any introduction of this into legislation would be repugnant, would prevent or would hinder the introduction of any of the sections or all of the sections in a constitutional change that may or may not occur. There's just no way it would interfere and there's no way in which the introduction of it and the way it's been proposed would in any way affect or destroy the ability of the government to take a position in connection with any items that may come up in connection with the constitutional conference or proposals that may be forthcoming. But, Mr. Chairman, what has happened, or what has been proposed on the part of the government, was to be expected on my part and so I'm not disappointed to the extent that I'm not disappointed that this is the result of their thinking and their caucusing of this issue. But at the same time, Mr. Chairman, I say to some of the others, I'm fairly disappointed because I think there was an opportunity for something more than what's being proposed here, and as I have indicated already, in my opinion, while this may move a little bit ahead of what we had before, outside of the propaganda value it may have for some, I don't consider that this is the great achievement that it could have been, nor is this the achievement that was expected by many who have supported the government on the other side and who felt that they would do more than just copy existing legislation in Manitoba and re-introduce it and a few other sections from other acts, but rather would come up with something new - and I'm not suggesting, Mr. Chairman, that this is the only thing that could have been forthcoming, but in the limited time that I had, and with the experience that I have had in this particular field, particularly in dealing with the draft Covenant of Human Rights and the Universal Declaration of Rights - I have indicated this was my thesis, that I have some knowledge of this - I suggest, Mr. Chairman, that this was one way of dealing and trying to achieve the objectives I have set forth. And frankly, I think that my disappointment will be shared by many who would have liked the government to have done much more than they obviously are prepared to do.

MR. CHAIRMAN: The Honourable First Minister.

July 21, 1970

MR. SCHREYER: If the honourable member is disappointed, it's only because of his unrealistic aspirations for this Human Rights Commission. I say that because I think it should be said that the position of the Government of Manitoba is really not any different in substance from that of the present Government of Canada in respect to this particular question. I really don't see any value in including in a statutory instrument a declaration which, in any effort to give it legal application, would be ultra vires to the province. What's the point of passing a law that at the very moment we are passing it we know that much of it is beyond our legal ability or constitutional ability to enforce or apply, and that is, as I understand it, also the position of the Government of Canada. Of course, we would all like to be able to incorporate the Universal Declaration in our law and apply it in its fullest, but until we have a constitutional change made, until there is dominion-provincial concurrent arrangements made, it's just not possible. So I know the Honourable Member for River Heights will say all he's asking us for the incorporation of a declaration of principles. Well, Mr. Chairman, that can be done now. The Human Rights Commission that will be established will not be asked to avoid taking any cognizance of the United Nations Universal Declaration of Human Rights - Universal Declaration of Human Rights. In fact, one hopes, we all hope, and more than that quite confident, that in its operation the Human Rights Commission will at all times be cognizant of the Universal Declaration of Human Rights and will be promoting the spirit and intent of it in all of its work, and insofar as the Commission will be functioning as an educational body, it will be forwarding the principles of the Universal Declaration at all times irrespective of whether or not the declaration is tacked on at the end of the Human Rights Act or not.

Of course different governments, I suppose, have different styles of doing things. I know that it is possible, for example, to have very fine-sounding phrases included in a bill in the preamble thereof; but again, what's the point? The preamble of a Bill or of an Act does not have the force of law. It is not the operative section of an Act. But yet I do know governments of the past, without mentioning any names, that used to put some of the finest sounding hopes and aspirations in the language of the preamble. What good did it do? I can think, for example, of the issue of parity prices back in the middle 1950's, when some farm organizations who were fighting a desperate battle for parity prices for farm products seemed to be on the verge of gaining acceptance of that principle, and I know a government at the federal level that brought in a bill which, in the preamble, affirmed that it was the intent of the legislation to bring parity prices for agriculture. The hooker, Mr. Chairman, was that there was nothing in any of the operative clauses of the bill to do that, and so it didn't take long, perhaps a year, for everyone to see that, regardless of what it said in the preamble or in a ringing declaration attached as an annex to a bill, it doesn't have the force of law, which is really what the legislative process is all about.

I say to my honourable friend that we are prepared to go even further than he is suggesting. We would not be content to simply passing a declaration and attaching it as an annex to a bill. We are instead wanting to go further and have this taken up in a systematic and continuing way at the appropriate forum, Dominion-Provincial Conferences, until such time as there is the necessary agreement to have it embodied in the one place where it can mean anything in our country, and that is our written constitution.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Well, Mr. Chairman, first may I refer the Premier to Section 9 before the amendment, which deals with the function of the Commission, and it says that the Commission has the power to administer this Act, and without limiting the generality of the foregoing, it is the function of the Commission (a) to forward the principle that every person is free and equal in dignity and rights without regard to race, creed, religion, sex, colour, nationality, ancestry or place of origin; (b) to promote and understanding of, acceptance of and compliance with this Act; (c) to develop and conduct educational programmes designed to eliminate discriminatory practices related to race, creed, religion, sex, colour, nationality, ancestry or place of origin.

My amendment suggests . . .

MR. CHERNIACK: Mr. Chairman, I wonder if the honourable member would permit an interruption. I feel quite certain that the honourable member is not aware that there are subsections (d) and (e) added. Well, his own amendment indicates that it was not considered to have been part of it.

MR. SPIVAK: Mr. Chairman, unfortunately the copy that was sent over there did not

(MR. SPIVAK cont'd.) have the corrections by pen that were listed with the Chairman when the amendment was proposed, and the amendment that was proposed said specifically that if you look at - well on Page 6, that clause (d) and (e) of Section 9 be deleted and the following substituted. This took into consideration the amendment that was forthcoming, which was dealt with in Law Amendments and I was not present at the time, I understand.

What I am suggesting, Mr. Chairman, is that what was proposed in this amendment was that we would forward the principles embodied in the Universal Declaration of Human Rights, and we have 30 clauses. It's not narrowed to the discriminatory items that are referred to in the subsection (a). Now the reason for that is because there is a recognition that if we deal in human rights in the narrow field, that we are thinking about human rights in its old context and that this is the wrong approach today. We recognize as well that there is a greater obligation on the part of government to become concerned in the other fields. Now the proposal of embodying Universal Declaration of Human Rights in its function does not have any legislative function other than to propose that it be considered by a commission. There is no other legal binding effect on anything that the government would do in any other field, and so the arguments that are advanced that, by doing this, in some way the government is prejudiced in dealing with this matter or in some way is enacting by legislation some obligatory situation which would affect them, is incorrect and it doesn't wash.

Well, Mr. Chairman, I want to read for the record, because I have a suspicion the Premier did not hear this and I think it's important, it is only a page, the presentation of the Canadian Civil Liberties Association (Manitoba Branch).

"The Manitoba Branch of the Canadian Civil Liberties Association takes this opportunity to congratulate the present government on its decision to establish a Human Rights Commission. We consider the establishment of a Human Rights Commission to be the logical and necessary step, as was the decision to establish a provincial Ombudsman, in the direction of effectively protecting and advancing the rights of all citizens in the province. In an earlier brief distributed to all members of this Legislature, the Association expressed concern that the existing legislation in Manitoba does not compare in terms of the coverage provided in other provinces, and that, regardless of the scope of coverage, the administration and enforcement of the legislation has been totally ineffective.

"We also express concern about the use in this country of such a narrow definition of human rights which recognizes discrimination and an infringement of rights only on the basis of race, creed, religion, colour, nationality and place of origin, only in respect to employment and housing. We believe such a definition overly restrictive and out-dated in the present context.

"In an earlier brief the Association listed seven factors or obstacles which we believe are largely responsible for the fact that many persons and/or groups of persons are consistently denied basic social, economic and political rights. We believe those seven factors warrant mention at this time.

1. Lack of access to education which meets the needs of the particular groups concerned.
2. Lack of access to relevant information on which to plan strategies for self-development.
3. . . . to find and enforce standards of what is needed to live with decency in terms of income levels, housing, recreation and other basic needs.
4. Lack of access to channels of communication within the community to express the legitimate concerns and aspirations of particular groups such as welfare recipients, low income groups and so on, access to legal and organizational assistance.
5. Lack of effective programs at government level to assist persons such as convicted inmates of our penal institutions to become truly self-sufficient and self-reliant.
6. Denial of the right to participate in decisions which directly affect the welfare of a group such as urban renewal schemes.
7. Lack of protection against exploitation from local merchants and professional service people."

And so on. And later on in the submission they state, and I quote: "While recognizing such limitations, however, we do assert that a Human Rights Commission could, and indeed should, be made more effective than envisaged by Bill 121."

Now, Mr. Speaker, I do not see in the proposed amendment of Section 9 or in Section 9 the attempt to recognize, or the recognition in spite of what the Honourable First Minister said,

(MR. SPIVAK cont'd.) but not in the Act, the recognition of these objectives, nor that the Commission would be committed to its attainment, and I must suggest to the First Minister that what is being proposed is not that the Universal Declaration of Human Rights would be attached as a schedule to the proposal, but rather would be substituted for the function, as the objective to achieve, recognizing that all that is being proposed is that the Human Rights would be in a position to report annually on the state, on the way in which our society has moved towards the achievement of this, and I think that this could be, and should be, and would be a fair accomplishment for this province.

MR. SCHREYER: . . . a question?

MR. SPIVAK: Yes.

MR. SCHREYER: What difference does the honourable member draw between the Declaration of Rights attached as a schedule to the bill, in which case it is declaratory, or having it embodied in the bill itself but in such a way as to state it as an objective, in which case it also is simply declaratory. Does the honourable member draw any distinction?

MR. SPIVAK: Mr. Chairman, this is the first I've heard -- is this what the government is intending? Are you proposing that?

MR. SCHREYER: I was asking you the question because of the argument you were making, that the honourable member was making, that it not be attached as a schedule to the bill but incorporated in the bill proper in such form as stating it to be a set of objectives to attain or to aspire toward.

MR. SPIVAK: The objective of the function of the commission should be the involvement in the wider term, in the wider interpretation of human rights, rather than the narrow, which it now has under the present section even in its amended form.

Now the other proposal, of course, in this amendment is the fact that there will be a report to the Legislature, and I think that's a very valid contribution, and that the report to the Legislature would give us an opportunity for some assessment in the way in which our society is moving and for the ability to be able to offer our contribution in assisting our society to the attainment of these aims - and I may say again that, in my opinion, in the main, the commission would be concerned with the private sector more so than the public sector, because obviously in the private sector much more has to be done if we are going to attain the objectives that are set forth here, with some additional government leadership in a particular field.

But, Mr. Chairman, may I say this. I am not surprised at the government's decision. I say this to them. If they are prepared to stand up and vote against this, for whatever reasons the Premier may want to advance at this time, that's on their conscience. It's on the conscience of some of the members opposite, some of whom are Ministers, who have been particularly concerned in this field and who have really the opportunity at this time to advance our society by the introduction of this in a very positive way. That's my opinion. They may disagree, but I believe this to be the case and I approach this and I suggest it in a non-partisan way, and it can be rejected because much of what I have been suggesting in the last little while has been rejected and that's quite understandable - it's coming from the Opposition. But I would rather hope that this would have been dealt with on its merits and would stand on its merits because the legalistic interpretation that the First Minister is presenting, in my opinion does not wash. It's not valid. It's a nice interpretation and you can justify it from a platform and say, well, we did it for this reason, and it sounds good, but there is no basis for it in any legal matter. -- (Interjection) -- Mine sounds good too, but I'm not suggesting, I'm not suggesting as legalistic a way in which it is being interpreted by the First Minister, but I'm saying that there was an opportunity - and I am assuming that the government is going to vote against it in which case this will be rejected - but there was an opportunity this was presenting, to have taken a giant step forward with this legislation rather than the narrow gain, if any, that's been made as a result of this coming into force.

MR. SCHREYER: . . . as clear a way as I can. The Government of Manitoba does not take the position that the Government of Canada is in opposition to the Universal Declaration of Human Rights simply because the Government of Canada has not been able to incorporate that declaration in some statutory federal instrument or law. We are not so unfair as to suggest that, although obviously the Honourable Member for River Heights is being as unfair as it is possible to be, because he is saying that because we are not attaching the Universal Declaration to a provincial statute, that we must be in opposition to the contents of the Universal Declaration. This is simply nonsense. The Federal Government has not incorporated it into statute,

(MR. SCHREYER cont'd.) not because it's in opposition to the contents, but because it, I suppose, feels - and I would say, correctly - that it would not be really adding anything to the law of Canada in so doing because it is beyond their jurisdictional competence alone, and that is the position that we as a provincial entity are in as well. I shouldn't be surprised that the Honourable Member for River Heights is making this kind of unfair attack, that he is going through his early morning posturings on this issue. I have stated the case as clearly as I can. I've tried to explain the realities of the situation. I've also outlined what we hope to be able to pursue jointly with the Federal Government in the future with respect to the Universal Declaration and how to give it more concrete application in our country. There is a course of action that might succeed in giving it more concrete application, but the one that is proposed by the Member for River Heights is not one of them.

MR. SPIVAK: I wonder, Mr. Speaker, whether the Premier could indicate whether the same considerations that he has expressed with particular reference to this amendment were considered by the government before they introduced in the Speech from the Throne that the government would be introducing a provincial Bill of Rights, because surely there would be no point in introducing a provincial Bill of Rights until this was settled on a federal level as he's indicated, and surely they must have had the same position determined at the time, three months ago or four months ago, when the Speech from the Throne was presented.

MR. SCHREYER: The honourable member is aware, of course, that we have not proceeded with the Bill of Rights this session for reasons which I have already stated. There are problems of jurisdictional competence and we thought it would be better advised to attempt to get some better understanding and arrangement by way of dominion-provincial agreement rather than attempting to enact legislation or incorporate declarations in legislation that clearly go beyond the boundaries of provincial constitutional competence.

MR. SPIVAK: Mr. Chairman, I just wonder whether the First Minister would indicate why, then, was the provincial Bill of Rights indicated in the Speech from the Throne and why was there reference by so many members of the back benches during the presentation of their speeches on the Speech from the Throne?

MR. SCHREYER: Because, Mr. Speaker, there always springs eternal in the human breast the desire to give better definition to such things as charters of rights and bills of civil and legal rights, etc.

MR. SPIVAK: Mr. Chairman, having accepted the First Minister's statement, I must say that on that basis he should support the amendment, recognizing that if in fact we do achieve what he suggests, which is the incorporation of something in a more specific manner in the constitution, in a bill or some agreement between the provinces and the Federal Government, then all that has to happen is that this particular section, if it is repugnant - and I don't believe it would be - would be altered and changed, and I would believe, Mr. Chairman, that there would be no one on this side who would oppose it if in fact this was guaranteed by a constitutional arrangement of some type. So all I can suggest, Mr. Chairman, is there is absolutely nothing that the First Minister's saying which would indicate that this proposed amendment should not be supported.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I too would like to go on record as supporting in having this Declaration of Human Rights incorporated into the bill. I can't see the objections that have been raised to having this incorporated even though, as the First Minister says, that certainly we have the Federal Government and the province probably sharing certain jurisdictions, but nevertheless I feel that there are many points in this Human Rights Declaration to which we should be working toward too, and it seems that instead of moving toward them we're moving away from them. In fact, I would like to mention several matters in connection with this. Article 11: Everyone charged with a penal offence has the right to be presumed innocent until proved guilty. Under the Highway Traffic Act, and I know some other legislation that we have, we're steering away from that in that some penalties are applied without having them proved, and certainly it would be worthy to have this incorporated so that the objective would be there and that we would be striving toward that and not moving further away, as we seem to be doing in Manitoba.

The matter of Crown corporation legislation, I've spoken on the Natural Products Marketing Act when that was brought in. We have controlled production and what not, and we're infringing on the individual's right under that particular legislation.

(MR. FROESE cont'd.)

Article 17 says everyone has the right to own property alone, as well as in association with others; and (2) No one shall be arbitrarily deprived of his property. I think Bill 56 is a good example here, too, what the legislation is going to do or will be doing as contrary to what is set out in this article.

We have another section here - and I'm just pointing out a few because I'm sure there's many more. In article 20 we read that no one may be compelled to belong in an association. What are our labour unions doing today? Some people can't get a job unless they join the union. I think this is contrary to the Declaration and certainly this is another very valuable principle that we should, I think, strive toward and try to bring back into effect.

The matter of education. Parents have a prior right to choose the kind of education that shall be given to their children, and I think this has been discussed previously in the House at this session and I think it's a principle that we should subscribe to, and certainly not discriminate against parents who wish to do so.

And then it seems to me, Mr. Chairman, that the first part of the bill dealing with discrimination in connection with housing, employment, contracts and so on. Then we read in Section 9(2): "To forward the principle that every person is free and equal in dignity and rights." Equal. To me, Mr. Chairman, because of the discriminatory sections in there, I think we are no longer being equal, and that rather than having equality, this is a distracting thing, in my opinion, because no longer will some people be able to exercise their preferences under the rights, property rights. This will be denied, and therefore I take exception to the first part of the bill and I feel that this Declaration should be incorporated as an objective and something we should be working toward, so that when legislation does come in we can measure it against it and be guided accordingly.

MR. CHAIRMAN put the question on the proposed motion of the Member for River Heights, and after a voice vote declared the motion lost.

MR. DONALD W. CRAIK (Riel): Yeas and Nays, Mr. Chairman.

MR. CHAIRMAN: Call in the members. On the proposed motion of the Honourable Member for River Heights, that subsections (a) and (b) of Section 9 be deleted and a long substitution following

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

YEAS, 21; Nays, 26.

MR. CHAIRMAN: I declare the motion lost. (Sections 9 to 11(3) of Bill No. 121 were read and passed.) Section 11(4) -- The Honourable Member for River Heights.

MR. SPIVAK: I have an amendment to follow 11(3). I move, seconded by the Honourable Member for Riel, that the following subsection be added to Section 11 after Section 11(3): "Section 11(4). Where a person feels . . .

MR. CHAIRMAN: . . .

MR. SPIVAK: Is it amended, 11(4)? Well, I'm sorry -- that the following subsection be added after Section 11(3) and now referred to as 11(4), and 11(4) then will become 11(5). -- (Interjection) -- Would you like to advise me? -- (Interjection) -- Yes, I believe you think you could, but I'll tell you, I wouldn't want to rely on it.

MR. CHAIRMAN: Order.

MR. SPIVAK: 11(4) - thank you. Where a person feels that he's aggrieved by reason of the enactment of any provision of an Act of the Legislature on a regulation made thereunder, that prohibits the carrying on or engaging in any business, trade, occupation or undertaking except by the government or an agency of the government, and that by reason of the enactment of the provision he seeks to carry on or engage in a business, trade occupation or undertaking in compliance with the provisions and thereby suffered loss, he may apply to the commission for an expression of opinion by the commission: (a) as to whether he was engaged in the business, trade, occupation or undertaking at the time the provision was introduced in the Assembly, or if it is a provision or a regulation under the Act of the Legislature at the time the regulation was passed; (b) as to whether he was required or would have been required under the provision coming into force to cease to carry on or engage in any business, trade, occupation or undertaking and he suffered loss thereby; and (c) if the commission thinks he suffered loss as mentioned in clause (b), as to the amount of that loss.

MR. CHAIRMAN presented the motion.

MR. SPIVAK: Mr. Chairman, this motion was introduced in Law Amendments and voted

(MR. SPIVAK cont'd.) down by government. I would expect, with their consistency with everything they do, that they'll vote this down again.

A MEMBER: Hear, hear.

MR. SPIVAK: Yes. But I must suggest, Mr. Chairman, and I say this because there were comments that were made, unfortunately at a time when I had to leave, and I wasn't there for the actual vote on the amendment, but there were comments made with respect to the bill and the fact that what was happening by this particular clause was in some way circumventing the intent and desire of the bill. Now, Mr. Chairman, as I've indicated before, human rights should not be considered in its narrow field, and there are rights and there are expectations in our society that people should believe they have a reason to anticipate and expect. We have been moving more and more in our society towards the involvement and the restriction and restraint on the civil liberties and the economic liberties of the individual, expressed in the name of the will of the majority, and I'm not suggesting, Mr. Chairman, that that is not the right course of action and I'm not suggesting that that will not happen in the future, although we have a specific case in Bill 56 which I believe is an incorrect one, but nevertheless, the will of majority may be expressed in this case. But, Mr. Chairman, whether it may or may not be expressed by an enactment of the Legislature or regulation, there should be some provision where somebody who has been affected would have the right for some kind of independent determination of his position, so that it is not left to the tyranny of the majority to determine what in fact should be given.

Now, we have had compensation offered in connection with the Bill 56, which I consider a pittance, and I say that, Mr. Chairman, because just a few days ago the Minister of Finance stood up and said Mr. Cass-Beggs was going to get \$35,000 per year and should he be fired without cause, because he had to give up his science council position, we'll make sure by our Order-in-Council that there be a provision that he would be given six months' salary. So Cass-Beggs is worth \$17,000 in case he is fired without cause and the insurance agents are allowed \$85 a year for whatever years they have put in.

Now, Mr. Chairman, I say to you, if that's the kind of fair play and that's the kind of decency that the members on the opposite side believe in, then by God we'd better have some legislation which will protect the individual from the tyranny of a majority that are prepared to adopt that kind of position - and that's a fact. Mr. Chairman, I say this with conviction, with deep conviction, because the members in all conscience on the other side who understand the particular situation with Mr. Cass-Beggs and recognize that insofar as he's concerned there's a sacrifice being made by him for leaving a particular position of prestige, and obviously a salary range that would be almost equal, if not equal to this one, and coming here in the possibilities and the political exigencies that exist that there may be a possibility . . .

MR. CHAIRMAN: I would ask the honourable member not to probe deeply into a separate issue but to try to limit his remarks to the bill and only allude to other instances.

MR. SPIVAK: Mr. Chairman, this is directly related to the issue and I'm justifying the necessity for this amendment.

MR. CHAIRMAN: Well I don't think it's justified to do an in-depth analysis of another issue.

MR. SPIVAK: It's a very simple one, Mr. Chairman, it's very simple. The government has provided by Order-in-Council a protection for an individual who has come here and all I'm trying to do is find some way in which the minorities who are affected by the will of a majority, albeit maybe in the public interest, will still have a right for some recourse. I don't think that this is the best way and when we come to Bill 56 there may be other ways in which to suggest and which proposals shall be dealt with that specific situation. But because we have to be concerned about liberty, civil liberty, we have to be concerned about liberty with respect to law and order, we have to be concerned about liberty with respect to human rights, and social rights and we have to be concerned with liberty in an economic civil liberty sense, because surely anyone who has planned their life in their province and has reason to believe that they are going to be able to build for themselves a profession, a business, a particular job, should have some expectation that if government is going to force them out, that there should be a degree of protection for them; because, Mr. Chairman, in spite of what the honourable members opposite may think, there is a particular onus on government to be moral in the way it handles itself. So far that morality has not been shown and this is why, Mr. Chairman, this amendment is proposed. I expect the government to reject it, as it rejected every other

(MR. SPIVAK cont'd.) suggestion that's been given on this side. But, Mr. Chairman, I want to say to you that that doesn't make it right, and what has happened so far with respect to the particular bill 56 and even the handling of this in my opinion is incorrect.

What is being proposed here is the fact that the commission can make recommendations on the basis that obviously it would become a money bill and would not be permissive under the legislation in which the opposition - this is not a money bill and there cannot be a commitment from our part to impose an obligation on the government. I would say, Mr. Chairman, that had this been in legislation, the fish processors who have pleaded for the last 12 months to the government for some settlement of their situation would have had opportunity to have gone to the Human Rights Commission to have had their situation assessed and then some independent body would have at least been able to have made an intelligent evaluation and they would not have been part of the political football that now exists. Because the government is afraid of setting a pattern and a precedent for compensation in Bill 56, they have had their rights tampered with. Mr. Chairman, I don't believe that's fair and this proposal would have been one way in which to have corrected it.

HON. JOSEPH P. BOROWSKI (Minister of Transportation) (Thompson): I wonder if I could ask the member a question? Would he tell the House what provision his government made to the Manitoba loggers that were put out of business because they signed a deal giving away the timber rights for half of Manitoba to CFI? What provision for compensation did you give to these loggers?

MR. SCHREYER: The fact that the Honourable Member for River Heights is rather reluctant, to put it mildly, to answer the question just asked of him, is simply one of many indications that many, if not most, of the laws passed by parliamentary institutions, particularly in the 20th century, are of an economic nature, and because they are of an economic nature, they affect economic relationships between individuals and between groups. We are in a time when most legislation passed has implications of an economic kind and almost by definition when a parliament or a Legislature passes a law that affects economic relationships somebody, some one person or some group of persons, or groups of persons, are either benefitting or either advantaged or disadvantaged by the passage of that law; and if we are to take the remarks of the Honourable Member for River Heights to their logical conclusion, then it would seem that just about every measure that is passed would require provision for transitional compensation, compensation of some kind, major or minor, depending on the nature of the legislation, and would also, if this amendment were passed, would be subject to commentary by some agency created by that parliamentary institution in the first place.

Of course, laws passed by the Legislative Branch of Government are subject to comment at the time of a case being heard by the other branch of government, the judicial branch. This is the nature of the relationship between the three branches of government and no one is proposing that this be changed. But I would find it very strange if we or any other parliamentary body were to pass laws that were to say in effect, as this amendment does, that whatever economic laws passed by parliament or a Legislature are passed, they are going to be commented upon by some agency established by parliament, by some creature of that parliament, they will have the authority and the right to comment on the adequacy or inadequacy of parliament's decisions. That is for the courts and I don't know that we should ever, in fact I'm convinced that we should not want to change that basic responsibility of parliament.

Now the honourable member went on to make reference to Bill 56, the compensation that we have outlined would be available to those who were disadvantaged by the passage of Bill 56, and he drew some comparison between that and the provision made with respect to senior civil servants, or public servants whose contract of employment might be terminated. I want to tell the Honourable Member for River Heights that in both cases the provision made with respect to senior public servants' termination of employment, and also that of compensation for those who might be disadvantaged by a particular piece of legislation, both, we have adequate precedent and example to go by in the practice of federal government - and at a time when one is going through uncharted waters it is just as well to look about for precedent and guidance. In the case of the Federal Government, for example, their new civil service employment termination policy is such that upon severance of employment there is provision now - I believe there has been for 18 months or two years - for the payment of six months' salary; so what we are doing in the case of senior public servants here is very much in line, very closely in line with the new Federal Civil Service policy. If the honourable member objects to that, well let him object,

(MR. SCHREYER cont'd.) but we feel that this is as good a policy and as fair a policy as can be found; and it's quite new I might add.

The other reference he made was with respect to the adequacy of the compensation program that we have put forward relative to Bill 56 and he relates it to his amendment here. And again I must tell him that what we are proposing in this connection is very closely modelled on practice - and it's relatively new practice - by some of the leading industrial firms in the country and also by certain of the programs of the Federal Government. I believe that in the case of about 10 or 12 larger Canadian industrial firms the kind of transitional compensation benefits they pay for their personnel who have termination of employment, the nature, the formula and the amount available is very closely in line with what I put forward as our compensation or transitional benefit program relative to Bill 56. In addition to that, it should be said that we have in the Federal Government's U.S.-Canada auto agreement, some pretty close parallel situations and a formula of transitional benefits very close to what I have put forward here relative to Bill 56.

For the benefit of the Honourable Member for River Heights I would invite him to read very closely the regulations that were promulgated by the Federal Government -- (Interjection) -- Yes, both with respect to the transitional assistance benefits available to employees and also with respect to the adjustment or assistance provisions available to the automotive repair manufacturers self-employed, the owners of the automotive repair plants, because in both cases, Mr. Chairman, there was obviously some pretty dramatic dislocation as a result of the consummation of the U.S.-Canada auto agreement. Well I'm sure that after giving consideration to all of the ramifications of entering into that auto agreement, the Federal Government decided that it was their view in the general public interest, but I suppose they also saw that it would result in some immediate disadvantage to a relatively few number, those who were in the business of automotive repair part manufacturing, but despite that they proceeded with the larger program making provision however, for some form of compensation to those who would be disadvantaged.

So I come back now, Mr. Chairman, full circle to make this point to my honourable friend. That ever since the days of Lord Shaftsbury's first factory act there have been those who have cried property rights, whenever parliament passed laws in order to provide for more humane conditions of work, in order to provide for more universal insurance and compensation programs, to guard against industrial injury, accident and sickness in order to provide for more equal treatment of employees and citizens in a country generally. Surely it's nothing new, it's not something outside of the knowledge of the honourable member, that ever since -- and if a tidewater mark can be taken I would suggest it probably is 1832 in the United Kingdom and oh the early 1900's in the United States, when Congress and Parliament felt that even though there was a clearly understood body of law and common law with respect to property rights, that nevertheless there was a very definite social and economic need, not to mention anything about man's need to be humane one to another, there was a very definite need to begin passing legislation that would protect persons against exploitation in the market place, in the factory, against unhuman conditions of work and the like. Well I invite my honourable friend to just peruse some of the more detailed books of history and case law from those decades. I would ask honourable members to just surmise what the reaction was in parliament when Lord Shaftsbury first proposed his factory act. It met the same kind of reaction and attitude as is to be found here today with respect to Bill 56. Those judges of the United States' Supreme Court who began to rule in favour of industrial labour legislation, and reform in industrial labour legislation, were looked upon as scamps by those who in the decades prior to that had fought successfully against any meaningful reform and conditions of work, etc., on the grounds of property rights of the factory owners and managers. So we are experiencing today a phenomona and a reaction to a proposed piece of public law that is really in essence not much different from that which was encountered decades and many years ago.

That doesn't mean to say that there is not any moral obligation to consider compensation and traditional assistance programs. The point I'm wanting to make is that if there is to be review of a parliament or legislature's actions in passing public law, it should be by the courts, and certainly it would be incongruous for parliament to surrender, the legislature to surrender the important function of questioning and probing governmental actions to some creature or agency of government. That is really what is proposed by the Honourable Member for River Heights. I suppose if he were in the Federal House of Commons he would be rising in his place

(MR. SCHREYER cont'd.) and saying that because the Federal Government passed the Canada Pension Plan in a way that provided for no compensation whatsoever to those insurance agents, life insurance agents who might have been disadvantaged to some degree or another, he would have accused the Federal Government of 1966 of being completely callous of and indifferent to property rights I suppose. The fact that the Federal Government of 1964 entered into an auto agreement that did disadvantage automotive repair manufacturers, I suppose he would rise in his place and say whatever compensation was proposed by government and agreed to by parliament that was not adequate review and inspection of the agreement by the legislative process but it should be subject to some kind of over view and commentary thereon by some especially created agency of government. All of this, Mr. Speaker, I find to be so much out of line, so much out of accord with long and well understood parliamentary practices. My understanding of parliament, Legislature is this, that whatever social and economic laws are passed, proposed by government, it is the function of parliament to analyze the proposed laws and to in debate comment on their adequacy or inadequacy and I don't think we should ever countenance the day when we would surrender that important parliamentary function or even a part of it or delegate it to some agency or creature established by government.

MR. CHAIRMAN: The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Chairman, I recognize some validity in what the First Minister is saying in that virtually every law that we pass, I suppose, does have some influence on citizens and can have some economic influence on their livelihood. And to this extent, I recognize and I don't think that the Legislature could simply say that for every Act that's passed there will automatically be a review of compensation, and to that extent I go along with what the First Minister said.

I feel, however, that there is a different case where government steps in and moves completely into an area and takes over an industry, for example, and prevents people who were previously occupied in that area from continuing. Then I think that the situation is on a different basis and that we have to look upon it then as an entirely different Act insofar as the citizen is concerned, than simply that which would flow from a change in law - for example, changes that we might make in the Wildlife Act which we are discussing today, could have an effect on say tourist camp operators and we might not want to put into the Act automatically that because we are not going to allow hunting on Sunday, for example, that they'll not be able to have customers on that day, that they are entitled to compensation. This I recognize and I don't think that we could put into legislation that sort of a law. But I think that we have to as legislators be concerned about the effects of our actions at all times. This year, for example, the decision of the government to ban fishing in certain areas was followed by action by government to compensate the people who are directly affected. I support that.

Well now it seems to me that the amendment proposed by the Member for River Heights does not go to that full extent that the Premier seems to read into it. As I read it, the amendment simply says that "where by an act of government it prohibits the carrying on or engaging in any business, trade, occupation or undertaking, except by the government or an agency of the government -- (Interjection) -- certainly.

MR. GREEN: One is that if you read the amendment as it's proposed, then would it in fact - to use the Member for River Heights' words - would it be applicable in Bill 56 where nothing will be prohibited, nobody will be prohibited from doing anything? If I as a lawyer can quite confidently say if that's his meaning, that amendment would not apply to the very case that he raises because nobody would be prohibited from selling insurance. As a matter of fact they could even sell the basic coverage but the citizen would have to buy coverage from the government when he wants it in. So first of all there would be no prohibition which would defeat his very purpose; and secondly, what would be the difference in principle . . .

MR. MOLGAT: Mr. Chairman, I was more than happy to have a question asked, but if he's going to take over and make a speech, I'd like to continue.

MR. GREEN: No, Mr. Speaker, I said two and the honourable member said yes, and I'll get to the next one. I've illustrated the first one. The second one is that even when there is not a prohibition, can't there be just as disastrous effect - and I'll ask the member to comment on one example. The public of Canada has spent I would think millions - it may be by now billions of dollars to subsidize the CBC which puts television into the home and the theatres have suffered very badly by this and they have paid for it. In other words, we've taken the taxes of the people who are engaged in the theatrical business and used them to subsidize them

(MR. GREEN cont'd.) going out of business in great numbers. Would the honourable member comment on those two situations, both of which don't prohibit anybody from carrying on a business?

MR. MOLGAT: Yes, certainly I'm more than happy to comment and I'll take the last question first. When the government established CBC television, they didn't at the same time tell the movie operators you will have to close your movie theatres nor did it take over certain movie theatres in competition with other operators, nor did it take over the industry completely; people were still allowed to continue to operate the movie theatres and some of them have done so most successfully. Now this I think is what happened and it was another form of entertainment but it didn't prohibit the original operators.

The other point was with regards to Bill 56, whether or not the agents were going to be prevented from selling insurance. Well, when I spoke on this amendment in Committee I purposely said I would like to divorce it from Bill 56, because I think if we talk about the amendment in terms of Bill 56 we'll end up with rigid positions. The government on the one side is going to say No, we're not going to do that because it applies to Bill 56 and that I don't think we should look upon the proposed amendment in that light. I'm interested in the principle of the amendment that if -- if we accept in the case of expropriation, for example, that government steps in and takes a piece of property for the greater good of the greater number, this can only be the purpose of an expropriation, that society in general will be better served by that expropriation, we accept then a responsibility to compensate the individual from whom we remove this. It seems to me that if government is going to proceed with going into business, then government has an equal responsibility here where they are preventing someone from earning his livelihood where he was previously engaged in a type of occupation and that by government decision he can no longer conduct that occupation, then I think that the government has a responsibility as it has in the case of an expropriation of property; because it is presumably doing this in the interests of the greater good.

Now I might totally disagree with what the government is doing because I'm not a believer in the government taking over of business enterprises. There are some cases where I will support it, where per se it's right at that time; but as a general principle I don't jump at that as the solution to Canadian and Manitoba problems. But if that is the decision of government and if in that process there is a major disruption, the livelihood of individuals, then I think that government has a responsibility. This amendment -- (Interjection) -- Yes, certainly.

MR. SCHREYER: Mr. Chairman, I would be very interested to hear the honourable member's position relative to the agreement entered into by the Government of Canada and the Government of the United States whereby, although not by law, I admit, but by practical effect -- I'm referring to the U.S.-Canada auto agreement -- by practical effect thereof all Canadian automotive repair manufacturing plants were required to really convert entirely out of automotive repair manufacturing and into some other kind of industrial manufacturing endeavour. Does the honourable member regard that kind of action and result as requiring compensation by the government and comment by some created agency as to civil rights?

MR. MOLGAT: Mr. Chairman, I really don't know what the government did in Ottawa when that change was proceeded with, but I can tell the First Minister that in this area I have had, I think, a consistent position. I am and have been a free trader. I believe that tariffs in this country should be removed, I think we should move in this direction. What I have repeated on many occasions at Ottawa is that recognizing that and recognizing there's going to be a dislocation, I think we then have a responsibility as Canadians to compensate those people who are going to be affected by a major tariff change. Now I think this is only right; I think it's only sensible. I further think it's the only logical way to proceed. I think it's a practical operation, because if you don't do it you'll never get a reduction in tariffs, because quite obviously they are going to consistently object. And I don't blame them, anymore than any of us in our private capacities would object if government stepped in and said you can no longer be a school teacher tomorrow because we've decided that we're going to import all our school teachers from the United States. If this decision were made, wouldn't you blame the school teachers for complaining and wouldn't any of us, if suddenly government were to decide that the legal profession not only will be nationalized but anyone who is presently licenced as a lawyer will be prevented from practicing. Now supposing that action was taken, what would my legal friends in the Province of Manitoba be saying? They'd be screaming loudly. So what I am saying is that we have, it seems to me, an obligation, I think that it is . . .

MR. SCHREYER: Would the honourable member permit one more question:

MR. MOLGAT: Yes.

MR. SCHREYER: Mr. Chairman, since the honourable member has answered my question and since the position he states is very much one that I agree with, would he then indicate whether he regards the government here as being on the right track, if the compensation program that is being put forward here is very very close to that that was offered the automotive repair manufacturers?

MR. MOLGAT: No, I don't think that that necessarily follows, Mr. Speaker, and I don't really think the First Minister wants to be considered as a follower. I was under the impression that he was a leader and that he was prepared to innovate and change and I don't think that he should guide himself in this area on what Ottawa did in the auto field. I don't know what they did. Maybe it was good, maybe it was bad. If it's good, fine, I'm prepared to look at it, but I don't think that that should be the guide. The guide should be what is right, what's fair, what's reasonable in the light of our situation here in Manitoba, that must be the consideration. If we're talking about human rights, that's the whole question: What is right, what's fair, what is reasonable? We can't legislate everything. We can't correct all injustices but we have to strive to do so. The bill deals mainly with human injustices but I think that the economic ones affect very directly the human ones; it's part and parcel of it.

So I think that the First Minister should reconsider and look at the amendment as it reads, and it reads clearly, to me at least; those areas where government prohibits someone from carrying on by government action. Secondly, it does not tie the government to any specific amount. I recognize this would not be fair to have a commission simply establish an arbitrary amount and the government be tied to it; there must be the right of government to agree or disagree, and there must be a right of the individual, in my opinion, to appeal to a court. But all that would happen if the government accepts this is that there would be a study of the question by the commission and a report published. Government could disagree with it or could agree with it but it would be brought out into the open by an unbiased commission who have no particular axe to grind on the subject and then public opinion would prevail. Then the government obviously, if it was felt was not being fair, members on this side as their responsibility in opposition, as my honourable friends have been in the past, recognizing that that's part of the system would see to it that the claim which these people have put forward-- but it would be a claim that would come from an unbiased body.

Frankly I don't consider myself to be in a position to judge what is fair in an expropriation or fair in the case of dislocation of an enterprise. I suppose if I were put on a commission to study it I might come out with a conclusion but I don't think that the members per se can say this is right and this is wrong without making a detailed study of the subject. So this would be an outside commission who would make that recommendation. Government could accept or reject, but there would be a base from which we could begin and there would be a protection of the individual embodied in the Act that would be free from government interference. I think that it would be a wise course of action for the government to consider.

MR. CHAIRMAN: The Honourable Member from St. Boniface.

MR. LAURENT L. DESJARDINS (St. Boniface): Mr. Chairman, I might say that this subject, this amendment interests me an awful lot. I listened to what was said when this motion was first introduced in committee and I'm pleased to see that today the debate I think will be more productive. I didn't particularly care for the debate initiated by the member that made the resolution then, the Minister of Mines and Natural Resources; I think that we got involved in slavery and in the government not having any heart and so on; I don't think that we were too constructive and I hope that this will not follow today, this type of debate. I'd say that I looked at this very carefully. I've discussed this with certain people, I've asked a lot of questions. Because as you know, Mr. Speaker, this is one of the things that I confess publicly here that bothers me about Bill 56. There are certain things I can take, there are certain things that I would like to see done a different way I can accept quite easily, but I feel that we have a duty, a responsibility toward certain people that we might put out of business.

Now I don't think that in a bill as important as this one though we should have clauses directed at, well as this, I'm sure that this clause is directed at Bill 56, for instance. We've talked about being careful in bringing in legislation. I think that maybe it is a little late in the session, I think that maybe we should discuss this and have somebody look at this very seriously and bring something that would cover everything, but I don't think that this is the answer,

(MR. DESJARDINS cont'd.) this amendment is the answer. First of all this amendment will do nothing. This amendment will just give a form for people to go and find out if it is the opinion of these people of this commission as they deemed wrong, this is the first thing.

Now, I say that I was a little disappointed. I probably would have been - politically anyway, I would have been placed on the spot - but I was disappointed that there was no amendment to the Expropriation Act. It would have been very difficult for me to reject such an amendment because I feel that in a case if we're going to take over something, be it a piece of land or property then there is a certain form of expropriation. This amendment wasn't brought in. I heard rumors that it might have and when I was questioned by the newsmen I said well of course it depends on what the amendment would be but it would be very difficult for me to reject.

Now, after having said this that I don't think that this is the answer, I am also quite concerned with what's going to happen after Bill 56 and if Bill 56 becomes law. I, on the surface - and the Member for River Heights has made quite a bit of this - stated about a certain fellow from East Kildonan who paid \$70,000 for property and if you listen to some of the things the Premier said, he would be getting \$85.00 compensation. Well of course this is ridiculous and of course I could not agree with this and I could not vote for the bill if I thought that this was the extent of the compensation that we will give a person such as he. First of all it seems to me - and I hope I'm wrong - that the Opposition are trying to put the government and the Premier in a bind to say, this is what you said and this has to be rigid, and I don't read it like this, and with discussions that I have, it isn't that at all.

Now, the Member from Ste. Rose, I think, spoke very well a second ago and he mentioned certain things. He mentioned that he wasn't an expert, that it was very difficult for the members of this House to determine what compensation there should be, and I certainly agree with this. I know that no matter what I do I know that I'll be criticized because you never give people enough; they always want more. Nevertheless I think I have a responsibility and a duty to see that at least they receive something which I feel maybe is not exactly what they should have, but at least it will certainly help them along in readjusting.

Now what the Member for Ste. Rose has suggested that there be a committee, and the Member from River Heights, while bringing in this amendment, is talking about a commission. That's already been promised by the Premier, and I'm satisfied with that. I think it was quite clear that the government, through the Premier, has stated that there would be an independent commission looking into this. We've already had the promise of this. But then they won't stop there. They'll do more than just say yes, you've been wrong. They'll be bringing in recommendations and I suspect that they might have the - mind you, there'll be certain guidelines - but they might have the final say as to what will happen.

Of course we realize that if and when Bill 56 passes, the next day the government is not going to be in the insurance business. It's going to take awhile and I feel exactly the same thing. The same way as when I spoke on second reading where I said that certain things that I will accept as a member of the government caucus, but I feel that there should be compensation. I'm not one, and I'll repeat here again, I'm not one that feels that we should have only the same compensation compared to somebody that lost a job. I look at it a little differently. Who's going to be affected by Bill 56? There's the insurance companies. I have sympathy with them but I'm not too worried about them. Then there's certain towns that might be affected and we can't start paying for sewers or things like that in Wawanesa or Portage and so on, but I think that we should have sympathy and we should do everything we can to help them. Then there's other people that'll lose jobs and we will try to give them jobs.

But the people that I'm worried about are the agents, because it's not only - and I don't think that that has come out yet in committee - you don't just get the people that have lost their jobs, but these people have investments. They put an investment in and because of the action of the government it might be difficult for them to repay. Some of them might have mortgaged their homes and I think it would be most unfair and I won't be part of any legislation that'll cause people to lose their homes, because of that, and I repeat . . . -- (Interjection) -- Beg your pardon? -- (Interjection) -- Well, all right. -- (Interjection) -- I thought we would keep this on a constructive plan, but my friend doesn't want that. He's saying that I'm part of it right now. Well I guess his conscience is his own to direct his own actions and I think I'll be responsible for my own actions, and I don't feel that I am right now. First of all, Bill -- (Interjection) -- well if you have any questions will you please ask me and after that

(MR. DESJARDINS cont'd.) will you mind keeping quiet. All right, thank you.

First of all, Bill 56 the third reading hasn't been accepted yet, so how can he say this? Then there's other steps. I said that I will not favour anything unless I'm satisfied, not the agents are satisfied. I know I'll be criticized. I can't win. So I can't worry too much about that, I must worry about my own conscience, not the one of my honourable friend, I know he's got one and I'm going to take care of my own.

MR. CHAIRMAN: . . . speech on Bill 56, but merely to refer to it in a general way.

MR. DESJARDINS: Well, Mr. . . .

MR. CHAIRMAN: I'm breaking up a major debate.

MR. DESJARDINS: Mr. Chairman, I think that there's a reason. I don't intend to make a speech on Bill 56 but I think that this amendment, it's been talked to by the Premier, by the Member from River Heights, by the Member from Ste. Rose and there is no doubt that we know why this amendment is brought in at this time and I think that I should be permitted to explain what I think of the protection that we're going to give the public. This is exactly the debate, Mr. Chairman, so . . .

MR. CHAIRMAN: . . . were to stick to the general principles rather than the fine details.

MR. DESJARDINS: Well, this is what I'm trying to do. Yes, Mr. Chairman, I feel that on this question of these people that might be displaced - this is what the amendment says - I think that first of all even if you passed a bill such as Bill 56 it doesn't mean that the government is in business from one day to the other, and I suspect that it will be quite difficult to know, as my honourable member for Ste. Rose said, to know before Bill 56 is passed exactly what kind of compensation that you have, because I think that this independent commission that we were told would be established, I think that they will have to deal with this, and I am sure - and this is something that I would want to make sure that we have a statement on this - that before the government contemplates going in the business that there will be an Act, a special Act, for the compensation of these people, and this is certainly, I say to my honourable friend, this is the time to see if I'm going to be responsible for people losing their homes because of that. I don't have to vote for this Act. Even if Bill 56 passes now, that if we don't know all the details, come the next session before the government goes in business, I don't have to vote in favour of any Act if I'm not satisfied. Then there's chance to vote a non-confidence in this government, so, Mr. Chairman, I think this was needed to go in the details that I did. I apologize for the time that I have used, but I think that it was necessary; to me anyway it was.

I feel that I might agree with the general principle that the Member from River Heights is trying to bring out but then I'm not alone. I think there's 57 members in this House that agree with this principle, but I don't think that this amendment will do anything. I don't think - for one thing it doesn't go far enough - and I'm ready to wait to see if this is aimed at Bill 56. I'm ready to see the Act proposing the compensation for Bill 56 before I decide if it's enough, if it's there, and if between sessions, the members of the Conservative Party or the Member for River Heights has something, wants to look at this bill that we're considering now with some amendments that will not be aimed at one piece of legislation only, I'm sure that we will be very pleased to look at this come next session.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, just a few comments on the confessions of the Honourable Member for St. Boniface - on the confessions of the Honourable Member for St. Boniface. I really do . . .

MR. DESJARDINS: . . . it's all right to be funny once in awhile and he's had his day yesterday. There's no confession at all, not more than when he elaborates when he's campaigning around here. I think that I can speak without being accused of confessing.

MR. SPIVAK: Yes. I would think, Mr. Speaker, that it'd be more advisable for the honourable member to refer them to a psychiatrist and ask for an opinion rather than this House.

Now, Mr. Chairman, I'm now going to deal with, if I may, the First Minister's comments. The First Minister indicated . . .

MR. GREEN: When it was referred to me I didn't raise the point of order, but the honourable member has commented on the mental health of various members - it doesn't bother me because I'm not worried, but I think that this is an abusive practice and I would urge the honourable member to stop.

MR. SPIVAK: Well, Mr. Chairman, I did not in any way comment on the mental health of the honourable member.

MR. GREEN: You said that they should be referred to a psychiatrist.

MR. SPIVAK: I suggested that the particular dialogue that went through was more appropriate in another form than here.

MR. GREEN: Did you not say psychiatrist?

MR. SPIVAK: Yes, and I believe that that's where the form should be discussed.

MR. GREEN: Well, Mr. Chairman. . .

MR. SPIVAK: I don't believe it should be discussed here.

MR. GREEN: . . . the honourable member every time . . .

MR. SPIVAK: . . . I do not, Mr. Chairman, believe that there's any violation of any questions or any question privilege on this.

MR. GREEN: I didn't raise a question of privilege, Mr. Chairman, I just asked my honourable friend to permit an interruption. He did sit down, and I say that he has done it on numerous occasions with regard to myself. I'm not worried about that. Now he's done it with regard to another honourable member, and I merely urge him to stop and I leave it at that.

MR. CHAIRMAN: I'll just say on that note that the comments of the Member for River Heights in that regard may be offensive to some members but I do not believe that they are unparliamentary.

MR. DESJARDINS: . . you want. Remember that you make this decision.

MR. CHAIRMAN: Well, I certainly do not, I do not want to wish to encourage members in the choice of certain language but I cannot prohibit certain comments that are made.

MR. DESJARDINS: If that's the way it's going to be - as long as I know.

MR. SPIVAK: Mr. Chairman, I'd like to deal with the First Minister's presentation a few moments ago, and there's one thing that's extremely interesting. He indicated that he cannot see how there can be some independent appraisal other than by way of court of the activities of government, that this would be the appropriate way of handling it - and my God, he supported an ombudsman bill last session, and surely the ombudsman legislation accomplishes everything that he says should not be accomplished or should not be achieved by some independent review of government activities. The Honourable Minister shakes his head but I suggest that if we read the Hansard we will find that the ombudsman legislation is in direct contradiction of the position that the Minister has taken.

Mr. Chairman, I'm going to say something that has to be said now, and it has to be said because I've listened with some concern to the representations of the First Minister. The First Minister continually tries a bluff in connection with the Adjustment Assistance program and the transitional aspect that was referred to and by comparing it as some way in which to justify the compensation that's presented and I suggest, Mr. Chairman, that that bluff will not work. It's not an accurate summary of what took place; they are not comparable situations and all the attempts on his part to try and have an answer and a response to the criticisms levelled, it won't work, because we've learned one thing with the First Minister, that there are certain standard responses that he prepares as the way in which to answer a situation and he'll talk from his position whether he answers the question or not and that's the position he's going to take and because he's First Minister and because he is the Premier of this province he's listened to. -- (Interjection) -- He is listened to, and I may say, Mr. Chairman, notwithstanding the fact that he's the First Minister and notwithstanding the Premier, if what he says is wrong and if what he says is distorted, then, Mr. Chairman, at one point - and history will tell us in the future if not immediately - at one point the judgment will be made on the representations that have been made and the answers that have been made in this particular situation.

Now, Mr. Chairman, we are going to deal with Bill 56 in time and there'll be proposals and I am one who believes that for Bill 56 the court procedure will be a better one, but an obligatory situation, not a discretionary one, a discretionary situation in which there should be something left to the Minister to determine one way or the other, or the Lieutenant Governor in Council to determine one way or another as to whether or how and in which way compensation should be given. When we get to Bill 56 there'll be specific recommendations from this side in connection with the question of compensation, but forgetting about Bill 56 but talking generally about what is intended here, surely we recognize that there has to be some way in which a person has a right to some kind of adjudication of his situation if he believes that

(MR. SPIVAK cont'd.) government has prohibited in carrying on, engaging in any business, trade, occupation or undertaking. And I don't want to argue the legal question of it one way or the other. I'm simply saying that surely there must be some way in which the person is entitled to get some kind of adjudication, because the adjudication here is only a moral one, because the government will only have a recommendation, it does not have to act and that's all that's been proposed. If the government wants to vote against it, then vote against it.

MR. CHAIRMAN: The Member for Rhineland.

MR. FROESE: Mr. Chairman, I wish to make a few remarks in connection with the amendment that is before us and which would give the commission the right to examine and the matter of grievances and also to come out with the decision as to the assessment as far as losses are concerned. It seems to me that if we're setting up such a commission why not give them the opportunity to bring in decisions of this kind. Certainly when the Fish Marketing Bill was introduced a year ago last spring or winter, the members of the New Democratic Party in Opposition at that time - and the First Minister was not a member of this House - they seemed to express very great concern about compensation of these very people. It seems to me now that their position has changed, that they no longer speak out as they did at that time on behalf of these people and certainly in my opinion do not have the concern for them that they had at that time.

The Member for St. Boniface in speaking mentioned that if a certain amendment had been brought in on the Expropriation Act he would have great difficulty. If he really feels that strongly about it, why didn't he bring in an amendment of his own? I, certainly, if I felt that strongly about the thing I think I would have brought in an amendment on my own. But nevertheless, Mr. Chairman, I feel that the amendment before us is a valid one, that we will give further consideration to - if not in this bill, then in other Acts or Bills before us that will be dealt with later - but I think it would have its proper place right in the Human Rights Act, so that these rights of the individual whose property is being taken or rendered if not worthless, at least the worth of the property will be reduced very considerably and it could mean, well it does mean that many people will be losing their jobs, they will be losing their income, they will lose the equity in their business to a very large degree and for some of them it will mean bankruptcy and when it means bankruptcy they may lose their home as well.

So it is a very serious situation that Bill 56 brings about and certainly the Fish Marketing Corporation Bill when it was passed, and I think which this measure would in a large degree correct, or bring justice to the situation that we should seriously consider the amendment that is before us and incorporate it in the bill.

The representations that we have heard in Committee of Utilities certainly were very strong and the people whose income and job and equity is at stake, they feel very strongly about this and no doubt I would do the same if I was in their position and I would definitely feel that I was being treated wrongly and not only aggrieved, I think I would consider it being robbed by the government of my assets and this is what is happening, as a result of the action that is being taken by the government. Therefore I feel that if we bring in a Human Rights Commission that this should be brought under their jurisdiction that they bring in a report and let us know as members of the Assembly what, after examining these various cases, what the proper amount should be and let us then give due justice and give them their proper return for the damages committed.

So, Mr. Chairman, I definitely will support the amendment before us. I don't think we should just leave it to the other bill or to the other Act that will be considered later on. I feel that it belongs in this bill and therefore I will support the amendment.

MR. CHAIRMAN: The Honourable Minister of Municipal Affairs.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs) (Selkirk): Mr. Chairman, the attitude and approach of the Honourable Member for River Heights, of course, should not surprise anybody in this Chamber. It's his typical approach and attitude towards government, the affairs of the land; it's an attitude that certainly very truly, very properly represents the attitude of the people, generally speaking, in River Heights but it does not represent, it cannot represent the attitude of public generally. I note when the question was asked of the Honourable Member for River Heights what about the loggers, he remained ominously silent and he had remained silent for the years in which he had a position of influence in the prior government in respect to the position of loggers and others displaced.

(MR. PAWLEY cont'd.)

In the recent edition of the Toronto Daily Star a comment is made by Lloyd Linton, full time planning associate with the Winnipeg Community Welfare Planning Council. He referred to the fact that thousands of rural workers have been displaced by new machines and are having difficulty in finding and holding jobs in other fields of work. Many of these people are now living on welfare rolls in the City of Winnipeg and the Honourable Member for River Heights smiles, because this is his philosophy and approach and behaviour towards people. It's a two-sided approach that is represented by his economic philosophy and attitude. If government does something as a result of technical or economic changes within the community that results in a theft upon someone's livelihood or income, then suddenly that becomes an extremely serious thing, that immediately there must be provisions written into an Act to deal with, but when those same things occur because of changes by private enterprise, technical change, automation, do we hear screams of concern for the worker displaced? I have listened to the honourable member on this question in Law Amendments and I thought that by the time he would have arrived in the House today that he'd be prepared to look at the total picture, not just from the picture that he knows because of his own most involved understanding and participation, but from the general viewpoint of the worker and the farmer displaced, the small businessman displaced by the gradual squeezing out due to the economic pressures of large private business, whether it be the super chain or other operation. No, the honourable member is not concerned, and therefore, Mr. Chairman, this amendment - and it concerns me greatly because it is just another example of the honourable member using the opportune of this House at this point for political purpose rather than trying to deal with the entire social issues facing the country.

The honourable member, as the Honourable Minister of Transportation has pointed out on different occasions, never raised a voice about the businessmen that were affected by the closing of Highway 59. I don't seem to recall announcements or speeches in this House. Again he was silent when businessmen were threatened with their livelihood because of the closing of Highway 59. Not a sound was made. I don't recall great concern, great emotion shed by the Honourable Member for River Heights when the workers up in Bissett were being displaced by their jobs. I don't recall. I just don't recall. If he did make comments, then they were certainly much lower-keyed than the comments that he's making at the present time. I have never in the last year or so recalled famous speeches of concern about the small farmer being squeezed off his land due to policies by the Federal Government. I know some of his backbenchers in his party have, and I give them credit for it, that they have been concerned about the agricultural crisis in the province of Manitoba, although they have failed to deal largely with the root causes of the agricultural crisis, but never have I heard, never have I heard the Honourable Member for River Heights make reference to this problem. And, you know, I think that we could really be much more concerned and interested in amendments that the Honourable Member for River Heights would introduce in the House if he would demonstrate a consistent pattern throughout, a pattern of concern for all people, worker and farmer and small businessmen, but the only thing that I seem to ever hear from the Honourable Member for River Heights is a concern for businessmen, big businessmen, never for the little man within our society. I have sat in this House, true, for only a year, but I have only heard one tune constantly, repeatedly, from the Honourable Member for River Heights, and probably he feels that that's all that he need represent in this House but I suggest to him that he should be thinking in terms of representing the people, the people in the province of Manitoba as a whole, and not just one segment that he is repeatedly doing.

MR. CHAIRMAN: Is the Honourable House Leader making an announcement or . . .

MR. GREEN: Well, Mr. Chairman, I notice there are two minutes left on the clock. I wasn't intending to speak but I see the honourable member has a speech in him, perhaps there'll be more in him if I have a few words which I was going to take five minutes, but in the meantime I would move that the committee rise.

MR. CHAIRMAN: Committee rise. Call in the Speaker. Mr. Speaker, the Committee of the Whole has directed me to report progress and begs leave to sit again.

IN SESSION

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, I move, seconded by the Honourable Member for Kildonan, that the report of the committee be received.

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

July 21, 1970

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable the Minister for Government Services, that the House do now adjourn.

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