

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock Tuesday, April 22, 1969

INTRODUCTION OF GUESTS

MR. SPEAKER: I wonder for a moment if I may direct the attention of the honourable members to the gallery, where we have seven members of the 97th Earl Grey Cub Pack under the direction of Mrs. Timlick. This pack is from the constituency of the Honourable the Minister of Finance. On behalf of all the honourable members of the Legislative Assembly, I welcome you here this evening.

GOVERNMENT BILLS

MR. SPEAKER: The Honourable Minister of Labour.

HON. CHARLES H. WITNEY (Minister of Labour)(Flin Flon): Mr. Speaker, I beg to move, seconded by the Honourable the Minister of Health and Social Services, that Mr. Speaker do now leave the Chair and the House resolve itself into the Committee of the Whole to consider the following Bills: No. 5, an Act to amend The Vacations with Pay Act; and No. 8, an Act to amend The Electoral Divisions Act.

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 Souris-Lansdowne in the Chair.

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: We're dealing with the amendment by the Honourable Member for Kildonan.

MR. CHERNIACK: Would you read it again, please?

MR. CHAIRMAN: Yes. The amendment by the Honourable Member for Kildonan, seconded by the Honourable Member for Burrows, moved that Section 11(a) be amended by inserting the word "gross" before the word "wages" in the fifth line thereof, and deleting the words "regular working" in the said fifth line. The Honourable Minister.

MR. WITNEY: Mr. Chairman, I think last night when we rose that there was some urging for a speech from the Minister of Labour and it's nice to be wanted, and I must say today to those who are thumping the tables for me that I'm sorry I'm going to oppose the resolution. The reason, Mr. Speaker, that I am going to oppose the resolution is that, as I mentioned in the committee, I think it has been the principle with respect to vacations with pay in the past, and it still is there, that the vacations are based on the regular pay that a man earns, and in this case this resolution calls for gross pay and asks us to take into consideration the income that is earned by overtime work or via bonus, and I might suggest to the House, Mr. Chairman, that we do have legislation now which provides for a man who has an overtime situation. In other words, with respect to most of the industries in the province and many of the collective agreements provide for it also, a person if he works overtime he is required to be paid at least time and a half, so there is some consideration taken for the fact that a man is going to work more than regular hours by the legislation we have at the present time. Now, granted the construction industry is not affected by this particular rule because the construction industry, because of its nature, has a different set of circumstances, but I would suggest to you, though, that with the other industries, if a man worked overtime or a woman, that the Act requires that they be compensated for that overtime payment. And the same with the bonus, while it isn't written in legislation in many of the agreements that are negotiated, and the most of those people who are affected by bonus are already under an agreement between a company and a union, that there is recognition there through the payment of the bonus. So if I want to use the term, the uniform term and conditions, to apply to all employees in the province in this Act, then I would use the "regular" wages of the employee. So briefly, Mr. Chairman, and I don't think I need to burden the House any longer, those are the reasons why I will be opposing the resolution.

MR. CHAIRMAN: Are you ready for the question? The Honourable Member for Churchill.

MR. BOROWSKI: Mr. Chairman, I'd like to say a few words on this amendment. The Minister mentioned that he thinks that employees are sufficiently remunerated because they are already receiving time and a half, and it's true. Time and a half means that they're

(MR. BOROWSKI con't.)... getting 50 percent more than their regular pay, and this of course is at the option of the employer. He doesn't do it because he likes the employees. He has a particular job he must finish because of weather or climatic conditions; he doesn't mind paying the extra penalty of 50 percent. This is entirely at his option. An employee has nothing to say about it. An employer says, "I'd like you to work overtime," and he'll pay that 50 percent. All we're asking now is to add another four percent. Now surely if the employer doesn't mind paying this penalty of 50 percent, I haven't heard of any representations to this Legislature that employers object to paying four percent. As a matter of fact, as the member for Selkirk pointed out, many of them do, and as a matter of fact I know that a lot of them do and a lot of them feel it's unfair because they're generous and they pay that four percent, why shouldn't the other ones? It's really - if you're going to have this type of situation you're penalizing the generous and the honest employers, you know. So four percent doesn't seem to be like a very great penalty.

Another point that the Minister should look at is that a lot of the students, university students, high school students are affected by this. They go out in the summertime and they get part-time employment because they're out of school just a few months, and they'll usually go to construction or jobs that have long hours, a lot of overtime. They need that money; they only have a few months to make it; so they'll get into a place where they can make a lot of overtime, and this four percent could come out at the end of the season, could mean quite a few dollars. Especially in view of the \$50.00 increase in tuition fees, this would make a very big difference for them. And it's not a great hardship for the employers; as I've already pointed out they are paying a voluntary 50 percent penalty and I think an additional four percent isn't going to make much difference, and I hope the Minister will reconsider his position.

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

MR. CHERNIACK: Mr. Chairman, could we record the numbers, please?

MR. CHAIRMAN: Call in the members.

A COUNTED STANDING VOTE was taken, the result being: Yeas 19; Nays 27.

MR. CHAIRMAN: I declare the amendment lost. (The remainder of Bill No. 5 was read section by section and passed. Bill No. 8 was read section by section up to Rhineland and passed.)

MR. JACOB M. FROESE (Rhineland): Mr. Chairman, -- (Interjection) -- I don't mind if I think we should have had some debate on this whole Bill. It seems rather odd that we would have a Bill and that no one would speak on it, and I feel this is not quite in order. When we had the Bill before us in Law Amendments, I took the position that there should be debate on the Bill and that there should be free discussion, and if necessary that amendments be brought forward and that these could be discussed and voted on. I don't feel that just because this is a Commission report that it could not be changed in any way. I feel we, as Members of this House, are perfectly at liberty to discuss and bring in amendments if necessary and if they're called for. I don't see where this Bill is so sacrosanct that we shouldn't touch it and -- (Interjection) -- pardon? When I propose to amend certain Bills or legislation I don't call that gerrymandering at all. I wouldn't be bringing in the propositions if I didn't think that I was trying to improve a certain thing and this is why I took the position I did the other day in the Committee. I had a good look at the Rhineland constituency as it is proposed in the Bill, I did discuss it with the Assistant to the Clerk, and I find now that the reason for the section on the east side of the river is because it is coterminous with the boundaries of a certain municipality in that riding. So there is a logical reason for having it put the way it is and certainly, if the people in the riding have no objection, I have no objection of having it included. I am quite happy to have them included, but certainly at the time I was not aware of this and so I took it upon myself to check the matter out more fully, and therefore I will not oppose the Bill and the Rhineland constituency as it is outlined in the Bill.

Mr. Speaker, I feel that other members should have the same privilege of expressing themselves and we should have had more expressions on the Bill on third reading.

MR. BARKMAN: Mr. Chairman, I would like to be talking of a different constituency but I want to assure the Honourable Member for Rhineland that the Frenchmen and the Mennonites are very good together, so cheer up.

MR. FROESE: Mr. Chairman, I said I had no objections.

MR. CHAIRMAN: (Sections Rhineland to Rupertsland were read and passed.) St.

Boniface. . . .

MR. DESJARDINS: Mr. Chairman, if it pleases my honourable friend from Rhineland and who wants a debate, I'm ready, with the wish of the House, to extol the qualities of my constituency. Would that be in order? No?

MR. CHAIRMAN: (Sections St. George to Wolseley were read and passed.)

MR. GRAHAM: Mr. Chairman, in the absence of the Member from Rupertsland, was there not an amendment to that one excluding Hecla Island?

MR. CHAIRMAN: When I mentioned Rupertsland I should have mentioned Rupersland as amended, yes.

MR. PETURSSON: ... spelling of words. There were some words, street names that the spelling was changed. Does the Chairman have to note that as an amendment or is it just an ordinary straight correction.

MR. CHAIRMAN: I have already noted that I think.

MR. DOERN: Elmwood, you didn't. Mr. Chairman, under Elmwood you did not make that change.

MR. CHAIRMAN: In Elmwood, the constituency of Elmwood? Well if you could clear it with -- Well I thought I mentioned that Elmwood as amended -- passed. Did I not say "as amended"? Well I should have said "as amended". It's all corrected here anyway.

The Honourable Minister of Government Services.

MRS. FORBES: Mr. Chairman, did you forget to call Cypress?

MR. CHAIRMAN: I'm sorry, Madam Minister, but I can't call Cypress this time. Section 2 -- The Honourable Member for Wolseley.

MR. LEONARD H. CLAYDON (Wolseley): Mr. Chairman, you didn't call an amendment to Seven Oaks. I believe there's a change in the word "east" to "west" in the third last line.

MR. CHAIRMAN: I called that one as amended. We have it here, yes.

MR. HILLHOUSE: Did you call Selkirk?

MR. CHAIRMAN: Oh long ago, Sir. Section 2-- The Honourable Member for Rhineland.

MR. FROESE: On Section 2, I wonder if the First Minister could indicate when this particular day will be?

MR. WEIR: Mr. Chairman, I'd love to but I'm still seeking advice. If the honourable member has any advice he'd like to give me, why I'd be happy to receive it.

MR. CHAIRMAN: (The balance of Bill No. 8 was read and passed.) Committee rise and report. Call in the Speaker.

Mr. Speaker, the Committee of the Whole has considered two bills, No. 5 and No. 8, both without amendments.

IN SESSION

MR. M. E. McKELLAR (Souris-Lansdowne): Mr. Speaker, I beg to move, seconded by the Honourable Member for Winnipeg Centre, that the report of the Committee be received.

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

MR. WITNEY presented Bill No. 5, an Act to amend The Vacations with Pay Act, for third reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I just want to say a brief word on the nature of the amendments which have been brought to the House in matters respecting labour relations during the last three years. In my recollection, Mr. Speaker, the first year that I sat in the House there was almost no labour legislation and last year there was some small amendments to the Workmen's Compensation Act, or that may have been the first year, and this year there is this amendment to the Vacations with Pay Act.

Mr. Speaker, I must say that this is a relatively innocuous piece of legislation. I don't want to be entirely negative because it does provide for a minimum amount of reform, and insofar as it does do these things we have to of course accept the fact that we would go along with the legislation. But I would want the House not to gain the impression as a result of these three years and the volume and content, or lack of substance to the labour relations legislation, that there is thereby no need to resolve some of the matters which vitally affect the employees in the Province of Manitoba, and I would refer, Mr. Speaker - and I'm not going to make a speech on it in case you're thinking of calling me out of order - I would refer especially to the restrictions which affect labour insofar as organizing themselves is concerned.

(MR. GREEN Cont'd.)

For the first two years the Minister of Labour indicated that he was waiting for reports from certain commissions. The Woods Committee was meeting; it has met and has continued to meet. The Minister of Labour also indicated he was waiting for the Rand Commission to report, and now there is a new Woods Task Force Report which has been submitted to Ottawa. Mr. Speaker, I would indicate to the Minister that there probably never will be a resolving of the vital questions affecting labour relations as between management and labour, and the Woods Committee in that connection can provide certain administrative improvements in labour relations law as it exists.

But on the key issues, Mr. Speaker, if the Minister is going to wait for unanimous recommendations from the Woods Committee, then I suggest to him that he not stand on one leg because he will become very very tired. That committee can't resolve the question on which labour and management basically differ, and I would suggest, Mr. Speaker, that those things can only be decided by treating labour and management as equals before the law, as it applies to all other citizens in all other areas, and until this is done, Mr. Speaker, there will continue to be disputes involving ex parte injunctions, disputes involving the right of trade unionists to advertise their position in the same way as every other citizen of the community is permitted to do so. There will continue to be resentment over trade unionists being required by courts to work under circumstances which amount to what is tantamount to penal servitude, and I would ask the Minister not to be satisfied to bring in labour legislation which merely represents a consensus of what management and labour has agreed to. It's the easy way out, but Mr. Speaker, it's not the responsible way out, and if the Minister will examine the legislation which this House has been asked to deal with over the past three years, I think that he will agree that it is dry and sterile legislation and doesn't deal with the perplexing problems which affect both sides to labour management disputes.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Thank you, Mr. Speaker, I just want to buttress my colleague from Inkster in what he has said. In fact I think he has been a little too generous and too kind. We have been striving to do something for this House for a long time. The members of the Federation of Labour, the ones that represent labour have been here time and time again before the Minister of Labour and his predecessor asking and requesting a number of things. They are the ones that are being affected by this labour legislation, not the employer. It's the members of the labour groups that are affected and the ones who they are trying to work with and work for, and yet this House in the wisdom of the Cabinet Minister and his colleagues has seen fit not to do anything for them.

I mentioned in the estimates the area of Workmen's Compensation. Mr. Speaker, the other day I read where Manitoba had been commended for the laws it had in respect to Workmen's Compensation and the administrative setup it had, but when it comes to the interpretation of it, it's been lousy. That's the only word I can use because the people that I have been speaking to in regard to Workmen's Compensation just have not been getting a fair deal, and yet this government has sat back on its laurels and said, we are doing what is best. Well I am afraid they haven't. That's my comment.

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

MR. WEIR presented Bill No. 8, An Act to amend The Electoral Divisions Act, for third reading.

MR. SPEAKER presented the motion.

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

MR. CHERNIACK: Mr. Speaker, I heard the Honourable Member for Kildonan say that the government has been sitting back on its laurels, and in this respect I would like that the government, and really the Premier, should be recognized as having the right in this case, with this Bill, to the respect which he gained in the eyes of many of us when we dealt with this matter in committee. I spoke first when the committee opened its session expressing my concern about the possibility that the First Minister would succumb to the pressure which I felt was heaped on him to make changes in this Bill, and I was most pleased to participate in the discussion and then to hear the Premier take what I felt was a statesmanlike attitude when he said: If I don't have almost unanimous agreement in change, then there will not be any change. Because I expressed this concern and because my concern was set aside, I feel I should take this opportunity to congratulate the First Minister for taking the attitude he did and say that it

(MR. CHERNIACK cont'd.)... augurs well, I believe, for the future in Manitoba, because I cannot conceive of subsequent premiers taking a position that would be different or damaging to the concept of the independence of the commission in the establishment of the electoral boundaries.

Having said that, I agree with the statement that has been made by others that in my opinion it isn't perfect, but the important thing is that it has been established as an independent one and that it is being maintained that way, and I did think that because the discussion at the committee level, where there was no recording of the discussion, that I should take these few moments to make the statement that I have done.

MR. SPEAKER: The Leader of the Opposition.

MR. MOLGAT: Mr. Speaker, when the Bill was up for second reading I commended the First Minister on bringing it in exactly as the commission had recommended. In his subsequent comments in closing the debate, the First Minister indicated that he felt that any Bill that was referred to a committee had to be in a sense left open, otherwise there really wasn't much sense in referring it to a committee if it really was a closed question before it went there. I suppose on this kind of a Bill, touching as it does so closely on the interests of the various members in the House, that this leaves the members then in the position, or they wonder what really does the First Minister mean by that comment - is he intending at a later stage to make some changes?

I rise now to commend again the First Minister as I did on second reading. I think his attitude was proper, that where there are overwhelming reasons at the outside stage for making a change then it would have been proper to look at them. But I think that the word "overwhelming" here is the important one, because in this case we are not dealing simply with a Bill which has gone through its normal gestation period in the government services and it appears here and then goes to committee; this is a Bill which has been based really on the recommendations of an independent commission and hence changes in it subsequent to its introduction here are different than changes in a normal Bill.

I was very pleased to see that at the committee stage, in spite of a number of representations, and I might add here in the second reading stage when a good number of the members on the far side of the House, the supporters of the Premier, voiced some very definite reservations about the Bill - in fact I think it is fair to say that the support of the Bill was mainly, at that stage, it appeared on this side of the House rather than on the other side - that in spite of that, faced with the independent report, that the First Minister carried through with his original commitment to this House and that we now find the Bill back in an unamended stage except for technical changes. Recognizing again that there was some really basic reasons in many cases for changes, I think that the Member for Brandon made a legitimate case on second reading; the member for Lac du Bonnet certainly has a valid point in what he said; and yet we are faced with the report of an independent commission. And while it cannot satisfy all of us, it is the distillation of a great deal of work by three independent gentlemen - one of whom is in this room tonight but I'm not saying it because he's here - three gentlemen who, along with their staff, really worked hard to produce what in their mind was the best solution.

Now undoubtedly if you picked another three different individuals they might have come up with some different formula, but at least it has the benefit of being an independent report. So I congratulate again the First Minister on carrying through with this and carrying through with the principle of the independence of the commission, and that having made their recommendations, unless there are overwhelming reasons for making the change, that the government and this House accept that approach to redistribution. I think it is a credit to the First Minister and an excellent indication of the approach which will continue in this province in the future.

MR. LYON: Mr. Speaker, I was pleased to be associated with the First Minister in the seconding of the motion that is before us now. You and I realize of course that he cannot respond to the generous words of appreciation that have been expressed by the Member from St. John's and the Leader of the Opposition, and far be it from me to take it upon myself to respond on his behalf except to say what I know is in the minds of those of us on this side of the House, and what has been expressed by the honourable members opposite, that the Premier, the First Minister made a commitment when he brought the Bill in and he saw that commitment through. I've had the privilege of knowing the First Minister since we were school boys together, and the quality that was mentioned tonight of making commitments and following

(MR. LYON cont'd.)... them through is one that I have known of this man for the last 30 odd years, and I know that so long as he is the First Minister in this House it's a quality that he will adhere to at all times, not only in this legislation but in anything else that he gives his word to.

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

MR. SPEAKER: I take it we move on to Committee.

MR. LYON: Mr. Speaker, if you would now call Bill No. 15, then Bill No. 6 then Bill No. 21.

GOVERNMENT BILLS

MR. SPEAKER: The adjourned debate on second reading of Bill No. 15. The Honourable Member for Burrows.

MR. CHERNIACK: Mr. Speaker, if it could be agreed that he be called - he's in the building and certainly had no warning - whether someone else would care to speak on this, or if Bill No. 6 could be called out of order so that we could locate the honourable member who is anxious to speak. Otherwise, I would have to ask that this matter be held in his name. I'd rather not do that. Well, it so happens, Mr. Speaker, that I have no reason to continue holding the floor and I trust that the point of order I have been trying to make is not necessary.

MR. SPEAKER: I think the Honourable Member for St. John's held the floor very well. The Honourable Member for Burrows.

MR. HANUSCHAK: I'm sorry, Mr. Speaker, I didn't know that the Bill was going to be called and I was tied up on the phone.

Now, Mr. Speaker, the Bill before us is an extremely important Bill because this Bill deals not only with the matter of flooding a few hundred square miles of land in northern Manitoba, but I suggest to you that the procedure that has followed, the factors that are taken into consideration in arriving at some conclusion in this matter is going to set the ground rules for future economic and industrial development of the whole Province of Manitoba. I suggest to you, Mr. Speaker, that the eyes of the North American continent are at this moment focused on the Province of Manitoba, in observing us as to how this matter is handled.

Now I say this because I'm sure that you're aware, Mr. Speaker, that many issues have come to light, many issues which ought to have been considered which appear not to have been considered and which are extremely important and which probably have never been taken into consideration before, but we have now become aware that there is more than just that which can be assessed in terms of dollars and cents which ought to be taken into consideration, that there is such a thing as a human factor, a human element involved and which cannot be ignored, which cannot be sacrificed for the sake of industrial expansion, for the sake of economic development, and for that reason I say that private and public industrial development, economic development and the procedure that is followed, will be determined by what happens in connection with the dealing, with the disposition of the matter before us.

Now it's not my intention to deal with the technical and economic aspects of the problem before us, I'm sure that there are people in my own caucus who are better qualified than I am to deal with that, but what I do wish to deal with, Mr. Speaker, are some of these things that I've mentioned before which can not be measured in terms of dollars and cents and which have been ignored, and in the process of doing so I may even find the time to refer to some of the technical and the engineering issues which have been brought out in the hearing. But I wish to make this clear at the outset, that I'm not blaming Manitoba Hydro. The business of Manitoba Hydro is to provide electricity, to provide electricity at the lowest cost. That is their responsibility. But I am blaming this government, Mr. Speaker, because it is the responsibility of this government to concern itself with the welfare of the people whom it represents.

We heard some time ago a statement from the Honourable Minister that the purpose of the meeting was all wrong, that the purpose was not as stated in the notice but that really the purpose was to deal with the matter of relocation of the people who would be affected by the flooding. Mr. Speaker, I ask you, why - why did the Minister wait so long to state that particular position of his? The first hearing pursuant to that notice was on January 7th at South Indian Lake, and if I recall reading the transcript of the evidence at that meeting, which was a rather brief transcript in relation to what transpired later, it wasn't until about Page 18 or Page 19 that there was any mention of some of the sociological problems involved. And the Honourable Minister was there. Why didn't he at the outset state that we are not dealing with

(MR. HANUSCHAK cont'd.) . . . the question of whether or not to flood, that we are going to flood, but that the purpose of this meeting is to decide what would be the best manner in which to deal with the plight, the welfare of the few hundreds of people presently resident on the shores of South Indian Lake? There wasn't a word mentioned by the Honourable Minister at that time, not until a few days ago in this House when he announced that this was all wrong, that the purpose of the hearings was not to deal with the basic issue of whether to flood or not to flood but simply with the question of how to handle the problem of relocation. He had ample opportunity, Mr. Speaker, if he erred - and I don't believe that he did - but if he believes that he erred in the purpose of the meeting, as he indicated in his notice, he had ample opportunity to correct it.

Now, Mr. Speaker, I wish for the benefit of the members of this House to review the evidence as presented at the hearing held here in Winnipeg from January 27th to January 29th and draw the attention of the members to some of the highlights, some of the pertinent points made by the witnesses, made by witnesses in opposition to the flooding and also made by witnesses speaking on behalf of Manitoba Hydro. One of the first criticisms - maybe this is a minor one, but nevertheless there it was and I don't see it denied - the people of Churchill stated that they were not given ample opportunity to prepare themselves for this hearing, as stated by Mr. Senior who appeared on behalf of, I believe it was the Churchill Chamber of Commerce.

Then not long thereafter the Leader of the Official Opposition of this House states: "I gather from the statements made by the Minister last week that it was no longer merely to hear evidence but actually a decision to be made as to whether or not this was the right project. Is that not what the Minister of Agriculture stated, and if so, does this not change the purposes of this hearing?" To which Mr. Weber replied: "The purpose of this meeting is to hear, as the notice indicated." And then he goes on to say: "Once we have heard, there must be a report submitted to the government in respect of the matter." Whether a report has been submitted to the government or has not been submitted to the government, at the moment we do not know.

Then the Leader of the Official Opposition followed that up with a further question. "Then it will be a recommendation on your behalf" - at this point he is speaking to Mr. Weber, the Chairman of this meeting - "Then it will be a recommendation on your behalf to the government?" To which Mr. Weber replied: "That is correct." Further questioning him, "Will the reports be made public at this point?" And replying to the Leader of the Official Opposition Mr. Weber states: "That is a question that I cannot answer, Mr. Molgat. This is a government decision."

Then, Mr. Speaker, we move down to the opening comments by Mr. Buchwald appearing on behalf of the South Indian Lake residents, and in his opening statement I believe that he states the problem very clearly, very explicitly. There is no doubt as to what the issues are which ought to be considered, not by Manitoba Hydro necessarily but by this government. By this government - and when I said not by Manitoba Hydro, I mean by this government - and if in the opinion of the government these issues are of importance, are of concern, then it ought to be the duty and responsibility of this government to tell Manitoba Hydro that we want answers to these particular questions. These are the issues involved; these are the issues that have to be dealt with before we the government can make a decision on this matter.

And after Mr. Buchwald made his initial presentation, Mr. Weber, the Chairman, commenting on it, again states that "This hearing has been called in order that we could obtain the views and considerations of the public. The purpose of it is to obtain the views and considerations of the public. The Director of Water Control, in making his report to the Government, will have to give consideration to the information contained in the reports of the other departments of this government." There's a suggestion there, Mr. Speaker, that other departments will be consulted, that this will not be done solely by the Honourable Minister's department and Manitoba Hydro but that other departments will be brought in and consulted, and I should hope that when reference is made to other departments that it also includes other agencies responsible to other departments in dealing with this matter.

A little later on in the hearing Mr. Kristjanson appeared. Mr. Kristjanson appeared on behalf of Manitoba Hydro and Mr. Kristjanson states the position of Manitoba Hydro, the role that it is to play. He says: "Manitoba Hydro's over-all purpose is to provide for an adequate supply of reliable power at the lowest possible cost to the people of Manitoba." And then later on in his opening presentation he also makes the following comment which I believe is extremely significant: "Manitoba Hydro is aware of its responsibilities to those concerned and will continue to co-operate. It must, however, be conscious of its basic responsibility of

(MR. HANUSCHAK cont'd.) . . . providing a reliable power supply at the lowest possible cost."

And then interestingly enough, as Mr. Kristjanson proceeds with his presentation, he makes reference to another similar problem that another government authority was faced with, the Tennessee Valley Authority, and here's what he has to say about it: "The Tennessee Valley Authority has in my view been most effective in terms of creating new and better opportunities for the people displaced. As a matter of fact, most of the people displaced by the TVA program consider that they've benefitted from the move." And here's the significant statement with reference to it: "This was the result of enlightened relocation programs conducted by people skilled in dealing with human values." This was not a program conducted by engineers, by architects, by people concerned only with the building of factories or the building of river dams or the building of hydro-electric generators; this was a program conducted by people skilled in dealing with human values. Now, Mr. Speaker, I ask you, is there not a suggestion herein that more be done in connection with the existing problem than what has been done? In fact, further in his presentation Mr. Kristjanson makes reference to a text by Max H. . . . entitled "The Human Enterprise and the Science of the Moral Life," and he concludes by saying that "We are aware of the necessity of further discussions on these matters with the people concerned and their representatives."

Then Mr. Kristjanson is followed by Mr. Bateman on behalf of Manitoba Hydro, and Mr. Bateman's opening statement is that "The function of Manitoba Hydro is to supply power adequate for the needs of the province." And he states that that's the function for which they are responsible as a corporation created by an Act of this Legislature. And then he goes on to say, makes it very clear that Manitoba Hydro is in the energy business and he deals with some of the technical and electrical aspects of the project. But in the course of his presentation, Mr. Bateman also makes reference to the Sturgeon-Weir diversion. In fact at one point he states, "Now the main advantage of the Sturgeon-Weir diversion would be the higher head over which the smaller quantity of diverted water could be utilized. This additional head, however, could only be developed outside of Manitoba and would not help to supply Manitoba's power requirements." And then he makes an interesting comment on this statement later on under cross-examination. So he makes it quite clear that this is not the only means of expanding the facilities for the generation of electricity through the use of our water and hydro resources but that there are other ways. And then he goes on to make reference to the Kettle plant, and there is some doubt about this as to the future efficiency of the Kettle plant if the South Indian Lake development did not take place. There seems to be some contradiction as to the degree of efficiency that the existing plant would enjoy if the Bill before us did not pass.

Then later on in his presentation, I believe we are now at the point where he is cross-examined by Mr. Gibson, and he makes reference to the fact that it's only a very very small percentage of the land area of the Province of Manitoba that would be flooded, a very small percentage of that area which is presently land that would be flooded, something like .07 percent, or .7 percent - I just can't locate the exact figure at this particular moment, Mr. Speaker - but he attempts to create the impression that the figure is so minimal it is hardly worth considering.

Well, Mr. Speaker, following the same logic I suppose Manitoba Hydro, if our geographical terrain were slightly different in this area through which the Red River flows, following the same logic I suppose Manitoba Hydro could suggest that a dam be built somewhere downstream on the Red River because by doing so they could produce so many units, in whatever matter or form electricity is being measured, for the service of the people of Manitoba and flood maybe not a thousand or 1,100 square miles of land but probably only flood 40 or 50 miles of land for the production of the same quantity or even a greater quantity of electricity, and namely the area occupied by the City of Winnipeg. You know, if we are just going to talk in terms of land, in terms of area of land, that it's just a small portion of land. I suggest to you that the reason why that portion of land is treated so lightly is because it happens to be on the shores of South Indian Lake, and I suggest to you that if the area to be flooded were the town of Tuxedo, which would be much smaller than the area to be flooded in the vicinity of South Indian Lake, that the reaction would be quite different from that which we have heard. In fact, the course of action of Manitoba Hydro, the course of action of this government would be quite different from that which it has been in dealing with South Indian Lake.

Then later in the hearings we hear from Mr. Kristjanson again, and at this point - and I'm now reading from pages 41 and 42 of the transcript - Mr. Kristjanson states all of the concessions of the Manitoba Hydro, all the assistance Manitoba Hydro is going to offer the people

(MR. HANUSCHAK cont'd.) . . . of South Indian Lake in the process of relocation. They are going to move or replace with equipment structures the houses and related outbuildings, the stores, they are going to provide new docking, they are going to replace or pay for the fish camp that belonged to the residents, etc., etc. It covers two pages, listing all the things that Manitoba Hydro is prepared to do, except - except for this very important factor that he doesn't make reference to and that is the human factor, and it's one that I realize you can't put a price tag on, or it's more difficult to put a price tag on, but certainly just because it's difficult to put a price tag on it, Mr. Speaker, I suggest to you that it's one that can not be ignored. What price are you going to pay for the breaking up of a family unit? What price are you going to pay for the breaking up of two family units, a father in the one family and his son in the other, where a certain degree of inter-dependence has developed between them and you are going to tell the son that you are going to upgrade him, you are going to upgrade his skills to enable him to get a job in the City of Winnipeg but his father might be a bit too old to adapt himself to the Winnipeg way of life and he'll have to move elsewhere. Now what price are you going to place on that? Is that not a factor to be taken into consideration? Do you feel, Mr. Speaker, that those are issues that Manitoba Hydro is qualified to deal with? Do you feel that those are issues that an organization charged with the responsibility of providing electricity at the lowest possible cost to the people of Manitoba is qualified to deal with?

Now this is just one example of some of the issues and problems which have to be dealt with, which have to be considered. Manitoba Hydro speaks of assisting in an upgrading program for these people, upgrading their skills. Well, Mr. Speaker, I think that I have heard enough of this term "upgrading" other peoples' skills and I'm beginning to wonder who is kidding whom. I think so much depends on what position of the fence we are on when we talk of upgrading peoples' skills. I suggest to you - well I shouldn't include you, Mr. Speaker, because I'm not that familiar with your background - but I can speak for myself quite safely, that if I were in South Indian Lake today, I must say that the present residents of South Indian Lake are more skillful in providing themselves with a living than I would be living in their environment. Maybe we can talk about retraining people, but this repeated reference to upgrading peoples' skills in the Province of Manitoba, I'm just wondering whether it isn't time that that term shouldn't be dropped and some other more appropriate one substituted therefor.

Then Mr. Kristjanson, after he completed his second turn at bat before the hearing, there were other delegations who cross-examined him, and there was a gentleman by the name of Mr. McNichol who then cross-examined Mr. Kristjanson. Mr. McNichol asked Mr. Kristjanson the following question: "Were the citizens of South Indian Lake and settlements of the Southern Indian Lake informed at the time when Hydro was first considering any proposal up there?" Mr. Kristjanson's answer is: "I cannot answer that question." And then he goes on to say that plans have been under way for 30 or 40 years for the Hydro electric development of northern Manitoba. We know that, of course plans have been under way for 30 or 40 years, plans are presently under way for projects that may or may not materialize in the next 40 or 50 years or 100 years. Then Mr. McNichol asked again more precisely: "Mr. Bateman said 1962 or '63. Mr. Bateman said that this plan was actually in negotiation at that time. Were they informed at that time?" Mr. Kristjanson's answer is: "I'm not in a position to answer that question."

Then a Colleen Nelson asked Mr. Kristjanson re the Tennessee Valley Authority, and she asked him: "Do you have similar reports for Canadian resettlement?" Mr. Kristjanson replied: "I do not have any reports with me on similar Canadian resettlement. I do know," he says, "I do know that there have been similar problems in the St. Lawrence Valley and the St. John River."

Now don't you feel, Mr. Speaker, it might be worth our while before venturing into this project to take a look at what happened in the St. Lawrence Valley and the St. John River projects in connection with the matter of resettlement, relocation, rehabilitation of people before proceeding with our plan? And there obviously, from reading the evidence presented by other delegations that appeared at this hearing, there obviously are many other projects that could be studied and should be studied by this government and should be studied now, now before the level of the water is raised as much as one inch, for fear that we may be gravely erring in flooding that area.

I see reference to the Standing Rock Reservation project and the Missouri River basin, about which Mr. Kristjanson appears to have had no knowledge at the time but he promised to

(MR. HANUSCHAK cont'd.) . . . get information about it. Maybe that information is now available that the government could report on. Mr. Kristjanson refers to other studies that have been conducted by a group of people called Van Ginkel and Associates, and perhaps that report is now available that we could see.

Then later on in reply - the name of the individual asking the question isn't shown here - but Mr. Kristjanson states that "We are not in a position to discuss programs for the development of recreational facilities, other than to suggest that we are prepared to co-operate with those agencies." Well now if Manitoba Hydro isn't in a position to discuss programs for the development of recreational facilities then surely somebody must be, and that responsibility then falls on the shoulders of this government to deal with, and either the Manitoba government through this department, or other departments, studies this matter or instructs Manitoba Hydro to do so.

Then later on on Page 50, Mr. Bateman states - and I believe that this is one of the technical points that I feel I must make reference to - Mr. Bateman states: "I don't doubt the possibility of nuclear power being in the Manitoba systems in the early 80's or mid-80's, but in that sense it would be used for firm-up" - and I suppose it means to firm up some of the hydro generation - "and act as a low cost energy producer." Well now, Mr. Speaker, the low 80's, the mid-80's aren't that far away in terms of the speed at which the wheels of government move, in terms of the speed at which the wheels of Manitoba Hydro move. We are now approaching the end of the 60's; next year we will be in the 70's, so perhaps this is something that we should look at a bit more seriously and obtain more detailed information than what we now have. Obviously, obviously it's a method of generating electricity that we are going to get into so let's study it now, let's examine the role that nuclear energy or electricity generated by nuclear energy will play in Manitoba within the next 10 or 15 years.

Then following Mr. Bateman there were some other comments made. The Honourable Member for Churchill spoke on behalf of the people of Churchill constituency, and then the former Member for Churchill followed him. He followed him, and it's rather interesting just to read some of the comments made by the former Member for Churchill. "Our concern" -- well just refresh his memory, and I am sure that all of the members of the government side weren't at this hearing and they may not have heard what he said, and I think they should because I think it is very significant. "Our concern at this time is the high-handed way in which Manitoba Hydro and the government have taken in dealing with the people involved. Manitoba Hydro has unfortunately, through its reluctance to communicate, introduced new fears. . . ."

MR. SPEAKER: Order please. For the record, would the honourable gentleman name the person who made that statement that he is reading now?

MR. HANUSCHAK: Yes. As reported in the transcript, Mr. Gordon Beard. "Manitoba Hydro has unfortunately, through its reluctance to communicate, introduced new fears and prejudice into what otherwise promised to be a lasting contribution to the future of Manitoba. The best way to settle the existing confusion is to find some way to develop our Hydro resource without destroying the natural resources which are of equal importance to the people's heritage of the communities that are being disturbed." This, Mr. Chairman, was said by a one time member of the government back bench. "It is not fair to come to these communities today and say here are some of the facts, you will be given two meetings in which you will be expected to state your case. This is just not in the best interests of justice." Then he goes on to deal with the effect that this may have on the flow of water in the Churchill River insofar as serving that community is concerned, and he goes on to deal with the effect it would have on the trapping industry and the tourism industry and on the economy in general of the town of Churchill.

Then appear a number of professors, many of them from the Engineering Faculty and other related disciplines from the University of Manitoba. The first to appear is Professor Newbury who speaks in opposition to the flooding, and he stresses, in the latter part of his brief he stresses the recreational value of this area. He states that we have heard how the power demand doubles every year for Manitoba, but really the power demand doubles every 10 years in Manitoba, but the recreational demands in the last 10 years have more than tripled. Later on we hear evidence to contradict this because the recreational demands of this community are measured as they apply to the City of Winnipeg, and the existence of the City of Thompson is completely ignored in measuring the recreational potential. Somebody applied the formula that the recreational value of any area is in a sense inversely proportional to the distance that it is from a large community area, and on that basis they say that only the odd

(MR. HANUSCHAK cont'd.)... individual would ever visit that area as a tourist, but they do ignore the existence of other sizeable communities in northern Manitoba which would be within -- well, the building of a road for that area would put it within easy reach of any one of the three of them.

Then Professor Boeey, an associate professor of Civil Engineering at the University of Manitoba states: "A single purpose resource planning in isolation from the broader framework of regional economic and social development is out of date, is an anachronism and can no longer be accepted."

Following Professor Boeey appears Professor Walker - Professor Walker, an associate professor of biology at the University of Manitoba. He states: "I would suggest, however, that in this so-called enlightened age we must not adopt the program that will be cheapest in cash but we must accept that which will result in the fewest undesirable consequences. The north" - I am continuing to read from his statement - "The north must be developed on a multiple resource basis with consideration being given to the forestry, . . ."

MR. LYON: Would my honourable friend permit a correction?

MR. HANUSCHAK: "... mining and recreational potential as well as the traditional pursuits of hunting, trapping and fishing. . ."

MR. LYON: Would my honourable friend permit a correction? Professor Walker, if the person is the one that I am thinking of, is a "she" not a "he".

MR. HANUSCHAK: Thank you very much. Then Professor Walker speaks of the effect on the whale industry in the Hudson's Bay, speaks of the effect on wildlife in northern Manitoba, and towards the end of her presentation she sums up her position by stating "that I earnestly recommend that the alternative proposals be fully assessed and the short and long term benefits evaluated in the broadest sense before a decision is made with regard to the granting of the licence to raise the level of South Indian Lake. Particularly an evaluation should include plans for adequate compensation to all people involved, and a comprehensive statement of the long term recreational potential of the area. Secondly, I would suggest that an over-all long term plan be developed for the utilization of all the natural resources in the north; and thirdly, that in future such enormous development schemes as we are discussing today be attacked on a multiple resource basis."

Then Professor Lindsay appears. Professor Lindsay, male or female, Cass Lindsay - I would take it that it's "he".

MR. SPEAKER: I wonder if I could interrupt the honourable gentleman to tell him he has five minutes.

MR. HANUSCHAK: Thank you, Mr. Speaker. Professor Cass Lindsay deals with the effect the flooding would have on the fish industry in South Indian Lake, and as Mr. Kristjanson stated time and time again that he's not an authority on fishing and neither am I, but I understand from Professor Lindsay's presentation that what would in effect happen, is the flooding would stimulate the bacteriological growth in the water which would tend to enhance the procreation of some of the cheaper grades of fish. I think that he mentioned that pike is a cheaper grade than whitefish, so even though the quantity of fish in terms of poundage might be greater, but it would be a cheaper variety, of which -- I believe that it wasn't his figures, it was someone else who spoke on this matter; I'm not reading his report that closely at this particular point, but one of the witnesses does mention that the cheaper variety of fish is only about one-fifth the value of the whitefish, so an increase in the volume of fish, in the quantity of the fish, will not in any way enhance the economy of the people living on the shores of South Indian Lake.

Then we have Dr. Welch; we have Professor Shea; all stating a similar position in opposition to the flooding of South Indian Lake. But I believe that one of the most significant briefs presented, and this was presented by Professor Gibson on behalf of a Professor Kuiper who was away at the time, and Professor Kuiper in the brief that he sent down deals with the question of alternative diversion possibilities; No. 2, the potential damage of flooding South Indian Lake; No. 3. A proposed course of action. And with the first point, the alternative diversion possibilities, he makes reference to the Sturgeon-Weir proposal and then there are four others that he refers to, and he says that "It is my personal opinion that the Frog-Portage Diversion and the is the most attractive of the five. As early as 1959 and again in 1960 I have urged management of Manitoba Hydro, in my capacity as consultant to this organization, to investigate the merits of this diversion. In the province of Manitoba there are three

(MR. HANUSCHAK cont'd.) . . . diversion possibilities upstream of South Indian Lake that would not require the flooding of Southern Indian Lake. From an engineering viewpoint these diversions are just as feasible as the fourth one." And then he continues dealing with the technical aspects of the flooding of Southern Indian Lake. Now as I said, Mr. Speaker, I'm not an engineer; the Honourable Minister isn't an engineer; but the Honourable Minister does have access, he does have the means of obtaining answers to these questions to present to this House for our consideration, which we have not yet obtained and these, I suggest to you, Mr. Speaker, are questions that ought to be answered.

Now, as you no doubt know, Mr. Speaker, from perusing the evidence of the hearing in Winnipeg, there are over - what? - over three hundred pages of it, and I would suggest to you, and not so much to you but I would suggest to each and every backbencher to take the time to read the 300 pages that you have in your caucus room. It would certainly be well worth reading, and I would suggest to you, Mr. Speaker, that if each and every backbencher were to read the evidence as transcribed in there, that if we have no effect on the front bench maybe the back bench would have some effect on the attitudes, on the thinking of some of the hard-headed people on the front bench who have already made up their minds as to what they are going to do. If they cannot take a more humane approach to this problem, to this issue, maybe they are more in tune with the thinking of the people. Maybe they, in their caucus meeting, could have some effect and influence their thinking for the benefit of the people of Manitoba.

MR. SPEAKER: Right on time! Are you ready for the question? The Honourable Member for Selkirk.

MR. HILLHOUSE: Mr. Speaker, I wish to move, seconded by the Honourable Member for Gladstone, that the debate be adjourned -- do you wish to speak?

. . . . continued on next page.

MR. FROESE: Mr. Speaker, I won't be long, I can assure you, and I thank the honourable member. I should have gotten up earlier. I figured someone else might have wanted to take the floor before I did and therefore I waited.

The Bill before us I think has been discussed quite at length, not only at this time, but when the estimates of the Minister of Natural Resources were before us we had a very full discussion on matters pertaining to this item, and listening to some of the other members who have already spoken, maybe they've read the transcript completely. I haven't finished reading it. I recall some of the discussions that took place way back in 1966 when we were in Committee of the Public Utilities and when representatives of Hydro appeared and gave us the information at that time as they had it, and no doubt members of this House were satisfied with the information they got at that time, because I recollect when Bill 22 was presented to this House which was to provide 100 million for that fund. All the members of this House at that time voted for it, except myself, and probably I had some reasons differing to other members why I voted or did not support the Bill at that time. I recall that I made the point that we should have the power sold ahead of time, more or less like British Columbia did, so that revenues in this way could be obtained and that the cost of Hydro could be reduced as a result. I think I also took exception to the long-term borrowings in particular because of the high interest rates that were coming up.

Nevertheless, Mr. Speaker, the Bill is presently before us and will authorize or will be granting Manitoba Hydro a licence to proceed on the diversion of the Churchill River at South Indian Lake. Just what difference is there between expropriating and granting a licence to Manitoba Hydro as we are presently planning under this Act? I find that under the sections Part 1 and Part 2 of the Bill especially, in connection with reestablishment, and whether we're not going further than we normally do under expropriation in this Bill, I note that in connection with the training program, of operating courses and so on which the previous speaker spoke about, that "this government and Manitoba Hydro, in cooperation with the government of Canada and its agencies, shall provide training and upgrading courses." There's no "maybe" about this. This is a fact once the Bill is passed.

It also states that "The Government and Manitoba Hydro shall contribute" and the proportion is to be agreed upon as to the amount that they will contribute in this respect. On this point, however, Mr. Speaker, I feel that -- whether we're not going off base in the Bill. I feel that money spent in this way, and there's other areas where moneys are going to be spent, that they should come through the normal channels of this House through the estimates and that they be passed in that way. In this way, Manitoba Hydro can carry on large projects without us ever having a say in the matter and I feel that this is not quite in order. After all, education is the prerogative of the province and I feel that we as members of this House should have a greater say in the matter.

It refers to the upgrading and also provides tuition fees and travelling expenses and so on. Does this mean that there will be no courses offered at the new settlement, like classes for upgrading? Is this meant that whatever upgrading is to be done will be done outside the area where these people will be residing? I think this might be of interest to the committee and I certainly would like some enlightenment on this matter.

I was referring to the item whether expropriating normally and granting a licence under this Bill, just what difference there basically is and what considerations are being given that normally would not be given. If the Minister has some further facts on that, I would appreciate getting them. No doubt the issuing of a licence is necessary because this land is Crown land and therefore expropriation proceedings are not necessary.

On an earlier occasion when I spoke in committee on natural resources, I mentioned at that time I'd been out to Ontario and the St. Lawrence Seaway when that was constructed. It required the moving of a large section of the Town or City of Cornwall, whatever it is - I think it was a town - that many people had to be displaced and new homes had to be provided, other buildings were moved to new locations, so that many people had to be uprooted from their former position and brought into new locations. Surely enough, it was necessary for those people to move, and I think probably with this whole matter that some matters are, I think, exaggerated beyond proportions. I feel that we should be reasonable in this matter and that we should not go out of bounds probably as some do that -- and I think there are some people who purposely agitate on this very point and I for one do not agree. I had a phone call the other day and I don't want to name the party here, but I felt that the contact I received that day certainly wasn't necessary and I resented it, but you have certain parties that will do this and

(MR. FROESE cont'd) . . . just what they are trying to achieve, I don't know.

I would like to mention to the Minister whether it would not be advisable for members of this House to take a firsthand look at the location and the site and the reserves at the present time. Probably some of us are not familiar - I don't mean that we should spend large amounts of money for that purpose, but certainly if this is to be such a great experience and such an overwhelming decision to be made, then maybe we should go out there and take a look at it firsthand so that there need be no fear of making a wrong decision, and certainly, if I express reservations later on as to why I should not be supporting the bill, it is simply a matter of whether there are matters unknown to me that have not been stated. I take it that members on the government side of the House have all the facts to enable to decide and have reached a decision on this matter, that they no doubt will be supporting the bill. I cannot say whether I am satisfied that I have all the information. There might be some matters that I am not aware of and just because of that very situation that I'm probably not aware of, the whole matter, that I have to place reservations and probably not support the bill on second reading just because of that very point. Maybe I am wrong in doing that, but I think for the time being, I think this is the stand we have to take on this side of the House.

I rather had an interesting experience some few weeks ago when an organization in Fort Garry invited members of this House over to a meeting, and after the meeting they had some of the professors speaking to them. I know the Honourable the Minister, the Attorney-General spoke at that meeting, and later on there was some discussion and people in that audience felt that there should be a free vote on this matter, and when it was made known that this was a government bill, that it required the support of the government, this was rather new to them and they felt that this was not democratic. It is rather peculiar that people do not have a greater insight into these matters, that once a government bill comes forward that it has to be supported, but these are things that you run into and whether a free vote -- I imagine this cannot be held because this is government policy and this is a requirement.

The matter of a commissioner was mentioned the other day by the minister reporting, and that an outsider is being brought in. Personally I don't feel that it would be essential to bring in an outsider. As far as I am concerned we could have had a local man or a resident of the province of Manitoba for that purpose. I don't see that people in Manitoba are that biased and that they could not serve in this capacity. Certainly as far as I am concerned we could have chosen a Manitoban. However, at this point, now that the appointment has been made, I do not object too strongly. A decision actually to proceed with this whole matter was made in 1966 when we embarked on Phase I. In checking back on the records, I find now that Phase I included certain matters and that this matter of the diversion was included at that time although, as has been expressed by the members, certain feasibility studies were to be conducted following that committee meeting and I don't recall whether we have had reports. Have we had reports on further studies since that time? I can't recall. If there were, then I stand to be corrected.

But I think one item, and that is the matter of clearing that area, I would like to know just what it would involve, what would the cost be of having the area cleared, because it seems that this is one of the big items, that you will have so much debris covering the lake and that the lake would not be useful for any purpose. I recall the matter of the St. Lawrence Seaway, that everything was cleared out; all the brush was cleared out. No doubt this is a very expensive item and can be very costly, but if this is really such a big factor maybe consideration should be given to clearing and probably burning a lot of the wood before the area is flooded.

I would merely like to make one further point and that is that I believe this bill should be referred to the Utilities Committee and that we have a full hearing at that stage, and that the people of Manitoba Hydro be called in so that if they have any further information to give us, that this committee would have a chance of hearing them.

Mr. Speaker, I don't intend to speak any further on the bill. I feel that I want to get my information at the committee level and then be in a better position to speak on it more fully if it is necessary and essential at that time, when it comes back to this House, into Committee of the Whole.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. HILLHOUSE: Well I wish to move now, Mr. Speaker, seconded by the Honourable Member for St. George, that debate be adjourned.

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

MR. SPEAKER: Bill No. 6. The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I am yielding my right to speak on this bill.

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

MR. LYON presented Bill No. 21, The Intoxicated Persons Detention Act, for second reading.

MR. SPEAKER presented the motion.

MR. LYON: This Bill contemplates that public intoxication standing alone will no longer be regarded as a provincial or municipal offence - either leaning alone, standing alone or falling alone. If this bill receives the approval of the House, persons found in this condition will be detained until either (a) they have sobered to the degree that they can take care of themselves; or (b) that some other person, able to take care of them, is willing and able to take them in charge. This approach, as you will see by the bill, Mr. Speaker, applies only in such areas of the province as may be determined by the Lieutenant-Governor-in-Council, and the reason for taking this approach is to try it, in the Manitoba context, on an experimental basis in various areas of the province to see if it works as successfully here as it has worked in other jurisdictions, and then ultimately, on the basis of these area trials, to bring it into force in the full provincial area, as and when experience would dictate that that would be in the public interest.

I could say, Sir, that this concept has been used successfully in the province of British Columbia, and I understand that some similar legislation was introduced in the Province of Saskatchewan this year.

Where drunkenness is associated with causing a disturbance, the Criminal Code may be invoked; that is, section 160 of that statute. It is only intoxication by itself that is to be discontinued as an offence under this bill, and while a person will no longer be charged with a provincial or municipal offence, the offender must be detained until he sobers up or a sober person takes him in charge and he is no longer a danger to anyone, either to himself or to the general public. I think that this approach is well worth trying in Manitoba, Mr. Speaker, and I commend the bill to the House.

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

MR. HANUSCHAK: Mr. Speaker, we have no objection to this bill in principle. One question that comes to mind is why the section in the bill which assures a peace officer from civil action in the event of a false imprisonment. Now the way that section reads, I believe that a peace officer has that protection at the present time. In other words, it makes reference to having reasonable grounds for belief, reasonable grounds for detaining a -- quite obviously if a peace officer who takes a person into custody under this Act has reasonable and probable grounds for believing the person is intoxicated, he is not liable for damage for false arrest or false imprisonment. Now my understanding of the law, Mr. Speaker, is that a peace officer has that protection at the present time, and if he does, then the question comes to mind: why need this be spelled out in this particular piece of legislation?

The other question that comes to mind, Mr. Speaker, is is there sufficient protection to the general public in this respect, being mindful, of course, that it is desirable that the public do be provided with the type of protection and the type of service that this bill will offer, but is there sufficient protection to prevent the peace officer from acting somewhat indiscriminately and exceeding his authority, knowing, of course, that this may not necessarily lead to a charge being laid against the intoxicated person, that he will be released the next morning? Now may-be this is the purpose of this section, subsection (1), but if it is, again my question is: why is this put in the Act when, as I have indicated before, I do believe that a peace officer does enjoy this protection at the present time?

MR. HILLHOUSE: Mr. Speaker, I hadn't intended to speak on this bill but I think I must speak. I think it is good legislation. I think there have been too many incidents in the past where a harmless drunk has been picked up and he's been held in custody overnight and he's had to appear before the magistrate in the morning. In a great number of instances, that individual could have been released to a member of his own family or a friend and taken home, and I think it's the fact that that person can be released to a friend or a member of his own family while he is still intoxicated, that we must have this section giving a peace officer indemnity against false arrest because, without this section, if a peace officer did arrest a man for being intoxicated and let him go, while he was still intoxicated, in the custody of a friend or a member of his family, it would be a beautiful case to come to court with and charge this policeman

(MR. HILLHOUSE cont'd) . . . with false arrest. I think that's the answer, but I like the legislation although I do believe this, that you may have a little trouble where you are specifying areas, because there are a lot of municipalities and towns in Manitoba that look upon this as a source of revenue.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. MOLGAT: Mr. Speaker, I agree with the general principles of the bill. I noted, however, that the Minister said that this for the time being would apply to only certain areas and I would be very curious to know what areas the Minister intends to apply it to. It seems to me that there is one area in Manitoba where this has really worked an injustice in many ways and also a very substantial element of cost insofar as the province has been concerned, and I'm referring to northern Manitoba where, because of the lack of facilities in the area and the lack of enforcement officers, in a number of cases it seems to me that people have been detained, for example, in Churchill on a drunken charge and have had to be transported to The Pas to be put in jail there, at very substantial expense obviously to the government, because it has meant I think in most cases flying them down to The Pas, including escort, and then taking the escort back to Churchill; secondly, insofar as the individuals themselves were concerned, very much greater inconvenience than would be the case for someone, for example, in Winnipeg, and that this has not been a fair situation, that the law has not served its purpose which was, I presume, a deterrent factor, and that an urgent change is required.

Now if the Minister intends, as might be the case, to start this off for example in Winnipeg on a trial basis, then I don't think that this would be the right approach. I would recommend that he start it where the problem is most acute and, if it's going to be purely on a trial basis by areas, that he select those areas where the problem is greatest, and I would recommend in this case that it be the areas where there are minimum -- well, Mr. Speaker, I wasn't necessarily thinking of your own area. You represent a constituency somewhat like mine. Mind you our people, being very law-abiding citizens, Mr. Speaker, would not be involved under this Act, I recognize, but in case it should be by inadvertence on some occasion that they might, that the trial period and the trial areas be geared to those areas where the problem really has been most acute, and not geared to the City of Winnipeg where it doesn't have the same effect. Or simply try it on a trial period across the whole province which might, in fact, be the most satisfactory.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I, too, endorse the bill that is before us. It seems a very logical piece of legislation. I note that the first section deals with the Lieutenant-Governor-in-Council, by regulation, can designate areas of the province to which this Act will apply. Will this be done on request by municipalities or certain areas, or just how are they going to set out these areas? I would suggest that maybe there should be a provision if certain municipalities desires, that this legislation have effect in their area, that it could be done in that way. I don't know whether this would require an amendment; it probably would. And also I'd like to know whether this would be acceptable to the government if such a provision was instituted or provided for. Certainly otherwise I have no objection whatever and I think it would do a lot of good.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, I'm not quite sure of my ground here and therefore I'll ask the Attorney-General to enlighten us. From what the Honourable Member for Churchill said, it would appear that without this section, and if we ignore the law with regard to offences, making intoxication by by-law an offence, that a policeman would not have a right to take into custody an intoxicated person under any other provincial or federal law of the Criminal Code. My understanding is that there are, for instance in the Government Liquor Control Act, sections - I'm not sure of all of them, but if there are no sections under which a policeman could make an arrest of a person who is in an intoxicated position, then it would appear that the section that my honourable colleague the Member for Burrows referred to probably would be necessary. If, on the other hand, there is law which permits a policeman to take into custody an intoxicated person then possibly 5(1) would not be necessary. We don't make an issue of this but we would not want to be redundant where it was not required.

MR. SPEAKER: The Honourable Member for Seven Oaks.

MR. MILLER: Well, Mr. Speaker, I just want clarification on one point, Item 3, where it says, "if an application is made sooner by a member of his family or by an adult who appears

(MR. MILLER cont'd) to be suitable and capable of taking charge." Well, this is all very well, but is it also a requirement that the police have to notify a member of the family or have to notify a solicitor if the man asks for one? To say that an application can be made would seem to me to only be possible if someone knew that he had been picked up, and I'm wondering whether the requirement is on the part of the police to contact somebody in order to notify them that the man is being held.

MR. SPEAKER: The Member for Churchill.

MR. BOROWSKI: Mr. Speaker, I have a question for the Attorney-General. Under Section 1, he speaks about designated areas where this Act will be put into effect. I wonder if one of the designated areas he has in mind here was this Legislature?

MR. SPEAKER: Are you ready for the question? The Honourable the Attorney-General.

MR. LYON: Mr. Speaker, if there are no other persons wishing to speak, I'll go back to the remarks of the Honourable Member for Selkirk with respect to how the areas will be designated and mention to him that we are following the, I think, reasonable precedent that was established in the Province of British Columbia when they pioneered this legislation some two years ago by having areas declared by the Lieutenant-Governor-in-Council. The Province of Saskatchewan in its legislation this past session did it but in reverse. They said that the Bill would affect the whole of the province except those areas exempted by Order-in-Council. We're following the B. C. precedent which says that we will designate the areas concerned. How will they be designated? On the basis largely of - as has been mentioned here - of their susceptibility to the proper utilization of this legislation. I would think that the suggestion made by the Honourable Leader of the Opposition would be quite a reasonable one and one that would be looked at, that general area would certainly be looked at.

It might be of interest to honourable members to know that at the present time within our jail system the average number of jail days for intoxication in the Province of Manitoba is 30,000 a year, and so having reference to these statistics and their application in the various regional jails in Manitoba, we will try to mark off those areas where it would be in the public interest to try to bring this type of legislation into effect as soon as possible.

He also mentioned the question of fees and certainly this will be a touchy point, I'm sure, with some of the municipalities, but I would sincerely hope that no municipality would take objection to this legislation on the basis of the loss of any fine revenue from persons charged with drunkenness either under by-law offences or under the provincial Liquor Control Act. This law, whether it's under a provincial Act or under a municipal by-law, is directed towards protecting the public and not directed toward the raising of revenue. I certainly concur with the Honourable Member from Selkirk that while we may expect to hear some objections, I hope that the municipalities who are inclined to make this kind of objection will think twice about it, because what is at stake here is much more than the question of the raising of revenue by fines or the incarceration ultimately sometimes, the incarceration of people who are unable to pay fines.

The point was raised by the Member from Rhineland, I think, also with respect to the designation of areas and whether or not different municipalities or groups of municipalities could petition the Minister or the government in this regard. Certainly they can. We would welcome any suggestions from them. I wouldn't make the commitment or the undertaking that we would necessarily act on all of them but we would be interested in hearing from municipalities who feel that they would like to have this Act apply within their boundaries.

The question of notification was raised by the Honourable Member for Seven Oaks. That's an internal police matter; it's not really susceptible to this type of legislation. The general practice adhering in the major centres of course is to permit persons who are able to advise as to who they wish to be called to have a phone call made on their behalf to these people. I think the honourable member will appreciate though that in this instance we're dealing with people, many of whom are disabled by the use of alcohol to the point where their language is unintelligible, they can't be communicated with and the best thing that can be done for them really is to let them sleep it off, and thereby it would be extremely difficult if not impossible to make a hard and fast rule that would or could apply in all cases.

MR. DESJARDINS: Mr. Speaker, I wonder if the Minister would permit a question? Is this definitely only for those that find themselves in this condition because of alcohol, or also drugs?

MR. LYON: No, the Bill is intended to apply only within our provincial jurisdiction,

(MR. LYON cont'd) . . . that is insofar as we have jurisdiction to enact vis-a-vis the use of liquor as covered by any provincial statute or by any municipal by-law. The other point was raised, are there drunk offences in other legislation? I believe The Indian Act, a federal Act still has an offence for drunkenness, although the Member for Selkirk and the Member for Inkster could tell me if I'm wrong.

MR. SPEAKER: I would just remind the honourable gentleman that it is 10:00 o'clock.

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

MR. LYON: Mr. Speaker, I beg to move, seconded by the Honourable the Minister of Finance, the House do now adjourn.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 o'clock Wednesday afternoon.