

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Monday, April 23, 1973

MR. CHAIRMAN: The Honourable Minister of Mines and Natural Resources.

MR. GREEN: Mr. Chairman, I believe we're introducing the Estimates of the Minister of Labour who will be here in one minute at the most. He just walked into the building with me and has gone to take his coat off.

SUPPLY - DEPARTMENT OF LABOUR

MR. CHAIRMAN: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Chairman, if I have general agreement with all members of the committee that the Estimates of the Department of Labour are approved then I am prepared to take my seat. However, I suggest that there may be one or two observations that I should make dealing with the Department of Labour; and also that there may be one or two questions that the Members in Opposition might care to make dealing with one of the most important fields of human endeavour in this great province of ours and the Department of Labour. For after all, Mr. Chairman, I believe it to be a fact that here in the Province of Manitoba one of the more important areas of concern is found within the Department of Labour. And I say concern, Mr. Chairman, because I feel that this government under the Premiership of Mr. Schreyer has done more to enhance the position of the worker, and indeed of management as well, than any other government has ever done in the hundred and two or three years that we have existed as a province.

A MEMBER: You're bragging Russell.

MR. PAULLEY: My honourable friend from Souris-Lansdowne, Mr. Chairman, suggests that I am bragging. I want to say to him and to all Members in Opposition that in my opinion never in the history of this province has labour-management climate been more satisfactory than it is at the present time, despite the fears of some who woke up four years ago and found that the Government of Manitoba had changed. --(Interjection)-- Yes, that's right. Someone, I believe the Honourable Member for Charleswood, said 'gone Communist; and I have no hesitation in saying that if one would apply the true interpretation of the word "communist" we have as a government because we believe in sharing all of the benefits with all of the people of the Province of Manitoba, unlike that of the political inclination of the Honourable Member for Charleswood. For at long last, Mr. Chairman, he who toils, the worker, has at last under this government seen his place in the sun, which he never ever achieved under previous Conservative or Liberal governments in the Province of Manitoba, and I make no apologies at all. I would suggest to the Honourable Member for Charleswood that he seriously consider his interjection of communist. And of course I didn't hear what this renegade from Thompson happened to say by way of interjection and as my colleague from Flin Flon has indicated to me I didn't miss anything; and I say to my honourable friend who sits in the House as the representative of Thompson, I'm sure nobody ever misses the fact that he was kicked out of our party.

Mr. Chairman, I have a few formal remarks that I would like to place on the record on the introduction of the Estimates of the Department of Labour. I am please, Mr. Chairman, to once again have the privilege of introducing the Estimates of the Department of Labour. In the past few years members of this Assembly have shown much interest in the legislation which we have introduced, the programs and activities of the department - and rightly so.

A MEMBER: Mr. Chairman, on a point of order.

MR. CHAIRMAN: A point of order has been raised by the Honourable Member for Charleswood.

MR. ARTHUR MOUG (Charleswood): I would like to bring to your attention, I think the Honourable Minister is reading his speech. I think that's contrary to our rules.

MR. CHAIRMAN: The Honourable Minister of Labour, I am sure he's reading from prepared notes or something.

MR. PAULLEY: That is right, and of course my honourable friend from Charleswood hasn't been able to comprehend the rules of procedure in the short time he has been here -- and I want to suggest, Mr. Chairman, to him through you, he will not be here much longer.

So I say, Mr. Chairman, that the members of this Assembly, rightly so, have expressed an opinion and an interest in the forward thrust of this government in the area of labour-management relationships. And I appreciate this interest, I hope that it will continue.

I would like to put on the record, once more, where I and my colleagues stand with

## SUPPLY - LABOUR

(MR. PAULLEY cont'd). . . . respect to the working people of this province, both the organized and the unorganized. We firmly believe and strongly support the principle of free collective bargaining, something which was deprived to the working people of this province under the previous Conservative administration and previous Liberal administrations in this province. It is our conviction that collective bargaining is the best means available for resolving differences between employers and workers in a way that produces both equitable and acceptable results. Just today in the Winnipeg Tribune, Mr. Chairman, I was interested to note that there was a reference to the Edmonton Journal dealing with the endeavours of the Conservative Government of Alberta which indicated that goodwill is a necessity in collective bargaining. And I say to my Conservative friends opposite, Mr. Chairman - including the yapping Member from Lakeside- that if he would take a lead from the Conservative Premier of the Province of Alberta --(Interjection)-- he is a fine fellow and I doubt whether I can say the same for the Member for Lakeside. I would suggest to my honourable friend the Member for Lakeside that he may take a journey into Conservative land in Alberta and decide that they in Alberta at long last, they at long last in Alberta apparently have come to the conclusion that goodwill and collective bargaining is a requisite today. All except the regressive Conservatives in Manitoba.

So, Mr. Speaker, I say that we stand foursquare as a government behind the progressive measures that we have introduced into this province. And I repeat, that it is our conviction that collective bargaining is the best means available for resolving differences between employers and workers in a way that produces equitable and acceptable results. While members of the previous administration may have accepted this principle, they did it so passively and perhaps reluctantly, for they did nothing, virtually nothing, to encourage the growth of a free collective bargaining system. As a matter of fact, Mr. Speaker, they did their damndest to curtail the rights of the working poor to become organized in Manitoba.

MR. CHAIRMAN: Order, please. Order! I am having great difficulty in hearing the Minister.

MR. PAULLEY: On the other hand, Mr. Chairman, you will recall that the present administration has stood behind its belief in the principle of collective bargaining by actively pursuing policies and enacting laws that encourage its growth; and, Mr. Chairman, it is our intention as the present government and the next Government of Manitoba to continue so to do --(Interjection)-- That's right. Of course my honourable friends opposite agrees that we will be the continuing government of Manitoba as exhibited by their support for all of the budgetary provisions produced to this House by my Leader.

Many of my views respecting labour legislation reflect the views of organized labour and its movement in this province. And I would like to emphasize very strongly that this government has not and will not enact laws simply because organized labour or any other interest group has recommended them. On the contrary, it has always been foremost with us that laws should serve the public interest and the common good.

We have been accused, Mr. Chairman, on a number of occasions of just being pawns of the labour movement in Manitoba and I reject this in that context, but we have been and are determined to introduce and to enact laws in Manitoba to take into consideration the contribution that all segments of the community make for the forward thrust of this province of ours. It is in fact for this reason that the recently enacted labour legislation took as long as it did to become a reality. We were not panicked into action either by the labour movement or management movement in the Province of Manitoba.

We deliberately took into consideration all aspects in labour-management relations before the Labour Relations Bill was introduced at the last session. And if my honourable friend from Swan River, Mr. Chairman, has reservations I believe it is because of the increase that he has to pay in the operation of his printing plant at Swan River because even there we introduced propositions that they had to pay reasonable and fair wages in that particular industry. I suggest, I suggest, Mr. Chairman, that it was through this process which can be and was time consuming that we enacted laws which we believe are good for Manitoba, even though it may have extracted some profits from some owners of some enterprises, even those of the weekly newspapers in Swan River. And we will continue to proceed in as fair and reasonable way to propose laws that are in the general public interest. --(Interjection)-- Over the last year -- yes, I even sign your pay check and sometimes my hand hesitates when I do.

Over the last year, Mr. Chairman, in fact over the last three years we have enacted

## SUPPLY - LABOUR

(MR. PAULLEY cont'd). . . . many laws to help the workingman. I do not believe however that there is anything to fear in the laws that we have passed. It is only those few employers who have something to fear, those who for their own selfish reasons cannot bring themselves to accept the principle of collective bargaining, those who direct their energies toward thwarting unionization in every way. And at the present time, Mr. Chairman, I would suggest that there are a number of poor employers in the Province of Manitoba who still hold to the principles of the Dark Ages in British and parliamentary democracy, and it might even include, Mr. Chairman, some of those who are seated in this Assembly this afternoon, or this evening, and if he wants to identify himself let him so do it. I am not going to charge him with that.

And, Mr. Chairman, may I indicate to my honourable friends of this Assembly that the law of this province does not force unionization on anyone. It simply permits employees to decide among themselves whether they wish to be represented by a union to bargain for them. It is true that the wishes of the majority prevail, but that applies throughout our democratic system. Even by a very small majority in the last provincial election the member who sits in this House for Swan River is here; and I believe his small majority was around about 52 votes. He is here by virtue of those 52 votes; and I suggest to him that if the employees of his paper in Swan River by a majority vote want to become unionized they should have the right as well. And I would recommend it, Mr. Chairman, I would recommend it to the employees of the Swan River Bugle, or whatever the name of the paper happens to be, that it would be in their interest to say to their boss, who is a mouthpiece in this Legislature, contrary to the proper basis of unionism, it would be in their interest to put him in his place so that at least they got a fair shake. So I say, Mr. Chairman, the law of this province does not force unionization on anyone but we recommend it in their own interests against those employers who don't play the game and give them a fair share for their toils. So I say, Mr. Chairman, that good employers—and if you want to be excluded from this remark that's your business—I say, Mr. Chairman, that good employers have long accepted the fact that employees would have the right to unionize. Unfortunately there still are a few that reject this. They are the ones who wish to have complete and unilateral control over their employees and their working conditions. And they are the ones who wish to have slaves and not employees with self dignity.

The days, Mr. Chairman, have long gone in this province when employees were considered mere commodities in a large profit motivated and oriented process. They are gone because of the long-standing efforts of organized labour, because most employers have accepted the appropriateness of workers having a greater voice in determining the conditions under which they work, and because government such as the New Democratic Government in Manitoba pass laws to establish minimum standards and to protect the rights of employees to organize collectively for the purpose of negotiating improved and acceptable working conditions. And I want to say, Mr. Chairman, that we as a government will continue to ensure that as many employees as possible have this right without the fear of discrimination which prevailed for all too long in the Province of Manitoba.

Mr. Chairman, I do not expect that our newly enacted Labour Relations Act to be perfect, but I say that so far we have had no significant problems with the Act but we will continue to monitor its operation very very carefully. And if serious problems are encountered and we feel it necessary to make changes then we will make the appropriate adjustments. I feel as the Minister of Labour quite confident however that the new Act will prove to be effective. I am confident that the parties to collective bargaining will co-operate as they have done in the past to continue reasonable industrial relations in this province.

Mr. Chairman, since the new Labour Relations Act was introduced in this Assembly last year . . .

MR. CHAIRMAN: Order, please.

MR. PAULLEY: I'm sure the Member for Souris-Lansdowne isn't concerned with labour matters. Maybe if he would put his voice down in low gear and the Leader of the Conservative Party who from time to time expresses externally an interest in labour would only take his seat and listen to what we have to say to him I might be able to continue what I have to say.

A MEMBER: You've talked for long enough.

MR. PAULLEY: Oh yes, that applies also to the Member for Sturgeon Creek who loves to get up on his feet and rant and rave about the deficiencies of the trade union movement.

It might, Mr. Chairman, be well for him to listen to a few words of wisdom insofar as

## SUPPLY - LABOUR

(MR. PAULLEY cont'd). . . . the labour movement is concerned instead of being concerned only with his own financial gain in his capacity as an employer of labour. But I do suggest, Mr. Chairman, that at least in the opening statements by the Minister in this most important department that even the Conservative Party of Manitoba who are wont to rave on the hustings of their concern for labour may pay attention.

MR. CHAIRMAN: Rising on a point of order? The Honourable Member for Thompson.

POINT OF ORDER

MR. JOSEPH P. BOROWSKI (Thompson): Yes, Mr. Chairman. I wonder if you could indicate if there are any requirements or any regulations in this House that compel members to listen to a Minister when he gets up - and does the Minister have a right to get up and lecture simply because no one is paying attention to him.

MR. PAULLEY: Mr. Chairman, on the point of order raised by the Honourable Member for Thompson, I would suggest that he is right, that I have no authority to say to the ramblers on that side, and that will include the Member for Thompson, that they have to listen to me, but I do say that there is a rule of the House that if they don't want to listen to me or anybody else they should get the heck out of the Assembly and not interrupt the proceedings. And that goes for my now new-found anti-labour representative from the Thompson constituency who at one time was elected on the basis of being a supporter of the trade union movement from Thompson.

MR. BOROWSKI: I was listening.

A MEMBER: Well that's your problem.

MR. PAULLEY: Well if my honourable friend from Thompson, Mr. Chairman, said he was listening, I'm sure other members couldn't listen to what I was saying because of the ramblings of the Conservative Party who in my opinion have no affection for the trade union movement in Manitoba.

I say, Mr. Chairman, that since our new Labour Relations Act was introduced in this Assembly last year many members opposite, including the Leader of the Conservative Party if he will only listen, have been gravely concerned about the possible effects of strikes in that they referred to as vital or essential services. And I will on this note, Mr. Chairman, be interested to hear any contribution that the Leader of the Conservative Party may make in this connection dealing with a Private Members' resolution. I think this reveals their lack of knowledge of the practice of collective bargaining. They are not aware that laws governing labour relations are not nearly as important as the attitudes of the parties involved in collective bargaining; and I think the Member for Emerson should be if he is not, and I don't think that he is, aware of this situation. Our new labour laws are permissive in that they let, and indeed encourage, the parties to use their ingenuity to develop and refine means of resolving their own differences. --(Interjection)-- who had a baby in Wawanesa today? The laws do not establish a rigid legislative framework that hampers the development of industrial self-government. Laws that prohibit strikes and provide for compulsory binding arbitration are restrictive and hamper this development. This is one of the reasons why we reject compulsory arbitration and why we favour a system of free collective bargaining, which, Mr. Chairman, I don't think is understood by the Conservative or the Liberal Party in our province.

MR. CHAIRMAN: Has the Minister leave to go on?

MR. PAULLEY: No? I hear my friends of the labour movement say no, Mr. Chairman, I will await their criticism of the labour laws of Manitoba.

MR. CHAIRMAN: The Honourable Member for Emerson.

MR. G. JOHNSTON: Mr. Chairman, I want it to be known that the Liberal Party gives leave. We do not deny leave.

MR. CHAIRMAN: . . . denied by the conservative. . . ?

MR. JORGENSON: No, Mr. Chairman, the Honourable Minister has leave to go ahead and continue his statement.

MR. PAULLEY: But Mr. Chairman, I want to point out . . .

MR. CHAIRMAN: Order please.

MR. PAULLEY: Mr. Chairman, I want to point out. . .

MR. CHAIRMAN: Order please. I asked once if there was leave for the Honourable Minister to continue and I heard no. Does the Honourable Minister have leave to continue?

## POINT OF ORDER

(MR. CHAIRMAN cont'd). . . --(Interjection)--

MR. PAULLEY: Somebody said no and it's got to be unanimous. Now is it no or is it yes?

SUPPLY - LABOUR cont'd

MR. CHAIRMAN: The Honourable Member for Emerson.

MR. GIRARD: Well, Mr. Chairman, it places the Opposition in some difficulty when leave is asked to continue on a kind of introduction to estimates that is a bit deplorable if not shameful, Mr. Chairman. I think that this kind of introduction makes a sham of the legislative system in that it is totally unobjective, totally partisan, below the dignity that we should be striving to achieve in this Chamber. What we have heard is a tirade, an attempt to label from a partisan point of view one party against another rather than discuss objectively what we should be discussing in terms of improved labour relations in Manitoba.

I was trying to listen very attentively to the Minister, Mr. Chairman, and I am somewhat caught in a dilemma because I, like him, felt frustrated because of the noise but on the other hand I can understand that source of noise when that noise was even more attractive than the speech itself.

However, Mr. Speaker, I would like to, if I could, attempt to deal with the matter of labour estimates seriously and attempt to elicit some responsible responses from the Minister of Labour. I don't wish to be hard on him but I could suggest to him that his introduction to these Estimates is in some ways quite similar to discussions we had in committee when we discussed Bill 81. At that time it was a set of circumstances which told us emphatically that the mind of the Minister was closed, that we were not going to discuss the bill objectively and that we were going to ram it through regardless.

Now in his introductory remarks, Mr. Chairman, the Minister made reference to Bill 81 and he said that all aspects had been considered before the introduction of Bill 81. I tend to agree that a lot of consideration must have been given to several areas but I can't agree with him that his considerations were all encompassing. I think it shows clearly when the bill suffers some amendments at least.

I would like though to elicit from the Minister more specific remarks in an area that interests me a great deal. That area more specifically, Mr. Chairman, is the matter of the administration of the Workmen's Compensation. I have raised the issue in the House before and I have voiced some frustrations at the Workmen's Compensation and the way it is administered, if not in fact the way the statutes read that compel it to administer it that way. What I find is that the government had been quite sympathetic to a number of - or a group in our society, have been putting forth some legislation that is very constructive I am sure and well-meaning, have been legislating favourably I suppose to the labour organized groups. But may I suggest that the minor amendments that have been made to the Workmen's Compensation Act in the last session was tokenism and was certainly not justified. What we find in today's society, in today's society in Manitoba is that the government has shown a great deal of sympathy to the people who were unemployed and justifiably so. They have shown sympathy to the people who have not been able to care for themselves in the increasing of the social assistance as well as other areas. But I think that we would be right in suggesting to the Minister of Labour that in his responsibilities he should have seen fit to treat the injured worker of Manitoba in a much more favourable light, if not at least an equal light, than that of the unemployed or the needy.

I suggest to you, Mr. Chairman, that the present statutes and the present administration of the Workmen's Compensation Board and Act give justifiable credence to the organization called the Injured Workers' Association. I believe, Mr. Chairman, that there are justified cases of injured workers in Manitoba who have been nothing but frustrated by the mechanism of the Workmen's Compensation Act and Board at this stage and are treated much less fairly than we have treated the unemployed and the needy. And I think that in this society if one group of people need or should get at least equal attention it is that of the injured worker.

I have one particular case that I would like not to elaborate on because I have mentioned this particular case in the House before, but I would like to suggest that in my constituency there exists one in particular, one injured workman who has been unable to earn his living for the last three years and he has been granted a permanent partial disability pension of

## SUPPLY - LABOUR

(MR. GIRARD cont'd). . . . \$41.00 a month. His name is Lucien Côté I have mentioned this particular case to the Minister on private occasions several times and I have spoken to several of his associates as well as the people from the Workmen's Compensation Board on this matter, but really to no avail. Supposedly attempts were made at rehabilitation. The objective apparently was to rehabilitate this particular individual so that he was able to maintain himself, but the rehabilitation necessitated by nature because of a lack of employment in his own area, that he move to another area in order to get an opportunity to earn his livelihood. And I suggest to you, Mr. Chairman, that is not fair at all. I say that is not fair because we don't treat the unemployed that way, we don't insist that the unemployed move from one place to another in order to get employment. If he chooses to stay in his locality he by the fact that he is unemployed in his locality he does qualify for unemployment insurance. I say again that that kind of thing, Mr. Chairman, is treating the injured workman at a disadvantage as compared to one who is able to work but unemployed.

I would like also to say a few words, Mr. Chairman, about the remarks of the Minister in regard to our resolution, and I know that this is not the best time to be discussing our resolution, but I can only suggest in all sincerity that unless he is prepared to say that labour relations in Manitoba today have reached a stage of perfection that he should not be sitting back and saying it is the responsibility only of management and of organized labour to seek amicable and co-operative ways of solving their own problems. I think that the government has a responsibility to assist in the research of means by which labour relations can be more amicably settled. I think that we are hiding our head in the sand if we say that it is not a government responsibility.

Mr. Chairman, I have another question that I would like to ask of the Minister and I hope he will correct me if my memory doesn't serve me quite right, but it seems to me that in the Bill 81, in the new Labour Relations Act, there was a stipulation that said that the Minister was to be notified, I believe, two weeks prior to the termination of a contract. Now I am aware that a number of organizations, a number of organized unions, are subject to be negotiating at the end of or during this month or next month. I'm thinking more specifically in the area of trades now, Mr. Chairman, but I am wondering if the Minister has received the notification from these groups that the contract is to be terminated and if he is aware of the present stage of those negotiations. I certainly don't want to be a harbinger of bad news, Mr. Chairman, but I would like the Minister to indicate to us the possibilities of the disagreements that we could be facing in the next month or two.

Now I don't want to spend a great deal of time, Mr. Chairman, on the area of the Minister's salary. I am sure that if he wishes to be taking the matter seriously we could deal with the Labour Estimates quite seriously and yet expeditiously. I have some questions to ask on several items within the Estimates and I am just wondering, Mr. Chairman, if I should ask them now or wait later because I'm hesitant if the minister is not interested in expediency but rather in harangue that we won't be able to do the Estimates the way they should. However, I'll trust to my good friend's better judgment and I expect that he will take his matter very seriously.

MR. CHAIRMAN: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Chairman, I am quite interested in the contribution of the, I presume the labour expert of the Conservative Party. I listened to his remarks very intently and it seemed to me that unlike some of the resolutions that was passed recently by the Conservative Party in their Convention, which nearly displaced the leader, that he is somewhat mellowed now insofar as the attack on the Department of Labour.

I don't know whether my honourable friend the Member for Emerson senses that there may be a provincial election and it would be advisable for he as the conservative spokesman in the department and field of labour, to sort of soft-peddle some of the pronouncements that came from the Conservative Convention in Brandon where the, as I said, Mr. Chairman, the present Leader of the Conservative Party narrowly escaped being placed on the guillotine of the Conservative Party, as of course others have been previously. However I did sense, I did sense, Mr. Chairman, that the Member for Emerson was far less vigorous than he has been, at least in some of his contributions dealing with safety regulations under the Workman's Compensation dealing with the question of the issuing of permits and dealing with other aspects, dealing with essential services in the field of management labour relations. It could well be,

## SUPPLY - LABOUR

(MR. PAULLEY cont'd). . . . though, Mr. Chairman, that after the Honourable Member for River Heights has now consulted with the Member for Emerson that the Leader of the fast becoming defunct Conservative Party in Manitoba may make a contribution in the fields of labour relations that - and I want to say, Mr. Chairman, that I wait with great interest the contribution, if one may term that loosely, by the Member for River Heights.

The Honourable Member for Emerson posed a question as to whether or not it is my desire to have the Estimates of the Department of Labour expedited as quickly as possible. I think it would be advisable for the Conservative Party to try and hold their light under a bushel because their record in labour relations isn't very good. I would suggest that it would be desirable for them at least to pass the recommendations in the Department of Labour as quickly as possible unless one has the opportunity of reflecting in connection with the dismal history of the Conservative Party in the Province of Manitoba in the field of labour relations. So possibly the Honourable Member for Emerson really hit the jackpot when he suggested that maybe, Mr. Chairman, we should pass the Estimates of the Department of Labour as quickly as possible.

I suggest Mr. Chairman, to my honourable friend from Emerson and also my honourable friend from River Heights that it might enhance, temporarily at least, the position of the Conservative Party to pass the Estimates of the Department of Labour as quickly as possible. For, Mr. Speaker, after I listened to the spokesman for the Conservative Party I sensed a great change in him from his criticisms of recent days, in the field of labour and management relations, and his objections to what we were attempting to accomplish and for over half of his discourse he attempted to concentrate on Workmen's Compensation and the Injured Workers Association. And, Mr. Chairman, I will welcome, I will welcome a full debate on the operation of the Workmen's Compensation Board --(Interjection)-- . . .

MR. GRAHAM: Who's going to carry it on your side Russ?

MR. PAULLEY: I'll carry it and I'll carry you too. And you'll be no burden at all because you're so lightheaded.

My honourable friend, Mr. Chairman, the spokesman of the Conservative Party in the matter of labour-management relations. I wonder where he has buried himself in this particular area for so long. I know my honourable friend, the Member for Emerson is a school teacher. I know that he has passed exams --(Interjection)-- I'm a dummkopf. Mr. Chairman, my honourable friend has asked me what I am and I readily accept the fact that I am a dummkopf, but I am far more knowledgeable than all of the intelligentsia in the Conservative Party. But my honourable friend wonders --(Interjection)-- what was your chirping? My honourable friend from Emerson wondered about the matter of research regarding labour relations conferences, etc. Surely to goodness he should know, the expert in labour matters of the Conservative Party, that far more research has been conducted into the field of labour-management relations under this government than ever were under the Conservative Government. That we have had seminars with management and labour participation along with experts in the Department of Labour consider the effects of labour legislation. Surely my honourable friend from Emerson should be knowledgeable, and apparently he is not, Mr. Chairman, knowledgeable of the facts of the impact study that is going on in the field of minimum wage aspects in the Province of Manitoba. Surely my honourable friend from Emerson who is so knowledgeable, he thinks, in labour-management relations, that we have had two seminars dealing with union-management relationships, that an announcement has been made that another conference will be held with full participation by management and labour in the field -- Oh you wouldn't understand. You better go back there and look after your little suckling pigs . . .

MR. GRAHAM: Let's get to work Russ, let's get to work.

MR. PAULLEY: . . . that, Mr. Chairman, surely my honourable friend who stands in this House as the expert in the field of labour-management relations should know what we are doing, and if he doesn't know I'm one of those sort of individuals who love to impart information to those who seek and know not and I'll offer the services of my department in this field to my honourable friend.

Another point, Mr. Chairman, that my friend raised deals with the Labour Relations Act and he wonders about, he didn't know the section but I tell him it's Section 71 of the Labour Act of Manitoba, that makes it a requirement that unions and management notify the Minister of Labour as to what is happening insofar --(Interjection)-- Oh you wouldn't understand. But insofar as negotiations are concerned regarding collective agreements I want to tell my friend

## SUPPLY - LABOUR

(MR. PAULLEY cont'd). . . from Emerson, Mr. Chairman, that every day there are at least half a dozen letters from union and management informing the Minister of Labour where they stand insofar as negotiations are concerned. And unlike my honourable friend from Emerson and the Conservative Party I'm pleased to be able to say, I'm pleased to be able to say that by and large, with a possible few exceptions, that management and labour are adhering to the law that we passed last year in notifying the Minister as to the status of negotiations. And Mr. Chairman, why, why --(Interjection)-- they are law-abiding citizens and they know the law, Mr. Chairman, they know the law, and that's something that the Member for Lakeside does not know.

A MEMBER: It's garbage.

MR. PAULLEY: Of course it's garbage.

MR. CHAIRMAN: Order, please.

MR. PAULLEY: Of course it's garbage what you're saying. But, Mr. Chairman, Mr. Chairman, --(Interjection)--

MR. CHAIRMAN: Order, please.

MR. PAULLEY: Mr. Chairman, I think it's incomprehensible of the Member for Lakeside to be able to understand the significance of that bill and Section 71. He went into a tirade the other day, that is the Member for Lakeside, he went into a tirade on some field that he should never tread into, that is the matter of labour-management relations, particularly in the so-called essential services. Mr. Chairman, I doubt yet whether it has penetrated the skull of my honourable friend from Lakeside as to the reason why it is necessary for those parties who enter into a collective agreement should indicate to the Minister of Labour the status in labour-management relations two weeks before the end of a collective agreement. And my honourable friend the Member for Lakeside, I want to indicate to him the reason for that is so that we in the department would know, the government would know, what is the situation prevailing in industrial relations between management and labour, so that we would know. And here my honourable friend is yap - no I shouldn't say yapping, I guess that's unparliamentary - chirping to somebody else. He's not listening. He doesn't know the first basic principle of labour management relations and he won't even damn well listen, Mr. Chairman. --(Interjection)-- I do, I do. I do know, and one of the reasons why there is a provision in the Labour Relations Act under Section 71, a requirement to report to the Minister of Labour as to the status in negotiations, is to overcome the possibility of the fears that were expressed by the Member for Lakeside in another debate, Mr. Chairman, a day or two ago, and I'm going to have something to say to him in relation to that a little later and also of course to the Member for - where do you come from? Sturgeon Creek, and this character over here - Birtle-Russell is it? Yes, Mr. Chairman, my honourable friend has interjected to say that he is learning. Mr. Chairman, I say to my honourable friend, how long, how long, how long is it going to take in the process of learning before he knows something? And this is one of the problems, I suppose, that we have in the educational field in some sectors today, Mr. Chairman, but I'd suggest that the problem is very manifest here in the Assembly of Manitoba when we have such representatives that close their ears when they have the opportunity of learning a little bit about the facts of life and in particular the facts of life in labour-management relations.

Mr. Chairman, I note that you have folded your books. I will be more than pleased to carry on this discussion at another day and my whole objective as Minister of Labour, not only outside of this House, Mr. Chairman, but inside of this House, to let all of Manitobans know what benefits they can have by fruitful collective bargaining processes and how much we owe to the well-being and the good economic foundation for the Province of Manitoba of a real firm foundation for labour relations, something that the Member for Thompson doesn't know anything about.

MR. CHAIRMAN: Order please. The hour being 9:00 o'clock, the last hour of every day being Private Members' Hour, Committee rise and report. Call in the Speaker. Is it the will of the members to proceed and give up their . . . ?

MEMBERS: No.

MR. CHAIRMAN: Call in the Speaker. Mr. Speaker, the Committee of Supply has adopted certain resolutions and has directed me to report same and asks leave to sit again.

IN SESSION

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

MR. RUSSELL JENKINS (Logan): Mr. Speaker, I beg to move, seconded by the Honourable Member for St. George, that the report of the Committee be received.

MOTION presented and carried.

PRIVATE MEMBERS' HOUR

MR. SPEAKER: We are under Resolutions during this Private Members' Hour on Monday. The Resolution of the Honourable Leader of the Liberal Party. No. 14.

MR. ASPER: Mr. Speaker, I move, seconded by the Honourable Member from Assiniboia, WHEREAS there are many instances where the Government of Manitoba or corporations and agencies of the Government of Manitoba spend vast sums of money and make other long-term commitments without any legislative or public debate, and without allowing public hearings or submissions;

AND WHEREAS two most recent examples of this are the expenditure of hundreds of millions of dollars for the Churchill Forest Industries Development and the Churchill River Diversion, and other hydro development schemes;

AND WHEREAS it is inconsistent with democratic government for vast sums of money to be spent or major policy decisions to be implemented without public hearings or legislative debate;

NOW THEREFORE BE IT RESOLVED that the Government of Manitoba consider the advisability of introducing legislation requiring legislative debate and public hearings, to debate and consider all major government or government agency decisions and expenditures prior to the enactment of and commitment to such decisions and expenditures.

MOTION presented.

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

MR. ASPER: Mr. Speaker, much of the resolution speaks for itself and a good deal of what it stands for has already been referred to in my observations on the Attorney-General's Department in which I outlined the Liberal Party's view of a more open, more responsive kind of government.

Mr. Speaker, it's become fashionable in recent years for governments and political parties of all stripe to talk and pay lip service to the concept of open government, open society, participatory systems, and all sorts of sloganeering, which is designed to indicate that the public is being given greater access to the process, the public is being given greater opportunity to participate in the influencing of the people who are elected to represent them.

Mr. Speaker, I perceive, and the Liberal Party perceives that that objective to which all sides of this House have openly committed themselves in one form or another, that objective becomes more remote as time goes on, it becomes less attainable and farther from our reach. Mr. Speaker, it doesn't matter whether I am right or wrong. What does matter is what the ordinary taxpayer, the ordinary citizen, the ordinary person to whom this Assembly is dedicated to serve, what he thinks. And more and more, Mr. Speaker, as I travel and speak throughout various regions of this province, whether it's in the high schools or whether it's in the small communities, or the rural or the remote areas, one common theme recurs. That is a sense of helplessness, a sense of alienation, a sense of remoteness, a sense of being deprived of a voice in the decisions that we in government or in elected office make which affect dramatically the lives of those whom we are committed to serve. Ask the ordinary citizen and he'll tell you that he can't fight City Hall, he can't even communicate with City Hall and he may not even know where City Hall is. And City Hall represents in that context, Mr. Speaker, all institutions of government.

We espouse in this resolution a plan, a baby step admittedly, but which when taken with all the proposals made in our remarks on the Attorney-General's Department related to law reform and institutional reform, would provide a meaningful, a realistic method whereby the ordinary citizen can communicate and where he can express himself and where he can communicate and where he can express himself and where he can communicate his view to government. Because if we don't remedy this loss of connection, the growing alienation, the growing loss of respect for institutions that the government side of this House perpetually denies exists, in all of the debate, particularly during the Attorney-General's Estimates, then we will contribute to the truthfulness, into making it accurate, that there is a plastic society, there is an

## RESOLUTION 14.

(MR. ASPER cont'd) . . . . irrelevant set of goals with which the public is out of touch and is not in sympathy.

Mr. Speaker, if the objective of open participatory government and open society is valid, if the espousals from all three of the political parties represented in this House is meaningful, then we must question, regardless of what institution we may have to challenge, what custom, what tradition might have to be altered, have we succeeded or have we failed in that goal of openness -- and we haven't, Mr. Speaker. What would we think of a society in which a government, elected by a minority of the public, with which we are accustomed in Manitoba over almost two decades, were to be able to say to the public that it was going to, for example, flood 100 percent, 50 percent, 30 percent of all of Manitoba by executive decree without public hearings, without the opportunity in organized Assembly of the public to make submissions? Mr. Speaker, I suggest if somebody described that kind of a society in objective terms without relating it to Manitoba, we would describe it as a hideous distortion of open government of justice. And, Mr. Speaker, if we said to these political scientists who were looking at our system, "We can in Manitoba by Order-in-Council, by the simple stroke of a pen of a Cabinet or a municipal government, pass regulations under the legislation we passed a couple of years ago in this House, prohibiting or inhibiting or limiting the right of freedom of assembly without trammeling that right, we would describe that, Mr. Speaker, as had been described in committee hearings in this House, as again a negation of the fundamental right, the right to be heard,

And, Mr. Speaker, as the preamble to this resolution states, could it be believed that a government of any province without public hearings, without legislative debate, could assign to unnamed, unknown, unidentified non-residents one-third of the province, for the exploitation of our timber rights? We would say that couldn't happen in a democracy. Or that a government -- and I make no attack on any government, any particular political party; I simply say, look at the structure we've built ourselves into. Could a government loan -- (Interjection) -- Mr. Speaker, because I have a habit of running out of time I wonder if I could finish my address first and if I have time I'll be more than happy to answer any questions, or on the member's time -- (Interjection) --

Mr. Speaker, we have a situation where we have a law that allowed a government of this province, without public hearings, without any input as to the wisdom, the viability, the sense of a project, to agree to loan for several decades, I believe it was, roughly \$100 million to unnamed, unknown, undisclosed interests, to develop a project in the province. We had an example of it this morning, Mr. Speaker, where a government, without public hearing, without in my opinion -- I direct those comments to the Minister of Mines in charge of Manitoba Development Corporation -- without, in my opinion and the opinion of most Manitobans, sufficient disclosure, makes commitment that binds not only this administration but the next administration, to build an aircraft, to put \$12 million or \$9 million into a project without public hearings, without public debate, without submission.

Mr. Speaker, if I were to ask you or the public of any province, would it be reasonable to have laws on the books that permit a government, any government -- and I point to the government of the day -- to sign a contract between sessions of this Legislature which would commit future generations to the payment of hundreds of millions of dollars, perhaps of a hydro scheme, or commit future generations to deliver natural resources, oil, gas, nickel, zinc or hydro power to non-residents, to the United States or to Japan, without public hearings, without legislative debate in the formal sense, you would say, Mr. Speaker, that this is a tyranny, this is not the democratic process. Would you say, Mr. Speaker, that a government that can by law or by the lack of restraining law pass retroactive tax legislation or legislation which says that "what you did today was legal when you did it but we are now making it illegal as of yesterday." And that is the effect of retroactive law.

Mr. Speaker, the Honourable Mines Minister says, "ah, but that has always been the case." So has whipping, so has murder, so have a lot of other crimes against the democratic process. And Mr. Speaker, we have a system where we impose one set of morality on the private sector but another set of morality on governments. We say that if Winnipeg Gas wants to raise its rates, it must go to the Public Utilities Board; it must hold a hearing and the public has the right to make submissions. But if Autopac wants to change its rates, it does so by Order-in-Council, because it's a government corporation, because it has the divine right theory behind it. -- (Interjection) -- Ah, Mr. Speaker, Mr. Speaker, we have heard from

## RESOLUTION 14.

(MR. ASPER cont'd) . . . .the Mines Minister the classic rebuttal.

Mr. Speaker, I suggest that what I've described is the situation today. And it is not open government; it is a tyranny by the minority of the majority. And the answer the Mines Minister gives is his classic: "They can always throw us out." Well, Mr. Speaker, that's just not good enough because a government can do today something irreparable, something irreversible, and say, "If you don't like it, throw us out," four years later, or three years later. Mr. Speaker, that's not good enough because the public has no protection. That allows a government to make the commitment to sell the power to a foreign power or to flood 300 square miles or 17,000 square miles and say, "If you don't like it, throw us out." There are certain damages that cannot be redressed by throwing the government out. And Mr. Speaker, that was okay in the early days of the parliamentary system where everything that was meaningful to the public passed through this Chamber or through the House of Commons. But today, Mr. Speaker, we've changed our system. Our system has evolved into a regulatory system, and today we passed the most meaningful, the most important decisions that affect the lives of the citizenry through regulation, which doesn't go through this House, which doesn't go through public hearings in committee, or through Order-in-Council which doesn't go through this House, which doesn't go through committee, or by the worst of all three, Crown corporation decision which may or may not, at the whim of the government majority, be examined in a committee approximately a year or a year and a half after the event has occurred, which gave rise to the whole debate. No hearings.

Mr. Speaker, I don't blame the current government; I blame the fact that our revolution in technology, in communication in the action of government, has not been kept pace by the evolution or the revolution, if you like, the reform of our institutions. Mr. Speaker, not only under our system does the public in many important areas not get an opportunity to appraise, evaluate, pass judgment and make an input into government but in many of those same instances the Members of this Assembly, elected to do that job, are denied that opportunity in a direct fashion.

Mr. Speaker, the Liberal Party is committed to open the process, to ventilate it, to let the sunshine in through the windows, and if that means slowing the process of government to allow the people to have a meaningful role in government, that is the price we must be willing to pay.

Mr. Speaker, there was a Royal Commission that looked very closely at this issue. It's a Royal Commission report to which the New Democratic Party has paid great lip service, has paid great homage, and it's held up as the great report that wasn't implemented. That is called the Carter Report, the Royal Commission on Taxation. There's a very interesting section to which I commend my honourable friends opposite reading, dealing with the subject of public hearings. In the section the Royal Commission says that in order for law to be obeyed, law must be respected. In order for law to be respected, there must be a continuing input by the public and the public must have a feeling and a sense of confidence that it has a role directly in influencing the decisions of the law. And the Carter Commission went on to propose the most revolutionary, the most radical things that would be obviously odious to my friends opposite. It said that not only should the hallowed area of tax law that is never referred to a public committee of the Legislature, that is never referred to public hearings, not only should tax law changes be referred to public hearings in advance, reaching all of the tradition of budget secrecy, but every regulation passed under the Income Tax Act, the most sacred, that governments jealously guard and say, "This is our domain," the most sacred area should be breached and regulations should never be passed without public hearings. That's the Carter Commission to which the NDP opposite has paid such great tribute in talking about its concept of the tax system.

Well, Mr. Speaker, if there's a justification for breaching that tradition on tax law, then surely there is a tradition valid or rather reason for breaking the tradition, that those things which are within the domain of the minority which governs should also be open to public scrutiny, public submission and public hearing.

Mr. Speaker, during the Attorney-General's Estimate debate we offered a number of concurrent kinds of resolutions, kinds of policies, which would ventilate, which would open the process: Anti-patronage legislation; legislation requiring full disclosure by political leaders; political office holders of their investments; financial dealings; the public financing of elections

## RESOLUTION 14.

(MR. ASPER cont'd) . . . . to open the process to all people; research facilities for members of the Legislature in a meaningful way; the publication of bills before they are debated; and a series of other things. We could have gone on to list the kinds of things that are required to democratize what was thought of as a democratic process. We saw an example of the lack of access to this process by the public only a few weeks ago, when the Mayor of the City of Winnipeg had to break the law to enter the Chamber because there was no way, no legal way that he could address the Chamber. And Mr. Speaker, while considering the opening of access, it will be worthwhile to consider how, in situations like that, how other elected officials, how members of the public at large without high office, should have access. And one of the ways, the most meaningful ways in which that access can be built, will be through the passage of a resolution that will call on the government, such as we have asked, to bring in legislation making it mandatory for public hearings to be held on all major government decisions.

Now the response we'd normally receive to this kind of proposal from the government side is that it is a raising of the responsible government process and introducing that odious concept of Congressionalism, Republicanism. Now, Mr. Speaker, this is the height of arrogance, the height of smearing, of trying to attach an anti-American sentiment to something which is perfectly valid and which stands on its own. Because our friends opposite in government must recognize that the great skill of the Canadian system is our ability to import from all over - Great Britain, France, the United States - aspects of their system which fit the Canadian mould and reject those which don't. If that's not true, Mr. Speaker, then let's ban rock records, musical comedy, jazz, the whole American syndrome, because obviously, Mr. Speaker, if the adopting of open government, of committee hearings, is that acceptance of unacceptable, unthinkable congressionalism, then surely cultural domination through rock records and jazz must be equally as bad.

Mr. Speaker, I don't suppose in the opening of this resolution debate to discuss the details of the kind of legislation we would look for. Let us start by accepting the process. Let us start by accepting the principle that we will pass legislation requiring public hearings on all significant and major government actions which don't go through this Chamber and the committee system. If we believe the government must be responsible, Mr. Speaker, we will also accept the principle that it is responsive, sensitive and unafraid to question its own institutions, unafraid to re-examine its traditions and unafraid to change them when they no longer serve and become irrelevant.

And on that note, Mr. Speaker, I urge the principal of this resolution be adopted so that we can then get into the discussion of what the mechanics of such legislation would be. Thank you, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Osborne.

MR. IAN TURNBULL (Osborne): Mr. Speaker, the resolution proposed by the Leader of the Liberal Party is one that I think that every responsible legislator would agree to in that I think what he is trying to do, what he is trying to do is to enable the people of the Province of Manitoba and the people in all democratic parliamentary systems to express their will to their elected representatives. And what we should be examining, I think, is how that can best be achieved, and the Leader of the Liberal Party has put forward his point of view of how that could be done.

But I must say, Sir, that his views seem to be on the level that he indicated when he compared a hallowed tradition of parliamentary democracy, when he compared the six hundred years of the development of British parliamentary democracy to the importation of rock records and jazz, I suppose, from the United States of America. Sir, if that's the basis on which he approaches the problem in a democratic society, of providing adequate communication between the electors and the elected, then I say I must part company with him. He has to make such an argument on the basis of the complete lack of consideration in review of the history and development of our parliamentary system.

There is nothing that I can see in the resolution, as it stands before us, which would improve the communication between the elected and the electors. What he has suggested, Sir, is really a part of the campaign that is presently being undertaken by the Liberal Party in the province, the campaign which has been labelled as Stop, Look and Listen. That campaign, Sir, is based on public hearings. But let us examine really what it would mean. We know that the Leader of the Liberal Party would like to hold public hearings on every matter of expenditure

## RESOLUTION 14.

(MR. TURNBULL cont'd) . . . . that this Legislature would consider, but after the public hearings what then is the Legislature and the Cabinet supposed to do?

Mr. Speaker, I think that the suggestion that he makes is one that would not improve the quality, the degree of communication between the elected and the electors. I think that it must come from a party whose convention recently held revealed to all Manitobans how their party has failed to provide the necessary link between the electors and the elected. For if you recall, Mr. Speaker, from reading the newspaper reports of that convention, it was evident that the Liberal members of the party, of their party, could hold conventions, could pass resolutions, and then when the election was called and the party was to formulate what its platform would be, those resolutions would be used merely as some kind of repository, merely as some kind of grab bag out of which the Leader of the Liberal Party — and I think, if I recall the newspaper article correctly, members of his caucus — would pick certain resolutions and these resolutions would become the basis of the Liberal platform in the forthcoming election. That, Sir, is the kind of democracy in their party that would lead to this kind of resolution being proposed. Because that is not -- (Interjection) -- when I'm finished; I only have a short, 20 minutes -- that kind of party structure, Sir, is not democratic, it is oligarchy. And it is the kind of lack of democracy that has forced many people who would be Liberal to leave that party. It is a party that lacks communication between its ordinary rank and file and its leadership.

The program of Stop, Look and Listen, I think epitomizes the resolution. What does Stop, Look and Listen mean? What does the kind of proposal suggested in this resolution mean? Sir, I think that what it suggests is a criticism that would penetrate to the heart of our democratic system. It is a criticism that would not enhance communication between the elected and the electors, it is a criticism which would destroy the parliamentary system as it has been evolved, evolved in this country without serious revolution for some 200 years almost.

Mr. Speaker, you know, I often wonder about the Leader of the Liberal Party and his Stop, Look and Listen campaign. It seems to me that it is a campaign that would result in the complete reduction of Cabinet responsibility. What we would have is a system imposed on the cabinet system in this province, which would take away whatever power it could possibly have to conduct the affairs of the province in a rational way. I think the resolution really is one which destroys cabinet responsibility for two reasons. First of all, it seems to me that it reduces cabinet responsibility because what it suggests is that the cabinet, instead of formulating policy, instead of going to the Legislature and getting the Legislature to approve that policy — and the Legislature of course presumably holds the sovereignty of the people of the province in its hands — instead of that process being followed, what would happen is that the cabinet presumably would hold public hearings, put forward its policies, its expenditure program, and the people then would be allowed, presumably, to take some action on the proposals put before them.

Now what would happen, Mr. Speaker, I ask you? The cabinet goes to a public meeting, not to the Legislature but to a public meeting, and presents its program of expenditure. And it listens to the representations of the people there present. And then what does it do? It has two options, Mr. Speaker. It can withdraw its program, alter its program and thereby negate any aspect, any possibility of leadership, and just follow the crowd; and that, Sir, is not the leadership that the people of the province I think would like to see from their elected representatives.

The other alternative, Mr. Speaker, is that the public hearing would make recommendations to the cabinet and the cabinet would be in some way bound to follow those recommendations. In other words, the cabinet would have imposed upon it proposed legislation or proposed programs of expenditure which it disliked.

Mr. Speaker, there are two conclusions that you could come to from those two possible developments. First, if you think that the cabinet should follow what the crowd indicates to it that it wants done, then surely the cabinet may as well just fold up because it would not be providing any sensible leadership any coherent policy, any rational administration. Or secondly, if the cabinet did accept whatever the public meeting decided that night to impose upon it, then, you know, really any sensible cabinet would resign because what would be the point in attempting to continue to govern under circumstances such as that?

Mr. Speaker, I think that those are the two conclusions that you could come to from implementing the resolution as it now stands. And I think, Sir, that the aspect of the

## RESOLUTION 14.

(MR. TURNBULL cont'd) . . . . resolution which calls for legislation requiring legislative debate really does reveal what I can only call the complete lack of consideration and review of the parliamentary tradition and the customs of this House.

Mr. Speaker, when I first read the resolution I enumerated a number of opportunities that the members of this House, that the representatives of the people of the Province of Manitoba, have to debate the programs, the expenditure programs of the government of the day. Mr. Speaker, there is, first of all, the opportunity for debate in the Throne Speech, in the Reply to the Throne Speech Debate. That debate, as everyone knows who is familiar with the rules of this House, enables any member to discuss practically anything that he wishes to discuss, and he can even become relevant and discuss the program proposed by the Cabinet. Every member of the House, all 57 members, have the opportunity of speaking for 40 minutes. There is a Budget Debate. Mr. Speaker, the Budget Debate again enables every member to speak for 40 minutes if he so wished to take advantage of the time available. Mr. Speaker, every member has the opportunity once during the Session before going into Committee of Supply to present a grievance, when he again has 40 minutes to debate whatever programs of the government that he wishes to discuss. Then, Sir, we come to that incredible debate which we know as the Debate on the Estimates, which goes on for 90 hours every Session of the Legislature. It used to be 80 hours when I first came here, Sir, it's now 90 hours, and every member of the House has ample opportunity during those debates to get up on his feet and express his opinion about what he thinks of the government's expenditure program.

Mr. Speaker, every member has a chance to talk on the Interim Supply Bill, which is usually presented to every Session of the Legislature, and that is an opportunity to debate expenditures of the government. Every member can discuss or debate government expenditures during the Supply Bill motion, also during Capital Supply. Then, as we have before us tonight, we have debates on proposed resolutions. Every member can make a resolution in this House which gives him opportunity to discuss various expenditure programs of the government.

Mr. Speaker, there are want of confidence motions which enable every member to debate the expenditure program of the government. And, Mr. Speaker, I could go on. There are several items on this list that I made that I haven't enumerated but I think even the Leader of the Opposition gets the point. If he had given adequate review to the customs of this House and to the traditions of parliamentary democracy, he would know that not a cent of money is expended by a parliamentary system, by a parliamentary Legislature without adequate consideration for debate and without a vote in this Assembly. Not a cent is expended. And anyone, Sir, with an ounce of common sense, with one iota of understanding of the parliamentary system would realize that, Sir, and would not propose a resolution in the manner that is here proposed tonight.

Mr. Speaker, when the Leader of the Liberal Party last presented a resolution it was on the removal of taxation from all real property for people over 65 and I replied to that resolution. He said that, you know, really the resolution didn't say what it actually said. Mr. Speaker, there is no question about what this resolution we have before us tonight says; it says that there should be legislation requiring legislative debate and public hearings. Mr. Speaker, I have indicated through you and the members that there are ample opportunities for debate and I think that legislation calling for debate on every program of expenditure of the government would really be a lawyer's dream, because what that would mean is that there would be such constraint on debate that any ordinary lay person such as myself who wished to discuss a matter would have a difficult time knowing, you know, how he should go about it. He would have to get the legislation, review all the legislation calling for debate on certain items so that he would know when he would be able to speak.

Sir, the way we have this system developed now and it's been developed over hundreds of years in Britain and here and not imported, as our Liberal leader would like to indicate, from the United States; it has been developed by lay people; it has been developed by, you know, the common man so that he can come to this Legislature as an elected representative and say his piece on government programs. And I think that any legislation which requires debate on certain matters would not be good legislation, it would be legislation that would exclude many opportunities which now exist for adequate and thorough debate of all government expenditure programs.

## RESOLUTION 14

(MR. TURNBULL cont'd)

Mr. Speaker, it occurred to me while the Leader of the Liberal Party was speaking that one of the outcomes of the kind of public hearings that he proposes in his resolution would really be outcomes that would be ridiculous. We need only consider, for example, the kinds of referendums that they have had in the United States, if I may refer to the United States as the Member for Wolseley did drag in that country. One of the stupidest, most devastating pieces of legislation that was ever introduced into the United States, a piece of legislation which led to the prevalence of organized crime, to blood in the streets of Chicago, was the legislation establishing prohibition, which if I recall correctly, Sir, was brought in as a result of a referendum of the people of the United States. That's the one kind of ridiculous bad legislation that comes about through this kind of public hearing. And we've had a good, we've had a good example of the kind of absurdity that comes from Stop, Look and Listen and other such public hearings in this province here, Sir; and this example came directly from the mouth of the man proposing this resolution, the Leader of the Liberal Party. At a public hearing, he has said, and I assume it is in some way a commitment to the people that were there, it is in some way a commitment to the people of Manitoba, if he became the Premier, he has said, that the recreational potential of South Indian Lake could be developed through the construction of a monorail between Winnipeg and South Indian Lake. That Sir . . .

POINT OF ORDER

MR. ASPER: Point of order, Mr. Speaker.

MR. CHAIRMAN: Would the honourable member state his point of order.

MR. ASPER: Yes, the point of order, Mr. Speaker, is that it would be improper for the record to contain a misstatement of fact. What the honourable member has said is a misstatement, a gross misstatement. I won't say deliberate because he may not know any better. But it is a gross factual misstatement. If he wants me to make a statement as to what and where and when something was said by whom, I will do so. But I state here that at no public hearing did I ever say what he said I did. I ask him to withdraw it and let him show the record is incorrect.

MR. CHAIRMAN: The Honourable Member for Osborne.

MR. TURNBULL: Mr. Speaker, I say only this to the Leader of the Liberal Party. That one of the absurdities that arises from that kind of a public hearing where people make things that they then deny they made, that is precisely Sir --(Interjection)-- If the member doesn't mind, Mr. Speaker, I'm on the point of order. That that kind of absurd result from a public hearing is precisely the reason that we should not have that kind of system in existence in the Province of Manitoba. And if he did not say it, then I must say that the common word about the Province of Manitoba is contrary to what he is now saying. If he did not say it, then I withdraw it. It is my understanding . . .

MR. SPEAKER: Order please. We need not get into any more procedural difficulties. The honourable member has withdrawn if it hasn't been stated. We accept each honourable member's word in this House. We can proceed from there. The Honourable Member for Osborne. Order, please! The matter has been settled. Order, please. Would the honourable members tell me what they're rising for.

MR. TURNBULL: I am rising, Sir, because you called me.

MR. CHAIRMAN: The honourable member may proceed. He has another three minutes.

RESOLUTION 14 cont'd

MR. TURNBULL: Thank you, Mr. Speaker. Mr. Speaker, it seems to me that we have a case in point of the problem arising from public hearings. I prefer, Sir, the system that we have today in this Legislature, where every word that is spoken is recorded, it appears in a written typed record, and we can check then to see who said what and how, and I think that that's the kind of system that I would abide by, that's the kind of system I was brought up to respect, and that's the kind of system that I hope will be maintained when I make the amendment to the resolution that we have before us tonight.

Mr. Speaker, I move, seconded by the Member for Ste. Rose, that the resolution be amended by

(1) striking out the words: "there are many instances where", and the words "without any legislative or public debate, and without allowing

## RESOLUTION 14

(MR. TURNBULL cont'd) . . . . public hearings or submissions" in the first paragraph thereof; and

(2) delete the second and third paragraphs in their entirety; and

(3) delete all the words after "Manitoba" in the fourth paragraph and substitute the following: "continue the practice permitting open debate in the Assembly on all matters referred to above and continue to require management of Crown corporations to appear before standing committees of the Legislature." --(Interjection)--

MR. SPEAKER: Moved by the Honourable Member for Osborne, seconded by the Honourable Member for Sté. Rose -- Would you like to have the amendment read? The Honourable Member for Morris. The Honourable Member for Wolseley state his point of order.

POINT OF ORDER

MR. ASPER: I would ask the Chair to rule on whether or not an amendment can be made --(Interjection)--

MR. SPEAKER: Order please. The customs and procedures of this House are, if the Speaker reads out the motion then the amendment has been accepted. The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, on the point of order. Any honourable member at any stage, and we have gone through this, has the right to raise a point of order. I believe that the honourable member the Leader of the Liberal Party wanted to raise the point of order before you read the motion and you did not see him when he rose and tried to make the point of order. But even if that were not the case, Mr. Speaker, we have had it established in the House that even if a motion has been read, even if it is in the process of being proceeded with, if a valid point of order is raised it can, and the Speaker recognizes, after hearing an argument and something has slipped by, he can recognize the point of order. Therefore I submit that the Leader of the Liberal Party be permitted to make his point of order.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. ASPER: Mr. Speaker, the effect of the amendment, proposed amendment, is to in effect negate the resolution before the House. Therefore, Mr. Speaker, the appropriate method of negating or defeating a motion before the House is to defeat it. But to try to abuse the process by amending a resolution to warp its meaning so as to in effect negate it, surely, Mr. Speaker, is not an appropriate amendment. An amendment, the purpose of an amendment is to broaden, clarify or qualify, but not to totally emasculate or totally convert the meaning. And, Mr. Speaker, this is what this amendment does and I -- my understanding of parliamentary procedure, Sir, and I don't have the citation before me but I'll be prepared to do the research, Mr. Speaker, is that an amendment is only in order when it is additive to the main resolution, but not where the sole effect of the amendment is in effect to defeat the motion. That procedure, Sir, is by voting against the resolution and not amending it into oblivion. And, Mr. Speaker, the reason I make this point is that if the government hasn't the courage to vote against a resolution, then let it -- that it not seek to warp the rules.

MR. SPEAKER: Order please. Now the honourable member is debating the substance. Order please. I am willing to listen to the point of order but when the honourable member starts to debate the substance of the motion then I cannot carry on. Does the Honourable House Leader wish to speak to the point of order? The Honourable House Leader.

MR. GREEN: Yes, Mr. Speaker, I wish to . . . on the point of order, I believe that the question as to whether an amendment is acceptable or not is decided upon the question as to whether it deals with the subject matter which has been proposed by the mover, and the Legislature is not asked to either accept the subject matter or reject it. It can, if it wishes, to deal with the subject matter in a way which is more conducive to the will of the Legislature. The Legislature is not required to accept a statement that matters are dealt with without public debate if it does not wish to, and the Legislature is entitled to frame a resolution for dealing with a matter of public debate and public participation in a way which is more conducive to the way in which the Legislature regards the matter rather than the mover of the motion. And the motion that is made deals with the subject matter of the resolution.

MR. SPEAKER: The Honourable Member for Riel wish to speak to the point of order?

MR. DONALD W. CRAIK (Riel): Yes, Mr. Speaker, I'd just like to say a few words on the point of order. I think it's not uncommon practice to have resolutions, private members'

## POINT OF ORDER

(MR. CRAIK cont'd) . . . . resolutions amended in the House to the extent that the government can direct the thing in a certain direction and end up to a certain extent imposing its own will on the resolution. But there have been cases, Mr. Speaker, and this one is a classic example, where the resolution has itself been almost completely emasculated to the point where no longer can you, in speaking to the amendment, very adequately go back and speak to the main resolution. --(Interjection)-- Well again, certainly you can if you want to stretch the point, Mr. Speaker, and break the rules in so doing. But this resolution and others this session, there have been others, this has been spoken to before, the resolution has been so badly distorted that it's completely removed the meaning of the resolution, and so therefore, therefore, straightforward, direct debate on the main issue involved in the resolution is bypassed. And I think, Mr. Speaker, that we're talking here about the degree to which private members' resolutions ought to be distorted by a party at interest who wishes to do that to it. And I would ask you, Mr. Speaker, in cases like this, to hear these arguments from members of the Legislature who are concerned about what's happening to their, the extent to what's happening to their resolutions and amending them into oblivion, and use some judgment in what is acceptable in the House to the extent of doing this. I know that there's veteran members of the House here know that in past practice that amendments traditionally have been amended but not nearly as bad as what's happening in recent times, Mr. Speaker, and this is a classic example.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, the amendment proposed by the Member for Osborne appears to me -- and I am inclined to agree with the Member for Wolseley -- has so so emasculated the original motion that it is tantamount to a negation of the original motion and can easily be disposed of by simply voting against the original motion. I draw to your attention, Sir, Citation 203 on Page 171 of Beauchesne, which states that it is imperative, it is an imperative rule that every amendment must be relevant to the question on which the amendment is proposed. Every amendment proposed to be made either to a question or to a proposed amendment, should be so framed that if agreed to by the House, the question or amendment as amended would be intelligible and consistent with itself. I submit, Sir, that the amendment proposed by the Member for Osborne does not contain that prerequisite. The law on the relevancy of amendments is that if they are on the same subject matter with the original motion, they are admissible, but not when foreign thereto. And it seems to me, Sir, that on that basis the amendment really is out of order because it is foreign to the original motion. It is a complete negation of that original motion.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, my honourable friend from Morris has quoted Beauchesne 203. May I suggest that he look at Beauchesne 202 subsection (13) which reads: "An amendment to alter the main question by substituting a proposition with the opposite conclusion, is not an expanded negative and may be moved." Now I think that is the citation as it should govern our procedure and I think should be accepted by this House.

MR. SPEAKER: Are we going to have a debate by all the members on the point of order? The Honourable Member for Lakeside.

MR. ENNS: Well, Mr. Speaker, we've heard the wisdom of the members with expertise on the rules of the House, but surely, Mr. Speaker, speaking on the point of order you, Sir, having sat in the House as a private member, will appreciate the purpose of the Private Members' Resolutions, and that is to bring before the Legislative Assembly a matter that is of import to either the private member or to the party that he represents. To have an adjudication, to have consideration of that particular private member's resolution, that is precisely what the resolution is there for. It is a private member's resolution.

Now in all fairness, Sir, the whole purport of the Private Members' Hour, the Private Member's resolution is lost if it is to be distorted, if it is to be deliberately abused to the extent that a discussion can no longer take place on the original intentions of that private member. I recognize that all governments and any government can use certain means available to themselves to so amend a resolution, but surely in the final analysis, if a resolution is repugnant to a government, is in opposition to a government, then they have the simple and expedient means of stating so and registering their vote in that manner. And if the present government chooses to do that, as in this case, then they should do that and not lecture us on the parliamentary procedures of parliamentary process, but simply exercise that same parliamentary

## POINT OF ORDER

(MR. ENNS cont'd) . . . . procedure in dealing with the resolution put before us.

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

MR. GRAHAM: Thank you, Mr. Speaker, May I draw your attention to Rule No. 6 of our own rules of this House, and I would like to quote to you, Mr. Speaker, from those rules, "When the Speaker is of the opinion that a motion offered to the House is contrary to the Rules or is a violation of the privileges of the Assembly, or both, the House shall be so advised immediately. But the Speaker may reserve a decision and subsequently state the reasons therefor before putting the question."

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, if I may, on the point of order. The Honourable Member for Lakeside, in speaking to the point of order, seemed to indicate -- will the Member for Rupertsland get over where he belongs? Or is he where he belongs?

MR. SPEAKER: Order, please. Order, please.

MR. PAULLEY: I am in my position designated by Mr. Speaker. Mr. Speaker, the Honourable Member for Lakeside raised an interesting point dealing with Private Members' Resolutions, and indicated in his opinion that we were dealing in this Private Members' Hour with a resolution, and he attempted to indicate that the government was trying to impose certain legislative procedures, rules of procedure on this House, Mr. Speaker. I want to point out, on the point of order, that the rules of the conduct of this House have been established as applying to all of the procedures of the House. It's not interpreted differently, that they deal equally in private members' hours as they do in government business hours. And for the honourable member, as a point of order, Mr. Speaker, to attempt to suggest that there should be a different application during the private members' hour and suggest that the Honourable Member for Osborne, who happens to be a private member supporting the government, has not the right to introduce an amendment is erroneous. Even the babbling Member for Rupertsland could, if he was in his proper place, and he will be after the next election, but if my honourable friend from Rupertsland wanted to -- oh, shut -- If the Honourable Member for Rupertsland or any other member wished, in a private members' hour, to propose, to propose an amendment to any resolution, it's quite within his jurisdiction and it's quite within the rules of the House, but for the Honourable Member for Lakeside to suggest that because another private member introduced an amendment to a resolution of another private member, in this case the Member for Wolseley, is inaccurate because the rules apply, the rules -- oh, shut your babbling; I can hear your head rolling from here. But, Mr. Speaker, what I'm trying to indicate to you, that the rules of procedure apply equally to all members of the House. And that is the proposition, and the Honourable the Member for Lakeside attempted, Mr. Speaker, to mislead all of us -- oh, you've been misled so long you're going down a cow path -- but the Honourable Member for Lakeside attempted to suggest, Mr. Speaker, that there is a difference in the application of the rules during --(Interjection)-- Will you withdraw, then, what you had said? Okay I'll give it to you.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, on the same point of order. You know, we could really know better on this side because the very first session this group was in government, the current House Leader, the Minister of Mines and Natural Resources . . .

MR. SPEAKER: Is the honourable member addressing himself to the point of order?

MR. ENNS: Yes, to the point of order. Indicated to us precisely how the government would approach Private Members' Resolutions, that they would of course always be prepared "to consider the advisability of." They have now reconsidered that position and thought that no, there might be some propaganda value into amending them to whatever distorted . . .

MR. SPEAKER: The Honourable member is not speaking to the point of order.

MR. ENNS: Well, Mr. Speaker, all I'm suggesting is that the Private Members' Resolution, by virtue of the amendments now being put forward, is being legislated out of existence, --(Interjection)-- By them, by the muzzlers of freedom, by the muzzlers of free debate.

MR. SPEAKER: Order, please. I would like to thank all the honourable members for their contributions. I should also like to tell them - order, please - I should also like to tell them, or inform them that the rules are applicable at all times irrespective of what order of business we have before us. I should also like to indicate that Citation 201 or Beauschesne says, "The object of an amendment may be to effect such an alteration in a question as will

## POINT OF ORDER

(MR. SPEAKER cont'd) . . . . obtain the support of those who without such alteration, must vote against it or abstain from voting thereon, or to present to the House an alternative proposition, either wholly or partially opposed to the original question." I think that in fact covers the situation at the moment. Let me -- Order, please. --(Interjection)-- Order, please. "This may be effected by moving to omit all the words of the question after the first word "that" and to substitute in their place other words of a different import. In that case the debate that follows is not restricted to the amendment but includes the motives of the amendment and of the motion, both matters being under the consideration of the House as alternative propositions." And just to carry on to the conclusion of Citation 201; "A motion may be amended (a) by leaving out certain words; (b) by leaving out certain words in order to insert other words; (c) by inserting or adding other words." And I think that covers the situation, therefore the amendment is allowed.

The hour being 10:00 o'clock, the House is now adjourned and stands adjourned until 2:30 tomorrow afternoon. (Tuesday)