

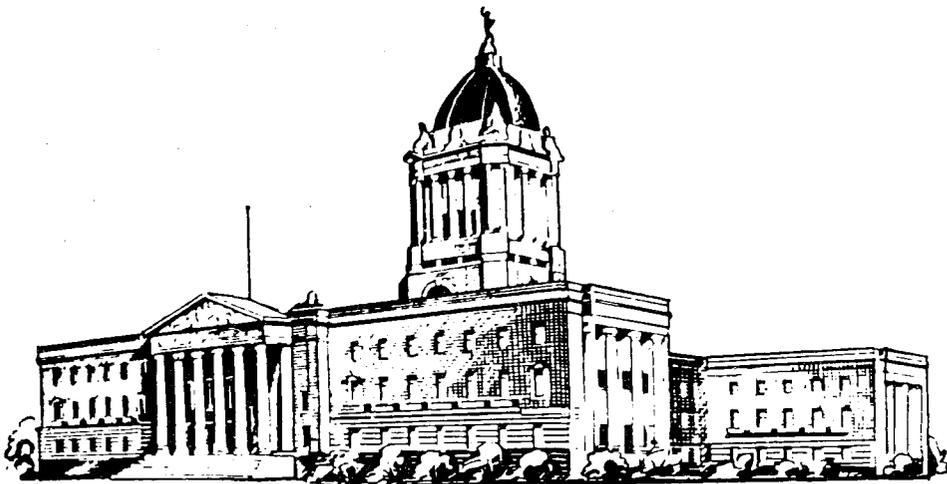


Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

Speaker

The Honourable Peter Fox



Vol. XIX No. 132 2:30 p.m., Monday, June 26th, 1972. Fourth Session, 29th Legislature.

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THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Monday, June 26, 1972

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports. The Honourable First Minister.

TABLING OF REPORTS

HON. EDWARD SCHREYER (Premier)(Rossmere): Mr. Speaker, I have, as I indicated I would, I have three copies of the reference paper referred to in the resolution standing in my name, entitled "A Reference Paper on Selected Topics on Education". I wish to advise honourable members in tabling these three copies that additional copies will be distributed later this day.

MR. SPEAKER: Any other ministerial statements. The Honourable Minister of Industry and Commerce.

MINISTERIAL STATEMENT

HON. LEONARD S. EVANS (Minister of Industry and Commerce)(Brandon East): Mr. Speaker, I have a very brief statement I would like to make. The Department of Industry and Commerce has just produced a new plastic pin featuring the outline of Manitoba with our sun symbol inserted in the centre. I think the brightness and vigor of the sun symbol denotes the quality of life at a time when people all over the world are concerned about their environment. We are making these pins available to Manitoba organizations for use in promoting our good Province of Manitoba - whether it be a convention, large gatherings and generally at any function where there is a desire to focus attention on our province. And therefore, Mr. Speaker, at this time I would like to have the Pages distribute to all members a package of twenty-five plastic lapel pins, which can be used at your convenience and at your discretion. Thank you.

INTRODUCTION OF BILLS

MR. SPEAKER: Notices of Motion; Introduction of Bills. The Honourable Member for Radisson.

MR. HARRY SHAFRANSKY (Radisson) introduced Bill No. 102, An Act to amend An Act to incorporate Brandon Golf and Country Club.

ORAL QUESTION PERIOD

MR. SPEAKER: Oral question period. The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition)(River Heights): Mr. Speaker, my question is to the First Minister. My question relates to the unfortunate accident that occurred this weekend. I wonder whether the government's in any position to convey any information to the Legislature as to the cause or as to any of the circumstances surrounding it. Whether any report has been given directly to them.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I have been advised that the Department of Transport has arranged for the sending of a professional investigator to inquire into the cause; and we have taken the position, at least so far, that this is the proper way to handle the matter and that any intrusion by the province would not be helpful. Certainly we will insure that we are advised of the facts once the investigators of the Department of Transport have completed their work.

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. JEAN ALLARD (Rupertsland): Mr. Speaker, I have a question for the Minister of Health and Welfare. I was wondering if the Minister could advise the House what he intends to do about employable unemployed who refuse what seems what seems to be suitable work - and also at the same time, if he could tell the House whether he would consider re-examining some of the decisions of the Appeal Board on the subject.

MR. SPEAKER: The Honourable Minister of Health.

HON. RENE E. TOUPIN (Minister of Health and Social Development)(Springfield): Mr. Speaker, the policy of this government pertaining to unemployed employables has been made

(MR. TOUPIN cont'd) very clear. We have directed staff within our department that those who are unemployed employables who are offered jobs that they can perform and refuse same, are to be taken off the Social Allowance rolls,

If these cases are brought forward to the Welfare Appeal Board and are granted assistance the municipality and/or the Department of Health and Social Development has the mechanism of the Court of Appeal, and some of these cases have been taken to the Court of Appeal by municipalities, and the department itself is looking at the possibility of taking some cases to the Court of Appeal itself.

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

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, I direct my question to the Minister of Industry and Commerce. Could he advise us as to the whereabouts of Dr. Briant for the past three weeks? It seems to be a mystery.

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

MR. EVANS: I would like to know - what's the mystery to me is the information of my honourable friend and the basis of it. Dr. Briant has been out of the country for a few days on a matter pertaining to an MDC loan application, but he arrived back a few days ago.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture)(Lac du Bonnet): Mr. Speaker, on Friday the Member for Thompson . . .

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

MR. G. JOHNSTON: May I ask the Minister again as to his whereabouts? Where was he?

MR. EVANS: Well, Mr. Speaker, if the honourable member wants to know - specifically he was in Japan, negotiating a very important financial arrangement; which brings jobs to the people of Manitoba, I might add.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, on Friday the Member for Thompson wanted to know what the current position of the Ilford Fisheries Co-op is, and I want to indicate to him that there are 23 fishermen fishing at the present time. We have a contract with Indian Affairs with respect to a supervisory person located at the Co-op for the purpose of training the management that has recently been acquired.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Speaker, I would like to direct my question to the Minister of Public Works. Have the second lot of 20 cars that were mentioned the other day been disposed of - and perhaps he can tell us in what manner. Was it done by bids or by auction?

MR. SPEAKER: The Honourable Minister of Public Works.

HON. RUSSELL DOERN (Minister of Public Works)(Elmwood): Mr. Speaker, I didn't hear the latter part of the question - but in terms of the second lot, the bids for those cars closed; the date for seeing those vehicles closed on Saturday, and I believe the deadline for submitting bids is this Wednesday. But if you could repeat the latter part of your question. . .

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BARKMAN: Well, Mr. Speaker, you probably answered partly, then - my second part of the question was if they were being sold by auction, and apparently this has been done by bidding. Is this correct?

MR. DOERN: Well, Mr. Speaker, the two lots of cars that were sold, totalling fifty vehicles, were by what I would call tendering - in the sense that there was no auctioneer there to spur the crowd on. People saw the vehicles and submitted their bids.

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): Mr. Speaker, I direct this question to the Minister of Agriculture. It relates to the veterinary clinics throughout the Province of Manitoba. I wonder if the Minister could indicate whether those under construction, and have been for many months, will be completed before new clinics will begin in construction.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, I believe there are seven in total that have virtually been completed, outside of one or two small items, and another seven in various stages of construction. I would also like to indicate to the Member for Rock Lake that because of the way in which these are being established it takes some length of time to get them completed - and I'm making reference to the training program that we are undertaking in this program, with the Canada Manpower people training of native people in welding courses and what have you.

(MR. USKIW cont'd) So that there is a bit of a lag time between the date when a new clinic or district is announced and when a clinic is finally completed - for those reasons, and I think they are good reasons.

MR. EINARSON: A supplementary, Mr. Speaker, are there any veterinary clinics that have overestimated their cost of construction in Manitoba?

MR. USKIW: I think, Mr. Speaker, the honourable member is probably making reference to some clinics that may have gone beyond the amount of money and where it involves local board decisions in hiring contractors and what have you - but I think we have brought corrective measures to bear on those cases.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): I should like to ask a question of the Minister of Agriculture - ask him if his department will be undertaking or are undertaking an evaluation of the program for Veterinary Clinics to determine whether or not they are meeting the expectations of the Minister.

MR. USKIW: Well I think, Mr. Speaker, that that is going to happen from the very fact that the local boards are operating those facilities, and therefore there is a direct link between the community receiving the services and the Department of Agriculture.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. DAVID R. BLAKE (Minnedosa): Mr. Speaker, my question would be to the Honourable the Minister of Municipal Affairs. In his absence, I could probably direct it to the Acting Minister. I wonder if he would inform the House the approximate total of construction undertaken by Manitoba Housing and Renewal Corporation during 1971 and to date in 1972.

MR. SPEAKER: Order please. I would again, as I have suggested it in the past, indicate that statistical information should be given notice of - it would be a courtesy that would help. The Honourable Member for Morris.

MR. JORGENSEN: Well, Mr. Speaker, I was just going to say that that is precisely what the honourable member has done, but the Minister is not in the House.

MR. SPEAKER: The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour)(Transcona): Well, Mr. Speaker, as the Acting Minister of Municipal Affairs, I'd be pleased to take the question of my honourable friend from Minnedosa as notice and supply him with the information just as quickly as possible.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I would like to address a question to the Honourable the Minister of Industry and Commerce. Could he inform the House whether there is a provision in the Federal Development Corporation Act for provincial membership, and if so, is the province contemplating subscribing to membership in the Canadian Development Corporation?

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

MR. EVANS: Mr. Speaker, offhand I don't believe there is any such provision, but I'll look into the matter.

MR. FROESE: A supplementary - mention is made in the press that there will be provision made for individuals, and that the . . .

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

MR. FROESE: Well, the question is whether they intend to participate, and whether this province intends to set up a Crown corporation for medical purposes.

MR. SPEAKER: Orders of the Day. The Honourable Member for La Verendrye.

MR. BARKMAN: Mr. Speaker, I believe my question should go to the Minister of Recreation, Tourism and Culture. Is it correct that Manitoba has withdrawn their support from the Great River Road Association, better known as the Mississippi Parkway?

HON. LAURENT L. DESJARDINS (Minister of Tourism, Recreation and Cultural Affairs) (St. Boniface): Mr. Speaker, if my honourable friend means withdrawn the membership, I say yes, this is correct.

MR. BARKMAN: Mr. Speaker, does the Minister not feel that this will hurt the tourist business in areas . . .

MR. SPEAKER: Order please. Order please. The question is argumentative. The Honourable Member for La Verendrye.

MR. BARKMAN: Is anything being done to replace the free advertising received in the United States along the Mississippi Parkway for the \$2,000 association fee to be paid?

MR. DESJARDINS: Mr. Speaker, it would involve - first of all it involves more than

(MR. DESJARDINS cont'd) \$3,000 - and it's a question of judgment, after studying the situation we feel that we could get better value for our money to promote tourism in Manitoba.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. BLAKE: Mr. Speaker, I wonder if the Acting Minister of Municipal Affairs - he has taken one question as notice - I wonder if he would take two more short questions, and they would be - how many of the projects that have been commenced were commenced without the prior approval of the Board; and also of the projects approved or undertaken without approval of the Board - if he could give us the dollar value of those that were approved in a retroactive manner.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: I will take due note of the questions from my honourable friend.

MR. SPEAKER: Orders of the Day. The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: Mr. Speaker I address my question to the Minister of Colleges and University Affairs. It relates to the student job office which is under his jurisdiction. Does that office have the authority to throw a 19 year old out of his or her job because his or her stepfather earns too much money?

MR. SPEAKER: The Honourable Minister of Colleges and Universities.

HON. SAUL A. MILLER (Minister of Colleges and Universities)(Seven Oaks): Mr. Speaker, if the honourable member would tell us - would give me more details about his or hers, I might answer the question.

MR. G. JOHNSTON: Mr. Speaker, I ask the question again and I'll rephrase it. Does anyone over the age of 18 who seeks a job with this government in the Civil Service, does someone in the Student Job Program office have the authority to put them out of that job?

MR. MILLER: Mr. Speaker, if the member is talking about someone who is working for the Civic Service - no - but it has been indicated in this House from the very beginning that one of the criterias is need, and one of the measurements of need is parental resources.

MR. G. JOHNSTON: A final question, Mr. Speaker, at what age then would a stepfather feel that he has discharged his responsibility to an adult son or daughter?

MR. MILLER: It's a hypothetical question - I don't know the stepfather.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I would like to address a question to the Attorney-General - could he inform the House how many of those people receiving free legal aid have been receiving it twice or more?

MR. SPEAKER: The Honourable Attorney-General.

HON. A. H. MACKLING, Q.C. (Attorney-General)(St. James): Mr. Speaker, that is a very detailed question. It's the kind that the honourable member might submit an Order for Return, but I want to indicate to him that I don't think that the Law Society of Manitoba who have conducted the program to date and are carrying on with the program - has maintained that kind of record - but if he wants, I will make the effort, but I would suggest he file an Order for Return.

MR. SPEAKER: Orders of the Day. The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Do you have a supplementary, Jake?

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: I appreciate the Minister's reply and that he's willing to conduct an inquiry.

MR. SPEAKER: Order please. Order please. Would the honourable member place his question? This is not a debating hour.

MR. FROESE: Well certainly, it has been brought to my attention that there are many repeaters and therefore I would appreciate getting this . . .

MR. SPEAKER: Order please. Again I remind the honourable member this is the question period. The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, I would like to direct a question to the Minister of Mines and Resources. Can he advise when we might expect the transcripts from the Water Commission meetings?

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

MR. EVANS: The transcripts in question I am advised are in the hands of the Queen's Printer, and I've urged all concerned to give this top priority for printing.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, my question is for the Honourable the Minister of Industry and Commerce, relating to his announcement June 1st of a development

(MR. MCGILL cont'd) program for Saunders Aircraft. In his announcement he referred to a directors' meeting of Saunders Aircraft in about two weeks, to decide upon the development of new aircraft types. Can the Minister inform the House if that directors' meeting has been held?

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

MR. EVANS: Mr. Speaker, I am not in a position to advise the House at this time. However, in view of the honourable member's great interest in Saunders Aircraft, I want to remind him and other members of the House that we will be making arrangements shortly for all MLA's to tour the Saunders Aircraft plant. I think they'll be very impressed with what they see.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. MCGILL: A supplementary question then to the Minister. Has a decision been reached by Saunders Aircraft in respect to new aircraft development?

MR. EVANS: Mr. Speaker, as I advised honourable members some weeks ago there is a long term plan of development which the Board has given some approval to. Now whether there has been any detailed change in this plan in recent days or weeks, I am not in a position to say at this time.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Mr. Speaker, I direct a question to the Honourable the Minister of Agriculture. I understand that over the weekend he made some announcement with respect to the Manitoba Vegetable Marketing Commission, that it's being wound up as such to be replaced by Producers Board. Can he confirm that?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, the producers elected a new board about a week ago, and that board will replace the existing Commission within a matter of weeks.

MR. ENNS: A supplementary question, Mr. Speaker. I wonder, Mr. Speaker - through you to the Minister - can the Minister indicate whether or not the new board will bring additional products under compulsory marketing other than the existing potatoes?

MR. USKIW: The other commodities in the vegetable line have also had discussions - or people involved in those commodities have had discussions - and also a referendum and an election of officers, if they choose to go into the marketing board system. The results will be known very shortly.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): Mr. Speaker, I have a question for the Minister of Agriculture. Regarding the federal subsidy kill-off program of laying hens, I wonder can the Minister indicate to the House how many laying hens will be killed off on this program that's before us now?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: I don't have the information handy, Mr. Speaker, but it's indicated - that far in excess of expectation - so that the program in effect is well under way.

MR. MCKENZIE: A supplementary question. Who has the authority to slaughter the birds?

MR. USKIW: Well, an application has to be made to the federal authorities, and the slaughter has to be inspected to satisfy the government candidate. Now if my honourable friend wants specific details as to which offices, etc. I would have to undertake to get him that information.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, I want to direct a question to the First Minister. Could he advise whether the Waffle group in Manitoba is held in the same high esteem as it is in Ontario?

MR. SPEAKER: Order, please. Order, please. The question is not relevant to our procedure. The Honourable Minister of Labour. The Honourable Member for Lakeside on a point of order.

MR. ENNS: We do have a Waffle group here in Manitoba, don't we?

MR. PAULLEY: I wonder, Mr. Speaker, if this exhausts the questions - and I'm sure with the privileged question of the Honourable Member for Riel, that it must exhaust the questions of my honourable friends - whether we could get into the Order of the Day.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: I had a question following the one put by honourable members with regard to the slaughtering of poultry. I'd like to direct a question to the Minister of Agriculture. Who gets the returns, and are the returns submitted to the government and then it's being subsidized, or what is the process?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Well, Mr. Speaker, the conditions laid down by the Government of Canada are that there must be a certain number of fowl slaughtered over a period of six weeks upon which time they will provide a subsidy for such slaughter. Depending on the extent of the program or the success of it will also determine the amounts of money allocated - and the length of the slaughter program of course is something that will likely be determined in a matter of a couple of weeks, that is, whether or not it is going to go beyond the initial six weeks' period.

--(Interjection)--

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: A supplementary to the Minister of Agriculture.

MR. SPEAKER: Order, please.

MR. FROESE: Is this program being endorsed by the Provincial Government, as it will no doubt increase the cost to the consumer?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, this program is a result of a number of discussions held by all provinces and the Government of Canada, and is related to the quotas that are going to be set out very shortly for all producers in Canada. It's part and parcel of a market sharing agreement or a supply management agreement.

MR. SPEAKER: Orders of the Day. There is an Order for Return standing in the name of the Honourable Member for Charleswood. Have we arrived at a - let it stand?

MR. PAULLEY: . . . that the consultation between the Honourable the Attorney-General and the honourable member hasn't been consummated at the present time, but soon will be. Therefore, Mr. Speaker, may I ask you to call Bill 81 standing in the name of the Minister of Labour.

SECOND READING - GOVERNMENT BILLS

MR. SPEAKER: Proposed motion of the Honourable Minister of Labour. The Honourable Minister.

MR. PAULLEY presented Bill No. 81, The Labour Relations Act, for second reading.

MR. SPEAKER presented the motion.

MR. PAULLEY: Mr. Speaker, I have a few remarks dealing with Bill 81, The Labour Relations Act, and I think that I have indicated to honourable members that this is part and parcel of what we hope and expect to become a labour code for Manitoba.

Mr. Speaker, this government shares the conviction that free collective bargaining is superior to any other means yet available to labour and management for determining mutually acceptable terms to govern their relations. It also shares the conviction that freedom of action in developing collective bargaining and dispute settlement procedures, will produce more acceptable results than would rigid legislative procedure which inevitably inhibits the parties from exercising their own ingenuity in finding, developing and refining ways of resolving their differences. The experience in the field of industrial relations in this province we believe justifies these convictions. Manitoba has had an enviable industrial relations record under successive governments. And, Mr. Speaker, --(Interjection)-- when I have the opportunity of continuing without interruption, and I will - because this is one of the most important matters that this Assembly or the Government of Manitoba has had to consider during its hundred years of existence. And it may be, Mr. Speaker, that some honourable members think otherwise - and if they do, I would suggest that they leave the Chamber.

So I want to repeat --(Interjection)-- yes, and you were the one --(Interjection)-- Oh, but it was your mumbling that even went over his question. So if the Member for Souris-Killarney would only listen, maybe he will know a little bit about the industrial relationship picture in the Province of Manitoba. I say, Mr. Speaker, that the experience in the field of industrial relations in this province we believe justify these convictions. Manitoba has had an enviable industrial relations record under successive governments, and in a period when there is a great deal of turbulence in some other jurisdictions. In Manitoba the parties to collective bargaining have demonstrated a great deal of resourcefulness and responsibility in meeting the challenges which have arisen in the past. They are not only to be complimented, but in my view they also merit the freedom to continue to seek out ways to improve the collective bargaining process - making it more viable and more effective in meeting the challenges that will inevitably arise as this province develops.

(MR. PAULLEY cont'd)

This bill is the result of careful review of the industrial relations legislation and practice in this and other jurisdictions. As honourable members are aware last November the Industrial Relations Committee of this House held hearings, at which extensive representations were received. The submissions made to that Committee were very helpful to us in our review of the legislation, and I want to thank the parties for their assistance in this endeavour.

Mr. Speaker, we do not hold this bill to be a thing of perfection - in fact we expect that experience will indicate to us necessary changes that will have to be made. I do, however, sincerely believe that this bill represents a forward step in respect to the legislation regarding industrial relations in this province, and I want to invite all parties to join with us in making this bill a success. When I say all parties, Mr. Speaker, I mean management, labour, the public and members of this Assembly as well. This bill embodies some policy initiatives that are novel to this province and I would like to comment briefly on some of them. It sets out a number of provisions designed to give greater freedom and responsibility to the parties themselves in the settlement of disputes. Third party intervention, if the bill is adopted as introduced, will be entirely voluntary and will no longer be obligatory before strike or lockout action is taken.

The bill also provides for the reopening of negotiations where a technological change is introduced during the term of a collective agreement; and where the change alters significantly the basis upon which the collective agreement was negotiated, or where it affects the terms and conditions or security of employment of a significant number of employees.

I would like to point out that this provision will not only apply in a number of circumstances or will not apply in a number of circumstances. It will not apply to collective agreements concluded prior to January 1st, 1973; and generally it will not apply where the parties have made private arrangements to deal with this issue; or where the employer has given prior notice of the intended change to the bargaining agent as is stipulated in the bill.

I want to point out, Mr. Speaker, that where employers and employee unions have worked out mutually satisfactory arrangements to deal with the problems of the effect of technological change, they will be little affected by these new provisions contained in Bill 81.

The bill provided, Sir, that the parties may include in their collective agreements a procedure for the settlement without the stoppage of work, of disputes arising during negotiations for the renewal of a collective agreement.

I think, Sir, that members will recognize this follows through the statements that I have made of placing the responsibility for harmonious relationship squarely on the shoulders of management and labour. And that while in the bill there are provisions for the right to strike to be extended to practically the whole of the industrial field; that if in negotiations between management and labour in their collective agreements there is a provision for other methodology of resolving their disputes, such as compulsory binding arbitration, that the collective agreement will supersede that of the legislation. Where such a procedure is included in a collective agreement, it would take precedence over collective bargaining procedures in the Act. It is hoped, Sir, that this provision will encourage the parties to work out mutually satisfactory arrangements for resolving their differences as far as possible without recourse to strike or to lockout.

Regarding the rights of workers to organize without interference and to be represented by unions, the bill sets out the new provisions for protection from unfair treatment. It extends a right to organize to persons employed in a professional or supervisory capacity and to owner drivers of trucks and other vehicles. It includes some new provisions prohibiting certain employer actions intended to discourage unionization, and also certain union actions which affect the rights of individual workers - and ease somewhat the requirements of obtaining a certification vote.

The bill provides, Mr. Speaker, for a type of check-off, and seeks to strengthen enforcement of the legislation by increasing penalties for offences; and empowering the Minister to appoint an investigator who will have the power to investigate complaints laid under the Labour Relations Act. This investigator will have the power to initiate proceedings before the Labour Board for redress and to initiate prosecutions before the courts for penalties.

Mr. Speaker, we believe that the time has come when collective bargaining with all of its implications has been fully accepted by the majority of the employers and unions in Manitoba. Novel as some of the proposals in this bill may appear on the surface, I believe that they either form a part of - or are not very far removed from the current practice of most employers

(MR. PAULLEY cont'd) and unions in this province. As a result, Sir, I do not anticipate that this Legislation will call for any radical changes in respect of most employers and of unions. I am confident that the leadership shown by these employers and unions and the embodiment of some of their practices in provincial legislation will make for the continued improvement in industrial relations in this province. We have had as I indicated earlier, Mr. Speaker, a reasonable good climate in the Province of Manitoba in management-labour relations. I would suggest that there are two types of employers in Manitoba, and I guess I should say that there could be two types of unions as well. There are the good employers, there are bad employers and as I have said on a number of occasions, a good employer in the Province of Manitoba need not fear Bill 81. I want to issue a challenge to the poor employer in the Province of Manitoba, that we are enacting or hope to enact through this bill progressive legislation for the well-being of all in the Province of Manitoba and we intend - once this legislation is adopted by this Assembly - to carry through the enforcement of the same to the benefit and the forward thrust of this Province of Manitoba. I recommend Bill 81 for the earnest consideration of all members of this Assembly as a progressive piece of legislation. Some have suggested that it may be one of the more progressive pieces of legislation since we became a province some 102 years ago.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GABRIEL GIRARD (Emerson): I move, seconded by the Honourable Member for Roblin that debate be adjourned.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY introduced Bill No. 66, An Act to amend The Equal Pay Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, the amendments which are being proposed in this bill really deal with the enactment of The Equal Pay Act which has been on the statute books for some considerable period of time. We have found in our endeavours to bring about the enforcement of the Act that the present Act does not contain sufficient force for the department to really carry through violations for prosecutions under the Act as at present.

So I say, Sir, the primary purposes of the amendments to the Equal Pay Act are: (1) To give the equal pay provision in the Act some added flexibility; (2) To remove a 30-day limit from the making of a complaint; (3) To streamline the enforcement procedures in the present Act; (4) To remove some of the unnecessary language in the present Act.

The present equal pay provision prohibits discrimination in pay of an establishment on the basis of sex; where the work performed - and to quote the present Act - "is identical or substantially identical." The amendment prohibits such discrimination where the work performed is the same or substantially the same which is a different interpretation entirely. This language is less restrictive and should facilitate the enforcement of the provision. Of course any provisions, any differences in wages based on a factor other than sex would not constitute a violation of the Act.

One of the provisions under the Act sets out procedures for the enforcement of the provisions of the Act, that's Section 7 of the present Act; this section is being repealed and replaced by a new section which is quite similar to existing provisions, but will be more capable of being brought before the courts for conclusive evidence and so on.

Under the present procedure, enforcement action may be initiated by either the director or a complaint by an aggrieved person. In either case, the director must refer the matter to a person who may be an officer of the department for investigation, and the officer must following his investigation report back to the director. The director at the present time must then report with recommendations to the Minister, who may refer the matter to a referee for investigation with a view to settlement. Following an inquiry, the referee must report to the Minister with recommendations as to what course of actions he thinks ought to be taken, and then the Minister may issue whatever order he deems necessary. And where a failure to comply with a Ministerial order, the matter is put before a magistrate, who following a trial de novo may grant or may order the employer to pay wages found to be due to an employee.

Under the proposed procedure, procedures may also be initiated by the director or through a complaint by an aggrieved person. The director may then instruct a person to investigate and attempt to effect settlement. The investigator must report to the director within

(MR. PAULLEY cont'd) 30 days as to his findings and his success in effecting a settlement. If he fails to effect a settlement, the Minister may appoint a referee to review the matter. Following an inquiry, if the referee is satisfied there has been a violation of the Act he must report his findings to the Minister and recommend the course of action he thinks should be taken. The Minister then may issue an order to carry into effect the recommendations of the referee - and in so doing the Minister may order the employer to pay equal wages, and may also order the employer to pay the employee any monies found due because of the violation. And if the employer complies with the order, he is considered not guilty of the violation - and this procedure we are suggesting differs from the former procedure in the following major respects:

The investigator must not only inquire into a matter, but he must also attempt to effect a settlement. The investigator would have to report to the director within 30 days, and then of course as I indicate, the Minister can order the payment - subject of course to appeal to the court. This basically, Mr. Speaker, are the changes contained within the Equal Pay Act. If you recall, Sir, last year or the year before, The Equal Pay Act was changed where it was not necessary for the person aggrieved to lay the complaint but anyone could on his or her behalf - and we are following through now, with the tightening up of the provisions under The Equal Pay Act to bring into full effect the full implication of The Equal Pay Act.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker, I beg to move, seconded by the Honourable Member for Sturgeon Creek, that the debate be adjourned.

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

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY presented Bill No. 72, An Act to amend The Employment Standards Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, I have a summary of the amendments proposed under The Employment Standards Act. This Act deals with many of the provisions of the conditions of employment in industry in the Province of Manitoba.

Sir, the most important changes in this bill to amend The Employment Standards Act are provisions to extend and clarify the application of the Act; to provide for maternity leave and job protection during such leave; and to require extended notice to be given by employers where large groups of employees stand to have their employment terminated. The application of the Act is being extended to professional homemakers and to domestics employed by nursing homes and other similar agencies with the exception of baby-sitting agencies. Under the present domestics in private homes are excluded - and by the amendments to the Employment Standards Act, Mr. Speaker, it will be made clear that only domestics in a private home who are paid by the householder are excluded and that domestics including professional homemakers employed by agencies such as nursing homes and the Family Bureau and etc., are not excluded.

A further amendment extends the Act application to persons previously excluded who are given employment under a charitable plan or project. This will bring under the terms of the Employment Standards Act of Manitoba such agencies as the Metropolitan Security Police and other similar agencies in the Province of Manitoba.

Under the proposal for maternity leave, it is contained within the Act a provision for maternity leave of up to approximately 17 weeks for female employees. This leave would consist of up to 11 weeks prior to the expected delivery date; the period between the expected and actual delivery date, if delivery occurs after the expected date of delivery and six weeks of compulsory leave following the actual date of delivery.

The Federal Government, I may say, Mr. Speaker, and the Provinces of Ontario, British Columbia and New Brunswick have similar legislation at the present time. A female employee would become entitled to such leave where (a) she has completed 12 months of employment with an employer; (b) where she has submitted to her employer an application for leave at least 4 weeks before she intends to leave and; (c) she provides her employer with a medical certificate indicating that she is pregnant and specifying the expected date of delivery. Where a female employee has gone on maternity leave as provided for in the Act and wishes to resume her employment after the period of leave, the employer will be required to reinstate her in her former position or in a comparable position. The objection on the part of the employer to reinstate such an employee would lapse where the employee has been absent from work for more than 10 weeks following the date of actual delivery.

(MR. PAULLEY cont'd)

Regarding the group term of employment - termination of employment, Mr. Speaker, - the proposed Act provides that an employer must give an extended period of notice of termination of employment where he intends to terminate the employment of 50 or more employees within a 4-week period. Similar legislation, again, is contained within proposed federal legislation and is contained in Ontario and Quebec. The legislation being proposed for Manitoba is very similar to these. It specifically provides that any employer within a 4-week period terminates the employment of 50 or more employees must give notice of such termination to the Minister as follows:

Number of employees terminated between 50 and 100 - length of notice, 8 weeks; between 101 and 300 - 12 weeks; over 300 - 16 weeks. Copies of above notice must be given to any union representing the affected employees or where there is no union to the employees so affected. Provision is made to exclude certain groups of employees from the application of the group termination provisions, and these groups include persons employed in the construction industry; persons employed for a definite term or task, and persons who are on lay-off. Every employer who is required to give notice as provided for in this section of the Act, and any union that may be involved, will be required to co-operate with the Minister in any action or program aimed at facilitating the re-employment of the affected employees. Just in passing, Mr. Speaker, I draw to your attention the co-operation between the Province of Manitoba and the federal authority in respect to the termination of employment in the grain industry, where the Saskatchewan Pool Elevators took over Federal Grain.

The Minister of Labour will have the discretionary authority to waive the application of the group termination provisions in respect of any establishment where he is satisfied that the application of those provisions would be unduly prejudicial to the interests of the employees or the employer, or will be seriously detrimental to the operation of the business of the employer.

These basically are some of the provisions contained within The Employment Standards Act, Mr. Speaker - and as I indicated at my opening statement in respect to Bill 81, they will eventually form part and parcel of a labour code for the Province of Manitoba. It had been anticipated, Sir, that we would have been able to consolidate all of our labour legislation into one Act at this session - that may not be possible, due to the time element in making provision for such a labour code. But it is our hope, our expectation, that the bills that I now introduce for second reading - coupled with other bills such as Vacations with Pay Act, and other Acts, will be consolidated. I still hope for this year or for this session but if that is not possible, Mr. Speaker, that they will be eventually into labour code so that all employees, all employers and the public generally will have at their fingertips one document that will spell out a Bill of Rights for industry and all those involved in industry in the Province of Manitoba.

I recommend all the measures that have been proposed, Mr. Speaker, for the earnest consideration of the members of Legislature. I do realize, Sir, that some time element may be required to give consideration in detail, but I would appeal without attempting in any way, shape or form to curtail debate in the Assembly. I would suggest that if the members of the Assembly, and particularly those members who are members of the Industrial Relations Committee, could see fit to progress these bills quickly through the House to Industrial Relations Committee in order that those outside the House may give consideration to the suggestions, that it would expedite the enactment of a Labour Code for Manitoba.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: I move, seconded by the 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, Mr. Speaker, could we now go down Page 2, the Adjourned Debates on Second Reading, starting with Bill No. 39, the Honourable Member for Rhineland.

SECOND READING - GOVERNMENT BILLS

MR. SPEAKER: The proposed motion of the Honourable Attorney-General. The Honourable Member for Rhineland. Bill No. 39.

MR. FROESE: Mr. Speaker, I'll not follow the advice that I'm getting here to have this stand. I'll not follow it.

This is a new act, the Sand and Gravel Act and in many ways I welcome the bill before us although I have some reservations as well. I notice that the new bill or the new act will be made subject to the Crown Lands Act and the Mining Royalty and Tax Act so no doubt what the government has in mind is to tax sand and gravel, wherever it is found in more plentiful lots. I don't

(MR. FROESE cont'd) know whether there is any gravel pits in my riding presently but I know to the west of us where we are getting our supplies from, from the Morden area that there are very substantial deposits of gravel and sand and while I may have some owners of such rights or such land that contains gravel in my riding, and I know of some, I am sure they would be very interested in what's going on.

I certainly do not take exception to that we will now differentiate sand and gravel from minerals and that it will be stated in no uncertain terms in the Act. I think this is well advised and I think this is good because it was rather uncertain before in many ways when you came to deal with it.

There is an expression in the bill however that it is subject to federal legislation, or legislation to the Parliament of Canada in certain respects. I certainly have not had the time to delve into this and if the Minister has not already explained it, I do hope that he will give the information to members of the House as to its relevance in the bill.

I notice that the Act is to come into force on the 1st of July of this year. Is there any special significance to this fact? I know that the bill respects certain contracts and so on so that we should have no trouble in that respect. So all in all I will support the bill on second reading to go to committee and possibly hear from some of the people who are directly involved in this matter. On the other hand, I do hope that when the bill passes that this government is not too severe in the taxation of these deposits because a certain owner might have a big deposit of gravel and sand on his land which could be assessed very highly and taxed as a result and yet he may not realize anything out of it for a certain number of years to come. This certainly will be the case probably in different areas and pardon --(Interjection)-- well I don't think that is fair. I don't think we intend to confiscate and I don't think we should expect people to give it away.

MR. SPEAKER: Order, please.

MR. FROESE: This is like taxing of land such as we have had in the perimeter area of Winnipeg, where you have had high assessment because of speculation. I didn't feel that was right because a farmer who had land around the perimeter area of the City of Winnipeg -- and we have some other areas in Manitoba where this takes place - it's highly assessed because of other people who have sold some parcels and received high prices and where these new owners bought it for speculation purposes, whereas the other person is farming it and probably gets a very small revenue off that land, and then being highly assessed he has to pay a very high tax and this I take exception to. I wonder whether this will not be the same thing, whether it won't apply in the same way to sand and gravel where we will have substantial deposits of it and where land could be high assessed as a result of these deposits and therefore these owners could find themselves in the same situation. I certainly wouldn't want to see farmers or owners being confiscated of the land because they couldn't at the moment sell any of their deposits of sand and gravel and therefore not being able to pay the taxes on it.

So, Mr. Speaker, I do have these reservations, I will allow the bill to go to second reading and I hope we hear from people who are directly involved and I hope the press certainly gives it some publicity so that people will know that on Wednesday next that they can appear.

MR. SPEAKER: The Honourable Attorney-General shall be closing debate. The Honourable Minister.

MR. MACKLING: Mr. Speaker, I'm delighted to be able to conclude debate on this bill, and I would like to answer some of the observations or at least the concerns that have been evidenced by members in respect to this legislation.

Let me say at the outset that, you know, I don't set any tremendous priority in this legislation but it's legislation that is highly desirable. I suppose it's the kind of legislation that gets set aside by governments because after all it involves retroactivity and that's something that no one wants to do because there's certain risks inherent in doing that sort of thing. It should have been done, this legislation should have been enacted many, many years ago, Mr. Speaker, but because it involved some element of risk then and there was no real urgency for the legislation felt by previous legislators, it was put in the discard heap time after time. As I indicated in my earlier remarks, this had been the subject matter of consideration by Law Reform Committee of the Attorney-General's Department many years before we had come into office.

I was rather taken aback, Mr. Speaker, by the negative attitude particularly expressed by the Honourable Member from Brandon West and the Member from Birtle-Russell. The

(MR. MACKLING cont'd) Member from Brandon West is concerned about retroactivity. Well we must start somewhere and we must at this stage deem that sand and gravel are no longer minerals and if that is being retroactive to the beginning of time, and that's the grand-daddy of all retroactivity, so be it we're prepared to face the element of risk that's involved. We don't think it's tremendous or horrendous. We think it's in the interests of the people of Manitoba, particularly the small landowners who have surface rights and have bargained mineral rights and certainly the right to their exploitation of sand and gravel on their land is in question - there is little doubt that their right to use sand and gravel has been lost, there is some area of conflict in the law but I think it's pretty clear that they have bargained their rights to exploit sand and gravel because they have been interpreted to be minerals. Now I think that this legislation then, although it does involve retroactivity, it's a wholesome type of retroactivity, is something as I say that should have been done many, many years ago. It was certainly done in our sister provinces and why the previous administration didn't act ten years ago I know not, but I'm prepared, or this government is prepared to act now.

He was concerned, the Member from Brandon West was concerned about how this would affect the validity of the Torrens title system, the new system, the new title system. It won't affect it one iota, Mr. Speaker. I have an assurance from all of the District Registrars that I have spoken to that they know of no instance where there was a title issued for sand and gravel, but where there has been, then the assurance fund will be there and if it's necessary to increase the limits, if there's any problem we'll face that problem and I think we'll face it with equity, but we are not going to put off rectifying a problem that has existed for many, many years just because it's somewhat of a nuisance to have to contend with these things. This is the kind of government that is prepared to face some risks and to do things for people, even people in southwestern Manitoba where we don't have too many members or too much representation, but maybe that will change.

The Honourable Member from Brandon West I don't know where he stood; he spoke at some length and I didn't hear him say that he was for the bill or against it. He was pretty negative about it, but he didn't indicate which way at all he was going to vote. Now the Member from Birtle-Russell was something else again, Mr. Speaker. He saw in this bill some plot, some mischief, his suspicious mind was at work wondering whether or not there is some devious plan to get more money for the government. --(Interjection)-- No I wasn't surprised. It's characteristic of the Member for Birtle-Russell that he thinks that when government does something it's doing something to hurt the people. That's his attitude towards government. The attitude of government on this side is that we have to be an agency to do things positively for people and not negatively. That is our whole approach to legislation in this house and I reject categorically the kind of thinking and the kind of attitude that is typified by the Member from Birtle-Russell when he speaks. He was looking, Mr. Speaker, for some hidden motive, concerned about this diminishing resource and so on. And he was suggesting that perhaps now we're going to sharpen our pencils and pens in respect to assessment and make greater evaluation in respect to assessments because they have sand and gravel beneath them. Well those sand and gravel rights have been there for years and they are well known and I don't think the assessors have been affected very much by those interests at all. So I think that he worries for nought. Perhaps his worries are vocalized just to be negative about what otherwise is extremely positive and very helpful legislation.

There was one concern that I think was legitimate on his part, and that was what has been in the past the unsightly condition that borrow pits have been left in. I think it's no tribute to those who have extracted sand and gravel that from time to time they've left holes in the ground that are unsightly scars, and I'm sure that through our department - that is our Department of Mines and Resources and Environment and our Department of Highways - that they'll take steps to rectify the problems that have resulted from an exploitation of this resource without a concern for the ecology.

Mr. Speaker, I know not what the Honourable Member for Rhineland is concerned about in respect to the problem with Federal Law, the Acts that are referred to in the bill dealing with the interests of the Crown are interests of the Province of Manitoba and not the Federal Crown. If there are any lands that are owned by the Federal Crown -- and there are substantial lands, for example, that are owned by the Federal Crown for bases, military bases, where lands are owned by Indian Reserves -- of course, this Act would not affect the rights of those people in those lands because the Province of Manitoba doesn't have jurisdiction over those Federal lands, where they are deemed to be Federal lands; but I don't see any problem.

(MR. MACKLING cont'd)

I think therefore, Mr. Speaker, in conclusion that this is responsible legislation. It's long overdue. It's certainly in the interests of the small landowners in southwestern Manitoba and I think that you'll hear when this bill gets to Law Amendments Committee, that municipalities from southwestern Manitoba -- I could read a very extensive list of representation that was made to the Law Reform Committee all very much in favour of the desirability of getting this legislation and getting it soon -- individuals who came forward, individual landowners who are concerned about finally getting clarification of their right to exploit sand and gravel, and many, many rural municipalities in southwestern Manitoba who wanted this matter clarified and clarified in this manner. The Law Reform Commission unanimously recommended this legislation to the House and, Mr. Speaker, I think it should be passed and passed within the support of all members of this House and I hope that the Honourable Members from Birtle-Russell, Brandon West were not speaking in representation of the attitude of the official opposition and that all members will vote in favour of this legislation.

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

MR. SPEAKER: The proposed motion of the Honourable Minister of Tourism and Recreation. The Honourable Member for Inkster.

MR. SIDNEY GREEN, Q. C. (Inkster): Mr. Speaker, I beg the indulgence of the House to have this matter stand until this evening. (Agreed)

MR. SPEAKER: The proposed motion of the Attorney-General. The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I have very few comments to make on Bill 51 An Act to amend The Real Property Act. I went through the Bill, it appears to me that it's streamlining to some extent the Real Property Act and more of a housekeeping legislation than anything else. However, I do wish to say at this time I would have hoped that the Attorney-General being a new Minister in this area, perhaps he would have really, really streamlined the operation of the registration of real property in the Province of Manitoba and look into it in much more detail than he has, because it still takes today for transfer of properties anywhere from two to three weeks. This is something that with the computer system that the government has in its possession at the present time, surely the operation of the Land Titles and the transfer of properties, registration of properties, perhaps needs updating much more than we see in this bill. I know that when I say the Minister does -- this is more of a housekeeping legislation doing away with keeping old records and, you know, files and so on, which I agree with and I support the bill -- but I wish he would have gone a little further and made the legislation or the bill much more meaningful in respect that as I said in the operation of registration of real property, the land titles operation and the whole operation of the Real Property Act. I'm sure that the Minister will be looking into that area but I would have hoped that he would have also done something in that respect.

MR. SPEAKER: The Attorney-General will be closing debate. The Honourable Minister.

MR. MACKLING: Mr. Speaker, I would like to respond to the comments of the members who have spoken on this bill. Again it is with regret that I note that the spokesman for the Progressive Conservative Party, the Official Opposition took a rather negative approach to this legislation. He was out of the House a few moments ago when I addressed my remarks in respect to his contribution dealing with the Sand and Gravel Act, but in respect to the Real Property Act and when he spoke there he did make a positive reference to a concern in respect to the possible erosion of the base of highways when gravel was extracted from property adjacent to the highway, and I think that's a legitimate concern.

However, it's my understanding that the Highways Branch secure sufficient right-of-way to so far as possible eliminate that problem, but if there was extremely heavy extraction to a very considerable depth as the honourable member indicates, then that could be a very real concern. I'm sure that my honourable colleague, who I think was in the House when he addressed his remarks would take a note of it, and certainly I have, and will make that observation to him. But other than that one positive contribution that he made, again his remarks were of the kind that were rather negative and suspicious. He's concerned about the bureaucracy in the Land Titles Office and the interdepartmental control in dealing with the number of plans perhaps that the registrars are going to ask for, enumerable copies of plans and so on.

Mr. Speaker, it's far from a desire to harass or interrupt or frustrate the workings of those who are dealing with land, it's to give some flexibility; in some instances duplicate plans will probably be more than sufficient, but in some instances where further copies of plans are

(MR. MACKLING cont'd) required for reference to other bodies, for clearance, for example, such as the Highway Traffic Board, another copy of the plan may be required and this amendment will make it possible to provide that flexibility without having it rigid in the Act that each case must have the plan in quadruplicate or triplicate. From time to time it will not be necessary to have plans in triplicate or quadruplicate and duplicate will be sufficient. That's the kind of practical legislation that we should have and that's what's being advocated here. It is not to create a greater bureaucracy or frustrate people in their dealings with land. -- (Interjection) -- The honourable suspicious Member from Birtle-Russell is confirming his suspicions to himself. I wonder sometimes, Mr. Speaker, when he gets up in the morning and looks at himself if he wonders whether or not he's really going to be able to face the end of the day because someone may be trying to do him in. I don't know, he seems to have a very suspicious attitude about life in general.

But, Mr. Speaker, the observation of the Honourable Member from Assiniboia, turning to that, I want to assure honourable members that it is possible to make administrative changes without changing the Real Property Act to facilitate the smooth flow of documentation, and such changes have been made. I have had consultations from time to time with the Registrar General and some many months ago some changes were made in the coordination of the work in the Land Titles Office and I can assure honourable members now that documentation is not inordinately delayed in the very effective and thorough review that is given to documentation that is necessary as a part of the Torrens Title System where government guarantees the accuracy of that title. It must be a thorough system but steps have been taken to make sure that documents are not held up for any protracted period of time. I think if the honourable member will consult with members of the legal fraternity he'll find that they are reasonably well pleased with the workings of the system as it now is after our having dialogued and discussed this matter at some length some time ago.

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

MR. PAULLEY: Bill No. 54, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Minister of Agriculture. The Honourable Member for La Verendrye.

MR. BARKMAN. Mr. Speaker, I find myself somewhat in a dilemma because I know the concern of the Minister and some of the concerns in this bill and I'm not very sure that we're going to be helping the farmer much more by trying to institute or bring in some more amendments as far as this bill is concerned. It seems to me that the intention is good here but it is going to be hard to keep because of where the responsibility is going to be put. When the responsibility is going to be put upon mostly the dealers, I think this is the part that I'm expressing that can cause some kind of a dilemma.

Now, Mr. Speaker, I think it was mentioned by members on this side of the House that most of us are sorry to see that we have to bring in new amendments in such a short while after Bill 113 was passed last year; perhaps it is necessary but like I say, I'm not quite sure if this is going to correct very much. However, I see quite a few hardships developing on the dealerships. I think we could mention a lot; I'm not going to this afternoon. I do believe though that there are some borderline cases in one of the principles, where for example a defective part is found and it can be proven that another part has been damaged because of this defective part, you're kind of starting to split hair and I can see where perhaps we can run into some problems of either policing or proving the matter. Although I realize in many cases it could be quite easily proven but I think we can run into some cases where it's going to be rather hard.

One of the other principles that I find hard to understand is the matter of describing the custom operator. I realize again the intention is good here but I think many of us that know custom operators will quite often operate perhaps ten times as many acres as will normal farmers with their normal usage. I realize that a custom operator is not defined as one till 50 percent or more of the work of the normal usage is done by this particular party, but if the figure I state loosely of ten times is involved, then if this custom operator has used it to the extent of 49 percent that machine has already received much more usage than a normal machine would. I can see where it is the intention of trying to protect the farmer and give him all the benefits possible but I find it hard to see where this really can be kept or where this is going to be kept, I think most of us are aware that especially in Manitoba - I think this is a known fact although I couldn't prove it - that our tractors are basically used quite a bit more than our friends in the next Province of Saskatchewan's farmer, I think this has been a proven factor.

(MR. BARKMAN cont'd) I say this because I believe that part of the bill was perhaps followed from the Saskatchewan bill, although I have not checked this, but I thought this might be the case. I think it's quite a fact that our farmers use our Manitoba tractors more -- are used more and longer hours than they are in Saskatchewan. This is going to somewhat increase that hardship for the dealer.

I must say that I'm very happy to see in the bill that a bond is required by the dealer; I'm not at all worried that \$10,000 is too high, I think there's many cases of course it's up to the option of the Minister, I understand, it can be raised. I think this is a good point and I don't think that any legitimate dealers are going to complain about this at all. In fact it could wipe out perhaps a few of the dealers that should have been bonded some time ago and got away with certain stuff that wasn't favorable to the farmer; although I have never heard of too many implement dealers operating on that basis.

Mr. Speaker, while the intention is good of this bill and while there are improvements in it, I have to come back -- oh I wish to bring up one other point before I go to that point. That is the matter of transportation. I think the Minister is aware and many of you are aware that in certain cases where there may be disagreement or repossession or otherwise the dealer in the first place today has to have a lot of expensive equipment before he can really be, or calling himself an established dealer. I think it's quite common that an implement dealer must have a ten or twelve or fifteen thousand dollar truck for operations to haul some of the equipment, and I have no objection, take in the case of an 18 foot swather or so; I have no objection that the farmer, for example, has a different rule applying to him hauling that swather than an implement dealer. I understand that as far as a farmer is concerned as long as he keeps that implement beside the white line of a highway this is allowable, where of course a dealer it would not be allowable and he requires quite expensive equipment to haul some of this equipment that is being sold.

Now, Mr. Speaker, I think it's fair to say that while our dealers and most of our dealerships have become very important to the community life that they are established in and I fear very much that we're having problems right now of keeping the dealerships, that we will see even more leave these communities. I do not say that it is going to be completely because of this bill because that wouldn't be fair, but I for one cannot see, unless the prices are going to be increased to the farmer and then all this, this whole bill destroys its intention, I cannot see how a dealership can give much more service than they're giving right now without increasing the price of that implement. And it is important, very important to many communities to keep these people on because they are part and parcel of the community they are living in.

But I would like to say, Mr. Speaker, that there is no doubt in my mind that as these requirements will have to be fulfilled, as the cost of operation to the dealer is concerned is going to rise, so will the prices of implements have to rise and I think we all realize this is exactly what we don't want to happen. I thought for awhile there's really nothing in the bill that relates back to the parent company and I read up on some commission studies and I don't regularly take note of the profits made by these companies but on some of the reports that I read - they date back as far as 1938 - there really seems to be none of the so-called huge companies making any kind of a huge profit. In one report I noticed the one with the most profit was only getting a net return of approximately 6 to 6 1/2 percent while quite a few of the other companies - and they were large companies, I do not wish to name them by name but they were amongst the four largest companies -- were getting a return of approximately 3 and 3 1/2 percent. Now I realize that this is a matter sometimes of bookkeeping although this Commission was well aware of what they were doing, I realize that some of this has also gone into dividends and this could be disputed. But, however, I think the final result will end up we are trying hard to protect the farmer, we're trying hard to give him protection from things that have happened over the years, but I am very much afraid that whatever protection we can give him that he will have to pay for this protection and that kind of defeats the principle of this bill.

However, I think our group is willing to go along with the bill; we would like to hear what the dealers and other people have to say between second and third reading, therefore at this time, Mr. Speaker, I do hope that they are represented and something can be worked out.

MR. DEPUTY SPEAKER: The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Mr. Speaker, I go along with the remarks of the Member from La Verendrye but on this bill I think there is something that isn't in it that I

(MR. HENDERSON cont'd) would have liked to have seen in it, and this is where companies close out dealers. Because the farmers are not really having the trouble with the dealers -- the trouble that they have with the dealers is because they're having trouble with their parent companies. This is why they often don't give the service. I think any new legislation should be aimed at trying to tie up the companies in a way with their dealers so as we don't get into these mix-ups. One think that is wrong is when a company takes a notion to close out a dealer, he's only got one month and all these accounts become due. If they foreclose on a large implement dealer in the middle of the winter, he's only got one month to raise that total sum of money. Now anybody that's been out in the country knows well that you can't sell a combine or a swather or any of these implements in the winter, it's just impossible. And all the companies if they take this notion, is interested in, is foreclosing them out, whatever the stuff brings when its put up for public auction they receive and the machine man has to put up the balance. And this is wrong because he should be able to keep these implements into the proper season or possibly have the full year to dispose of them, because you can't sell a combine in the month of February. I would hope that when the dealers come in that there's some of them speak about this because I know that there's been people in my area that's had this trouble. Other than that I'm looking forward to seeing it go to committee and I'll be glad to hear from the dealers and the farmers and the machine men at that time.

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

MR. EARL McKELLAR (Souris-Killarney): I'd just like to say a word on this Bill 54. As mentioned by the last speaker I'd like to see this go to committee and hear the various agents, dealers in the Province of Manitoba express themselves on many of the sections of this bill.

The one section that bothers me a lot, because I think this will increase the cost of machinery for the farmers in Manitoba, is Section 6, which extends the warranty to three years for tractors and combines. Well I'm all in favour of having three years' warranty on my tractor and combine, providing I can get the tractor and combine at the same price as what I'm getting it now. I did buy a new tractor last fall, it cost over \$11,000, and I got one year's warranty. And I suppose I'll have about 700 hours on that tractor by the end of the year. But I would imagine that if we're going to give three years' warranty on all tractors and combines especially tractors, this will really create a problem for the dealers in the Province of Manitoba. And I would suggest to the Minister that he take a look -- and instead of having three years, use the word 1000 hours, 1000 hours' warranty. For some people that will be three years -- for some people it will; for other people it'll be one year. But I tell you, Mr. Minister, we don't want any higher priced machinery than we got right now -- and I can assure you that putting three years' warranty on here, you're going to be the one that's going to increase that price of machinery for the farmers of the Province of Manitoba. It won't be the dealers; it'll be the Minister of Agriculture.

Another factor that disturbs me a little -- and maybe I shouldn't be disturbed, because in order that I might do business in the Province of Manitoba, I do have to have a licence. But I see also here that all the dealers have to have a licence in the Province of Manitoba and also be bonded. Well, for some people that will be all right -- I guess the bigger dealers, because they have to have protection and they should protect the consumer too, and this is what the bond is there for. But for some people this will be an added cost for their operation too. Because 20,000 -- is it 10 thousand or 20 thousand -- dollar bond, I forget what the -- minimum 10,000. You don't get a 10 thousand-dollar bond for nothing, I can assure you that. I don't sell them, but I know for many it varies, it varies, for the purpose of which you are going to do business. But it's an added cost, an added cost.

Mr. Speaker, there's other sections in here I see where the dealer has to stay open from 8 o'clock in the morning till 10 o'clock at night 12 months of the year, six days a week. I don't know whether that was the intention of the Minister or not, but it's in the bill. Also warranty and parts, one year's warranty on parts, that's all parts that are purchased. And there's other sections here that do involve the dealer in many ways.

So those few words, Mr. Speaker, I guess I'll sit down and let other people, other members here speak on this very important bill. But before I close, I wish the Minister would pass this bill in second reading and use his agricultural committee to go around the province and see the farmers what they want. The farmers won't be in here, the farmers won't be in here; let's be honest, the farmers won't be here. Farmers even don't know about this bill, and it's impossible for them to know about it because we'll be dealing with it the next 10 days. So I

(MR. McKELLAR cont'd) think it's right and proper -- if you're going to cure the problems next year -- what difference does it make for another year? Take it around, let the farmers discuss it, see what they think about it. I wasn't on the Agricultural Committee last year, Mr. Speaker, and I haven't even seen -- I don't think the report really said anything, the report of the Agricultural Committee -- and we haven't concurred on the Agricultural Committee's report, and I don't when that resolution's coming forth. But I don't know whether the farmers in Manitoba asked for a three years' warranty. I don't know if they asked that the dealers be bonded in the Province of Manitoba. I don't know whether they asked that the dealers be licensed in the Province of Manitoba. So in a few words, Mr. Speaker, maybe the Minister can answer those questions when he closes debate.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: 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.

MR. PAULLEY: Bill No. 65, Mr. Speaker.

MR. SPEAKER: Proposed motion of the Honourable Attorney-General, Honourable Member for Assiniboia.

MR. PATRICK: Can I have this matter stand, Mr. Speaker?

MR. SPEAKER: (Agreed)

MR. PAULLEY: Bill No. 67, Mr. Speaker.

MR. SPEAKER: Proposed motion of the Honourable Minister of Tourism and Recreation The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: Mr. Speaker, I listened with interest to what the Minister said about Bill 67 -- and generally I'm in agreement, but there was two minor points I would like to make. First of all the purposes of the Museum and Man and his Nature Act 67, they list and I read: a) to serve as an educational institution, which is desirable; b) to establish and maintain a museum and a planetarium; c) to exhibit collections; d) to conduct research and; e) to perform all functions normally and usually performed by a museum or a planetarium. I would like to suggest to the Minister that he has left out one important clause, and that is that there should be concerted effort to try and encourage all the citizens of Manitoba to attend or take part in the corporation's affairs. It seems to me that right next door we have a very fine edifice in the Concert Hall -- and I know that every year they publish an impressive list of figures of people who have attended throughout the year -- but I think if we take the number of people who have attended the Concert Hall over the past three or four years, we will notice an impressive number of repeaters; an impressive number of people who can afford 4 or 5, 6 dollars a seat -- and really is the Concert Hall, which was built by taxpayers' money, is it performing the function which the promoters who were trying to promote the operation had envisaged? Really I don't think so. I don't think that the people of the province have been encouraged to feel that they have a place of their own to go there -- and surely a Museum of Man and Nature doesn't keep the prices down -- doesn't promote to the ordinary person -- doesn't encourage out-of-towners and rural Manitobans to come in, then really the Government has no business in fostering an operation such as this no matter how worthy. So I caution the government. There should be a new direction taken and a new look taken at both Man and Nature Museum and at the Concert Hall operation, where a more intensive effort should be made to get rural Manitobans and those of modest incomes to take a part in these two operations.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, the Honourable the Minister of Tourism and Recreation unavoidably is absent at the present time. But I do want to say on his behalf to the Honourable the Member for Portage la Prairie that we consider the points raised by him as being valid. And we have the assurance -- that is I can speak from our discussions with my colleagues in Cabinet and caucus, that we agree with the points raised by the Honourable Member for Portage; that here we have a complex that is well worthwhile; that it will and can perform a very useful service to the citizens of Manitoba -- and in particular, as my friend from Portage la Prairie, has just said, Mr. Speaker, in rural Manitoba. I do know that it is the intention of the present Minister of Tourism, who hasn't been a Minister for such a tremendously long period of time, to advertise the contents of the Museum wide and far and to invite people to come to see what is now being offered in the province. And I suggest, Sir, this also goes for the Centennial Concert Hall. It is our hope -- when I say our, of course, I'm speaking as one of the members of the Treasury Bench -- to make provisions for the expanded use of the

(MR. PAULLEY cont'd) . . . facilities on Main Street; the Centennial Hall, the Concert Hall and the Museum of Man and Nature. So in the absence of the Honourable the Minister, Mr. Speaker, I want to assure my honourable friend that we have this under active consideration, and that if it is agreeable with the members of the House this bill could go to committee for further consideration. In conclusion, I want to assure my honourable friend the points he raised are valid, they're worthwhile considering, and that they will be considered.

MR. SPEAKER: The Honourable Member for Churchill.

MR. GORDON W. BEARD (Churchill): I beg to move, seconded by the Honourable Member for La Verendrye, that the debate be adjourned.

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

MR. SPEAKER: Proposed motion of the Honourable Minister of Labour. The Honourable Member for Charleswood. Bill No. 68.

MR. ARTHUR MOUG (Charleswood): Stand -- in my name for the Member for Emerson.

MR. SPEAKER: Order, please. I didn't hear the Honourable Member for Charleswood.

MR. MOUG: I held the bill in my name for the Member for Emerson.

MR. PAULLEY: I was discussing with the Honourable Member for Charleswood. I thought he was going to stand at this time, that's all.

MR. SPEAKER: The Honourable Member for Emerson . . . With the understanding that the bill will stay in the name of the Honourable Member for Charleswood -- No?

MR. JORGENSEN: No, Mr. Speaker, the Member for Charleswood stood that bill for the Member for Emerson, who is now prepared to speak.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Yes, Mr. Speaker, if we're all agreed, then maybe we can proceed with Bill 68, which is basically a bill to improve the Vacations With Pay Act. The bill is not a complicated measure in itself, in principle it's rather simple. It specifies that an employer who has had an employee in his employment for a period of five years, he will after five years be compelled to pay him three weeks of holidays instead of the present two. And of course the Act is a little more lengthy than that because it has to deal with the cases of employees changing over, and what the responsibilities of the new employer will be when he takes over the firm and so on. But basically the principle is a rather simple one.

We have no strong objections to this kind of bill. We are under the impression that in many cases, maybe even in most cases in Manitoba, employees who are now working for the same employer for a period of five years are probably in many cases at least getting three weeks' holiday already anyway. I want to congratulate the Minister, not so much on the bill itself, Mr. Speaker, but on bringing this bill in early in the House so that we could have a look at it before the dying moments of the session. I appreciate very much that kind of measure, and I wish to acknowledge that this kind of bill was introduced in the House at the proper time, given proper consideration, and now we all know what we are talking about. So without belabouring the fact, Mr. Speaker, we would like to see this bill go on to the second stage, that of committee, and we will not be opposing it.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: I beg to move, seconded by the Honourable Member for Portage, that debate be adjourned.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Bill No. 70, Mr. Speaker, proposed by the Honourable Member for Thompson. I explained to the honourable member -- if I may -- just by a few words, that the honourable the Minister was not able to be present but notes will be made of the remarks.

MR. SPEAKER: Proposed motion of the Honourable Minister of Tourism and Recreation. The Honourable Member for Thompson.

MR. JOSEPH P. BOROWSKI (Thompson): Mr. Speaker, I regret very much that first of all I have to make this speech, and secondly, that the Minister responsible for piloting this pornographic bill is not here. But I hope that they will read Hansard and I hope that the press reports it. Perhaps he'll read it in the press.

May I start off, Mr. Speaker, by reading part of a letter addressed to the Premier in Cabinet, and I just simply quote a part of it.

MR. SPEAKER: Is the letter signed?

MR. BOROWSKI: Yes. I simply cannot accept the Government's casual stand and character destroying dirty and degrading pornography that is sold in our newstands and is shown in theatres - or put out by the University paper, The Manitoban April 2, 1971. Mr. Speaker, this letter was written September 8th last year. Some may remember that particular day and the letter. Looking back, Mr. Speaker, things haven't really changed a lot since I resigned from the Cabinet. The government, rather than retrenching and rethinking their position on some of the social and moral issues facing society, seem to be going forward and trying to make Manitoba the Sodom and Gomorrah of North America.

Last week, Mr. Speaker, I praised the Government. I praised several Ministers for bringing in good legislation - the Workmen's Compensation; the Jury Act - because this is legislation that working men and women have waited for for decades. Today, Mr. Speaker, I'm going to condemn the government because they deserve to be condemned, not just in my humble opinion, but I suggest that in the opinion of the majority of the people in Manitoba. This Bill 70, which is going to open the floodgates, cannot go unchallenged, Mr. Speaker. Certainly I am going to do everything in my power to see to it that it's defeated. I know the opposition, Mr. Speaker, is determined to displace this government because they feel - for perhaps different reasons - that this government should not sit on this side. Well I think the opposition has a golden opportunity to accomplish just that and I promise them that I will assist them.

On June 12, 1972, Page 2883 - and this is Hansard, Mr. Speaker, the Minister said in introducing this Bill, and I quote: "I believe in censorship only on one condition - if I could do the censoring myself. And I'm sure that there's 57 members in this House that feel exactly the same as I do, and I'm sure that all the members of the press and radio feel the same way." Well, Mr. Speaker, that's a pretty incredible statement for an intelligent - and I believe he's intelligent - person to make, particularly that he is a Minister of the Crown. I wonder what the House and the people of Manitoba would say if the Minister of Inkster got up and said: "I will support aid to schools on condition that I write the curriculum" - or something to that effect. That's pretty ludicrous. But that is precisely what the Minister is saying in making that statement - and I say, Mr. Speaker, that it's a cop-out - and that this Minister and the Government could perhaps properly be called moral draft dodgers. They are copping out; they are not doing what they are supposed to; they are running away from the issue by making the kind of a ridiculous statement to rationalize their position. And it's really unfortunate, Mr. Speaker, because I know the Minister, the Minister of Censorship - and the Premier . . .

MR. SPEAKER: Order, please. I would like to indicate to the honourable member that he should use the correct titles of honourable members of this House.

MR. BOROWSKI: You're right, Mr. Speaker. I have difficulty remembering the departments - names have been changed so frequently - Minister of Cultural Affairs.

I know that the Minister, as the Premier, are dead against the filth and the erotica that's shown in this province. That's the great pity of this whole thing that's happening, Mr. Speaker, that being against it, yet they are the very people that are going to legalize it, give it license. It seems to me, Mr. Speaker, that they are lacking in courage - perhaps I could use a stronger word - and they are being influenced and pushed by the pornocrats in Cabinet who are bound and determined that they are going to foist their view on the whole of Manitoba, rather than listen to what the views of Manitobans are. I hope that the Premier and the Minister of Cultural Affairs will take a tougher stand and will reaffirm, particularly the Premier, will reaffirm his position that I am leader and as long as I am leader there's certain things this province and this government will not tolerate. I hope that the Premier does that. If he does not - God help Manitoba.

Mr. Speaker, I've got most of my things that I have to say typed out. I could not risk speaking off the cuff as I usually do because I think the issue is too important, so you'll forgive me if I sound perhaps monotonous while I'm reading some of the things I have to say here.

(MR. BOROWSKI cont'd.)

I find it strange, Mr. Speaker, that this government sees no difficulty - and I'm talking about the double standard and inconsistency of banning particular foods, food colouring, whether it's in margarine or in butter, cyclamates - they have no objection in saying to the people that you must do this and not do that, eat this and not do that because it concerns our belly, it doesn't bother them to do that. But when it comes to the question, the most important question I think in society, of what is shown and what is taught, and what is distributed, that somehow we say we have no right, we have no right to tell the people what they should read. That's a pretty incredible and hypocritical situation to take. And I know some of the Ministers take the position that it's a question of civil rights. But, Mr. Speaker, I ask you to consider where Bertha Rand's civil rights were when they said you can't have any more than three cats? And what about the people that discount cheques downtown; you can go in and they'll take your Unemployment Cheque or Income Tax Cheque and for 50 percent you can get cash money. This government is going to enact legislation to prevent that, and I support that, but you know, using their argument and the analogy there, Mr. Speaker, what right do they have to interfere between two consenting parties? Yet we say we are going to do these things.

Mr. Speaker, I could read down a whole list of items that this government does and say we are doing it because we believe it's for the greater good of the individual himself - in other words, we're prepared to protect the individual against himself - but when it comes to questions of television, censorship or press censorship or movie censorship this government cops out.

I know I'll be accused of being righteous and dogmatic as the Member for Churchill said in his speech, Mr. Speaker, but I ask you and the members here to consider, who is being righteous and dogmatic in trying to ram his narrow-minded philosophy and morals down anybody's gullet? Not me, Sir, I'm not sponsoring this bill. The bill is being brought in by this government. The Censor Board that we have presently I didn't put it there, so no one surely can accuse me of trying to force my moral standards down anybody's throat. We have had censorship boards across Canada since this country was a country. It was never brought in by the New Democrats, it was brought in by other governments. And we have had it for three years. Douglas was in Saskatchewan for twenty years, he had a censor board. But, Mr. Speaker, it's not me that's trying to ram my moral standard, it's this government trying to ram their alleycat philosophy down the throats of Manitobans by the enactment of that Bill. They have the gall and the audacity to say to me - you have no right to tell me what I can see or I can read; but it's all right for them to do it. This is what's happening, Mr. Speaker, and I ask you, and I say to you, that I am not the righteous one, I am not the one that's trying to pretend I'm holier than thou and I'm going to decide what you're going to see. I never said that. I have continued to say we have a Censor Board that was established probably by the Liberal government, perhaps the Campbell government, I don't know - it's been there a long time - and every government that has come into office has appointed people to the board and they're really the censors. They're the judge, jury and executioner and people have accepted that for decades and other countries for centuries, Mr. Speaker. So let it not be said, as it has been said by people in this party and on the front bench, that I'm the one that's trying to ram my morality down anybody's throat because that is not true. I have never attempted to do that.

Mr. Speaker, before I start quoting, I'd like to also pose the proposition to our Attorney-General about the double standard. I have two clippings before me that were taken out of the local paper and one headline is "October 21, 1971 City Firm fined \$3,000 for obscene material". This firm, I'm not going to mention the name, was fined \$3,000 in Winnipeg for having in its possession obscene written material for purpose of publication. In addition they were fined \$150 costs on the same charge and they pleaded guilty. The other headline is and this is May 19, 1972, "Woman jailed for obscenity. Four months charge of possession of obscene literature for sale and sale of an obscene film".

Mr. Speaker, it's funny, as I indicated on Friday that certain people are going to get their hotels closed down for three days which costs a great deal of money because they violated some law - sometimes quite innocently - others get thrown in jail. Well here's a case where this government, and I commend them for it, have put people in jail, one of them I believe two years ago was fined \$10,000 for selling obscene material. Is that not a double standard? If you sell the stuff on a newstand you are a dirty criminal and they fine you and lock you up. If you show it in a movie theatre, that's fine - the Attorney-General shrugs his shoulders and says well what can I do about it, it's very difficult to convict people on that basis. They didn't

(MR. BOROWSKI cont'd.) have any difficulty in Saskatchewan, Mr. Speaker, when they fined a theatre \$10,000 for showing the Stewardesses, they never had any difficulty. And in the final analysis we'll always have to resort to the courts, if a board, an appointed board can't resolve it, we have made provisions in the license suspension appeal board and the trucking board and I suppose just about every board we have, that there is one final appeal and that is to appeal to the courts. This government's not prepared to do that. They are going to make the decision and there will be no appeals to anybody. They have decided that there is going to be a wide open Manitoba so every pervert in the world, that his twisted mind can come up with some garbage, is going to have more rights than the legislatures and the courts and the people by having this stuff brought into Manitoba and peddled for all to see.

Mr. Speaker, I'd like to quote from the experts. I've never pretended to be an expert on pornography and I don't want to rest my case, nor argue on the basis of what I think or what I feel or what I know. I would like to quote some of the experts in the world that have made it a lifetime job to study the effects of pornography. The first one I'd like to quote is from the Reader's Digest November 1971 and the heading is "Some illuminating opinions regarding the relationship of pornography and sex crime is advanced by the world's foremost authorities and offenders themselves." I'm just going to quote briefly from it because I don't intend to take all day quoting everything the experts have to say but I think it's important that we should give some weight to their opinions.

"For the past few years while doing research as a professional writer I have conducted a study into the possible relationship between pornography and sex crime and talked with a large number of sex offenders and know what they themselves have to say on this score. My conversation took place at Wampoon Prison in Wisconsin one of the first 1951 public institutions in the world to provide intensive treatment for the men convicted of sex crimes at the Cadre State Hospital in California which treated mentally disordered offenders in both places. I sat in on therapy and other sessions and was permitted private interviews.

"In the therapy group at Wampoon Prison I asked if the recent sex explosion had conceivably led to more sex crimes and one of the members that he interviewed said that he had been deeply affected by the things he read and saw. You want to practise what you have been reading. I used to like to go to movies but I had to stop seeing the new sexy ones because they would make me want to go out and rape someone.

"All the convicted rapists at 18 agreed that sex offenders found it hard to form healthy relationships with the opposite sex, getting the idea from pornography that all women are eager for sex at all times they start right in to make the conquest and when repulsed take it as a personal rejection and rape the woman in retaliation. Pornography gives a false lying impression of sex and the way normal civilized men and women behave. The unavoidable fact is that pornography sets up sexually sick people as models of behaviour and emphasizes beastiality, perversion, cruelty, as if that were normal."

And finally in this article, Mr. Speaker, a doctor Frederick Wartham a consulting psychiatrist at Queen's Hospital Centre, New York city, and a leading authority on sex crime agrees, and he believes that it is necessary to distinguish sharply between ordinary pornography dealing with normal sex activities and sadistic violent pornography.

"Ordinary kind may be objectionable" he says "But it cannot be cited as a cause of sex crime. Sadistic literature has a progressively harmful effect and by and large the trend in pornographic literature is towards sadism and brutality." Mr. Speaker, this is from the Reader's Digest which has spent many years and has had many articles written in their publication dealing with this matter.

I would like to deal with some of the things experts said in the Shafely report. I don't know what the Shafely report is except it was some commission apparently financed by state government to do an indepth study and it was reprinted in the Mindszenty report which is the Cardinal Mindszenty Foundation. They had reprinted this Shafely report. I'd like to quote some of the things from it and I think it's important, Mr. Speaker, because unfortunately whether we like it or not, the court decisions made in the United States do have an effect here and it's often been said by various people in Manitoba and elsewhere "how do you define pornography". They have not been able to do it in the United States and it was finally discovered that the Constitution indeed did not prohibit the showing of pornography. I think it's vital to get the background information on how this thing came about which finally has come to be accepted as the norm in Manitoba and on which some of our judicial decisions have been based directly as a result of this, and I quote from this report.

(MR. BOROWSKI cont'd.)

The report of the presidential - first of all it deals with the Presidential Commission on Obscenity and Pornography, and they're indicating their displeasure with the findings which is natural. I simply read this thing in because there is an indication there was fraud involved in this commission. They claim it was a fraud and an outrageous attack on morality and will result in additional financial profits of \$2 billion for the smut racket. "Congress finds that traffic in obscenity and pornography is a matter of national concern. It is the purpose of the Act to establish an advisory commission whose purpose will be to recommend advisable, appropriate, effective and constitutional means to deal effectively with such traffic in obscenity and pornography. The Commission also used funds to hire an executive of the American Civil Liberties Union and I think anybody who has been paying attention to their activities will realize that if it is not Communist dominated, it is awful close to it because 90 percent of their cases I am told deal with taking up the cudgels to defend Communists and racketeers in the United States. Chief counsel, Charles Keating, the only commission member appointed by President Nixon describes this as like putting a burglar in charge of jewels." I suppose if one wanted to paraphrase this in Manitoba - putting this government in charge of pornography would have the equivalent effect.

"Keating was referring to the long ACUU record of opposing enforcement of anti-obscenity laws. Also appointed as commission members were an attorney for the Motion Picture Association of America and the vice-president of the book company which published the pornographic best seller "Do It" by one of the convicted Chicago seven Gerry Rubin. This constituted further stacking of the Commission because those appointed had a vested interest in a commission report which would not interfere with the very profitable X-rated movies or the sex book business. The Commission ignored the report of a team of sex researchers with excellent academic credentials which concluded that pornography does play a significant role in relation to criminal acts of sexual nature. The report from Dr. Keith E. Davis, Chairman of the Rogers University, Psychology Department, and George M. Browse of the University of Colorado concluded that young boys exposed to erotica material before the age of 14 may develop deviant sex behaviour. Their findings were based on a study of 365 men between the ages of 18 and 30, a significant number in any scientific experiment. Psycho sexual disturbances do not result from lack of sex knowledge either early or late in life. Paradoxically detailed public schooling in those matters is prone to produce the very abnormalities that proponents of sex programs say they wish to prevent. In my experience as a physician with not an inconsiderable number of young patients, I find the overly informed youths are the ones most likely to have sex problems.

"The commission also has ignored the testimony of Dr. Victor Cline of the University of Utah who stated that pornography does not cause anti-social conduct. On the contrary books have changed the conduct of millions of men and women Dr. Cline says citing Karl Marx "Das Capital". Other books of great significance which include the Bible, Hitler's "Mein Kamp" and more recently Rachel Carson's "Silent Spring" which sparked the whole issue of environmental control, and Ralph Nader's "Unsafe at any Speed", which led to a critical examination of automobile safety."

Mr. Speaker, it's boring quoting these things but there are people in government and in positions who really believe that what you read and the books that are sold on news stands do not have any effect on the reader. I think when we have listened to what these experts have to say we'll find that that is a great fallacy and I think the Member for Inkster when he speaks - and I'm sure he will - will indicate that books have had an influence in his life as they have in mine.

The multi-billion dollar advertising industry is built on the assumption that the printed and illustrated words do influence the conduct of people. Playboy magazine has proven this with its revenues rising from one and a half million dollars in 1959 to 32 and a half million dollars in 1969. It is ridiculous for the Commission to say in effect that although the ads in Playboy do influence its readers Playboy pornographic pictures and text do not. In no business has the return on invested capital been greater with profit margins of up to 10,000 percent. The Swedish sex movie "I am Curious - Yellow" cost only \$160,000 to film; to date it has made \$5 million. The lawyers and psychiatrists who defend smut in court also get rich. Grove Press spent more than half a million dollars in legal fees to obtain a two to one decision in the US Court of Appeal reversing a ruling against a Swedish sex film "I am Curious - Yellow". This decision overruled a splendid decision of the lower court that the movie was obscene which was handed down by Judge Thomas Murphy the successful prosecutor of Alger Hiss. Producers of the sex film

(MR. BOROWSKI cont'd.) "Man and Wife" have paid legal fees amounting to \$1 million. The Wall Street Journal recently described a 28 year old lawyer, who has been out of law school only two years and is already earning \$200,000 in annual fees defending smut sellers. One of the highest paid lawyers in the United States, Stanley Fleishmann, is reported to earn more than a quarter of a million dollars a year defending dealers in court. One of the highly paid lawyers of the smut publishing business, Charles Rombar has bragged in this book called "The End of Obscenity" - and this is the one that has had such a tremendous influence in the decisions in Canada, Mr. Speaker; how he persuaded a U.S. Supreme Court to so weaken our anti pornography laws that there is no longer a law of obscenity.

In 1957, a landmark case called, "Ruth versus U.S." the Supreme Court said, "Implicit in the history of the First Amendment is a rejection of obscenity, is utterly without redeeming social importance. We hold that obscenity is not within the constitutionally protected speech or press. What the "Ruth" decision meant by this was that obscenity has no social importance whatsoever, and is not protected by the First Amendment. A pudding which contains arsenic has no nutritional value." Charles Rombar boasts in his book that he persuaded the Supreme Court to change this rule to read: "A word cannot be proscribed unless it is found to be utterly without social value." This language was adopted in a 1966 case called "Woman of Pleasure versus Massachusetts", sometimes known as the Fanny Hill Case. Under this new rule - Rombar clients - the book Fanny Hill was held not obscene because the prostitute reformed on the last pages of the book. Ironically, the word pornography is derived from two Greek words meaning "writing about harlots", and Fanny Hill, Woman of Pleasure was precisely that - and so is this bill, Mr. Speaker. In his book, Rombar boasts how he was the architect of the change in the Supreme Court rule. It looked like a minor change of semantics, changing social importance to social value and transposing the word "utterly" to another part of the sentence - but the result was the beginning of a social value racket which has now grown to such a ridiculous extreme that all the pornographer has to do is to insert a few social or literary passages and his poison, his obscenity is quoted with the constitution.

Well, Mr. Speaker, this is precisely what we're going to do in this bill in Bill 70.

I'd like to read a couple of more passages before I read the two pages that I have written, Mr. Speaker, and these are also by experts. I think I've argued in this Legislature before, Mr. Speaker, that some members have indicated that if you let the floodgates wide open, that the people get tired of it and they won't bother looking at it; and they also point to Denmark, where there's been a decrease in sexual crimes because of the lowering of the barrier - and I'd just like to quote this for the record to indicate that this is not so: "Oh, Calcutta" was tasteless, boring, dull and dull, but did that keep the crowds away? Not at all. Legalization of smut then is not the solution to the problem.

And the other statement deals with: Sex crimes have not decreased in Denmark since the legalization of pornography. A statistical decrease of 31 percent in sex crimes was due to the fact that statutory rape, sales of pornography and voyeurism are no longer considered crimes. So, Mr. Speaker, what happened is that simply what was a crime yesterday was not today and therefore those that push pornography point to these statistics indicating that there was a 31 percent decrease. The fact is there has been an increase except it's not a crime anymore.

Herbert W. Case, former Detroit police inspector stated the following: "There has not been a sex murder in the history of our department in which the killer was not an avid reader of lewd magazines."

Police Chief Paul E. Bloom of Phoenix, Arizona, stated: "Our city has experienced many crimes of sexual deviation such as child molestation and indecent exposure. We find that most of those deviates read obscene material."

Dr. Max Levin, Clinical Professor of Neurology at New York Medical College and Medical Digest had this to say: "Let us not delude ourselves that pornography is a beneficial outlet for unwholesome sex tendencies. The smut merchants have no medals coming to them. They're not to be regarded as benefactors contributing to mental health, on the contrary they're crippling our youngsters." It has often been said, you are what you read. If you know what a person reads, you can pretty well determine his character, or lack of it. The whole educational system of the western world with its schools, teachers, and thousands of textbooks, refutes the silly argument that reading habits and viewing habits do not affect attitudes. Walter Lippmann has written recently, "A continual exposure of a generation to the commercial", obviously he didn't write it since he died, "a continual exposure of a generation to the commercial exploitation of the enjoyment of violence and cruelty is one way to erode the foundation

(MR. BOROWSKI cont'd.) of a civilized society."

In Schlesinger's "America in the 60's", the corrosion has happened, he claims. Our first TV educated generation is now manning the barricades in college campuses across the land. And finally, "Television", the Commission continued, "enters powerfully into the learning process of children and teaches them a set of morals and social values about violence which are inconsistent with the standards of a civilized society."

Mr. Speaker, I have another clipping here which I think would be of some interest. It's the Free Press, April 25, 1972. The headline is "Archie gets his lumps. The CBC Television Series, "All in the Family" in which Archie Bunker is a blue-collar worker who makes racial and ethnic slurs is creating a new freedom to be offensive," says Rabbi J. L . . . , President of AGC. The Rabbi said a major sin of the television show is that it is teaching our children disrespect, and I'm simply quoting part of the press clipping, Mr. Speaker. There is no such thing as a harmless bigot anymore than there is such a thing as a friendly cancer or a benign drug pusher, or a lovable murderer or rapist. Rabbi L . . . said Monday in the organization's official publication, Congress Bi-weekly, "when policemen are pigs, they are fair game for slaughter." Rabbi L . . . said, "When Polacks are stupid, sub-human beings, when Kikes are shrewd, and Dagoes or Wops are sly and murderous, there is only one step from the epithet to contempt, and another step to discrimination, and another step to persecution, and the final step to the gas chamber in a systematic extermination." Well, Mr. Chairman, we have several Jewish members here, a couple of Ministers in this Assembly, and I hope if they do not listen to me that they will at least listen to their Rabbis because they have been persecuted more than any nation in the history of the world. Some of them are saying, "Let's open the floodgates and sell anything, no holds barred." But, Mr. Chairman, I predict without meaning to appear like a prophet that in a few years they will show movies that will depict Jews as swine, as rotten S.O.B.s, and I ask those to consider. Will they then get up and say, "Well it's freedom of speech, there's no censorship, anything can be shown in Manitoba." We have films, Mr. Speaker, shown in this country today that depict our clergy, our churches and our religion as obscene, immoral, greedy, inhuman; we hear the worst type of sacreligious words uttered against our religions - and it's happened on television, but more so on television. We object to it and we are fighting, complaining now. The Jewish community has not been faced with that. But, Mr. Speaker, if we allow censorship to be removed then I'll guarantee you it won't be very long when they'll be showing anti-semitic movies that will depict them as the most sub-human animals in the world. I don't want to see that, Mr. Speaker. I know it'll happen, I hope that the members of the Jewish community, which are considerable in the city, will use their powers of influence and their pressure on all parties to make sure that this day never comes when a bill is brought in that will allow the doing of what the Rabbi states in this article.

Mr. Speaker, we see in conclusion, we see the results of the permissiveness in our society along the highway - the hitchhikers. It's a crop that somebody's going to have to harvest one of these days. We see the crop of dropouts out in the park down there, Mr. Speaker, the disillusioned rebels who a couple of years ago did \$2 million worth of damage to the University at Montreal. They are fed up, Mr. Speaker, not with what you and I believe in, not because we say a person should work for a living, should pay taxes, that there is dignity in work and there is no dignity in welfare. What are they rebelling against, Mr. Speaker? I think when this government that's passing the bill will examine closely that they'll find out that they're rebelling against a no standard, nothing is absolute, nothing is certain, everything is in a flux. They want some guidelines, as every human being wants and needs; they are not getting it. Certainly they will not get it from this government in this bill.

Mr. Speaker, we are faced here with two propositions. We can go left for hard core pornography cleverly camouflaged with the words, freedom of choice and individual liberty, or we can go to the right where we say that the road that's fashioned the fabric for our civilization means that there's going to be rules and regulations whether it's to have three cats in the house, or sixty miles an hour on the highway, or only four chairs around a beer parlor table, we're going to have all kinds of rules, otherwise this society can't exist. We're going to have to make that kind of decision, Mr. Speaker, which includes strict censorship on what is shown on television, which is shown in theatres, and which is depicted in the books. I know that this government and this party has quite a history of championing the underdog and fighting for various minority groups, civil rights. I have done it, and you as a labour man, Mr. Speaker, have done it yourself. And we're proud of that. But, Mr. Speaker, surely we cannot be proud where we're going to give this minority of smut peddlers the right to come from Denmark or

(MR. BOROWSKI cont'd.) Finland or Sweden or California and dump their sewage on our doorstep to be shown in our theatres.

In spite of the overwhelming evidence that lewd movies - and I read now, Mr. Speaker - "and readers of obscene literature are drastically affected so as to commit every form of sexual crime and deviation possible, this government is determined to open the floodgate of filth and erotica which glorifies incest - which so far is a crime - homosexuality, lesbianism, wife-swapping, torture, and other demented acts. In addition to all this must be added the collection of one of the most expensive evils, the collection of the other expensive evils which have skyrocketed alongside the smut smorgasbord, promiscuity, illegitimate birth, abortion, child neglect and abandonment, VD, and other sex related crimes.

MR. SPEAKER: The Honourable Member has five minutes.

MR. BOROWSKI: Fine, I'm sure I can finish in five minutes. I've just read an article where the VD rate has increased 300 percent in the last eight years. Some of it may be due to natural reasons but I think the experts will indicate that the promiscuous attitude has brought about almost public coupling which results in this explosion. In the U.S. they have clouded the poison of obscenity with the constitution, Mr. Speaker, as the court case indicated. In Manitoba our government wants to cloud this obscenity with Bill 70. This government is going to turn our theatres into smut hostels - perhaps they should build them alongside the youth hostels - transforming Manitoba into a cultural desert, a socialist death valley, where decency and respect will die of moral scurvy, where human dignity will perish just as surely as a man lost in the Sahara Desert will perish from thirst. The obscene pornocrats are going to be held responsible for rape of our children's minds; they're going to allow perverted, socially-deformed, money-worshipping smut peddlers, to write the standards for our grown-ups and the curriculum for our children. A criminal abdication of governmental responsibility - Mr. Speaker, when I mentioned the word curriculum I should indicate that an average child in our society spends 22,000 hours watching television by the time he's 16, yet he spends only 12,000 hours in school. So they truly will write the curriculum for our children. The Premier's fond of saying that repetition is the mother of learning, and if that is the case, Mr. Speaker, what does 13,400 violent killings on television do to children that watch it? And this applies to everything we see, hear and read. And if that is true, Mr. Speaker, and I believe it's true, then this government is the father of obscenity, ugliness, and teaching of contempt for love, marriage, tolerance, decency and life itself.

When we had a fight with auto industry, somebody said let's put a sticker on the bumper and the sticker should read, "Will the last person leaving Manitoba turn out the lights". Perhaps we should have a new sticker, "Will the last moral person leaving Manitoba, please turn out the lights".

The Member for Churchill stated, and I quote: "I think there are certain principles on morals and I believe that government should provide leadership in this. Certainly if the government are not prepared to take a stand I don't know where else people will look for leadership. If this government cannot provide those principles of good morals then maybe they should get out of office and let someone in there that can." And I say to that, Mr. Speaker, Amen.

I conclude by saying, please don't try to fool us by a clever cosmetic job called civil rights. I say to the government, take your contemptible skidrow philosophy and get out before you destroy the very foundation on which this province was built.

Mr. Speaker, I would like to indicate in closing that I find, although I have supported - I hope that I've had a contribution in this government - I've supported it for three years. I must tell you and this is one of the most difficult things that I am going to do, to indicate to this government, I can no longer sit with it; I no longer can be part of a government that's going to legalize the evils, the filth and the garbage, and the smut, that every perverted mind in the world can produce and show in Manitoba. I ask you find me a seat on the opposite side, I will sit there for the duration of this session and the decision of what happens to me after that of course will be made by my constituents. In the meantime I say to the government, that it's not too late yet; my leaving doesn't change anything. Passing Bill 70 is going to change everything in Manitoba until such time as some other government comes in and reverses it.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I listened with profound interest, and with equally profound regret at the words of my honourable colleague, former colleague, and I wish he would

(MR. MACKLING cont'd.) stay in the House and listen to my observations.

The honourable member has used some very violent language himself in attacking a piece of legislation which really is a very reasonable piece of legislation. We seem to be living in a violent age and even legislators resort to violent exaggeration over offensive words, very caustic language in describing attitudes of government and people in an inordinate approach to what after all has to be a problem that has to be dealt with by reasonable men.

Mr. Speaker, I would like to suggest to the Honourable Member for Thompson, that the movie industry - and I've had some dialogue with the movie industry - would be quite happy to have a government, any government, continue to have a censor review board. Why they would like to have that is they would like to have someone, someone take the responsibility for them of judging what is within the Criminal Code of Canada.

Let me tell the Honourable Member for Thompson, that every case that has been tried in the Criminal Courts, cases that have emanated in this province and have gone to the Supreme Court of Canada, are founded not on the provisions of any censorship act of the Province of Manitoba but on the provisions of the Criminal Code. That it is in fact beyond the competence of this Legislature to enact provisions which would incarcerate people for the showing of graphic material either in movie houses or elsewhere. The honourable member if he had discussed the matter with me, or had heard me on a number of occasions, would know that it is beyond our legislative competence. The movie industry in the particular case referred to by the honourable - I don't know whether the honourable member referred to that particular case, there was a case that we laid a charge. They escaped the effect of the code on the basis that a board had apparently seen the movie in question and had approved of it. I suggest to you, Mr. Speaker, that the particular case involved was not tried on its merits, and it could well be that if it had been tried on its merits the same finding of fact would have resulted here as occurred in our sister province. I would like to remind the Honourable Member for Thompson that it wasn't a lily-livered Attorney-General that authorized the laying of charges against that film. And I would like to remind the Honourable Member for Thompson that there have been charges based on the provisions of the Criminal Code in respect to pornographers. That pornographers have gone to jail in this province since this Attorney-General was in office and there's been no backsliding, there has been no turning away from the issues when they had to be faced.

But, Mr. Speaker, this government will exercise the discretion that has to be exercised in each one of these cases as they are brought before the Courts. It is a federal law that decides the basis of obscenity. A federal law that was considered by the Parliament of Canada, not for a few hours but for many many days of earnest debate, to determine the technicality of the wording. It was finally decided and is encompassed in provisions of the Criminal Code of Canada dealing with obscenity. And it is on the basis of that law that cases are taken to Court. Not on the basis of any censorship process that is available in this province or in any other sister province.

Now, Mr. Speaker, I regret very much that there is such deep division of feeling in respect to censorship and the questions that are involved here. I've had very strenuous representations made to me on both sides of the question. Very sincere and learned people agonized with me over the decisions in some instances where prosecutions were proceeded in respect to pornographic literature. Certainly in connection with the film and the movie industry that was charged.

I regret the attitude of the Honourable Member for Thompson is so hard and so unpromising in its appreciation for the problem of government in dealing in this field. Because it isn't a simple black and white question. There are those who sincerely believe that everyone must have free and uninterrupted right of expression. If one considers the greatest works of the artists of all time, enshrined in places of the highest religious order, you could find obscenity. Naked form. Obscenity, as some honourable members have indicated in this House, is in the eye of the beholder. I challenge anyone to say that there is a clear black and white position for everyone on this issue at any given moment. I for one happen to err, if I do err, on the side of being a little bit more conservative, a little bit more on the side of the Honourable Member for Thompson. I'm troubled by the moral degeneration, the corrosion that seems to be prevailing and persistent in the attitudes that seem to be reflected in the society that is south of us and we are overburdened by the influence of that culture.

Violence is obscene, violent language, violent attitudes, hate, these things are as corrosive certainly as explicit sex. I hear more so, in behind me. I am concerned however, Mr.

(MR. MACKLING cont'd.) Speaker, with the complete escapism on the part of some in respect to sex. Surely there has to be some reasonable restriction on the extent to which sex is displayed. Are we to resort to the animalistic behaviour that would otherwise be ours without reason. Would some people in our society like to see explicit sex anywhere at any time? I completely disagree with that point of view.

I think, Mr. Speaker, there is much to be said for a continued concern respecting the advance of the corrosive influence of the pornographers in our society. And let me say, Mr. Speaker, that the big money in organized crime is not in respect to marijuana, apparently it's in pornographic literature and pornographic films, and I for one won't back away from an attempt to stop the commercial exploitation of sex in pornography, whether it be by film or by written word.

Mr. Speaker, we would like to be able to get the retailers, the wholesalers, we've been able to prosecute some individual proprietors and people have written to me despairing that this is cruel and wrong. Well I happen to think that we have to stand up sometimes and accept our responsibility and whether certain members think that I have done wrong and let them censor me if censor is required, but the law of Canada is there, the law of the parliament, that was considered, not for the people of Manitoba alone, but for the people of all of Canada, and the obligation is to uphold that law until it is changed.

The honourable member strikes out and suggests that what this Bill would do would completely introduce degeneracy into the Province of Manitoba. Let me assure the honourable member that notwithstanding the passage of this legislation that no movie house, that no book-seller is free from the provisions of the Criminal Code of Canada and upon complaint, if the complaint is justified, proceedings may follow. And I've indicated that to the movie industry. A movie industry that would like, as I indicated before, to have some buffer between itself and the criminal courts.

The honourable member reflects on the expert opinion about the effect of pornography in society. Well I've read experts both ways and for every expert that says it has a terribly demoralizing effect there's one that says well there have been less crimes of violence, less adventures, and so on. I'm not satisfied that there is a clear picture. I don't accept the argument that Denmark has indicated that there has been a diminution of sex crime because of the liberality of the law there. I frankly don't accept it. After all the standards change and why would crimes be reported if explicit sex is recognized much more readily.

But even, Mr. Speaker, even in places like Denmark they have provisions to protect the young. Well, then surely if there is some concern, some concern to protect the immature mind, there is some basis for continuing segregation and association of material at some stage. So those who argue for complete liberality certainly must be misadvised because even in those jurisdictions that have indicated this kind of attitude they maintain controls in connection with the young.

Let me say, Mr. Speaker, that it's for individuals in society to assert the kind of standards that they want. I don't think the people in Manitoba want the Attorney-General, or his staff, to be attending movies, attending book stores regularly and checking and prowling and inspecting. We operate in respect to all of the criminal law on the basis of complaint. If a member of society feels that something is wrong, that someone has committed an offence, we expect that they will report it. And on the basis of that report if a complaint is justified then an investigation may well lead to prosecution. But to suggest that somehow we should censor beforehand, again in respect to what a mature person can read or see, offends certainly the concerns that most people have for the right of individual self-expression, self-fulfillment - why should it not be? That with effective classification people will be forewarned that certain types of movies may be offensive to them. If it crosses that median that the law lords consider where rather than being art it becomes obscenity then a prosecution will succeed. But it is not for me to determine, or my staff, Mr. Speaker, to determine if and when a matter is obscene. We must make an evaluation but the ultimate evaluation in accordance with the Act of the Parliament of Canada must be with the Courts.

The honourable member referred to specific items; referred to the "Manitoban". The article in the Manitoban, in my opinion, was obscene. I referred the matter, and I think I have reported on it, I've referred the matter to my Department on the basis of the law as they then understood it, and understood it not in a haphazard way but having effectively prosecuted cases dealing with pornography to the Supreme Court of Canada effectively, advised that in their

(MR. MACKLING cont'd.) opinion that case would not succeed. Thus there was no proceeding against the Manitoban. Now some honourable members, some members of society might have been offended that we did not proceed. Well surely it's the responsibility, administration of justice not to bring charges against people unless there is a reasonable expectation that prosecution will result in conviction. Otherwise that's an abuse of the powers that are entrusted to us. Since, and long since the decision not to prosecute the particular paper in question, a decision was handed down in England which if it had been handed down - it was handed down by one of the superior courts - had been available earlier I think would have established a case against the particular production that was involved. But that law wasn't available to us at that time. And the law as we understood it and as we believed it made it improper to bring a case before the courts.

I'm concerned, Mr. Speaker, that if people in society are aroused about the offensiveness of a particular film they indicate their concern. They have an opportunity to do that. We passed an Act in this Legislature which allows anyone to picket, to demonstrate facts. Now surely if there are enough people who are concerned with other adults seeing something which has a tendency to degenerate moral values they would exercise some initiative and demonstrate their views.

I'm concerned, I think every member of this House is concerned, with the degree of so-called permissiveness in our society. On the other hand, the challenge of youth is not an irresponsible and completely negative one. Young people in our society today, Mr. Speaker, are asking as never has been asked before, what is a practical utility of the tremendous materialism that everyone in society seems to seek after? What is the practical benefit of the onslaughts that we seem to take in marketing our ideas and our concepts in foreign fields, either through the soft sell, hard sell or by weaponry. And I think, Mr. Speaker, that we have to respect the challenge that young people place to us. Not everyone that is riding from Newfoundland to Victoria is a bum, or a crumb. Many of these young men and women are genuinely concerned to know the issues of their society. To see their country, face the challenges that this society affords. Oh, it's true that some of them cop out. But let's not condemn, let's not condemn the majority by a handful. The fact that they have different life styles, they have different attitudes, that shouldn't shock anyone. Any one of these honourable members - if you go into the rooms of this building, Room 254, you'll see the men of another day that had a life style quite similar, long hair and long beards. Did that make them offensive? They were legislators; they were law makers; they were men of great moment in their day. The fact that they had different attitudes surely shouldn't condemn their opinions and their arguments.

I suggest, Mr. Speaker, that the Attorney-General's Department does not have any phony double standard. It has accepted the challenges of every individual problem that's brought before it, whether it be dealing with pornography, which really is a breach of the Criminal Code of Canada of a particular section, or any other breach of the laws of Canada, and to suggest that we have copped out, or that this government has copped out of its responsibilities, is irresponsible. I suggest, Mr. Speaker, that any legislation upon which we would found an application to fine or incarcerate a person for obscene display could be successfully challenged in the courts as ultra vires of this Legislature. And I suggest, Mr. Speaker, that what we must do is forewarn people as to the type of movie that they may see, and if anyone who wishes to exhibit a movie and dares to take the consequences as to whether or not he will be offending the provisions of the Criminal Code, let them take their chances and if they do, and if it's judged to be prima facie obscene, this government, at least as long as I am Attorney-General, will not shirk its responsibility to lay charges.

And so, Mr. Speaker, I think so much of what the honourable member has indicated in an over-angry and overly bitter commentary about the attitudes of this government is so far off base, because this government has not indicated it's prepared to abdicate responsibility in this field at all. I have indicated in this House, and I have indicated elsewhere, that again on the opinion of the best advice that was given to me as Attorney-General it was not possible on the basis of the present legislation to successfully bring into court and successfully prosecute those who were admitting juveniles to restricted films. Thus it's necessary to make changes in this Act, and to vote against this bill, to suggest that it is opening a floodgate to the pornographers and the debauchers is completely off base.

I don't mind, Mr. Speaker, the honourable member, or any honourable member, being aroused, being aroused in a fighting way about moral degeneracy because I associate as

(MR. MACKLING cont'd.) completely as anyone else with a position that unless a society is prepared to stand for high values then it will wither away, decay, and die.

One of the things that we are concerned in this government is with the values of the quality of life, and I suggest the quality of life means the highest quality of life, not the lowest. We are not going to reduce standards of art to the standards of the pornographer, or the obscene, but neither are we out of hand going to commit everyone to prison who expresses either in a form of words, or in a graphic way, some expression that could be offensive to some. We must have, Mr. Speaker, a reasonable latitude for the expression of what the parliamentarians have considered to be fair and proper.

I have not shrugged my shoulders and said, "There's nothing we can do", and that is what the honourable member suggests has been the course of action on the part, on my part in dealing with cases that have been brought to my attention.

Mr. Speaker, I think that on this whole question there is a delicate balance, a delicate balance between those who are as concerned about free expression, human rights, some of these people who have enshrined in words, declarations, whether it's in the United Nations Declaration or a Bill of Rights in Parliament of Canada. But at the same token there is a concern by the majority that it not allow the basic fundamental laws to become so withered and frail and weak that no reasonable moral standards will prevail.

Mr. Speaker I suggest that the honourable member protested too loudly. He doesn't recognize the constitutional question that's involved in this bill, and that he makes his assessment of his own personal position in haste and in error.

MR. SPEAKER: The Honourable Member for Rock Lake. Order.

MR. EINARSON: If someone else wants to speak - I was going to adjourn it.

MR. GREEN: Mr. Speaker, . . . doing so to steal his time, so I won't do it. I could speak for about four minutes and keep the . . .

MR. SPEAKER: Any honourable member that takes the floor will have the remaining time the next time we get on the floor. Take the four minutes, or two minutes, whatever is left.

MR. GREEN: I agree, Mr. Speaker, and therefore I think it's only fair that the Member for Rock Lake since you recognized him have the adjournment. If I was trying to usurp the floor I would have taken it. Let the Honourable Member for Rock Lake adjourn the debate if he wishes.

MR. SPEAKER: I need a motion. Order please. I have no motion before me. I only recognized the Honourable Member for Rock Lake. The Honourable Member for Churchill.

MR. BEARD: Would the Attorney-General clarify? Will the Classification Board be expected to separate obscenity and violence and anything that's immoral or indecent, as far as censorship goes?

MR. MACKLING: Mr. Speaker, as I understand the intended working of the Classification Board it is that they will classify, they will not interpret the criminal code of Canada. If a particular movie is obscene, it will be classified as restricted. And if as a matter of fact it is obscene in the opinion of those who are entrusted to make these decisions in the Attorney-General's Department, so be it. It will be prosecuted.

MR. BEARD: Mr. Speaker, then in 24 (1) the Censorship Board can declare anything, can censor . . .

MR. SPEAKER: Order please.

MR. PAULLEY: Mr. Speaker, I think that these are questions that should properly be directed to the sponsor of the Bill, the Honourable Minister of Tourism and Recreation, rather than to the honourable member who has just spoken on the bill who is speaking as an ordinary member of the Assembly and not in any official capacity. I understand Mr. Speaker, if I may, oh...

MR. SPEAKER: Order please. Let us get back to square one. I recognized the Honourable Member for Rock Lake. If he doesn't wish to proceed or does not wish the adjournment, I'll have to recognize some other member. The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker I move, seconded by the Honourable Member for Wellington, that the debate be adjourned.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Mr. Speaker, I move, seconded by the Honourable Minister of Colleges and Universities, that the House do now adjourn until 8:00 o'clock.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 8:00 p.m.