

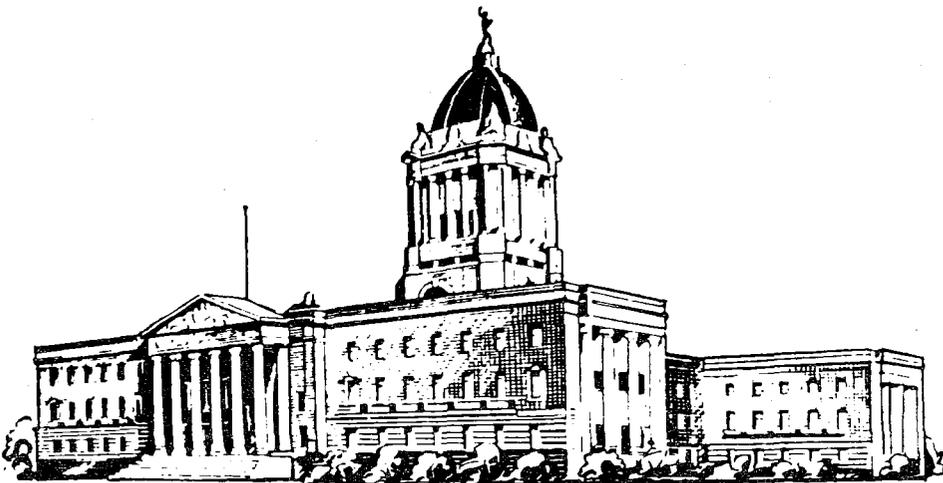


Legislative Assembly of Manitoba

**DEBATES**  
and  
**PROCEEDINGS**

Speaker

The Honourable Peter Fox



Vol. XIX No. 167 2:30 p.m., Wednesday, July 19th, 1972. Fourth Session, 29th Legislature.

Printed by R. S. Evans — Queen's Printer for Province of Manitoba

Electoral Division	Name	Political Affiliation	Address
ARTHUR	J. Douglas Watt	P.C.	Reston, Manitoba
ASSINIBOIA	Steve Patrick	Lib.	10 Red Robin Place, Winnipeg 12
BIRTLE-RUSSELL	Harry E. Graham	P.C.	Binscarth, Manitoba
BRANDON EAST	Hon. Leonard S. Evans	N.D.P.	Legislative Bldg., Winnipeg 1
BRANDON WEST	Edward McGill	P.C.	2228 Princess Ave., Brandon, Man.
BURROWS	Hon. Ben Hanuschak	N.D.P.	Legislative Bldg., Winnipeg 1
CHARLESWOOD	Arthur Moug	P.C.	29 Willow Ridge Rd., Winnipeg 20
CHURCHILL	Gordon Wilbert Beard	Ind.	148 Riverside Drive, Thompson, Man.
CRESCENTWOOD	Cy Gonick	N.D.P.	1 - 174 Nassau Street, Winnipeg 13
DAUPHIN	Hon. Peter Burtniak	N.D.P.	Legislative Bldg., Winnipeg 1
ELMWOOD	Hon. Russell J. Doern	N.D.P.	Legislative Bldg., Winnipeg 1
EMERSON	Gabriel Girard	P.C.	25 Lomond Blvd., St. Boniface 6
FLIN FLON	Thomas Barrow	N.D.P.	Cranberry Portage, Manitoba
FORT GARRY	L. R. (Bud) Sherman	P.C.	86 Niagara St., Winnipeg 9
FORT ROUGE	Mrs. Inez Trueman	P.C.	179 Oxford St., Winnipeg 9
GIMLI	John C. Gottfried	N.D.P.	44 - 3rd Ave., Gimli Man.
GLADSTONE	James Robert Ferguson	P.C.	Gladstone, Manitoba
INKSTER	Sidney Green, Q.C.	N.D.P.	Legislative Bldg., Winnipeg 1
KILDONAN	Hon. Peter Fox	N.D.P.	244 Legislative Bldg., Winnipeg 1
LAC DU BONNET	Hon. Sam Uskiw	N.D.P.	Legislative Bldg., Winnipeg 1
LAKESIDE	Harry J. Enns	P.C.	Woodlands, Manitoba
LA VERENDRYE	Leonard A. Barkman	Lib.	Box 130, Steinbach, Man.
LOGAN	William Jenkins	N.D.P.	1294 Erin St., Winnipeg 3
MINNEDOSA	David Blake	P.C.	Minnedosa, Manitoba
MORRIS	Warner H. Jorgenson	P.C.	Box 185, Morris, Man.
OSBORNE	Ian Turnbull	N.D.P.	284 Wildwood Park, Winnipeg 19
PEMBINA	George Henderson	P.C.	Manitou, Manitoba
POINT DOUGLAS	Donald Malinowski	N.D.P.	361 Burrows Ave., Winnipeg 4
PORTAGE LA PRAIRIE	Gordon E. Johnston	Lib.	Room 248, Legislative Bldg., Winnipeg 1
RADISSON	Harry Shafransky	N.D.P.	4 Maplehurst Rd., St. Boniface 6
RHINELAND	Jacob M. Froese	Soc. Cr.	Box 40, Winkler, Manitoba
RIEL	Donald W. Craik	P.C.	2 River Lane, Winnipeg 8
RIVER HEIGHTS	Sidney Spivak, Q.C.	P.C.	250 Legislative Bldg., Winnipeg 1
ROBLIN	J. Wally McKenzie	P.C.	Inglis, Manitoba
ROCK LAKE	Henry J. Einarson	P.C.	Glenboro, Manitoba
ROSSMERE	Hon. Ed. Schreyer	N.D.P.	Legislative Bldg., Winnipeg 1
RUPERTSLAND	Jean Allard	Ind.	602 - 245 Provencher Ave., St. Boniface 6
ST. BONIFACE	Hon. Laurent L. Desjardins	N.D.P.	357 Des Meurons St., St. Boniface 6
ST. GEORGE	William Uruski	N.D.P.	Box 580, Arborg, Manitoba
ST. JAMES	Hon. A.H. Mackling, Q.C.	N.D.P.	Legislative Bldg., Winnipeg 1
ST. JOHNS	Hon. Saul Cherniack, Q.C.	N.D.P.	Legislative Bldg., Winnipeg 1
ST. MATTHEWS	Wally Johannson	N.D.P.	23 - 500 Burnell St., Winnipeg 10
ST. VITAL	D. J. Walding	N.D.P.	31 Lochinvar Ave., St. Boniface 6
STE. ROSE	A.R. (Pete) Adam	N.D.P.	Ste. Rose du Lac, Manitoba
SELKIRK	Hon. Howard Pawley	N.D.P.	Legislative Bldg., Winnipeg 1
SEVEN OAKS	Hon. Saul A. Miller	N.D.P.	Legislative Bldg., Winnipeg 1
SOURIS-KILLARNEY	Earl McKellar	P.C.	Nesbitt, Manitoba
SPRINGFIELD	Hon. Rene E. Toupin	N.D.P.	Legislative Bldg., Winnipeg 1
STURGEON CREEK	Frank Johnston	P.C.	310 Overdale St., Winnipeg 12
SWAN RIVER	James H. Bilton	P.C.	Swan River, Manitoba
THE PAS	Hon. Ron McBryde	N.D.P.	228 Legislative Bldg., Winnipeg 1
THOMPSON	Joseph P. Borowski	Ind. N.D.P.	La Salle, Manitoba
TRANSCONA	Hon. Russell Paulley	N.D.P.	Legislative Bldg., Winnipeg 1
VIRDEN	Morris McGregor	P.C.	Kenton, Manitoba
WELLINGTON	Philip M. Petursson	N.D.P.	681 Banning St., Winnipeg 10
WINNIPEG CENTRE	J. R. (Bud) Boyce	N.D.P.	777 Winnipeg Ave., Winnipeg 3
WOLSELEY	I.H. Asper	Lib.	248 Legislative Building, Winnipeg 1

THE LEGISLATIVE ASSEMBLY OF MANITOBA  
2:30 o'clock, Wednesday, July 19, 1972

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports; Notices of Motion, Introduction of Bills; Oral Questions. The Honourable Member for Emerson.

ORAL QUESTION PERIOD

MR. GABRIEL GIRARD (Emerson): Mr. Speaker, I'd like to direct one question to the Minister of Industry and Commerce. I wonder if he could advise the House as to when the matter of ownership of Columbia Forest will be clarified so that we know who in fact owns Columbia Forest Mill at Sprague?

HON. LEONARD S. EVANS (Minister of Industry and Commerce) (Brandon East): Mr. Speaker, I have made my views known on this matter many months ago. There's no question of the ownership, I've stated it quite categorically based on the best legal advice we could obtain.

MR. GIRARD: Yes, a supplementary question. Is it not true that the matter is now before the courts as was indicated by the Premier? He said the courts would decide.

MR. EVANS: Mr. Speaker, it's my understanding it is not that the courts will decide on ownership, historical ownership; what the courts will be considering is the whole question of receivership action; or putting it another way, it is now in receivership and the receiver will be making recommendations presumably.

MR. GIRARD: Well, in view of that answer, Mr. Speaker, if it is in receivership and I would assume that is a temporary measure; if that is a temporary measure when does the term of receivership end, and when a term of receivership ends will that assert to the people of Manitoba who in fact does own the mill?

MR. SPEAKER: I'm afraid the honourable member is getting into a legal question. Out of order. The Honourable Member for Thompson.

MR. JOSEPH P. BOROWSKI (Thompson): Mr. Speaker, I have a question for the Attorney-General. I wonder if he's looked into the question of Stony Mountain riot over the lunch hour and if he could give us a progress report on the latest installment?

HON. A. H. MACKLING, Q.C. (Attorney-General) (St. James): Mr. Speaker, from the time the House rose I was engaged in government business in respect to a Cabinet meeting and I didn't have an opportunity to be briefed by my department. However I don't think anything critical happened because they know where I am at all times and can contact me. I did however glance at the newspaper and understand that there was an altercation there and there was some damage and apparently the matter is well in hand.

MR. SPEAKER: Orders of the day. The Honourable Member for Thompson.

MR. BOROWSKI: Mr. Speaker, I have a question for the Minister of Industry and Commerce. Could he indicate how much money has been given to the Ruttan Lake Townsite Development and can we expect a progress report, from his department soon?

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

MR. EVANS: You're talking about the Leaf Rapids Development. Yes, Mr. Speaker, I'll take the matter as notice and inform the honourable member.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: I have one last question, Mr. Speaker, to the Minister of Industry and Commerce. Is he satisfied that the safety measures that should be accompanying the working conditions in the mill and also the pollution measures that were raised in previous debates have now been adequately solutioned in that particular mill?

MR. SPEAKER: Order please. It is not a necessary procedure for the Minister to be satisfied or not to be satisfied. The Honourable Member for Emerson wish to rephrase his question?

MR. GIRARD: I would like to rephrase the question then, Mr. Speaker. Have adequate steps been taken to solution the problem of pollution and working conditions at the mill that I have raised?

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

MR. EVANS: Well, Mr. Speaker, I am not aware of any sudden change. If the honourable member is still speaking about the mill at Sprague, I believe he is, I am not aware that there has been any significant change in the situation as with regard to techniques and procedures of

(MR. EVANS cont'd) . . . . work as they pertain to safe or unsafe conditions or with regard to any pollution caused there at that mill or by the activities of that mill. I don't know of any serious change in the situation. However if the honourable member has any significant complaints or concerns about pollution as it emanates from the mill he has the recourse of advising the Clean Environment Commission or myself. Likewise if he has any information with regards to safety standards that are not being met I believe the Minister of Labour has certain jurisdiction therein and again we would like to hear of it.

MR. SPEAKER: Orders of the day. The Honourable Leader of the Liberal Party.

MR. I. H. (IZZY) ASPER (Leader of the Liberal Party) (Wolseley): Mr. Speaker, my question is to the Minister of Health but possibly maybe answered by the Attorney-General. Is it correct that transcripts of the hearing into the Mount Carmel Clinic on the question of issuance of drugs, that those transcripts are available to the public when the hearing was in camera?

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, I think the honourable member asked me a question the other day and I had not - pardon me, the Leader of the Opposition asked me a question based on a letter that had been written by a lady. I had noted that I did receive a copy of the same letter, apparently it went to quite a number of people, and I am looking into the matter to determine whether or not there is some validity to a concern expressed in that letter. I haven't had an opportunity to satisfy myself as to whether or not their concerns are appropriate or not.

MR. ASPER: Mr. Speaker, the question really is, are the transcripts of the hearing that was held in camera being made available to anybody who requests them by asking the court reporter to issue the transcript?

MR. MACKLING: Mr. Chairman, the Attorney-General's Department was not involved in the hearings that the honourable member alludes to; I or my department have no documentation in connection with it. I assumed that the answers might be forthcoming from the administrative tribunal involved itself, certainly my department was not involved.

MR. ASPER: Mr. Speaker, could the Minister of Health confirm whether or not his department has custody over the records of the hearing which was in camera?

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

HON. RENE E. TOUPIN (Minister of Health and Social Development) (Springfield): Mr. Speaker, the department itself, meaning the Minister responsible for the Department of Health and Social Development and/or the Manitoba Health Services Commission has no access to those records either.

MR. SPEAKER: The Honourable Member for Thompson.

MR. BOROWSKI: Mr. Speaker, I have a question for the Minister of Health. I wonder if he could indicate whether it's true or not that the government or his department has given \$30,000 to Mount Carmel Clinic as a result of the City of Winnipeg turning down their request for that same amount?

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

MR. TOUPIN: Mr. Speaker, it is a fact that the Government of Manitoba made an advance grant to the Mount Carmel Clinic of 40,000 not 30,000 on a grant of \$93,500 to be paid in 1972-73.

MR. BOROWSKI: Mr. Speaker, I wonder if it's going to be the government policy to make such grants without telling the public or the legislature about it?

MR. TOUPIN: Mr. Speaker, the policy of this government pertaining to Mount Carmel Clinic has been made very clear and the government is not hiding anything. The honourable member is quite aware that Orders-in-Council are public documents.

MR. BOROWSKI: Mr. Speaker, a further question. Has the Health Department, the Minister of Health's Department received one year and two year old billings from Mount Carmel Clinic that they claim now that that money is owed from his department?

MR. TOUPIN: Mr. Speaker, this is a detailed question. I'm not aware of those details. This is something that can be checked into but I haven't got the answer on my fingertips at this time.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q. C. (Leader of the Opposition) (River Heights): Mr. Speaker, my question is to the First Minister. It relates to regulation of Lake Winnipeg and refers to an article which indicates that harsh northern Manitoba winters will delay for one year the completion of the control structures on the Nelson River for regulating the flow of water in Lake

(MR. SPIVAK cont'd) . . . . Winnipeg. I wonder if the First Minister is in a position to confirm that.

HON. EDWARD SHCREYER (Premier) (Rossmere): Well, Mr. Speaker, I would have to see the article in question and read it in total context before I'd care to give a reply.

MR. SPEAKER: Orders of the day. The Honourable Member for Thompson.

MR. BOROWSKI: Mr. Speaker, I have a question for the Minister of Labour. I wonder if he could indicate to the House if he is going to take any action or cause an investigation to be held at Gillam as a result of this Mr. Alex Tkach complaint about certain irregularities going on there in regard to his fight with the union.

MR. SPEAKER: The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Speaker, any fight between a member of an organization and that organization is within the confines of that organization and while it is of concern to the Minister of Labour the Minister of Labour has no jurisdiction over the settling.

MR. SPEAKER: The Honourable Member for Point Douglas.

MR. DONALD MALINOWSKI (Point Douglas): I would like to ask a question of the Minister of Municipal Affairs. Is the Honourable Minister contemplating to start to build a Senior Citizens Home at Point Douglas, North Point Douglas actually.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs) (Selkirk): Yes, Mr. Speaker, we have had a Senior Citizens Home projected and slated for North Point Douglas. We are attempting to locate appropriate location and site for this home and let me assure the honourable member that it would be our hope that the appropriate arrangements can be completed so that a Senior Citizens Home in North Point Douglas may be started very shortly.

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

#### ORDERS OF THE DAY - GOVERNMENT BILLS

MR. PAULLEY: Yes, Mr. Speaker, would you kindly call the adjourned debate on 81, the Honourable Member for Assiniboia.

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

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I will not be long because I cannot change the bill at this time. I don't believe anyone will, so I promise the members to be very brief and raise some of the points. First, I would like to say that the briefs that were presented before the Industrial Relations Committee, generally speaking, most of them were good. Generally speaking, most of the briefs in my opinion were fairly good, and I believe to a great extent it probably was the people that appeared before the Industrial Relations Committee that put the Minister of Labour in a position that at least he was flexible to some extent and brought in some amendments.

I don't know to what extent we on this side of the House were responsible for him bringing in the amendments, but the point that I wish to make at this time is something that the Leader of the Official Opposition had stated before we adjourned for lunch - and in my opinion, Mr. Speaker, if the Leader of the Official Opposition would have been perhaps a little more concerned about the working people and concerned about the labour when he was a cabinet minister of the former administration perhaps he would have still been in the government. This is my opinion, because perhaps maybe he still would have been satisfied with 75¢ minimum wage. He may have been satisfied with the government supervised strike votes which the administration brought in at that time, which would appear to me it's like putting a policeman in every car on the assumption that the driver may be breaking the speed limit, or will be breaking the speed limit. Which eventually on the suggestion from this side of the House which was myself which presented a resolution, and that same administration, I believe the same administration withdrew that clause of the act. Perhaps he would have been satisfied with the certification problems that we had in this province which very seldom, very seldom any union would have been able to get certified because it had to go before the courts. The courts had a tendency to delay the matter until such time that there was no witnesses around and very few unions were able to get certified. That's what the Leader of the Opposition seems to be -- what he would have liked to see still exist. It was me that introduced a resolution, a proposal to this House that certification problems go before the Labour Board and that the Labour Board be empowered to deal with the

(MR. PATRICK cont'd) . . . . problems with any coercion or to have powers to issue cease and desist orders. And further to that, that was my recommendation to this House, then the Woods Committee made the same recommendation and finally the government adopted that same proposal.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN, Q.C. (Inkster): I just want to ask the member a question if he will permit me. Can you tell me when it was necessary to go to court to apply for certification of a trade union?

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Not to certify but - not to certify if . . . --(Interjection)-- that's right you, not to certify if that's right. Mr. Speaker, so the point that I try to make to the Leader of the Opposition is when he said that the members of the Liberal Party are taking a very hypocritical position and that's what I reject. Because surely he must know my position on labour on this issue. He must accept that in the last six or seven years I have made at least a dozen proposals to this House which today are on the statute books and which is in my opinion fairly good legislation, and I cannot - that's true, and so I do not accept that we are taking a hypocritical position. Perhaps the Leader of the Opposition is, and when he was a Minister of the Crown he didn't do very little or he was not in favour of labour getting its fair share. Because surely even at \$1.00 minimum wage, would we like to see any one of our sons or daughters working for \$40.00 a week? To be able to pay room and board for that, coffee, transportation, clothing, dry cleaning and so on, it's impossible. So surely, and I know that he is not speaking on behalf of the whole party because there are some members who I know, the Member for Emerson, the Member for Charleswood surely do not take the position of the Leader of the Official Opposition. So I reject completely the words that were used by the Leader of the Opposition. And I don't quarrel one bit, and maybe he's right to vote against the bill; he may be right. Time will only tell, I don't know, but it's his right, it's his prerogative. We took the position that the bill did deal with wide range of legislation, large legislation, and it doesn't mean that we were not critical or are not still critical of the Minister for bringing the legislation in at such late date in the session, very late. And surely he must agree that every brief that was before us said the same thing, was critical, and I'm still critical of the Minister. But I think it is my right and prerogative either I vote on third reading for the bill or against the bill. And surely the bill did deal with removal of the Cabinet from declaring certain function to be essential services. It did deal with 35 percent requirement for certification check-offs, the conscience clause, political check-offs, removing compulsory conciliation, definition of employees, sympathy strike, technological change, reverse onus. It did deal with a wide range of legislation and we spoke on every single item on second reading. My leader made a point on every single one and said we were concerned. Now in committee after hearing many briefs I say that the Minister was flexible to some extent, not as flexible as we would have liked to see him, and we did get a clarification and change as far as the 35 percent certification which made it clear in the legislation. He did put in a conscientious objector's clause, which we had proposed an amendment on the same thing. He did put in that he must have compulsory conciliation, which we asked him to and he put in, that was brought in. And a definition of employee was changed and professionals not to be included, which we requested. He also clarified and amended the sympathy strikes, which did change the legislation considerably, considerably change it to the extent of what we requested, at second reading.

However, he didn't go as far as we wanted him to go. We wanted him to go as far as to make it more clear on technological change which has been an issue with most people that presented briefs and many people that spoke on this issue. They felt that anything could be called a technological change and to some extent I agreed with them. However, the Minister assures the House that it will still be going to arbitration board to decide what is a technological change, so to some extent there is some, some safety. However, I would have hoped that the Minister would have accepted our amendment which would have stated technological changes which would have showed a substantially and significant change. Perhaps this would have had a better meaning; however, he did not do that. We did argue with him about the reverse onus, and I still think this is wrong. He did not accept an amendment - we proposed an amendment as far as political check-offs are concerned, people that do not belong in a union and still have to contribute to a political party. And again I moved an amendment to put the old section - I believe it was Section 84 if I remember - declaration of essential services to be put back in this bill, which the Minister did not agree. So I don't know how we scored, perhaps 50-50. We got some

(MR. PATRICK cont'd) . . . . amendments in, or were brought in by the Minister, which we asked for, and we had amendments prepared; the others were not acceptable.

So on those bases I am prepared to say, and very glad to say, that I'm certainly prepared to support the legislation. I know that the ones that we did not get accepted - perhaps will be moving amendments to the bill next year - and I'm sure with such major change in legislation even if we would all agree to it, I would assume that the Minister would have to bring a considerable amount of legislation because only after you put it into practice, you do find the problems and the errors in the legislation which will have to be corrected. So on those bases I'm not completely happy that all our amendments were not accepted, and I'm not happy that the Minister did not bring in the legislation early in the session.

However, I did want to get up and say that I reject the remarks of the Leader of the Opposition saying that we are taking a hypocritical position because surely he must know the position, not when it's timely, not this year, or last year, things that I brought to this House five and six years ago, which has been legislated, like three weeks' vacation pay, changes in the Workmen's Compensation, statutory holidays; these things I was asking years ago, it was brought in this year and accepted. So he must know my position; he must know our position in this area, and I do not accept his words that we're being hypocritical. I think we stated completely on most of the principles that we talked about, the areas that we agreed, the areas that we disagreed. We proposed amendments I believe nine or ten in numbers, and some were brought in by the Minister that satisfied us; the others were not, and we will pursue those perhaps next year.

MR. SPEAKER: The Honourable Member for Logan.

MR. WILLIAM JENKINS (Logan): Mr. Speaker, I just want to make a few brief comments on the remarks made by some of the members. I think the Honourable Member for Emerson, the labour critic of the Progressive Conservative Party, who has stated that he is going to oppose the legislation that is before the House now on final and third reading, and he showed his Achille's heel quite plainly this morning when he said and claimed foul politics or low politics, and he was very surprised that such a person at the committee would draw to the attention of the committee that members of the Official Opposition, especially when labour representation was making its final presentation to the committee that all honourable members of the Progressive Conservative Party were absent. And he said that the person who had raised that point had become very small in his opinion. Well I can assure you, Mr. Speaker, I'm the person that made it, and I don't feel any smaller in stature now than what I did before, because these are the people who stated that they wanted to hear representations but it seemed very funny to me, Mr. Speaker, that when labour was making its final presentations that the Leader of the group of the Progressive Conservative Party - I'll give him credit, he stated he was the last one to leave, but even he didn't stay till the end.

Now with respect to some of the criticisms, and I think the onus section is one that all members on the Opposition side have cried loud and long and wailed and wailed about the onus section. Well, Mr. Speaker, the onus section has been on the little person for years and years and years in this province. He has had to be - he has been judged guilty and had to prove himself innocent before a court of law, or the Labour Relations Board, that he was unjustly fired, and I never heard anyone of these people who cried and cried about the rights of the individuals who were taking up the cudgel on his behalf in those times, and if the Honourable Member for Lakeside doesn't like what I'm saying, I can assure him I'm not preaching; I'm not being hypocritical. You people you had the opportunity; you forced government supervised strike votes on workers in this province; you put the restrictions on.

Now, Mr. Speaker, we heard the Honourable Leader of the Liberal Party talking about political check-offs of dues, and especially the conscience clause - you know, Mr. Speaker, the association that he belongs to has a closed shop, there's no conscience clause; you pay dues to the Manitoba Bar Association or you don't practise law in this province --(Interjection)-- or the Law Society.

MR. SPEAKER: Would the Leader of the Liberal Party state his point of order.

MR. ASPER: The information put before the House in the last paragraph or so of the honourable member's remark is quite inaccurate, quite incorrect. There's no requirement whatever in the Province of Manitoba for any member of the legal profession to belong to the Manitoba Bar Association, or to pay dues to the Manitoba Bar Association.

MR. SPEAKER: The Honourable Member for Logan. Order please. Honourable Member for Logan.

MR. JENKINS: Then I will qualify the statement, Mr. Speaker; that if he wants to practise his living in this province he has to pay to the Law Society. And if that isn't a closed shop, Mr. Speaker, what is it?

MR. SPEAKER: Will the Honourable Leader of the Liberal Party state his point of order.

MR. ASPER: I'll go back to the point of order ...

MR. JENKINS: Mr. Speaker, I yielded the floor on a point -- Now the honourable member is changing it to a point of order. I wish he'd make up his mind,

MR. ASPER: I'll abide by the Speaker's judgment as to which it is. The point is, again the order that the member is putting information before the House that is not accurate. When the funds, the funds that are payable by members of the legal profession to the Law Society are paid not for the right ...

MR. SPEAKER: Order please. I think we'll settle the problem much quicker if we just stay away from the Law Society and deal with Bill 81.

The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Speaker, I think I have made my point. Now, Mr. Speaker, there has been much said about conscience for people to be able to put their money that they would pay in lieu of dues to a charity, and while I voted for this section in committee, Mr. Speaker, and I'll vote for it again in the bill, I want to make it abundantly clear that I do so with great reluctance because I can tell you that is just a chink, it's just an opening whereby other people are going to come along with a different type of conscience. The Rand formula was put into effect about 1945 ...

MR. SPEAKER: Order please.

MR. JENKINS: ... and since that time there has been numerous attempts to try and get little deviations. Perhaps for the edification of the Honourable Member for Lakeside he would like to have a bit of history, how about the way the Rand formula came in. It was in the Windsor area when the Ford Plant was on strike, and they were striking for a closed shop - and perhaps the honourable member doesn't know what a closed shop is; maybe I should tell him what a closed shop or what a union shop is, and what a Rand formula shop is but people were on strike, and compulsory arbitration, compulsory arbitration which we're removing from this bill, Chief Justice Rand stated his philosophy at that time and it became accepted all across this Dominion and in the United States all across North America, that those who sit at labour's table and eat its benefits should help to provide to put some of the vittles on the table, and that's basically what it is.

MR. SPEAKER: Order please. Order please. If the Member for Lakeside wishes to debate he will have an opportunity later. The Honourable Member for Logan.

MR. JENKINS: Now, Mr. Speaker, as I said before, I agreed to the amendment to the proposed bill, and I did with great reluctance, and I can assure you, Mr. Speaker, that if there is abuse of this think that as long as we remain this government that I'm going to make it my business, if there's abuse of this section, to make sure that it's taken out.

Now, Mr. Speaker, we've heard about the great fear that the members of the Opposition, all of the members of the Opposition, and some of the briefs suggested that because we were going to give some responsibility to the people who sit on either side of the table and bargain collectively, that some of these irresponsible people in the trade union movement, irresponsible - and I think that the Member for Inkster made an offer to the Honourable Member for Wolseley that he would sell him some of the judgments in cases where he's been involved against, judgments against management, he would sell them - I think it was 10 cents on the dollar, or something like that - but the trade union movement have always paid up their share when they've been assessed in court they've paid their fair share and they've never tried to renege.

We have also the honourable member, the Leader of the Liberal Party, too, who has suggested that we should democratize the trade union movement. Well I can assure you, Mr. Speaker, I've been a member of the trade union that I belong to now for over 20 years, for another one that I belonged to before that for about six years, so I have over 26 years' experience in the trade union movement. And it's a democratic movement; it's as democratic as this House is --(Interjection)-- and more so in fact. I could say that there are other organizations, and I could stand on the outside, I don't know, I could say that the Bar Association is not democratic, but I won't say that because I'm not a member of the Bar Association, and I don't know how they operate. But when people get up in this House who'll have had no experience whatsoever - the Honourable Member for Rhineland is one. He's telling us all about the trade

(MR. JENKINS cont'd) . . . . union movement. The only union that I can understand that he ever belonged to is a credit union, and I also happen to belong to that myself. --(Interjection)-- Firsthand advice. Well I have had lots of firsthand advice about the Bar Association and other associations, but until I become a member and have participated in their deliberations, I'm not going to say that they're not democratic societies. --(Interjection)-- Well we hear somebody saying about the Farmers Union, and I'm not going to discuss anything about the Farmers Union because I'm not, and never have been, and not very likely that I ever will be a member of the Farmers Union, and I'm not going to say that they're not a democratic society. But when we have people over here --(Interjection)-- when I'm through you may. If I feel like it I'll answer a question.

Mr. Speaker, the whole crux of this bill, and the members of the Opposition they don't like it because the boot is now on the other foot and it's squeezing a little bit, but the whole thrust of this bill, and I think that both sides of the bargaining table when they realize that they have the responsibility, that there's not going to be no third party coming to pull their chestnuts out of the fire, that these people are going to have to bargain realistically from the time that the collective bargaining process starts, that they'll come up. I have more faith in management in this province perhaps than the members of the opposition do and I have great faith in the trade union movement that these people are able to collectively bargain and come to an agreement without the intervention of a third party. You know, when people and especially governments go in and try and settle a dispute between two parties in the field of industrial relations, it's like me going down the street trying to stop a fight between a man and his wife, because I'm telling you whoever is the arbitrator, the mediator, the conciliator in that case is not loved by either side. And so, Mr. Speaker, I would have liked to have seen many other things in this bill. I know it's not a perfect piece of legislation and we have never claimed that it was; and I don't think that the honourable members on that side when they were in power ever could have said that they brought in a perfect piece of legislation, the finest that human hands could divine and put on the table here and that nobody could criticize it one way, shape or form. And I welcome your criticism because I think it is by this process that we do get better laws. There were 42 amendments to this bill. The Honourable Member for Assiniboia who spoke on the bill just before I did, and I would say one thing to him that self praise is no recommendation, but nevertheless I welcome the remarks that the honourable member did make and while this bill may not be to his liking - and I welcome the remarks that his honourable leader makes that they are prepared to support this bill, to see that it will operate.

This is all we can do, that's all any legislature can do, be it here, be it in Ottawa or be it anywhere. We can try and devise a piece of legislation, we have the opportunity to see how it will work and if it doesn't work then we have the opportunity to come back and rectify the mistakes. But we are not divine, ladies and gentlemen of this Assembly, we are mortals and we are trying to do the best we can, and I would suggest that we pass this bill and give it a chance to operate and let's not try and knock it before it even gets a chance to get off the ground. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Thompson.

MR. BOROWSKI: Do you want to ask a question? Fine.

MR. SPEAKER: The Honourable Leader of the Liberal Party.

MR. ASPER: Mr. Speaker, the question is your last few remarks left me with the impression, would you confirm that if industrial peace or the harmony that existed deteriorates as a result of anything we have left out or didn't put into the bill, you would be willing to reconsider at that time.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Mr. Speaker, I think that's the function of legislature. I mean if we devise and create a bill and it doesn't work, and if it creates the exact opposite to what we are hoping well then I would say we would be very closed minded. And I know I can't use the term, Mr. Speaker, because it's unparliamentary but I was going to say I would be a hypocrite if I was to say that - and to myself, I guess I would have to say that I would be a hypocrite - does that answer your question?

MR. SPEAKER: The Honourable Member for Thompson.

MR. BOROWSKI: Mr. Speaker, I know the minister would like to get the bill over and I promise just to take a couple of minutes. I want to first of all congratulate the Liberal Party for being progressive enough in saying they are going to support this history making bill. I

(MR. BOROWSKI cont'd) . . . . would like to once more raise an objection, Mr. Speaker, to some parts of the act; one of them has to do with where an employer, whether he's a large employer or a small storekeeper who has a few employees, can't ask an employee even casually if he belongs to a union.

Now my understanding is that clause was not taken out, it's still in the bill. I object to it on the basis of civil rights, interference with free speech, that an employer can't ask a simple question like, you know - "Do you belong to a union?" The employee could tell him "It's none of your business", but surely it should not be an offence in that act to make the employer a criminal because he asks him "Do you belong to a union?" like he was asking him, do you belong to the Klu Klux Klan or something like that.

The other thing that I object to and it's not in the bill, Mr. Speaker, is the ridiculous legislation that was passed that forces an employer to simply state the terms of employment, they can't advertise male or female. Mr. Speaker, you have no idea of the problems that it has caused in this province. It's in the Human Rights Act and it's a stupid section of the act and I hope that it's removed and I know that the Minister of Labour has some influence in Cabinet and I hope that he uses it with his Cabinet colleagues to have that clause taken out, because it does apply to the people that the Minister of Labour deals with and that is the employers and it does affect employees, they resent going for an interview and find out that the employer really was looking for a girl and this causes a great deal of problems and expense.

The other section that I am concerned about that I was thinking of, Mr. Speaker, and it's one that I really have great difficulty objecting to, because when it comes to religious beliefs I think that there should be the widest latitude. And the section that this Plymouth Rock group objected to, they didn't want to pay union dues because on the basis of their personal interpretation it was against the will of God to support a union and therefore they asked to be exempt and the government has made that exemption. I suppose if this group next month said that according to our interpretation we can't pay income tax, would the government give them that same consideration? I mean how far can you go, Mr. Speaker, and what kind of a door are you opening? I think it's very dangerous and as a trade unionist I see another problem. What happens - and I've brought it up before and I'll bring it up again - if you have a five-month strike, obviously because they have paid their four or five dollars or whatever the dues were, say to the Red Cross, and you are on strike for five months, are you going to tell that fellow - look, you didn't pay dues, you gave it to the Red Cross, you go to see the Red Cross about strike pay? Now what kind of a situation is going to develop in that bargaining unit? I ask all members to consider the seriousness of that. As long as there are no strikes I suppose you can live with it, but when there is a strike do you let that person starve; or do you say, well go on welfare or do you say to him, well we'll pay you even though you never contributed. It will make everybody angry and you can't blame them for being angry. I think we have set a very dangerous precedent by doing that. If we do not repeal that very soon, perhaps the next session - if we do not repeal it, then to be consistent, Mr. Speaker, we should bring that clause for everybody. Surely there are people in the legal profession and the medical profession and perhaps engineers, and certainly at the university where they are forced to pay \$30 to the Students Union; no clause for conscience there, and if there is any place in this province where people should have a genuine reason for objecting to paying into that awful organization at the university, the University Students Union - some of the garbage that they put out and some of this money goes into it, that is one area that I think the students could legitimately say look, I don't want you using my money to put out that filthy pornography or whatever it is. I don't want it. It seems to me if we are going to be concerned about a person's religious beliefs that we should extend this throughout, and I hope that the Minister and the government will look into this. I know it's too late this session - there will be another session and perhaps they can bring in something that will open it wide open and allow it in all fields or else take it out completely. Because I fear, Mr. Speaker, when a strike comes along we are going to have a lot of difficulties wherever it may be, if there is such people, and we don't know how many maybe because when it becomes legislation you will find many of them deciding to freeload, particularly if the dues are high. The Steelworkers dues in Thompson I think are around \$70 a year, that's not much. Some union dues run into several hundred dollars and some may take advantage of that to opt out of paying their fair share and that would create all kinds of problems. And as a union man I know how touchy things are when you are on a picket line, one slight disturbance and you've got a full scale riot on your hands. We had it in Thompson, we don't want to ever go through it again.

(MR. BOROWSKI cont'd)

Mr. Speaker, with those few words I would like to indicate to the Minister that outside of the sections I mentioned it's an excellent bill and I'm going to support it along with the Liberals.

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. JEAN ALLARD (Rupertsland): Well, Mr. Speaker, I rise to say a very few words on the bill. First of all, I want to congratulate both the government on the bill and the Liberal Party for supporting it. I was a little concerned for awhile about my erstwhile colleagues in the Liberal Party but I see that they came through. --(Interjection)-- Yes. The problem, Mr. Minister, is that the mike really is not high enough, it should be built a little higher. --(Interjection)-- Not at all.

I want to start by saying, Mr. Speaker, that I do not share the feelings of the Member for Thompson about the Plymouth Brethren. Unless there is within our society and in our laws the possibility for these kinds of exceptions for situations of this nature, then I become very concerned indeed about the future of freedom and of some flexibility in our society. It may also be because I am not that concerned because I have worked out an arrangement with the Brethren; they cannot support unions, they cannot support political parties, whether by votes or by money; being a man who believes in prayer I have made an agreement with them and they told me that they will pray for me. I hope it will be as useful as the prayers of the Member for Point Douglas.

Mr. Speaker, this year I had on the Order Paper a bill to amend the Firemen's Arbitration Act dealing with the right to strike for certain essential employees. It would have amended the act to bring under its purview policemen, firemen and hospital employees and I think it's unfortunate and unreasonable that policemen will have the right to strike. I don't think it makes much sense. I think that this is something we will have to look at next year in the light of what has been going on in other jurisdictions where policemen have the right to strike and in the light of what happens here of course.

With these few words, Mr. Speaker, I would like to state that I intend to support the bill.

MR. SPEAKER: Is it the pleasure of the House to adopt the motion? Agreed. So Ordered. On Division. Call in the members. Order please. The motion before the House, the adoption of Third Reading, Bill 81. All those in favour please rise.

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

YEAS: Messrs: Adam, Allard, Asper, Barrow, Beard, Borowski, Boyce, Burtniak, Cherniack, Desjardins, Doern, Evans, Gonick, Gottfried, Green, Hanuschak, Jenkins, Johansson, G. Johnston, McBryde, Mackling, Malinowski, Miller, Patrick, Paulley, Pawley, Schreyer, Shafransky, Toupin, Turnbull, Uskiw, Walding.

NAYS: Messrs: Bilton, Blake, Craik, Einarson, Enns, Ferguson, Froese, Girard, Graham, Henderson, F. Johnston, McGregor, McKellar, Moug, Sherman, Spivak and Mrs. Trueman.

MR. CLERK: Yeas 32; Nays 17.

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

MR. PAULLEY: Mr. Speaker, on behalf of the Minister of Urban Affairs I beg to move, seconded by the Honourable the Attorney-General that Bill No. 109, an Act to amend the City of Winnipeg Act be now read a third time and passed.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Leader of the Liberal Party.

MR. ASPER: Mr. Speaker, I propose to take only a minute or two. We will be supporting Bill 109, not because it's worth supporting because there's nothing in it not to support. The bill is a nothing bill and that is the kind of statement one can make about it. Mr. Speaker, the absence of anything meaningful or reform-minded in the bill is the greatest condemnation one can make about it. It doesn't merit the attention of this House more than a fleeting second to count the votes. The opportunity to present real reform, real repair, real advancement and progress in the City of Winnipeg Act that was rushed through this Chamber last year, that opportunity was foregone and it is now a clear statement of fact that Bill 36 as it now stands and after amendment stands is this government's bill. It will no longer be adequate for this government to say that the things that are wrong with the City bill were things we copied from other bills because a clear year has passed between the enactment of Bill 36 and today. And were the government the slightest bit concerned about wiping out the ridiculous provisions that

(MR. ASPER cont'd) . . . . we drew attention to in the original debate on second reading of Bill 36, its moment was now and having failed to do so it now becomes the author of some of the most inglorious and preposterous provisions that now are found in Bill 36.

The anti civil liberties, the anti civil rights, the anti individual privacy protection legislation of Bill 36 now is the legislation of this government. For the Minister of Urban Affairs to suggest that he asked the City of Winnipeg for suggestions of changes and they didn't request any, if that is his suggestion of a defence for the government failing at the earliest possible moment, which was now, to bring in meaningful changes to Bill 36, to cut the size of council, to provide an elective mayor, to give the community committees genuine meaning; if his defence is that the city didn't request it, then it is no defence whatever because the City of Winnipeg didn't request the provisions that are in Bill 36 in the first place. They were foisted upon them by this government. But, Mr. Speaker, there's no point in restating for the record what was said on second reading and therefore our position remains that we will support Bill 109 because there is nothing in it, there's nothing in it that one would not want to support. It's strictly a housekeeping bill, it makes no substantive changes but the moment should not be permitted to pass without it being noted that the City of Winnipeg Bill, Bill 36 which it amends remains a monstrosity.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. FRANK JOHNSTON (Sturgeon Creek): Thank you, Mr. Speaker. I will start on the outset by saying that our side of the House, the Progressive Conservative Party will support Bill 109. The Liberal Leader has again demonstrated his liking for the Listerine ad: "I hate it, I hate it, I hate it, but I'll drink it anyway". So, Mr. Speaker, I say that let's get down to earth. In the principle of the bill on second reading I made it very clear that our side of the House was not in favour of many of the things that were left out of Bill 109, and I was disappointed in the fact that the Minister did not adhere to all of the requests of the city in this bill. I would indicate that I would have had an amendment to it regarding the strictness or the authority of the city regarding some of the housing or rental housing which I think that the government should have done at the city's request; and I would indicate now that I couldn't have an amendment because that section is not in 109 and you can't have an amendment to a section that's not there. But I would say that we would present a Private Member's Bill or I will next year as soon as I can to see that that change comes in.

And of course after stating our position on Bill 109, I have to then say that we have rules in this Legislature that's gone to Law Amendments; we had hearings on the sections and what did come out of those hearings was a representation from the city asking for many amendments - when I say many I'm not sure, the Minister may know exactly - but I think we were looking at eight or nine amendments from this request from the city. In that respect, Mr. Speaker, I would say because of the representation from the city and because of the representations made by the Opposition, I certainly intend that we take some credit for it that they took out the section regarding supervision which allows the city to basically decide what authorities the community committees will have, which is only right in this legislation. There's only one area that the government did not change at the request of the city and that is the area of breaking up agreements with developers, and I believe that the authority of the city is very large in the bill and the city will be able to be strict with developers, but I think that the one section that the city asked for for a little more strictness could have been put in.

So, Mr. Speaker, in that respect, the fact that the government was willing to listen to amendments to Bill 109, and again I say that we spoke on the principle of the bill of what was in it or what wasn't in it in second reading. We have now gone through 109 and the government has considered requests very seriously from the city and made amendments to the bill that will not completely satisfy the city but certainly will not harm the legislation. There is one area that I still believe that the sections from 3 to 14 is such that the government is still doing a little bit too much meddling as far as the city affairs are concerned. The government believes that the legislation was developed by them and it should be operated the way they see it should be operated. I don't quite see it this way, I believe the elected members of the City of Winnipeg after experience have more experience on how to operate the bill. But certainly I can say that the Minister did listen to the brief from the city and did listen to the Opposition regarding several sections of the bill and has made amendments. As far as it being a nothing bill is concerned, that is completely impossible because the section on subdivision control is a very needed section for the City of Winnipeg and I would say that we would support the bill, Sir.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, my reason for rising on third reading of this particular bill is certainly not to oppose it, but not being a member of the committee and that two of the committees of the House - Standing Committees of the House - were meeting simultaneously I was unable to be present during part of the discussion of the amendments that were passed to this particular bill. And I'm referring to a special section, namely Section 152 Subsection 6 which is headed, "Reduction of tax rate on agricultural land". Maybe the Minister can explain on third reading exactly if I'm wrong in my interpretation of this but if we're giving the council the power to reduce the taxes on agricultural lands - and I'm not opposed to this at all - but should we not do the same thing for other towns in the country, so that where we have agricultural lands situated within the definition of the lands belonging to towns and villages, that they have a similar power. I certainly think that this is commendable that this section is in there and I think that it should be extended to the Municipal Act or to such act as governs the towns and municipalities of this province.

MR. SPEAKER: The Honourable Minister of Finance.

HON. SAUL CHERNIACK, Q.C. (Minister of Finance) (St. Johns): Mr. Speaker, there's just a few comments I'd like to make. In regard to the section referred to by the Honourable Member for Rhineland, I would remind him that the House has discussed this particular problem which arose because under the Metropolitan Corporation Act there was a recognition that there was agricultural land within the area of the Metropolitan Corporation which did not receive any services from the corporation and therefore the Corporation had the right - was given the right - to exempt these lands from metro taxation. When we drafted the Bill 36 and passed the act there was not a similar section, but there indeed was a section No. 257 which gave the City the right to remit taxes. The Honourable Member for Charleswood referred to it and did point that out. However the city made the point that their solicitor believed that it wasn't adequate enough. Although we did not agree with his opinion, yet we felt that since we agreed with the objectives we should give them the clear-cut right so there should be no excuse if the city decides that it wants to make a remission of taxes that they shouldn't be able to - well, not be able to, but be frustrated from doing it by a different interpretation of the act, so we made that provision and that applies as to the limited degree as set out in the amendments and I think that's all I should respond on that.

The point made by - well first, I appreciate the comments made by the Honourable Member for Sturgeon Creek. It indicates that we are still seized as a Legislature of the responsibility for this bill. We will continue discussions, there is no doubt, in the next session and sessions to come. There will be reviews of the act, there will be reviews of procedures, there will be always I hope an open mind to positive suggestions; and I haven't the slightest doubt in the world that there will be amendments from time to time, and those matters in which there is still disagreement will have to be explored, viewed, exposed and hopefully are in doubt. So I welcome the positive manner in which the Member for Sturgeon Creek approached third reading of the bill, and I assure him that on this side I think we agree that there is a need for constant review and constant discussion.

Now the point he made which is extremely important and which completely denies the statement made by the Honourable the Leader of the Liberal Party would seem to indicate that the Leader of the Liberal Party didn't even read the bill before us, because certainly there is a whole section dealing with subdivision control which I inform members was prepared for presentation in the original bill but was kept back because it was a new development which we thought we should be discussing with the new city and to us that was a very important, a vital part of planning mechanism for the City of Winnipeg. We didn't bring it in in the last year because we wanted it to be fully developed and considered by the people responsible in the new city after their election and after they had time to study it. We presented it to them, we studied it with them and they agreed that it was worthwhile, and therefore it's included in this bill which certainly converts it from a housekeeping bill to a rather vital bill in the area of planning. However in other aspects it is a housekeeping bill and I think there's no denying it.

So let me just refer for a moment to the other comments of the Leader of the Liberal Party who unfortunately is absent now as he was the last time I responded to his comments on second reading dealing with Law Reform Commission. I still believe the responsible way was to deal with it the way we did. We have forwarded the report to the city; we felt that we should get comments from the city as to whether a change as recommended by the Law Reform

(MR. CHERNIACK cont'd) . . . . Commission could adversely affect the city in some way. I said we have not received a reply. The Leader of the Liberal Party - who wasn't even present when I spoke and I don't know whether Hansard has yet been published to record what I said, so maybe he not only didn't read the bill but maybe he doesn't really know what I said - referred to the fact today that it's not in the bill because the city didn't request it. Well that is utter nonsense. There are matters in the bill that were not requested by the city but were included. They are not in the bill because the city had not had time apparently to respond to our request for them to review and discuss it with us. Had we had that discussion and still felt we should go ahead we would go ahead, but the fact is that we felt that there should be consideration given because sections that have been in law for 20, 30 40 years and have not adversely affected any of us who are citizens of the City of Winnipeg and have been for all that time cannot be considered that urgent to be dealt with immediately. And I thought it was a proper courtesy and the government thought it was a proper courtesy to have the city's comments since they were not forthcoming, they were not included in this bill; hopefully next year they will have been reviewed extensively and dealt with next year. So the fact that the Leader of the Liberal Party through ignorance or through deliberate attempt to mislead spoke of this as if the province is not prepared to look at the recommendations of its own Law Reform Commission is so utterly nonsense that I have to say that his contribution today was a nothing contribution, an absolute nothing contribution designed only to appeal to -- well the Member for Sturgeon Creek expressed it better than I can at the moment - but it was a nothing contribution for which I do not thank him but which I recognize was not worth listening to.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: I can say I hadn't quite finished but rested for a moment because there is one other point. May I just complete that point. It was just a minor matter but I have been asked to clarify it. There is a section in the bill which deals with the - saying something to the effect that the city may tax personal property, and it was pointed out to me that that may have been misconstrued. The Municipal Act I believe, and certainly the previous acts involving the municipal corporations or functions in Winnipeg, contained the power for the city to tax personal property in certain respects; and I think today there is certain taxation that takes place in connection with, I believe it's pipelines or something which has become interpreted as personal property because although they may be in the land they are owned by private corporations and are not considered part of the land and that is why - TV cables has been suggested as one of a similar matter. Therefore we had in the act last year the provision that the personal property is liable for taxation. For some peculiar reason there was an interpretation given that this meant that it must be taxed and since in our opinion that's not what it meant - "liable for taxation" to us meant may be taxed, but since there was a different legal opinion we thought we should clarify it. We put it into the act, the only change being that the City has the right to, it may tax - not that it has to, and there is no change from what existed in previous years. I thought I should make that explanation because there appears to have been some doubt.

Thank you, Mr. Speaker.

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

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I move, seconded by the Honourable the Minister of Finance that Bill No. 112, an Act to amend the Real Property Act (2) be now read a third time and passed.

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

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, would you call the resolution now of the Honourable the Minister of Education.

MR. SPEAKER: The proposed motion of the Honourable Minister of Education.

HON. BEN HANUSCHAK (Minister of Education) (Burrows): Mr. Speaker, a number of honourable members have to this date participated in the debate of this resolution, and as could and should be expected in the democratic process, opposing views were expressed and there was also a demonstration of fence straddling by one or two; and as opposed to the purpose of debate on other motions, where the prime purpose may be to place on record and make publicly known a member's or a party's position on an issue, I sincerely hope, Mr. Speaker, that in this instance, none of us should be so rigidly entrenched in our views that we could not see our

(MR. HANUSCHAK cont'd) . . . . way clear to shift our position if need be by the time that the question is called on this motion.

Now I say this, Mr. Speaker, for the following reasons - listening to those who declared themselves to be in opposition to the motion, but in particular to their arguments without exception - if one were to read their debate in Hansard and if one were to focus one's attention solely on the argument and not on the formal declaration of their position, then in every case an argument was made in favour of the motion; and hence, Mr. Speaker, my pleas that those members reconsider their position. And similarly listening to those who spoke in favour of the motion, I wonder, Mr. Speaker, whether all the arguments that some of them used are still valid today, because it's true that many of those arguments are many decades old. But I have serious reservations whether the arguments which may have been perfectly valid in support of aid to private and parochial schools 30 or 40 years ago would stand up today in support of the position - that we should seriously consider the position, that we should seriously consider to meet the educational needs of society of today.

Now I use the expression "aid to private and parochial schools", and I'll try to avoid using that expression as much as I can because that is not really the concept that I tend to favour. And I hope, Mr. Speaker, that honourable members will focus their attention on the first part of the operative part of the resolution, and I would just like to re-read that. It reads as follows: "That a special committee of the Legislature be appointed to consider and recommend on proposals submitted in the reference paper on options for greater community and parental involvement within the public school system"; and then it goes on to say "and which also includes the concept of accommodating those private and denominational schools that may desire to integrate into the public schools".

Now this is the main part of the resolution, Mr. Speaker, and I suggest that if we can draw a blueprint for such a program then the remaining portion of the resolution may then fall by the wayside. Now it is true that what this portion of the motion speaks of is what has recently been labelled as the umbrella plan and may I add at this point, Mr. Speaker, that although it may be true that over the years governments may have been more concerned and anxious to find ways and means to avoid coming to grips with this issue, but it is a fact that for at least eight years members of my party - and I cannot speak for the others - did engage in an honest and serious attempt to devise a plan for an education program that would meet the needs of all in our society, be they needs as to type of program, style of instruction, or educational philosophy; and we did recognize, Mr. Speaker, that the existing public school system is not the "be all" and "end all" - that there are programs offered elsewhere which many in our society have a real need and which needs ought to be honoured.

My goodness, Mr. Speaker, this is nothing strange. I am certain that if we were to compare the public education program of today with that of a half century or even a quarter century ago; we would find no comparison to today's breadth, range and variety of courses and programs with that of any previous period. And no doubt, Mr. Speaker, many of the courses presently constituting a part of today's program, they may have been offered previously but probably by private schools - the example that comes immediately to mind are many of our technical courses. All we need do is compare our regional vocational high schools with the one and only Technical Vocational High School which existed in Winnipeg up until a few years ago, or the school at Dauphin. There were many courses now offered in the public schools which even as recently as four or five years ago a student would have had to take in a private technical school. Now, Mr. Speaker, in this area we could have expanded and enriched the public school system - why not in other areas?

Now this, Mr. Speaker, brings me to the argument put forth by a number of honourable members that the shared services legislation as it now stands allows the government, gives it sufficient power to broaden and expand the public school system and hints that there's no need for the premier's resolution. Mr. Speaker, as I indicated earlier I was never a supporter of aid to private schools. I believe that the state ought to support only one school system, but I hasten to add that the school system ought to be of sufficient breadth to embrace a variety of types of programs to meet a variety of needs, and as I have said before, Mr. Speaker, if we had no qualms about tossing a variety of technical, commercial and social courses into the education basket - how can we turn a blind eye to philosophical and cultural needs of people in our community and refuse to make provision for them?

The major issue facing us today is not one of aid or no aid to private schools - or the

(MR. HANUSCHAK cont'd) . . . . degree to which it ought to be offered, but rather one of defining the term "public school education", defining it in terms meaningful today, meeting today's meaning. And to achieve this, Mr. Speaker, we must assess the community's needs and desire for involvement with the public school system; we must determine the extent to which and the manner, the role, the responsibility the community wishes to assume in the operation of our schools.

You know, Mr. Speaker, the basic provisions of our Public Schools Act were written for a school system in an era when there was much greater parental involvement than there is today. Essentially the Public Schools Act was written for the one-room school, for a school district of 10 or 20 families; where the whole community knew one another, they knew one another personally; where they frequently met as a community, as a whole community - at social functions, at church, school socials and in fact, at the annual meeting where debate was often hot and heavy in an attempt to or in the process of obtaining as full and as complete a report as possible from the board on the year's activities of the school. Now it's true, Mr. Speaker, that the Act had been amended to accommodate today's school divisions but the amendments were of a nature to make the old laws fit the new system, rather than draft new laws for a new system. So therefore, Mr. Speaker, today we have school divisions as large as, the largest Winnipeg, a quarter of a million people - over 45,000 students run by 9 trustees, one per twenty-five to thirty thousand people.

Now, Mr. Speaker, no one in this House would say that it is humanly possible for a trustee in a division that size or even one one-tenth that size to keep his finger on the pulse of the thinking of the people in his division or his ward. Now, it may be asked, what about the MLAs and the MPs, they answer to even larger numbers of people. True, but if we still believe in local control and a certain measure of autonomy of school divisions, then it becomes crystal clear that the existing system is most inadequate. So I would hope, Mr. Speaker, that if this motion passes that the resolution establishing the special committee would give us the power and the authority to seek the advice of a community and thus obtain an accurate reading; as accurate a reading as may be humanly possible of the best manner in which the public school system can be strengthened and expanded to provide the variety of programs people want; and to provide them in a manner that would give the community the satisfaction and assurance that each and every one of the community is a vital part of a school system - and that the school system is sufficiently sensitive and flexible to respond to the community's needs, not to the needs of a majority but to the needs of sufficient numbers for whom the community could make adequate provision.

You know, Mr. Speaker, to institute a typing course we do not insist that there be a majority demand, but rather a sufficient demand that is within the community's means to provide. And similarly, let's identify the needs of minorities in other fields, in fields that for far too long have been neglected; such as schools founded on a certain philosophy of teaching, be it the Montessori or the so-called free schools, the lyceums such as we have being established in southern Winnipeg. Or the type of school wherein the rules of conduct may be even more rigid than those commonly practised, such as one of that type in Toronto; or a school that may be culturally centered around that of a certain ethnic group and that culturally oriented school it may have a certain dominant religious character to it. But if the point that I've last mentioned, Mr. Speaker, bothers anyone, I say that we have public schools which demonstrate a very obvious religious influence, perhaps not directly but certainly indirectly as a result of the conduct of the pupils and the teachers; as influenced by the religious affiliation of a predominant number of people in the community and this becomes a very distinct characteristic of that community and of that school.

And may I simply point out to you, Mr. Speaker, that if you wish to see evidence of these contrasts and see how our public schools differ in the Province of Manitoba, and how this difference is caused by differences in cultural background, differences - and associated with that, may be also differences in religion. And all one need do is go down to Vita just south of here, Altona to the west of us, go to St. Pierre, go to Killarney, go to Lundar - I'm just mentioning a few and I'm not singling those out for any particular purpose, that one could name another 25 to 50 towns that may also be very typical in that sense as indicating and demonstrating, typical of a school of a certain type which demonstrates a particular cultural religious character to it.

Now, Mr. Speaker, I do not intend to stray from the main point and get into a debate on

(MR. HANUSCHAK cont'd) . . . . this particular issue that I've just mentioned, but I simply wish to - and I wish to return, Mr. Speaker, to what I had said I would deal with as a main point and desirability for a committee of the House to deal with the issue described by the Premier in his resolution. It was suggested yesterday, Mr. Speaker, by an honourable member that an all-party committee could not resolve this issue because there may be as many recommendations as there are parties - or in the case of this issue perhaps as many as members on the committee, and that the recommendations may be not only many but in many cases diametrically opposed to each other. Well, Mr. Speaker, I together with other members of this House have had the privilege of serving on the House Rules Committee, once as chairman and twice as a member - and, Mr. Speaker, I appreciate you cannot answer me but I am certain that other members who served on the committee will testify to the fact that an all-party committee can set its mind to function for the benefit of the entire group. But in this case, the group was a group that charged it with certain responsibilities and that is this House, and we of the government side were able to examine and scrutinize our rules as they may affect not only government but also the opposition to enable it to discharge its role most effectively, and I can honestly say that the opposition members reciprocated by examining proposals for rule changes, not only from a point of view of bringing into effect such rules that would benefit the opposition but they were also mindful of the fact that the legislative process demands rules that would allow the government to present its legislation and estimates in the most effective manner.

Now, Mr. Speaker, I know you may say that this is not a satisfactory analogy because we are dealing with issues of common interest to both sides of the House. Well let me give you another example: In 1969 a committee of the House was established to review landlord and tenant legislation. That committee reported and its report resulted in legislation that we have today. Several years ago the Roblin administration did likewise with consumer protection legislation and the report of that committee eventually - several years later - but eventually it formed the basis of legislation; dental mechanics another example of which I've just been advised. And in both of those cases or in all three cases the legislation was the product of work of a House committee. Now it is true that in the case of the Landlord and Tenant Act, the Consumer Protection Act, the opposition members may say, Ah, but there are many amendments that followed. But the amendments by and large were to correct anomalies, drafting errors basically, but in no way, no way really did any of the amendments alter the basic principle of the legislation.

So this, Mr. Speaker, brings me back to a point that I made earlier, the need to hear from the public. Honourable members will remember that preceding the House Committee on Consumer legislation there was a Citizen's Committee which allowed for an expression of opinion and advice from all sectors of the community, and therefore, Mr. Speaker, I suggest that there should be ample opportunity in this instance for public expression of opinion. I believe that the public wishes to speak to us and I believe that the public wishes to express to us its definition of a public school system; not the definition of the 1900s but the definition of the 1970s, and in fact the definition of the 1970s with a forward look that will stand up in the years to come. The public does not wish to speak to me or any other members of this House privately, individually, in our respective caucus rooms, but it would rather speak to us as members of the Legislative Assembly, and it wants to get in on the ground floor of the drafting of legislation, it wants to share in establishing the guidelines for the legislation for an education program for the future. Many years have gone by since the public last had the opportunity to speak in this fashion, and it, Mr. Speaker, deserves it now. And we as responsible legislators ought to give the parents, the trustees, the teachers and all others interested the opportunity to participate in the moulding of an education program for a province which by the very nature of its make-up ought to lead the way in laying the groundwork for a progressive form of education designed to truly meet the needs of the people of Manitoba. To meet the needs of the people of Manitoba it would have to be varied. Some of the variations, true, are available now but at additional cost. Mr. Speaker, I suggest to you that all the varied programs for which there is a demand should be available to all subject to no additional cost nor any undue admission barriers.

Mr. Speaker, it was mentioned during the course of debate of this motion that the students should be taught not what to think but how to think, and this statement was made in support of the status quo. But, Mr. Speaker, if religious education implies teaching how to think then I wish to remind honourable members that the Public Schools Act as it is now written allows for

(MR. HANUSCHAK cont'd) . . . . the teaching of same; but may I also remind you, Mr. Speaker, that many religions also teach how to think. Now although it may be true that some time ago many religious groups emphasized the what-to-think aspect, but may I ask those members whose concept of the influence of a religious faith may be a few decades behind, that they acquaint themselves with the thinking of the leaders and in fact the adherence of the various religious groups of today and they will find that there is a growing tendency toward the questioning of religious principles and the acquisition of satisfactory answers and away from simply accepting everything blindly that is told them as the gospel truth without question.

I find it strange, Mr. Speaker, that some of us find it abhorrent to join hands with anyone identified with a religious group in providing education from Grades 1 to Grade 12 and yet we have no qualms about participating with a religious group in assisting it in offering post-secondary education, to wit our university colleges. Nor do we have any qualms about offering public assistance to religious groups offering various other types of social service, be it for the physically, mentally or emotionally ill, regardless of age. Now surely an institution offering this type of service under the auspices of a religious group has as much influence over the individual as a school may have, particularly if the individual is in the formative years of his life.

During the debate of this resolution, and on previous occasions, Mr. Speaker, it has been said that an education program is being provided, financed out of the public purse, and if anyone wishes anything different then let him pay for it. By way of illustration or analogy it has been stated that if I'm not satisfied with public police protection and desire something more then I should pay for it. It has also been stated that we have publicly financed parks but if I feel that my child deserves something different then I should pay for it. Now as far as those examples are concerned I agree, but there are two flaws in that line of reasoning, Mr. Speaker. One which had already been stated yesterday, that is that I'm not compelled by anyone to seek additional police protection or a different form of recreation for my child, I make that decision of my own free will, whereas society tells me via legislation that I must send my child to school. And secondly, on what basis do the supporters of the public school system, as they define it, see their way clear to give recognition to an education obtained in a private or a parochial school. Does it not follow that if they see their way clear to recognize an education obtained elsewhere than in the public school as satisfying the requirements of the law, then it ought to be paid for out of public funds.

Mr. Speaker, if the state requires that society do certain things and if the state is prepared to pay for offering that service then if an individual meets the requirements of the state by whatever means acceptable to the state, then the state ought to pay for it. It has also been stated that the public school system as we now have it reflects diversity of society. Now, Mr. Speaker, how many millionaires are there enrolled at Hugh John Macdonald School or Dufferin, Norquay or David Livingstone, Aberdeen School or St. John's High School. And how many native people or Metis are enrolled at the Tuxedo-Shaftsbury School; or how many children of parents living on the minimum wage are there attending Tuxedo-Shaftsbury? Now here again one could probably refer to many other examples but all I want to point out is that the notion that the public school system provides for an integration of all racial and socio-economic groups is a myth. There is no public school in Manitoba that reflects a true diversity of society. I cannot accept the argument that retention of the existing public school system contributes toward a diversity of society and in turn tolerance. The proponents of that position make it sound as if the existence of a public school system leads to diversity of society in a community, but diversity of society in a community to whatever extent it may exist is dependent, and it is never complete diversity, is dependent on entirely different factors - occupational preference, economic and various social affinities.

One further word on the matter of tolerance, Mr. Speaker. Why should two students be less tolerant of each other who choose to attend different schools offering programs to meet their different cultural needs than two students, neighbours in the same block, who attend different schools because one wishes to pursue an academic program and the other a vocational one. Now again I say, Mr. Speaker, to the advocates of a school system reflecting a diversity of society, that if they wish to advocate that establishment of schools offering -- if they believe in the diversity of society and that the central school preserves that then they ought to oppose all diversification of schools. They should oppose diversification of schools on whatever basis we now have it, as we presently do, Mr. Speaker. We have schools that are academically

(MR. HANUSCHAK cont'd) . . . . oriented, schools that offer predominantly a vocational, industrial program and so forth, because surely, Mr. Speaker, those schools segregate the community, and yet the proponents of the notion that the public school preserves the diversification of society for some reason they will not go to that extent and suggest that we ought to combine all those schools into one. But for some reason they seem to fear separation on any other basis. You can separate schools to provide an academic program in one, a technical program in another, but let it be on that basis and none other.

Mr. Speaker, no doubt that was the position of many prior to the turn of the century and perhaps for far too long thereafter but, Mr. Speaker, that's what I meant when I stated in my opening remarks that some of the opponents to the Premier's resolution are resorting to arguments which may have had some semblance of validity at one time but they certainly went out a half century or more ago. Now surely, Mr. Speaker, we have matured to the point where we can accept one another as members of a community, as Manitobans, capable and willing to work together but at the same time recognizing the fact that we have our different religious and cultural preferences and that it is that very fact, the sum total of which contributes towards the formation of that that we are proud of, our cultural mosaic.

Mr. Speaker, it's also been suggested by some that providing public assistance to those schools presently not in receipt of same would enable the rich schools to become richer; it would enable those schools presently offering a program in some respects superior to that available in the public school system to become even more superior; and those that put forth that argument claim that this would accrue to the benefit of those who without the assistance of public support could provide their children with whatever type or quality of education program they may desire. Mr. Speaker, my answer is that if any school presently outside the public school system should receive public funds then it ought to operate and offer a level of service on par with that of the other public schools in the division in which it may be located, and as such a school do not charge any additional tuition fees and that admission be open to all who wish to apply. Now if on the other hand they should choose to offer a more elaborate program than what the public purse could afford then such a school should not qualify for public support and its students should not automatically obtain standing recognized by the province but they should have to qualify by obtaining satisfactory standing in whatever subjects the province may prescribe and in the manner prescribed by the state.

What I'm really saying, Mr. Speaker, is that I favour one unified public school system but I envisage it as being broad enough to embrace a variety of types of programs. And if I may say a word or two to those conducting our private and parochial schools, there is evidence to demonstrate that a variety of types of programs can be offered within the public school system. The notion that the Public School Board and administration would be unco-operative and/or obstructionist, well that too, Mr. Speaker, is a myth. I believe that a system could be worked out within which a variety of types of schools designed to meet a variety of types of needs could operate. Perhaps it may be said that a precedent has been set in those school divisions wherein parochial schools have already integrated into the public school system, but getting back to the resolution, Mr. Speaker, guidelines have to be established to assure that whatever features or characteristics of a private school distinguish it from the public school and if those features are desirable, provisions be made that those features could be retained and thus they could make their contribution toward the enrichment of our education program.

I know, Mr. Speaker, that there may be details of the umbrella plan to be ironed out but I do not feel that that is an impossibility, there is evidence that the plan could work. And I do believe, Mr. Speaker, that it offers the best means for providing Manitobans that which we endorse and desire - a single comprehensive, all-embracing school system. To determine the extent of its comprehensiveness that may be desirable and to assure ourselves that our plan of action will be in tune with the needs of the communities, then support of the Premier's resolution is the logical consequence.

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

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, it seems that, in my mind anyways, that eight years have passed rather quickly because the speeches that were made in 1964 and the speeches that have been made so far have really not been that dissimilar; everyone is putting his reasons and his thoughts before the House and there is a marked similarity from this debate to the debate that took place eight years ago.

I might say that as one who represents a constituency that has no private schools in it,

(MR. G. JOHNSTON cont'd.) . . . . has a large Anglo-Saxon element with the others who came later in this century, I find that when I voted in 1964 in favour of the Shared Services Plan that I thought I was taking a great deal of political risk because I may not have been representing, through my vote, the large majority of the feelings of my constituency. But I found that while there were vigorous opponents on both sides of the fence at that time that the furore did die down and the government of the day did go ahead with the plan that we know as Shared Services today. And as the Premier has rightly pointed out in his resolution, some inequalities have crept in where some private schools have been found to receive more financial aid from the government than others, and in trying to find a solution to that I'm going to support the idea of the committee to study this problem. But after having said that I am not going to entertain or vote for any legislation that may come out of that study that will in one iota take away anything from the public school system of our Province. By this I mean, the division of the tax dollar to go towards schools which are outside of our school system; by this I mean that I am not in favour of teacher grants, I am not in favour of per capita grants for students, but I do want to be fair and open-minded and try to make the Shared Service plan which began in 1965 be more equitable to those who are being affected today.

I might say that it is interesting to look back to the Journal of 1964 and of the, I believe it's 12 members we have in the House, of the 57, have stayed in politics - the 11 members, pardon me - it is interesting to note that those who voted against the resolution for various reasons today, and I list four of them: the Member for St. Boniface, the Member for La Verendrye, the Social Credit Member for Rhineland, and the First Minister, all voted against the resolution in 1964, for various reasons. I know the Member for St. Boniface voted against it on the grounds, and if I recall the phrase he used, he said "because it's crumbs, it's not good enough". --(Interjection)-- Well, then perhaps I've taken the member's words out of context but I did understand him to say in his speech that he was opposed because it wasn't enough.

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

HON. LAURENT L. DESJARDINS (Minister of Tourism, Recreation and Cultural Affairs) (St. Boniface): On a point of privilege, I just wish to inform my honourable friend that I clearly indicate that I wasn't supporting that because of the terms of reference but I could not accept for negating some principles that I had.

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

MR. G. JOHNSTON: I apologize to the Member for St. Boniface if I have taken his meaning out of context. But I note that - the argument has now been presented two or three times that anyone who votes for this resolution is committing himself and is really voting for a certain type of more state aid to the private and parochial school system.

Well, Mr. Speaker, I am not accepting that for myself. If and when the government brings in legislation based upon a report of this committee, I'm giving notice right now that I'm not bound because I'm voting for the committee to be set up, I am not necessarily going to vote for the legislation, and I want to make that perfectly clear. --(Interjection)-- Well the Member for Pembina says "straddling the fence". I'll tell the Member for Pembina that when I speak I speak for myself and when I vote I vote my convictions and I'm not swayed by anyone who may think by pressure or scorn he can cause a change in my feelings. So I can assure the Member for Pembina that whatever arguments he has I will be inclined to listen to them and weigh them and assess them but not on the grounds of emotion or bigotry.

But I would offer a warning to the government, in particular to the First Minister. If the committee is only being set up to hear from the various pressure groups, the pro and con of the argument which is mainly emotional I suppose, then I don't look with a great deal of favour on that, if that's the context with which the committee is going to operate. But if the committee is also going to investigate the actual workings of the Shared Services plan that we now have with an idea to see if there can be some improvements made without changing that principle, then I would support that. And I think reasonable men and women would support that idea also. If the committee should wish to examine the experience of other jurisdictions, and I think that would be a reasonable approach to take, because one of the greatest lessons anyone can take, no matter at what age, is the lesson of experience that may have been gained by others.

But I would like to offer this warning with sincerity to the First Minister. That if legislation comes in in 1973, which is probably an election year, and it becomes into the heat of an election campaign, I say God help this province for the bitterness that will be stirred up. Even the most reasonable approach sometimes in the heat of argument goes a little bit too far, and

(MR. G. JOHNSTON cont'd.) . . . . I would say to the First Minister that any legislation should be considered not in an election year. Now, I don't mean that they should be postponed; I would recommend highly that this be dealt with as quickly as possible. I would suggest that the committee be instructed to get to work immediately after the session and that they be given a deadline to report. After all this isn't a new question. We're covering old ground in some circumstances, we're examining an experience that we have had for eight years. So while the work may be important and onerous it doesn't need to take a year or any period of time like that. So I would suggest that the committee would be required to report with a deadline, that the House would be called into special session, separate from the election year session, to deal with the subject. In that way it would be hoped that this would be kept out of the political field in an election year, which I don't think would do this province any good.

I would say to the Premier that if by accident or by design, the proposed legislation which may come from this committee became the subject of a bitter election campaign that provincial historians who would look back on this period of time may be inclined to overlook any achievements that he may have compiled and he would be remembered for the thing that he did to the province in having this, I say either by accident or by design, having this matter as an election issue.

So, Mr. Speaker, with those few words I've stated my case as clearly as I can and I would like to propose an amendment to the resolution. I move, seconded by the Member for La Verendrye, that the resolution be amended by adding after the word "it" in the last line "And be it further resolved that this special committee be instructed by this House to bring its report to a special session of the Legislature not later than November 30th, 1972".

MR. SPEAKER presented the motion. The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, on a point of order. I question whether there is any precedent or whether there can be any suggestion that a Legislature has a right to command a legislative session. I am not suggesting that that cannot be a desire and if the motion were properly put I would have something to say about that, but I question whether the Legislature has the power to direct that a legislative session be held. My understanding is that a legislative session is called by the Lieutenant-Governor-in-Council - not by the Lieutenant-Governor-in-Council but by the Lieutenant-Governor - and that the Legislature cannot direct that the Lieutenant-Governor call a legislative session by a certain date. Therefore I would suggest with the greatest of respect, Mr. Speaker, that the Legislature has no power to make that kind of an amendment to the motion. Now, words of "desire" could be used, words of "recommendation" but I think that the words that are used in the motion are rather mandatory words and that the motion could not be considered on that basis.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I've asked for further advice as to the acceptability under the rules of a motion of this kind. I can only in a tentative way submit to you, Mr. Speaker, that the convening of a legislative session is something which certainly by convention, if not by citation of Beauchesne, is something which is clearly understood as being vested with the Lieutenant-Governor-in-Council. Now whether or not a completely unbroken parliamentary practice, custom and convention can be simply set aside because there's nothing in our rules to say otherwise is a very moot point and that is one that cannot be dealt with lightly by the Chair I would suggest. There is the additional consideration, which is more of a practical consideration than one of the rules, and that is that if the honourable member is proposing here a date of not later than November 30th; without going into the reasons why he has mentioned November 30th, let it be clear that what is under argument is November 30th as opposed to February 28th or February 15th or some such date, a matter of two months. Well perhaps that is something that the Chair need not concern itself with.

So I revert back now, Mr. Speaker, to simply re-emphasize the consideration of long-standing parliamentary convention that the convening of sessions is something which is done by His Honour on the advice of his Ministers.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Yes, Mr. Speaker, I regret that I was outside of the House at the time of the introduction of this resolution. I find that there is another deficiency in the resolution proposed by the Honourable Member for Portage. And that in addition that it is the prerogative of the Lieutenant-Governor-in-Council or the First Minister to call sessions at pleasure, there is also the question of the consideration, because an expenditure of money is involved for a

(MR. PAULLEY cont'd) . . . . special session -- and that is the term of the resolution of the Honourable Member for Portage la Prairie: "Be it further resolved that this special committee be instructed by this House to report at a special session of the Legislature". -- It is not within the competence of any member of the Assembly, other than a member of the Treasury Bench to call a special session which involves the expenditure of money, Mr. Speaker. So in all due respect I say that the resolution is, on that, incompetent of the Honourable Member for Portage la Prairie.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: On the point of order, Mr. Speaker. I assume you're going to take this for examination, but speaking to it, it would appear that perhaps the resolution would be more acceptable if it had the "consider the advisability of" clause on it, and therefore would get around the feature mentioned by the House Leader. There are some merits I assume in this in that the government may wish to consider this at any rate because the recommendations that would be brought in if the committee were formed could have a significant impact on the next year's budget. I would assume the government would want to know, since budgets are usually formed around this time of year for the forthcoming year, they may well want to know that far in advance what provision can be made, if it can be made, in a budget for the following year. Therefore, I think that the resolution probably has merit and should be given your consideration if some rewording can be introduced.

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

MR. G. JOHNSTON: Mr. Speaker, I accept the advice given to me by speakers and if by leave I could withdraw the amendment and present another one for your judgment.

MR. SPEAKER: Is it agreed the honourable member have leave to withdraw?

MR. PAULLEY: Mr. Speaker, I have no hesitation at all in allowing the honourable member to withdraw his resolution, but, on the condition that he suggests to bring in another resolution is a different matter. I'm prepared to allow, subject to your ruling that the motion is out of order, to allow my honourable friend the unanimous consent to withdraw.

MR. SPEAKER: Is it agreed the honourable member withdraw his resolution? (Agreed)

The Honourable Member for Portage la Prairie has completed his remarks. Someone else may have the floor if they so wish. Is it the pleasure of the House to proceed to adopt this resolution? The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Speaker, dealing with the resolution of the First Minister I find that the remarks of the Member for Portage and the remarks of the Minister of Education today are considerably different in content and reason, and yet we find that both the honourable gentlemen have arrived at a same decision with respect to the resolution before us.

The resolution that the First Minister has brought forward is one to set up a committee and in that committee he has put fairly restrictive terms of reference. The first term of reference is to consider the reference paper that was presented to all members of the House and which had been drafted at the direction of the First Minister and which in the opinion of some people does not necessarily present the full picture with all the options or in fact give all the facts.

One of the second points in terms of reference is to consider the shared services program and the shared services program that has been in existence since '64, and the reason for including that he says is because of the anomalies discovered in the actual operation. Mr. Speaker, if the First Minister feels that the operation of that program is not proceeding properly I'm rather surprised that he would set up a committee of the Legislature to study that. I'm rather surprised that if those anomalies are there why he wouldn't correct them. He says they're there but really he says, "I don't want to touch this. I'll let somebody else take a look at it". Mr. Speaker, to me that is shirking the duty that a responsible government should be fulfilling. If there are anomalies there, if there are discrepancies and abuses taking place, it is the duty of the government to correct it, it is not the duty of a committee to consider. I feel, Mr. Speaker, that the First Minister is shirking his duty in this respect.

One of the third terms of reference that the First Minister wants this committee to consider is the legislation adopted in 1967 in the Provinces of Alberta and Saskatchewan, and here, Mr. Speaker, I suggest that there is really no comparison or any reason to consider the legislation from Alberta and Saskatchewan because the basis for the educational program for the Province of Manitoba set out at the time of Confederation was completely different than the basis of legislation set out when the provinces of Alberta and Saskatchewan joined Canada. The

(MR. GRAHAM cont'd) . . . . situation in 1867 or 1870 and the situation in 1905 were vastly different so that the legislation in those two provinces really has very little effect on us here. I don't see much point in a committee doing detailed study on the legislation that exists in those two provinces. I don't think it would be of much significant help to the problem we have here in Manitoba.

One of the other terms of reference that the First Minister refers to is the changes enacted in Ontario in 1972, and here there may be some validity in considering the legislation that occurred in Ontario in 1972. But again, Mr. Speaker, I suggest to you that the problems of Manitoba are unique and they are strictly problems for the Province of Manitoba.

Finally, Mr. Speaker, the last term given to this committee by the First Minister is to consider and recommend on such other documents and information as may from time to time be laid before us.

There's no place, Mr. Speaker, in this where I find any reference by the First Minister to any investigation into the public school system and I feel very strongly, Sir, that if there is going to be a committee of the Legislature to study some of the problems of education in the province, we should study the whole problem. The activity and the expenditure of money in the field of education is the single largest expenditure in this province and yet a committee is not being told to take a look at it. I would sincerely hope, Sir, that if a committee of this nature is set up that surely the First Minister would want that committee to take a look at the entire educational system not just one very narrow facet of it. That is just one reason, Sir, where I feel the First Minister has been very restrictive in setting out his terms of reference.

I would also like to know what new additional information the First Minister might have at hand for this committee to study that was not available in 1964 other than the legislation that was passed in Ontario in the past year. This question has been discussed repeatedly from time to time throughout the generations in this country. Progress has been made; I think the shared services program that was brought forward in 1964 was probably the greatest step that has been taken in this direction for many many years. But that step, Sir, was taken by a courageous government that brought forward legislation. That, Sir, was a step that was taken by direction given by a courageous political leader. There was not at that time, if memory serves me correctly, Mr. Speaker, there was not the same hesitancy, the same vagueness that is being shown by the First Minister in this case.

This proposal calls for the establishment of a committee of the Legislature and that committee, no doubt, the makeup of that committee will determine the outcome or the proposals that come from that committee. It can be influenced by the composition. You and I, Sir, know that it would be very easy to get 11 or 12 members from this House who all agree in one direction in this particular issue, and if you put all those members on that committee you would know beforehand what the outcome would be. The converse could also be true. From the debate that has taken place in this House the First Minister can be fairly well-acquainted with the personal views of the various members of the Legislature, and I would think that the makeup of that committee, after having everyone make their views known in this Chamber as is being done in this case, will really negate any useful function of that committee.

Mr. Speaker, from time to time all political parties I think have made use of judicial committees, of Royal Commissions, and they always shudder whenever they mention that type of commission because the finger of the public has always been pointed at a government that uses the Royal Commission or the judicial enquiry as a means of disposing of a particular thorny issue and shelving it for a short period of time. However, a judicial committee could objectively view the information made before it. A Royal Commission could also do that and I would doubt if the First Minister in establishing such a commission would endeavour beforehand to ascertain fully the personal views of those established to the committee with respect to the particular issue at hand. Anyone endeavouring to do so I would suggest would be subject to severe political criticism because they would be attempting to hit the scales one way or another on this issue.

Mr. Speaker, I know there are many others that want to speak on this issue so I will endeavour to keep my remarks very short, and, Mr. Speaker, for these reasons that I have expressed I must confess, Sir, that I do not believe that the committee could serve any useful purpose in solving the problems that the First Minister has brought before this House.

MR. SPEAKER: Is it the pleasure of the House to proceed with the motion? The Honourable Member for Thompson.

MR. BOROWSKI: Mr. Speaker, I move seconded by the Member for Churchill that the debate be adjourned.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Mr. Speaker, I wonder if the Clerk would give me the resolution standing in my name and also to my colleague the Minister of Municipal Affairs the resolution standing in his name.

Mr. Speaker, I beg to move, seconded by the Honourable the Minister of Finance that :  
WHEREAS the Legislative Assembly of Manitoba, at the Fourth Session of the Twenty-Ninth Legislature appointed on the 28th day of March 1972, a Standing Committee on Economic Development consisting of the following members: Honourable Messrs. Burtiak, Evans, McBryde, Pawley and Schreyer; Messrs. Beard, Boyce, Craik, Gonick, Johannson, F. Johnston, Jorgenson, McGill, Patrick, Shafransky, Sherman, Spivak and Turnbull.

AND WHEREAS it is deemed advisable that the said committee consider:

1. The number of takeovers of Manitoba companies by national or international corporations, the reason why these have occurred, and the effects these takeovers have had on the Manitoba economy.

2. The degree of foreign ownership in Manitoba and its effects on the Manitoba economy.

3. The effect of the DISC program on the Manitoba economy.

4. The effects of the proposed federal takeover legislation on the Province of Manitoba.

5. Other related matters.

AND WHEREAS it is deemed expedient that the said Committee should be authorized to hold such public hearings as it may consider advisable.

THEREFORE BE IT RESOLVED that the Standing Committee on Economic Development appointed at this Session have power to sit during recess, after prorogation to consider the matters referred to it; to hold such public hearings as it may consider advisable and to report its findings and make such recommendations as it deems appropriate at the next Session of this Legislature.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, the resolution that is before us is naturally making the committee that was set up earlier to provide or perform a certain function during and after the session. I take particular interest in the type of resolution and the matters that are to be under consideration by this committee. When we talk of takeovers of Manitoba companies by national or international corporations, I take it that there is no restriction whether this was dealing in finance of whatever type of business this is, because it can cover a very wide range. I would be interested to know just how you define companies, whether these are companies incorporated under law and whether it is confined to this or whether this could be broadened to include associations of any type. I imagine the word "companies" the way it is being used here, would be companies organized under the Companies Act.

Certainly it would be very interesting for the House to know the results of the findings of this committee that will be delving into this, and I do hope when these committees are being held that members of this House are free to attend and that they be held in Manitoba so that we don't have to go far afield to attend these meetings.

The degree of ownership is mentioned and the effect that they have on the economy. Certainly I think these are all very important points and I in particular take great interest in the resolution that is being proposed and I do hope that the findings that will be brought in will be of great benefit to members of the House for consideration at another time and that could have a bearing on future legislation.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, this is probably the last day of the session and it's rather appropriate for the government to try and give a bone to some of their backbenchers and to others in an attempt to try and be all things to all people. Yes it is - it's a bone to the Member from Crescentwood and I'm going to indicate why it's a bone to the Member from Crescentwood.

Mr. Speaker, you know this resolution - this resolution introduced by the government is one more attempt to try and satisfy all the elements that make up their caucus and the difference in various positions, and, Mr. Speaker, while I appreciate the fact that it is before us and the standing committee is going to meet, I am going to offer by way of amendments very soon, other matters that could be considered and I wonder whether the government is going to

(MR. SPIVAK cont'd) . . . . be prepared to consider them as well.

Now this, Mr. Speaker, should give us an opportunity to discuss the whole question of economic development, but I am not in the position of the premier or the members of the caucus in attempting to try and classify all the elements. But let me quote, Mr. Speaker, just for a few moments from an editorial in Canadian Dimension, written by Cy Gonick. Let me quote, and it's a recent article, Mr. Speaker - it was written in March-April edition of 1972 and it's called "Dead and Dead" and I want to quote what Mr. Gonick says:

"The multi-national corporation does not scare easily. It is not scared of David Lewis no matter how hard he pumps his fist. It is easy to see why. Neither of his successful New Democratic colleagues Edward Schreyer or Allan Blakeney have been willing to confront a single large American company. NDP governments do not take over profitable companies, no matter how badly they exploit their workers and disregard the needs of the communities in which they locate. Rather NDP governments add to the welfare programs, adjust taxes, raise minimum wages and salvage bankrupt companies. Premier Schreyer ironically has taken to joining the general attack on welfare recipients. Too many of them are lazy and irresponsible he says. Meanwhile he neglects to attack the system which makes welfare profitable and inevitable and attacks the question of the validity of the economic system as a system that is upsetting to uncommitted voters."

MR. SPEAKER: The Honourable Minister of Labour on a point of order.

MR. PAULLEY: . . . but I do want to raise a point of order, and I enjoy listening to the Member for River Heights, but the resolution before us does not deal with what the Honourable Member for Crescentwood said; it doesn't deal at all with any documentation. The resolution, Mr. Speaker, in all due respect only deals as to whether or not the Committee on Economic Development should be authorized to sit between sessions to consider matters referred to it, and in all due respect to my honourable friend I think, Mr. Speaker, that you should consider whether the operative section of the resolution is as to whether or not the committee should sit to hear this.

MR. SPEAKER: Order please. Order please. The Honourable Leader of the Opposition on the same point of . . .

MR. SPIVAK: Mr. Speaker, of course I had not completed the reading of the article. Yes I think I should finish.

MR. SPEAKER: Order please.

MR. SPIVAK: And I think it would be very good reading for some of the members opposite; but, Mr. Speaker, if I am in a position to complete the article, the portion of the article that I was intending to read - and I hope that I will - I think it will relate directly to the operative sections of the resolution. Mr. Speaker, this is a . . . for the Honourable Member for Crescentwood via the government, and I want to be in a position to . . .

MR. SPEAKER: Order, please. Order. Order, please. I had hoped the Honourable Leader of the Opposition would speak to the point of order, he was just carrying on the debate. I would like to indicate that the point the Honourable Minister of Labour made should be observed. We are dealing with the setting up of a committee and I think we should try to stay within the confines of the resolution. The Honourable Leader of the Opposition.

MR. SPIVAK: I would now like to continue the article and relate it to the portion referred in the resolution that deals with what the committee is to consider. The Honourable Member for Crescentwood says, and I quote: "Plant shutdowns, plant abandonment and mass lay-offs have occurred in Saskatchewan and Manitoba." I don't think he's spoken recently to the Minister of Industry and Commerce, "Multi national corporations cannot help but notice that the NDP government responds in the same way that the Liberal and Conservative governments respond. They do nothing; but most members of the NDP do not seem terribly disturbed by this inaction."

Mr. Speaker, almost every section referred to after the word "consider" are matters that the Honourable Member from Crescentwood has discussed either in this House or in the standing committee. So, in effect, realistically what this is, Mr. Speaker, is an attempt to try and deal with those items that he's concerned with and in this way try and sort of pacify the various views and divergent opinions which has resulted, Mr. Speaker, in no economic development policy being fostered by the government, not one that would satisfy the Honourable Member from Crescentwood and certainly not one that would satisfy anyone who is really concerned about Economic Development, and I must tell the Honourable Member from Crescentwood not one that satisfied with members opposite.

(MR. SPIVAK cont'd)

So, Mr. Speaker -- we have also had, Mr. Speaker, some recent correspondence between the First Minister and the Winnipeg Chamber of Commerce, as to tax levels and as to the economic climate, and I think it's about time, Mr. Speaker, that we do have an opportunity for a standing committee to be able to hear representations, to be able to hear and to have facts presented. The Honourable Minister of Labour says he's giving us that opportunity and I want to insure that we have the opportunity, and so therefore, Mr. Speaker, I move, seconded by the Honourable Member for Swan River, that the proposed resolution of the Honourable Mr. Paulley be amended by changing the present No. 5 to read No. 7 and adding the following two sections:

5. The correspondence between the Winnipeg Chamber of Commerce and the Premier with respect to taxation levels and the business climate in Manitoba;

6. The winding up of the Manitoba Development Corporation.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Mr. Speaker, you know sometimes we get cluttered up in resolutions. I think that if in the wisdom of the committee that it wanted to consider the point raised by the Honourable Leader of the Opposition it could so do by reference to other related matters. If in the opinion of the committee the correspondence between the Winnipeg Chamber of Commerce and the Premier with respect to taxation levels and the business climate in Manitoba should be considered by the committee, the committee would make that decision, and in respect of No. 6, the winding up of the Manitoba Development Corporation, the committee in its wisdom could consider that under the present proposition contained in item No. 5 "other related matters". I think there is broad latitude in the resolution as it stands and I would suggest in all due respect that the propositions of the Honourable Leader of the Opposition should be rejected.

MR. SPIVAK: Well, Mr. Speaker, I wonder . . .

MR. PAULLEY: Was he up?

MR. SPEAKER: Order please. He was speaking to the amendment.

MR. PAULLEY: The amendment as proposed by the Honourable the Leader of the Opposition, not on a point of order.

MR. SPEAKER: Are you ready for the question?

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

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

MR. SPEAKER: Call in the members. Order please. Order please. The proposed amendment before the House by the Honourable Leader of the Opposition in respect to a resolution of the Honourable Minister of Labour,

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

YEAS: Messrs. Bilton, Blake, Craik, Einarson, Enns, Ferguson, Froese, Girard, Graham, Henderson, F. Johnston, McGregor, McKellar, Moug, Sherman and Spivak.

NAYS: Messrs. Adam, Allard, Asper, Barkman, Barrow, Beard, Boyce, Burtniak, Cherniack, Desjardins, Doern, Evans, Gonic, Gottfried, Green, Hanuschak, Jenkins, Johannson, G. Johnston, McBryde, Mackling, Malinowski, Miller, Patrick, Paulley, Pawley, Schreyer, Shafransky, Toupin, Turnbull, Uskiw, Uruski and Walding.

MR. CLERK: Yeas 16; Nays 33.

MR. SPEAKER: In my opinion the noes have it, declare the amendment lost. Are you ready for the question on the main motion?

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

MR. PAULLEY: The resolution standing in the name of the Honourable Member for Selkirk, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, I beg to move, seconded by the Honourable the Minister of Agriculture:

WHEREAS the Standing Committee on Municipal Affairs in its report presented to the House on the 12th day of April, 1972, recommended:

THAT the Committee be instructed by the House to enquire into the functions, powers and role of the Local Government Districts during recess, after prorogation and recommend any possible improvements with respect to the powers and role of the Local Government Districts at the next session of the Legislature.

(MR. PAWLEY cont'd)

THEREFORE BE IT RESOLVED that the Standing Committee of the Legislature on Municipal Affairs, appointed on the 28th day of March and consisting of the following members: Hon. Messrs. McBryde, Pawley; Messrs. Adam, Barkman, Barrow, Boyce, Graham, Johannson, F. Johnston, McGill, McKellar, Moug, Patrick, Shafransky, Turnbull, Uruski, Walding, be authorized:

1. To continue its enquiry into the functions, powers and role of the Local Government Districts and recommend any possible improvements with respect to the powers and role of the Local Government Districts at the next session of the Legislature.
2. To consider such other matters as may be referred to the Committee from time to time by the Minister of Municipal Affairs.
3. To hold such public hearings as the Committee may consider advisable.
4. To sit during recess, after prorogation.

MR. SPEAKER: The only thing I wish to point out is that the Order Paper does not have the correct names that the Honourable Minister read out. I want the honourable members to be aware of it.

MR. SPEAKER put the question.

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

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

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Mr. Speaker, it appears as though it's very close to 5:30. We have another session coming up at 8 o'clock, a new session, so therefore I move, seconded by the Honourable the Minister of Finance that the House do now adjourn and stand adjourned until 8 o'clock this evening.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 8 p. m.