

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Thursday, June 18, 1970

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees.

REPORT BY SPECIAL COMMITTEE

MR. LAURENT L. DESJARDINS (St. Boniface): Mr. Speaker, I beg to present the first report of the Special Committee on Professional Associations.

MR. CLERK: Your Special Committee on Professional Associations beg leave to present the following as their first report:

Your Committee met for organization on Thursday, May 28, 1970 and appointed Mr. Desjardins as Chairman. Your Committee has agreed that the quorum of this Committee shall consist of Seven (7) members.

Your Committee also met on Thursday, June 4, 1970 and on Thursday, June 18, 1970.

Presentations were made to the Committee with respect to Bill No. 10 - An Act to amend The Optometrists Act, by the following:

Vaughan L. Baird, Q. C. - on behalf of The Manitoba Optometric Association;

E. J. Spearman - President of the Canadian Optometric Association;

A. S. Dewar, Q. C. - on behalf of The College of Physicians and Surgeons and The Manitoba Medical Association;

Dr. Gordon Krolman - on behalf of the Ophthalmologists;

Mr. C. Benoit - on behalf of the Ophthalmologists;

D. J. Walding - on behalf of The Ophthalmic Dispensers of Manitoba;

Mrs. C. Fudge - President of The Ophthalmic Dispensers of Manitoba; and

R. Brown - on behalf of The Canadian Association of Optometrists.

The Committee agreed that at its next meeting the first item on the agenda would be consideration of the matter of the granting of professional titles.

All of which is respectfully submitted.

MR. SPEAKER: The Honourable Member for St. Boniface.

MR. DESJARDINS: Mr. Speaker, I beg to move, seconded by the Honourable Member for Radisson that the report of the Committee be received.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. BUD BOYCE (Winnipeg Centre): Mr. Speaker, I would move, seconded by the Member for Kildonan that the debate be adjourned.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, I would like to speak if the member doesn't mind.

MR. BOYCE: I'm sorry . . .

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

MR. G. JOHNSTON: Mr. Speaker, I'm not a member of the Special Committee to consider self-governing Acts that we have in the province and as I understand the terms of reference of this Committee, it is to consider and make recommendations but not to change the Acts, or not to make changes in bills of any Act that has to do with self-governing bodies in the province, such as doctors, dentists, chiropractors and so on. I attended the first meeting a couple of weeks ago when the committee had had referred to it Bill 10 by the House and I note on No. 50 of Votes and Proceedings that the wording of the motion to send the bill, Bill 10, to this committee states and I quote: "that this bill be referred to the Special Committee on Professional Associations for further consideration." Mr. Speaker, it's my understanding that this morning this committee considered the bill, considered it clause by clause and passed the bill. Then it is also my understanding that a motion was made to report the bill to the House and this motion was defeated by a vote of about 9 to 3.

Mr. Speaker, my reason for speaking at this time - I would like to suggest to that committee and to members of the House that this is a highly unusual way to deal with a bill that is brought into the House by a member and is highly unusual that all members of the House do not have the opportunity to speak and discuss, to move amendments to move deletions to any particular bill. I'm suggesting, Sir, by the action taken this morning in committee is denying members of this House that right and I think that there should be something done about it. I'm

(MR. G. JOHNSTON cont'd) not expert on the rules; I don't know how long a committee can hold a bill, but the speed-up motion is now before us and if it goes through, and the government have the majority to put it through, then it's highly unlikely that Bill 10 would receive the consideration of this House. While there may be two arguments put forward -- one is on the proper method to deal with legislation. I think I've covered that in what I have said. Then there's the other matter that may be considered and that is the fact that what about the people who are looking to this bill for some sort of relief or some sort of action. Surely they have the right to know at this session whether or not the bill is going to be passed or defeated or changed. Surely they have this right. I can't recall in the nine years that I've been in this House where a bill has been treated in such a manner; where a bill is introduced early in the session, there is lots of time for debate and consideration and then by some accident or design, I don't know which, but it gets stick-handled off into a committee and it appears that it's going to rest there till the session runs out.

Mr. Speaker, I would hope that - well I would ask you, Mr. Speaker, to consider this matter as to whether or not a bill can be treated in this manner. As I understand the terms of reference of the Special Committee on Professional Services, it is to consider and to make recommendation to the House with the idea that future legislation may be drawn by the government to encompass in one Act all the bodies that have self regulatory powers and it is not the intent of this committee to hold bills indefinitely and to deny the rights of citizens who are looking for an action or to thwart the will of this House.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Speaker, I rise on a point of order. My point of order being taken under Citation 318 of Beauséjour, which says in part, and I rise on a point of order brought up by the Member from Portage la Prairie; "If a member disagrees with certain paragraphs in the report or to the entire report he can recommend, or he can record his disapproval by dividing the committee against those paragraphs to which he objects or against the entire report."

Mr. Speaker, I would refer you to Votes and Proceedings for Thursday the 14th of May, 1970, at which time under the motion of the First Minister a Special Committee was struck --(Interjection) -- . . . Beg your pardon? The number of votes? -- 45. And the motion says in part, "that the Special Committee of the Legislature on Professional Associations be reconstituted and composed of Honourable Messrs. Mackling, Miller, Toupin, Messrs. Allard, Bilton, Beard, Boyce, Craik, Desjardins, Doern, Molgat, Shafransky, Sherman, Spivak, Mrs. Trueman and Mr. Turnbull, to examine the statutes and regulations governing Professional Associations and licencing provisions of standards and disciplining of professions in the Province of Manitoba and to examine any bills respecting professional associations introduced in the previous three sessions of the Legislature and not passed, and to consider the advisability of enacting uniform legislation wherever practical and applicable."

I would refer you also, Sir, to Votes and Proceedings No. 50 for Friday, the 22nd of May at which time an amendment was passed to a motion to receive the report of the Standing Committee on Law Amendments which said. "That the second report of the Standing Committee on Law Amendments be not now received with respect to Bill No. 10, an Act to Amend the Optometric Act, but that this bill be referred to the Special Committee on Professional Associations for further consideration."

With reference to those two notes, Mr. Speaker, may I draw your attention Beauséjour, Citation 226, Paragraph 2, which says: "The subject matter of a bill as disclosed by the contents thereof, when read a second time has since 1854 formed the order of reference which governs the proceedings of the committee thereon, and accordingly the object sought by an instruction should be pertinent to the terms of that order and that the amendments which an instruction proposes to sanction must be such as would further the general purposes and intention of the House in the appointment of that Committee. The object of an instruction is therefore to endow a committee with power whereby the committee can perfect and complete the legislation defined by the contents of the bill or to extend the provision of a bill to cognate objects, and an attempt to engraft novel principles into a bill which would be irrelevant, foreign or contradictory to the decisions of the House taken on the introduction and second reading is not within the due province of an instruction." Now with reference to "due province in instruction" may I suggest, Mr. Speaker, in my opinion, if the House can't act in a particular manner to instruct a committee to do a certain thing, then the committee in fact cannot in

(MR. BOYCE cont'd) itself do that thing. I would repeat that it is not within the province of the Legislative body itself to instruct a committee to subvert the intentions of this House.

May I further bring to your attention, Mr. Speaker, under Section 520 of Beuchesne, which says: "so far the maxim is certainly true and founded on good sense that it is always in the power of the majority by their numbers to stop any improper measures proposed on the part of their opponents." Therefore, Mr. Speaker, I would suggest that the report of the committee is out of order and I would ask you, Sir, to take it under advisement.

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

MR. EARL McKELLAR (Souris-Killarney): Mr. Speaker, I'd just like to say a word or two on this motion. Being one of the country members, I was very interested in the services of human beings. I take exception to the motion that's before us. I remember so well when we were in the Law Amendments Committee when this bill was being dealt with . . .

MR. SPEAKER: Order, please. My impression was that the honourable member is rising to a point of order raised by the Honourable Member for Winnipeg Centre.

MR. McKELLAR: Can I not speak on the motion, Mr. Speaker? I was speaking on the motion, not on a point of order.

MR. SPEAKER: Well I would prefer to take the point of order which the honourable member had raised under advisement.

MR. McKELLAR: Well, Mr. Speaker, could I speak on the point of order then, I just want to say very few words. That it amazes me as to what has happened to this bill during this session. It passed Law Amendments and it came back into the House and the Honourable Member for St. Boniface moved that the report be not accepted, the bill be sent back to the Professional Committee.

As one of those members that are not on the committee and one of the members that had voted for this bill in Law Amendments, I just can't understand what is going on before us. During my twelve years in this Legislature, I've never had anything happen like what has happened before our eyes in the last 24 hours or last 10 hours in this Committee. I would suggest to the members who were in this committee that they look at this again and before they vote on this report that they think about this, think about what this is going to do to rural Manitoba. Because I can tell you what the effect will be. Think of what it's going to do to the City of Winnipeg, and I can tell you what the effect might be, when the Province of Ontario have already permitted these people, the optometrists to be called doctors. I would ask that every member in this House vote against this motion.

MR. SPEAKER: Order. The Honourable Member for River Heights.

MR. SIDNEY SPIVAK, Q.C. (River Heights): Mr. Speaker, on the point of order, I think if you are taking this matter under advisement there's one other matter that should be considered in connection with this. The report of the committee has been presented; the report of the committee as presented was never presented to the committee. It would seem to me, Mr. Speaker, that before this report can be presented in this House that report must be presented to the committee and approved by the committee. The report that has been presented in this House was not presented to the committee for its consideration, even though votes were taken within the committee itself.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. DESJARDINS: Mr. Speaker, on this same point of order. The members of the committee today instructed, asked the clerk to prepare a report and it was mentioned what would be in. So if the member who was a member of committee can't be there on time, I don't think he should blame the rest of the committee.

MR. SPIVAK: On a point of privilege, Mr. Speaker. What the honourable member says is correct, but nevertheless, according to Beuchesne and to 318, the Citation that was referred to, Paragraph 2, the report of the committee - the report that was presented to the House was not presented to the committee for its final approval.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, rising to the same point of order. I haven't studied the matter of the powers of a special committee, this was referred to not one of our standing committees, it is a special committee of the House, and the point of order I raise is that this is a special committee that this report from the Law Amendments Committee was referred to, namely the Professional Associations Committee which is not one of the Standing

(MR. FROESE cont'd) Committees of the House and at this point I question the powers of such a committee if they're not outlined when the committee was set up. So I think this should be taken into consideration as well.

MR. SPEAKER: I wish to thank the honourable members for their comments. I'll take the matter under advisement and give my decision on it tomorrow as to whether or not the motion to receive this report can be properly put before the House at this time.

Notices of Motion; Introduction of Bills. The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture)(Lac du Bonnet) introduced Bill No. 137, an Act to amend the Milk Control Act. (Recommended by His Honour the Lieutenant-Governor).

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

INTRODUCTION OF GUESTS

MR. SPEAKER: At this point I should like to introduce to honourable members our guests in the gallery. We have with us Mr. Tokunbo, who is the permanent secretary of the Federal Ministry of Establishments, Government of Nigeria, and Mr. Ogunidipe, Secretary for Staff Development, Federal Minister of Establishments, Government of Nigeria, who are sitting in my gallery. These two gentlemen are visiting our province as part of their program to observe and study the general organization and structure of the federal and state Civil Services in Canada, United States and the United Kingdom. On behalf of honourable members of the Legislative Assembly, I welcome you here this afternoon.

We also have 54 Grade 5 students of the Radisson School under the direction of Mrs. Baron, Mrs. Broadhurst and Miss Joyce. This school is located in the constituency of the Honourable Minister of Labour and Government Services; 40 Grade 6 students of the Precious Blood, These students are under the direction of Miss Gauthier. This school is located in the constituency of the Honourable Member for St. Boniface; and 29 Grades 8 and 9 students of the St. Lazare School. These students are under the direction of Mr. Bisson, Sister Ranger. This school is located in the constituency of the Honourable Member for Birtle-Russell. On behalf of the honourable members of the Legislative Assembly, I welcome you here this afternoon.

ORAL QUESTION PERIOD

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, before the Orders of the Day are proceeded with, I would like to ask a question. I think I should probably direct it to the House Leader. It's in connection with the Commonwealth Parliamentary reports. Are these reports available and if so, have they been distributed? My second question would be, what about the conferences that are annually or biennially taking place, where are they being held?

HON. SIDNEY GREEN, Q. C. (Minister of Mines and Natural Resources)(Finkster): Mr. Speaker, I believe the reports are available and I'll try to ascertain for my honourable friend where they can be obtained.

With respect to the Conference, I'll take the question as notice and advise my honourable friend as soon as I am aware. I'm not aware of when the conference is or where it's being held this year.

MR. FROESE: A supplementary question. If the Honourable Minister's going to check into it, could he also announce at that time whether any assignments have been made in that respect from members of this House?

MR. GREEN: Yes, Mr. Speaker.

MR. SPEAKER: The Honourable Leader of the Official Opposition.

MR. WALTER WEIR (Leader of the Opposition)(Minnedosa): Mr. Speaker, might I ask the House Leader if the House now has had first reading on all of the legislation that we can expect at this session? If not, how much can we expect notification of, because I note that there is no notification of any legislation on today's Votes and Proceedings.

MR. GREEN: Mr. Speaker, I believe that we are almost through but there are notices on Page 3 of the Votes and Proceedings.

MR. WEIR: Mr. Speaker, I notice there is the one Government - I wasn't really thinking in terms of Private Members;, which the other one is - I was thinking in terms of government legislation.

MR. GREEN: Mr. Speaker, I believe that we are almost through now. There may be something come up of which I am not presently aware but I believe that we are almost through.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Speaker, I'd like to direct my question to the Honourable Minister of Agriculture. There seems to be an increasing number of complaints that farm loans are not being processed fast enough. I wonder if the Honourable Minister of Agriculture is aware of this situation and can something be done to help speed up many of the loans now under consideration?

MR. USKIW: I think that the matter has been resolved, Mr. Speaker. I agree that there was some delay due to the reorganization of the Credit Corporation, the redirection that was given it and the fact that there were many applications coming in at once, which were not dealt with as quickly as I would have hoped. My understanding is that they are dealing with them in the order of some 60 or 80 per week.

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOUGLAS WATT (Arthur): A supplementary question to the Minister of Agriculture, supplementary to that of the Member for La Verendrye. Can the Minister tell us have any individual loans been processed, and I'm talking about an individual, I mean to individual farmers?

MR. USKIW: It's my understanding, and this is probably a week or 10 days old, that there were some 61 in total that were completed.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GABRIEL GIRARD (Emerson): I'd like to address a question to the Honourable Minister of Agriculture. In view of the very adverse weather conditions, farmers in part of Manitoba will be unable to seed. I wonder if in such cases it is possible that your department will consider some method of compensation in those particular cases. I ask this in view of the compensation given to the potato farmers in the past and in the fishing industry and so on.

MR. USKIW: I think one has to make a very important distinction between the two proposals: one dealt with the recovery of costs, or inputs that were already made. The question being put now is whether or not we will provide a source of revenue or income in light of the fact that there perhaps may not be any seeding done. I think my honourable friend ought to appreciate that this is a matter largely within the jurisdiction of the Government of Canada.

MR. GIRARD: A supplementary question, Mr. Speaker. Would the taxes that have to be paid on land be considered as recovery of expenses?

MR. USKIW: Well I would assume that taxes are always expenses, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSON (Morris): Mr. Speaker, in view of the very important matter raised by the Member for Elmwood the other day, would it not be possible to have these farmers who have been unable to seed their crops, seed crocuses, under contract with the government?

MR. SPEAKER: The Honourable Member for Arthur.

MR. WATT: Mr. Speaker, a further supplementary question to that of the Member for Emerson. If the Minister has agreed that taxes are an expense, I wonder would he consider then that interest on the land that will not be sown this year would be considered as an expense?

MR. USKIW: I don't follow the member's question. What does he mean by interest on the land?

MR. WATT: Mr. Speaker, I think my honourable friend is aware that land is worth a lot of money these days and that much money is owed on land and there is interest applied here, would he consider that that interest is expense on that land?

MR. USKIW: Well, I'm not sure how that in particular should influence any decision of this government.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, my question is for the First Minister. I wonder whether he can indicate to the House whether it's the government's intention to follow Ontario's lead and legislate to limit foreign control of Manitoba Loan and Saving Associations and Trust Corporations?

HON. ED. SCHREYER (Premier)(Rossmere): Mr. Speaker, there are some things which we find it prudent and advisable to follow Ontario's lead in and there are other things which we do not deem it advisable to follow Ontario's lead.

MR. SPIVAK: A supplementary question. Is it the government's intention to limit foreign control of Manitoba Trust and Loan Corporations?

MR. SCHREYER: Well, Mr. Speaker, that is a matter which has far-reaching implications which we would want to look very closely at. I'll take the question as notice.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: If I may, Mr. Speaker, I would like to add one more comment to those I've already made in reply to questions put on the situation in southeastern Manitoba, and that is that wherein one is not able to complete his seeding operations or at least have any of his seeding done, I would assume that they would be fully eligible for the \$6.00 LIFT Program, or \$6.00 an acre subsidy.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I'd like to ask a question of the Minister of Agriculture, to the reply he just made on the \$6.00 payment. Does the \$6.00 payment not only apply on the reduction of wheat acreage; so that where farmers did not have wheat before, the \$6.00 does not apply, so that there will be no reimbursement to these people . . .

MR. SPEAKER: Is the honourable member asking a question or entering into a debate?

MR. FROESE: . . . does he not consider in such cases that the government should give assistance to these people?

MR. USKIW: Well, I'm not sure how many of these there are because under the wheat inventory reduction program as I understand it, one can use 1968 or '69 as a base year and he will choose the year in which he had been growing some wheat.

MR. SPEAKER: The Honourable Member for Arthur.

MR. WATT: A further question to the Minister of Agriculture. I point out to the Minister of Agriculture that the southwest area is affected the same as the southeast area and I'm asking him now if he thinks that the \$6.00 an acre payment under Operation LIFT is sufficient and will apply to all lands that were unable to be sowed this year?

MR. SPEAKER: I believe the honourable member has asked for an expression of opinion. Orders of the Day. The Honourable Member for River Heights.

MR. WATT: No, Mr. Speaker, on a point of order; I was not asking for an expression of opinion; I was asking if he considered that it was adequate . . . unseeded crop.

MR. SPEAKER: I believe a question put in that way is one for an expression of the Minister's opinion and may I remind the honourable member that it is not the intention of the Chair to enter into a debate with members. The Honourable Member for River Heights.

MR. GIRARD: I have a supplementary question, Mr. Speaker.

MR. SPEAKER: The Member for Emerson.

MR. GIRARD: I wonder if the Honourable Minister of Agriculture would undertake to find out definitely and advise the House as to whether or not the \$6.00 definitely applies in a case where they are unable to seed.

MR. USKIW: Mr. Speaker, I can answer that quite forthrightly. It applies where there's a reduction of wheat acreage involved.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, my question is for the Minister of Industry and Commerce. I wonder whether he can inform the House whether he's aware of air cut rate fares between Quebec and France negotiated under a cultural exchange and signed by Canada and France?

HON. LEONARD S. EVANS (Minister of Industry and Commerce)(Brandon East): I wasn't aware of this particular agreement.

MR. SPIVAK: A supplementary question. Would it be the intention of the Province of Manitoba to negotiate such an arrangement so that air cut fares may in fact apply from Manitoba to France?

MR. EVANS: Mr. Speaker, I'll take that question under advisement.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Lest there be any misunderstanding about that last question, I think that it would be incumbent upon the questioner to advise whether it's his understanding that these negotiated air fare reductions have general application or have a very limited application to those travelling on some kind of cultural exchange - for cultural exchange purposes.

MR. SPIVAK: Mr. Speaker, I'll answer the question by referring to the Globe and Mail today, Page 5, in which John Baldwin, the President of Air Canada would indicate that the arrangement is simply a negotiation between the province and the State of France and applying only to group fares of 15 to 20.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I would like you to call the motion standing in the name of the Honourable the Leader of the Opposition on Page 5 of the Order Paper, the motion of myself.

ORDERS OF THE DAY

MR. SPEAKER: Adjourned debate on the proposed motion of the Honourable the House Leader. The Honourable Leader of the Official Opposition.

MR. WEIR: Well, Mr. Speaker, we're dealing with the steamroller. I had thought we might not get around to it for a little while so I was going to carry out another mission in life for a moment or two but now that it's up I'll make my bit of a contribution. -- (Interjection) --

Well, Mr. Speaker, a filibuster requires wind and we've got people from the far side that know as much about it as anybody that I can believe. -- (Interjection) -- Every second of that that you had a couple of days ago made sense, Mr. Speaker, which is something that we haven't really come to understand when people on the other side were talking. In the meantime I'm looking for an amendment that I was going to make, Mr. Speaker. I was relatively sure that I had it with me - and yes, I have. In the meantime I thank my friends for managing to keep me occupied so that I was able to find it amongst the other notes that I have.

May I say, Mr. Speaker, that my first inclination was to oppose the steamroller at this time, notwithstanding the fact that I'm one who believes in the suspension of the rules at the right time in the session, because I'm really not convinced that the effectiveness of the House can be improved by introducing the steamroller at this stage of the game, the speedup resolution at this stage of the game, because the real impact that that resolution has really takes over when you're running out of time on the Order Paper and you want to speed up Bills. Mr. Speaker, we've had umpteen bills in here ready for presentation at the second reading, which we haven't reached in numerous days and numerous weeks.

I note, Mr. Speaker, that the House is now going to be busy with committee meetings until at least next Tuesday. I would submit, Mr. Speaker, that the activities of the Chamber could be very well handled by calling committees Wednesday evening, if it was a desire to fill Wednesday evening's time without any changes in the rules. I would submit that any mornings could be filled.

For the outfit, Mr. Speaker, that consider themselves the great planners and knowing better than others, it's interesting to note that, you know, during March there were only six bills distributed and in April there were 20 and in May there were 39 and better than half of our bills, Mr. Speaker, have been distributed to members of this House really since the 1st of June. The House Leader indicated that there was an indication that all members really wanted to work harder. I think, Mr. Speaker, it's fair to say that the members of the House would have really, if they had had their choice, probably, probably have sooner started working harder earlier in the session if they had the information that they would be able to absorb and be able to reflect on the matter.

But generally speaking, Mr. Speaker, I have come to the conclusion that I, and I think, well, I'm sure that I speak for all of my colleagues, are prepared to accept the motion at this stage of the game, with one slight amendment, and the reason for the amendment is because of the refusal of the House Leader the other day to assure us that there was not going to be a recess, there was not going to be a recess of the Legislature. Mr. Speaker, I don't think that it would be in the interests of the House for the House to pass a resolution which would include the speedup, which there could be an adjournment for two months and which we could come back two months later into the same session and find the "steamroller" in effect and find ourselves facing 20, 30, 40 odd more bills. So that when, Mr. Speaker, I get around to moving the amendment, I think my friends on the other side will see that all that I'm seeking is a protection of the fact that the steamroller or the speedup is really involved for the conclusion of the session at the earliest possible date.

Now there's two or three things that I would like to indicate that I think are desirable and I'm supporting the motion, Mr. Speaker, in an effort to try and provide good will, in an effort to try and provide a situation whereby possibly the Whips and private members in the House can get together, notwithstanding the resolution that there is before the House and notwithstanding the rules that we'll have once the suspension is in effect, to really, Mr. Speaker, make the most effective use of our time, because I have no objections to that principle; I'm all in favour of it. But the workings of the House also affect workings of committees and Mr.

(MR. WEIR cont'd) Speaker, one of the things that happens is if you have three sittings a day, you have three question periods, and sometimes that can be a delaying tactic through nothing but an emotion that happens in the House at a given occasion.

If, Mr. Speaker, the members of the House, have the lack of judgment to pass Bill 56 at second reading, it would be my guess that when it gets to committee that there will be significant representation from the public. I would think this is an area where the Whips of the parties and the individual members might consider the method in which we would handle committees. I am one who believes that you have people from all over Manitoba wanting to make representation in a case of that kind, that it would be wise for us to meet in the House just once for a question period daily, possibly the 2:30 in the afternoon session and to have the sessions in the morning and the afternoon and evening, but to continue hearings all day so that people from out of town that are making representations can be dealt with as efficiently and as effectively as possible. As we bring in the speedup, if the goodwill doesn't exist and if we apply the rules as they stand, it can require unanimous consent to move out of the House into Committee either in the morning or in the afternoon or in the evening. Mr. Speaker, before the speedup comes into effect, the government has the option of calling committee meetings in the morning without leave, or without anything else so that while they do, Mr. Speaker, have the opportunity to have government business all the time and the order is the same as on Thursdays, there are also some limitations when they decide that it is necessary to step outside of those orders and it can have an effect of delaying, not speeding up, not improving the effectiveness of the operation of members of the House. So Mr. Speaker, I say that we are going to support the resolution, we are prepared to support it now.

The other thing that is in there is Saturdays. And I think that the people that are here are public servants and it's not very many weekends, particularly in a Centennial year where they have an opportunity to spend with their family. Generally speaking the inclusion of the Saturdays is used in the wind-up of the House and might involve one Saturday when you think you could close and so on. Well I'm not going to amend that the government, the government be deprived of the power to have the House sit Saturdays. I would think the same as we agree amongst ourselves on other matters we might agree amongst ourselves that it mightn't - that the House might not sit on Saturdays in order that members in their constituencies might have the opportunity during Centennial year to do some of the things that they might normally expect to do and that it would only be in the case of an emergency where the Saturday sittings would be applied.

So Mr. Speaker, I'm saying that I'm prepared to accept it, we're prepared to negotiate, we would have been prepared and are prepared to negotiate even without the fact that private members' resolutions could await the end of government business because in our views, government business comes first and should come first. In terms of government members' bills, Mr. Speaker, I would suggest that private members' bills and public bills by private members be put on to the end, put on to the end of the Order Paper of government bills so that if on any occasion we reach the end of government bills, that the private members' bills can be considered at second reading and find their way to committee at that stage of the game.

So Mr. Speaker, with this indication that what we're attempting to do -- and we're not asking the government for their concurrence in it, but we'll certainly be judging our position if we happen to be back with the same structure that we have in another session of the Legislature -- that we will be judging our position on future indications and the manner in which we would adopt to this resolution at future sessions. On the goodwill that exists among members of the House in the application of the speedup resolution at this stage of the game, recognizing the amount of legislation that there is before us, that we're prepared to give the benefit of the doubt at the present time. So Mr. Speaker, I would move, seconded by the Member for Riel that the motion be amended by striking out the words "for the remainder of the session" in the first line and substituting therefor the words "until the House recesses for a period of six or more days or until prorogation, whichever occurs first."

MR. SPEAKER presented the motion.

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

MR. G. JOHNSTON: Mr. Speaker, I move, seconded by the Member for La Verendrye that debate be adjourned.

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

GOVERNMENT BILLS

MR. GREEN: Mr. Speaker, call Bill 67, please. Page 2.

MR. SPEAKER: The proposed motion of the Honourable Attorney-General, Bill No. 67. The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Speaker, I adjourned this for the Leader of my party.

MR. WEIR: Mr. Speaker, if my friends on the other side will be courteous enough to heckle a little bit or to do something while I find the notes that I have ready for Bill 67 that the last time it was called Mr. Speaker, I didn't have with me.

Mr. Speaker, in making some comments on Bill 67, may I say that in the view of the members of our caucus, the main thing wrong with the bill is probably that it doesn't go far enough. One of the defects in the Act is that it provides no protection - no protection respecting the unauthorized use of personal letters, diaries or other documents of an individual, wrongly abstracted from its custody or from the custody of its agent. The Act does protect against spying, against eavesdropping or the wrongful use of their names or likenesses, but it provides no protection at all for the wrongful use of personal documents. And may I say, Mr. Speaker, when I say this, I'm referring to the examples that are shown within the Act which I don't really know what it means because this is a - to me it's a peculiarly drafted statute in which you have one broad section and then you have examples that fall within it and you have examples of defences and it's very difficult to determine what the Act covers and what it doesn't.

But an even greater omission, Mr. Speaker, is the failure to provide adequate protection against the unauthorized invasion of privacy by bureaucrats, on the pretext that they are acting in the course of their official duties. The bill provides that it is a defence for the defendant to show where the act, conduct or publication constituting the violation was that of a public officer engaged in an investigation in the course of his duty under a law enforced in the province. That it was neither disproportionate to the gravity of the matter subject to investigation, nor committed in the course of a trespass.

We've previously noted, Mr. Speaker, that Section 22 of the Insurance Act authorizes bureaucrats employed by the Manitoba Insurance Corporation to have access to any records that the government has access to or to use the facilities or any facilities for getting information that the Crown has available and excludes any legal restraint or control over it. This, as I've previously stated, would allow a bureaucrat employed by the Manitoba Insurance Corporation to go so far as to even tap a telephone. By its terms it even excludes the application of The Privacy Bill which we are in the process of considering. The greatest threat to the privacy of a person today Mr. Speaker, is not from another individual but from Big Brother, from the government itself, particularly a government that is capable of sponsoring Bill 56 with the likes of Section 622 and some of the other sections involving a gross and unnecessary invasion of privacy. So long as this government Mr. Speaker, proposes to pass bills which contain clauses saying that privacy may be invaded notwithstanding any other Act of the Legislature, then Bill 67 would become of no avail against bureaucratic violation of privacy; and I give notice now, Mr. Speaker, that we will be proposing some amendments at the committee stage which I would hope would consider this, would correct this matter.

The peculiar wording of the bill must be considered, Mr. Speaker. It requires the act or conduct constituting the violation to be that of a public officer engaged in an investigation but does not require the act or the conduct constituting the violation to be within the scope of that investigation. The government must have been perfectly aware that a public officer can be engaged in the course of his duty and still can commit acts entirely beyond the scope of those duties against which the act provides no protection. The Act goes on to require that the act or conduct be not committed in the course of a trespass. The latter requirement provides very little protection because there can be a gross violation of privacy without a trespass; as for example when the violator himself remains in areas to which the public have access.

I am concerned, however, by the ambiguity of the requirement that the act or the conduct be not disproportionate to the gravity of the matter subject to investigation. The object of the investigation itself can be very serious but the grounds for the specific violation of privacy may be slight or Mr. Speaker, could even be spurious. The ambiguity of these requirements should be eliminated. The public officer who violates privacy should be

(MR. WEIR cont'd) required to justify the violation as being committed on reasonable and probable grounds in the public interest. It is not only such a requirement, it is not only by such a requirement that the privacy of the ordinary citizen will be adequately protected against camouflaged abuse of some public employees. So Mr. Speaker, as I've already given note, we don't intend to oppose the bill, but we intend hopefully to have some constructive amendments to present at committee stage.

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

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I rise to support the bill. I think invasion of privacy has reached a point that the government had to enact legislation and this is what happened in other areas and in other provinces and this is of course the action that the government is taking here; it's for the protection of privacy of individuals.

I think the big point here is the development of long range electronic devices which are used extensively for eavesdropping, and I think that the production of this type of equipment in the last few years has been very extensive and for this reason I also feel that some legislation had to be enacted in order that with this modern equipment eavesdropping became quite an easy thing for many agencies and people to do so I feel that the bill is very timely. I think that it should be an offence to eavesdrop or watch or spy as well as recording telephone conversations, personal conversations, or business transactions as well. I think it's important that -- I know that in some areas some businessmen have been quite concerned that their offices have been tapped or equipment had been used, and I think it's another area that government have to get concerned and enact legislation.

I think the one good feature of the bill is that it will by-pass surveillance by the police and I think that police under this Act should be able to use some equipment in respect to, in some very serious cases where they have to get information on certain people. I know that to a great extent nowadays that credit information on many individuals are bought and sold and I know that some agencies in the States across the line have credit information of many individuals here in Canada and you don't really know to what extent this is going on so I think that this will will prohibit this and it is good to that extent. I hope that under this bill the criticism of elected officials would not cease because I don't think it would be a good thing.

So Mr. Speaker, I'm sure that I'm speaking on behalf of our Party, we are in agreement and I think the legislation, The Privacy Act, is very timely.

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

HON. AL. MACKLING, Q. C. (Attorney-General)(St. James): Unless there's someone else wishing to speak, I'll be closing the debate, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, in that connection, I move, seconded by the Honourable Member for Churchill that debate be adjourned.

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

HON. RUSSELL PAULLEY (Minister of Labour)(Transcona): Mr. Speaker, I wonder if you'd mind calling Bill No. 77. I note that it's standing in the name of the Honourable Member for Lakeside but I'm wondering whether or not the Opposition may have someone else that may comment or somebody else speak to the bill.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Labour, Bill No. 77. The Honourable Member for Lakeside. The Honourable Member for Arthur.

MR. WATT: Mr. Speaker, in the absence of the Member for Lakeside, could we have this matter stand?

MR. SCHREYER: Mr. Speaker, this of course is quite all right but there is the possibility, as the Minister of Labour indicates, that perhaps someone else wishes to speak on the other side. The Member for Rhineland, for example, may wish to speak on this and rather than have him adjourn it after the Member for Lakeside has spoken on some subsequent day, he may wish to speak now and that would save some time.

MR. WEIR: Mr. Speaker, we would have no objection on that matter, and as a matter of fact, I would say it would go for any of the bills that we have standing that we're looking at, if somebody else is finished their research or they're here, we're prepared to have them speak at any time. (Agreed)

MR. PAULLEY: I wonder then Mr. Speaker, the Attorney-General suggests we call Bill 72.

MR. SPEAKER: The proposed motion of the Honourable Attorney-General, Bill No. 72.

(MR. SPEAKER cont'd) The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, we've had an opportunity to check the bill, we feel that there are clean-up amendments in it and we allow this to go to committee and where it can be discussed more fully.

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

MR. GREEN: Mr. Speaker, Bill No. 93, Page 3.

MR. SPEAKER: The proposed motion of the Honourable Minister of Labour, Bill No. 93. The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, I rise to support the bill. I don't find anything that's very far-reaching, as far as I can see. All the legislation does is clarifies the language and I think it makes representations a little easier to the Board. I think the worker, under this legislation, under the amendments, makes it much easier and access to deal with the Board in this case. But I was disappointed, Mr. Speaker, that the Minister did not move in some other areas which I spoke on the Labour estimates now on two occasions and I know when the Minister was on this side he did have the answers, ready answers when he was here but now we had two sessions and such things as the maximum ceiling which I thought would be raised, I thought there would be monthly allowances to widows raised, and that's a year ago -- (Interjection) --

MR. PAULLEY: Last October.

MR. PATRICK: That's right and they were raised a very small amount. I did not think it was sufficient at all. It was 'way too small.

I also talked about an independent advisor to make it - perhaps the Attorney-General can appoint an independent advisor to assist workers in preparing and presenting appeals against the decisions of the Board. The Minister did not respond in that area so I am disappointed. However, I do agree what's in the Bill and I'm supporting it on second reading.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. BUD SHERMAN (Fort Garry): Mr. Speaker, I wish to move, seconded by the Honourable Member for Swan River, that debate be adjourned.

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

MR. GREEN: Would you go back to Bill 78 on Page 2 of the Order Paper, please.

MR. GRAHAM: Mr. Speaker, on a point of order. Could the House Leader give us some indication of what order he is following. Maybe we can get our information here on time.

MR. GREEN: Well, Mr. Speaker, I will indicate that I was going to call Bills Nos. 78, 83, 92 and 94, in that order.

MR. SPEAKER: The proposed motion of the Honourable Attorney-General. Bill 78. The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, I have a short contribution to make in connection with this Bill. I may say I listened with interest and read again with interest the statements of the Honourable Attorney-General. I read the contents of the Act and I have a suspicion that there has been a slight error made in drafting which can be corrected when we get into committee, but it's important if the error - if my interpretation is incorrect and there is not an error, then I would suggest that there's something pretty fundamental that would have to be considered when we do get into committee in connection with this.

The Honourable Attorney-General referred to the fact that the right is given to the accused person and the Magistrate must indicate to the accused person that they have a right to pay the fine over a period of time. That is, Mr. Speaker, the onus is on the Magistrate to tell the accused that he has the right to pay his fine over a period of time. This is found in the Criminal Code under Section 694 and I'd like to quote just the appropriate section, 694 (3)(b) in which it says: "The Summary Conviction Court may direct subject to provisions of this section that any fine adjudged to be paid shall be paid forthwith or be paid at such time and on such terms as the Summary Conviction Court may affix." And (4)(b) says: "Upon being asked by the Court whether he desires time for payment, the convicted person does not request such time".

Well, Mr. Speaker, under the Criminal Code there is an onus on the Magistrate to tell the accused that he has the opportunity to pay his fine by way of time, and I think this is what was intended by the Honourable Attorney-General in his remarks. However, without dealing in the particular section, the purport of the section indicates that the onus is upon the person

(MR. SPIVAK cont'd) who requests the Magistrate for time and I really do not believe that that was what was intended; this is not consistent with the remarks of the Honourable Attorney-General in the House. I have a suspicion that there was just an error in drafting, and on that basis, Mr. Speaker, it would be our intention to try and correct that, or the Attorney-General himself may desire that it be corrected.

In the event that I'm incorrect in this, in the event that this is not in error, then it would be our intention, Mr. Speaker, on second reading to change that so that in fact the onus is on the Magistrate rather than on the individual to request that payment be made on time.

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

MR. MACKLING: Mr. Speaker, it may well be that there has been a drafting error because it was certainly my intent to make the provisions of the Code which does not apply to the summary convictions, that is provincial statutes, that that same onus be on the Magistrate in respect to offences that are provincial offences. We'll certainly check this section again to make sure that that's abundantly clear because we don't want an ambiguity in it and it may be that there's an ambiguity right now.

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

MR. GREEN: No. 83, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Minister of Health and Social Services. Bill No. 83. The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker, I've had opportunity to read this Bill and compare the changes that have been made with the existing statute. I find that there's really not a great deal of change except that it makes this Act a little more clear and the procedure approached by the Commission in granting permits or cautioning or removing permits from people who are contaminating in any way, is a little more clear. I would only like to suggest that this is an area I think we find unanimity in; we feel that the people in a very general way are concerned about pollution; I think that probably there's room for this Act to be even more stringent than it is. However, I see no reason why we in the Opposition would not be supporting this Bill.

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

MR. GREEN: Bill No. 92, Mr. Speaker.

MR. PAULLEY presented Bill No. 92, an Act to amend the Labour Relations Act for second reading. (Referred to the Industrial Relations Committee.)

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, this Bill contains a number of changes in the Labour Relations Act that it is felt required to enhance the labour relations area in the province.

There are some new suggestions contained in the Bill and I would like to refer to them. The first change is dealing with the definition of a member in good standing and one has to read into the present Act the full significance of that in order to get the whole purport.

And then the second is because of a change in the Administration Act, the designation is changed to read "the Minister as appointed by the Lieutenant-Governor-in-Council" whereas at the present time it means the Minister of Labour particularly.

Another change that is suggested in the Bill of importance is that whereas at the present time members of a trade union have had difficulty and are having difficulty in reaching employees in certain areas that are considered company towns or camps by virtue of the employer saying who should or should not enter on to the premises. We intend to, or do submit for the approval of the Assembly, that no employer by virtue of having a camp under his sole jurisdiction and where the employee resides, should have the right to deprive a trade union representative on invitation by the employee to enter into or onto the property.

I want to suggest, Mr. Speaker, that at the present time the section of the Act reads "a mining or logging camp". I intend to suggest an amendment in the committee to remove the words "mining and logging" because it has been drawn to my attention that other areas of consideration or construction areas may be in the same position and the removal of the words "logging and mining" will give the same rights and opportunities to all employees who happen to be in construction camps for whatever period they are confined.

Members may recall that in the Province of Ontario recently, a Supreme Court ruling was made as to the jurisdiction of the Ontario Labour Board respecting the constitutions of the union whereby in Ontario the Ontario Labour Board had ruled that a certain group of employees could be under the jurisdiction of a certain union, the matter was contested by the

(MR. PAULLEY cont'd) employer and the Supreme Court ruled against the decision of the Ontario Labour Board and it is the intention in Bill 92 to make clear that the decision of the Labour Board of Manitoba would be a proper one and would not come in conflict with the practice that has been prevailing and would not come under the objection of the Supreme Court.

Another area of change in this Bill, Mr. Speaker. At the present time a union which applies for certification must present its case of application within a three-month period, or the members of three months. We intend to extend that to a period of six months.

Another change -- and it's a democratic change, I suggest -- contained in Bill 92, is to give to the employees who vote on whether or not they should become certified, the same rights as we have as normal citizens in Manitoba. At the present time on a vote for certification, a majority of the members of the whole bargaining unit must approve, whether they vote or not. In other words, if 75 percent of the employees turn out to vote, the 25 percent who do not are considered as being "nay" votes for the purpose of the decision as to certification and we intend to change that so that the majority required would be a simple majority of those voting for certification. As I said, Mr. Speaker, this would bring into practice what we have normally to become elected members of this Assembly; that if we have a majority of those on the voters' list then we have the right to take our seat and this principle is going to be embodied in the Labour Relations Act.

Another change being asked for your consideration is that no employer, or employee as far as that part is concerned, can change the terms of an agreement during the process of bargaining for a new collective agreement. Under the present legislation, employees are forbidden and the suggestion here is that it be the bargaining agent cannot - will have to have the consent of the bargaining agent before changes in conditions of employment may be made.

Another change in the Act that I wish to draw to the attention is that changes respecting participation of Crown organizations, such as the Manitoba Telephone, the Manitoba Hydro and the Liquor Commission Control are at the present time able to bargain, and the purport of the section I'm now referring to brings all agencies of the government under the same legislation that now applies to the three Crown corporations I just mentioned.

There, Mr. Speaker, is briefly the suggested amendments to The Labour Relations Act. I recommend them to the consideration of the House.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Birtle-Russell.

MR. GRAHAM: I would like to ask a question of the Minister. Was I correct in hearing the Minister when he stated that The Labour Relations Board would not be subject to the rulings of the Supreme Court of Canada?

MR. PAULLEY: . . . to make it clear that the decisions of The Manitoba Labour Board will not be in conflict.

MR. GRAHAM: They are subject to appeal to the Supreme Court of Canada if there becomes an area of conflict, is that right?

MR. PAULLEY: Well, Mr. Speaker, if I may - I hope I'm not closing the debate but just simply answering the question. There was a conflict between a decision of the Ontario Labour Board as to its jurisdiction and interpretation of a constitution of a union to include a certain type of employee and that was contested and went to the Supreme Court and it was ruled that because of technical wording in the Ontario Labour Relations Act, the Labour Board should not have granted certification to that particular union. And the objective in this present Act is to clearly make it so that the Labour Board of Manitoba has the right or would be within its rights if it did something similar.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. FRANK JOHNSTON (Sturgeon Creek): The Honourable Minister -- (Interjection) -- no I just want to ask a question. The explanation regarding the - I think it was the second last part where he said that the bargaining agent, could you just explain that - go over that again.

MR. PAULLEY: Certainly. The purport there, Mr. Speaker, as my honourable friend I'm sure is aware that when negotiations are conducted between the employer and the employee, it's usually done by a bargaining agent. At the present time the legislation says that the conditions under the agreement shall not be changed without the consent of the employee and this spells out that carrying through the representative of the employees as the bargaining agent. In other words, the purport is, Mr. Speaker, to prevent an employer of direct access to the employees to change the conditions of employees without the knowledge of the bargaining agent.

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

MR. PATRICK: Mr. Speaker, I beg to move, seconded by the Honourable Member for La Verendrye that debate be adjourned.

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

MR. SPEAKER: Bill No. 94. The Honourable Minister of Labour or Government Services.

MR. PAULLEY: The other half this time.

MR. PAULLEY presented Bill No. 4 The Expropriation Act for second reading.
(Referred to Law Amendments Committee.)

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Government Services.

MR. PAULLEY: Mr. Speaker, this is a bill that I'm sure will find a great interest to all of the citizens in the province. As you know Mr. Speaker, more and more public agencies of one sort or another are finding it necessary or having to expropriate land for the public use, and for many years, the matter of expropriation has been one of deep concern to all who have been engaged in government or the administration of government.

Many of the members may be aware of the fact that for a considerable period of time the Government of Manitoba has been having a review undertaken respecting expropriation proceedings and the application of the right of expropriation by government, under consideration. If memory serves me right, a committee was set up some five or six years ago to start looking into expropriation and last year, if I recall correctly, the former administration had a bill in the process of being prepared and I believe it was fully drafted to make changes recommended by people who had appeared before committee to consider expropriation.

One of the changes being suggested in the bill before us, Mr. Speaker, is to give the people an opportunity of being heard before expropriation takes place. I'm sure honourable members are aware that at the present time and under the present Act, the Crown and its agencies simply by way of notice, inform the owner of private properties that it's no longer theirs. A major change is suggested in that persons affected will have the right to have a prehearing on expropriation notice, so that they may be made fully aware of the purposes of expropriation. It will be the responsibility of the authority, the expropriating authority, to inform the people concerned why the property is being expropriated, something that is not necessary at the present time. If the party desires the authority will be required to have a hearing and the Attorney-General will be authorized to appoint an enquiry officer to hear representations from both sides as to the need for expropriation. The enquiry officer will not be a full time person or a civil servant but someone who is non interested appointed by the Attorney-General and the expenses for that enquiry person will be borne by the expropriating authority. But as honourable members can be well aware, that there are times when quicker action is taken, needs to be taken. But if the authority requires or desires quicker action, then the Lieutenant-Governor-in-Council can, on being assured of the urgency, declare that there will not be a delayed hearing and will be able to proceed.

The procedure will be the same for all authorities and the declaration of expropriation is signed and the order of the confirming authority is made and within 14 days of the order, it is registered in the Land Titles Office. Notice of expropriation will then be served by registered mail on all owners of interest within 60 days of the registration of the intent to Land Titles Office. And for the protection of any persons dealing with the title before the confirming order is made and registered, the authority must file in the Land Titles Office a notice or caveat of intended expropriation thereby putting all parties on notice of what is going to happen.

Then there will be changes in the Land Value Appraisal Commission and each of the authorities and the owner has a right to apply to the Commission for a hearing and to certify what is fair competition, and the proceedings before the Commission will be without prejudice. The certificate of the Commission respecting the suggested price will not bind the owner to that price but the certificate of the value does bind the authority. In other words, if the Land Value Appraisal Commission sets a price on a piece of property, the authority is bound by that price and cannot go below it. On the other hand, the owner of the property has the right of appeal insofar as the price is concerned.

The offer of compensation for expropriated property must be made by the authority within 120 days of the registration of the declaration. The person entitled to an interest may without

(MR. PAULLEY cont'd) prejudice and of right require payment to him of the estimated market value. The owner is not required to reply to an offer except that if the offer is in the amount certified by the Appraisal Commission the authority may serve notice of the offer in prescribed form by personal service, and if the owner does not reject an offer within 60 days of service, he is deemed to have accepted the offer as established by the Land Value Appraisal Commission.

On the question of possession, an authority may not give notice to require possession of land unless it has first made an offer of compensation. This of course would prevent the authority from simply going in and taking over without due consideration of the parties concerned. And once an agreement has been arrived at, possession may be taken on 30 days' notice after an offer of compensation but the court may decide to extend that time.

Another section makes the authority a purchaser for entitlement to insurance proceeds in the event of fire damage. This is considered necessary to prevent any financial advantage accruing to an owner through fire loss.

Another new feature into the bill is one which will provide for due compensation, and the various provisions will be in the form as follows: the effect of this will be to reform the present law by doing away with the legal concept of value to the owner which has been the prime cause of confused and unsatisfactory state of the law and yet retain and set out separately the elements of the law that were generally considered to comprise value to the owner, as against what is considered actual market value. The draft bill retains all the elements of compensation to protect an owner against loss and requires only the now declaimed - that is the losses adjudged separately rather than as a lump sum.

There are other clauses in the bill insofar as compensation is concerned to take into consideration compensation for loss as the result of compensation, to take into consideration the cost of procuring alternative accommodation and compensation for disturbance of the owner. This would permit recovery of all reasonable consequential loss and is generally followed at the present time in other jurisdictions.

A special provision is made for a five percent allowance for an owner's residence to cover the real but elusive loss through inconvenience of finding another home that I referred to a moment or two ago.

Then also a new feature to be contained in the bill will be compensation for disturbance of a tenant. As we are aware, the tenant quite frequently may not be aware of the fact that the home that he is renting may be under expropriation and the intention is that compensation will be paid for the disturbance of the tenant in order for them to have an opportunity of other accommodation.

You will also find that there is a provision for consideration of goodwill of a business and this is in because of the fact that as a result of expropriation, it may be necessary to - as a result of the expropriation, a person's business may be changed and provision is made for that purpose, taking into account the effect of expropriation, say for instance, for a bridge and the loss in the area and an appraisal will be made about six months following the relocation as to the effects of the expropriation.

There are also many other clauses within the bill which I suggest will be advantageous or at least decided improvements over previous - over previous items contained in The Expropriation Act. There is a provision for injurious affection where no land is taken. The present law is extended to permit recovery of business and personal losses but such losses must arise from the existence and not the use of the proposed work. In other words, if the property - again I used a minute ago - is taken and it results in loss, even though land is not expropriated, there is a provision for compensation for business and personal losses.

Many other sections within the Bill along this line will be answered when we meet in committee and the experts who assisted in the forming of this legislation will be present at the committee to answer detailed questions. I'm sure that my honourable friends know that contained within this Bill are many legal references that I'm not competent to be able to spell out in any detail.

Another very important factor in the Bill, Mr. Speaker. At the present time judges of the County Court sit in judgment on cases dealing with the matter of expropriation. It is the intention by this Bill that all cases dealing with the matter of expropriation will be heard by a judge of the Court of Queen's Bench instead of a judge of the County Court. There are essentially two reasons for this: First the question of compensation in a given case is closely tied to the nature of the legal interest in land and this has always been within the exclusive

(MR. PAULLEY cont'd) jurisdiction of the Queen's Bench to determine such questions of land interest.

Secondly, the amount in issue in many contested cases may run to hundreds of thousands of dollars. Queen's Bench has jurisdiction in substantial claims and as members are aware, the County Courts have been limited traditionally in their amounts that they can consider. And I might say that the honourable members of the Court of Queen's Bench have indicated their approval of the change in the area of jurisdiction.

Mr. Speaker, this is very very brief to outline all of the points in this Bill. I do recommend it to them and to the House but again say that at Law Amendments Committee full and ample opportunity will be given to all members of the committee to ask whatever questions of the departmental officials or the legal advisors.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, I move, seconded by the Honourable Member from Roblin, that debate be adjourned.

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

MR. PAULLEY: I wonder now, Mr. Speaker, if we might call the bills on Page 3 in order following 94.

HON. PHILIP PETURSSON (Minister of Cultural Affairs)(Wellington) presented Bill No. 100 The Museums and Miscellaneous Grants Act for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Cultural Affairs.

MR. PETURSSON: Mr. Speaker, the purpose of this Act is to make provision for establishing a matching grants program to assist local museums and to authorize the making of grants to persons, organizations or associations for cultural, historical, or archeological purposes. The bill in itself is comparatively simple and is I think almost self-explanatory. There's a definition of the type of museum that may qualify for matching grants; there is the authorization for the making of the grant; the maximum amount is indicated that may be given in the form of a grant for matching purposes and then the regulations are spelled out under which grants may be made. Provision is also included in the Bill to avoid duplication of grants, that is, if a grant should be given by the Centennial Corporation, for instance, then no grant would be given by my department, and vice versa. Then there are other grants for cultural, historical or archeological purposes to organizations, groups, individuals. In illustration I could mention the Manitoba Historical Society, the Boy Scouts, The Girl Guides Associations, the Last Post Fund, the archeological recovery project at South Indian Lake. There are others of a similar nature. There was a grant for the Rainbow Stage roof that has been made through my department and so on. These are some of the purposes for which grants can be made.

Then there is a cost sharing provision to be made with individuals or other jurisdictions. An example of this would be the cost-sharing agreement between the Federal Department of Indian Affairs and Northern Development; the Metropolitan Corporation of Winnipeg, the City of St. Boniface and the Province of Manitoba for the development of the Grey Nuns' Museum and so on. I don't know how closely these are defined but they will fall into place as the circumstances arise. We can't anticipate exactly all of the different organizations or jurisdictions that will turn to us for grants but it will all be in the same general area. There is a final clause which indicates the type of regulation or types of regulation that may be established under the Act for the purposes of administering the Act.

I don't know that I have very much more to add to this, Mr. Speaker, and if any of the members would wish to ask questions I will do my best to answer them, otherwise questions and discussions would be carried on in Law Amendments Committee. Thank you very much.

MR. JAMES H. BILTON (Swan River): Mr. Speaker, I wonder if the Minister could tell us as to whether or not it is intended that grants be given to owners of private museums throughout the province?

MR. PETURSSON: That comes under Section 1 where definition is made of the type of museum that may qualify for a grant and private museums are, as I understand it, not to be included in this. They would be municipal, public and so on, museums.

MR. SPEAKER: The Honourable Member from Swan River.

MR. BILTON: A supplementary question, Mr. Speaker, under the section to do with "agreement". I notice the Minister on behalf of the government may enter into an agreement

(MR. BILTON cont'd) with any person. Does that mean private owner?

MR. PETURSSON: Which section is that? It is a cost-sharing agreement with individuals or other jurisdictions and it seems to me that that would naturally follow upon No. 7. If they fall into the categories that I referred to or something similar then that would be the condition under which . . .

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, speaking briefly to the bill. I know there's a local museum being sponsored by a group, started sometime last year. I am not sure whether they are incorporated or not and whether they are receiving grants from and through the Centennial Corporation or not, but in any case, if they do not qualify would a municipality be able to take over and submit on their behalf, or produce an agreement on their behalf so that they would be entitled to a grant, because I feel that these people are and will be doing a worthwhile job. They have commenced building a structure right next to No. 3 highway between Morden and Winkler. I know they are a reliable group. They have a good organization, in my opinion, and while one of their principal members passed away last year, certainly they are carrying on and I feel that they would be entitled to assistance from either the Centennial Corporation or through the legislation that we are considering passing here through Bill 100; so I do hope that they will be able to qualify under either one of these provisions in the Act.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BARKMAN: Mr. Speaker, I beg to move, seconded by the Honourable Member for Ste. Rose that debate be adjourned.

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

HON. SAUL A. MILLER (Minister of Youth and Education)(Seven Oaks) presented Bill No. 105, an Act to amend The Education Department Act for second reading.

MR. SPEAKER presented the motion.

MR. MILLER: Mr. Speaker, it's not a very extensive bill as members are aware. However, it has what I feel is some important aspects to it. The major one of course is the discontinuance of the High School Examination Board which means simply that in the future the students coming from Grade 12 will no longer have to take what is known today as their high school exams. There has been a trend in the last few years, as members are aware, to reduce the number of high school examination boards required by students. There was five, I believe, originally if memory serves me correctly. Then it was reduced down to three. This is the logical next step and it was recommended by various committees that studied the matter. It reflects the increased flexibility in the choice of high school subjects today, the recognition of the various needs of the different children who enter high school, who have widely different ambitions in many cases and also widely different abilities, so the increasing emphasis in the high schools of course is being placed upon individualized instruction and continuous program. With that came the need for continuous evaluation so that the centrally administered high school examination isn't a good judge or a good yearstick really by which to judge the student. The idea behind this is to eliminate the high school examinations and the students would of course have to acquire their passing marks in the normal school year's activity and the testing and evaluation that goes on throughout the school year. They will also have to be receiving recommendations from their own schools, that is their high school leaving exams. In addition to that, SACU tests will be offered every year at the high school level and it is the combination of the score of the SACU test and their own achievement at their own high school that will determine their standing and whether or not they go on to university or some other career. I might say that this matter was communicated and discussed with officials of the three universities in Manitoba, with the executive of the Manitoba Teachers' Society, the Schools Superintendent's Association, the Association of School Inspectors and there was general agreement that this was a step in the right direction.

One other amendment in this Bill, we are trying to bring some of the private trade schools under closer scrutiny than has been practised in the past. These are the academic correspondence schools which advertise and which are seeking students to take their correspondence courses. We are trying to bring them under greater control and regulation because there is some question really whether the courses they are teaching and for which they are subscribing students are relevant to the curriculum in Manitoba and with this in mind, it is felt that there should be some regulation and some screening, some control of the program. This way we can assure that those citizens that do enroll receive value for their money which they are investing,

(MR. MILLER cont'd) otherwise they may find after completing a course by correspondence with these private trade schools they may find that what they have studied is not acceptable in Manitoba, or is not relevant at all in Manitoba, and they have been preparing themselves for something which will not be accepted. These are the only two basic items of any import in the bill and I am sure in Law Amendments any details can be brought forward.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. BOYCE: I move, seconded by the Honourable Member for Flin Flon that debate be adjourned.

MR. SPEAKER presented the motion.

. . . . continued on next page

MR. SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Speaker, I want to acknowledge first of all that the Minister's explanation I think is perfectly logical for the discontinuance of any boards that no longer have a function, so certainly there is no question regarding the High Schools Examination Board with respect to its continuance. The Minister, as he has pointed out here, I believe does have the power in particular cases to set up for tests to be conducted in the system, if and when he sees necessary and I can't question the requirement that the Minister should have the flexibility to do this, so by and large there is no questioning of these moves that he is making here.

I think it is noteworthy that the Association of School Superintendents is being added, not only here, but I think in other cases as recognized as an official body and it should be pointed out that the school superintendents are the agents of the School Boards and I think that some discussion of this may well be worthwhile as to how far one wishes to categorize them, separately from the Teachers Society or the School Boards, because we are moving, tend to be moving towards, in this Bill, and I believe in one other one, recognizing them as a separate entity apart from the teachers and apart from the school boards. Now I realize that the school superintendents came more into being with the Unitary System but you still do have cases where there are school boards, probably school districts, that don't have a superintendent and as a result of this, the representation, there is no real democratic method of getting representation from those school districts by virtue of what you are including in the bill to give superintendents this special consideration. I realize that they are the chief officers in our school system and certainly should be represented by some means or other. Whether or not they should be categorized separate from school divisions may be open to some question, because there is a tendency by the school superintendents with this recognition to act without, they sometimes act without the full communication with their school boards so for future action, I simply recommend to the Minister that some pretty close consideration be given to communication with the school boards in actions of this type.

Now the Minister mentioned that those were the two main points, but there is one other point in the bill which expands the Minister's powers to make grants to students. Now previously the Minister had this power to make grants to individuals, advance money from the Provincial Treasury to people who were taking training for teachers, or to become teachers or to become nurses or to university students and I believe that there is a section in this Act that simply does away with all categories and says that simply "the minister may make grants for the purpose of assisting them in furthering their education or training" and this is anybody that may come in under the, I think the jurisdiction of the Minister, that is in the public school system, in the universities, the technical institutes and so on and the Minister has not dwelt on this. At least, I did not hear him spend any time on this but I would question whether this should not be spelled out more clearly as to what powers the Minister has, or whether they should not be defined more clearly because it is a carte blanche as it appears in the legislation here and whereas previously it was spelled out who the Minister could make grants to, that is, nurses, teachers in training or university students but here in this, the proposed changes here do not spell it out, leave it completely wide open so that he can make financial grants from the money grants from Provincial Treasury at his discretion to almost anyone.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker I would like to make some comments on this bill as it reappears but I would like to ask a few questions of the Minister. May I do that now?

MR. PAULLEY: . . . precluded from it due to the intervention of another member.

MR. GIRARD: In that case I'll speak to it now Mr. Speaker. I would like to just very briefly reiterate some of the comments that were made by my colleague from Riel and add a few more.

In the early parts of the Bill the authorization to the Minister is extended in a way that he might appoint examiners to prepare examination papers for teachers' certificates. Now to my knowledge this doesn't exist at the moment. At the moment, teacher certification is looked after by the university as far as the examinations are concerned but rather the department takes that evaluation from the university and then issues a certificate. I'm referring to subsection (b).

Another interesting point was that the Superintendents are for the first time being considered in their rightful role and for this I think congratulations are in order. I think that this is making good use of a very good organization. I would like to say however, that it is regrettable that in order to bring in the representations of the superintendents we have done away with that of the trustees and the teachers in that particular section of the bill.

(MR. GIRARD cont'd.) There is another area of the bill which I find very interesting. We are deleting now a group that was made responsible for setting up the school examinations. The Board was set up, I understand, with representatives of the various groups involved in the education of students. Now a different group will be required, because the purpose is a little different. Now the Minister now has with this bill permission or authority to, in order to evaluate standards maintained throughout the system, conduct examinations at any time he feels he might want to and for this purpose, he might delegate the authority to any group he wishes to appoint. I would wonder if it would not be wise to include in the bill restrictions so that we are certain that teachers, superintendents, trustees, representatives and so on, are involved in this kind of operation. It would be unwise I think, if a Minister should and he's given authority to do so in this Act, spring an exam on a school, a subject or whatever, without proper notice and without properly involving the people that rightfully should be involved. I realize Mr. Speaker that its essential to make changes that are included in this Act by the fact that we accept that school examinations from the Provincial Administration ought not to be continued. I would like to say that I am in agreement with this step. I realize the consequences and the pitfalls that might exist but should I be in his shoes I would likely do the same thing.

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

MR. PAULLEY: Mr. Speaker, I wonder if you would now call Bill No. 101 standing in the name of the Honourable the Attorney-General and may I inform the members of the House that I have been requested that the Bill No. 79 The Snow Vehicles Act and Bill No. 86, the Amendments to The Corrections Act will be called following the introduction of the Bill by the Attorney-General.

MR. SPEAKER: Before we proceed -- I have forgotten myself, the mover of the Motion to adjourn -- was it the Honourable Member for

A MEMBER: Winnipeg Centre.

MR. SPEAKER: Yes and the seconder was the Member for Flin Flon. Bill No. 101. The Honourable the Attorney-General.

MR. MACKLING presented Bill No. 101 an Act to amend The Intoxicated Persons Detention Act for second reading.

MR. SPEAKER presented the motion.

MR. MACKLING: Mr. Speaker this Bill is a very short one and simply put, it remedies an error, an administrative goof under the provisions of The Regulations Act. Regulations when passed by government have to be filed under the Act. Apparently there was some failure on the part of the civil servants whose responsibility it were to follow through on this procedure. It's a technical omission however, but one that requires rectification in this very formal way and therefore the bill does exactly that, it re-confirms this Act which was brought in by stages. It was purposely designed to provide for implementation in a gradual way, to make sure that it would receive the acceptance of the area affected. It was first promulgated in the Town of Thompson and then after that, in all other parts of Manitoba except Metropolitan Winnipeg and then finally in Metropolitan Winnipeg. This very brief Act now indicates that the Act applies throughout the province and validates the Order-in-Council and the regulations which hadn't been filed properly under The Regulations Act. It's really a housekeeping measure.

MR. SPEAKER: The Honourable Leader of the Official Opposition.

MR. WEIR: We will be prepared to see the matter go to Committee at this stage. We wouldn't want it to be understood that we are always happy to approve retroactive legislation like this but in this case we are prepared to see it go to Committee.

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

MR. SPEAKER: Bill No. 79. The Honourable Minister of Transportation.

MR. BOROWSKI presented Bill No. 79, The Snow Vehicles Act for second reading.

MR. SPEAKER presented the motion.

HON. JOSEPH P. BOROWSKI (Minister of Transportation) (Thompson): Mr. Speaker this is, I think, a rather important bill. It is one that there has been a great deal of discussion over and many requests. As a matter of fact, I would go so far as to say there has almost been unanimous agreement that legislation should be brought in to deal with snowmobiles. It seems that these vehicles have become so popular, and anything that becomes popular has a certain nuisance attached to it and I think its fair to say that snowmobiles become a No. 1 social problem, not only in the community but at our various resorts and it was necessary - I think it was necessary to bring in some pretty tough legislation for the sake of the people in the communities and at resorts.

(MR. BOROWSKI cont'd.) The main features of this bill are -- I think there are about seven of them and one of them is that they must carry a license plate attached one on each side of the snow vehicle - this is as of October or November 1st, I believe, this year. The second important feature is that if they are to operate in the ditches they must be 16 years of age and have licenses and we are legalizing the travelling in the ditches. At the moment, I think most snowmobiles that are around highways travel in the ditches and it's illegal, so we are going to legalize travelling in the ditches but with the qualification that they must be 16 years and have a driver's license.

Another important feature of the bill is that they will be defined under The Criminal Code, as a motor vehicle and what that really does is place it in the same category as a car or truck, and subject to all the regulations thereof.

Another important feature is that it allows towns, villages, municipalities to pass their own legislation. In Saskatchewan they have some towns that I am familiar with, that there's a curfew at 9:00 o'clock. All snowmobiles are off the streets and if they want to ride them, they simply get out of town and they can ride all night. We don't think it's our responsibility, or our right to tell an elected mayor and council how the people should behave with snowmobiles in their community, so we are passing permissive legislation and they can bring in any rules, regulations and by-laws that they care to make.

One other feature and this is No. 7, is that starting January 1, 1971 all vehicles manufactured must have mufflers. I may say -- (Interjection) -- that I have met with the Minister of Highways of Saskatchewan and Alberta back in February in Regina, we had a one day meeting and most of the items that I am talking about, were fairly unanimously agreed on. We feel that it makes a lot of sense when you pass legislation so that it should be as uniform as possible throughout the provinces and I'm happy to say that there was a meeting of minds between the three ministers and all the things that I'm speaking of will be incorporated either immediately or very shortly.

One item that's in this Bill and shouldn't be, is the compulsory insurance. Now I started working on this Bill early last fall. At that time of course I had no idea what the Pawley Committee would recommend in their legislation and as far as I was concerned I was responsible for bringing in legislation and in the event he didn't bring in compulsory government insurance, I included the section in there. I instructed my deputy to have it taken out, but for some unknown reason it went through. It's in the bill and when we get to the appropriate stage we'll have to delete it, because since government auto insurance is going to come into effect soon after, I expect in about a year's time after the bill is passed that it will be unnecessary to put this section in.

I may say for the information of the members, I had my Registrar send out a letter to all of the Chiefs of Police in Manitoba asking their opinion on three things: One was right turns on red lights, dual licencing and snow vehicle legislation, and snow legislation is one that I believe received 100 percent endorsement from all the Chiefs of Police, so I think it's a bill that's going to be welcomed by most people in Manitoba.

Mr. Speaker, there are many other items in the bill and I think the best way to handle it is I'll simply sit down and if anybody cares to raise any points I'll try and answer them.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, I don't think that we on this side are going to take any serious objection to the principle of this bill. I know that throughout the province there has been some considerable agitation for the registration of snow vehicles and for some regulations governing their use. Since the snowmobile has become a part of the North American scene and more particularly the Canadian scene, it has most certainly become a boon to resort operators, to playgrounds and places of that nature and has added a new dimension to winter sports in this country. But as the Minister has pointed out, it brought problems as well; problems of noise, problems of registration or the use of these vehicles by people who are under age and a variety of other difficulties, that in my examination of the bill, in a large measure are being accommodated within this legislation.

One of the features of the bill that I was particularly struck with is that it does provide for some flexibility, and I think that in the early stages of its application this may be a very desirable feature until we can try the legislation out to find out what features need to be changed and what aspects of it need to be improved. The registration of the vehicle itself I think is a desirable one and I wonder if the Minister could give the House some idea as to what the approximate cost of registration and insurance will be on these vehicles, if he has decided just how

(MR. JORGENSEN cont'd.) much cost will be involved in this aspect of registration.

I wonder also if the various snowmobiles' clubs across the country have been advised or will be advised so that they may appear before Law Amendments in the event that they may wish to make representation on certain aspects of it. I know - although the Minister said he has received 100 percent support on the introduction of this legislation, I know he doesn't have the support of those under 16, because I have received an amount of correspondence from these youngsters who would like to feel as though they have the use of the highways, the use of cross roads and side streets, and although one hesitates to want to restrict them in their enjoyment in the use of this vehicle, I feel that some control is necessary, although I would hesitate to want to approve of complete banning of the use of these vehicles by people under the age of 16. I think I read the legislation correctly when I note that there will be no restriction on the use of these vehicles by youngsters under 16 as long as they don't use the highways, cross highways or on streets. I know that in the rural communities in particular, these vehicles are used by youngsters from about six years old and up and used to a large extent for sports and enjoyment purposes and it was from this group that most of us I'm sure have received some correspondence when they heard that such legislation was going to be introduced.

I wonder if the Minister could advise how the legislation will affect junior competitors at snowmobile meets. As the Minister perhaps is aware there are quite a large number of snowmobile rallies throughout the country and if he's attended any of them, he will note that a good many of the competitors at these rallies who display a great deal of skill in the operation of these vehicles are well under the age of 16 and I would hope that this legislation in no way will prevent them from being competitors at these rallies in the age groups that they do compete. I should say that the Minister mentioned that the - I think that perhaps it was a slip of the tongue, he has been known to be guilty of that on occasion - he mentioned that they would be licenced. I think the legislation really says that they're going to be registered and he said they would be carrying a licence plate. I rather think he meant that they were going to be carrying a registration number and I wonder if he would just clarify that point because the legislation itself calls for the carrying of a registration number rather than a licence plate.

One other question that the perhaps the Minister might care to answer when he replies would be whether or not the operators of these vehicles will be compelled to wear helmets. Maybe he can deal with that when he replies. I note that with very very few exceptions, most operators of snow vehicles do wear helmets and for very good reasons, but I would hope that the Minister wouldn't do with the snowmobile operators what he intends to do with the motorcycle operators. He may also want to consider the discrimination against the motorcycle operators if he does not make it compulsory for these people to wear them when they're driving snowmobiles.

With those few comments, Mr. Speaker, I think we could say generally that we support the principle of the registration of these vehicles and most of the regulations that will be brought in with the introduction of this legislation. There will, of course, be further questions that are more appropriately asked in the committee stage and any further questions that we may want to deal with can be dealt with at that time.

MR. SPEAKER: The Honourable Member for Swan River.

MR. BILTON: Just a couple of questions I have, Mr. Speaker, I have no intention of making any speech on the matter. I'm looking at the other end of the scale. I noticed in my duties on the Task Force throughout Northern Manitoba in the remote areas, these snowmobiles were a part and parcel of life in trapping and trading and I would hope that the fee is not too high to create a hardship on the trappers and what have you throughout the northern part of the province. It also occurred to me, I just simply made a cursory glance through the Act and I wondered, a farmer using a snowmobile on his farm exclusively, not off the farm but on the farm exclusively, would it be necessary that he take out a plate and conform with the Act or is he free to use his vehicle exclusively on his property without meeting these conditions?

MR. SPEAKER: The Honourable Member for Arthur.

MR. WATT: I wonder if the Minister would accept another question? The Minister mentioned that these vehicles would be licenced or registered to operate in the ditches and I wonder if he could define or give us the outline exactly what he means by ditch. Does it include boulevards, does it include shoulders on a highway or what is a ditch in fact?

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

MR. PATRICK: Mr. Speaker, I was out of the House when the Minister made his comments on second reading so I am at a disadvantage and perhaps I'll have to pose some questions

(MR. PATRICK cont'd.) to him and hope that he will not feel repetitious if it's something that he has said on second reading when I was out of the House.

I do agree with the registration of snowmobiles; I can say some six years ago when the Highway Safety Committee of the Legislature at that time was studying the highway safety in the Province of Manitoba, at that time the committee was very strongly looking at the idea of registering snowmobiles but there weren't that many in the province six or seven years ago. I believe we checked with every province in Canada and at that time there was no legislation set up in provinces, so there was nothing to go by and we felt since there wasn't that many of them in the province, perhaps there was no need at the time. But I feel that there are many of those vehicles now in use and we should have registration so we can know how many there is, so we can have recording in case there's some stolen, the police would have a better chance of recovering these vehicles, and of course quite recently we've had some fatalities and I'm sure if there would be registration and proper legislation and some instructions with the legislation that would tell the operator of a snowmobile where he can drive, where he cannot drive, what he can do, when he's abusing the law, I think this would be of great help. I would like to recommend to the Minister that there must be some instructions with the registration.

Now I hope the registration fee will not be another source of revenue for the government. I know there has to be enough to cover the expense and so on and I agree, but I think if we're going to make a very high fee, this will put many people that use this for a living at a disadvantage. I think it's a very good source of recreation that's used by many people in this province during the winter and in the last, I would say couple of winters, the winters have been not so cold, it seems that people are getting acclimatized by getting outside, getting exercise and using these machines to a great advantage. So I hope that the Minister will not through high registration fee discourage this because I certainly think this is a very tremendous sort of recreation in the Province of Manitoba; not only here but we see everywhere that this has caught on and many people are using it.

There must be some kind of a licence attached too, but the point I would like to pose to the Minister, I understand Saskatchewan has some sort of legislation at the present time and I would like, I hope he will not be repeating, to hear from him how the legislation has worked in that province and has it been quite successful or have they had problems with it? I understand that there will be insurance required when you have to register the snowmobile. Now will every single snowmobile have to be registered, does it matter if you use it in ditches or on the roadside, or if it's strictly on private property, say in a remote area where it's on a farm, you will also have to register this machine? And if you do, I understand the only way you can get a registration or a licence plate if you provide liability coverage; I would like to know what the amount of the liability coverage will be? Is it the same amount as in the present statutes for automobile insurance? These are some of the points I think are quite important because before we're all finished sometimes with this type of legislation it may be almost prohibitive for some of the people to be operating this machine.

The other point I think is very important. Some of these machines have speedometers, some don't. Will there be any kind of a speed limit put on these snowmobiles when they're travelling in the ditches or is there any speed limit, because some of the powerful machines I know can go much faster than 60 miles an hour which is the speed for most cars on the highways, so perhaps the Minister can clarify some of those points.

Now the other, I think, point that was raised by the Member for Morris is that people under 16 -- I agree that they shouldn't be driving in ditches or roads, but I think it would be most unfortunate if it would preclude them from operating these snowmobiles on private properties or on fields because I would venture to say when you do go out on Assiniboine River during the winter time you may see as many as 250 to 300 snowmobile drivers on any weekend and I would venture to say that the biggest percentage would be boys around 16 and 15 years and perhaps younger, so I think it would be unfortunate if we would do something that we wouldn't allow these people to operate these machines; but then again I say they should operate them in a safe area where it's a field or private property not in the ditches. I think if they're driving in the ditches I would like to see at least there should be a person of age that can get an automobile driver's licence.

So what does the registration fee entitle you to; if every single machine has to be registered or it doesn't, and if its registered then you have to provide liability coverage on every machine and in respect to young people and the speed limits; I hope that the Minister will be

(MR. PATRICK cont'd.) able to answer some of these questions. In total I feel the registration is in the right direction because there's many machines now in use — give us some idea how many there is; is there 20,000 or 30,000. I think there's been many thefts in the last couple of winters. It would make it much more easier for the police to recover some of these machines when thefts are reported to the law officers. So I would agree in general. I hope the Minister would answer some of the questions.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker, I too would like to voice agreement with the Act in part although I find it regrettable that we must so frequently legislate restrictions. I think that the Act leaves a few things to be desired. I think that circumstances are not quite the same in all parts of Manitoba and such an Act would apply to the people of all parts of Manitoba equally. I can see the restrictions that are in this Act being logical and sensible and highly desirable in areas that are suburban or near to densely populated centres. However when we get into remote areas that are very sparsely populated, some parts of the Act become a little illogical. It seems that there is really no way of having two different laws, but I'd just like to point out that restricting unnecessarily in remote areas is not a desirable thing.

Just one other comment. I have been in touch with the Snowmobile Clubs that exist in my constituency and they are concerned about the questions raised by the Member for Assiniboia. What about the cost, what about the cost of these registrations and what about the cost of the licences and what about the cost of the insurance that's required?

One other comment that I felt was very constructive and probably would be considered by the Minister is the fact that snowmobiles should be permitted to travel in the ditches because that's the most likely place they would want to travel. Snow conditions in ditches are usually better than in open fields. The restriction should be that snowmobiles travelling in ditches at night, when lights are required, should be restricted to travel in the same direction as the cars are travelling. During the daytime restrictions are not required, but in the evening it's the confusion of the oncoming lights from both cars and snowmobiles that present some problems.

I'm interested in hearing the Minister's views with these questions and that of the Member from Assiniboia, but I am basically in support of the Bill.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, I wanted to say a few words on this. This may not pertain exactly to the use of snowmobiles on highways. Although this Bill deals exclusively with that, there is an overlap with their use for other purposes, and what I wanted to ask, I wanted to ask the Minister a number of questions pertaining to the use of the snowmobile for wildlife pursuit and so on which has become a grave concern to people such as the Wildlife Federation who are well aware of the impact of the snowmobile as a predatory vehicle in the pursuit of wildlife in Manitoba.

One of the major concerns in the remote areas is that identification becomes a problem where there is an infraction of the law with respect to chasing of animals and so on. The identification of the vehicle often has to be made after the fact, or at the time by means of aircraft, and the question I wanted to ask the Minister was whether or not the means of identification might be arranged so that visual inspection from the air might be made easier. Rather than two licence plates, one on either side of the vehicle which would be very difficult to see, whether some consideration could not be given to possibly the European system of identifying cars where they receive a permanent large number that is easy to see, but in this case the registration number, which would be a permanent number, might be somehow affixed so that it could be viewed from above by aircraft when somebody is spotted chasing animals or other wildlife illegally, mainly in our remote areas.

The other possibility I wanted to suggest to him that he might look into, that I think is a viable possibility, is to have a very small registration number fabricated so it could be attached actually on to the track of the vehicle, so that if a vehicle was used for pursuit of wildlife then there would be a permanent trace of where the vehicle had gone. I don't think this is a very difficult problem. It may mean making the licence plate out of neoprene or rubber or some other flexible material as opposed to metal, but have it arranged so it could be fused on to the track of the vehicle so that in areas where they may be used for pursuit of wildlife, or perhaps this might be true for all vehicles to eliminate all doubt, have it attached simply on to the track of the vehicle so it would leave a permanent record of where it had been and it would eliminate

(MR. CRAIK cont'd.) all doubt when it came to tracing down the guilty party who had taken the life of our sporting animals and fowl.

Now this is becoming -- I suggest this as not being a way-out idea but two of the methods that might help. If you're going to go to the trouble of registering a vehicle, a snow vehicle, then these are two of the methods that might be used where you could not only serve your own purposes for highway purposes or traffic purposes but help the wildlife people extensively, your officers and so on, conservation officers and your R.C.M.P. and others who are charged with the responsibility of predator control, and perhaps you could take this into consideration. I note in the Bill that you have left the positioning and some other things up to regulation. I think it would still be quite possible for you to take this into consideration and see if some of these changes could be made to adapt it for that purpose.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I just would like to make a few comments. I think most of the matters have been covered by other speakers. However, I find - and I think the Minister stated it too - that local municipalities will be able to pass by-laws which would have to be approved by the government agency, but will this not lead to many different kinds of by-laws within the province? Should there not be some guidelines as far as uniformity is concerned? I'm just questioning this, whether it would not be wise to set out some guidelines if the department is aware of any that they feel should be instituted.

What about school grounds? Will youngsters be able to use these and go to school, because if a given town or municipality decides that they cannot do so, even if the legislation would allow for it, it would mean that it could not be used for that purpose?

The matter of mufflers was mentioned, and I see that a certain section deals with excessive noise. Just when is noise excessive? In my opinion, probably people would disagree; some young people like to see and hear a lot of noise and they would not consider a certain snowmobile noisy when others would feel that it was very noisy. The matter of requiring these units later on to have mufflers, will mufflers be provided by the various companies? Has the government checked into this, that they will be available for these machines? Otherwise, we might legislate certain machines from being used at a future date.

The matter of plates was discussed. Have plates been ordered as yet for next year and what size will they be? Will they be the size of a motorcycle licence or just what is the case going to be?

These are just a few points. I might have further things to raise when we deal with this Bill in Committee. I've just glanced through the sections. I do hope that the penalties that are being provided are not too severe. I think on one or two occasions they seemed rather severe to me, but because we might be dealing with many young people here, I would certainly not like to see undue severe penalties meted out.

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

MR. GORDON W. BEARD (Churchill): I would move, seconded by the Member for Rhineland, that debate be adjourned.

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

MR. SPEAKER: Bill No. 86. The Honourable Minister of Health and Social Development.

HON. RENE E. TOUPIN (Minister of Health and Social Development) (Springfield) presented Bill No. 86, An Act to amend The Corrections Act, for second reading.

MR. SPEAKER presented the motion.

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

MR. TOUPIN: Mr. Speaker, generally the Corrections Act of 1966 provided a satisfactory legislative basis for the corrections program in Manitoba. However, as indicated by the amendment of the Child Welfare Act, it was considered advisable to transfer certain sections dealing with juveniles to that Act.

The changes proposed in the amendments to the Corrections Act deal generally with those sections of the Act that involve adults. One effect is to broaden the scope of the institutional programs to permit inmates, while serving their sentences, to leave the institution during a part of the day, to engage in work or training in a community or take part in any other rehabilitative program that is deemed in the best interest of the inmate, his or her family and the community. Such inmates of course are subject to the rules and regulations of the institution and such other rules as may be made to assist or protect the inmate and the community. Under provisions of the Federal Day Parole legislation regulations, we have been involved quite

(MR. TOUPIN cont'd.) successfully in this type of program, but it is the intention of the department to extend this program to many more inmates where it is considered to be in their and the community's best interest. To this end we have prepared the necessary legislation.

Provision has also been made for the establishment of a Provincial Parole Board. This Board would have the power to grant parole to inmates committed to provincial institutions for the violation of provincial statutes.

Secondly, it was thought advisable to make provision for the establishment of such a board at this time in view of a recommendation of the Canadian Committee on Corrections which states: "The committee recommends that the Federal Government retain responsibility for parole as it affects all inmates of federal penitentiaries and that the provinces assume responsibility for parole as it affects all inmates of provincial institutions." That was on Page 283 of their report. Should the Federal Government enact legislation in accordance with this recommendation, our legislation will be ready.

Provision has also been made so that the Minister may appoint an official who will have authority to transfer inmates from one institution to another without reference to the Minister. This permits greater program flexibility. The Minister may declare selected buildings or facilities to be correctional institutions in order to enable inmates to take part in various types of rehabilitative programs, even where such programs are at considerable distance from an established correctional institution.

More authority has been given to the Superintendent of an institution whereby he can suspend an employee for misbehaviour or neglect of duty. However, such action must be referred to the Lieutenant-Governor-in-Council for confirmation.

Provision has also been made to afford protection to staff members from civil suits where they have acted in good faith and without negligence in carrying out the provisions of this Act.

In conclusion, the purpose of the amendments has been to bring the legislation up to date so that there is legislative authority and opportunity to further develop a correctional program that is modern in concept and performance. We still lack facilities and professional ancillary staff to carry out this concept but moneys have been included in the estimates of the department in order to remedy this situation.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Speaker. In the Corrections Act there is at the present time I think certain discrepancies between provincial jurisdiction and practices and federal jurisdiction and practices. Especially in the field of parole. I know that there are different terms that are used or different standards that are used for the eligibility of parole, and I would sincerely hope that the Minister would have concerned himself more with the practice of making similar standards apply to the provincial field as apply to the federal field and I sincerely hope that this is the case.

The methods that have been used in the past I know have led to a certain amount of court room manoeuvring on the part of lawyers in defence of certain cases, where they would in essence actually advise a client that he should appear on a federal charge rather than a provincial charge so that when the sentence was handed down through the office of the Parole Officer the inmate would then actually serve less time than he would had he been in a provincial institution. I think these injustices should be corrected and we work together on a common field with the federal correction authorities.

There may be other things I would like to say at a later stage when we get into committee on this matter.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. INEZ TRUEMAN (Fort Rouge): Mr. Speaker, I move, seconded by the Member from Brandon West, that the debate be adjourned.

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

MR. PAULLEY: Mr. Speaker, would you call Bill 106?

MR. SPEAKER: Bill No. 106. The Honourable Minister of Finance.

HON. SAUL CHERNIACK (Minister of Finance) (St. John's): Mr. Speaker, I don't have the slip available -- I've left my notes downstairs but I can still go ahead with this. -- (Interjection) -- All right then, I apologize, Mr. Speaker.

MR. PAULLEY: Call 112.

MR. SPEAKER: Bill No. 112. The Honourable Minister of Health and Social Development.

MR. TOUPIN presented Bill No. 112, An Act to amend the Social Allowances Act (2), for second reading.

MR. SPEAKER presented the motion.

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

MR. TOUPIN: Mr. Speaker, I have the privilege to present to the House Bill No. 112, amendments to the Social Allowances Act. Under the existing Social Allowances Act almost all Manitoba municipalities provide short term financial assistance to persons who cannot meet the criteria for social allowance. For example, a person who has a disability of less than 90 days' duration, a person who is temporarily unemployed because of industrial change or economic conditions, a transient in unorganized territory, the province acts as a municipality and can provide assistance to all persons unable to meet the cost of basic necessities. During the past two years many municipalities have made representation to the provincial government requesting that some arrangement be worked out whereby the province would be responsible for municipal welfare.

The purpose of the amendments in Bill No. 112 is to give authority to the province to enter into an agreement with any or all municipalities whereby the province would provide financial assistance to all municipal residents in need. But it should be noted that the legislation is permissive, no municipality is compelled to enter into this agreement and the terms of the agreement are to be mutually satisfactory to the parties concerned. With this enabling legislation we will be in a much better position to extend our preventive and rehabilitative services to a larger number of Manitoba citizens.

MR. SPEAKER: The Honourable Member from Fort Rouge.

MR. TRUEMAN: Mr. Speaker, I think just perhaps inadvertently this bill has preceded the passing of Bill No. 80 which does provide that the municipalities will only look after the recipient of social welfare for the first 90 days at the present time. Until that Bill is passed I believe it is still one year. However I assume that this bill is meant to bring these provisions in line with Bill 80 and in anticipation of its passing, we concur with this bill.

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

MR. PAULLEY: Call 120, will you please, Mr. Speaker.

MR. SPEAKER: Bill No. 120. The Honourable the Attorney-General.

MR. MACKLING presented Bill No. 120, An Act to amend The Wives' and Children's Maintenance Act (2), for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, Bill No. 120 is a very brief Bill which deals with a singular problem that exists in respect to the situation that individuals find themselves in when an Order has been made under the Wives' and Children's Maintenance Act, the parties adverse in interest being the husband and wife who own property, or who rent property, a situation arises that the Judge makes an Order that one of the parties, generally the wife, has the right to live separate and apart from her husband but they are sharing an accommodation at the time the Order is made and this is very frequently the case, so the situation is that one of the parties has to find a new residence and often, well the Court has no right to make any Order as to which party will find a new place of residence, so you know the law of the strongest generally prevails and the husband generally stays on in the rented property or in the property which is owned by them and the wife has to find other accommodation.

Now it isn't always this way, but it very frequently is this way, so the provisions of this Bill provide that the Judge or Magistrate, when making such an Order, may include in the Order a provision as to one of the spouses being able to retain the possession of the premises, either rented or owned until some further disposition by another Court of the rented premises or the joint properties of the spouses. I want to say, Mr. Speaker, that this, although a very small amendment I think it will be of singular importance to the people who are affected by Orders in the Winnipeg - well, under the Wives' and Children's Maintenance Act, the various Family Courts throughout the province and I want to thank the Honourable Member for Rupertsland for having brought this matter to my attention and pressed upon me the urgency of doing it and I do recall from my experience as a solicitor, having appeared in a Family Court - this does present a serious problem, particularly to wives who have obtained an order but haven't

(MR. MACKLING cont'd.) got the financial ability to go out and find separate accommodation immediately and so I think that this is a very useful amendment and I highly recommend it to the House.

MR. SPEAKER: The Honourable Member from Fort Rouge.

MRS. TRUEMAN: Mr. Speaker, the provisions in this Bill seem entirely reasonable and we are prepared to see the bill proceed.

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

MR. PAULLEY: Mr. Speaker, I note the clock would indicate about two minutes to 5:30. I wonder, Mr. Speaker, if it would suit your convenience and that of the House for you to call it 5:30.

MR. SPEAKER: I am now leaving the Chair to return again at 8:00 o'clock tonight.