

THE LEGISLATIVE ASSEMBLY OF MANITOBA
9:30 o'clock, Saturday, July 10, 1971

Opening Prayer by Mr. Speaker.

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

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 33 people from Knoxville, who are our guests. On behalf of all the honourable members I'd like to welcome you here today.

INTRODUCTION OF BILLS

MR. SPEAKER: The Honourable the Attorney-General.

HON. A.H. MACKLING Q.C. (Attorney-General) (St. James) introduced Bill No. 109, an act to amend The Expropriation Act; and Bill No. 112, The Statute Law Amendment Act, 1971.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs) (Selkirk) introduced Bill No. 111, an Act to amend The Municipal Act (3).

MATTER OF GRIEVANCE

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition) (River Heights): Mr. Speaker, I rise on a point of personal privilege and a matter of privilege. Mr. Speaker, this is the sixth sitting of the House since the Committee on Public Utilities met on Thursday morning, on six occasions the Member for Osborne, who is the chairman of the committee, has not been present in the House and the report of that committee has not been presented to this House as it should have.

The committee was called for the purpose of examining the Manitoba Telephone System report. The work of that meeting was completed, and under our past practices in this House the report of that committee and the report of the activities of that committee would have been tabled in this House, and would have given the members on the government side, and on the opposition side, the right to either accept or reject. -- (Interjection) --

MR. SPEAKER: I would like to hear the point of privilege of the honourable member. I don't know under what procedure he's questioning what has been going on in the House, except to state a grievance. I do believe our procedure does indicate when a grievance can be taken up in its normal procedure of the House. There is no motion before the House at the present time. We are on the question period, and I would like some guidance from the House in respect to the procedure the Honourable Leader of the Opposition is introducing at the moment. The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): Mr. Speaker, if I may, a matter of privilege can be raised at any time that a member feels that the privileges of the House have not been upheld. The matter of privilege raised by my leader is simply that in spite of the fact that six separate sittings have elapsed since the last meeting of the Public Utilities Committee, a report which is a matter for debate in this House has not been brought before the House.

MR. SPEAKER: The Honourable House Leader.

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management) (Inkster): Well, Mr. Speaker, on the point, I believe that the point that is being made is relative to the ordinary business of the House and that the report can be brought in at the disposition of the chairman of the committee; and I state quite frankly, Mr. Speaker, that it may be six sittings since the Hydro Committee meeting, but it must be possibly closer to 30 sittings since the Economic Development Committee met and no report was presented, and the reason I tell the honourable members quite frankly is that this year there has been extensive debates on reports and we have not been able to get to other business. Now those committee reports will be brought in; they'll be brought in and they'll be debatable by the members of the House, but they'll be brought in at the instance of the chairmen of the committees when it is best seen fit to bring them in.

MR. SPIVAK: Mr. Speaker, the Honourable Minister of Mines and Natural Resources, the House Leader, has confirmed the matter of privilege that I rose on.

Mr. Speaker, the Honourable Minister of Mines and Natural Resources' explanation goes against the traditions and past practices of this House. Mr. Speaker, this is a flouting of the procedures which have been followed in the past, which have in fact provided that the report of the committee, if the committee's work is completed is presented. Mr. Speaker, it was not presented, and again the government has used its majority and its position to flout the legitimate way in which the members on this side are entitled to debate the issues before the . . .

MR. SPEAKER: Order please. The Honourable House Leader.

MR. GREEN: Mr. Speaker, on a point of privilege, the honourable member has suggested that the report is not going to be presented, and I specifically said that it will be.

MR. SPEAKER: Order please. I would like to indicate to honourable members that the Honourable Leader of the Opposition rose on a point of privilege and consequent to that we've had some debate on both sides. We've also had the raising of another point of privilege on a point of privilege. I'm afraid that we can't proceed in that fashion because you can't have points of order on points of order or points of privilege on points of privilege. The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Speaker, may I rise in relation to -- I believe the Speaker recognized the Minister of Labour. May I suggest to you, Sir, that if this is a point of privilege it should have been raised at the first sitting or following the first sitting of the House after the meeting of the committee, because as I understand Beauchesne and the rules of order a matter of privilege should be taken at the first opportunity that any point of privilege arises. My honourable friend by raising this admits that six sittings have passed since the meeting of the committee and in accordance with my interpretation of Beauchesne the honourable member should have raised that point of privilege at the first opportunity.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, we attempted to be fair with the members on the opposite side. Mr. Speaker, on six occasions the Member from Osborne has not been present at the opening of the House, and, Mr. Speaker, his absence -- his absence is directly related to the absence of Mr. Cass-Beggs from this province. There's been a deliberate attempt on the part of the government to frustrate the ability of the Opposition to be able to deal with the matter before the Public Utilities and the remarks -- and the remarks, Mr. Speaker -- and the remarks, Mr. Speaker -- and the remarks of the Minister of Mines and Natural Resources supports opposition . . .

MR. GREEN: . . .

MR. SPIVAK: Listen, the rules . . .

MR. SPEAKER: Order please. I have listened to the House and it appears to me that the procedure as we have practiced it has not been contravened to the knowledge of the Chair. I am not aware of what is going on in this committee, whether the committee is ready to report or not. I should like to indicate that Beauchesne is clear, and so are a number of other authorities in respect to discussion of what has taken place in the committee, or what is supposed to take place in the committee, is not allowable as debate before the House.

ORAL QUESTION PERIOD

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my question is to the First Minister. I wonder if he can confirm to the House that the General Manager of the Auto Insurance Corporation has been replaced or fired?

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Mr. Speaker, if there's any statement to be made in this respect, it'll be made next week.

While I'm on my feet, Sir, I'd like to raise a point of privilege if I may. The Honourable the Leader of the Opposition a few moments ago, I think Hansard will show, indicated that the Member for Osborne was not here, a matter of deliberate absence so as not to be in a position to present the report of the committee. That, Sir, is a clear imputation of motives which is clearly unacceptable, and I bring that to your attention, Sir.

MR. SPEAKER: The Honourable Leader of the Opposition on the same matter.

MR. SPIVAK: Yes, Mr. Speaker, on a point of privilege. I would like the Honourable Member from Osborne to stand up and make that remark and not the First Minister.

MR. SPEAKER: Order please. I would like to indicate that as far as the matter raised by the Honourable First Minister, I was going to indicate that is a point of be noted, and if the Chair was a little slow in recognizing that an imputation was being cast, I apologize to the House, but it is not necessary for individual members to indicate a matter of privilege. It is the purpose of all honourable members to help conduct procedures and to guard the privileges of the House, not just any one individual member. The Honourable Leader of the Opposition.

MR. SPIVAK: I wonder if the First Minister can confirm whether the import that will be replacing the General Manager of the Auto Insurance Corporation is coming from Saskatchewan?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, I don't recall during my years on the other side that anyone on the other side ever asked of the government where a senior public servant was coming from, and I don't feel . . .

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: A supplementary question. I wonder when the First Minister makes a decision to announce it to the House whether he'll indicate whether there's a no-cut contract again?

MR. SPEAKER: Hypothetical. The Honourable First Minister.

MR. PAULLEY: Don't give him the time of a reply.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, I should like to ask the Minister of Agriculture if he's had an opportunity to meet with representatives of the western provinces and the Federal Minister of Agriculture in discussing the Federal Government's egg purchase program?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): No, the subject of eggs was not entertained at yesterday's meeting. We were dealing with the report of the Canadian Wheat Board to our group - an informal type of thing - and also a report from Mr. Lang on Bill C-244 as it stands.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: I wonder if I may ask the Minister if when he travels to Montreal on Monday he is going to take advantage of the opportunity to have discussions with the Minister of Agriculture in Ottawa relative to the egg purchase program.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): Some discussions have been undertaken some weeks ago, but I'm wondering what the honourable member is trying to infer or trying to suggest.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: If I may be permitted - what I am trying to suggest is that the program thus far has meant nothing to the Province of Manitoba, and has not relieved the situation, and I was wondering if the Minister would take advantage of the opportunity to ensure something more substantial in the way of assistance could be provided for the egg producers in the Province of Manitoba who are suffering from the effects of the contravention of the Supreme Court ruling.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: On a point of clarification, is the honourable member suggesting that eggs are not being exported from Manitoba?

MR. SPEAKER: Order, please. During the question period we should have questions. Sometimes a question may need to be clarified but we should not have debate. The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. My question is also for the Minister of Agriculture. As a result of his talk yesterday where members of the Canadian Wheat Board were in attendance, can the Minister indicate or assure the people of Manitoba that the full eight-bushel quota for wheat will be filled this year?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: We have been told or advised that it's believed that they will be able to handle the full eight-bushel quota by the end of this year.

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

MR. GRAHAM: A supplementary question. Was there any indication given by the Wheat Board that there's a possibility of additional quota beyond the eight bushels for this present crop year?

MR. USKIW: No, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Souris-Killarney.

MR. EARL McKELLAR (Souris-Killarney): Mr. Speaker, I have a question of the Honourable Minister of Industry and Commerce. I would like to say before I ask the question that it concerns a statement in the Brandon Sun in Thursday's paper, Mr. Speaker, and I know that we're not supposed to read statements, but I'd just to illustrate what's in the -- the Minister . . .

MR. SPEAKER: Order, please. Would the honourable member place his question?

MR. McKELLAR: Because of statement in the paper which mentioned -- yes -- Is it the policy of the government not to give contracts to the lowest bidder because that particular company is to be considered too small? It concerns . . . Building in Brandon tenders.

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

HON. LEONARD S. EVANS (Minister of Industry & Commerce) (Brandon East): Mr. Speaker, this particular matter which the honourable member refers to is a matter which falls within the jurisdiction of the Minister of Public Works and Highways. I know that it is standard practice of not only this government but with any government, not only in Manitoba historically but in other jurisdictions in Canada, not to necessarily accept the lowest bidder.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY McKENZIE (Roblin): Mr. Speaker, I'll direct my question to the House Leader. I wonder if the Honourable House Leader can give us some indication when we'll get those Orders for Return that were submitted on April 7th.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: No, Mr. Speaker.

GOVERNMENT BILLS

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, could you call Bill No. 33, please.

MR. SPEAKER: The proposed motion of the Honourable Minister of Consumer and Corporate Affairs. The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I know that Bill 33 has been standing in my name for quite some time. It may have been called during the last few days which I was absent from the House, but during the time that I was here for quite some time that it stood in my name, it's never been called, so I'm glad if the House Leader held it yesterday but it still stood in my name.

The proposed Mortgage Brokers and Mortgage Dealers Acts draws a distinction, Mr. Speaker, between mortgage brokers who lend money on mortgage, or arrange mortgage by bringing borrower and lender together, and dealers who receive money for investment in a mortgage -- and I have no argument that legislation should be updated in that respect.

But my point that I wish to raise at the present time, Mr. Speaker, is, it appears that the Minister is bringing legislation on assumption what may happen sometimes in the future and I just wondered if this is proper, because one of his own statements, a statement that the Minister has made, and he's stated that Manitoba has as yet had little trouble with mortgage investors due to responsible conduct of businesses in the field, Mr. Hanuschak said: "However it is apparent from our experience that at any moment another competitor may enter the field." Well, Mr. Speaker, another competitor may enter the field so we have to bring legislation. If that was the reason I'd say it's quite unfortunate, because for the simple reason, Mr. Speaker, I think we need money in this province: we need financial resources in this province; and I wonder if the Minister has met with financial people to see that in any way this legislation will handicap or restrict people from doing business in this province. I'm not saying that it will but it may, and if it would, then the Minister is going to find himself in this type of difficulty that there will be less money for investment purposes in this province, because I have talked to some of the financial institutions and I'm told -- they said well, our quota used to be, you know, in this province 10 million or \$12 million and we're cut down to 8 million this year. It may be because of the business has tightened up. But I would hope that this type of legislation will not, will not in any way, -- in any way make it more difficult for credit, for people getting

(MR. PATRICK cont'd.)credit and make it much more difficult for investors to invest money in this province because if this is what the legislation is intended, I'm certain that the Minister is doing the wrong thing. Because if the statement that I have here is correct what he says that Manitoba has as yet little trouble with mortgage investors due to responsible conduct of businesses in the field -- Mr. Hanuschak said, "However it is apparent from our experience that at any moment another competitor might enter the field." Well if that's the case, Mr. Speaker, because no, no legislation of any type will prevent a person who's out to embezzle the people, or out to be a real crook, he's going to get his way and it doesn't matter what legislation you have, he still can bypass the law that's in existence.

So, Mr. Speaker, my only few points -- I will let the bill go into Law Amendments Committee and perhaps there will be other delegations that I will be prepared to listen to, but legislation concerning brokers to bring it in line to that of the mortgage, I understand, dealers, they'll be required to register and keep trust accounts, file financial statements; well I have no argument with this reason to have to be bonded, but my concern is, Mr. Speaker, is that -- let's not make it more difficult for investors to do business in this province and let's not chase away some of the financial people out of this province.

My last question to the Minister would be, has he met with the financial people, with the trust companies, with the mortgage companies, the financial companies in connection with the bill, and was there demonstrable need for it? That's what I'd like to know. Because in my opinion a person that's dishonest and wants to defraud a borrower or somebody else will do it anyhow, it doesn't matter what type of legislation you have. He can still do it as a, not as a company, but he can probably do it as a private individual. So you can't -- and the only one that I can recollect that we had some real difficulty with was, I believe was called The First Financial Mortgage Company, or something, a few years back, which we had a commission on. But my only concern is, let's not make it more difficult for our investors in this province.

MR. SPEAKER: The Honourable Minister of Consumer and Corporate Affairs.

HON. BEN HANUSCHAK (Minister of Consumer, Corporate and Internal Services) (Burrows): I beg to move, seconded by the Honourable Minister of Agriculture, that debate be adjourned.

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

MR. SPEAKER: The proposed motion of the Honourable Minister of Consumer and Corporate Affairs. The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, my remarks will be somewhat longer on this bill, on Bill 27. In my opinion the bill is discriminatory in its application and is inconsistent in its provisions. The reason I say this is because, I point some of the reasons:

No. 1. Mr. Speaker, it gives less powers to the director.

2. I understand at the present time that there is legislation before the Federal House dealing with the same matter and I wonder if the Minister would have been much better off to wait perhaps till the fall session so that he could have brought in the same type of legislation what's been produced federally, or at least close to it, that we would have some uniform legislation. And my other point this legislation that I'm really concerned with, Mr. Speaker, it's not universal, it does not apply to the government agency, it does not apply to the Crown corporations, and it does not apply to the government.

Well, the biggest snoopers that we have in the world today is the governments. They're the ones that collect the type of the information that many individuals are concerned, personal individuals are concerned, and here this bill would make it it would not apply to any Crown corporations, to any governments, and I, in my own opinion I think this is not correct.

If the Minister on closing the debate gets up and tells us that he will be prepared to amend the act to apply to Crown corporations, to apply to the government, and the government agencies, and a couple of other points that I'll tell or mention, which I feel should be amended, then I would be prepared to support it. But if it's not going to apply to the government I can't see why this bill should be before us because it gives some special privileges to the ones that I feel in my opinion are probably the biggest snoopers in our society, and that's the governments. Now, it is my understanding . . .

MR. SPEAKER: The Honourable Minister Without Portfolio.

HON. RUSSELL DOERN (Minister Without Portfolio) (Elmwood): Mr. Speaker, I'd like to ask a question of the Honourable Member. Would he go so far as to maintain that police

(MR. DOERN cont'd.) files and RCMP files as a further extension, should also be available to the scrutiny of the public?

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, no, I would say that perhaps RCMP files should not be available to the general public, but I'm sure at the present time the Attorney-General, I'm sure has RCMP files on every single member in this House.

MR. SPEAKER: Order, please. The Honourable the Attorney-General.

MR. MACKLING: Mr. Speaker, I rise on a question of privilege. There's a suggestion that I have files, police files obviously investigating members of this House; that was the clear indication of the statement, Mr. Speaker, and I ask that the member withdraw that; I would never consider doing that at all.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, that wasn't the intent of my point at all. What I'm saying -- I had a question asked, should the RCMP files be made available to the public? What I'm saying is the government would probably if requested would be able to get RCMP files on the members of this House. This is my -- my point that I'm trying to put across, so . . .

MR. SPEAKER: The Honourable Minister Without Portfolio.

MR. DOERN: Would the honourable member not agree that this bill is a step in the right direction. Now it may not go as far as he wishes but at least in one area it is a correct . . .

MR. SPEAKER: Order, please. The question is argumentative. The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, yes I would agree that the bill is in the right direction. I have no argument and when I got up on my feet, when I started to speak that's what I said. But I cannot see that it shouldn't apply to the Crown corporations or to the government. I still feel that it should -- the member says it shouldn't apply to the RCMP records or files. Well, I'll agree with him on that point, but certainly it should apply to the government, and that's my whole point.

I understand that at the present time the credit reporting industry allows any individual on whom a report is made to attend and see his own report and make changes if those changes are required or if the report is not correct. This is available at the present time and the intent of the bill is to make this exposure mandatory. I will even go as far but I will not argue with that point. There may be an odd credit reporting agency that will not allow a person to go in and check his own record, and if this is to make it mandatory, well there may be a point. But I see no evidence that there are a number of abuses that people have been denied credit or employment without knowing the reasons why. My concern is, Mr. Speaker, that this bill will require all credit reporting agencies, all retailers, to open a separate branch of their business specifically for the purpose of providing members of the public with such information. This requirement of disclosure is bound to be abused, and I believe it will, not only impede the free flow of credit information but add to its cost.

Mr. Speaker, how much more reasonable can this bill be that people should be allowed to see the reports only if the benefit for which they apply for is denied. This would apply to less, probably, than ten percent of the applications made across the board and particularly in the field of credit rating or credit for which business does not wish to extend credit today. In my opinion it'll make extension of credit much more difficult in this province; and another point, under this present legislation, Mr. Speaker, if I wanted to hire, let's assume, a lawyer, and I may be concerned because you're a lawyer today, your legal counsel, will probably be the most important person in the administration of your assets, of your estate much more than the individual himself, it'll be the lawyer. Now by, for instance, I could use in my own area, St. James-Assiniboia, and I say to myself, well there's four or five practicing lawyers and I would like to maybe use one -- I'm using a hypothetical case -- I have to go to each one of those lawyers and tell them, look would you allow me to take a credit rating or a report on you, before I can do it on my own basis. And what I'm saying, why shouldn't I be able to do a credit report on moral basis, on many many reasons, why shouldn't I be able to take a credit and then I'd choose the man that I'd want to, but no I would have to go ahead of time and tell the man, look I'm going to establish a credit rating to your character, to your stability and so on before I will hire you. Well you know, what the lawyer would tell you probably, look to hell with you I don't want your business. And this is the problem, why should we in advance do this. Again I say if the man has been denied credit, if the person has been turned

(MR. PATRICK cont'd.) . . . down for a job, by all means he should be given the information why, he should be allowed to see his credit report, by all means. But under this bill every single person that's walking the streets can at any time, walk into any of the credit agencies and demand to see if there is a report on it, there may not be one, but demand to see it.

For the life of me I can't -- the kind of offices that will have to be established by the credit reporting agencies of big retail stores -- let's assume that it's the Bay or Eatons or Simpsons. They will really have to establish large staff to do what the Minister is intending to do.

I have no argument that there's some legislation required, and some legislation necessary, but again I say it would probably be much better if it would apply to the person that was turned down for a job. If he was turned down for credit information, then naturally he should know, he should be able to go in and see his report and see if it's correct. But to say that before you can hire anyone, there may be four people working at the present time and I may want to hire one of those persons to be a partner in business; so what do you have to do, you cannot take a credit report on any of those four or five people ahead of time, you have to go to discuss individually with every one of those persons that is perfectly working at the present time, is employed, fully employed; but I want to check out if I want to go into partnership with this man into some form of business. I can't even discuss it with him, or I cannot try and get any information about this man until I go tell him, look I'm going to get a report on him. So the point is you have to be getting reports on probably five or ten different people.

It's the same thing if you want to hire domestic help. A person may want to hire a gardener, or a housekeeper, or somebody and he may want to get information on, again on the character of the person, on moral grounds and other grounds, and again he can't do it, he has to go and tell a person, look I'm going to try and get a credit report on you before I hire you. You may have five people that you wish to talk to; you may be having six or five people interested in, but then after you see their report you'll only hire one, and if the four, then -- if there were three that were interviewed, or one that was interviewed and was turned down for the job, I think he has full right, full right to see his report. But certainly I don't think that the Minister is doing justice when he's saying that every single person that anyone's interested to hire and applies for a job if he was -- look at all the people that get the jobs at the present time. What you're saying is that every single person, 10,000 people that go into the labour market or get a job, they would have the right, they would have the right to go and see their report. -- (Interjection) - Well, well, that's the way I see this bill, Mr. Speaker.

I think this bill in addition is adding to the paper work which is already drowning the retailer at the present time. I think it will have a severe effect on the people being asked to express their opinion about another individual's reputation. This is where the greatest difficulty lies, while attempting to protect the privacy of the individual this bill will have the very opposite effect in that people will be afraid to express their opinions about each other for fear of persecution, with the result of either that credit will dry up or that business will be at the mercy of unscrupulous people who knowing that their reputation does not precede them will apply for credit and will likely obtain it. And in my opinion the credit will dry up, because you will find - and again you're saying in this bill that no retailer can assemble credit in advance, meaning that, I don't know how people, retailers at the present time, say, Simpsons-Sears or Eatons or most merchants down the avenue, how they assemble credit on individuals. I guess through bankruptcy files or many other various ways and means. But what you're saying to those people, you cannot establish credit or information on these people in advance, only at the time when this man comes to do business would you, then give him -- and to me, I think it'll be very costly. Under the present system it probably costs very little or hardly anything to compile credit information, but if you have to get the compiled information when that person comes in to do business with you on the day that he needs credit, and with the speed that you'll have to do it, I think that costs will go tremendously high. It'll be perhaps ten times as high as it is now. So what may happen, it may be much more expensive to do business than it does at the present time.

Let me repeat again, I said I'm not against the bill in itself in some aspects, but in some areas what it intends to do, I think it'll do harm to your credit in this province. And the most important thing, if the government believes in this bill so strongly and it believes in the legislation, why doesn't it apply to the government agencies as well? Why doesn't it? What is the government -- you know, if it's good legislation there's no reason why it shouldn't

(MR. PATRICK cont'd.) apply to the government, and I'm sure the backbenchers on the government side would agree that it doesn't apply to, I understand, Crown corporations and I've said before, surely there's special legislation for agencies like DBS and some of the others. But, Mr. Speaker, the biggest snooper today, our government, and here we're -- who are we trying to protect when we're bringing in legislation and say no, it will not apply to Crown corporations, it will not apply to government? And I say to the Minister, make it applicable to the government. Make it universal. Sure, it'll probably provide some exemptions, you know, but . . .

The other point in this bill, Mr. Speaker, is it applies to corporations but it does not apply to partnerships, and again I can't see -- surely the Minister knows that there's many, many corporations in this province are much smaller than partnerships - much smaller. So on the one hand he says it will not apply to the partnerships, but it has to apply to the corporations. Well surely you know that many many corporations in this province are much smaller than partnerships so why doesn't it apply to one and the other? So certainly this bill, in my opinion, is very discriminatory, does not provide the same requirement for disclosure for the man who is carrying business either as a sole proprietor or a partnership but he has to disclose the full information when, you know, when he's carrying on as a corporation, and how many corporations have you got in this province one man or man and wife operation? Thousands.

The point that I raise, the bill delegates the director and here is, in my opinion, one of the points that should be amended if the Minister is really concerned; it gives him very very great powers in disclosure. The director has the right without subpoena or a court order to seize or take away a company's records, and this is again, I can't understand that without any court order or subpoena that he can walk into your place of business and take all records. Surely that's not the kind of legislation that we, you know, would want to have in this province, because Mr. Speaker, in my opinion, this type of legislation - and I'm not talking to the bill as a whole but the sections that I've referred into it - certainly shows you the dangers of a police state that are inherent in it, and the Minister should know that. I'm sure he has done enough business with many people in this province to realize that.

I don't think that we should give the right to the director without any court order to seize all personal files from any agency or person in Manitoba. I think you should have a court order. It should apply to everybody else. I think it will impede the regular flow of money. It'll be more difficult to carry on business. I think there is an invasion of privacy, of people carrying on business, and in my opinion even may be unconstitutional. If the Minister would care to look at Section 11 subsection (3) and give us his opinion - I understand there is a bill at the present time before parliament in Ottawa and maybe the Minister would do the right thing. I know the bill was postponed or withdrawn last year, and if we're told that there will definitely be a session in the fall, why not do the same thing with this bill, then you may come out with something that's really worthwhile, because imagine the consumer legislation that we had before this House, the time it took to draft that consumer legislation; and look, when the consumer legislation came before this House, I said it didn't go far enough, I was all for it - and there were other bills, the Privacy Act. I supported it all the way. Many, many of the legislations I said it didn't go far enough, but on this bill, Mr. Speaker, it's certainly my opinion, we put a bill here through for invasion of privacy, I believe, for -- and here to me this is what it is. So I would, as far as I'm concerned, the Minister should certainly have another look at this bill and perhaps if he's not prepared to at least make it universal to the government and government corporations and Crown agencies, then he should perhaps postpone it and wait till the fall session. By that time maybe he'd have the benefit of the federal legislation and had a chance to redraft the legislation.

I think that the people should have a right to be able to get a credit report on individuals because of their habits, because of their drinking, because of their moral characters and so on, and if -- (Interjection) -- somebody said sex life -- it may be very important but I think what will happen, it will be very difficult, very difficult to do this, and I believe Section 3 states - and I know I'm not supposed to refer to sections, but one of the principles in the bill says that you cannot compile a credit file, and if you cannot, I see real danger that your credit will be restricted completely, because this is the way that commerce is operating in this country, if you like it or not, but in the North American continent this is how it's operated and if you can't assembly credit information, I think it'll be difficult. But I have no argument that the person has the right to see his credit information, but the point I'm making, I think the person

(MR. PATRICK cont'd.)that should open the door wide open to him is the one that's been denied credit, the one that's been denied a job on those bases, but certainly if you will allow every single person that even gets a job, if you get 10,000 people get employed and every one you're going to tell him, "Look, you can go, there's a credit on you somewhere in the city; check if there is one, you can go," and everyone is going to start marching in and say, "I want to see my report." Well do you know what kind of staff this will require? It's unbelievable. So the government says, well, we can take a report because we want to hire - let's use a good example. The government hired Mr. Ault as the Manager of Western Flyer Coach. I'm sure they did a credit report on that man. I'm sure they had an extensive file on this man, and that's fine. But if, for instance, if an individual like myself, if I want to take a partner in my business, I can't do it unless I go and tell to the ten people and say, "Look, you know what? I will take a report on . . ." Why can't I do it in advance so I don't disrupt their present job situation, so I don't disrupt their job opportunities in the present situation? I think only the ones that I had personal contact with, interviewed, and they were turned down, I think they should have the full right and knowledge to see the report.

So, Mr. Speaker, the point that I'm making, unless there's some other reasons that I see behind this bill that I'm not familiar with, I think under this present bill the reporting will be very costly. I think that it's -- the other reason it's not going to work is it does not apply to Crown corporations or government agencies, and we're getting a bill -- there's a bill before the federal House at the present time, why not have the benefit of it? So there's a lot of these points that I hope the Minister will concern before I can make up my mind to support it. Unless he makes it universal, I cannot support it.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, I listened with interest to the comments of the Honourable Member for Assiniboia and I can support, practically completely, his observations on this bill. Many of them have already been mentioned in the debate but are worthy of repetition and underlining because they are so important. The bill provides that the provincial and municipal governments and their agencies are exempted from the Act. Well, there doesn't seem to be any good reason why this would be so since the Act itself refers only to investigations made for the purpose of decisions in respect of application for credit, insurance, employment or tenancy. Certainly the government is a major employer in the province, and its agencies represent another major source of employment. To exempt these from the operation of the Act seems to me to be unjustified. It might be that the government's position would be that the Ombudsman could deal with any complaints of this kind, but this Act contemplates when they arise with the government or its agencies; but surely it would be wise to have the government meet the same criteria that the government requires private employers to meet in this area.

Mr. Speaker, there's another provision in the Act which certainly appears to be one that's going to cause considerable confusion, and that is the provision for an exemption from the Act where an investigation is conducted without the knowledge of the subject, with a view to offering employment at an annual salary in excess of \$18,000 a year. Well, there are many cases where people are considered for possible employment, particularly in the higher levels and in managerial jobs, where an investigation is made long before the subject of the investigation is approached about employment. This section of the Act appears to consider this but the limiting of the exemption to salaries above \$18,000 a year certainly in my view would not resolve the problem. Either a lower salary limit perhaps, or no salary limit at all, would make more sense because, Mr. Speaker, it would appear to be ludicrous to be forced by law to advise a person that he has been rejected for a job that he never applied for, and this Act would require this to be done.

The other provision which has been commented on and certainly is unacceptable in my view, would be the one in which the director, on his own decision, can have access to business premises and documents, files, correspondence and other personal records of any person carrying on business, and remove those files and records or make copies of them. Certainly this is a sweeping power to confer on a civil service, particularly when there is no machinery provided to take issue with his actions. Now we have noticed, Mr. Speaker, that this is becoming prevalent and that it's appearing in many of the pieces of legislation that are being introduced, not only in the past session but in the present session. Certainly it would seem

(MR. MCGILL - cont'd.) to me that the court should have a role to play before the director could take action of this kind.

Mr. Speaker, these in brief are my positions in respect to Bill 27 and I feel, as the Member for Assiniboia, that the bill in its present form is unacceptable.

MR. SPEAKER: Are you ready for the question? The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition) (River Heights): Mr. Speaker, if there ever was an indication of why bills should not be rushed at the end, this is one specific bill. Mr. Speaker, and this is not the only bill. Now, the members opposite believe that they are a government of good intention and therefore they believe what they are trying to do because they have come to the philosophical position that this is something that should be introduced, that what they're trying to do is in the best interests of the people of this province and therefore, because their intention is good, the legislation itself must be good. But the ramifications of the legislation, the implications, even the confusion that exists in their presentation, indicates a necessity for the kind of scrutiny that will allow the development of an Act which in fact would accomplish the objective, but at the same time not infringe on the civil liberties of our people.

Now, Mr. Speaker, it's a strange thing that the NDP, who for years have stood up and talked the language of civil liberty, should in fact be the government who, through this Act and through a series of other Acts, is gradually eroding the rights of people and is putting within the bureaucratic machine the power to control in a way unheard of years ago; and it's not enough for them to suggest that our intentions are good, and it's not enough for them to suggest that there is a wrong that has to be righted, because, Mr. Speaker, what is required is the kind of legislation that can accomplish that objective and at the same time see to it that the personal liberties of the people are protected, and for the government to come in and introduce a bill which has no application to government, who in fact are the largest employer in this province and who in fact, through their mechanism, constantly report on individuals and affect their credit and their life, for them to be exempt is incorrect.

Now, Mr. Speaker, there's a basic conflict. The conflict that exists is between the will to obtain legislation that will protect privacy and at the same time protect the individual, and at the same time give government the mechanism and the machinery to be able to be able to accomplish its objective. It's not going to be easy to be able to work that out, and in addition, Mr. Speaker, it may very well be that something is going to have to give and if something is going to have to give it will be the easy administration of the bureaucracy because, Mr. Speaker, that is the one thing that can, in fact, and should in fact be allowed to change. It may not be easy for a director to go to the Court and apply to the Court for a particular situation, or to file an affidavit. It may cause some hardships to him but nevertheless that's the kind of checks and balance that have to be introduced to protect the individual from abuse and from the exercise of frivolous discretion -- and anyone who's dealt with any other government agency recognizes that this can happen, it doesn't happen always but it can happen. And, Mr. Speaker, we know that this concern, this basic concern exists on the Federal level as it does on the provincial level, and the Honourable Member from Assiniboia mentioned the Federal situation and I have in front of me the Act to Prevent the Invasion of Privacy resulting from the misuse of information stored in data banks -- and it's interesting, Mr. Speaker, to know that in that particular Act, the Act applies by stating that the Registrar must keep a registry of all data banks for which this applies to any agencies of the federal, provincial or local governments, any public corporation, any person exercising public authority, any person supplying information. There was no attempt on the part of the Federal Government not to tie in and not to bring government agencies under this control and to provide that printouts can be made available to those people who in fact have information that has been stored on such data banks, within two weeks, including all the government agencies.

Now they have had to come to this decision as I suspect the government is going to have to come to this decision when we get into the Law Amendment stage. Are you going to be prepared to admit that government's involvement in our life is as important and as significant as that of the private sector, and yet you can't develop rules of the game for the private sector that should not apply to the public sector. Because if you do not, it's not a question of discriminating against the private sector, you're not protecting the people, and that was what the object of this Act was all about. -- (Interjection) -- Aye, the Minister Without Portfolio has asked if we're going to support the Bill.

(MR. SPIVAK cont'd.)

I would suggest, Mr. Speaker, that unless there is an assurance from the government that there will be amendments that will, in fact, bring the government agencies, all government agencies within the purview of this Act, that unless there is an assurance from the Minister that the government will bring in amendments which will prevent the snooping sections from being exercised by just the discretion of the director but rather being exercised by first going to obtain a Court Order, we're not going to support the Act. Because, Mr. Speaker, there's no justification to support the Act on that basis. For this Act to be brought in and not to apply to government agencies; for this Act to be brought in and not to put some control on the wide discretion of the director, would be wrong and incorrect. And surely the members on the opposite side, who have as much concern as any member here with respect to the civil liberties of the individual, must recognize the necessity of the kind of checks and balances being brought in, not only in this Act but in other acts.

And again, Mr. Speaker, this has to be, it has to be debated and if it is not going to be debated in this House will have to be debated in Committee, and will have to be debated back in this House when we get into third reading, because we on this side are not going to be prepared to do it. Now, Mr. Speaker, -- (Interjection) -- Fine, fine. The Minister of Labour would like us to get through, because we want to get through by this afternoon --(Interjection)--

MR. SPEAKER: Order, please.

MR. PAULLEY: Fine, I meant exactly what I said, that it would be fine for this procedure to be done. I'm certainly not trying to speed up my honourable friend at all, I give him every license and every right to say what he is saying, and it's not falling entirely on deaf ears.

MR. SPEAKER: Further I should like to say I'm certain the honourable Leader of the Opposition does not wish to impute motives to anyone in this Chamber. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, as I've indicated, it will not be our intention to pass this Act unless there's some assurance given by the government on these particular matters, and if there is not then we are going to vote against this Act. And I suggest to the honourable members if in fact they are not prepared to give this assurance, should take the time to examine this Bill again, as they should examine some others, and be very clear when that announcement is made on your behalf that you have resolved your position, because I do not believe that the members opposite really desire to bring about an erosion of the kind of civil liberty and the kind of protection that existed in the past.

MR. SPEAKER: The Minister Without Portfolio.

MR. DOERN: Mr. Chairman, I just wanted to make a few comments on this Bill. I think that the main question we are confronted with is a question of principle, and that is whether or not an individual should have the right to examine a printout on himself, whether it's held by governments or by private industry, and it is of course the intention of Bill 27 to examine some of the files of private concerns in four major areas that do, in fact, have extensive government files. It is a fact today, Mr. Speaker, that one can, if one's in business, purchase information from various sources on the credit, the health and even the psychological characteristics of individuals. And in an age of computers where we're going to have ever-increasing amounts of data on individuals, I think this is a concern that should be felt on both sides of the Chamber.

The problem of government files, however, I think is a very large one, I'm going to leave that to the Honourable Minister of Consumer and Corporate Affairs, but I think in principle that the point that an individual should have a right to examine government files is correct, I think in principle. As to the details of when and under what conditions an individual should be allowed to examine government records I think that that remains to be seen. As I pointed out to the Honourable Member for Assiniboia one must answer the question if one maintains that government files should be available to the public -- that raises the question of police files. That's, I think, a very complex area whether one should have the right to go to the City of Winnipeg Police Department and demand or have access to a file there, or if you accept that then that raises the question of the RCMP files. So it's a -- (Interjection) -- Well you may have answered it to your satisfaction but I say that it's a - in your opinion a person shouldn't have that right, but I want the honourable member to know that a lot of experts, a lot of people who are concerned with this who have met at conferences on this issue, some of them contend that all files, including police files, should be accessible to the individual, and of course you don't mean the files of other people, but if there are files on an individual kept by government

(MR. DOERN cont'd.)or private industry, that a person should have the right to examine them.

Mr. Speaker, I think that if one contends that we should go beyond this Bill, and I certainly believe that we should, then I think that one has to answer a whole host of practical questions which can't be easily answered by snapping your fingers. I think that this Bill is a step in the right direction. I think it's a rather - well I don't know if it's a pioneer bill, Mr. Speaker, because I'm not too familiar with legislation in other parts of the country in regards to this, but all I know is that it is in fact a Bill which really paves the way, and whether or not the Bill should be expanded at this point, or whether this should come about in the next Session, or in the years ahead, because I say there are a lot of complex questions connected with it, I don't know. I do believe in principle that this should apply to a greater scope than what is contained in the Bill but it is a first step, and I think that it warrants the support of members of the opposite side.

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

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I beg to move, seconded by the Honourable Member for Churchill, that debate be adjourned.

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

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Mr. Speaker, I just want to advise the honourable member that this Bill will be called again this afternoon when we will be expecting him to participate in the debate.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: On a point of order. Just the two bills that have been debated here this morning, were standing for more than two days. Here I'm adjourning a Bill and I am warned already that it'll come up in the afternoon and I'm supposed to speak on it. I think this is rather uncalled for.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: . . . would prefer if I didn't tell him that that was the case but I'm telling him that that is the case and the Bills have been on the Order Paper for some weeks in which time my honourable friend had an opportunity to read them and I am telling him that we are calling it again this afternoon when we expect that it will be proceeded with. Would he think it would be better if we were going to do it this afternoon . . .

MR. SPEAKER: Order, please. I believe we have the procedure of following the Orders of the Day, I can agree that the Honourable House Leader may inform a member or remind him that procedure will take place. I don't believe that there's any necessity to debate the point in respect to procedure, it's well recognized and I don't think we should have any difficulty. The Honourable the House Leader.

MR. GREEN: Bill No. 40, Mr. Speaker.

MR. SPEAKER: Proposed motion of the Honourable Minister of Industry and Commerce. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I'm sorry the Honourable Minister of Industry and Commerce is not present at this time because my remarks to a large extent will be addressed to him and will relate to his presentation.

I have indicated already, Mr. Speaker, the danger of having legislation introduced at the end because what happens is the legislation at the end of the Session, particularly in the speed-up, leads to bad legislation. Now, Mr. Speaker, I should point out that this particular Act was on the Order Paper as of June 7th and it's approximately four weeks or five weeks since that date, and was not introduced until two nights ago, I believe, or two days ago. Now the important thing to examine, Mr. Speaker, and why this becomes relevant, is the examination of what the Minister of Industry and Commerce said when he made the presentation of the Bill because, Mr. Speaker, that was the tip-off of the danger inherent in this Bill, because in dealing with the principle of the Bill the Minister of Industry and Commerce in his remarks suggested that what this Bill was all about was just a matter of dovetailing to the Federal Government legislation to provide a statistical branch by statute which would have the right, Mr. Speaker, to be able to obtain the information that DBS has in Ottawa to be able to then break it down, and break it out for the purposes needed in Manitoba. And that's all he said, that's all he said. Now let me suggest what the Bill does say, Mr. Speaker, it says far more. It gives the Statistical Branch all the power that the Federal Government has but with some significant changes, with some significant changes and, Mr. Speaker, it gives powers to the Provincial Government which they either do not understand they have taken, or if they have

(MR. SPIVAK cont'd.) taken conscientiously, provides some fears or creates some fears for members opposite.

Now, Mr. Speaker, I've had an opportunity, and I have the Federal Act in front of me, and there's no doubt that many of the particular sections the wording is almost identical when reworded, in some cases rephrased in the headings. But let's understand the purpose. The purpose as the Minister said, was to set up a statistical branch to dovetail with the Federal Government's particular requirements under Section 10 which provides, Section 10 of the Federal Act, which provides that a statute authority would be able to get information. Now if that's the case, and that's the intention of the government, and the government has indicated that's the intention, because that's all the Minister has said in his opening statement, then we're going to ask for the deletion of about ten clauses, because, Mr. Speaker, there's just no need for the Statistical Branch to have the snooping clauses that the Federal Government has, to be able, Mr. Speaker, at the will of the Lieutenant-Governor-in-Council to basically do whatever they want in obtaining information from anybody, any organization, any agency in Manitoba. Now if this is not the intention, Mr. Speaker, then they will be quite happy to consent to the changes in the Act. If this was the intention, then we have a serious problem of misrepresentation in this House of the intent of the Bill.

Now the Bill speaks for itself, so someone can suggest well the Bill's clauses obviously in fact express what I said, so therefore there's no misrepresentation. But there has been misrepresentation on the principle. In effect a statistical branch will be set up that will have all the snooping powers that the Federal Government has which will have no obligation to report those statistics which in fact can do it as the will of the Cabinet on any matter and which does not prevent the Cabinet from discriminating against any person, or corporation, as a result of the information that's been provided. And that, Mr. Speaker, is an interesting change, because the wording in these particular sections are almost identical to the Federal except there are some changes that are significant. In the federal statute it provides that the Governor-in-Council and the Minister cannot discriminate against any individual, or corporation, based on the information that they've obtained. In the Provincial Act the Lieutenant-Governor-in-Council is admitted, the Cabinet's admitted and on the basis of this Act the Cabinet are entitled to discriminate against any individual, or corporation, based on the information that's been obtained. Now, Mr. Speaker, again is this an error or is this design?

Now let me tell you what can happen under this Act, and we've already had one example of the insurance situation, and I'm going to talk about two situations in Manitoba. One would be the insurance, and the second would be statistical information being obtained from unions, because I want to show the abuse on both sides that can occur by a government who is prepared to use these sections as they see fit.

In the case of the insurance situation in Manitoba the government having arrived at a particular decision to in fact create a government monopoly insurance scheme in Manitoba, on the basis of these sections could order the statistical branch to investigate every insurance company in Manitoba, and every insurance agency, for the purpose of gaining statistical information -- nothing improper under the terms of this Act -- and on the basis of that information the Cabinet not being restricted from discriminating against any individual, or corporation, as the Federal Government is, they then could use that information for the purpose of going into a government monopoly auto insurance scheme. Now that's one abuse. The members on the opposite side will say well, so what?

But now let's talk about the abuse by someone who wants to use that against the Unions. On the basis of the Statistical Branch's powers here and the ability of the Lieutenant-Governor-in-Council to provide or to give direction as to what information is to be given, the Statistical Branch could be given the authority to examine the unions, who are organizations in this province, and to determine from them how many union members are party members, what party they belong to, what payments are made, if any, from union dues to any political party, and on the basis of that information, that can be published and that can be used, which is private information, by a government that wants to use that for a political campaign. Now, Mr. Speaker, that is really not the intention of the Act, I don't believe that, on the part of the government, but --(Interjection) -- I don't believe that's the intention of the government, but this is the intention of the Act, and I'm suggesting that when the Minister stands up. . .

MR. SPEAKER: The Honourable Minister of Mines and Natural Resources.

MR. GREEN: Would the honourable member agree that if the Lieutenant-Governor-in-Council was included, which is what he says is true of the federal Act, that if information was

(MR. GREEN cont'd.)obtained, that a government could still come in and bring in legislation with respect to a particular industry and it would not be considered discrimination against that industry?

MR. SPIVAK: But that doesn't answer the question of giving the Statistical Branch the power to . . .

MR. GREEN: . . . the honourable member, he gave that as an example, that the information could then be used and the government could go ahead and legislate with regards to a particular industry and that could prove discrimination. Now what if the Lieutenant-Governor-in-Council was included? Would this . . . ?

MR. SPEAKER: Order, please. Order, please. The question is argumentative. I believe our rules allow for questions of clarification. The Honourable Leader of the Opposition.

MR. SPIVAK: There has been a debate between the Minister of Mines and Natural Resources and myself with respect to the power of government. The government basically can do anything. We admit that a majority in the Legislature do not even have to call an election in five years. They could -- Well, I suggest -- (Interjection) -- Well, I know you have it. You said that the right of revolution will occur, but I'm saying that the legal position is that the government can do almost anything, but that still does not make the situation right.

Now, Mr. Speaker, in the federal Act the particular sections list the statistics without limiting them, but list the statistics that are to be obtained by the Federal Government. There's no such list in this particular Act. In addition, there are questions that remained unanswered. Will the Statistics Branch, if it is set up, have a right of access to all the sales tax information of the Provincial Government? We don't know that. Are they going to have that right? We do not know, as an example, whether the Statistics Branch will have the right of the criminal statistics that are compiled in the province. Are they going to have that right? And we do not know, Mr. Speaker, because there is a clause that is not in this Act that is in the other Act, of an offence for disclosing secret information.

Mr. Speaker, when the Minister of Industry and Commerce stood up he sort of indicated that no one's going to be objecting to this Act - I think I've got his exact wording - and I think it's important because it's a sort of an innocuous kind of an Act; no one is going to be concerned about it. It's permissive legislation; it takes cognizance of the new federal legislation; it creates a responsible statistic authority in Manitoba and thereby fulfills a necessary federal prerequisite for the gaining of access to extensive data. Mr. Speaker, it is far more than that. In the hands of a government, in the hands of a government that wants to abuse this power - and I'm not again suggesting that the members opposite want to abuse this power - but in the hands of a government that wants to abuse this power, the powers of the Statistical Branch are so wide as to allow them basically to do anything they want to investigate, for the purpose of gaining information, everyone - and they would legally have the right to do that.

Now, the Minister of Mines and Natural Resources can say that the government can pass a law which says that but, Mr. Speaker, may I suggest what we are doing is passing that law now, and so, Mr. Speaker, I would have to indicate to the Minister of Industry and Commerce that if his purpose, as explained in the principles of the bill, was to dovetail into the Federal Government's legislation, we on this side are prepared to approve that. If his bill is to create a Statistical Branch which will be given the wide powers that it's been given, and the right to basically proceed without any control or check or balance by the Legislature or by a court, Mr. Speaker, we are going to oppose this.

Now, Mr. Speaker, the Minister of Industry and Commerce again will have an opportunity of explaining the position, but I suggest that the implications of this particular Act are not known. I wonder how many people in the Civil Liberties Association have any idea of what this Act really is all about. Now we are going to rush this through; it's going to go to Law Amendments, and we're going to deal with this along with 40 or 50 other Acts, and we're going to say that we've done our job, and I condemn very severely, Mr. Speaker, the government for not introducing this bill for second reading three or four weeks ago, and for not giving us the opportunity to be able to debate this, to in fact exercise our prerogative to bring public opinion to the position of understanding the erosion that can occur on their civil liberties as a result of action and legislation taken by government. And at this particular time, as I've indicated before, issues such as this become bad legislation when they're not debated in a form that is able to communicate properly and directly for a length of time to the people of Manitoba, and I suggest, Mr. Speaker, that if the government is not prepared to eliminate those sections

(MR. SPIVAK cont'd.) that I referred to, and just to limit it to the dovetailing into the federal legislation, that we'll have no alternative but to oppose this, to oppose it strenuously in committee and to oppose it in third reading, because basically this legislation is (a) not required for Manitoba; gives the government wider powers than should be given; and based on the fact that the government has already by one Act become involved in the private sector by eliminating competition and entering the field itself, will simply add to the fears of many people in this country and in this province of the direction that the government is going with respect to business activities, and will affect directly the kind of climate in which the private sector will be able to flourish, to be able to provide the job opportunities and the income rises for our people.

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

MR. EVANS: I wonder if the honourable member could tell me the date of the legislation, the federal legislation to which he referred. I just want to get the information.

MR. SPIVAK: . . .er 29th, 1970.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, since the government is in such a hurry to have this legislation passed at this time and not having had a proper chance to peruse it, I would therefore move, seconded by the Honourable Member for Churchill, that Bill No. 40 not be now read a second time but read six months hence.

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

MR. FROESE: Ayes and nays, Mr. Speaker.

MR. SPEAKER: Does the honourable member have support? Call in the members. Order, please. The question before the House is the motion of the Honourable Member for Rhineland.

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

YEAS: Messrs. Beard, Bilton, Craik, Froese, Girard, Graham, Henderson, F. Johnston, Jorgenson, McGill, McKellar, McKenzie, Patrick, Spivak, Weir and Mrs. Trueman.

NAYS: Messrs. Adam, Allard, Barrow, Boyce, Burtniak, Desjardins, Doern, Evans, Gottfried, Green, Hanuschak, Jenkins, Johannson, McBryde, Mackling, Malinowski, Miller, Paulley, Pawley, Schreyer, Shafransky, Toupin, Turnbull, Uskiw and Walding.

MR. CLERK: Yeas 16; Nays 25.

MR. SPEAKER: In my opinion the nays have it and I declare the motion lost. The Honourable Minister of Industry and Commerce.

MR. EVANS: If there are no other speakers . . . Well, Mr. Speaker, we've heard an eloquent debate by the Honourable Leader of the Opposition on this matter of statistics, statistical collection, but I'm afraid he is being a prophet of doom and gloom, and I believe I can use the cliché very well in this case, that he is making mountains out of molehills, because the fact of the matter is, Mr. Speaker, that not only has this government but previous governments in Manitoba have collected statistics from the people of this province, from industries in this province, for years and years and years, and there is no guarantee that the statistics that have been collected years ago, whether it be by the Department of Agriculture, whether it be by some other department -- (Interjection) -- Not necessarily. Not necessarily. The fact is that information has been collected and is being collected, and that there isn't the guarantee of the privacy of this information which this particular Act provides. The fact of the matter is that this statute, this Bill 40 which is now before you, provides for the establishment of privacy of information, of privacy of statistics, privacy on data on any particular company or individual. Everyone, and yet no one to date, has been responsible, generally speaking, for insuring the privacy of Mr. Citizen in these matters, and now with this bill before us, Mr. Speaker, by exact analogy with the Canada Statistics Act - which incidentally was passed in May of 1971 - at the federal level does provide specifically for the protection of citizens' privacies, and the locus of responsibility for such protection is at last clearly defined in an agency which is not part of a department, but if you read the Act clearly the agency is separate from any department. Furthermore, there are provisions whereby the employees of that particular agency must take an oath of secrecy which binds them for life, and there are penalties provided for such employees if the secrecy clauses are broken.

Now the fact is, Mr. Speaker, that the honourable member refers to lack of opportunity

(MR. EVANS cont'd.) to debate this matter, and rushing it through and so forth, but the fact is that it was brought in for first reading on May 17th and I believe the material was available on June 4th, which was over a month ago. Not only that, I'm sure my colleagues and myself and other members of the House are prepared to sit here for several weeks in addition, if necessary, to have ample time to discuss this matter.

As I said originally, Mr. Speaker, the Act has been prepared to tie in with the federal legislation. We have worked for months, the staff has worked for months in consultation with the federal people in the Dominion Bureau of Statistics, and I would say, Mr. Speaker, I would remind all members that the Dominion Bureau of Statistics in Ottawa has been operating since 1919 and prior to that time there were other statistical agencies within the Federal Government, all of which had various pieces of legislation enabling them to collect data.

Now DBS is a separate agency from any other government department in Ottawa and cannot give that data to other departments. For example, the Dominion Bureau of Statistics cannot give the data to the income tax people in Ottawa. Under their Act this is guaranteed to be private information, that is on any individual company or any individual person. In fact, it does not publish any information unless there are three or more companies involved, or three or more individuals or three or more groups. And so therefore, Mr. Speaker, what we're doing is establishing a separate independent agency, independent of any department, including the Department of Industry and Commerce, and in this way we are gathering together into one organization the statistical collection activities and we are ensuring and enhancing the privacy of individual information.

I would point out, Mr. Speaker, that eight out of ten provinces, with the passage of this bill eight out of ten provinces will have established statistical agencies. The only two which will not have them, I believe, is Prince Edward Island and perhaps one other Atlantic province - I've forgotten the name of the province at the moment. The Dominion Bureau of Statistics has operated under legislation similar to this for many a year and there is no evidence of malpractice; there is no evidence of Machiavellian purposes and there indeed shall be none, at least under this administration, and I'm convinced that the legislation as it is worded will work. And as the Dominion Bureau of Statistics has had an excellent record in maintaining this privacy, so I'm convinced that this particular agency will do so. And as a matter of fact, Mr. Speaker, and this is an extremely important point, the Dominion Bureau of Statistics will not give us this information such as the census information without the passage of an Act which will guarantee the privacy of the information, and that's the whole point of the Act. The whole point of the Act is that it is guaranteeing, it is providing the same guarantees that the federal legislation provides, and that's why we spent months and months and hours and days and days of discussion on this particular matter so that it will ensure this provision of secrecy, that it will ensure that it does conform with the requirements of Ottawa as it pertains to privacy of information on individual companies and individual persons.

I would just make one other point and that is that it is permissive legislation. I said that at the beginning and I say it again, it's permissive in the sense that there is no intention to duplicate the statistical collection efforts of the Dominion Bureau of Statistics. We envisage very little, if any, in the way of additional collection efforts. The idea is to coordinate what is being done now; the idea is to set up an agency which will obtain information from Ottawa which will guarantee the privacy, which will guarantee the secrecy of information on any individual company or person, and I say that there is every guarantee here, and if you look at the Act very carefully you will see that there is due access to courts if necessary on the part of individuals, and I for one am quite satisfied that we have a very carefully worded, very closely studied piece of legislation. It's been closely studied, the various aspects of it, for a long time and I am convinced that this is a piece of legislation which will be a credit to this province.

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

MR. . . . : Ayes and nays, Mr. Speaker.

MR. SPEAKER: Call in the members. The question before the House is Bill 40.

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

YEAS: Messrs. Adam, Allard, Barrow, Boyce, Burtniak, Desjardins, Doern, Evans, Gottfried, Green, Hanuschak, Jenkins, Johansson, McBryde, Mackling, Malinowski, Miller, Pauley, Pawley, Shafransky, Toupin, Turnbull, Uskiw and Walding.

NAYS: Messrs. Beard, Bilton, Craik, Froese, Girard, Graham, Henderson, F. Johnston, Jorgenson, McGill, McKellar, McKenzie, Moug, Patrick, Spivak, Weir and Mrs. Trueman.

MR. CLERK: Yeas 24, Nays 17.

MR. SPEAKER: In my opinion the ayes have it and I declare the motion carried.
The Honourable the House Leader.

MR. GREEN: No. 50, Mr. Speaker.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs. The Honourable Member for Birtle-Russell.

MR. GRAHAM: May I have the indulgence of the House, Mr. Speaker, to have this stand till this afternoon? (Agreed)

.Continued on next page

MR. GREEN: Bill No. 63, Mr. Speaker.

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

MR. GABRIEL GIRARD (Emerson): Mr. Speaker, I realize that I'm dealing with an individual who is very shrewd but I didn't think he would go to the extent of having someone sponsoring him upstairs to help him out in softening the Opposition.

I'm very interested to see this bill come before the House, Mr. Speaker, because of the things that I have been complaining about in terms of labour relations and labour legislation, I'd like to suggest that I find probably the sorest spot to be that of the Workmen's Compensation. I'd like, if I may, at the outset to make some very general statements and then proceed on to more specific statements in terms of principle of the bill.

I regret, Mr. Speaker, that the bill is far short of what I think it ought to be. At the risk of offending the Minister, I suggest that it might be a little typical of the bills we have seen introduced by his Department in this House. It seems to me, Mr. Speaker, that it is imperative that the matter of injured workers be totally reviewed with the objective to see to it that those people who are injured workers in Manitoba are looked after in a more equitable way in the future. I believe firmly that those people who are workers, those people who are interested in working, should be encouraged to do so, and I'm afraid that what our legislation is doing, in part at least, is saying to the injured worker, "Unfortunately we can't do anything for you; you'd better join the welfare ranks." And this, Mr. Speaker, is not what the ambitious worker wishes. He doesn't have to resort to the security and support of the state. He feels that he has tried to make his contributions to society and what has happened because of an injury is that he has been told, "You're no longer useful to us. You bear your own responsibilities and we have only sympathy to offer."

I suggest, Mr. Speaker, that is not good enough. I would like to see particular attention drawn to the injured worker because I think we are now at a time in our society where we ought to be conscious that a segment wishes to take advantage of the service or the expenditures made available to them to avoid working, and because the injured worker is not one of them I think that he should be encouraged in a way that is significantly better than that of the fellow or the individual who says, "I would rather be on welfare."

I wish to draw the attention of the Minister to another point which I think ought to be underlined at this time, and I do it now because I see that both the Minister of Health and Social Development and the Minister of Labour are here. I think it's unfortunate when we have a situation such as we have today, where the care of the unemployed, be it for any reason, where the care of the unemployed or the care of those who are considered to be needy has been increased and I know that the Honourable Minister of Health and Social Services says progressed, but I'm not so sure whether it's progress or not. But his assistance has been so increased that what has happened, Mr. Speaker, is that it is not much better, and in some cases it is worse, to be on the Workmen's Compensation list than to be on the welfare role.

And what has happened in our society is that the injured man who in fact might have a right of claim from the Workmen's Compensation has to really struggle in order to convince the Board that he deserves this claim, and when the claim arrives he receives less than he would if he had gone on welfare in the first place. He would have gone on welfare collecting his first cheque from the months preceding, and he would have been better paid all the way through, Mr. Speaker, without the struggles, and the appeals, and the doctors examinations, and all that goes with the necessary proof to display before the Board that he has a legitimate claim.

What do I suggest, Mr. Speaker, is that we first of all, scrutinize, I think we ought to scrutinize the policies that are now put forth in the Department of Health and Social Service, and we should also scrutinize them with the view that the worker who is injured ought to be compensated more justifiably, or as justifiably, than that of the one who is simply unemployed. What it seems to me to be a so-called very progressive kind of policy applied to Department of Health and Social Services, progressive at least in terms of expenditures, and on the other hand, a very status quo a very stationary policy carried out by the Workmen's Compensation Board. And I would suggest that it's time, Mr. Speaker, that we looked at this matter very seriously because there are inequities in our society that should be removed.

I would like to know, Mr. Speaker, if the Minister of Labour is aware of an association that was recently created called the Injured Workmen's Association of Manitoba, and if he is aware I'd be very interested to hear his comments on how he sees the organization, whether

(MR. GIRARD cont'd) it's an organization that should be encouraged and assisted. It's an organization as I understand of injured workers who are trying to help themselves, sometimes maybe even in spite of the politician and the administrative boards. I would like to see this kind of association, Mr. Speaker, assisted in some way, some direction, not flouted but considered seriously. I think we have done this with the CNIB probably, we've done this with the Paraplegic, and I would suggest - I would humbly suggest, Mr. Speaker, that we should very carefully consider this organization as a well meaningful one that is trying to help themselves, and I would be very interested to hear the comments of the Minister in that regard.

I would also like to know if the policy set out by the Workmen's Compensation, the policy of the Board especially which he answers for, includes efforts made by that Board to employ partially disabled people, whether permanently or partially or temporarily. I have the feeling, Mr. Speaker, that what has happened is that the disabled man is left on his own, and in fact, I have the impression, Mr. Speaker, that maybe even the employees of that particular Board are not as frequently as possible, or as frequently as even desirable, those employees who are seeking employment, those suitable people who are partially injured that could provide a useful function within the employ of the Workmen's Compensation Board. If it is the policy and if it is in fact practice, I think it's fine, but if it is not, I'd like to know why not and I would like to know if this indicates a permanent kind of change in policy, or is it just a matter that was overlooked by the Board.

I would also like know, Mr. Speaker, if the policy which I understand was once practiced, in however meaningful terms, once practiced, that charge industry for awards made by the Board, decisions made by the Board on behalf of a claimant, industries were charged for awards, and yet those monies collected from industry did not find themselves directly to the injured worker. Possibly, possibly the interpretation is, and maybe it's a misinterpretation, that monies charged specifically because of a certain award ought to go directly to the injured man and maybe what the practice is that it goes to the fund. However, I'd like some clarification in that area because I am not sure of whether this is the practice and if it is, whether it's a desirable practice.

I believe, Mr. Speaker, in an open administration both in government in school matters and in most other matters. And I believe in an open administration that is even more open than the present administration, Mr. Speaker. However, I would suggest that the administration of the Workmen's Compensation Board is anything but. In fact, I'm under the impression that one who is permanently disabled is not even told in some cases of the percentage of his disability. He's not even told of the percentage of his disability. He has no right to examine the files, he has no accessibility to the files submitted by medical doctors that describe his injury. He is simply told as an injured man, we rate you at such and such a percentage disability or not at all, and we say that you are going to be given X number of dollars compensation or nothing at all, and there is absolutely no recourse. The only thing that that members, that injured member can do is appeal, appeal to a Board that is set up in part by the Workmen's Compensation Board, and I understand that during those hearings, Mr. Speaker, commissioners, or the chairman himself of the Workmen's Compensation Board, partake in the discussions. And I suggest to you that that is hardly respecting the impartiality of this kind of appeal. I would like to see, and I realize that there are problems that could arise because of this, but I would like to see the kind of administration that permits an injured man to obtain some information about his injury if the basis of his payment is based on those same informations.

I wonder, Mr. Speaker, in considering the matter of disability, be it temporary or permanent, if the policy of the Board consider the disability of a man as a man only or does it consider the disability of a man with reference to his job, his trade, or his profession. It might well be that one might be disabled in a - partially disabled, but can carry on his work as he has in the past. Is such a man paid the disability pension, the portion of, if it does not impede him in his work at all. I can think of a lawyer being very much impeded if he couldn't speak for instance, but I can see other injuries where he would not be impeded. On the other hand, Mr. Speaker, I can see a man who has a slight injury as far as he is concerned personally, but might totally impede him as far as his trade or profession is concerned. And I wonder if this matter is taken under consideration before the Workmen's Compensation Board. I am of the opinion, Mr. Speaker, that it is not because the medical suggestions on which the decision of the Board is based suggests that this man is 18 percent of a man, or 80 percent of a man, or whatever it is, regardless of what he does. And I wonder if there is room, Mr. Speaker, to consider the method by which this individual is earning his livelihood because I think that that is really the

(MR. GIRARD cont'd) key issue. We're not interested in knowing what portion of a man a certain individual is, but how well can he earn his living.

Now, Mr. Speaker, in reviewing the Workmen's Compensation Act, and here I must admit that I'm a novice in labour relations and it probably shows to the experts, but I read it as a layman and I read it, I think with an open mind, and I can't help but think that this kind of legislation to me is autocratic. This kind of legislation gives powers to the three-man Compensation Board that I hope will not be granted to anyone else, and that I find regrettable that it has been deemed necessary to give this three-man Board that kind of authority already. I suppose maybe it would appear less severe if we had a larger Board where we had more opinions. I suppose that the legislation was deemed necessary because it constituted on the part of the worker giving up certain rights in exchange very much as the Teachers Society was prepared to give up its right to strike in order to obtain right to negotiate and go to arbitration, and so on. — (Interjection) — And a right of tenure, yes. So here we have a situation where — here we have a situation where the worker in negotiation, I assume, the worker somehow was told you're going to give up all your legal rights in exchange for the benefit that might be accrued from the Workmen's Compensation Act. And apparently this is the kind of thing that has been decided and I think it's striking when we read the Act, Mr. Speaker, to realize the powers given this particular Board probably because of this decision to concede some rights in order to obtain others.

For the edification of the members, Mr. Speaker, I'd like to just quote some sections of the existing Act to prove the point I wanted to make, and I'd like to just refer to the general jurisdiction and the particular jurisdictions of the Workmen's Compensation Board. I don't suggest that these are sections that are very outstanding; I suggest that the things mentioned in those sections are pretty typical of that Act. The general jurisdictions say the Board has exclusive jurisdiction to examine into here and determine all matters and questions arising under this part and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Board, and the action or decision of the Board thereon is final and conclusive and is not open to question or review in any court and no proceedings by or before the Board shall be restrained by injunction, prohibition, or other process, or proceedings in any court or are removable by certiorari or otherwise in any court. Mr. Speaker, if we consider the matter it makes that particular Board the Almighty and the final Board in that kind of decision-making. I think it's regrettable and I don't fully understand that it is necessary. In particular jurisdiction the Act continues, without hereby limiting the generality of subsection 1, which I have just read, it is declared that the exclusive jurisdiction of the Board extends to determining whether any injury or death in respect of which compensation is claimed was caused by an accident within the meeting of this part, or the question whether any injury has arisen out of or in the course of employment within the scope of this part, the existing and degree of disability by reason of any injury the permanence of disability by reason of any injury, the amount of average earnings, the existence for the purpose of this part of the relationship of any member of the family of the workman as defined in the Act, the existence dependency and so on, it continues. What it says is that in all matters relating to the injured worker, be it family matters, be it earning power, be it anything, the board has the absolute and final say, of course with the exception of the appeal procedure, which is also within the board's jurisdiction, I suggest. I suggest, Mr. Speaker, these are pretty far reaching and autocratic kind of measures. Now it might well be, it might well be, Mr. Speaker, that these are necessary things which I cannot understand, and I look very much forward to the contribution of the Minister so that maybe I will be able to understand, and understand that it is justifiable.

I also want to point out that I was not surprised, I was not surprised to find the famous "snooper clause" in this Act. — (Interjection) — It is there, it is there, Mr. Speaker. It gives the authority to someone appointed, or a member of that board, that three-man board to go into any business, to any room, for any purpose they deem necessary— it doesn't say, to check the books — for any purpose they deem necessary. Now I suggest, Mr. Speaker, that maybe we're going a little far. I don't pretend, I don't pretend that this is legislation brought forward by the present government. I get the impression that most of the legislation has been laid down since probably 1916 and really has had little change since then, and I find this very regrettable.

Now, Mr. Speaker, in dealing more particularly with the act I would like to ask a few questions for the matter of clarification, but my basic complaint is really that the act is

(MR. GIRARD cont'd) window dressing as has been mentioned by the Member from Portage la Prairie. It is quite typical of the kind of bills that our present Minister, the defender of the underdog has brought to this legislation. You know, I'm on the side of the poor, the injured, the unfortunate, but, Mr. Speaker, I think it's more words than action, and I suggest that the Minister has failed in his responsibility, has failed in his responsibility to bring forward meaningful legislation. I can hear him say on the hustings, you know, I brought in 17 bills, or 12 bills, or whatever it is dealing with the matter of labour relations and I improved this situation and that situation because I brought in that number of bills, and I suggest that this like most of the others really are only scratching the surface. Thank you.

It is odd, Mr. Speaker, that the present Minister, the able defender of the minimum wage, can see fit to bring legislation in the House that says that if an injured man is injured on the job he will be compensated and we'll increase the amount at the top end of the scale from 6,000 I believe to 8,000. That is not enough you see his total earnings would have been 6,000, we'll say his total earnings now would have been \$8,000. But all the time he forgot the other end of the scale and so we have compensations that are based on things like \$35.00 a week when I understand the minimum wage might be \$66.00 a week or some such thing. If he is truly convinced, if he is truly convinced that the minimum wage is a thing that should be encouraged, that he has said in this Chamber so often, a thing that really creates very few problems, then I suggest to him that it is even more justifiable when you consider the matter of compensation to see that those workers as well be based on a minimum wage that is current in evaluating their rights or their revenues.

I see changes in the bill, Mr. Speaker, that refer to changes that have been necessitated by other acts such as changing the age from 21 to 18, and of course we think that these are normal and necessary. As a matter of fact, I think that this kind of thing and not this particular thing but this kind of thing takes up most of the ink that is necessary to print the Act.

I was very interested to note that a portion of the bill deals with compensation to those employees that are minors, and it states that if an employee is a minor and if — there's another condition — and if he is attending a course authorized by the Department of Education, and if in that domain he is injured, then he is entitled to the benefits of the Workmen's Compensation Act. I commend the Minister for doing this kind of thing and, you know, please forgive me if I'm a little suspicious but it sounds as though — to me — (Interjection) — Yes.

MR. SPEAKER: The Honourable Minister of Mines and Natural Resources.

MR. GREEN: Mr. Speaker, I wonder how the honourable member commends the Minister for bringing these people under the act when the act takes away so many liberties of that person.

MR. GIRARD: Would you repeat that, I didn't hear . . .

MR. GREEN: I wonder why the honourable member is commending the Minister for bringing these people under the act when the act removes so many liberties from these people?

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: I'd like to explain that, Mr. Speaker. I was going to say that I'm awfully suspicious that the Minister has brought this into the act not by his own volition or his own accord but rather he was badgered by the Minister of Education who says, look I've got this problem with the vocational students and so the Minister says oh, by golly, that's a progressive measure, I don't like doing it but I'll have to anyway because you're stuck with the problem, and that is why it was brought into the bill, Mr. Speaker.

MR. GREEN: . . . bringing them under the Act. He's congratulating him for bringing them under the act which deprives them of so many liberties which they now have not being under the act.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker, my legal mind operates a little slower than that of the Honourable Minister of Mines and Resources. However, I would like to suggest to him that my criticism of the Act in terms of this limitation is not necessarily that we're better off without the act — I don't pretend to say that, I'm saying that the act is not of benefit enough to the injured worker. I'm not saying that we should go back to strictly the legal system but I'm suggesting that it would be possible to consider — (Interjection) — have both, yes. — (Interjection) — Yes, I think that's possible.

I was interested to note that the bill increases the power of the board in the area of rehabilitation, and I'm wondering, Mr. Speaker, if it could not be considered that the efforts

(MR. GIRARD cont'd) made now by the Injured Workmen's Association in setting up a business or in operating their own rehabilitation program could they not be considered under this section of the bill as well as others who are. There is rehabilitation in the physical sense, and there might well be considered rehabilitation in the mental sense as well.

MR. SPEAKER: The honourable member has five minutes.

MR. GIRARD: I would like to know, Mr. Speaker, whether the bill provides for the consideration of the earning power of an individual. I would suggest that it might be wise to incorporate in this kind of bill for the permanent disabled people the kind of clause that would cause their salaries or their benefits to be reviewed on a periodic basis. I understand that some salaries have remained, or some remunerations have remained at the same thing for a good number of years, and I think we have to consider that the cost of living has increased sufficiently to warrant some readjustments in the benefits that they are now receiving.

Mr. Speaker, I have one last question with reference to the bill. I would like to know why it is that the minister has seen fit in the bill to change the present method of paying the chairman of the board on a per annum basis. I understand that the salary of the board chairman now is set by order-in-council based on a per annum basis and I understand the amendment simply removes the per annum basis. There might be a reason for it. I really don't understand, Mr. Speaker, and I would appreciate if the Minister did consider this section, to inform us if possible of the reasons why this would be done.

I'd like to conclude, Mr. Speaker, by simply reading a letter which has been circulated throughout the building to all members. The letter comes from the Injured Workmen's Association of Manitoba, and I'd be prepared to table the letter but I don't see the necessity seeing that all members received it. I would like to read the letter in the record because it does bring up some matters of importance in this domain. It says: "Gentlemen: -" -- (Interjection) -- Mr. Speaker, I'm not so sure whether the Minister was in the House when this letter was delivered but however it says: "Gentlemen: We are very disappointed and shocked that this Bill 63 does nothing to alleviate the suffering and mental hardships of disability pensioners or of widows and their dependents. One of our members with a long memory advises us that he has received one minor increase for the loss of his arm in 1929. I think you will agree that the cost of living has increased slightly since then . . . "

MR. SPEAKER: Is the letter signed?

MR. GIRARD: Well, Mr. Speaker . . .

MR. SPEAKER: One of our rules is that a document that is to be tabled has to be a signed document.

MR. GIRARD: Mr. Speaker, on a point of order, may I suggest that this letter is really a public letter that was circulated to every member and in spite of it not being signed personally it's signed by the organization. The letter continues: "To be objective about this bill, the raising of the maximum of 6,600 to 8,000 is commendable and progressive. We would like this to be retroactive to January 1 of 1970. Section 62, subsection (4) and (5) is a real step forward. Please strike out the first three words of Section 62(6). A person should not be asked to give up his legal rights for something he might never receive. Section 62(5) points out that all other sections of the act where a figure is mentioned less than the minimum wage should also be changed. Section 62(6) points out the glaring error in Section 22 where a minor, your child or ours is trying to supplement his educational costs by working part-time can be discriminated against." Now, Mr. Speaker, I'd like to emphasize the very last point. I think it's unfortunate that only those students who attend vocational courses and are minors can have the benefits of the compensation. I think that any minor, that any minors whether they attend a course or not, Mr. Speaker, should be included.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: . . . at what age would he suggest that compensation should be made available to minors?

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: I would suggest that the age should be that age which legally permits an employer to employ that student for that time.

MR. PAULLEY: A further question for my edification. At what age is it possible for somebody to be employed?

MR. GIRARD: My understanding, Mr. Speaker, is - and I take it that this does include

(MR. GIRARD cont'd) my time does it? My understanding is, Mr. Speaker, to answer the Minister is that it is illegal to employ a person of school age during school time without authorization from a number of people because there are exceptions — you can have authorization from the Superintendent of Schools and the parent and the Minister, I believe. Now if you get this authorization, this means that a student of 16 years or less, or less, can be employed during school time. If you don't get that kind of authorization, Mr. Speaker, it is illegal for an employer to employ the student during school time that is less than 16. During the summer holidays, however, I believe the same law does not apply and therefore I don't know that there is restriction in terms of minimum age for the employment of — and I'm happily surprised to see the Minister realize that I had checked that up.

MR. SPEAKER: The Honourable Minister of Health and Social Development.

HON. RENE E. TOUPIN (Minister of Health and Social Development)(Springfield): Would the honourable member submit to a question? Mr. Speaker, the honourable member made reference to the apparent inadequacy so far as the Compensation Act is concerned, and the Department of Health and Social Development Act. As you know, we have quite a few statutes regulating health and social development of this province. If an applicant, an injured applicant is refused compensation by the powers to be and if because of need he applies for welfare assistance, is the honourable member suggesting that we deny him or her assistance, and if not what changes does he suggest pertaining to the Compensation Act?

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Premièrement j'aimerais à dire au Ministre que je suis en faveur de voire qu'une personne qui a été blessé soit donné les mêmes privilèges que un qui est sans emploi. C'est naturelle que la cause ici est plus facile à établir et même plus justifiable devant une personne obtenir du département qu'il représente les même bénéfices qui sont donné aux sans emploi.

(First of all I would like to tell the Minister that I am in favour of seeing a person who has been injured given the same privileges as one who is without employment. It is natural that the case here is easier to establish and more justified before a person obtains from the department that he represents the same benefits which are given to the unemployed.)

However, Mr. Speaker, the problem is that today we are putting the injured worker in a position where whether he likes it or not he damn well has to get welfare because he's got to live. He can't earn a living because he's injured; he can't get the benefits because the Workmen's Compensation Board don't grant him those benefits based on their right and so you're putting an injured man, and I can give you an example, a very concrete example of an individual in my constituency who was told by the Compensation Board, "no, we're cutting out your benefits because we think you're well enough." This individual with seven kids had absolutely no alternative, Mr. Speaker, but to resort to the services of Health and Social Development. Now, my suggestion is that that is not good enough. What has happened in that particular case by the way is that he appealed it to the Workmens Compensation Board, and you know the Board said "we'll grant you the appeal but you'll have to wait six months before we organize the appeal." I think that that's ridiculous but I don't know the workings of the Compensation Board. He had to wait six months in order to get the appeal during which he was not granted payment from the Compensation Board. What alternative has a man got. He can't work and he can't receive the benefits . . .

MR. SPEAKER: Order, please. I believe I have indicated previously questions after debate are to be for clarification. Unfortunately I allow the questions in good faith and honourable members then create another debate. Answers are supposed to be terse and to the point. Are you ready for the question? The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I had two points that I wish to draw to the attention of the Minister and ask him questions on. One has to do with agreements with other jurisdictions, whether it's the Dominion of Canada or other provinces, in connection with compensation and rehabilitation — especially in connection with rehabilitation. Are there any particular agreements envisaged at this point that are in the offing and if so could the Minister tell us. The other point has to do with compensation in case of disability. We know from the provisions in the bill that where temporary disability is concerned that the minimum wage shall prevail but in the case of permanent total disability the maximum yearly earnings permitted for calculation of compensation under this Act will be in operation and I would like the Minister to elaborate a little more on this. Certainly this cannot mean that this involves the 6,000 which is now

(MR. FROESE cont'd) being increased to 8,000 when it involves the maximum yearly earnings as stipulated in that particular provision.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, I will be very brief on Bill 63, an Act to Amend The Workmens Compensation Act. I did not have the benefit of the Minister's remarks when he introduced the bill on second reading and my intention was to adjourn the bill until this afternoon but I decided to not hold up the business of the House and I will proceed on it. I briefly looked at the bill as the Member for Emerson was speaking and I wish to make my comments on this Act now.

In my opinion, Mr. Speaker, Bill 63 really is not much more than housekeeping changes and perhaps to some extent, I don't know, the Honourable Member for Pembina has stated perhaps window dressing in some small way, because I think the most important thing that we could have done with the Workmens Compensation Act, and that has to be done, and during the last session of the Legislature during the Labour Estimates the Minister did promise me that this is what he will undertake to do, and during this session of the Legislature during the Labour Estimates again I pursued the same thing and I believe the Minister again said that this is one area that he'll have a complete review, and I'm referring to the compensation and pension for the widow and dependent. I think that's the most crucial and important area as far as the Workmen's Compensation Act is concerned. I feel that there is a disappointment to many people, and I know I'm disappointed as a member of this House, that the bill does not do anything to alleviate the financial hardship and suffering for the people who are say on pension, particularly the widows. The reason I state that is because one can make an easy illustration, say for instance if the injured is on total disability and he's making approximately \$600.00 a month, that 75 percent total disability, somewhere in the neighbourhood of, his pension would be \$400.00. This would be his pension if he was alive and he could still do some chores around the house, at least he could babysit and have his widow be employed. But for instance if the breadwinner -- if the injured person happens to die the widow is only left with \$125.00 and I think this is the most inconsistency in this Act and I think that this is the area, the most crucial area that the Minister has to deal with.

Now I know when he sat on this side of the House either I joined him or he joined me and every year during the Labour Estimates we made long speeches and said this is the area that something has to be done and the Minister when he sat on this side you know he was going to do things you know quite quickly, sort of give us a chance or give us a week and I'd have it all straightened out. But the point that I'm raising is that now on two occasions during the Labour Estimates this session, during the Labour Estimates last session the Minister said to me, in this House, that this is an area that he will have a complete review and something has to be done. I said it's an area that you can't do it too quickly, but at least we're almost at the end of the session, there's been no committee to my knowledge struck up to do -- has there? Well -- the Minister is nodding his head so I'm glad and I hope that the committee will also deal with the Labour Code as well. But in my opinion as far as I can see this bill is more or less a housekeeping bill. I know it's got some good principles involved and naturally when I say housekeeping bill, because it merely changes the age reference from 21 to 18 where the age has been reduced.

Of course I'm quite happy the other principle involved, the maximum for base, for calculation of average earnings from 6,000 to 8,000 I agree has been increased -- or 6,600 to 8,000 is increased, and I agree with this. I've asked for it on every occasion I had an opportunity to speak. In fact I said the 75 percent point, I wondered if there was any need for this. But anyhow bringing it to 8,000 I believe it's as high as anywhere in Canada or second -- (Interjection) -- when it comes into effect, I would agree with that. So I'd say it was a good point.

Another principle involved is the section setting up Workmens Compensation Board to administer the Workmen's Compensation Board to administer the Workmen's Compensation Act. This is a point that I would like to question the Minister, because the Act specifies that in addition it shall perform such other duties and functions and exercise such rights and powers as may be imposed or given to it under any other Act of the Legislature. Well, I just wondered, you know, exactly what it means. Does it mean that it will deal with the people injured helping a policeman, to do with the action of the Attorney-General's Department? I think it should be perhaps spelled out right in the Workmen's Compensation Act instead of

(MR. PATRICK cont'd) having everything referred by the order-in-council, I think it would be much better legislation; because at the present time the duties as imposed under the Workmen's Compensation Act you know are carried out. I think that this amendment proposed will mean that the Cabinet can give the board, the Cabinet can give the power to the Board and require to exercise these rights. The point that I'm raising, it seems to me quite a departure from the Workmen's Compensation legislation. I think that he should spell it out in the Workmen's Compensation Act, that if the Board will deal with a Personal Injuries Act I believe it was called that we put through last year instead of any matter that may be referred by the Cabinet, so I would question the Minister on that point.

I think that the section providing for co-operation between Canada and Manitoba respecting rehabilitation for certain workmen is good, and the other point I see the Minister insists that the chairman shall be full time. I think the Bill states that the chairman will be full time and also the commissioners will be required to be full time. Well, I'm sure that's the way Section, also one of the other principles involved, I'll not use sections, but it gives the Cabinet power to fix remuneration of the chairman and each commissioner sounds to me — I think it should be written right up in the Act instead of leaving so much wide latitude to the Governor-in-Council. It looks that perhaps at times the government may be looking for jobs for some of its supporters and I wouldn't like to see this happen but I think it should be spelled out right in the Act.

So the only other point that I wish to make, Mr. Speaker — I did raise the disability of pensioners and widows and dependents — I think any worthwhile bill on workmen's compensation before this House would be one dealing with that. I think that was the one crucial. The one that's before us to me, in my opinion, is strictly housekeeping with the exception of that one point — increasing the limit on compensation.

I think the other point that is very important, I still feel that in the last few years the employer — I don't mean two years I mean in the last three or four years — the employer had somehow a better means of getting to the workmen's compensation and some better cooperation with the workmen's compensation in receiving compensation. I know a few years back I used to receive many, many letters, I still do but not as many, so I feel that at least there may be some better co-operation in that respect. But the point that I wish to raise again to the Minister, and I have raised it on quite a few occasions before, I feel that the most important area is where the workman wants to appeal the decision of the Board, and it's complicated, it's difficult and you know he has to get legal assistance which may be costly and I have made a suggestion — and I believe there's one of the other provinces has this put into practice — that the Attorney-General's Department supply legal assistance to a workman, somebody from his Department can supply say legal assistance to a workman who wishes to appeal the decision of the Board. Offhand I can't tell you how many there is, how many appeals there are in one year, but if somebody from his Department could give him assistance in the way of appealing to the Board, preparing his material and I think it would be most worthwhile for the Minister of Labour to consider because in many instances these people have not got the finances or resources to go and hire legal counsel so they can present their case before the Appeal Board of the Workmen's Compensation Board. But if they knew they could go either to the Labour Board that would provide him with legal opinion at least, or the Attorney-General's Department can provide legal assistance to anyone who wishes to appeal a decision of the Board, I think it would really streamline the operation and it would really make it much simpler for the workman that's wanting to appeal a decision because many of these people have not any financial resources. I'm making this point as a suggestion and these are the remarks that I wanted to make at the present time.

I again wish to point out I have no argument with the exception of the points that I raised, a full-time chairman, full-time commissioners and the functions to be performed by the Workmen's Compensation Board will be delegated by the Cabinet Order-in-Council. I think if he would have spelled out and let's put it in legislation because there may be many things that the government will be referring to the Workmen's Compensation Board. I wonder what others there may be. So these are the points that I wish to raise on this bill, Mr. Speaker.

MR. SPEAKER: Are you ready for the question? The Honourable Minister of Labour will be closing debate.

MR. PAULLEY: Mr. Speaker, I want to thank the honourable members for

(MR. PAULLEY cont'd) participating in this debate and I want to assure the Honourable Member for Assinibola, as I did assure the House at the time of the introduction of the bill, that it is my intention to ask that the Industrial Relations Committee meet during recess or after prorogation to consider workmen's compensation and other matters pertaining to industry and workers; and also if my honourable friend would look at the Order Paper he would see that there is notice of the resolution and that resolution also includes the matter of the Labour Code for Manitoba, so I think on two scores at least I'm meeting the suggestions of my honourable friend.

I do want to say to him that I deeply appreciate the points that he raised and I want to make a confession - they tell me that confession is good for the soul - that he is perfectly correct when he stated that while I was on the other side of the House on a number of occasions I expressed the need and the desire for changes in the Workmen's Compensation Act, and particularly, Mr. Speaker, in relation to the amounts of benefits to those who may be partially or totally handicapped; but since taking over the office of Minister of Labour and the administration I find that it's not quite as simple to be able to do just overnight, and I agree that one would imagine that after two years, or approximately two years and a day or so since becoming the administration that this might have been done. However, I've indicated that steps are being taken; I am having continually assessments being made as to cost input, as to adjustments and the like and they're not coming quite as rapidly as they may have done. And also, the points that the Honourable the Member for Assinibola raised, I want to reject, at least since we have had a new chairman of the Compensation Board, any idea of employer domination of the Board. I want to assure the House that in my opinion the present chairman of the Board and the present commissioners of the Board are doing a very good job and are reasonable and are not favourable as some indicated that they were being dominated by employer or employer's organizations. My honourable friend from Assinibola shakes his head, I do not attribute this to him individually but there has been this type of complaint and I reject it entirely.

My honourable friends mentioned the matter of legal aid for appearances before the Board. I have the authority as Minister of Labour to assist anyone in their appeal to the Board - and of course the appeal is to the Board itself - and if anyone needs assistance then I have the authority to appoint a person to represent them, and have one in the department at the present time, Mr. Ben Lepkin who has on occasions assisted in presentations to the Board.

MR. SPEAKER: The Honourable Member for Assinibola.

MR. PATRICK: I hope the Minister doesn't mind me interjecting but if I may, how do a workman now or the people know at the present time that they have those facilities. Is there any way that the Minister can suggest that he would supply legal aid to any workman wishing to appeal. I think that's . . .

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Well on request, Mr. Speaker, for that assistance it's forthcoming. As a matter of fact I think the present Board under its new Chairman has given this understanding to anyone who's in difficulty; and I might say, Mr. Speaker, that I'm very happy with the work that's being performed by my Executive Assistant, Mr. Wright, a former Member of the House, who devotes hour after hour to the problems of the victims of injury in industry. He is being recognized, I think, Mr. Speaker, as one of the most competent executive assistants because of his humane approach to the problems of people and I'm appreciative of his association with myself.

Now the Honourable Member for Rhineland mentioned the fact of the questions of the agreements with other jurisdictions. I believe we now have reciprocal agreements with all other jurisdictions including the Federal authority, we operate the Workmen's Compensation for employees at the Federal level in Manitoba on behalf of the Federal administration. And insofar as rehabilitation is concerned, the same provisions that prevail in other jurisdictions accrue in these agreements, so it's reciprocal all the way through. The matter of the Minimum Wage application to partial disabilities is because we had to set the figure of some amount because invariably the reference to the Minimum Wage is that no one should go below that level and particularly as we are venturing into the new area of coverage of students. In the matter of the permanent ceiling being applicable in permanent disability is so they will not be treated any differently than the others, if that type of an occasion arises.

(MR. PAULLEY cont'd)

Now my honourable friend from Emerson gave us a very good oration and I would like him to come into my office during the recess, sit down, and I'm sure that after a couple of hours of drumming or explanation my honourable friend will be able then to stand in the House and appreciate the reasons why we have a Workmen's Compensation Act in the Province of Manitoba, and why it was back at the beginning of the century, Workmen's Compensation Boards began to be set up in all jurisdictions or in most jurisdictions so that the injured worker would not have to go to Courts in order to obtain redress for injury -- and of course I'm sure my honourable friend being a capable school teacher looks into the history of things that are and looks into the reason that things are and I'm sure that he would, on reflection, come to the conclusion that his suggestion of having to turn the clock back would be rejected even by himself, on reflection. And you can't have things both ways as my honourable friend suggests, that is, you can either have Workmen's Compensation and the legal right to suit in industry, they just can't work together and they haven't been in any jurisdiction.

Now my honourable friend mentioned an organization that has just recently been established called the Injured Worker's Association. I am knowledgeable of the Association, I think I have an intimate relationship insofar as correspondence and presentation of cases with every single member of the Injured Worker's Association, that they have been either in to see me or in to see my executive assistant on their peculiar and particular cases. Yes, Mr. Speaker, the Association is well known to me. And when my honourable friend mentions about the employment at the Workmen's Compensation Board I want to say, Mr. Speaker, that on occasions, and I believe even at the present time, there are a number of employees at the Workmen's Compensation Board who are handicapped as a result of injuries suffered in industry, suffered in war and other agencies, certainly there is no discrimination. I know that one of the members of the Injured Worker's Association endeavoured to give this impression and it's absolutely and totally false.

Now my honourable friend talks about the openness of the Compensation Board. I don't know if there's any other board that's more open than the Workmen's Compensation Board. I do know however, Mr. Speaker, that there has been objection because neither the Minister of Labour nor the Chairman of the Workmen's Compensation Board will make available medical reports and investigation reports to any Tom, Dick and Harry that wants them. I think that this is only proper in the conduct of the business of the Workmen's Compensation Board, and I would like to suggest that if any individual feels this way I believe that there is methodology from which it can be achieved through the Court itself ordering the Board to make available information in its possession.

Now my honourable friend raised the question of differentials, as I understood him, in the amounts of pension. For instance, if my honourable friend the House Leader lost a finger because he's one of these high-priced lawyers that finger should be worth more to him than it is to anybody else. Well you just can't work it this way, and I want to assure my honourable friend that the compensation is based on the degree of injury to the individual and not to his capability, and since we became the government of this province we made one very great change in regard to that, that we removed from the legislation previously enacted I believe by the Conservative administration, a condition that the pension would rely on the degree of the ability of the individual to work, and now, regardless of whether that individual is on full salary, same salary, if he has a disability pension it continues and it didn't do so before. Of course, that was another Bill that I brought in that was just window dressing but it's achieved a desire for the worker.

Mr. Chairman, there are a number of other points raised by my honourable friend. I want to discuss one point in the minute that I have that he raised "the Snoopy clause." Now surely to goodness an intelligent individual like I know my honourable friend from Selkirk is, would not attempt to deprive the Workmen's -- Emerson -- I wouldn't say that about Swan River -- but, Mr. Speaker, I just want to say the Snoopy clause my friend referred to, surely he wouldn't want that eliminated to prevent the officers of the Compensation Board or its employees to have the right to go into a factory to investigate the cause of accidents in order to prevent them. That is why that clause is in the Workmen's Compensation Act.

Now I know I haven't touched on all of the questions, Mr. Speaker. I will be glad to have the officials of the Compensation Board present at the hearings of the Committee to answer any further questions. I recommend, despite the window-dressing approach of my

(MR. PAULLEY cont'd) honourable friend from Emerson, I recommend this as another advancement in Workmen's Compensation in Manitoba.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Emerson.

MR. GIRARD: Was the honourable member being suggestive when he referred to me as the Member from Selkirk? -- (Interjection) --

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

MR. SPEAKER: The hour being 12:30 the House is . . . The Honourable Member for Morris.

MR. JORGENSON: . . . by leave to move a motion replacing someone on the Law Amendments Committee. I'd like to move, seconded by the Honourable Member for Brandon West that the name of Mr. Sherman be replaced by the name of Mr. Girard on the Standing Committee on Law Amendments.

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

MR. SPEAKER: The House is now adjourned, and will stay adjourned until 2:30 this afternoon (Saturday).