

LEGISLATIVE ASSEMBLY OF MANITOBA
10:00 o'clock, Thursday, May 30, 1974

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees. The Honourable Member for Gimli.

REPORTS BY STANDING COMMITTEES

MR. JOHN C. GOTTFRIED (Gimli): Mr. Speaker, I'd like to present the Fifth Report of the Standing Committee on Municipal Affairs.

MR. CLERK: Your Committee met on Wednesday, May 29, 1974, and considered Bills: No. 38 - An Act to amend The City of Winnipeg Act.

No. 45 - An Act to amend An Act to repeal An Act to Validate and Confirm a Certain Agreement Between The Town of Dauphin and The Rural Municipality of Dauphin.

No. 46 - An Act to amend The City of Winnipeg Act (2).

No. 58 - An Act to amend The Municipal Act (2).

And has agreed to report the same with certain amendments.

MR. SPEAKER: The Honourable Member for Gimli.

MR. GOTTFRIED: Mr. Speaker, I move, seconded by the Honourable Member for St. Vital, that the report of the committee be received.

MOTION presented and carried.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. A. R. (PETE) ADAM (Ste. Rose): Thank you, Mr. Speaker. I beg to present the First Report of the Standing Committee on Privileges and Elections.

MR. CLERK: Your Committee met on Wednesday, May 29, 1974, and appointed Mr. Petursson as Chairman. It was agreed that the quorum of the Committee shall consist of seven (7) members.

George W. Maltby, Ombudsman for the Province of Manitoba, gave a brief outline of the operations of his office. He answered all questions put to him by members of the Committee.

Your Committee reviewed and adopted the Annual Report of the Ombudsman for the calendar year 1973.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. ADAM: Thank you, Mr. Speaker. I beg to move, seconded by the Honourable Member for Point Douglas, that the report of the committee be received.

MOTION presented and carried.

MR. SPEAKER: Ministerial Statements; Tabling of Reports; Notices of Motion; Introduction of Bills. The Honourable Attorney-General.

INTRODUCTION OF BILLS

HON. HOWARD PAWLEY, Q.C. (Attorney-General, Minister of Municipal Affairs) (Selkirk) introduced Bill No. 90, The Human Rights Act. (Recommended by His Honour the Lieutenant-Governor).

ORAL QUESTIONS

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

MR. SIDNEY SPIVAK, Q.C. (Leader of the Official Opposition): Mr. Speaker, my question is to the Minister of Health. It relates to a question that was, I think, posed in his absence and taken by the First Minister as notice, and I wonder if I can put the question to him now again. This deals with the question of whether a wife receiving Provincial Welfare Assistance is having the cost of living index increase given to her husband on his Canada Pension deducted from her welfare cheque.

MR. SPEAKER: The Honourable Minister of Health.

HON. SAUL A. MILLER (Minister of Health and Social Development) (Seven Oaks): Mr. Speaker, I'd have to check that out with the department. I can't be sure what the answer might be.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I have another question I would direct to the First Minister. The Chairman of Air Canada has indicated that there will be across-the-board increase of 10.5 percent in air fares. Will it be the intention of the government to make representation

ORAL QUESTIONS

(MR. SPIVAK cont'd) in connection with this matter?

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Well, Mr. Speaker, matters that come under federal jurisdiction and under federal regulation, and in this particular case the matter of air routes, licences and air fares, is subject to regulation by the Government of Canada. I see little urgency in a provincial jurisdiction purposing or presuming to regulate in that field. We may make a presentation with respect to the matter of air fares and the importance of air transport services to Canadian development and regional development, but it would stop at being a presentation and would not presume to be more than that.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: I wonder if the First Minister could indicate whether there is any activity undertaken by any of his departments, or any of the departments of government, which would monitor whether the increase that is being asked for is justified or is excessive or not?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, this would be a classic example of where governments would be well advised to avoid undertaking the kind of in-depth analysis and studies which, if undertaken in the same fashion in each of the provinces, would be a pure case of duplication of effort. We certainly would want to be assured, and I believe we can be assured, that the Government of Canada is undertaking the necessary analysis on behalf of all provinces rather than having eleven different analyses carried out in depth.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: I wonder then if the First Minister can indicate that the position he stated is the same position that the government applies to freight rates?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, we are, in the case of freight rates, working together as four western provinces and that assures that a duplication of effort is minimized, while at the same time ensuring that systematic analysis is being carried out. The reason that we are working on a regional western Canadian basis as far as freight rates are concerned is because - it's no secret - there has been a longstanding difference of position as between the western provincial governments and successive federal governments as to the extent to which anomalies exist in the freight rate structure and under the National Transportation Act.

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

MR. I. H. ASPER (Leader of the Liberal Party) (Wolseley): Thank you, Mr. Speaker. My question is for the Minister responsible for Hydro. Could he indicate to the House the exact quantity of firm commitment of sale of power to the United States through the United States Power Corp. under the arrangement Hydro has reached? Is there a specific quantity of power, energy being sold, and if so, what is that?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, since my honourable friend is asking for a very specific figure, I will take the question as notice and provide him with a specific answer.

MR. ASPER: Mr. Speaker, to the same Minister, in the absence of the Minister of Industry: in view of the commitment that the Minister of Industry and Commerce gave to us, or perhaps it was the First Minister who gave it to us, in committee last year when this issue was raised, was a study undertaken to determine whether the excess power that is now being sold could be used to attract industry from the United States to relocate in Canada, to be serviced with that power?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, I think on reflection the Honourable the Member for Wolseley will agree that there is no way that a definitive answer could be given to a question like that. We are in a position to indicate whether or not, and if so the extent to which neighboring provincial utilities would be desirous of contracting for the purchase of Manitoba Hydro Electric energy in the years and decade ahead; that kind of information we can give in a definitive way, but there is no way that we can say that all of the energy that might be summer surplus, which could be in the order of two billion kilowatt hours per year, let us say, there's no way that we can reply definitively that that two billion kilowatt hours could not all be used as a means of a carrot or incentive to, let us say, Aluminum Company of America, Reynolds, you name it, high energy-using industry to attract them to Manitoba. There have been efforts

ORAL QUESTIONS

(MR. SCHREYER cont'd) made through the Department of Industry and Commerce largely, but not exclusively through Industry and Commerce, to canvass all probable high energy or intensive energy using industries, canvass their interest in the possibility of locating their incremental capacity additions in Manitoba, that's been done. So I cannot be more definitive than that in reply to my honourable friend.

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

MR. ASPER: Mr. Speaker, the Minister of Industry and Commerce is here in charge of energy, I'll direct the question to him then. I might ask him if he heard the First Minister's answer and if he did, would he answer this? Did the department contact American industry who might be looking for additional power for expansion and attempt to attract them to Manitoba to locate their plant here with the offer of the power that is now being sold to the United States?

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

HON. LEONARD S. EVANS (Minister of Industry and Commerce) (Brandon East): Well, Mr. Speaker, we have established a special Task Force within the Department of Industry and Commerce and we have a long list, and we are going to many many companies who could be potential users of electrical energy in Manitoba. But upon research into the subject, I can assure you that it is not easy to find manufacturing industries, and other types of industries, that are high users of electrical energy, electric intensive industries. The list is very limited and those that are quite dependent upon electrical energy are sometimes also very dependent upon other factors, some of which may not be present in Manitoba. But I would like to assure, Mr. Speaker, I'd like to assure the Honourable Leader of the Liberal Party, and all members of the House, that we have given this a top priority within the department.

MR. ASPER: Could the Minister indicate whether specific offers of this surplus power that's being sold to the U. S., were those offers made to the Province of Ontario and perhaps to the Province of Saskatchewan, at least was the offer made to Ontario to hook into the Manitoba surplus power system?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I repeat there is no way that a definitive reply could be given to a question such as this. There are primarily four jurisdictions in Canada from which there are significant export sales of hydro electric energy, namely, Ontario, New Brunswick, British Columbia and Manitoba, and I believe in that order as well in terms of quantity. In each of those cases, taking Ontario perhaps as an example, if there is an amount in the order of ten to twelve times the amount of hydro electric energy being exported, as is being exported from Manitoba, there is no way in which a jurisdiction can say that it has canvassed every possible potential industrial user located now in the U. S. to locate within the provincial jurisdiction as an alternative to the continued export of hydro electric energy, and of course that raises the question of relative rates, how great must the incentive be, etc.

MR. ASPER: Mr. Speaker, to the First Minister, perhaps we would be better informed to ask government questions if he would table the Letter of Intent that Hydro has signed within the next couple of days so that we can then comment.

MR. SCHREYER: Mr. Speaker, there is no problem in proceeding to do so, and I might add as well - it relates to the previous question of my honourable friend - that the location of an energy intensive industry in Manitoba, something that has been explored systematically I believe, but it is not as though it is that simple, Mr. Speaker, that for every industrial user that is located in Manitoba that's a replacement for an equivalent amount of energy that would otherwise be exported. Because, Mr. Speaker, we are talking primarily in the case of this Letter of Intent of the sale of summer surplus energy and if a high energy using industry were to be located here with incentives, various carrots and incentives, then of course that does nothing relative to the problem of insuring a winter supply for that self-same industry which winter supply would have to be assured in the face of an already aggravated winter peak load demand, which is one of the problems of Canadian climate and Canadian utilities.

MR. ASPER: Mr. Speaker, arising from the First Minister's answer, is it not a fact that a good many industries in precisely the same kind of situation are using electrical surplus energy . . .

MR. SPEAKER: Order please. The honourable member is making an argument again during the question period and I'm sure that's not what he's here for. If he wants information, he's entitled to it, but if he starts a debate, he's out of order. The honourable member wish to rephrase his question?

ORAL QUESTIONS

MR. ASPER: Yes, Mr. Speaker. Is it not fact that industry has now worked out an adaptation whereby in jurisdictions such as ours where we have surplus summer energy of electrical that they are converting and having a two system energy system, summer electrical - winter gas. And if that's a fact, Mr. Speaker, is it not possible that Manitoba should be canvassing those kinds of industries to use our summer surplus rather than export it?

MR. SCHREYER: Mr. Speaker, it is not a fact and therefore much of the hypotheses is erroneous.

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

MR. J. PAUL MARION (St. Boniface): Thank you, Mr. Speaker, I'd like to direct my question to the Honourable Minister of Health and Social Development. I wonder if the Minister could advise us what accumulative total of hospital beds -- what is the total of hospital beds being withdrawn from service in the Winnipeg area because of the nurse shortage.

MR. SPEAKER: The Honourable Minister of Health.

MR. MILLER: Mr. Speaker, I wouldn't have that information. Every hospital has its own figures I suppose. They don't all come about at the same time; it depends what the holiday periods are in the individual hospitals. They run their own hospitals, and they make their own arrangements vis-a-vis holiday time, and therefore when certain people are off or when certain people are back on.

MR. MARION: Mr. Speaker, I wonder if the Minister could answer this question. Has his department surveyed the impact that the withdrawal - and from the information I have it's a hundred beds now - that withdrawal of these beds will have on the health care of Manitobans.

MR. MILLER: No, Mr. Speaker, the department has not surveyed that; the Manitoba Health Services Commission is the body who would be in touch with the hospitals with regard to that. As I mentioned a number of times, this is an annual occurrence every summer when people take holidays.

MR. MARION: Mr. Speaker, a final question to the same Minister. Has the Minister presently formulated plans that will alleviate this problem and what will stop it from recurring every year in greater and greater proportion as time goes on?

MR. MILLER: Mr. Speaker, the implication there is that because of holidays and these factors that somehow there's going to be a shortage, and I suggest that that's an assumption that's not correct. People do try to avoid going into hospital in the summer months and they want to be with their families on holidays, just as the staff do, and therefore in fact the need for the full number of beds being in operation during the summer months just isn't there. That's been the practice and that's been the experience of other years. So the assumption that somehow all the beds have to be completely staffed and operational might even lead to an over-bedding and a surplus and an unused capacity.

MR. MARION: Well, Mr. Speaker, a final question. Is the Minister really saying then that we're deactivating approximately 100 beds in the City of Winnipeg because of the lack of demand for those beds during the summer months?

MR. MILLER: Mr. Speaker, I'm not saying we are deactivating anything. The hospitals are doing what they do every year. They have holiday staff, goes on holidays, doctors go on holidays, patients go on holidays, or prospective patients go on holidays.

MR. SPEAKER: The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Thanks, Mr. Speaker, my question is for the Minister of Consumer Affairs but since he isn't here maybe the Minister of Health will answer it. In view of the announcement by the national Minister of Consumer Affairs that certain electric kettles release greater amounts of lead into boiling water than is considered safe, can the Minister advise the House if they plan to take any action on this matter and if so, what?

MR. SPEAKER: The Honourable Minister of Health.

MR. MILLER: Mr. Speaker, this fault was in the Consumer Affairs Department federally and the Federal Government has now issued a list of tea kettles which meet the lead requirements - I believe that the Honourable Mr. Gray has now made a list available to all Canadian retail outlets and that information will be known - that's my knowledge of the tea kettle business.

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

MR. ASPER: My question's to the Minister of Finance, Mr. Speaker. Has he in the past couple of days met again with representatives of the Manitoba Credit Union Association,

ORAL QUESTIONS

(MR. ASPER cont'd) and did they offer to fill any gaps in the financial structure of Manitoba if the Treasury Branch Bill were to be withdrawn.

HON. SAUL CHERNIACK, Q. C. (Minister of Finance) (St. Johns): No, Mr. Speaker.

MR. ASPER: Well to the same Minister, Mr. Speaker. Has he been informed that the Credit Union Association and the movement is opposing his bill, and has he received representation from individual credit unions to the effect that the bill should be withdrawn.

MR. CHERNIACK: No, Mr. Speaker.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Yes, I wonder if the First Minister can indicate whether the Credit Union Association of Manitoba has forwarded to him a brief which would oppose the introduction of a treasury system as proposed in the Treasury Branches Act, and I wonder if it's the intention of the First Minister to meet with the association.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I have no doubt but that arrangements will be made to meet with the Credit Union Association at some appropriate time in order to review matters of mutual interest and concern, among which will be the fact that it is this government that removed constraints on credit union operations, did not impose them. It is this government that has a position of affinity and support for the operations of credit unions. And I say at the same time, Mr. Speaker, that in the light of that it comes passing strange that there should be this concern and solicitude about treasury branches.

MR. SPIVAK: I wonder if the First Minister can confirm that over three weeks ago the credit unions forwarded to him a brief, and I wonder if he can indicate as to whether he or his government have replied to them allowing them the opportunity to make a formal presentation to the government before this Treasury Branches Act was introduced?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I certainly am aware of that having received a copy of the letter. But I certainly make no pretense of hiding, Sir, my sincere belief that much of that opposition is being trumped up among a certain group within the credit union movement that are doing so completely forgetting and ignoring the fact that it is this government that allowed credit unions more scope of action. (Applause)

MR. SPIVAK: Yes. I wonder then if the First Minister has informed the credit union organization of the government's position that in fact there is not a unanimous position on their part with respect to it? It's my belief and my impression that it is a unanimous position on the part of the credit unions in Manitoba.

MR. SCHREYER: Mr. Speaker, a few organizations are monolithic. In the case of the credit unions there are those of course who are aware that the credit unions were organized in the first place as an alternative to complete dependency on chartered banks. And with the passage of time there apparently now are those in credit unions, in the credit union movements, I don't know how many, who have greater concern and solicitude about treasury branches than they have about chartered banks, and I find that historically ironic to say the least.

MR. SPIVAK: Mr. Speaker, my question is to the Minister of Finance. I wonder if he can indicate whether the studies completed by his department would indicate that the proposed treasury branches would in fact offer more or stronger competition than the credit unions . . .

MR. SPEAKER: Order please. We have that bill before us. It is possible to debate. We don't have to have that as a question now. The Honourable Member wish to place another question.

MR. SPIVAK: Yes. I wonder if the Minister of Finance is in a position to indicate whether his department has any studies of the impact of the Treasury Branches Act on credit unions in Manitoba?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Speaker, we presented the bill. We have made whatever internal studies we feel necessary in order to bring the bill before the House, and we've done so.

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

MR. ASPER: To the First Minister, Mr. Speaker. Has the First Minister been informed that the Credit Union Association takes the position that the . . .

MR. SPEAKER: Order please. Again I repeat, the question period is for questions, not

ORAL QUESTIONS

(MR. SPEAKER cont'd) to bring information to the House. So if the honourable member has a question which he wants answered, very well. But if he wants to present a case and then ask a question on it, that's not fair. The Honourable Leader of the Liberal Party.

MR. ASPER: Yes, Mr. Speaker. My question is to the First Minister to ask him if he has certain information. The question is, has he been informed that the credit union takes the position that the advance of the Treasury Branch Bill will adversely affect the prospects of the Credit Union Bank for which incorporation has been applied to Ottawa, the Bank of Northland.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, there may be those who hold that position, I doubt it, not as stated in the question by my honourable friend the Member for Wolseley, and if in case there are, let me make it clear that we regard that as nonsense.

MR. ASPER: Yes, Mr. Speaker. My question relates to the First Minister's answer to my honourable friend the Member from River Heights, to the effect that he was not satisfied that the feeling of the credit unions was being unanimously supported, or was supported by the majority. If the First Minister receives information, or should the credit union movement formally advise the First Minister that the union movement in its substantial majority takes the position as suggested in this House, will the Minister then cause the bill to be withdrawn?

MR. SPEAKER: The Honourable . . .

MR. SCHREYER: Mr. Speaker . . .

MR. SPEAKER: Order please. Again. I'm sorry, does the member not realize that's hypothetical? Order please. Does he not realize it's hypothetical and therefore it cannot be placed. That's it. Would the honourable member state his point of order?

MR. ASPER: It is only the First Minister who says that it's hypothetical.

MR. SPEAKER: Order please.

MR. ASPER: Mr. Speaker, we stick . . .

MR. SPEAKER: Order please. That is not a point of order. --(Interjection)--

MR. SCHREYER: When did I say that that question was hypothetical. I, Sir, did not say that.

MR. SPEAKER: The Chair stated that it was hypothetical because the honourable member said "if" and that closes the matter. The Honourable Leader of the Liberal Party.

MR. ASPER: The question is this. In view of the fact that the Credit Union Movement takes the position that this bill will adversely affect the Credit Union Movement . . .

MR. SPEAKER: Order please. Again, I must . . .

MR. ASPER: . . . basic . . .

MR. SPEAKER: Order please. --(Interjection)-- Order please. I would like to point out that I've asked for the co-operation of all the honourable members in the question period. And one of the basics that I've requested is that they should not preface their questions because that's what creates the problem and the arguments. The question period is for a desire to have answers, not to place an argument before the House and then ask a question on it. And until the members proceed that way we shall have this difficulty. As long as they preface their questions with arguments which may be debated the question will have to be ruled out of order. I'm sorry. That's your rules. Orders of the Day.

ORDERS OF THE DAY - GOVERNMENT BILLS - SECOND READING

MR. SPEAKER: The Honourable House Leader.

HON. SIDNEY GREEN, Q. C. (House Leader) (Inkster): Mr. Speaker, I'd like to proceed with the adjourned debates on second reading. But before doing so, Mr. Speaker, may I seek the co-operation of the House . . .

MR. SPEAKER: Order please.

MR. GREEN . . . to the calling of the Industrial Relations Committee for the consideration of bills, before that committee on Monday evening at 8:00 o'clock. Acceptable? (Acceptable) Mr. Speaker, I wish you would proceed with the adjourned debates as they stand on the Order Paper.

MR. SPEAKER: Thank you. Adjourned Debates Second Reading Bill No. 64. The Honourable Leader of the Opposition. (Stand)

Bill No. 73. The Honourable Member for Fort Garry. (Stand)

Bill No. 76. The Honourable Member for Roblin.

BILL NO. 76

MR. J. WALLY MCKENZIE (Roblin): Mr. Speaker, I have reviewed this bill and have a few questions to ask of the Honourable Minister in second reading as to where the government plans to start with the legislation once it's enacted? Where do we end? What kind of moneys are going to be involved? What programs that the Honourable Minister has in mind as we pursue a program to put into the trust of government some of the heritage of our province? I'm wondering if the -- how many requests that the Honourable Minister has had over the term of the last year or so since this legislation has come under draft. Who are the people that's interested when the government come into these communities to acquire property, both real and personal, and where the basic interest lies? I wonder, Mr. Speaker, and I well recall the many requests that I have laid on the doorstep of this government regarding Skinners Nursery in the Dropmore district and I'm familiar with the request for government to get involved with the arboretum development of that great resource that's sitting there in the hope that we could reserve and honour the late Dr. Frank Skinner who is, I say, well recognized around the world as one of the greatest horticulturists that we've had in western Canada; a great plant breeder, and time and time and again this request for government to assist the development of that arboretum in his honour has been turned down. So I'm wondering if the Honourable Minister could now, under this legislation, accept that type of a request. The Department of Development Corporation has been behind the movement, and many groups of people, the horticultural societies and the whole region, have been interested in preserving some of that, and there would be maybe an example of a heritage that we should keep in trust for the future.

The rest of the bill, Mr. Speaker, I have rechecked it out and it seems to be okay. I find that the powers that the government is asking for in the one section are rather unique. I believe it was the Centennial Centre Corporation Act, allows for the acquisition and disposition of real property with ministerial approval, and I believe there's another bill, is it the Arts Council Act allows for the acquisition of property by the Council. But I think, Mr. Speaker, the legislation is worth the consideration of the members of the House and if the Honourable Minister can give us some idea of where we're going or the reasoning why the legislation was brought forth at this time, I'm sure we can move along and maybe get the bill to committee and have some of the interested groups express their opinions on it.

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

MR. ASPER: Mr. Speaker, I'll only take a couple of minutes to indicate that our party supports the bill and finds it easy to support the bill with some degree of enthusiasm. We have some concerns and questions as the Honourable Member from Roblin has raised: What budget. What kind of capital commitment or foundation grant will be made by the government. What kind of accountability to this House. Will it be fighting two years from now to get the Chairman into a committee or whether we'll have some automatic rights to get that person before the Legislature and so on. But the idea of establishing Heritage Manitoba is one for which the government deserves commendation, for here they are leading Canada; they are leading the other provinces, and that is something to their credit. It's long overdue, Mr. Speaker, that we have some sort of provincial thrust to go with the federal National Historic Sites legislation and the plan that the Federal Government proposed last year - I can't remember what name they gave their plan - but the point is that we did not have and do not yet have, in Manitoba, the mechanics to permit a concerted effort by the government of Manitoba to preserve artifacts, heirlooms, historical sites that are of provincial interest, or matters of land, museum pieces, pieces that are presently being exported from Manitoba. And, Mr. Speaker, I would like to have seen the legislation a little bit tougher on that aspect.

The Federal Government, in the budget which was presented to the House of Commons a few weeks ago, proposed two sets of legislation. One was a tax piece, which I think Manitoba could emulate, and that was to prevent through tax -- rather to encourage through tax concessions, the donation by people of artifacts, heirlooms, Canadianna to the government of Canada or the province or the particular Crown agency that was interested in collecting those kinds of things - historic papers, archives material, simply the material that public figures collect and so on; and the plan in the Federal Budget, that could well be taken by the Manitoba Government, was to create a tax deduction for anyone who made such a contribution to an organization such as Heritage Manitoba.

The second thing that the Federal Budget provided and I would commend to this government, was a prohibition against exports from the country of those things which are Canadianna,

BILL 76

(MR. ASPER Cont'd) those things which are historically important, and not an absolute prohibition but rather the Federal Government took the right that before something was sold and exported from this country, that it must first be offered to an organization such as Heritage Manitoba or Heritage Canada, and I would urge the government to consider stiffening its legislation in this regard so that we don't find ourselves travelling in Louisiana going to antique shops and buying heirlooms of Canadianna at incredibly increased prices. And don't think it won't happen. Mr. Speaker, I invite members to go to Sloane's in New York, and I invite them to pay \$400 to \$800 for rocking chairs that come from the prairies of Manitoba and Saskatchewan, and the red leather couches that sat in every rural hotel lobby in rural Manitoba, and you'll buy them in Sloane's in New York for \$1,200. And, Mr. Speaker, the antique shops of Sorrento, Italy will sell you Canadianna at incredibly inflated prices. So while I commend the Minister for this legislation, there are two more pieces that we would like to see go into it. (1) A tax incentive so that those Manitobans who hold bound papers, books, artifacts historically important or sentimentally, nostalgically important, documents, buildings, be given tax incentive to donate those things to the public, and (2) that the government consider adding legislation to prohibit the export from the province of those things before they're offered first for sale or purchase by Heritage Manitoba.

And with those few remarks, Mr. Speaker, we support the legislation as far as it goes. We ask the government to stiffen it and improve it, and we hope to accomplish that in committee.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSON (Morris): Mr. Speaker, I rise not to take an opposing view to those who have already spoken on this bill. Rather than to oppose it, I rise to compliment what they have already said and the suggestions that they have made. I would like to say to the Minister that I believe that he has taken a definite step forward. There is a thrust in this legislation that will help preserve the heritage of this province in such a way that generations to come will know from whence we came and those things that were important to people in the era in which the artifacts or the historical pieces were used; and in this regard I want to commend to the Minister the reading of James Gray's books, a delightful early history of the Province of Manitoba, particularly as outlined in the book called "Booze", in which he will find items and ideas that he can use to bring into Heritage Manitoba. Another one that's equally as delightful is entitled "Red Light on the Prairies", and I'm sure that if he searched around he might even find some of the historical sites that were contained in this book that might be of use in incorporating into -- indeed, he could even maybe find one of those buildings that might be used to house all the artifacts that he intends to collect and place in public displays. I commend to the Minister that if he searches diligently enough and reads the books that I have just outlined, he might find numerous ideas --(Interjection)-- James Gray. He might find numerous ideas that he could use to insure that the heritage of this province will be preserved forever.

MR. SPEAKER: The Honourable Minister shall be closing debate.

HON. RENE E. TOUPIN (Minister of Tourism, Recreation and Cultural Affairs) (Springfield): Well, Mr. Speaker, I did speak on this bill but I wanted to add a few comments in reply to some of the questions of the honourable members who had spoken on the bill. First of all, allow me to go back in history, if I may, and what I feel is important in life to all members of our society in this province. I was sort of pleased in 1967, as an example, when I visited Expo and was able to go back to the history in Canada when my ancestors came to Canada in 1653, and to see the maps, to see exactly the piece of land that they acquired in the province of Quebec at that time, to see the names of my two ancestors, one who took the name of Toupin and the other one of Duseault which followed right back to the years when they came from France, from Bretagne, France, and followed the spreading of those two families in the rest of Canada and the United States since 1653, and to see equally the spreading of those two families in the rest of Canada, Manitoba in 1879. I think to the large families of Canada a lot of things that do happen around us are important to preserve, and the Honourable Member for Roblin, you know, posed a question in regard to what kind of funds will be made available?

Well I would recommend to the honourable member that he look at section 17 of the Bill and that will depend on, first of all, the priorities that we have for ourselves, and this will not be determined by this government, I hope, alone. I hope it will not be determined by

BILL 76

(MR. TOUPIN Cont'd) future administrations that we have in this country, or by the people who are interested in preserving historical material, artifacts and so on. It will be determined by a joint meaningful partnership of different levels of society, by the Crown at this level, hopefully the Federal Government who has, previous to ourselves, passed a similar bill, equally by those involved in society wanting to preserve historical facts for the future. It will depend on the financial contribution of a lot of people, including the different levels of the Crown. --(Interjection)-- Yes, I did say the private sector, definitely, and there has to be some sort of an incentive on the private sector to contribute. The Honourable Leader of the Liberal Party made mention of this. And there are certain sections in the Act that can be looked at very closely by my colleagues, and if you refer to the Heritage Act of Canada, you see sections that can be made applicable across Canada and that can be tied in with this bill, and that was one of the reasons why we, as a government, accepted to present this type of legislation to this House.

I think it's very easy, Mr. Speaker and colleagues in the House, to be enthusiastic about such a bill. It's easy to become jubilant and to say yes, we are forging ahead and we are looking to better things in the future, especially when you look around here in Unicity and find out that, you know, just a few years ago, we decided to destroy one of the great beauties of this city - the old City Hall. I felt, you know, I really felt bad to observe that one of the real beauties that we had in the City of Winnipeg just was demolished totally. You know, really, that was a base for so many people that looked up to this building. Now today we are looking at the construction of facilities in keeping, in keeping what we now have, and a good example of this, the Honourable Member for St. Boniface will appreciate that, is the old Basilica in St. Boniface that burned down, and it was decided by the people of St. Boniface, by the people of Manitoba that were interested in this facility, to construct around the walls of the Basilica, and I think it still remains one of the beauties of Manitoba. We see that in other areas, as an example again, there is the desire in the part of my constituency called Ste. Agathe to build a senior citizens home. They have an old convent there. The old convent will not be demolished; it will be built around the convent, and the convent itself will be used as a museum, as a small cultural centre, but the old people that will be in the senior citizens home will partake in the activities of what I like to call an "information centre" in that region of the province.

These are some of the things that when we plan for the future we should think about. I don't think that the generation of today should be attempting to destroy what our ancestors gave us, but we should use it as a platform to launch into the future, and that is sometimes difficult when we're sitting alongside of an older person of ninety or ninety-five or a hundred years old, like my grandmother who is turning 96, still quite capable, can go back to 1879 when she came here in the Province of Manitoba and give you the facts about, you know, the life that she's had in this beautiful province. But I think we should build on this heritage of ours. This is very important.

The Member for Roblin made mention of Dr. Skinner and his interest in life today, reflected on his experience of the past. Again, the Board, who will have certain autonomy, will be in a position to decide how to actually work effectively with Dr. Skinner and other people that will want to pursue their objectives in life. I will not, as the Minister responsible for this Act, pre-determine what will happen to those individuals wanting to pursue certain objectives.

I'd like to refer the Honourable Member for Wolseley, the Leader of the Liberal Party, to certain sections of the bill in regard to tax problems, in a sense, or how we can deal with certain tax issues, section 10 (b) (ii) and (iii), section 15 of the bill, which will leave certain flexibility to the autonomous board to deal with certain problems jointly with all levels of society, private enterprise or co-operative movement, the different levels of the Crown.

I believe, Mr. Speaker, that this is not the ultimate in legislation, but it is a part of something that can become very important to so many people of our province, maybe not important to us that much right now, maybe not that important to our children that are around us, but certainly very important for the planning of what will happen to historical material, to historical facilities that we have around us today so that they can be preserved effectively and protected for the for the future, for the generations to come. And for these few reasons, Mr. Speaker, and in telling my colleagues of the House that I anticipate that this bill certainly will be amended in the sessions to come because we'll have to work and receive

BILL 76

(MR. TOUPIN Cont'd) . . . recommendations from many sectors of society, and we always consider the recommendations even of the members of the opposition in regard to what we have on the Statutes, and I do hope that this part will be important, that it will give a good foundation to what we now have and prevent disasters like we've seen in the past, I recommend this bill to all members of the House.

QUESTION put, MOTION carried.

MR. SPEAKER: Bill No. 77. The Honourable Member for Gladstone. (Stands)

BILL NO. 79

MR. SPEAKER: Bill No. 79. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, we've had an opportunity to examine this bill and we're prepared to allow it to go to Law Amendments.

QUESTION put, MOTION carried.

BILL NO. 80

MR. SPEAKER: Bill No. 80. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, we've also had an opportunity to examine the bill. We'll allow it to go to Law Amendments.

QUESTION put, MOTION carried.

MR. SPEAKER: Bills Nos. 67, 69, 75. The Honourable Minister of Northern Affairs.

BILL NO. 75

HON. RON McBRYDE (Minister of Northern Affairs) (The Pas) presented Bill No. 75, The Northern Affairs Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Northern Affairs.

MR. McBRYDE: Mr. Speaker, the bill that we have before us is a logical extension of the Northern Affairs Act that was passed and then amended. In 1966 the original Northern Affairs Act was introduced, providing for a Commissioner of Northern Affairs and giving municipal responsibility to certain northern remote and rural communities to the Commissioner.

In 1970 amendments were introduced giving more authority to the local community advisory committees. The most important amendments made were the introduction of elected community councils; the Commissioner's authority was changed in some areas to reflect a joint authority between his office and the elected councils; unconditional grants were to be paid to community councils; and the Commissioner of Northern Affairs' fund was established to facilitate the development of municipal type services in the north.

Mr. Speaker, since we've been discussing history and artifacts this morning I might point out that I've just received a copy of a Northern Affairs Act that was dated 1916; but that was some time ago and the purpose and effect of that Act was quite different, in fact having a Commissioner or civil servant for all of northern Manitoba.

This present act before, Mr. Speaker, as I said, is the next logical step in the further development of local democratic municipal government for the remote northern communities. I must point out to members for their clarification that it does not cover Indian bands, local government districts or municipalities. And in fact to make it perfectly clear, I should indicate that the communities affected are Brochet, Cross Lake, Granville Lake, Ilford, Norway House, Pikwitonei, Sheridan, South Indian Lake, Thicket Portage, Wabowden, Anama Bay, Berens River, Big Black River, Bissett, Dallas Red Rose, Fisher Bay, Loon Straits, Manigotagan, Matheson Island, Pine Dock, Princess Harbour, Seymourville, Barrows, Camperville, Cormorant, Crane River, Duck Bay, Easterville, Mallard, Meadow Portage, Moose Lake, Pelican Rapids, Red Deer Lake, Waterhen, Westgate, National Mills, Salt Point and Warren's Landing. Those communities fall within the --(Interjection)--

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: I wonder by way of a question to the Honourable Minister. I wonder if he would be prepared to give us a list of those communities elected as a -- the answer will not be out for a couple of days, at the conclusion.

BILL 75

MR. McBRYDE: Mr. Speaker, I'll give a list of those communities to the members opposite. Those communities fall within the five northern constituencies and within the constituencies of the Member for Roblin and Swan River.

This Act repeals and replaces the Northern Manitoba Affairs Act. It provides a staged or evolutionary development for local councils so that they can accept increasing responsibility as they feel they are ready to assume these responsibilities. The changes in this Act reflect the opinions, ideas and wishes of the people living in these communities. Because of the size of the communities that are affected by the Act we were able to undertake probably what was the most extensive consultation with people affected that has been possible before anywhere in Canada. Every person directly affected has had the opportunity to express his or her ideas on how local government should function. And these views are reflected in the Act before you.

Because the communities vary a great deal this Act is reasonably flexible so that communities may accept this increased responsibility at a rate that they themselves wish. On the day this Act comes into effect community council and community committees will not automatically change. It is basically enabling legislation so that a community may remain in an advisory capacity to the Minister, or have a community council, as in the case at present, or it can opt for an incorporated community council with considerable municipal or local government responsibility.

Under this Act those communities who opt for incorporated council will do so by petitioning the Minister for incorporation. Every adult resident of the defined community shall be notified by the Minister of the petition and appeals can be made to the Minister at this time. The effect of incorporation is to make the incorporated community council a legal body upon issuance of Letters Patent by the Minister of Consumer and Corporate Affairs. The incorporated council will have the option as to which new responsibilities it will be taking and when, and how they will elect their mayor. Most communities wish to elect their Mayor at large, and this is the standard procedure. However, there is an option of having the incorporated community council elect the mayor from among its members as has been requested by a few communities.

There is a formal requirement that the incorporated community councils conduct open meetings, keep minutes, establish a quorum, provide translations, and disclose information.

In keeping with the consensus of the communities the Act is written so that the mayor and council are legally responsible to the community while at the same time having the adequate authority and status to deal with people and agencies outside their communities such as business, industry and government.

Other provisions in the Act allow for changing the Commissioner to Minister; allow councils to establish a business; and give communities and the Minister greater control over lands within the community boundary.

This Act is comprised of unchanged sections of the present Act, direct references to the Municipal Act, and modifications of both the above, all designed to suite northern remote communities.

Although the bill itself appears to be somewhat lengthy a good number of those sections are directly from the old bill or from the Municipal Act, and if the member opposite who is dealing with this matter wishes further advice or information from me or department officials, they can quickly discern the changes or the new parts of the Act, we'd be certainly willing to provide that to them.

In summary, this Act provided the next phase in the development of local government for the communities in northern Manitoba. The Act of course will require certain administrative, technical and procedural changes to take place when it's coming into effect. As communities develop the role of northern affairs will change and our staff will become more advisory to incorporated councils rather than administrators of local government programs.

I'm sure that the people of the smaller communities in northern Manitoba can with advice and assistance that they request move to a system of responsible local government that will reflect the fiscal and financial responsibility that is necessary for true democratic government.

I hope that members opposite join with us in giving the people in remote northern communities the opportunity for this local development and responsible government.

MR. SPEAKER: The Honourable Leader of the Opposition.

BILL 75

MR. SPIVAK: Mr. Speaker, I'd like to adjourn the debate but I wonder if I could ask the Minister a few questions, if he's prepared to answer.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: I wonder if he could indicate just the period of time or the length of time that the Human Relations Centre deal with the communities in connection with the Northern Affairs Act before these changes came about, just the length of time of their discussions before recommendations were given to him and to his department.

MR. SPEAKER: The Honourable Minister.

MR. McBRYDE: Mr. Speaker, there was some hope that we would be able to introduce this type of legislation at the last session, but a decision was made that in fact the communities had not been fully involved in the discussion, and a Human Relations Centre began work last fall with the communities affected by the legislation, completing at about the time the Legislature opened. The new Act was drafted and the changes in the Act have since been discussed again over the last month and a half by the Human Relations Centre with the people in the communities affected, so that they could see in fact this is what we recommended, now this is the proposed legislation that's coming before the House.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: By way of another question then to the Minister. I take it then that the Act in its present form, that is the new Act, has in fact been discussed with all the communities that you've listed by somebody either from the Department or from the Human Relations Centre. Is that correct?

MR. McBRYDE: Mr. Speaker, this discussion might not have included every single technical detail. But, yes, the general principles that were built into the Act in terms of the recommendations that came have been discussed with the communities. There was general agreement - of course, Mr. Speaker, you never get unanimous agreement in this kind of thing, but there was general agreement in the communities in which the proposed Act was discussed.

MR. SPIVAK: Can I ask the Minister whether there was general agreement as to the position of the Minister with respect to the communities, as to the power of the Minister with respect to the communities, at this particular time?

MR. SPEAKER: The Honourable Minister.

MR. McBRYDE: Yes. Mr. Speaker, as I've mentioned in my introductory remarks, the communities vary a great deal in their composition and the people that live there, their economic status, and in their level of understanding of the local government process. So in fact this Act allows the communities a considerable variety in terms of the type of local government they may opt for. So that a community can move as and when it's ready to move to the next stage. So the relationship was discussed in that way in terms of the power of the Minister, or the power of the local communities. Some communities wish in fact to leave things exactly as they are and a number wish to move on to this next stage which the new act allows.

MR. SPIVAK: Mr. Speaker, I'd like to move, seconded by the Honourable Member for Lakeside, that the debate be adjourned.

MOTION presented and carried.

. . . continued on next page

BILL NO. 81

MR. SPEAKER: Bill No. 81. The Honourable Minister of Public Works.

HON. RUSSELL J. DOERN (Minister of Public Works) (Elmwood) presented Bill No. 81, an Act to amend The Department of Public Works Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

MR. DOERN: Well, Mr. Speaker, I'd like to thank the members of the House for that warm outburst in recognition of the fact that this is the first bill introduced by myself in the department--(Interjection)--and especially the Member for St. Boniface who radiates and beams his smile across the Chamber.

Mr. Speaker, the general purpose of this bill is to update a number of provisions in the Act that are no longer adequate to cope with the province's increased property management responsibilities, both those that it has already assumed in recent years and those that will no doubt be compelled to assume in the future.

And secondly, to validate a number of provisions in the existing regulations including those recommended by the Special Committee on Statutory Regulations and Orders in its reports of May 9th and June 6th, 1972, by moving them from the regulations to the Act.

In short the bill deals with questions of property use, parking and traffic control. I might give a couple of general examples. We control the Gimli Industrial Park, and there have been problems there of a legal nature in terms of the control of traffic on the base and the relation of that to the R.M. and the town, the RCMP, etc. This bill will rectify that kind of situation. It will of course apply to all property that the government either owns or leases. And it would as well include such structures as a parking structures. Even there I think it's open to challenge or open to question, as to whether we actually have the rights to control traffic on our own property. And this will clear that up. There has been the possibility of challenge in the courts and challenge to our right to control parking and regulations pertinent to that.

The balance of the bill basically consists of a, other than I have mentioned, consists of a series of backup provisions, so to speak, without which the regulations under Section 29 would be unable to function. These provisions are all of a substantive nature affecting rights conferring discretionary authority, creating offences, and providing penalties, and can therefore not be validly contained in the regulations.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): Mr. Speaker, the Minister introduces this legislation stating that this is the first bill that he has had the opportunity of introducing since he became Minister. And with characteristic vigor he ensures that it will be a not too soon forgotten occasion. The bill that he has introduced, which ostensibly is drafted for the purpose of controlling parking, and one reads through the bill and gets the impression that essentially it's to control parking on the legislative grounds.

He introduces it and one gets the impression in reading the contents of the bill that he has done everything but call out the militia and declare a state of emergency.

If one single car is found parked in a spot that it is not authorized to be parked he arrogates to himself the responsibility of determining the size of the parking stickers that will be issued to each person who is going to be given the honour and the privilege of parking on the Hill. And he imposes penalties that in relation to the penalties that are handed out for such things as murder or robbery and rape, are monumental by comparison. Fourteen days if you're caught parking in somebody else's parking lot, --(Interjection)--or a \$25.00 fine. I know, Sir, that on occasion it is difficult to find a place to park because somebody has mistakenly occupied your parking space. But I assure you, Sir, that even in my angriest moments when I found somebody in my parking place I never dreamt that the penalty for doing that would be 14 days in jail, or \$25.00 or both.

Sir, it seems to me that the Minister has come into this Chamber, armed with all the heavy artillery that he could possibly muster, to correct one small offender who may be a tourist and find himself in a position, as most tourists do when they arrive in a strange area, of not knowing where to park. Well I assure you this tourist's stay in the Province of Manitoba may be longer than he contemplated. The difficulty, Sir, is that incarcerated for 14 days he's unable to do what we like to see tourists do, and that's spend money, unless of course that can be followed up by the provision of some facilities in those places of incarceration where those who are placed therein will be given an opportunity to spend money in one way or the other.

BILL 81

(MR. JORGENSON cont'd). . . Maybe the opening up of a bar in our jails, or bed packs, or things like that, might be of some assistance.

But, Sir, one intriguing aspect of the legislation deals with liabilities to vehicle owners, and the Minister made no bones and leaves no doubt of how he intends to deal with offenders. However, I notice that one section does not apply where the vehicle is a stolen vehicle. In other words, those who steal vehicles, I interpret this section as being able to park at will on government property, and I'm sure that the Member for Lakeside will be relieved to learn of this contingency plan because--(Interjection)--I wonder--oh, maybe it does not apply to those vehicles that were stolen from the Hill but those that were simply stolen elsewhere and brought to the Hill. The Minister is going to have to explain, when he closes debate on this important piece of legislation, he's going to have to explain to the House just precisely how he intends to interpret this section of the Act. But I say, Sir, that since it's the Minister's first bill, and we know the characteristic vigor with which he launches into any project that he deals with, such as building outhouses, and the manner in which he's dealt with the serious washroom problem in the Legislative grounds, that we can expect that when this bill becomes law there will be nobody-but nobody-that will be parked in an authorized place, not only on the Hill, Sir, but on all government property, and government owns about two-thirds of this province in Crown land. I now wonder, Sir, if there's going to be some problems up in the area east of the lake, Little Grand Rapids and places like that, where the Minister's long arm will be reaching out for public offenders, and we look with anticipation to the enactment of this legislation to see if the problems that he envisions or has experienced will now be corrected by the passage of this monumental piece of legislation.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Well, Mr. Speaker, I think we all owe something to the Honourable Member for Morris for entertainment value and, Mr. Speaker, I'm not going to in any way detract from that. I haven't been able quickly to determine what the maximum penalties are for parking in the Highway Traffic Act, but I did find one section and I rather suspect - and here I'm going out on a limb - that the parking offences as they are described in other legislation have the same type of penalties as are referred to in this Act, that there is nothing unusual, because they limit as specified, that the normal type of offence is punishable by, I believe a \$2.00 is the minimum, which is the same as it is on a city street. However, I haven't found the identical section in the Highway Traffic Act but I have found a section with regard to parking. "No person shall park a vehicle at the curb or edge of a roadway where it intersects a pedestrian corridor" - That means if you park across a pedestrian intersection, and I'm going to read the offence, Mr. Speaker: "Any person who contravenes, disobeys or violates or refuses, omits, neglects or fails to observe, obey or comply with subsection (2) is guilty of an offence and is liable on summary conviction to a fine of not less than \$20.00 or more than \$100.00, and in the discretion of the convicting judge or justice, a suspension of license for a term of not more than 15 days."

Now, that's just one particular parking offence Mr. Speaker, which I have to relate to my honourable friend, and I'm sure that if I went through the Act, if I had the time, that I would be able to find similarly amusing things which were probably passed by Ministers of the Crown under the previous administration. I note the particular section I'm reading is (r) and (s) SM 1966-67, and I gather that at that time it would have been the Member for Lakeside who was the Minister of Highways at the time, so I would think that if we are amused, Mr. Speaker by the member's speech, that we would have to be equally -- (Interjection) -- I have never ever liked to try to gain credibility by showing "you did it too" because I ask for no endorsement and don't expect to receive any on the part of honourable members, but I do recognize that the member spoke tongue-in-cheek I believe for the most part. Maximum offences or stated offences, of course, are not necessarily the offences that are used, although I will give the honourable member a personal experience of my own, where I appeared in Magistrate's Court - and this was in the City of Winnipeg and at that time the Magistrate was Isaac Rice who has since passed away, but I believe that Mr. Rice had some standing with especially some of the members opposite and, with respect, he was a friend of mine, I knew him all my life, but in the later years I was absolutely in conflict with him with respect to some of his ideas as to criminal jurisprudence.

But a man appeared before Isaac Rise in City of Winnipeg Police Court - that was then

BILL 81

(MR. GREEN cont'd) called Police Court and it operated like in many respects a Police Court - I have to now say that the Member for Lakeside's brother was a magistrate in that court and one of the finest magistrates that that court had, and still is a -- (Interjection) -- Well I haven't appeared before him lately; when he found for me he was always good.

The fact is, Mr. Speaker, that the man appeared out of custody, which means that he was taken from the prison cell and led into the box, and when he got into the box he didn't know which way to turn, as is sometimes the case when a man comes into Magistrate's Court, and the clerk yelled "No. 85, Your Worship" and it rang through the Chambers: "No. 85, Your Worship," and the poor fellow stood there. And they said, "Turn this way", and then there was a big policeman who said that "You are charged that on the 26th day of April A.D. 1958, you did unlawfully traverse a street at a place other than between intersections" - which means that you jaywalked. And the man said "Duhhhhh", and the Magistrate said, "How do you plead? Guilty or not guilty?"

And the man said, "I don't understand, Your Worship."

He said, "You are charged - read the charge again." "You are charged that on the 26th day of April A.D. 1958, you did unlawfully traverse a roadway at a place other than a place where a pedestrian crosswalk was marked out."

So he says, "Well, Your Worship, I sort of had problems at home and I didn't" "How do you plead? Guilty or not guilty?"

"I was confused, Your Worship."

"Enter a plea of not guilty". This was what the Magistrate said. "Enter a plea of not guilty," because if you don't plead guilty, you're not guilty; the automatic duty is to enter a plea of not guilty.

"Not guilty plea entered, Your Worship." This was, let's say, the 7th of June. "The 22nd" - which means that a trial will be held on the 22nd. "Take him away" - back into custody.

Now what had occurred, now he's going to wait in custody between the 7th and the 22nd to have a trial on a charge of jaywalking, which he does not understand and which, if he's convicted, they will fine him \$2.00. So they take him away, you know, and the reason that he was in custody is that when he got a summons he did not appear on the summons so they picked him up on a warrant. He had spent the night in jail, came into Magistrate's Court and sentenced.

Well, Mr. Speaker, I'm telling the honourable member this just to show what kind of things can happen in a court vis-a-vis jaywalking in view of the fact that he made some fun of the honourable member. I guess I have to tell the end of the story because honourable members will wonder what happened to this guy. Did he wait or . . . ? There will be some immodesty on my part in having to repeat the balance of the story. I was sitting in the court waiting on another charge, and I got up and I said, "Your Worship, may I have the permission to discuss this charge with that gentleman?" And Mr. Rice said, "Oh, Sidney Green. That's Sidney Green, is it? He wants to talk to the accused about his charge." He leaned over to the press box and repeated my name. He said, "Go ahead and talk to him."

So I went into custody, which is into the place where they keep the prisoners, and I said to this man, "Now, what they are doing is, they are charging you with having walked across the road at a place other than at a corner. If you didn't do it and you wish to plead not guilty, I will defend you; or if you wish to plead not guilty on the basis of the fact that you don't know what evidence they have, I will defend you. If you did it and know you did it, then if you plead guilty you will be fined \$2.00 and you will be able to walk out of here right now. Now what do you wish to do? I'm not telling you to plead guilty, I'm telling you that these are the things that can happen to you."

So he said, "Well, I was confused and I was sick and I was thinking of my wife." And I said, "Now that is not really the question that is being asked of you. Did you cross the road at a place other than at a pedestrian crosswalk?" And he said, "Yes." I said, "Well if you did, then it is quite probable that you will be found guilty if you have a trial, and in the meantime you'll have to wait here until you either get bailed out or until the trial comes, which is on the 15th."

So, after much discussion, the man agreed that he would plead guilty. So I went back out and said, "Would you please, Your Worship, call No. 85 again?"

"Eighty-five." Opened the door and he walks in and looks which way. "Would you read the charge?"

BILL 81

(MR. GREEN cont'd) .

"That you did, on the 26th day of April, etc. 1958, unlawfully cross the street as between intersections." And I said, "Your Worship, I'm representing this accused." He says, "Oh, Mr. Green is now representing the accused."

"Yes, I'm waiving the reading of the information and I'd like to enter a plea of guilty and I'd like to request time to pay." Which means that he didn't have \$2.00 in his pocket, that he would have to go home, and they're entitled to give them a certain length of time to pay. The Magistrate at that point said, "Well isn't that nice? You plead guilty and you're asking time to pay. I was going to reprimand him but since you have asked for time to pay, it's a fine of \$ 2.00 and give him a week to pay." That is the end of the story.

Now that is one of the interesting features of how a magistrate can conduct court and what can happen vis-a-vis a fine. But I suggest to you that the fine that the honourable member is talking about, and having not found the exact section, is probably very comparable - although I'm not certain - to the kind of maximum sentences as are permitted. Not exceeding \$25.00 - to a term of not exceeding 14 days or to such -- (Interjection) -- Well the honourable member says probably that that is killing a peanut with a sledge hammer. He's probably right. I don't know of any magistrate who has imposed that kind of a fine for parking, but the fact is, Mr. Speaker, that is the kind of thing, I suppose, that can be done, and all that we can hope for is that the judicial system so operates that that would not be done unless, in addition to the parking in the Honourable Member for Morris' lot, that when the Honourable Member for Morris said, "Would you please get out of my lot" that the man abused him and told him to go to hell and said that he is going to stay there no matter what the Member for Morris does, and things of that kind, so that he so aggravated the Honourable Member for Morris that the Member for Morris would say, "14 days is not enough. He should have a stiffer sentence."

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Thank you, Mr. Speaker. I rise to support the bill. I am sure that the Minister needs some power to control the parking on different Crown properties and by different offices, and I believe that the Minister of Mines and Natural Resources may be right. Somebody does park in certain areas and there's no way he'll move. So perhaps the Minister does need some power, and I know that one of the principles in the bill is where he can designate certain probably areas in Crown properties where parking will be allowed, and I think this is necessary and required. And I may say to him that I know, during this session, at least 50 percent, perhaps not 50, at least 30 percent of the time, I have not had my parking spot in front in the evenings; there's a small car parked in there. And I haven't raised any matter because I just parked beside it. But surely the place is designated, it's named as no parking, but still people park. So I feel that he needs some power to have some areas which is prohibited on Crown properties by offices, and I hope that he would designate some areas that parking would be allowed for people that have to get to those buildings for some services and to conduct business with many government departments. So I would hope that he would designate some parking areas, and I know that he did do this for the MLAs when this House was not in session, at least providing a few spaces for parking when we have committee meetings, and you ride around this place for half an hour and then you have to go to the Bay or somewhere else to park, walk back here, and that's what we had, that was the practice before, until I believe a year ago or so the Minister did provide that parking space.

The other principle that I would ask the Minister, which is not clear, and he talks about parking decals, and I wonder will he be providing parking decals for all the MLAs like they do in some other provinces, which you get a great big card with big black numbers on it and it says "Official." And I understand that sort of allows you to park anywhere on any street in the whole city and you do not get tagged. I know this is at least a practice in some other cities in Canada and I don't know if he would go to that extent or not, but I just wonder what kind of decals -- a great big one with the letters "Official" and that will allow us to park all over the city, I don't know. But I would just hope he would clarify what he means by parking decals and where will it apply? Will it apply just on Crown properties, I would assume?

The other thing that does concern me, Mr. Speaker, is in one area of the bill, one of the principles that the Minister talks about is that no person shall drive, operate or stop or park a vehicle on any Crown land, and this sort of concerns me. "Shall drive . . . Park." Well, Mr. Speaker, when people from out of town or even within the city, they have to do

BILL 81

(MR. PATRICK cont'd) business with the government, they have to see certain departments and Deputy Ministers, or certain department that's of great importance surely they'll cross and drive on Crown property. They have to, to get there. And I hope that the Minister will just check into one of those principles involved which it states, "No person shall drive, operate, stop, stand, park or leave a vehicle on any Crown property," and that's under the "Prohibitions" of the bill. So that does concern me a little bit and I do hope that he would clarify that.

The other point that does concern me, I know that the Minister of Mines and Natural Resources gave us a pretty good dissertation on fines, but I believe the fine of \$25.00 is too much. People can park inadvertently, people from out of town who spend a lot of time looking for a parking space and find themselves they have to run in for ten minutes, or take some forms or applications, or to sign some documents, should they be fined \$25.00? I believe the fine could be maybe similar to the one that you pay for a parking violation, which is \$4.00, I believe, or \$3.00. Four dollars? Four dollars, and I believe this is sufficient. The inconvenience of paying the \$4.00 would really make people think next time they trespassed or parked on Crown property when it's signified that they shouldn't park. I'm sure this would be a sufficient penalty. But \$25.00 does really concern me because I think that it may be in fact a hardship to some people that really need to do business with the government and find themselves in a position, because they ran in for a few minutes to make some application forms or to sign something, that they be fined \$25.00. So I do hope that the Minister will take the time to give us an explanation, and I agree that perhaps he needed some legislative powers to have the power to either prohibit people from parking on certain Crown properties where there's office locations and also maybe he needed power to permit a certain amount, make available some space to permit parking by people that come to do business with government agencies.

MR. SPEAKER: The Honourable Minister of Public Works is closing debate.

MR. DOERN: Well, Mr. Speaker, I don't always enjoy the contributions of the Member for Morris but I did enjoy that one. He of course was speaking largely tongue in cheek. He doesn't seem to recognize the fact that there is a problem with parking in the area. I think that he is one of the fortunate people in the legislative core area who has a parking spot, and similarly all the Ministers I think are privileged that they are able to in effect roll up into their space and go into the building, and then come out and drive off. For the general public who, you know, has to sometimes circle the building, or for the Civil Service who usually get spaces if they come early enough in the morning and sometimes have considerable difficulties at various times of the day, or have to park a block or two away, or on other occasions, which I think is pretty inefficient. I've heard of instances where on occasion people will use parking meters near the Norquay Building and spend a great portion of the day's time running up and down putting money in the parking slot. So it's obviously important in an area of heavy traffic such as this building, which is visited by thousands and thousands of tourists - I believe the annual count is some 200,000 visitors to see this beautiful building every year - plus thousands and thousands of Manitobans who come here to transact business with the government in addition to our own staff etc., I think it's obviously clear that it's essential that the government, in this case the Minister of Public Works, have some legal authority to control the situation. Most of the provisions up till now for control of traffic have been by regulation, and since they are of a substantive nature, the legal advice we have is that they should be included in the Act. It should not be through regulations that such controls are enacted or utilized or enforced, but it should be in effect substantive, and this was brought out by the committee, Special Committee on Statutory Regulations and Orders, some two years ago.

I always am amused when I think of the story of the tourists who came here from the United States a number of years ago and I believe sent a letter to the then Minister - I don't recall who it was - thanking him for the tremendous services supplied by the government on our grounds, including shaving plugs. Apparently these were some southern Americans who came up here, parked their trailer in front of the building near a spot that had the electric plugs, and didn't realize that these were plugs for car warmers and car heaters but they thought they were shaving plugs or kettle plugs available for people who were travelling around.

I must say that I was shocked when I heard that the Member for Lakeside's car was stolen a few weeks ago, and I immediately asked my staff to be extra vigilant in checking MLAs cars to make sure that there weren't any keys in them, because we didn't want any examples of MLAs

BILL 81

(MR. DOERN cont'd) having their cars stolen. But when I learned that the Member for Lakeside, my good friend and blue suit and tie dresser, had left his keys in his car, Mr. Speaker, then I didn't know whether to admonish him or the person who stole his car. But I assume that he did get his vehicle back, and his keys, and

SOME MEMBERS: No. No.

MR. DOERN: Do you mean it's still missing? And your keys are still missing. Well I then can only extend my sympathy to the member -- (Interjection) -- That's right. Well, Mr. Speaker, the basic reason, I think, for the bill as I said, is that it's really a question of economics

MR. HARRY SHAFRANSKY (Radisson): you fine him for using purple gas.

MR. DOERN: the allocation of scarce resources, and the scarce resources in this case are a certain number of parking spaces. I believe that we have over a thousand spaces in the legislative core area. I'm counting our premises, which in some ways is really a giant parking lot; the Law Courts parking spaces; additional space south of the Convention Centre, and some smaller lots around here. It's well over a thousand vehicles in the area and I believe that the population count is some 2,500 employees in the area, plus of course the fact that we have a considerable number of visitors. So it's essential that we control this.

We have had discussions with the city on this and they have talked about ratios etc., but I think we have demonstrated to them on this particular question that we have a better ratio of spaces to employees than they do, and at the same time, I have indicated actually by discussions with the City of Winnipeg Environment Committee and then it came out in the press because of my letter being made public, that we have plans to build an approximately 1,000-car parking structure south of the Convention Centre.

Mr. Speaker, there have been a number of comments of concern, I think validly, about the provisions in the Act for penalties. Now I have to defer to my senior colleagues in the front bench who are all former lawyers and legal minds - still legal minds - the Member for Inkster, I think, gave us a useful dissertation, and we also had a brief discussion on this matter. Basically the Sections 27 and 28 in the Act deal with maximum and minimum penalties. The Member for Morris singled out the fact that one could eventually sit in jail for fourteen days or be subject to a \$25.00 penalty; that is the maximum possibility. The minimum possibility, of course, would be a \$2.00 fine, which is clearly outlined in Section 28(2).

Now I'm not a lawyer. I have to take my advice too. I don't believe that this man will appear in my office for sentence. I think that what would happen is that he would go to court, and that if he refused to co-operate with the judge and refused to comply with penalties etc., that just as my honourable colleague mentioned, if you don't respond to a summons etc., you may be taken on warrant, etc. I know that this is in line with regular legal penalties that are imposed in the city courts etc. It is not out of line; it is in line and consistent with those particular provisions.

The Member for Assiniboia isn't present. He mentioned something about larger decals or signs. I know that comes from his Blue Bomber days. He likes, probably, crests and logos and large signs, etc. I didn't quite get the gist of his comment but I will speak to him about that.

So, in essence, Mr. Speaker, what we are attempting to do here is simply to legitimize what has gone on for years, if not decades, namely that regulations were enacted to control traffic, parking, etc. on government property and have been enforced on that basis. We are simply following legal advice and the advice of the Legislature moving those points from the regulations into the bill proper.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable Minister was closing debate. I am sorry, the honourable gentleman is late. The Honourable Member for Point Douglas.

REV. DONALD MALINOWSKI (Point Douglas): Well I would like to ask, Mr. Speaker, what will happen, for instance - and I had such a case, that my own car was in the garage for repair and I had a U-Drive and I got a ticket, and I had quite a hard time, you know, to clear out my own

MR. SPEAKER: Order please. The honourable member is asking a legal opinion of the Honourable Minister. Let him get himself a lawyer. Order please.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed, I should like to direct the attention of the Honourable Members to the gallery where we have 75 students of Grade six standing of the Riverside, Moorehead Minnesota, School. These students are under the direction of Mr. Schmidt. On behalf of all the Honourable Members I welcome you here today.

MR. SPEAKER: Bill No. 82. The Honourable Minister of Mines.

MR. GREEN: Stand, Mr. Speaker. I'll introduce this this afternoon.

MR. SPEAKER: Does the Honourable Minister wish to go to third readings now?

MR. GREEN: I want the resolution standing on Page three of the Order Paper in the name of the Honourable the Minister of Agriculture.

GOVERNMENT RESOLUTION

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture)(Lac du Bonnet): Mr. Speaker, I beg to move, seconded by the Honourable Minister of Mines and Resources, that

WHEREAS Manitoba is generously endowed with land for agricultural, recreational and community uses;

AND WHEREAS the growth in the world's population, the increasing affluence, and the scarcity of land in other countries tend to place ever increasing values on Manitoba's land resources;

AND WHEREAS Manitoba citizens have expressed concern over reports of speculation in land, land transactions involving non-residents, and absentee ownership of land;

AND WHEREAS it is the constitutional responsibility of the Government of Manitoba to regulate property rights within the province;

AND WHEREAS the Government of Manitoba wishes to hear the views of the citizens with respect to the regulation of property rights in lands within the province;

NOW THEREFORE BE IT RESOLVED that this House appoint a Special Committee of the Legislature consisting of Hon. Messrs. Green, Uskiw, Messrs. Adam, Barrow, Blake, Bostrom, Boyce, Ferguson, Graham, Henderson, Johannson, Johnston (Portage), Jorgenson, Shafransky and Walding;

AND BE IT FURTHER RESOLVED that the Special Committee be authorized: To enquire into matters relating to property rights in lands within the province; To hold such public hearings as the Committee may deem advisable; To sit during recess, after prorogation; To report to the next Session of the Legislature.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

MR. USKIW: Mr. Speaker, I know that many members opposite, or at least some members opposite, were anticipating this kind of a proposal during this session, and certainly I recognize the contributions that have been made by members opposite on this particular subject matter, and I should like to mention that this particular subject matter is of some concern to people right across Canada. Every provincial government and indeed the Government of Canada has been preoccupied to some degree with this particular question. We have examples, Mr. Speaker, of very fast -- not fast, Mr. Speaker, quickly skyrocketing prices for urban land, prices moving from month to month, day to day, no stability whatever. We have a reduction of prime recreational lands in various provinces where they are very much short of those resources, and these lands fall into private domain and indeed away from the public uses. We have the encroachment of urban development in various provinces which tend to compromise the agricultural sector and in particular, Mr. Speaker, I would refer to British Columbia that has an acute problem in that respect. I should like to take a moment or two, however, to relate some of my own experience in this respect, Mr. Speaker, dating back to the early 1950's at a time when I spent some three years in the province of Ontario in the Toronto-Hamilton area, in the Niagara Peninsula, and at that time it was evident that some of the fine fruit belt areas was going to be removed for other uses, namely factories, warehouses and communication, transportation and so on. And you know, Mr. Speaker, in visiting that area today, some 20 odd years later, one has to bemoan the fact that some of the best fruit land of Ontario has been put under pavement, has had warehouses and factories built all along the Queen "E" Highway from Toronto to Hamilton and strictly, Mr. Speaker, based on the theory that the marketplace shall determine the use of land. Mr. Speaker, I suggest to you that there is a

GOVERNMENT RESOLUTION

(MR. USKIW cont'd) greater need than the need of the marketplace, and that is the public need in determining the use of land, in determining the ownership of land, and I think the public has to take on that major responsibility in order that we make the right decisions for the future of this country.

Investment groups in various parts of the world have also appeared on the scene in this province. We have had many reports by various people, members opposite, indeed private people, real estate people that have spoken to me; have indicated that there are huge transactions taking place in this country placing Manitoba farmlands under foreign ownership for speculative or investment purposes of one sort or another.

I should like to read into the record a letter that I have received some time ago. This one is dated the 19th of September, 1973, and it's from Agricultural Investments (Australia) Limited. I think it's very revealing. It's addressed to the Department of Agriculture, Winnipeg, Manitoba, Canada: "Dear Sirs:" - and I quote, Mr. Speaker, - "I am endeavouring to discover whether it is feasible to set up a company in this country to acquire agricultural properties in Canada financed at least in part by non-Canadian money. The aim would be to buy properties at least half of which are either undeveloped or in need of renovation, so that a program of improvement over five to ten years under Canadian management would be necessary. This would be expected to be an entirely agricultural project with no thought of urban development in the short term, although it is unlikely that we would want to go more than say 150 miles from a major town or city. First class land would be essential. I would be very glad to know whether there are restrictions on foreigners having beneficial ownership of agricultural property. At the same time I would welcome any information that you can give me relating to such a project, including if possible your opinion on whether you think it would be attractive for Canadians themselves to participate.

"I should add that I already have the publication 'Doing Business in Canada,' put out by the Canadian Imperial Bank of Commerce, which gives much information about taxes and legal problems relating to Canada as a whole. For your interest, I enclose herewith the small booklet which describes the functions of my company in Australia. You will understand that we are contemplating starting a similar operation in Canada in case the Government of Australia by their embargo on the inflow of foreign funds for the acquisition of real estate forbid us to syndicate any further properties. I think you will see from the last page that our associations in London are impeccable. I shall look forward to hearing from you with the greatest interest."

Now I think, Mr. Speaker, it's fair for me to put on the record the reply that went out to this particular investment company. This letter I again want to repeat, Mr. Speaker, is from Agriculture Investment Australia Limited. The reply dated October 23rd, reply from my office from myself to Mr. Lindsay Gordon, Agricultural Investments Australia Limited is as follows:

"Dear Mr. Gordon: This will acknowledge receipt of your letter dated September 19, 1973, inquiring about the acquisition of agricultural property by your company. Although in this province there is as yet no legal restrictions on the ownership of land by foreigners, there is a growing public concern about foreign ownership of Canadian resources, and particularly land. There are already some provinces where such restrictions exist and in my view public opinion will force other provinces into taking legislative action to restrict the sale of land to non-residents. Also, virtually all land in Manitoba that is suitable for agriculture has been developed so that it would be difficult to find the kind of agricultural property referred to in your letter. Most of the partially developed or undeveloped land in the province belongs to the Crown and is not for sale, plus nearly two million acres of grazing land belong to the Crown and are leased to farmers on the basis of need. Furthermore, a program has just been launched whereby the province purchases agricultural land offered for sale by farmers; in turn the land is leased to farmers in view of more resources, the farmer being assured of a lifelong tenure. From the above information, it will be clear that government policy in this province and public sentiment in Canada generally is at variance with your objectives as an investment and management company. I would therefore advise you not to extend your activities into Manitoba."

So, Mr. Speaker, that is the reply that I have sent to this particular investment firm. And I should like to point out that notwithstanding our position, I fear that we are still going to be inundated with investment dollars from various parts of the globe, for what purpose we are

GOVERNMENT RESOLUTION

(MR. USKIW cont'd) not in a position to determine at the present time, but certainly it may not necessarily conform with the wishes of the people of Manitoba. So there is need for some action to be taken by government by way of public policy.

Different provinces of course have varying needs, Mr. Speaker. Some provinces are mainly preoccupied with the need to preserve recreational lands; other are preoccupied with the need to preserve the small amount of arable land that they do have, in particular British Columbia; and others of course have a concern with respect to urban development and costs related thereto and so on. So different provinces are approaching it from a somewhat different point of view, but notwithstanding that all provinces are reviewing the question of land ownership and land use.

Now there are two parts obviously: land ownership is one question; land use of course you will appreciate, Mr. Speaker, has been a subject of some debate even here, and we did have the establishment of the Clean Environment Commission that is trying to determine the way in which land can be used by way of regulation. We have also the Municipal Board that has some measure of control. But obviously, Mr. Speaker, we must make sure that we have a public policy that is well defined and that we can accept for the future of this province.

I wish to draw to members' attention, Mr. Speaker, a sort of summary of what has already transpired in various provinces by way of legislation, or the study of the problem for the record so that members opposite would sort of have a capsule form or idea of what has already taken place.

In 1970, the British Columbia Legislature passed a Land Act which precludes the sale of Crown lands to non-Canadians, although leases can be granted to such people as long as they conform to existing land use policies, and they may acquire ownership upon becoming a Canadian citizen. Crown waterfront property may be leased, but with no option to purchase. There is also a lease develop purchase policy to insure that Crown lands are not held for speculative purposes. British Columbia's controversial Land Commission Act, Mr. Speaker, does not deal with land ownership as such but is concerned with control over the use of land. The primary purpose of the Act is to preserve agricultural land for farming.

In Alberta, the Legislature's Select Committee on Foreign Investment submitted an interim report on public and private lands in 1972. In the report, the Committee agreed with the principle that Canadian land should be owned and controlled by Canadians and wherever reasonably possible should be implemented. But they did not wish to lose sight of the common law right of an individual to dispose of his property as he wishes. Mr. Speaker, it's obvious that there is some indecision in the Province of Alberta and while they may be interested in doing something, they perhaps are afraid of the fact that while believing in motherhood that they have to put up with the children, Mr. Speaker. I think that's a fair comment. The Committee went on to support the intent of Bill 107, The Public Lands Amendment Act, designed to prevent public lands from being sold to persons or corporations who are not Canadian. However, because of some constitutional and legal concerns the Committee recommended that Bill 107 should not be proceeded with.

Another recommendation worth noting is that in view of the deficiency of information on privately held land, the Committee recommends the establishment of monitoring system at the earliest possible date.

In Saskatchewan, a draft bill respecting foreign ownership of agricultural land was introduced in the 1972 session of the Legislature and referred to a special committee for study. The bill created considerable controversy - no doubt Mr. Speaker, members opposite will recall; some of the controversy stemmed from the fact that it was hastily drafted and poorly worded. Among other things any person not resident in Saskatchewan would be noted as a foreigner. The final report of the Special Committee on the Ownership of Agricultural Land was published in March, 1973. The report contains some rather strong recommendations: (1) that the Legislature enact special legislation, The Family Farm and Community Group Agricultural Incorporation Act; (2) that the acquisition by any means of agricultural land for agricultural purposes by any corporation except a farm family or community group or agricultural co-operative be prohibited; (3) that any corporation except a farm family or community group or co-operative association now owning agricultural land be required to dispose of the land by a specified date, namely 20 years from the time of the legislation; (4) that no corporation should be registered for the carrying out of any agricultural purpose, except as a farm

GOVERNMENT RESOLUTION

(MR. USKIW cont'd) family or community group or agricultural co-operative association; (5) that no corporation except a farm family or community group or agricultural co-operative association should be permitted to operate any agricultural enterprise after five years from the date specified in the legislation; (6) that no one except a Canadian citizen or landed immigrant may acquire by purchase, gift, inheritance or other means, except from the spouse, any agricultural land in Saskatchewan; (7) that alien individuals now owning land should be permitted to continue as owners and to transfer the land to a spouse; (8) the ownership and control of land suitable for recreation be studied; (9) that the effect of large farm land holdings of all kinds of Saskatchewan community and Saskatchewan agriculture be studied; (10) that a general registry be maintained showing the ownership and operator of agricultural land and of recreational land; (11) that the Department of Co-operative Development be strengthened to provide personnel and information, and to conduct research in order to better serve farmers who choose to achieve economic and social objectives through their group and co-operative efforts; (12) that the Government of Saskatchewan invite representatives of the Governments of British Columbia, Alberta and Manitoba to a meeting to consider aspects of land ownership and use.

The 1974 session of the Saskatchewan Legislature passed Bill 79, The Saskatchewan Farm Ownership Act (1974). The Act restricts the amount of land which may be owned by non-resident persons and the amount of land which may be owned by non-agricultural corporations. Non-resident persons are defined as persons who live outside Saskatchewan for more than half of each year. Agricultural corporations are defined as corporations or co-operatives primarily engaged in agricultural production and at least 60 percent owned and controlled by resident farmers. No restrictions are placed on the ownership of land by residents of the province or by agricultural co-op corporations. A corporation that does not qualify as an agricultural corporation will be permitted to own agricultural land up to a maximum holding in Saskatchewan of 160 acres. Larger purchases or holdings may be approved by the Board for industrial or commercial development. Corporations now holding land in excess of the amount permitted will have 20 years to dispose of the excess. No individual who owns land will be required to dispose of that land. Non-resident individuals will be allowed to own and purchase land provided their total holdings in Saskatchewan do not have an assessed value for municipal taxes greater than \$15,000.00. This limit does not apply to the transfer to a spouse or other close relative of land farmed by a resident farmer or one-time resident farmer. Some examples of holdings permitted are as follows: three quarter sections of land averaging \$5,000 assessment per quarter - this is close to the top assessment per quarter - this is close to the top assessment in the province; six quarter sections of average cultivated Saskatchewan land, three thousand acres of grazing land averaging \$800.00 assessment per quarter. Farmers who live within 20 miles of the border of Saskatchewan will be treated as residents of Saskatchewan for the purposes of their Act. Persons who have lived and farmed in Saskatchewan for five years or more during their lifetime will be free to sell, give or bequeath the land they have farmed in any amount to spouses, children, grandchildren, brothers, sisters, nephews, or nieces, regardless of their present place of residence or the place of residence of the persons receiving the land. A non-resident person inheriting land from someone who did not farm that land for five years while a resident of Saskatchewan will have five years to dispose of land in excess of the maximum allowed. Non-resident persons who intend to become residents of Saskatchewan within three years may apply for and may be granted permission to acquire land in excess of amounts otherwise allowed. Any person or corporation acquiring land held as security for a debt by foreclosure or quitclaim will be allowed two years to dispose of any excess of amounts permitted. A farm ownership board is established to administer the Act and consider matters relating to the Act. Anyone dissatisfied with a ruling of the board restricting his land holding may appeal to a judge of the Court of Queen's Bench, who may allow, dismiss or attach conditions to the appeal, alter the decision being appealed, award or allocate costs.

In Ontario, the Select Committee of the Legislature reporting on foreign ownership of Ontario real estate was satisfied that the level of foreign ownership on various categories of land in Ontario is significant. One area of special concern was the concentration of foreign ownership of private recreational land in Ontario closest to the U.S. population centres and access points into Ontario. In this regard the committee recommended that all future transfers of private recreational land should be restricted to Canadian citizens and landed immigrant

GOVERNMENT RESOLUTION

(MR. USKIW cont'd) residents in Canada. In order not to discourage tourism, they further recommended that recreational property be leased to non-Canadian citizens for a maximum of one year without option of renewal.

The foregoing recommendations would also apply to private residential and agricultural lands, although these were not regarded as serious problem areas. The committee also felt that persons who lose their land, or landed immigrant status, or who are ineligible heirs of real property, should be required to dispose of such property within three years.

The committee further recommended that municipalities in Ontario be empowered to levy a surcharge of up to 50 percent of the real property tax on land owners not ordinarily resident in Canada; that 75 percent of a company must be Canadian-owned in order to hold real estate for business purposes. In the area of foreign investment in real estates, the committee observed that the magnitude of foreign investment or ownership in Ontario real estate is not precisely known, but is known to be considerable. They further observed that it is known that foreign owned developers constitute a significant proportion of the real estate industry; in some areas as high as 50 percent of the developable land is under foreign control. The committee goes on to say that it can be reasonably estimated that foreign commercial ownership of real estate in Canada and even in Ontario, excluding foreign owned industrial corporations, amounts to several billions of dollars and is increasing annually.

The committee made a rather thorough examination of the advantages and disadvantages of foreign owned real estate, and in fact provided very telling arguments against such a practice. They limited their conclusions by stating - and, Mr. Speaker, perhaps it's understating - that the committee is convinced that insufficient benefits result from direct foreign business investments in real estate and that it would be desirable for future acquisitions of land in Ontario to be restricted to corporations substantially owned in Canada. In actual recommendation, however, it is only the foreign ownership of or investment in real estate other than land in Ontario should be investigated further as a priority matter, with a specific view to assessing the desirability of extending the committee's recommendations regarding commercial and corporate ownership of land to all real property in the province.

A final recommendation dealt with the lack of correspondence information on patterns of foreign ownership of land in Ontario, to the effect that the government prepare and publish on an annual basis detailed ownership and resident data by region and by use for land owned both by individuals and corporations in the province, to be developed in a manner which will generally support and facilitate the ongoing analysis of the behaviour and performance of real estate markets and institutions in Ontario.

Under the implementation section of the report, the committee has urged that consideration be given to the early promulgation of a date on which the implementation of the committee's recommendation would take effect in order to pre-empt the action of non-Canadian interests who are speculatively inclined and who might accelerate their acquisition of land in Ontario in the face of possible restrictions placed on their activity. Obviously there was a lot of speculation and land buying occurring at the time.

In 1974, the Ontario Budget address, the Ontario Minister of Finance announced some measures to deal with the land speculators and foreign ownership of land. To discourage the sale of land to foreigners, Ontario's land transfer tax of three-tenths of one percent on the first \$35,000 and six-tenths of one percent on the excess has been broadened to include a special 20 percent land transfer tax which is applicable on transfers to non-residents of Canada. Deferral or remission of the 20 percent tax is permitted where the land is acquired for residential, commercial or industrial development and for resale to Canadians within five years. To combat land speculators, Ontario introduced a land speculation tax of 50 percent on the increase in value realized on the sale of designated land. The sale includes the normal cases of actual transfer of the land, as well as cases where there was a change in the ownership and control of the corporation which has 50 percent or more of its assets in land.

In Nova Scotia, we have the following situation. Nova Scotia has made the most progress in Canada in moving towards identification of non-resident owners of land by means of a Land Holding Disclosure Act which has been in effect since 1969. Although there has been some circumvention of the Act whereby non-resident use nominee holders, two-thirds of the non-resident lands have now been reported and a report submitted to the Federal Provincial Committee on Foreign Ownership of Land last November. Nova Scotia stated that the real problem is not the total area owned by non-residents but that several choice recreational areas are controlled in

GOVERNMENT RESOLUTION

(MR. USKIW cont'd) large measure by non-residents. The government must decide soon to what extent the province should restrict the right of the local owner to sell his land at the highest price or to what extent the province should permit sales to non-residents. There appears to be some legislation plan for the coming year, which would require anyone buying more than ten acres to appear before a Land Review Board for approval, and would also impose a heavy provincial tax on land owned by non-residents if they are not actually living on the land and making use of it. A thorough province-wide planning policy for the most appropriate use of land seems to be the most favorite method for dealing with the problem so far. It also appears that adequate legislative provisions already exist which, if enforced, would enable Nova Scotia to deal effectively with any feasible recommendation made by the select committee which has been enquiring into non-resident purchase of land. This committee was expected to present a final report in 1974.

In New Brunswick, New Brunswick has restrictions on sales of land to non-residents. However, there is a growing recognition that an increasing number of private land sales to American citizens is taking place.

The Prince Edward Island Legislature amended the Real Property Act in 1972 requiring non-residents to obtain permission from the Lieutenant-Governor in Council to purchase more than ten acres of real property in that province. The legislation has been challenged in a provincial court and was upheld by that court. It's my understanding that the decision has been appealed to the Supreme Court of Canada, and I believe there's no decision yet.

So, Mr. Speaker, it's obvious that Canadians right across Canada are preoccupied with this question. There is no doubt there is need for a great deal of public dialogue before this province enacts legislation and I think we can benefit from perhaps the experience of other jurisdictions. I should like to say that the department will be providing for the committee and for public discussion some time later this year before the committee is convened, or when the committee is convened, a White Paper on the subject matter which will serve as a basis for discussion and on which people may make representations and perhaps proposals to vary from the Paper itself.

I should like to point out, Mr. Speaker, in closing, that it's with a great deal of anticipation that I introduce this motion, knowing that we have a very important problem to deal with; knowing that whatever we do when we legislate hopefully in 1975, that we will do the right thing for the future progress of this province, and indeed in the public interest of this province. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Well, Mr. Speaker, it's not my desire to go on in any great length on this resolution. I believe it's going to be a situation that the Minister will happily find himself; where he will have a speedy concurrence with the intent of the resolution which is namely, to set up this committee to study a very legitimate matter that has been dealt with on the surface from time to time in this House, either as a result of Private Members resolutions being put forward - or indeed it has crept into the debates of the departments of government in one way or another, but has never really had the opportunity; nor were we equipped in the House to deal with the subject matter, as I say, on the use of land particularly as far as it involves foreign owners in an adequate manner.

So, Mr. Speaker, let it be understood that the opposition concurs with the resolution being put forward by the Honourable Minister. We look forward to co-operating with the committee in every way and in contributing to it in every way possible. I would hope, Mr. Speaker, that the somewhat heavier than normal representation on this committee by the government doesn't indicate a predisposition on the part of the government to use this committee as a means of window dressing or of a kind of putting on a public approval stamp of a policy that they may have already arrived at in their minds. I make this comment without prejudice, but I do note that for instance the normal ratio of committees is usually the government majority plus one; in this instance we have a government majority plus three, or we have -- (Interjection) -- well, it still is a question, we have nine members of the government on this committee as compared to five of the opposition and one of the -- (Interjection) -- well, it's not a point of question. I just raised it, because even on a nice Thursday morning such as this my mind is nonetheless ever alert and ever suspect of members opposite for whatever devious plots they have in mind for the people of Manitoba.

GOVERNMENT RESOLUTION

(MR. ENNS cont'd)

I have to commend the Honourable Minister on one thing, though, Mr. Speaker, and I do so and with all sincerity, because to us at least, just in seeing him introduce this resolution in this manner, it indicates a willingness that this particular Minister has - so far at least - not really shown in most instances. Under normal circumstances he would have just done it, and when you know what hit the fan, he would express amazement and disclaim all responsibility. So I do commend him that he is not - as his counterparts in Saskatchewan, act with haste, find themselves with a poorly thought out, poorly drafted piece of legislation; have a great deal of furor created, unnecessary furor in some instances, in the province; have to then retreat to some extent to re-examine their legislation and in fact are probably still in the process of doing it. So I do congratulate the Honourable Minister and the government for approaching this in a sensible manner. I think that has been suggested, certainly has been suggested by my honourable friend the Member for Portage, who I'm sure will have something to say on this subject matter too. We look forward to the participation of the members of this committee. We recognize that as the Minister himself has indicated - to recognize that it's going to be not an easy resolution of the problem facing the government, this government or any government, but nonetheless one that is becoming more pressing all the time. We hope that the committee will be given the sufficient resources.

I also appreciate the fact that the Minister's indicated that background material will be made available to the committee, so that from that point of view some expertise inputs will be before the committee to begin with so that they have a framework around which they can make their considerations. It's going to be a sensitive subject, it'll have to be handled with a considerable amount of insight on the part of the committee members. Hopefully it will result in the kind of proposals for legislation that would not bring about a kind of division, a very bitter debate, as a result of the kind of legislation that possibly would be forthcoming as the Minister indicated in 1975; but indeed the kind of legislation that would generally reflect the views and attitudes of a goodly number or a goodly proportion of the citizens of the province, one that would find itself thusly reflected in this Chamber.

So, Mr. Speaker, with those few remarks I wish to indicate concurrence with the resolution that the Minister has put before us.

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

MR. GORDON E. JOHNSTON (Portage la Prairie): Well, Mr. Speaker, I rise, not to compliment the Minister because, although he is one of my favorite friends on that side of the House, but I can't find it in my heart to compliment him for bringing in this resolution. He's practically been forced into bringing it in. We on this side have for two years proposed by way of resolution that this be done -- (Interjection) -- We have proposed for two years by way of resolution that this be done. Now we find that we are finally going to do it. We're the last province in Canada to recognize the problem -- (Interjection) -- The resolution dealt with foreign ownership.

A MEMBER: I'll bet that your members have forced the Minister to . . .

MR. SPEAKER: Order please.

MR. G. JOHNSTON: I know governments traditionally like to take all the credit for anything they do, but the opposition in this case has had a lot to do with making the government recognize this problem - and they know it, they know it. One thing we will be able to do is to study the reports and the laws of other provinces and other jurisdictions. We know what has happened in the great State of Hawaii, when they became a member of the union they then were not able to control this because in the United States constitution foreigners have the right to own land. Until the constitution is changed the people of Hawaii have to live with the fact that their State is being bought by foreign control the Japanese, German and mainland American people are pushing the Hawaiians back into the interior, there's very few Hawaiians now can get down to the beach or own land on the beach. And we already - oh, in a very small way - see this happening in Canada. The Province of Prince Edward Island in 1964 had to pass legislation to restrict ownership of ocean-front property because many wealthy people were coming up from Maine, Boston, and acquiring at what they thought were bargain prices, valuable ocean-front property; but the bargain price to the wealthy American was an extremely high price to the Prince Edward Islander. So they have a problem now of trying to get back the land that has been bought by people who live elsewhere.

GOVERNMENT RESOLUTION

(MR. G. JOHNSTON cont'd)

So as I say I can't find it in my heart to compliment the Minister because he's being dragged into this. Manitoba is the last province to recognize the problem. But I assure the Minister that - speaking for myself, as I'm on the Committee, that I look forward with interest to this committee to see how the problem has been handled elsewhere, and to see if we as legislators working together can bring in some fair and just recommendations that will eventually be turned into law to protect the rights of Canadians in general and Manitobans in particular.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable Minister of Agriculture, that: WHEREAS it is deemed advisable, from time to time, to consider and review the Rules and Standing Orders of this Assembly with a view to recommending such amendments as may be deemed to be in the interests of the orderly and efficient conduct of the business of the House:

THEREFORE BE IT RESOLVED that a Special Committee of this House, composed of the Honourable Mr. Speaker as Chairman, Honourable Messrs. Green and Paulley, Messrs. Johnston (Portage), Jorgenson, Shafransky, Sherman and Walding be appointed to examine and review the Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba and allied subjects and to report thereon to the House;

AND BE IT FURTHER RESOLVED that the said Special Committee have power to sit during the present session and in recess, after prorogation, and to report to this House at the next session of the Legislature.

MOTION presented and carried.

THIRD READINGS

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I wonder if you'd proceed to the Third Readings now.

MR. SPEAKER: Thank you. Resolution No. 10. The Honourable Minister of Agriculture - or Bill 10, I'm sorry.

BILL NOS. 10, 43, 12, 19, 42, 52, 59 were each read a third time and passed.

MR. SPEAKER: The Honourable House Leader. -- (Interjection) -- The hour of adjournment having arrived, the House is now adjourned and stands adjourned until 2:30 this afternoon.