

THE LEGISLATIVE ASSEMBLY OF MANITOBA
2:30 o'clock, Saturday, April 29, 1967

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions

Reading and Receiving Petitions

Presenting Reports by Standing and Special Committees

Notices of Motion

Introduction of Bills

Before we proceed, I would like to direct the attention of the honourable members to the gallery on my right where we have today with us a community-minded group. I'd like to introduce to the honourable members, the members of the Transcona Junior Chamber of Commerce who are promoting the "Hi Neighbour" Festival during the month of August. On behalf of all the Honourable Members of the Legislative Assembly, I welcome and wish your efforts every success.

MR. SIDNEY GREEN (Inkster): Mr. Speaker, I wonder if you could tell us whose constituency they're in.

MR. SPEAKER: I was coming to that if you'd given me the time.

MR. GREEN: I'm sorry.

MR. SPEAKER: The Honourable Leader of the New Democratic Party, in whose constituency this area is located, particularly Transcona which is dear to his heart, would like to say a word at this particular time.

MR. RUSSELL PAULLEY (Leader of N.D.P.) (Radisson): Mr. Speaker, and Honourable Members of this Assembly, it gives me a great deal of pleasure to welcome this afternoon the members of the Junior Chamber of Commerce of Transcona to this session of the Legislature.

I appreciate, Mr. Speaker, that you have given me the opportunity of saying a few words, because once in a while in this Legislature the members of various constituencies take upon themselves the right to declare that their municipality or their constituency is the best in Manitoba, and I presume that we have to accept this, but today I have the opportunity of really referring to the very best constituency in the whole of the Province of Manitoba and the fastest-growing city in the Province of Manitoba, namely Transcona.

Now upon an occasion like this, Mr. Speaker, of course you would forgive me, if the members of the Assembly would not, if I carried on, but we have before us - and I'm sure that every member has received a copy of the Transcona News -

MR. SPEAKER: I hope the honourable member intends to be brief. We have some tremendous business ahead of us.

MR. PAULLEY: Oh, Mr. Speaker, if anybody is brief in this Assembly it is the Member for Radisson, the City of Transcona, and I certainly will be brief.

But I do wish, Mr. Speaker, to draw to your attention - and I'm sure you'll appreciate this being in the publishing business yourself - that I have before me a copy of the Transcona News, the most progressive publication in the whole of the Province of Manitoba, and I'm glad that we have in our audience this afternoon the editor of that paper, and incidentally, the Transcona News will be supplying to all Members of the Assembly a sticker for their car.

Now then, in addition to that, Mr. Speaker, on August the 17th, 18th, 19th and 20th, in the City of Transcona, there will be what we call a "Hi Neighbour" Festival, and I want to extend to all members of the Assembly a cordial invitation to be with us - the red carpet is out, even though the red representative may not be around - an invitation to be with us. And to you, Mr. Speaker, who traditionally wears a tricornered hat in this Assembly, I would like on behalf of the Junior Jaycees of Transcona to present to you a more fitting chapeau than that that you're wearing, more fitting when you consider it as part of Transcona, and I would like you Charles, if you would pick up this chapeau and present it to my honourable friend the Speaker of the House. A tribute from Transcona, Mr. Speaker, to you. I invite you particularly to the "doings" in Transcona in mid-August.

MR. SPEAKER: I thank the Honourable Leader of the New Democratic Party for his kind remarks, but in defence of tradition I must protect the tricorner hat which I am very proud to wear, but I do thank you for the hat, and, through you, those members of the Junior Chamber of Commerce for their kind thoughts in this connection.

Orders of the Day. The Honourable Member for Brokenhead.

MR. SAMUEL USKIW (Brokenhead): Mr. Speaker, I wish to direct this question of the

(MR. USKIW cont'd). . . . Honourable Member of Agriculture. Yesterday I had made a request of his department for the membership list as submitted to the Baron Enquiry Commission of the United Vegetable Producers Association. The response I got from the department was that this is privileged information and I'm wondering whether the Minister can explain to me why.

HON. STERLING R. LYON, Q.C. (Attorney-General) (Fort Garry): Mr. Speaker, if my honourable friend wishes to elicit information from the Minister of Agriculture relative to departmental files, there is a procedure for so doing, and that is by Order for Return or Address for Papers.

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): . . . question of the Leader of the House. I wouldn't want this to be in any way taken as a criticism of the service because it has been in my opinion exceedingly good, and I'm referring to Hansard. It's been, in my opinion, better than ever this year. It's been very very prompt, and I repeat I don't want my comment to be misunderstood, but apparently now we haven't received Hansard since last Thursday and I was wondering what the problem is and when we might expect them. But I repeat, it's not a criticism because this year has been better than ever.

MR. LYON: I have no information on the subject. I'll enquire from the people responsible for Hansard and try to -- or endeavour at least to get an answer for the Leader of the Opposition by our next sitting on Monday. I appreciate his comments though about the service. I, too, agree that the Hansard service has been good. We'll find out why they're slightly delayed now.

MR. PAULLEY: Mr. Speaker, if I may, does the Honourable Leader of the House indicate then we'll still be in session on Monday by his answer?

MR. SPEAKER: If I may, I would like to possibly express an opinion in this direction. It was my privilege to go down to the Hansard operators yesterday to express thanks of all members of the House, and, in passing, there is a question of help. There are occasions, as the work falls off, the help is laid off and then has to be called in as the work gets a little heavier, and that could have been a problem in the last day or two. So I just simply mention that to indicate what might have happened. It could be the problem of help.

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, I would like to direct a question to the Honourable the Minister of Health. Since there is a need to attract and retain doctors in Manitoba, and since some of the people who are practising the profession are quite old, has the Minister or the government ever given consideration to establishing some kind of a pension plan for doctors?

HON. CHARLES WITNEY (Minister of Health) (Flin Flon): Mr. Speaker, no.

MR. ELMAN GUTTORMSON (St. George): Mr. Speaker, in view of the speed-up motion of the House Leader to get the House work finished very soon, I'd like to take this opportunity to extend my congratulations to the Member for St. Vital who I understand is being elevated to the front bench. I understand he is making arrangements in his private life to accept the appointment, and because we may not be here when it's announced, I'd like to take this opportunity to wish him well, like we do with all Ministers receiving an appointment.

MR. SPEAKER: I wonder if the honourable member is not anticipating.

MR. DONALD W. CRAIK (St. Vital): On a point of privilege, Mr. Speaker, I'd just like to thank the Honourable Member for St. George for his much greater insight into these matters than anybody else seems to have, and we'll let it go at that.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I'd like to direct a question to the Honourable Minister of Labour. The Vice Chairman of the Management-Labour Review Committee, does he attend all the sub-committee meetings or not.

HON. OBIE BAIZLEY (Minister of Labour) (Osborne): Mr. Speaker, would the honourable member repeat his question?

MR. PATRICK: Does the Vice Chairman of the Management-Labour Review Committee have to, or does he, attend all the sub-committee meetings.

MR. BAIZLEY: No, Mr. Speaker.

ORDERS OF THE DAY

MR. LYON: Sir, would you now call Committee of the Whole House.

MR. SPEAKER: Committee of the Whole House.

MR. LYON: Mr. Speaker, I beg to move, seconded by the Honourable Minister of Welfare, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee

(MR. LYON cont'd) of the Whole to consider the Bills on the Order Paper.

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

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: Bill No. 60. Committee ready to proceed? (Bill No. 60 was read section by section and passed.) Bill No. 64. New section 1 reading as follows: "Subsection (3) of Section 4 (1) (a) of The Winnipeg Charter, 1956 . . .

MR. GREEN: Mr. Chairman, which bill did we just deal with?

MR. CHAIRMAN: Pardon? --(Interjection) -- 64.

MR. GREEN: But which bill did we deal with previously?

MR. CHAIRMAN: We passed 60.

MR. GREEN: Well, Mr. Speaker, I wished to speak on that bill. --(Interjection)-- Well, Mr. Speaker, I must object to the fact that things are said so quickly and so quietly that we can't hear them. I was sitting here listening and that bill was passed over very quickly and I'd like to speak on it.

MR. LYON: Mr. Speaker, we do have to keep alert in the House if we're going to get on with business. The Bill has passed, I realize. I heard it passed. A number of the other honourable members heard it pass, but if my honourable friend had trouble I suppose we'll have to accede to his request and go back to No. 60.

MR. PAULLEY: Let's be fair and reasonable now. --(Interjection)-- But we're not going back by sufferance of the Honourable the Leader of the House, we're going back because of the fact that the bill was not announced.

MR. LYON: We may stay with the bill passed if my honourable friend keeps acting that way, but I agree that we can go back if my honourable friend asks for it.

MR. PAULLEY: Let's not be picayune about this thing, eh?

MR. GREEN: Mr. Speaker, we have been moving along rather quickly. We just got settled and I did not hear the Bill being called. --(Interjection)-- Well, Mr. Speaker, there are many bills on the Order Paper and I . . .

MR. CHAIRMAN: . . . first on the Order Paper but proceed please.

MR. GREEN: Mr. Speaker, this bill was discussed in the House, and at the time that it was given second reading we indicated that there would have to be some special circumstances to demonstrate why, under Bill 60, a certain financial allowance would be made to one constituency out of the 13 or 14 that are part of Metropolitan Winnipeg in order to provide that constituency with funds to reimburse them for matters which all of the other municipalities have contributed but have received no reimbursement. At that time it was indicated that special circumstances would be shown. When the Bill was discussed before Law Amendments Committee, the solicitor for the town of Tuxedo took special pains, on several occasions, to try to demonstrate that the Metropolitan Corporation of Greater Winnipeg desired this legislation, or at least had a tacit understanding with the Municipality of Tuxedo that they would be paid for a sewer which the town of Tuxedo constructed for purposes of their own development.

Now, Mr. Speaker, many municipalities have been requesting sewer construction in the Greater Winnipeg area. In particular, when I was a member of the Metropolitan Corporation of Greater Winnipeg, the City of St. Vital requested, on numerous occasions, sewer construction, and where this construction was not undertaken by the Metropolitan Corporation, the municipality, if it desired the development, did the construction of the sewers by themselves and it was a municipal project. Now what we were told by the town of Tuxedo was that they required a development project in their municipality, and because the Metropolitan Corporation didn't proceed with it, they did it themselves, but instead of borrowing for the construction of that sewer, they paid for it in cash. Therefore, if that sewer is taken over - and there is no definite assurance that it will be taken over - if that sewer is taken over by the Metropolitan Corporation of Greater Winnipeg, they could not be reimbursed for it.

Now, Mr. Speaker, this is true of many many facilities in this area. The Rainbow Stage was paid for in cash by the City of Winnipeg; they did not recover for it. Much of the sewer system which we have in Greater Winnipeg was paid for by taxpayers of the City of Winnipeg and the City of Winnipeg could not recover for them. Mr. Speaker, the question of equitable taxation in Metropolitan Winnipeg is one that has been fought vigorously by the municipalities,

(MR. GREEN cont'd).... and in particular by the City of Winnipeg, for a period of approximately six years, because as you know, Mr. Chairman, the City of Winnipeg has consistently taken the position that it has been over-taxed by the Metro levy.

This particular municipality, and that is the town of Tuxedo, now seeks to recover or seeks to put the rest of the municipalities in the position where they will have to pay for a municipal facility, and, Mr. Speaker, this is, we submit, wrong in principle. It is something which is not justified and which did not bear out the statements that were made both in this House and before Law Amendments Committee that Metro wanted this Bill, because the representatives from the Metropolitan Corporation of Greater Winnipeg, both the solicitor and the political representatives, said that the Metropolitan Corporation is against the passing of this bill. Now the Metropolitan Corporation being against this Bill - and I assure you, Mr. Chairman, that any other municipality that would be consulted would say that they are again the passing of this Bill - I don't see why Tuxedo should get special treatment from this Legislature. Therefore, I would more, Mr. Chairman that this Bill be not reported.

MR. LYON: Mr. Chairman this matter was thoroughly debated in Law Amendments Committee secondarily, and I believe first it was in another Committee, in Municipal Affairs. The evidence was clearly put before us and we intend to vote against my honourable friend's motion.

MR. SAUL MILLER (Seven Oaks): Mr. Chairman, before we vote on this, it seems to me that if we just act hastily on this we will be doing an injustice to every other municipality in Metro Winnipeg. The suggestion is that there is a moral commitment to pick up this tab. I say to you that the same moral commitment would apply to every municipality in Metropolitan Winnipeg who have been in the same position and who have not been able to collect any money.

Furthermore, if Metro really wanted this, surely the procedure would have been for Metro to come to this Legislature, not the town of Tuxedo. If we are led to believe as we have been, or attempted to be led to believe, that Metro desired this, then they could - they've had the vehicle, there's a change in the Metro Act now before us in this session - they could have simply asked that, in this case, a departure from the normal procedure be permitted. But they didn't, and I think this is significant, because if they wanted this they would have asked us. I think for this House to override Metro, the very authority which this House created, and created for a specific purpose, to override them arbitrarily would be wrong in principle, and I believe it would create a situation where next year we would be deluged, and I think quite properly, by other municipalities who have had streets and roads and sewers and water lines taken over without compensation of one penny, and which I suggest to you will occur in the future. So, Mr. Chairman, I think this matter should certainly not be acted on in this session.

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

MR. PAULLEY: Yeas and Nays please, Mr. Speaker.

MR. CHAIRMAN: Call in the Members. The motion before the Committee is that Bill No. 60 be not reported.

A COUNTED STANDING VOTE was taken, the result being as follows: Yeas, 9; Nays,...

MR. CHAIRMAN: Bill 60 be reported.

MR. LEMUEL HARRIS (Logan): I would like to state that had I voted, I would have voted for the motion, but I was paired with the Member from Fisher.

MR. CHAIRMAN: Bill 60 be reported -- passed. Bill 64 --

MR. EARL DAWSON (Hamiota): I don't want to get left behind on this Bill 64. On Bill 64 I would like to propose an amendment to clause -- I would like to have Clause 481A re-inserted and I don't think it's necessary that I read it off. I have it typed out here.

MR. CHAIRMAN: Let's wait until we get down to 4. We have a new Section 1.

MR. PAULLEY: Just on a matter of procedure, I have always been interested in this. This bill happens to stand in your name as the sponsor and I wonder whether or not it would be proper for you to be Chairman of a presiding body that deals with a bill of which the Chairman happens to be the sponsor, and I wonder whether or not you should vacate the chair dealing with the proposition of which you are the sponsor.

It's just a matter of procedure. It's the first time that it has really been pinpointed as far as I am concerned. --(Interjection)-- Yes, it actually dealt with the other one as well. --(Interjection)-- Yes, it could be ultra vires, I appreciate. I am just wondering whether or not though, Mr. Chairman, it would not be better for you to vacate the chair, as I think you should have in the last instance as well.

MR. CHAIRMAN: I would think that perhaps because I am Chairman, all I do is carry out the instructions of the committee with regard to the voting.

MR. PAULLEY: Except for one very important matter, Mr. Chairman. As Chairman of the committee, in the event of a tie vote, you would be put in the position of having to cast the deciding vote and I think that it might be advisable if you were not. Maybe the Clerk has some comments insofar as procedural matters.

MR. LYON: Procedurally, I have never heard the point raised before. For one example, the Attorney-General is by practice the Chairman of Law Amendments. He probably introduces as many bills as anybody in the House and he has to chair in Law Amendments Committee the bills he introduces. I have never heard the point objected to before and I don't think there is any validity to it.

MR. PAULLEY: There is one point that the Honourable the Attorney-General apparently overlooked, particularly in respect to the bill that we have just passed, that the Honourable the Attorney-General is the representative of the constituency which includes Tuxedo. He did not introduce the bill because of that fact.

MR. LYON: I did not introduce the bill because I am a member of the Treasury Bench. -- (Interjection)-- I don't know how we got into this by the way, but the government, by practice, do not introduce private bills.

MR. MOLGAT: Mr. Chairman, it seems to me the question is whether there is a personal interest on the part of the chairman or not. Quite obviously there is no personal interest here, it's academic.

MR. CHAIRMAN: New Section 1 of Bill 64 reads as follows: Subsection (3) of Section 418 of the Winnipeg Charter, 1956, being Chapter 87 of the Statutes of Manitoba, 1956, is amended by striking out the symbol and figures \$1, 000 in the third line thereof and substituting therefor the words \$2, 000. New Section 1 -- passed.

New Section 2. Section 438 of the Act is amended

(a) by striking out the words fifty cents in the first line of clause (b) of subsection (1) thereof and substituting therefor the words one dollar. (a) -- passed; and

(b) by striking out the words fifty cents in the third line of subsection (3) thereof and substituting therefor the words "one dollar". (b) -- passed.

MR. JACOB M. FROESE (Rhineland): Mr. Chairman, can we get copies of those amendments? These amendments were passed in the Law Amendments Committee and certainly we should have copies of them.

MR. LYON: ... circulated in Law Amendments.

MR. CHAIRMAN: That's correct -- No, they weren't. The effect of the last section is just to increase the cost of a tax certificate from 50 cents to \$1.00. Now Section 1 of the bill as printed was struck out in Law Amendments Committee and we now have the motion of the Honourable Member for Hamiota that Clause 481A which reads - and he has ~~reiked~~ the clause as printed in the bill - be reinserted. It would be reinserted as Section 3. The Honourable Member for Hamiota.

MR. DAWSON: I think that to have this particular clause reinserted would be a step in the right direction. While we sat in Law Amendments this bill did not receive -- the people that were there representing the City of Winnipeg were there to have questions asked of them and they were prepared to reply to them. We seem to have passed over this bill very quickly because one of the persons sitting around the Law Amendments table simply stated that this is only adding frills to our education system.

Well I would like to state that I'm sure that it will be adding frills to our education system but they'll be the type of frills that a parent nowadays feels is a necessity, particularly here in the City of Winnipeg. If we would pass this clause as it's reinserted, it simply means that a school in the City of Winnipeg can jointly undertake some form or type of recreation, build some type of building on the school grounds or within the school building. Now this is not a new concept. It may be to the Province of Manitoba, but it certainly isn't -- when one goes east there's a beautiful school with 3,000 people in the City of Montreal with every recreation facility possible built into it. Not only is this another way of saving tax dollars -- as a matter of fact it's a tremendous way of saving tax dollars because you can use the same building for some of the education recreation facilities rather than putting a new building up.

Now a good example of this is the Laura Secord School in the City of Winnipeg. They have two rinks now on school property, and combining with the City of Winnipeg and the school board, they built a shelter, and I understand that the future building program is to build some health facilities and to consider building a swimming pool. Now once again we may think that these items are luxuries, but they certainly are not luxuries nowadays every province is going

(MR. DAWSON cont'd). . . . all out for recreation, and as I mentioned earlier, it's a tremendous way of being able to combine and save a few dollars.

While also I did hear the argument in Law Amendments that if we pass this particular clause that the City of Winnipeg could go out and spend - and the School Board - could spend any amount of money they wanted for recreation without going to the ratepayers. Well this is not true. This clause is subject to whatever the city Charter is, and I understand that they are not permitted to go out and spend dollars without going to the ratepayers. I think a very important thing, too, I feel that the people on the school boards and the people that are acting as aldermen in the City of Winnipeg are elected representatives. If they research a program and decide that this could be feasible and should be built in a particular school, they should have the right to govern their own affairs which I think is proper. They're elected people, and if they've made a mistake the people will tell them so at the next election. I would like very much to see this particular clause reinserted in Bill 64.

MR. MOLGAT: Mr. Chairman, I wonder if we could get definite clarification on the matter of whether or not this does mean that the two bodies could proceed to spend money without reference to the ratepayers. It seems to me that this was the basis of the argument in committee and that members voted on the understanding that if this was passed it would circumvent the act and would be a back door method of doing something. As I recall the discussion, that was it, and then it was thrown out.

Now if it is not such, then I think we have to look at it for what it is, and it certainly would change my point of view on the proposition because surely, from a general standpoint, the more general use we can make of our facilities the better. It scares me at times when I see, particularly in some of our small towns, each local group building a hall, each association building a different building, and nothing ends up by being a big enough building or suitable facilities, whereas if we could, without forcing people into it at all, there could be joint use in a number of cases and there would be better facilities provided at less expense for everyone involved. Now here, if the city and the school board can jointly do something, I think it should be encouraged rather than discouraged, provided that there isn't something circumventing another act.

MR. DOW: Mr. Chairman, I'm of this opinion, that if this section was there and after "thereof" in line 6 -- all the words after "thereof" were deleted, it might set up the working part that the schools and council could entertain an agreement and then they would have to go on and follow the apportionment of costs and debentures by their charter or The Municipal Act. But I can read things in there, and I would think that the solution might be that if you stopped in line 6 after "thereof" and deleted those three or four lines, it might form the solution of getting an agreement.

MR. T. P. HILLHOUSE, Q.C. (Selkirk): Mr. Chairman, quite frankly I don't think there's anything wrong with the section as originally drafted because I don't think a municipality can issue a by-law, that is finally pass a by-law, a money by-law for the issue and sale of debentures without either complying with the provisions of The Municipal Act or the City Charter, and I think the section as drafted is quite clear on that point.

MR. MILLER: Mr. Chairman, I would wish very much to support the inclusion of this particular section in the Winnipeg Charter. I'm not concerned about the power of the board or the municipality to be able to act simply with an internal by-law. They must comply with the act, with The Municipal Act or their own Charter, and in both cases there is adequate provision. Particularly now with the new education bill before us, certainly any by-law would have to be approved by the Minister. They couldn't have a ratepayer by-law for capital construction unless it was approved by the Minister, so we have that -- I think that's out of the way.

I think the important thing here is the principle of what we're talking about. Here is something that I think everyone in Manitoba should encourage. The Minister has gone on record - I have read reports where she has addressed municipal conventions - and has called upon greater co-operation and understanding between municipal bodies and school boards. And she's right, because they've been at arms length to each other very often. They're working for the same people, the same taxpayers, the same community, and too often they've worked in their own little domain; they've been compartmentalized. This is something that should be broken down.

In the City of West Kildonan, which I'm very pleased to represent, I can tell you we've done something about this. We have a community school program which is a copy of something done in the United States which is working beautifully. Our schools are not just institutions

(MR. MILLER cont'd) . . . that are opened until 4:00 in the afternoon and then the lights go out and it's dark for a weekend or until next morning. Our schools are alive and buzzing every day of the week except Sundays, and there's a move afoot to do something about that. The adults are there; the children are there.

All that this does is now make it possible for Winnipeg to do something along the same line. It's long overdue that each one should be supreme in their own domain, spending money unnecessarily when the facility is there. Schools in excess of a quarter of a million to half a million dollars, they're beautiful institutions but we don't utilize them and I think the public should be encouraged to utilize these buildings. I don't know whether there really will be that much money involved in capital expenditure because I say these buildings are there, the grounds are there, and not to make use of these beautiful grounds and beautiful buildings is really a crime. For community centres to have to scrounge some empty lot when the school grounds are available and can be utilized is, as I say, wrong in principle.

Now only should we approve this, we should encourage other municipalities to entertain this kind of thinking because we can't afford, I don't think, the luxury any longer of two separate bodies, each building their own inadequate facilities when by joint action they could put up something within the community that could be worthwhile, that the community could benefit from, and which would be a real investment in terms of the capital which the community of the whole would have to put up for this type of venture.

MR. PATRICK: Mr. Chairman, I rise to support the amendment that was proposed by the Honourable Member from Hamiota because just the principle itself I think is worthwhile to consider, the joint effort of a council and a school board to undertake such a program. For years we have been complaining about the disturbing deficiencies in the fitness of our youth, and personally I feel that the youth of our nation is one of the greatest assets that we have. Here's an opportunity that something could be done in a joint effort and the facilities may be used, and we're trying at this time to take this right away and I think it's wrong. I think this is probably long overdue, that these programs could have been undertaken years ago, and I can't see why this shouldn't work. There may be something legally that's not right and I would like the Minister to explain, but the way I read the clause, I don't think there's anything wrong in it and I certainly would like this to go through.

MR. FROESE: Mr. Chairman, if the honourable member's amendment is the old Section 481, and that is what I understand it is, this only applies to the City of Winnipeg and the Winnipeg School Division No. 1. I think if he wanted to implement legislation of this type, I think it should be applicable to all the areas of the province and not just to the Greater Winnipeg area.

HON. GEORGE JOHNSON (Minister of Education) (Gimli): Mr. Chairman, I would just like to say a word on this bill. I'm afraid that I cannot support the proposal to reinsert this section which was struck out at the Law Amendments stage. As members are well aware, there is nothing in the Winnipeg Charter at the present time to prevent them from building recreational facilities, and it would seem that this suggestion that joint use be made, it would require complementary legislation, as I see it, with respect to the school legislation.

The City of Winnipeg Recreation and Parks Division are in charge of recreation and developing of facilities in the city. Last year we brought in a motion, or an amendment permitting joint use of facilities that the city may own on school property and vice versa, that they could make minor improvements, as I understood, to each other's properties for joint use. In many areas of the city now there are community clubs and other facilities adjacent to school properties.

I think it's in the priority of things in education, and until education is in charge of the recreational programs of this nature, this is untimely. I have some support for the sentiments that a general attack and mutual prevention of duplication and that sort of thing when we do get into this, but at the moment the City of Winnipeg have all the powers they need to build all the swimming pools and other facilities they need, and I would suggest that we not support this at this time.

MR. MILLER: . . . a question. Is the Minister saying that in his opinion the City of Winnipeg has the adequate powers to enter into an agreement with the School Division No. 1, because if they have the adequate power, why do we have this before us? This solicitor must feel that they haven't the power.

MR. JOHNSON: Briefly, they can't build things on other people's property and ask those people to share in the building of them. I think that's the point here. They are in charge of the

(MR. JOHNSON cont'd)..... recreational development and I think this would affect the school budget in the sense that the City of Winnipeg would come to the school divisions to develop these recreation facilities jointly with them, requesting, obviously, approval or grants from the Provincial Treasury.

At the moment, the Winnipeg Council can develop these facilities. We have them in the Grant Park area; we have them in the River Heights area; we have them adjacent to properties of many schools. I think they can make arrangements since last year to use each other's facilities, but to build them and develop them, it's true that the City of Winnipeg I guess couldn't build something on school property. Is that it, Mr. Legislative Counsel? But the problem, as we see it, is that the school system isn't in charge of the recreational development at this time and you would really need complementary legislation. We're not prepared to support this at this time, Mr. Chairman.

MR. MILLER: Mr. Chairman, I think the operative words or the key words in the Minister's statement is "other people's property," and this is I think the point we're trying to make from this side of the House. What "other people's property?" We're dealing with community property, whether it's owned because of a piece of paper by the school division or by the City of Winnipeg as municipal land, it's community property and surely we shouldn't encourage this sort of departmentalized thinking. This is what I'm objecting to, and I'm objecting to the fact that because it's school ground and the school building is on it and the title is in the school board, that somehow it's untouchable and you can't put anything on it. You can't build, and you can't co-operatively between two bodies, two elected bodies dealing with the same tax dollars, that they can't jointly get together and build a decent facility. Otherwise, each one goes his own way.

Now the Minister does say, yes, he likes the idea of co-operative effort and he likes the concept that they get together in these things, but he's hindering them in this very objective, because without this passing they cannot do this. They can't enter on school board property; they can't erect anything on school board property. They can get together to the extent of talking about it, and if there is a facility maybe one can let the other use it, but they can't jointly get together and do something that they'd like to do. I don't think it's a matter of dollars, because as far as the Provincial Treasury is concerned, all that they are going to contribute in any case is what the Foundation Program provides, period. Anything above that has to come from a special levy, so I can't see why the Minister feels this is an attack upon his Foundation Program or an attack against the Provincial Treasury.

MR. HILLHOUSE: Mr. Chairman, I think the time has come when we should get legislation which would provide for the ground rules in any of these joint use agreements, because the problem as I see it today is a municipality and a school division are both body corporates; the school division has property in its name and the municipality has property in its name. Now if they enter into a joint use agreement and the building, say, is put on the school property, the school still owns that building, or if it's put on municipal property, the municipality still owns it.

I think we should try to evolve some kind of legislation which would set out clearly and distinctly the ground rules that would be followed in order to encourage such agreements because I think these agreements are necessary and essential. There are some areas which have been entering into these agreements without coming to the Legislature for any approval and they're working out quite satisfactorily.

MR. MILLER: Mr. Chairman, just for the record, an agreement such as this was made in West Kildonan, and as a matter of fact the agreement was validated by this Legislature.

MR. RODNEY S. CLEMENT (Birtle Russell): I just want to say briefly that, as usual, all rural members like to be fair whether this is to do with the city or the country, and as usual some of we country boys get lost in these maze of words and terms that lawyers use. This bill has been brought in by the Honourable Member from Winnipeg Centre and I think that in fairness to him that the Honourable Member from Brandon should take the Chair and we should hear from him - it's his bill - what his views of the situation are. I know if I was bringing in this and I was Chairman, I would want to have the opportunity to say a word or two about it.

MR. PAULLEY: This is what I said earlier and nobody supported me.

MR. FROESE: Mr. Chairman, I feel that if this should pass, that this matter already becomes a matter for the Public Schools Finance Board and we would have to amend Bill 96, I think, because I don't think the Public School Finance Board has the power to have joint

(MR. FROESE cont'd).... programs with the municipalities.

MR. DAWSON: Mr. Chairman, I just wanted to add one more thing. One of the main purposes -- and what the Honourable Member from Rhineland said is certainly true, I know the other bill will have to be amended too, but you have to start somewhere and we might as well start right here. This has a lot more far-reaching effects than just for the City of Winnipeg. I'm positive if we can get this in here today, that next year we can be doing something for the rest of Manitoba on the same basis. We're all in the same situation. We're all Manitobans, whether we live in Winnipeg or Flin Flon or Rivers or someplace else, and I'm sick and tired of seeing great big beautiful \$250,000 buildings empty for four months out of every year. We could have recreation in these buildings with just a few changes in our legislation.

HON. THELMA FORBES (Minister of Urban Development and Municipal Affairs) (Cypress): Mr. Chairman, this bill would provide for joint use of recreational facilities and I think that this is most desirable, but the provision is made for the city and the school division to issue and sell debentures to provide for their respective share of the cost of providing these facilities. Now while joint use of the facilities is recommended, I think this committee should be very careful, that care will be needed to ensure that school boards will not employ this provision to ensure that -- they will have to be sure that they don't make use of this provision as a means of providing swimming pools or anything like this for schools.

It would appear to me that this is a bill being presented on behalf of Winnipeg to amend the Winnipeg Charter, and I think the responsibility rests with Winnipeg to provide recreational facilities which would be that of the city rather than of a joint responsibility, but provision could be made whereby the city may enter into an agreement with the school division so that the school division may pay a rental fee or some type of arrangement whereby they could make joint use of the facilities. But this is something being brought in by the city. I would recommend that the city be responsible for providing recreational facilities, and if they wish to enter into a joint use with the schools, that provision should be provided whereby they may do this for a rental fee or whatever it is. I think it is time we had joint use of these facilities and time we sat down and thought it over, but this is the responsibility of the city.

MR. PAULLEY: Isn't this exactly what the legislation originally suggested? I'm glad to know that the Honourable the Minister of Municipal Affairs is in agreement with what the original proposition was, and if we read the side notices on 481, the proposition is to amend the Winnipeg Charter to provide for joint works with the Winnipeg School Division No. 1. This is the whole sum and substance of the proposition, so that they can jointly enter into agreements.

Now my honourable friend the Minister of Municipal Affairs is I think trying to infer or bring forth the proposition that if it's a question of debentures, it's one thing; if it's a question of joint use by the payment of a rental fee, it's another. I want to say to my honourable friend, surely if we consider joint use on a rental basis we're also considering the question of payment for debentures, whether it's specific or implied, because surely in the arrival at any amount for rental, the costs of the debentures are taken into consideration. It's a matter of principle.

Now it appears to me from the remarks of the Honourable Minister of Municipal Affairs and Urban Development that she agrees with the principle of joint use of facilities. Now what difference, Mr. Chairman, does it make in the final analysis, because we're dealing with community projects, the same people that pay at a municipal tax level or tax basis in a community are the very same people who pay for the cost of education, and if it's agreeable, as apparently the Honourable Minister is agreeable, for joint use, then she should support the original contention and should support the amendment that we have now before us. I think my honourable friend the Minister is correct, perfectly correct, and this is exactly what it is.

You know I think, Mr. Chairman, one of the failings, not only here in Manitoba but other jurisdictions from what I read as well, that there has been this previous and continuous division within the community between school boards and municipal boards. One of the objectives, basic objectives, I suggest, of the proposition that you, Mr. Chairman, introduced by way of this bill, is to get away from that, that we're all part and parcel of one community, and the provision of separate services for one, the school district on one side and the other part the community, should be considered now in the light of reality. We don't have to have duplication of services; we have to have more co-operation and more joint use. The Honourable the Minister is perfectly correct, we have had propositions. We have had propositions, and as a matter of fact, Mr. Chairman, a number of commissions have suggested that the operation of

(MR. PAULLEY cont'd). . . . the affairs at the present time conducted by school boards should be conducted by a committee of Council. We have rejected this because we won't face up, or haven't faced up to the autonomous nature of school boards and the autonomous nature of Council in different spheres. But this proposition, Mr. Chairman, that you have introduced is a step towards elimination of duplication of services within the community under present legislation.

I welcome the remarks of the Honourable Minister of Municipal Affairs. There's nothing, as I can see, in our school act to prevent school boards from building swimming pools - and this is the illustration that the Minister used - there's nothing in the school act, as I am aware of - unless there have been some changes since I was a member of a school board - there is nothing in the world to prevent a school board from erecting a swimming pool; there is nothing to prevent a municipal council from erecting one after they go through the due process of legislation; but in this instance, here is an opportunity for both the school board and the municipal council to get together on a division of the costs, which eventually of course have to be paid by the taxpayer, aided I suggest by provincial contribution either by a direct grant as envisioned under the finance board or an indirect grant, and may I recall to the Minister's attention the unconditional grant of \$3.00 or \$3.50 per capita within the municipality for municipal purposes.

This is an opportunity, I suggest, for this Legislature in the adoption of this principle, albeit it only applies to the City of Winnipeg. I think the principle is so important that we should allow it to be started within the City of Winnipeg through an amendment to its Charter, and I respectfully suggest that my friend the Minister of Municipal Affairs could well take a lead from this legislation and bring it in, by legislation, as permissive to the rest of the municipalities and school districts in the Province of Manitoba. I think it is desirable, and I think that it being desirable, that while we agree in the principle, we should not prevent it at this time simply because of the fact that it's not legislation that applies to the rest of the communities as well. Let us use this as a starter.

I say to my honourable friend the Minister of Municipal Affairs - from what I heard from her a few moments ago she agrees with the basic principle - I say to her, I say to the government, let's accept the basic principle contained in this original legislation and let's recognize it, and because of the forward-looking approach of the City of Winnipeg by way of the amendment to its Charter, let's not prevent them from making progress because of the fact that we haven't seen fit up until now to make the necessary provisions similar in other areas within the municipal act -- other jurisdictions in the Province of Manitoba. I welcome very much the comments of my honourable friend the Minister of Municipal Affairs. She is right. She is right, and I suggest, Mr. Chairman, that she being so right, that she should support the proposition contained within the original Bill No. 64.

MRS. FORBES: I am glad the honourable member agrees with me because I do, and I have tried to perpetuate this idea of joint use, but I think the responsibility for recreation should be with the city. If the city is going to undertake it, it will be theirs, but they could enter into an agreement with the school division to use their facilities. Now likewise, I think that if the Division already has a facility, there should be provision whereby the community could enter into joint use too, but whatever recreational facility that we are providing would be owned in one case by the city with an agreement whereby the division may use it; or if it is owned by the school district, there should be a provision where the city may use it. Have I cleared myself?

MR. PAULLEY: May I ask my honourable friend a question? Who in the final analysis does own it? It's the public isn't it? If the facilities are going to be used jointly within the municipal organizations, such as it is in the City of Winnipeg with School District No. 1 and the City of Winnipeg, and no one else, what is the difference?

I am sure my honourable friend the Minister of Municipal Affairs isn't suggesting that the City Fathers - to use the term "Fathers" - on the hand should make one provision, and the School Board, on behalf of the children of the same fathers, should use another. Here we are dealing with self-contained units, so I can't understand the logic of my honourable friend that there is this division. It's joint and should be joint.

MR. CHAIRMAN: All those in favor of the motion of the Member for Hamiota that Section 481A be reinserted as Section 3 in Bill 64 -- are you ready for the question?

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

MR. DAWSON: Yeas and Nays please, Mr. Chairman.

MR. CHAIRMAN: Call in the Members. The motion before the Committee is to the

(MR. CHAIRMAN cont'd).... effect that the original Section 481A be reinserted in the bill as Section No. 3.

A COUNTED STANDING VOTE was taken, the result being as follows: Yeas, 18; Nays, 25.

MR. PAULLEY: I think my honourable friend from Logan misunderstood. He is there and he should not be counted in the vote. --(Interjection)-- I wonder if we might have a recount.

MR. CHAIRMAN: The motion is lost, it is something like 18 to 25.

MR. PAULLEY: Mr. Chairman, we should have the opportunity of declaring our positions which I am now going to do. I was paired with the Honourable the First Minister. Had I voted, I would have voted in favour of the amendment proposed by the Honourable Member for Hamiota.

MR. CHAIRMAN: The motion is lost. (The remainder of Bill No. 64 was read section by section and passed.) Bill No. 65. We'll go through this bill page by page -- agreed? (Pages 1 and 2 were read and passed.) On Page 3, subsection (2), near the top of the page, has been repeated and a new subsection ...

MR. PATRICK: Did we pass 152A?

MR. CHAIRMAN: Pardon?

MRS. FORBES: Mr. Chairman, when we were passing Section 18, the amendment 4(a), you read it out, but there was another amendment passed and I didn't hear it, the amendment of the Honourable Member for Selkirk. Was this included here? Did you read it as included?

MR. HILLHOUSE: ... section of the Act.

MRS. FORBES: That will be the last section of the Act.

MR. CHAIRMAN: That will be the last section of the Act.

MRS. FORBES: Thank you.

MR. CHAIRMAN: (The remainder of Bill No. 65 was read section by section and passed.)

MR. PATRICK: Mr. Chairman, I tried to get your attention a little while ago on that 12 - 152A. I would like an explanation on that one.

MR. CHAIRMAN: 12 - 152A? The new amendment? Oh, subsection (12) of Section 152A on Page 4. Is that right? Subsection (12) on Page 4? Is that the subsection that the honourable member would like an explanation of?

MR. PATRICK: At the bottom of Page 2.

MRS. FORBES: Did the honourable member say Section 12 - 152A?

MR. PATRICK: That's right.

MRS. FORBES: I am at a loss to know what explanation the honourable member wants here. When a new industry or whatever wants to connect onto the system, it's a case of asking them to contribute to the cost of the system. Now I don't know what other explanation he wants here.

MR. PATRICK: ... about the residential areas if there is going to be a fixed charge. For instance, in the residential areas, is there a flat charge for a house or for every connection in a new development area, or is there any charge?

MRS. FORBES: There will be a charge but at this point I don't know whether it's a flat charge or a fixed charge or what it is. I haven't got that information. This is provision for them to make a charge.

MR. PATRICK: I see, but the municipality is going to charge to make the connection anyhow, and I don't understand why the charge here. Is this just a capital charge for the construction of the sewer or what, because the municipalities at the present time are charging for the connection.

MRS. FORBES: The municipalities put it on to help pay for their system and Metro is putting this on in the same way to help pay for their trunk system.

MR. CHAIRMAN: Bill 65 be reported -- passed. Bill No. 70. Section 1 --

MR. HANUSCHAK: Mr. Chairman, with reference to Bill 70, in introducing the bill the Honourable the Attorney-General stated on March 20th that the reason for this amendment is that the Boundaries Commission requires additional time to study the formulae under which population for a constituency is determined, while at the same time taking into full consideration all aspects of geography and distance and so forth.

At the time of introducing the bill, this was the only reason that the Honourable Minister gave for the introduction of this amendment to The Electoral Divisions Act, and then strangely enough, practically a month later, on April 13th the Honourable Minister introduces a further reason, that the other reason is the absence of the final report from the Dominion Bureau of

April 29, 1967

(MR. HANUSCHAK cont'd).... Statistics which therefore makes it impossible for the Electoral Division Commission to complete its report. Now he says - and I'm quoting from Hansard on Page 2548 - "We really don't know what those population dynamics up to date are until such time as the census figures come in and they are not in as yet," which was something which was not mentioned or stressed or given as the reason for the introduction of this bill on March 20th.

So I suggest to you, Mr. Chairman, that The Electoral Divisions Act, as it presently stands, gives the commission considerable latitude. There is nothing in the Act as it now reads that would have prevented the commission from proceeding with this study and survey of the boundaries of the Electoral Divisions and present a report. Section 10, subsection (6) states that "subject to Section 11 the Commission, in determining the area to be included in, and in fixing the boundaries of, any electoral division shall take into consideration (a) the community or diversity of interests of the population thereof", something that really is not directly related to the results of the 1966 census nor will the 1966 census enlighten the commission with respect to the (b) requirement of the same section: "The means of communication between the various parts thereof"; nor will the census report have anything to say about (c), the physical features of the ridings in Manitoba; and in particular Section (d), which gives the Commission an open hand, a free hand to deal with any matters related to the establishment of constituency boundaries. Section (d) states: "All other similar and relevant factors."

Therefore, I suggest to you, Mr. Chairman, that there is absolutely nothing in the legislation that would have in any way prohibited or prevented the commission from proceeding with the assignment given it under the legislation which has been on the statute books since 1957, namely, The Electoral Divisions Act, and certainly there's nothing here that would have prevented the commission from presenting its report.

May I suggest to you further, Mr. Chairman, that what would the commission have done in the event that the census would have been taken last month or would be in the process of being taken at this time? Would it mean then that the Honourable the Attorney-General would have used the same reason, the same excuse for delaying the commission Report, indicating to the House that a census was in the process of being taken; let's wait until its final report is complete.

Surely, Mr. Speaker, subsection (d) of Section 6 envisages this type of situation and therefore gave the commission a free hand in this respect. It's quite true that the Act does make specific reference to the Dominion census. However, there is no doubt in my mind and I'm sure there's no doubt in the Honourable Minister's mind, that the population figures that the commission can obtain from other sources - and there are many other sources, available - would give the commission approximately the same figures as those obtained from the Dominion Bureau of Statistics. Therefore, Mr. Chairman, I move that this Bill not be reported.

MR. CHAIRMAN presented the motion.

MR. PAULLEY: Mr. Chairman, if I may, although I'll accede to the Honourable the Attorney-General ...

MR. LYON: No, carry on.

MR. PAULLEY: I think that the honourable member who proposes the motion is quite justified. A few years ago, I believe it was 1957, there were a couple of motions passed in this Assembly by unanimous consent of all of the members of the House, first of all to set up an independent Electoral Division Boundary Commission to take out, as far as Manitoba is concerned, any charges of gerrymandering insofar as boundaries were concerned. And then the other piece of course dealt with the Speaker and we're dealing with that separately, but this was unanimously agreed to by all the members of the House. As a matter of fact, it was I think on one of those very rare occasions when the Premier of the province asked and obtained the consent of the Leader of the Opposition to second the motion.

One of the basic principles of that bill was that every 10-year period there would be a consideration for the realignment of the boundaries in the Province of Manitoba. After the di-centennial census - I may not have the words perfectly correct - but anyway that census was taken last June in 1966. As a matter of fact, it was going on just about the same time as the last provincial election was going on. The purport of the legislation we have before us is to delay for another year the consideration of the Boundaries Commission for the realignment of the boundaries.

Now my honourable friend the Attorney-General when he introduced this resolution said that the reason of the delay, or postponement, was to give to the government an opportunity of looking over the conditions, and the ratios I presume, of boundaries, percentages and the likes

(MR. PAULLEY cont'd).... of that, and suggested that there had not been time to adequately consider this proposition and wanted a year's delay. I say to my honourable friend that this is not valid. There's no reason at all for the delay.

I think I can speak, Mr. Chairman, possibly with more force - and I don't mean by volume of my voice - than any other member of this House, because at the present time I represent more people than any other member of this Assembly, and this was the situation I was faced with back in 1957 when I represented Kildonan-Transcona. I represented more people at that particular time than any other member of this Assembly. The ratio at that time was almost four to one; the ratio today, Mr. Chairman, is almost four to one; and while I appreciate the fact, it could be if I was a little bit egotistical, that it's proper for me to represent four times as many people as some, I don't think that they are receiving a fair shake, and any further delay can well aggravate the situation.

Now I suggest that the Attorney-General and the Government of Manitoba have had ample opportunity to change legislation. We have been sitting in this House now at this, the first session since the last election, for almost five months --(Interjection)-- three more to go. Yes, that's right, three more to go, and maybe my friend the honourable the Provincial Secretary is correct that we will go three more months, and if the government conducts itself in the next few days the way they have been in the past, we could well be here for another three months, because they have not achieved anything for the well-being of the people of Manitoba.

But, Mr. Chairman, we could well be here for another three months, and in that particular period of time the government could introduce changes in legislation to give a better proportional representation of the constituencies in Manitoba, but, Mr. Chairman, I have a suspicion that one of the objectives of the government in their delay is not the question of the fact that they want to take another look at the ratio and the imbalance that we have at the present time, I think one of the features that the government is looking at at the present time is the possibility of another general election in Manitoba, but whereas under the present inequitable distribution of seats in Manitoba that they might squeeze back in another election, only representing about 30 or 35 percent of the electorate of Manitoba.

So I say to my honourable friends, there is no reason for delay; the legislation was passed with the unanimous consent of this House; there is no justification for it. I suggest to my honourable friend the present House Leader, and the Government of Manitoba, that they should withdraw this bill. If they have any ideas - if they have any ideas of ratio, let them bring it in at this session, which the Provincial Secretary says may last for another three months. Let's not delay. We had the rules of the game laid before us in 1957, let's adhere to them.

MR. CHAIRMAN: The motion before the House is that Bill No. 70 be not reported.

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

MR. PAULLEY: Yeas and Nays please, Mr. Chairman.

MR. CHAIRMAN: Call in the Members. The motion before the Committee is that Bill 70 be not reported.

A COUNTED STANDING VOTE was taken, the result being as follows: Yeas, 19; Nays, 26.

MR. CHAIRMAN: The motion is lost. Section 1 --

MR. PAULLEY: Mr. Chairman, I was paired with the Honourable the First Minister. Had I voted, I would have voted in favour of the motion proposed by the Member from Burrows.

MR. CHAIRMAN: (Bill No. 70 was read section by section and passed.)

MR. LYON: Committee rise.

MR. CHAIRMAN: Call in the Speaker.

MR. MOLGAT: I wonder if the Leader of the House could indicate the order of business that we might expect now. I presume it is not the intention to return to session today.

MR. LYON: No.

MR. MOLGAT: And Monday, what order of business might we be dealing with?

MR. LYON: Mr. Chairman, while we are filling in the time -- Mr. Speaker, I'm sorry, Sir, I didn't see you there - the question has been asked as to the order of government business. We will now adjourn the House until Monday morning at 9:30 and we will move into Law Amendments Committee to consider the two bills that are left in Law Amendments Committee, hopefully to conclude those two bills and report them out to the House so that they will be before us on Monday. On Monday, we will proceed with the Committee of the Whole House and try to clean the matters out of there, and then move onto third readings and take the other items on the Order Paper.

MR. MOLGAT: Mr. Speaker, I wonder if I might ask one further question. How late does it intend to sit in Law Amendments this evening, if the discussion should happen to carry on?

MR. LYON: I would hope that we could conclude the discussion and the dealing with the two bills by 5:30.

MR. CHAIRMAN: Mr. Speaker, the Committee has adopted Bills No. 60, 64, 65 and 70 without amendments and asks leave to sit again.

IN SESSION

MR. JAMES COWAN, Q.C. (Winnipeg Centre): Mr. Speaker, I move, seconded by the Honourable Member for Souris-Lansdowne, that the report of the Committee be received.

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

MR. LYON: Mr. Speaker, I beg to move, seconded by the Honourable the Provincial Treasurer, that the House do now adjourn and stand adjourned until 9:30 on Monday morning.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 9:30 Monday morning.