



Second Session — Thirty-First Legislature  
of the  
**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

26 Elizabeth II

*Published under the  
authority of  
The Honourable Harry E. Graham  
Speaker*



**VOL. XXVI No. 82**

**10:00 a.m. Friday, July 7, 1978**

# Manitoba Legislative Assembly

## Thirty-First Legislature

### Members, Constituencies and Political Affiliation

<i>Name</i>	<i>Constituency</i>	<i>Political Affiliation</i>
ADAM, A.R. (Pete)	Ste. Rose	NDP
ANDERSON, Robert (Bob)	Springfield	P.C.
AXWORTHY, Lloyd	Fort Rouge	Lib.
BANMAN, Robert, Hon.	La Verendrye	P.C.
BARROW, Thomas A.	Flin Flon	NDP
BLAKE, David R.	Minnedosa	P.C.
BOSTROM, Harvey	Rupertsland	NDP
BOYCE, J.R. (Bud)	Winnipeg Centre	NDP
BROWN, Arnold	Rhineland	P.C.
CHERNIACK, Saul M., Q.C.	St. Johns	NDP
CORRIN, Brian	Wellington	NDP
COSENS, Keith A., Hon.	Gimli	P.C.
COWAN, Jay	Churchill	NDP
CRAIK, Donald W., Hon.	Riel	P.C.
DESJARDINS, Laurent L.	St. Boniface	NDP
DOERN, Russell J.	Elmwood	NDP
DOMINO, Len	St. Matthews	P.C.
DOWNEY, James E., Hon.	Arthur	P.C.
DRIEDGER, Albert	Emerson	P.C.
EINARSON, Henry	Rock Lake	P.C.
ENNS, Harry J., Hon.	Lakeside	P.C.
EVANS, Leonard S.	Brandon East	NDP
FERGUSON, James R.	Gladstone	P.C.
FOX, Peter	Kildonan	NDP
GALBRAITH, James	Dauphin	P.C.
GOURLAY, Douglas	Swan River	P.C.
GRAHAM, Harry E., Hon.	Birtle-Russell	P.C.
GREEN, Sidney, Q.C.	Inkster	NDP
HANUSCHAK, Ben	Burrows	NDP
HYDE, Lloyd G.	Portage la Prairie	P.C.
JENKINS, William W.	Logan	NDP
JOHNSTON, J. Frank, Hon.	Sturgeon Creek	P.C.
JORGENSEN, Warner H., Hon.	Morris	P.C.
KOVNATS, Abe	Radisson	P.C.
LYON, Sterling R., Q.C., Hon.	Charleswood	P.C.
MacMASTER, Ken, Hon.	Thompson	P.C.
McBRYDE, Ronald	The Pas	NDP
McGILL, Edward R., Hon.	Brandon West	P.C.
McGREGOR, Morris	Virden	P.C.
McKENZIE, J. Wally	Roblin	P.C.
MALINOWSKI, Donald	Point Douglas	NDP
MERCIER, Gerald W.J., Q.C., Hon.	Osborne	P.C.
MILLER, Saul A.	Seven Oaks	NDP
MINAKER, George	St. James	P.C.
ORCHARD, Donald W.	Pembina	P.C.
PARASIUUK, Wilson	Transcona	NDP
PAWLEY, Howard, Q.C.	Selkirk	NDP
PRICE, Norma Hon.	Assiniboia	P.C.
RANSOM, Brian, Hon.	Souris-Killarney	P.C.
SCHREYER, Edward R.	Rossmere	NDP
SHERMAN, Louis R., Hon. (Bud)	Fort Garry	P.C.
SPIVAK, Sidney, Q.C., Hon.	River Heights	P.C.
STEEN, Warren	Crescentwood	P.C.
URUSKI, Billie	St. George	NDP
USKIW, Samuel	Lac du Bonnet	NDP
WALDING, D. James	St. Vital	NDP
WILSON, Robert G.	Wolseley	P.C.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, July 7, 1978

Time: 10:00 a.m.

**OPENING PRAYER** by Mr. Speaker.

**MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell):** Before we proceed, I should like to draw the honourable members' attention to the gallery where we have 15 students of the adult class from the Red River Community College under the direction of Shirley Wagschal. This school is located in the constituency of the Honourable Member for Logan.

On behalf of all the honourable members, we welcome you here today.

Presenting Petitions . . . Reading and Receiving Petitions.

## PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**MR. SPEAKER:** The Honourable Member for Roblin.

**MR. J. WALLY MCKENZIE:** Mr. Speaker, I beg to present the second report of the Committee on Law Amendments.

**MR. CLERK:** Your committee met on Thursday, July 6th, 1978, and considered the following Bills:

No. 30 — An Act to amend The Civil Service Superannuation Act.

No. 44 — An Act to amend The Corporations Act.

No. 58 — An Act to amend The Education Department Act.

And has agreed to report the same without amendment.

Your committee also considered Bill No. 31 — An Act to amend The Personal Property Security Act,

And has agreed to report the same with certain amendments, all of which is respectfully submitted.

**MR. SPEAKER:** The Honourable Member for Roblin.

**MR. MCKENZIE:** Mr. Speaker, I move, seconded by the Honourable Member for Swan River, that the report of the committee be received.

**MOTION presented and carried.**

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**HON. JAMES E. DOWNEY (Arthur):** Mr. Speaker, the Member for Lac du Bonnet asked me yesterday to table a letter that was sent to the beef producers by the Department. I have those to table.

**MR. SPEAKER:** Notices of Motion . . . Introduction of Bills.

## ORAL QUESTIONS

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

**MR. EDWARD SCHREYER (Rossmere):** Mr. Speaker, perhaps on behalf of the Minister of Finance, the First Minister might be able to indicate whether he can say as to whether or not the meeting of Ministers of Finance here in Winnipeg have formulated any conclusions and, if so, what might these be.

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**MR. SPEAKER:** The Honourable First Minister.

**HON. STERLING R. LYON, Premier (Charleswood):** Mr. Speaker, in response to the Leader of the Opposition, I am expecting the Minister Of Finance will be in the Chamber, if not this morning, certainly this afternoon, and I'll be happy to take the question as notice for him at that time.

**MR. SCHREYER:** I would like to ask the Government House Leader in view of the fact that we note certain bills are still being tabled and presented for the first time. could the House Leader indicate if there are still bills to come.

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. WARNER H. JORGENSEN (Morris):** Mr. Speaker, there are no bills being presented for the first time. All bills that are now appearing have already received first reading.

To the best of my knowledge, with the exception of the appropriation bills, there are no more bills to appear. The Farm Lands Protection Act will appear, but that bill also has received first reading in this Chamber.

**MR. SCHREYER:** Well, Mr. Speaker, when I asked the Minister for bills still to come, they may have been given first reading, but if they haven't been distributed they can hardly be read and understood, and accordingly, I'm asking whether the House Leader wants to call it "presented for the first time" or whether one calls it "being distributed and available for perusal for the first time" it comes to the same thing. I'm asking then whether there are still bills to be distributed for the first time, beyond those which are now before us?

**MR. JORGENSEN:** As I said, Mr. Speaker, aside from the appropriation bills, to the best of my knowledge, the only one that has been given first reading and is yet to appear would be the amendments to The Farm Lands Protection Act, which is at the Printer's, at the moment.

**MR. LAUNT L. DESJARDINS (St. Boniface):** Mr. Speaker, isn't there a Real Property Bill and a Statute Law Taxation Bill coming? 67, 68 and 70?

**MR. JORGENSEN:** That is a companion bill with the The Farm Lands Protection Act.

**MR. SPEAKER:** The Honourable Meer for Fort Rouge.

**MR. LLOYD AXWORTHY:** Mr. Speaker, yesterday I asked the Minister of Tourism and Recreation about the cancellation of the government support for the Summer Dancing Program for the Royal Winnipeg Ballet, which he said he would investigate. I now have a letter that I received, a copy from the Deputy Minister of Tourism and Recreation, announcing that cancellation, and the question I would have is, why is it that a relatively important decision to cancel that kind of program was made by a Deputy Minister without consultation with the Minister responsible for this department?

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

**HON. ROBERT (Bob) BANMAN (La Verendrye):** Mr. Speaker, I undertook to get the exact details for the meer yesterday, and I have them today. The last number of years, the province conducted what they call a program of Dancing In The Park, and in 1977, because of the failure of contemporary dancers in other groups not being available, the Royal Winnipeg Ballet was used solely in this program. It was decided, this year, that we would give other groups a chance, and as a result we hope in 1978 to have the Jewish Folk Ensemble and the Russian Ukrainian Dance, the Concert Hour Ballet, which is from the Royal Winnipeg Ballet School, and we also hope, Mr. Speaker, to have these groups — give them a chance to perform. It was felt by the department that the summer programming is important to give exposure to not only the other performing groups in the province, both professional and some of the top-ranking amateur dancing groups.

**MR. AXWORTHY:** Mr. Speaker, not being critical of the use of other groups, I would ask the Minister why this decision was made only at the end of June, this letter is dated June 30th, at a time when the Royal Winnipeg Ballet had already commissioned dancers for that period which will take place in a few weeks time, and already had made commitments to its professional company to undertake this program? Why was the decision made so late, and why was it made without any consultation, why was it made without any anticipation that this kind of a decision - would be made, and

does the Minister now intend to continue advertising the Royal Winnipeg Ballet as part of the summer festival program, in terms of its tourist attraction, in other parts of the country?

**MR. SPEAKER:** The Honourable Minister of Tourism.

**MR. BANMAN:** Mr. Speaker, the particular funds available for this program, as well as the program dealing with Music in the Park, is money that comes from lotteries funds, and under those particular guidelines that we develop for lotteries, as was done in the previous administration, that is not an ongoing funding process. In other words, these companies are told that it is not an ongoing process and that funds will not necessarily be provided from year to year, and that every year the new consultation will have to take place. We felt, in this particular instance, that we wanted to give some other groups a chance at it, and that is what we are undertaking right now.

**MR. AXWORTHY:** A supplementary, Mr. Speaker. I would have to question the Minister about that statement considering that the support for the summer program has been continuing since 1972, uninterrupted since 1972, which would indicate that it has been basically an ongoing program, and that secondly, any change in that program was taken totally without any consultation on behalf of department officials with the Royal Winnipeg Ballet, at time when the Ballet had made commitments in terms of its own professional staff and its own company, to undertake the summer program. Word was not received until a letter dated June 30th was written, which gives very little time for any change in those plans. And it would seem to me, Mr. Speaker, on the basis of those, the question I would ask the Minister, considering the mistakes made by his department, both in the way that the decision was made and the way it was carried out, is the Minister not prepared to step in and rescind that decision taken by his department officials?

**MR. SPEAKER:** The Honourable Minister.

**MR. BANMAN:** No, Mr. Speaker. If the member is not sure how this works, these particular funds are passed by Cabinet by Order-in-Council when they are passed, so they are not included in the Estimates. It is a special program and as a result they are not an ongoing yearly type funding that are provided for in the Estimates; it is a special thing. So it is not an ongoing type program and as a result we are this year endeavouring to try and give some other people a chance at performing and having the opportunity to perform in the park.

**MR. AXWORTHY:** Mr. Speaker, the Minister still has not answered my question, that if that was to be the choice of his department, and it is a departmental choice, the allocation of those lottery funds, why was the decision not made until June 30th when plans had already been made to undertake the program and in fact certain advertising and commitments had been already undertaken only two or three weeks prior to the actual enactment of that performance? It would seem to me, under those circumstances, there was no consultation undertaken by his department, nor any anticipation that this decision would be taken. And on those grounds it would seem to me a serious mistake has been made, commitments have been undertaken, and I think that the Minister's department has a responsibility to correct that.

**MR. SPEAKER:** Orders of the day. The Honourable Member for Transcona.

**MR. WILSON PARASIUK:** Thank you, Mr. Speaker. Over a month ago I asked the Minister of Labour whether she would find out whether in fact Border Chemicals had complied with the departmental orders regarding changes in their production line arising out of investigation by the department into an industrial death there on November 7th of last year. The Minister undertook to determine whether in fact the Border Chemicals Company had in fact complied with departmental orders which were supposed to be complied with by June 1st. Could the Minister indicate. . .

**MR. SPEAKER:** Order please, order please. May I suggest to the honourable member that he could shorten his question up considerably. The Honourable Member for Transcona.

**MR. PARASIUK:** Mr. Speaker, I will shorten up the question, but often the Minister doesn't answer them, so therefore I'm trying to be as careful as possible in wording the questions so she would answer them. Would she answer the question that she undertook to answer one month ago regarding whether Border Chemicals had complied with departmental orders?

**MR. SPEAKER:** The Honourable Minister of Labour.

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**HON. NORMA L. PRICE (Assiniboia):** Mr. Speaker, I'll have the answer for the gentleman this afternoon.

**MR. PARASIUK:** Thank you, Mr. Speaker. Over two months ago. I asked the Minister of Mines whether in fact Joe Jarmoc had paid royalties on the gravel that was used to build his road for his condominium development in the Whiteshell. The Minister undertook to find out whether Joe Jarmoc had paid the royalties. Has he paid the royalties?

**MR. SPEAKER:** The Honourable Minister of Mines.

**HON. BRIAN RANSOM (Souris-Killarney):** Mr. Speaker, evidently the Honourable Member for Transcona was not in the House when that question was answered some two weeks ago.

**MR. PARASIUK:** Mr. Speaker, I also asked the Minister in that connection which royalty Mr. Jarmoc paid, if it was determined that he paid royalties. There are two royalties applicable; could the Minister tell us which royalty Mr. Jarmoc paid when he paid for the public gravel used for the building of his road?

**MR. RANSOM:** Well, Mr. Speaker, I would refer the honourable member to the answer that I provided some time ago.

**MR. SPEAKER:** The Honourable Member for Kildonan.

**MR. PETER FOX:** Thank you, Mr. Speaker. Yesterday the Minister of Labour indicated she was trying to communicate with the packing house management in respect to the lockout. Can she indicate whether she was successful?

**MRS. PRICE:** Yes, Mr. Speaker, my department was in contact with a spokesman for the packing houses down east; they are at a standstill as far as their meetings are concerned. There aren't any slated in the future, at the present time.

**MR. FOX:** Can the Minister indicate whether there was any reason given for the lockout by Canada Packers?

**MRS. PRICE:** No, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Rupertsland.

**MR. HARVEY BOSTROM:** Thank you, Mr. Speaker. My question is to the Minister of Renewable Resources and relates to the problem the fishermen have been having in the south end of Lake Winnipeg with their catches this spring. Can the Minister report as to whether or not his department has investigated the problems the fishermen are having, particularly with respect to the problem I brought to the Minister of Environment's attention, to a pollution-like substance that they are getting caught in their nets? Can the Minister indicate if his department has been able to determine if this is a common problem throughout the south end of Lake Winnipeg, and if it is the problem that is causing the reduced catches this spring? .

**MR. SPEAKER:** The Honourable Minister of Northern Affairs.

**HON. KEN MacMASTER (Thompson):** Mr. Speaker, I don't have any specific knowledge of it, or a specific answer for the Member for Rupertsland, but I am aware of the situation and I am aware that department officials, both those within my jurisdiction and I believe the Department of Environmental Control, are looking at the situation right today.

**MR. SPEAKER:** The Honourable Member for Selkirk.

**MR. HOWARD PAWLEY:** Mr. Speaker, my question is to the Acting Attorney-General. I believe the Minister of Industry and Commerce. Would the Minister of Industry and Commerce accept this question as notice and report back to the Legislature as to whether or not a resident of Winnipeg was charged with assault as a result of having assaulted a picketer at Mountain and McGregor last night, pertaining to the Safeway strike?

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

**MR. BANMAN:** I'll take that question as notice, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. SIDNEY GREEN:** Mr. Speaker, I'd like to direct a question to the Honourable Minister to whom the Manitoba Development Corporation reports. . Can the Minister tell me whether he has received any resignations from any members of the board of directors of the Manitoba Development Corporation within the past three months?

**MR. SPEAKER:** The Honourable Minister.

**MR. BANMAN:** Yes, Mr. Speaker, I believe there were two.

**MR. GREEN:** Can the honourable member tell us which of the gentlemen resigned?

**MR. BANMAN:** Yes, Mr. Speaker, a gentleman by the name of Orville Minish and another one by the name of Charlie Hunt.

**MR. SPEAKER:** Orders of the Day. The Honourable Member for Brandon East.

**MR. LEONARD S. EVANS:** Mr. Speaker, I would like to address a question to the Minister of Industry and Commerce pertaining to the industrial activity in the Province. Can the Minister of Industry and Commerce advise the House whether he or his department have detected any positive effects on the economy from the reduction of the provincial sales tax in Manitoba? We've had about three months experience. Has the Minister been able to detect any positive impact on the provincial economy so far?

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

**MR. BANMAN:** Mr. Speaker, we are monitoring the situation. I have spoken with several people that are involved in the purchasing of industrial plant equipment. As the member will realize Manitoba does have a 5 percent sales tax on industrial manufacturing equipment, especially industries such as McCaine. It's been of some benefit to them because they are now paying 3 percent less for their equipment so that has been one positive move. The exact extent I cannot relay right now. I notice that the retail sales are up somewhat over last year. If that's due to the sales tax it's pretty hard to tell. We're sort of monitoring it and once the program is over we hope to have some comparative figures with previous years.

**MR. EVANS:** Yes, a supplementary. I thank the Minister for his answer and I appreciate it may be difficult to quantify. I'm particularly concerned about the impact on increased, if any, increased industrial output or industrial production and I would take it then, from the Minister's answer, that he does intend to, as much as possible, attempt to monitor it at least in the coming months, to see whether there was any positive impact upon the degree to which manufacturing output was enhanced or expanded. Is that a correct understanding?

**MR. SPEAKER:** Can the Honourable Member for Brandon East now state his question?

**MR. EVANS:** I believe, Mr. Speaker, the Minister is going to reply so I assumed he had heard my question. My question is whether the Minister will undertake to have his department monitor the impact of the reduction of provincial sales tax in Manitoba, particularly in respect of the potential or realized increase in manufacturing output. I appreciate his answer with regard to increased sales, but I'm particularly concerned with the impact, if any, on increased output of the manufacturing sector in the Province of Manitoba.\$

**MR. BANMAN:** Well, Mr. Speaker, the output, of course, is related to a certain extent as far as the retail sales are concerned. In other words, if there are more retail sales and we're using more Manitoba manufactured products the manufacturing sector, of course, would be doing better. But I think the basic question that the member is asking is, you know, how much more machinery and that type of thing is being bought so that productivity can increase, and the staff is looking at that. As the member will appreciate, it's pretty hard to get an exact figure on it, but we're going to monitor.

Mr. Speaker, while I'm on my feet, I was asked yesterday by the Member for Transcona, several

questions with regard to a group called Actors' Showcase in the province. I am informed by the Arts Council that the application for that particular program was received by the Arts Council on June 7th, which is several months later than normally. The Arts Council did not have enough time to deal with this particular request. The request for funds was not \$5,000, as the member pointed out; it was for \$6,000.00. I am informed that in 1975-76 they got \$250 from the Arts Council; in 1976-77 they got \$1,000, and last year they got \$3,000.00. They also received substantial funding, I think something on the order of \$27,000 from a Canada Works or a LIP grant, and the Council has been in touch with them. They will be putting on a fall-winter program; the application, I understand, is in for that, and that will then be processed.

I should point out to the member that the funds for this particular program again come from revenues that are received by the Arts Council from the sale of lottery tickets, and there has been no cutback in that particular field. The member alluded to a cutback, and that's why this program was cut. But it's a matter of administration; the Arts Council felt that they did not have enough time. The Actors' Showcase, in a letter to the Arts Council, have acknowledged that and have assured the Arts Council that they will be getting their applications in sooner.

**MR. GREEN:** Mr. Speaker, I have a question to direct to the Minister of Agriculture. In view of the remarks made yesterday by the Minister of Highways, is the Minister of Agriculture now considering petitioning to the Federal Government to see to it that all support programs available to agricultural producers are made available only on the basis of poor farmers, and that people in upper income groups would not be receiving, from the Federal Government, the type of subsidies that they are now receiving on a universal basis. Is he considering requesting that the Federal Government stop these programs to well-to-do farmers in the Province of Manitoba?

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**MR. DOWNEY:** No, I'm not, Mr. Speaker.

**MR. GREEN:** Mr. Speaker, the Minister obviously does not want anybody to know what his answer was; I doubt whether his deskmate heard it. Would the Minister repeat the answer, please?

**MR. DOWNEY:** Mr. Speaker, I believe the question was, would I give any consideration to it, and at this time I have not given any consideration to it.

**MR. GREEN:** Mr. Speaker, in view of the Minister of Highway's remarks yesterday, which I am sure the honourable member heard, as did all honourable members in the House, would the Minister now give consideration to requesting that the Federal Government change its support program so that they are made available only to poor farmers, and that farmers above certain . . .

**MR. SPEAKER:** Order please. The honourable member's question seems to be unduly long; he has asked the question once; he has repeated his preamble and his prologue.  
The Honourable Minister of Agriculture.

**MR. GREEN:** Mr. Speaker, on a point of order.

**MR. SPEAKER:** The Honourable Member for Inkster on a point of order.

**MR. GREEN:** Yes, Mr. Speaker. I appeal your ruling, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Inkster knows full well what way he can appeal the ruling.

**MR. GREEN:** Mr. Speaker, I wish to pursue my question, and Mr. Speaker. I am now going to ask you to read the questions and answers in Hansard tomorrow, look at the length of space that was taken for each question, and see whether my question takes up more space than the other questions that have been asked in this House.

I wish to pursue my question, Sir.

**MR. SPEAKER:** The Honourable Member for Inkster may proceed with his question.

**MR. GREEN:** Mr. Speaker, the Honourable Minister has indicated that he has not considered making the request. I now ask him, in view of the Minister of Highways' statements yesterday, would he consider requesting the Federal Government to discontinue its programs on a universal basis and

provide price supports on other programs to farmers, only on the basis of need?

**MR. SPEAKER:** The honourable member's question, I'm - sorry, I rule out of order as being facetious.

**MR. GREEN:** Mr. Speaker, I respectfully appeal your ruling.

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. JORGENSON:** I just don't know by what procedure my honourable friend can appeal a decision of the Speaker during the question period. When the Speaker rules that a question is out of order, that's it.

**MR. GREEN:** Any ruling of the Speaker, including a ruling that a question is out of order, is a ruling on a point of order, and I respectfully appeal your ruling. On a question period or any other, it is the ruling of the Speaker which is subject to appeal, and if you are ruling a question out of order, I respectfully appeal your ruling. The question was not facetious; I appeal your ruling.

**MR. SPEAKER:** The Honourable Government House Leader on a point of order.

**MR. JORGENSON:** If my honourable friend is going to subject the Speaker to a ruling of that nature every time that the Speaker rules a question out of order, all I hope is that when my honourable friend gets a decision of this House as to whether a question is in order or out of order, that in the future he abides by that question.

**MR. GREEN:** Mr. Speaker, I'm not going to be dictated to by my learned friend, or anybody else. I am appealing your ruling; you have ruled my question out of order; I am appealing your ruling. If you do it again in the future, depending on the ruling, I will reserve the right to appeal or not to appeal, which is my right in this Chamber as a member of the Legislative Assembly. -

**MR. SPEAKER:** Shall the ruling of the Chair be sustained? — -- -- -- --

**QUESTION put, MOTION declared carried.**

**MR. GREEN:** Yeas and Nays, Mr. Speaker.

**MR. SPEAKER:** Call in the members.

Order please. The question before the House is whether the ruling of the Chair shall be sustained.

**A STANDING VOTE** was taken, the result being as follows:

**YEAS:** Messrs. Anderson, Banman, Blake, Brown, Cosens, Craik, Downey, Driedger, Einarson, Ferguson, Galbraith, Gourlay, Hyde, Johnston, Jorgenson, Kovnats, Lyon, MacMaster, McGill, McKenzie, Orchard, Mrs. Price, Messrs. Ransom, Sherman, Spivak, Steen.

**NAYS:** Messrs. Adam, Axworthy, Bostrom, Boyce, Cherniack, Cowan, Desjardins, Evans, Fox, Green, Hanuschak, Jenkins, Miller, Parasiuk, Pawley, Schreyer, Uruski, Uskiw, Walding.

**MR. CLERK:** Yeas 26, Nays 19.

**MR. SPEAKER:** Before we proceed with the Orders of the Day, I should like to make a statement to the House.

I have been given the responsibility to carry out the wishes of this Chamber, to adhere to the rules that have been set by this Chamber and have been set by Parliaments over the last hundred years or more. If I abide by the rules that have been set previous, I will endeavour to carry out the duties that have been given to me in the best way I know how. Up to now I have allowed a great deal of latitude in the questioning, but the rules that apply are very strict, and I would refer all members to Citation 171 and 181 of Beauchesne, and I hope to endeavour to live up to the rules and carry forward the rules as are clearly defined. If you don't want that then I would

hope that maybe, with consultation, we can decide how far we can extend some of the parameters. But the rules on questions are very clearly defined, and the rules on answers are very clearly defined, and I hope the House will consider carefully the parameters that are outlined, not by myself, but by this House and by other Parliaments before us.

**MR. SPEAKER:** The Honourable Member for Gladstone.

**MR. JAMES. R. FERGUSON:** Thank you, Mr. Speaker. I have two changes on the Statutory Regulations and Orders.

**MR. SPEAKER:** The Honourable Leader of the Opposition on a point of order.

**MR. SCHREYER:** Yes, when you were calling Orders of the Day. Sir, it was not clear whether by that you meant that the Question Period had come to an end or whether there was still time for Oral Questions.

**MR. SPEAKER:** No, there are two minutes left in the Question Period.

**MR. SCHREYER:** Sir, I would like to ask in the most respectable and non-facetious way I can, I would like to ask the Minister of Agriculture whether, given the fact that for the past 20 years, exactly 20 years, it has been a major feature of Canadian national farm price stabilization policy to provide for subsidy payments under The Agricultural Products Stabilization Act, in a way that has to do with prices and not to do with income or means tests. Can the Minister of Agriculture say, whether given that fact, and given the speech made yesterday by the Minister of Highways, Minister of the Crown here, whether he intends to communicate to the Federal Minister of Agriculture asking them to incorporate means testing into The Agricultural Products Stabilization Act, all of which is respectfully and non-facetiously submitted.

**MR. SPEAKER:** I have to rule the question out of order.

**MR. SCHREYER:** Mr. Speaker, I must respectfully ask, I believe it is respectful and within the rules to ask then that you give the reason for your ruling.

**MR. SPEAKER:** I would ask the Honourable Leader of the Opposition to refer to Citation 171(c), which says, "Multiply with slight variation a similar question on the same point."

**MR. SCHREYER:** May I rephrase the question?

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

**MR. SCHREYER:** I would like to ask the Minister of Agriculture, in very brief form, whether he has it in mind, or intends, to communicate to the Federal Minister of Agriculture to ask for changes in principle in The Agricultural Products Stabilization Act in order to introduce a means test feature?

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**MR. DOWNEY:** A very respectable no, Mr. Speaker.

**MR. SPEAKER:** The time for questioning having expired the Honourable Member for Kildonan.

**MR. FOX:** I would respectfully suggest, Sir, that you consider the time that the Division took place. The bells rang for approximately nine minutes, and therefore I would suggest that the Question Period be extended by nine minutes.

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. JORGENSON:** Mr. Speaker, if my honourable friends want to waste the time of the Question Period in Divisions that is their responsibility. I don't think it should be deducted from the time of the Question Period.

**MR. SPEAKER:** Orders of the Day. The Honourable Leader of the Opposition.

**MR. SCHREYER:** On the point of order raised, Sir, we on this side —(Interjection)—

**MR. SPEAKER:** Order, order please. Will you please give the Honourable Leader of the Opposition the courtesy of listening to his argument.

**MR. SCHREYER:** Thank you, Sir. On the point of order that has been raised, I merely wish to point out, for assistance to the Chair, that we on this side are not insisting that the nine minutes or whatever at issue be taken off the time of the Question Period if it expedites matters of the House. That being so, we resent all the more the unsolicited remarks of the Government House Leader when he refers to wasting time, because quite frankly, Sir, and I apologize in advance if this in any way offends you, there is absolutely no basis, in my mind for regarding the question by the Member for Inkster as having been facetious. However, the matter has been resolved, but let him not call it a wasting of time. —(Interjection)—

**MR. SPEAKER:** Order please. The Honourable First Minister.

**MR. LYON:** Mr. Speaker, on the point of order, my honourable friend I am afraid cannot stand up in this House, not while I am here in any case, and reflect upon a ruling of the Chair in the way that he has just done. Now he is entitled to his opinion and I respect his opinion, but he is not entitled to stand up and reflect that firstly, upon a ruling of the Chair after that ruling has been sustained by this House and he knows that.

**MR. SPEAKER:** The Honourable Leader of the Opposition on the same point of order.

**MR. SCHREYER:** Mr. Speaker, I'm well aware that our parliamentary system cannot function if we reflect post facto on your ruling or Mr. Speaker's ruling. I raised the point merely to say that it was a difference, obviously a difference of judgment and opinion which presumably we still have a right to hold, and I was merely raising it not to reflect on you, Sir, but to counter the absolutely untenable remark of the Government House Leader that it was wasting time to have a division, a vote. If voting in this House becomes a waste of time, then I'm sure it reflects on him, not us.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, on a point of my personal privileges as a member of the Legislative Assembly representing a constituency in the Province of Manitoba which I was elected to represent, I ask the Speaker to look at the questions that were permitted following the question that was ruled out of order and I think that the Speaker will come to the conclusion that a question was permitted to be asked by an honourable member which you refused me the right to ask.

**A MEMBER:** That's right.

## BUSINESS OF THE HOUSE

**MR. SPEAKER:** The Honourable Member for Gladstone.

**MR. FERGUSON:** Thank you, Mr. Speaker. I would like to have two changes on Statutory Regulations and Orders. One will be Mr. Spivak for Mr. Jorgenson; the other will be Mr. Steen for Mr. Driedger.

**MR. SPEAKER:** Is that agreed? (Agreed)

## ORDERS OF THE DAY

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. JORGENSEN:** Mr. Speaker, will you call Bill No. 69, standing in the name of the Honourable Minister of Labour.

## GOVERNMENT BILLS — SECOND READINGS

### BILL NO. 69 — AN ACT TO AMEND THE CIVIL SERVICE ACT

**MRS. PRICE** presented Bill No. 69, An Act to amend The Civil Service Act, for second

**MOTION presented.**

**MR. SPEAKER:** The Honourable Minister of Labour.

**MRS. PRICE:** Mr. Speaker, Bill 69 deals primarily with matters concerning collective bargaining. Section 15 of The Civil Service Act is a subject of probationary periods which is a matter currently covered in the collective agreement with the MGEA and other government bargaining units and is therefore not required in the Act.

Subsections 23(1) and (2) deal with the time limits and the rate of pay for acting status and similar to the probationary provisions are matters which have been included in collective agreements and are being repealed also to ensure that there are no inconsistencies between the Act and the collective agreement.

**MR. GREEN:** Mr. Speaker, a point of order.

**MR. SPEAKER:** Order please.

**MR. GREEN:** In view of the strict interpretations that are now being made of rules, I would ask you to note that the Minister of Labour is reading from a text word for word.

**A MEMBER:** That's right, that's right, that's it exactly.

**MR. SPEAKER:** Order please.

**MR. LYON:** Mr. Speaker, on the hypocritical point of order just raised by my honourable friend, fun is fun but I suggest to my honourable friend that he is well aware of the fact that Ministers are entitled to read from prepared statements when they're making a statement on a bill and if he doesn't know that in the rules, then he'd better resign his position as House Leader because he's really not acting in accordance with the knowledge that I know he has. I merely suggest to my honourable friend this morning, Mr. Speaker, it's Friday. We all take account of that fact, it seems to have a peculiar impact on my honourable friend every Friday, but I merely say to him that this House wants to get down to business even if he doesn't and that if he will let the business of the House get along, we can get along quite well without him if he can't stand what's going on in here.

**MR. GREEN:** Mr. Speaker, I'm quite aware that the . . .

**MR. SPEAKER:** Order please. Surely the honourable member knows that no one should speak until they're recognized by the Speaker.

The Honourable Member for Inkster on the point of order.\$

**MR. GREEN:** Mr. Speaker, the Honourable Minister is not making a statement; she is introducing a bill at second reading. According to the rules — and, Mr. Speaker, I have never raised this before and as a matter of fact, I have been annoyed when it has been raised — but, Mr. Speaker, in view of the fact — and in view of the way in which you treated me this morning and on the suggestion that you are now going to strictly apply the rules, Mr. Speaker, on the basis of the way in which you are deciding how this House is going to be conducted and without objection from the other side . . .

**MR. BLAKE:** Take your rattle and go home, Sid.

**MR. GREEN:** Mr. Speaker, I know that the honourable members, the members of the government, feel a little bit sensitive to what is occurring and they probably . . .

**MR. SPEAKER:** Order please. Order please. May I point out to the honourable member that he was speaking to a point of order. He must be concise and not stray all over the place. The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, I thank you for your observation in this connection. I wonder what the remarks about it being Friday and that the member can resign and the member can leave us, how those were concise remarks to the point of order.

**A MEMBER:** That's right.

**MR. SPEAKER:** I'm sorry, I have to rule the member has no point of order. The Honourable Minister of Labour.

Order please. The Honourable Member for Brandon East on a point of order.

**MR. EVANS:** Mr. Speaker, I'd like an explanation from you on how the Honourable First Minister can make the statements he did regarding the Member for Inkster and that being a matter of being in order. I'd like your interpretation of why those particular remarks were considered to be in order.

**MR. GREEN:** Because they can say anything and we can't. . . .

**MR. SPEAKER:** The Honourable Minister of Labour.

**MRS. PRICE:** Mr. Speaker, I was looking at the notes on the different sections. I don't know all the sections off by heart, however, I really don't have to make any statement it because I gave a copy of them to the Member for St. George. So if the Member for Inkster finds it so distasteful, he can just get the copy of them from him.

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for St. George.

**MR. BILLIE URUSKI:** Mr. Speaker, I beg to move, seconded by the Member for Kildonan, that debate be adjourned.

**MOTION presented and carried.**

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. JORGENSON:** Call Bill No. 29, Mr. Speaker.

### ADJOURNED DEBATES — SECOND READING

#### BILL NO. 29 — THE COMMODITY FUTURES ACT

**MR. SPEAKER:** Bill No. 29, The Commodity Futures Act. The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, I completed my remarks on this bill last week and on the possibility that you're going to say that something that I'm saying is facetious, I'm going to sit down.

**MR. SPEAKER:** Are you ready for the question? The Honourable Minister of Consumer Affairs will be closing debate. The Honourable Minister of Consumer Affairs.

**HON. EDWARD MCGILL (Brandon West):** Mr. Speaker, I'd like to acknowledge the comments that have been made on this bill by the Member for Lac du Bonnet and the Member for Inkster. Before dealing with those comments in any specific way, I would like to tell the House that there will be three or four minor amendments introduced to The Commodity Futures Act, Bill No. 29, when we reach the committee stage. Three of the amendments that we'll be proposing, Mr. Speaker, are of a minor nature and one is somewhat more substantial since it involves the definition of the term "member" in the bill.

At present that member reads as including a registered firm or corporation entitled to the privileges of membership through a member and quite obviously, Mr. Speaker, "member" being thus defined is a member of an exchange or clearing house and it is in this sense that the word "member" is in fact used in several places in the bill. However, in another part of the bill there is a section where the word "meer" is used in the sense that it is a meer of the public, or any member thereof of the p. So, lic if the original definition as contained in the bill were used in that sense it would provide a rather absurd definition. So, to remedy that situation, we are proposing that the definition will be changed to read:

"Mer" was e used to refer to a member of a commodity exchange or clearing house, includes a registered firm or corporation entitled to the privileges of meership.

So, Mr. Speaker, that is the only really important amendment that is being made to the bill at the committee stage, or at least the only one which we are proposing at this time.

In closing the debate on this bill, Mr. Speaker, I just wanted to note, particularly, the comments

made by the Member for Lac du Bonnet, and during that period of his remarks on June 16th the debate did stray into some areas that were really not directly concerned with the intent of the bill. The member seemed to question the fact of there being a Commodity Futures Exchange in operation, and whether that was really needed, and if indeed such an Exchange were needed why was there not more direct supervision of the Exchange operations contained in the bill which we were presenting to the House.

Well, Mr. Speaker, this government happens to be convinced that Commodity Futures Exchanges do serve a very useful purpose, and many farmers and other primary producers, I think, would agree with that position. But even if we were to consider such a move as to closing down our own Commodity Exchange in Manitoba, which I hasten to assure you, Mr. Speaker, we're not, this would simply have the effect of eliminating futures trading in our province and directing it to some other Exchange, such as the Chicago Mercantile Exchange, where, incidentally, a great many Manitobans have been trading for a number of years. These markets, these Commodity Exchanges, have been operating for over a hundred years and on a very large scale; 13 American Commodity Exchanges are currently handling, each year, something like 20 million futures contracts worth approximately \$200 billion. —(Interjection)— Yes indeed, as is the Winnipeg Commodity Exchange carefully supervised, and I intend, Mr. Speaker, to deal with that particular concern of the member during my remarks. But, Mr. Speaker, if we were unwise enough to close down our local Commodity Exchange we would simply eliminate all the jobs that such a financial institution creates here and force people to do their futures trading elsewhere.

Our legislation is aimed at a potential abuse that has crept in or is possibly a danger to the kind of trading that's being undertaken now in this Exchange, and those abuses which we are concerned with really are those which take place off of the Exchange itself. In that connection I would like to make one or two additional comments in response to the presentation of the Honourable Member for Lac du Bonnet. In his speech, the honourable member said that he hesitated to support the legislation because of one major "flaw." That flaw, he said, was implicit in the question, who is to say that the Exchange is working in the public interest, and is it properly controlled by legislative bodies? And he pointed out, Mr. Speaker, that in his view the bill did not deal with this matter at all, but simply assumed that if we left things in the hands of the Exchange that everything would be satisfactory.

Well, Mr. Speaker, I'd like to reassure the member on that score, and other honourable members. Firstly, that the Winnipeg Commodity Exchange is being supervised by the Federal Government, and that is a supervision in addition to its own self-regulatory structure. The Exchange is supervised, Mr. Speaker, by a Federal Government appointee.

And secondly, although the bill does rely, in the first instance, upon the internal disciplines implemented by the Exchange itself the ultimate policing authority will be provided by the Federal Government's supervisor, and by the broad investigatory powers specifically retained by the Manitoba Securities Commission under the bill.

The penalty sections of the Act will obviously be invoked by the Commission if circumstances warrant, and these provide fines of up to \$2,000 or one year in prison.

Mr. Speaker, it may be that honourable meers opposite missed the significance of certain sections, and by way of reassurance I invite them to check the broad investigation powers prescribed, and the powers given the Commission to make freeze orders attaching funds which may have been raised by suspect operations, notice that certain powers under the The Securities Act have been incorporated by reference.

The Honourable Meer for Lac du Bonnet conceded himself that there was no problem in the United States insofar as adequate regulation was concerned, and he pointed out, Mr. Speaker, that a Federal Government agency there, The Commodities Futures Trading Commission had a firm hold on the situation. He referred to the experience in other jurisdictions, to make the point that manipulations in the marketplace can have serious effects on the income levels of our primary producers. Well, Mr. Speaker, while I agree with him at least to the extent of conceding that no system is completely impervious to manipulation, and no such system has yet been devised, I would point out that the whole purpose of the Commodity Futures market place, so far as the primary producers are concerned, is to obviate or at least to modify the violent price swings that can accompany unfettered spot market sales. Those spot or cash market sales can fluctuate very widely, even when the only factors being brought to bear are totally unmanipulated supply and demand.

The alternative to letting the speculators bear the risk, or a portion of it, is to let the farmers and other producers bear it all. We have to recognize that a great deal of the trading that goes on in commodities futures is not trading by the speculators but trading by legitimate hedgers. These legitimate hedgers are, in some cases, the primary producers themselves, as was pointed out by meers on this side during their contributions to the debate. In other cases they are firms that deal in the physical commodities themselves. These firms have no rational business choice but to hedge

their needs on the Futures Exchanges, and similarly the farmers and other primary producers often find it expedient to hedge their own activities and their own holdings.

Some writers have gone so far as to assert that the majority volume on any commodity exchange is the result of hedging. But whatever the proportions, Mr. Speaker, the commodities futures market are made up of hedgers and of speculators, and while the speculator seeks a profit on his own risk capital, the legitimate hedgers use these commodities futures markets precisely to avoid risks.

Mr. Speaker, farmers are aware of the kind of wide swings in the price of their products that can take place in the normal marketplace, and they remember always a very strong correlation between the prices on the commodities futures market and the cash markets which underlie them. In 1972, Mr. Speaker, the flaxseed market in Winnipeg swung from a summer low of approximately \$2.80 a bushel to over \$4.50 a bushel. A farmer who wishes to finance new land purchases, or the acquisition of new equipment, is certainly in a difficult position if he cannot predict his probable income within some reasonable limits. If he hedges with a commodities futures contract, he is certainly in a better position to borrow from the bank with some reasonable degree of assurance that he is going to have money on hand when the time comes for the payments to be made.

Another factor involved, Mr. Speaker, is the possibility of crop disasters, which can seriously affect plans and investments in land and equipment, but certainly, I don't think the member opposite would disagree that the hedging, the ability of the farmer, the producer, to hedge, can substantially curtail or modify his risks. It is not suggested, Mr. Speaker, that commodities futures markets eliminate risk; they simply shift it from the farmer or other primary producer who chooses to hedge his bets to the outsider prepared to speculate on the same kind of a risk.

Mr. Speaker, I don't wish to take up too much of the time of the House with a response to every argument presented by the Member for Lac du Bonnet. Some of the points in his speech, of course, we can find common ground with. For example, I would agree that it's entirely likely that the repeal of the provincial legislation he referred to was connected with the enactment of the Federal Parliament's Grain Futures Act in 1939, and he is correct when he says that the Federal Government, after enacting the legislation in 1939, did nothing about it for many years. Obviously, when the war broke out they had a great many pressing problems to attend to and they did in fact ignore this situation largely until 1975 or 1976 before enacting the regulations that the 1939 legislation contemplated.

But, as I remarked earlier, Mr. Speaker, there is now an active federal supervision of the Winnipeg Commodity Exchange in the form of a federally-appointed supervisor, and so far as additional enforcement of this statute is required, I've already alluded to the broad investigatory powers retained by the Securities Commission.

The Federal Supervisor, who is now attending at the Winnipeg Commodity Exchange, is an officer of the Canadian Grain Commission and submits monthly reports to the Chief Commissioner of that body. I am advised that much of his time is spent on the trading floor during trading sessions, so that he clearly has first-hand knowledge of the operations. The by-laws and regulations of the Commodity Exchange are, of course, subject to his review, and he reviews all changes made to them. In addition, he consults with the members of all groups of the trade and maintains a close liaison with the President of the Exchange. He is also responsible, Mr. Speaker, for overseeing the operations of the clearing house.

Mr. Speaker, I make these brief references to the responsibilities of the Federal Supervisor only to assure members opposite that the federal supervision is real, and that what we have is a supervisor who is actually on the trading floor, not just a statutory officer who is in some other city and relying upon reports in newspapers for his knowledge of the Exchange activities.

So, Mr. Speaker, again turning to the main purpose of the legislation, we should certainly not lose sight of the fact — and I referred to some of the abuses that have been taking place elsewhere — I want to emphasize again the central fact that the abuses which have been manifesting themselves have not occurred on the Exchanges at all, but outside of the actual Exchange activities. I am sure that all honourable members have read about the scandals that took place in the United States, and those, as the Member for Lac du Bonnet admits, did not take place on the Commodity Exchanges; they were carried out by intermediaries of the type whose activities we seek to regulate by this bill. The history of commodity futures trading here has been virtually trouble-free, so far as trading on the Winnipeg Commodity Exchange is concerned, but we too have had some difficulty with intermediaries who have not been members of the Exchange, and it is a recurrence of that particular problem that this bill seeks to avoid. There is no guarantee, obviously, that if unregulated intermediaries are eliminated, the Commodity Exchange will be able to preclude all fraudulent practice. As I said earlier, no institution yet devised has been found to be fool-proof in practice. But to date, the record of the Commodity Exchange has been good, and I think we are entitled to expect a continuation of that record now that it is under federal supervision.

Mr. Speaker, I suggest to the members that the approach suggested in this Bill 29 is worth a

trial on two important counts. Firstly, if it's successful, it will provide protection at no additional cost to the taxpayers; the federal supervision and the investigatory mechanism of the Manitoba Securities Commission are already in place. And secondly, on the basis of past history, and I repeat that there have been almost no complaints of abuse regarding Exchange regulated trading in Manitoba, the expenditure for salaries for new staff to implement a full-blown registration scheme such as is contemplated elsewhere, in other jurisdictions, does not appear to be warranted in this instance. If our expectations prove to have been over-optimistic, we'll have to consider a more comprehensive scheme of regulation. There may be some additional steps we can take without violating constitutional constraints; we're hoping that this will not prove necessary and we think there is a reasonable chance that we are right in not spending the money for a more cumbersome and complex lattice of regulations on the basis of the situation now existing.

Mr. Speaker, I recommend the bill to members of the House.

**MR. SPEAKER:** Does the Honourable Member for Lac du Bonnet have a question?

**MR. USKIW:** Yes, Mr. Speaker. I thank the Minister for his very lengthy comments in answer to the criticisms that were made — or, not criticisms, but observations that were made. I wonder if I can confirm from him more fully whether he views this legislation as a step that could be broadened fairly early, at another session, should the need arise? If that is so, it might expedite the bill through Committee, if I had that assurance. .

**MR. SPEAKER:** The Honourable Minister of Consumer Affairs.

**MR. MCGILL:** Well, Mr. Speaker, I did mention that we hope that this approach which we felt was worth a very serious trial because of the fact that it didn't involve a great increase in the bureaucratic requirement and the fact that we had, up to this time, had very few instances of any problems relating to in-exchange irregularities. The problems which seemed to be most likely to occur were the result of the activities of intermediaries who were not registered members of exchanges. We are prepared to try this approach and to try to avoid the more complex approach that is being taken by other jurisdictions. As well, Mr. Speaker, we are quite convinced that this is constitutionally quite a proper approach. We're not entirely certain that the other provinces who may be taking a more direct approach to it are entirely constitutional, that this maybe should be a form of supervision applied by the Federal Government, as it is now, and we would prefer to use the approach which we are recommending through this bill as a means of not challenging in any way the presence of the Federal Government in the regulation of trade and commerce.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet with another question.

**MR. USKIW:** Well, just one final point, Mr. Speaker. I believe I've got the assurance from the Minister that I am looking for. Perhaps he can confirm more fully that he is not philosophically bound, that is, if he deems that the legislation is not adequate that he is prepared to reconsider it at a future time based on the experience over the next period of time.

**MR. MCGILL:** Well, I think, Mr. Speaker, again I attempted to reassure the member on the point that we felt that this was worth a very serious try to see whether the kind of control that we seek can be adequately put in place by this approach without in any way committing the government to changes in that respect. We'll certainly be watching very closely to see what the experience is.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** Bill No. 57, An Act to amend The Public Schools Act. The Honourable Member — stand?

**MR. PETER FOX:** Stand, Mr. Speaker. Would you take Bill No. 54 please?

**BILL NO. 54 — AN ACT TO AMEND THE MUNICIPAL ASSESSMENT ACT  
AND THE CITY OF WINNIPEG ACT**

**MR. SPEAKER:** Bill 54, An Act to amend The Municipal Assessment Act and The City of Winnipeg Act. The Honourable Member for St. George.

**MR. URUSKI:** Thank you, Mr. Speaker. At the outset of my remarks on this piece of legislation

I wish to indicate that we will be supporting this piece of legislation. We agree that we cannot leave local governments, as the saying might be, out in left field by the actions that have been undertaken by several property owners within the City of Winnipeg.

However, I wish to indicate that the bill that is proposed before us, to validate the assessment within the Province of Manitoba and within the City of Winnipeg, as indicated by the Minister of Municipal Affairs where he indicates, and I quote from his remarks of June 23rd, that: "The purpose of this bill is to make certain that the municipalities in Manitoba have a valid assessment role, notwithstanding the fact that reassessments have not been done in a number of municipalities and the city within the statutory time period."

I believe, Mr. Speaker, that the purpose of the bill is not to have a valid assessment, but the bill is to legalize a role, that I believe that there is no question on this side or on either side of the House, that is out of date, a tax role that is out of date, and has been out of date I have to indicate in many areas of rural Manitoba over the last number of years, that the Assessment Branch has not been able to live up to the statutory obligations that it has in rural Manitoba of doing an assessment on behalf of the municipalities within five years. And, of course, within the City of Winnipeg within the three year time. I believe that the Minister should indicate whether it is possible to even attempt to tute the equalization formula today to bring about some equalization in the formula in order to apply the revenues shared between the province and the municipalities. I believe that the system now is so out of date, especially within the City of Winnipeg, that the equalization formula that the province uses I believe — and I would hope that the Minister would comment on it — that the department cannot effectively bring about any form of equalization. I don't think they know where they're at frankly, and I would want to ask the Minister and hope that he reads Hansard, before he closes debate on this matter, to ascertain what the status is and will he be able to deal with the equalization formula to bring about some measure of equality as between areas that have been reassessed and areas that have not been reassessed.

The principle, I believe, Mr. Speaker, of this bill is maintaining the legal relationship of the province and its local governments and that is paramount. The Province of Manitoba is statutorily bound to reassess properties on behalf of local governments. The province is the agent of the municipalities in doing the re-assessments of the one and only source of revenue, or primary source of revenue, that local governments have within this province. And the province, over the years, has fallen down on its job, especially, Mr. Speaker, in this year that the Government of the Da has seen fit, or at least in part in its restraint program, has not allowed any expansion in terms of the Assessment Branch, because we well know that to bring qualified assessors on stream it does take several years of ongoing training before the assessors in the field are able to conduct the assessment program on their own and be fully productive in the work that they are to undertake. So that any holdback today, I believe, will further compound and colicate the problem that we have now. All we are doing is validating something that we know ourselves is out of date, but there is no doubt that we cannot leave the local governments in the position that we would leave them had the legal action that has been undertaken by some property owners in the City of Winnipeg gone forward; there is no doubt.

Yet, in the course of debate of this bill, we have one Minister of the Crown, and even the Premier to some degree, going about this province and speaking about the actions undertaken by these two property owners, indicating that there is a direct resemblance or correlation between what is happening here in Manitoba and the Californian experience, and Proposition 13 of property taxpayers within the State of California. We have the Minister without Portfolio going around this province and indicating that Proposition 13, the movement in California — by whom, Mr. Speaker? By property owners, very wealthy and large property owners within the State of California, large corporate property owners, who have effectively put on a campaign to attempt — and they have done it successfully — to raise the issue, and at least in California terms they have been able to prevent local governments from gaining revenues from the property tax base and have effectively cut the revenues, I am told by some 50 percent, 50-odd percent. Now the Minister without Portfolio here is going around the province and indicating that this is really what is happening in Manitoba, and that politicians really should take heed of what is going on.

But what is the Conservative government doing here in Manitoba in relationship to what has happened in California, if his remarks bear some semblance and bear some meaning? They are effectively going to create a greater confrontation between local taxpayers and their municipal leaders by the action that they have undertaken this year. They have lowered and effectively — they have not cut, but they have frozen the revenues to local governments by cutting and freezing the Property Tax Credit Program. They are strangling the revenues to local governments which can only lead to the same type of confrontation that has occurred in California.

And yet, the present government indicates that there should be restraint, and they are imposing the restraint, so if they are imposing the restraint effectively, they are saying, "Look, local governments, that's all you are getting. Your revenues are being frozen; you can only raise the

tax base." And yet, one Minister of the Crown indicates — and I have to agree with him — where he indicates that most people are more receptive to taxes on income and consumption than on property. So, while they are freezing the property tax base and saying to local governments, "You have to have restraint," they are not shifting the revenues of local government from the provincial base and supplementing it through the Property Tax Program or whatever means are available to them; they are as well cutting the income taxes of the very well-to-do and the corporate taxes, leaving local government totally in left field, having to do what? Having to raise the property tax base, and that is the type of restraint and the type of program that this government has for the assistance of local government, leaving them out totally in left field, leaving them to raise the tax base, leaving the property taxpayer to bear the brunt of the taxes in local areas rather than shifting it from the property tax base to the ability to pay. TF3001

What is happening now in California? To subvert what has happened in Proposition 13, the state governments are now imposing user fees, a very close relationship to the move that has happened in Manitoba. What has happened? We have imposed user fees in this province. We have not used provincial revenues to supplement revenues of local government. The bus fares — we have cut our funding, as previously under the old formula to the City of Winnipeg so that bus fares have had to be increased; those are the type of user fees that have come into being. We have under the Legal Aid program, Mr. Chairman, now imposed a user fee on the users of the Legal Aid program. We now have shifted the payment of insurance fees effectively from a user fee to a flat, premium base, and we have yet, in many areas, rather than at least maintaining the programs, we are effectively cutting the programs down.

I believe, Mr. Speaker, that over the next few years you will see a move by the Conservative government of this province, especially with the remarks made yesterday by the Minister of Highways, you will see if it bears some of the thinking — and I'm sure that his thinking goes a long way within the Executive Council of that government — that you will see the imposition of the type of program away from the universal programs to the user pay principle.

And that, Mr. Speaker, is exactly what the move in California was all about. The very wealthy property owners who, of course, bore quite a large part of the property tax load in that state, can well afford to pay user fees for the services that they require. They want that kind of move, so that the average citizen, who not only will have to continue paying a large tax load, he will then be faced with user fees like they have imposed there, for garbage collection, water and additional fees that were normally covered by the services paid for by all the citizens on an equalized basis for that city or that state, and the same thing will be happening in the province. We will be moving away in the health care field, Mr. Speaker; that is the type of move that will occur in this Province of Manitoba, because we have the Premier indicating that politicians in this country should heed what has happened in California, we had the Minister without Portfolio speaking about the very same thing; we had the Minister of Highways indicating yesterday that there should be effectively, a move away from universal programs. Those types of statements can only mean one thing, Mr. Speaker, the abandonment of local government, as the Tories have done in this province; a very slow strangulation of the revenues to local governments, which will be an added burden on local property taxpayers.

Mr. Speaker, I hope that the Minister, when he replies and closes debate on this resolution, will also indicate what he is going to do. I mean, all we are doing now is legalizing what is already out of date and illegal; that's what we are doing. But we cannot leave local governments out in the lurch. I want to hear from the Minister what he does propose for the next several years, because this bill is a stop-gap measure that covers a five-year period in which I believe that we will not be able to meet our statutory obligation unless we take a total revision of the assessment program within the Province of Manitoba.

The Minister has indicated in the Estimates process that he intends to have a total review done of this area and what form it will take, whether it be a commission or some interdepartmental committee to review the assessment procedures within the province, whether they are going to computerize the program which then they can do automatically, without having to send assessors out in the field and impute a value formula into a data base that could be banked in a computer. This, I would hope that the Minister will tell us as to what course of action he intends to take, because five years will be up before we know it, and I believe that unless there is a move made now, that we will be back here five years from now and passing further measures to legalize outdated procedures, as we have today.

Thank you, Mr. Speaker.

**QUESTION put, MOTION carried.**

**MR. JORGENSON:** Mr. Speaker, I wonder if my honourable friend is prepared to go on Bill 56? —(Interjection)— Bill 56 is An Act to Amend The Planning Act.

**MR. SPEAKER:** The Honourable Member for St. Vital on a point of order.

**MR. D. JAMES WALDING:** Yes, Mr. Speaker. The Honourable Member for Kildonan had to leave the House for a moment, but he did instruct me before he left to advise the House that he had adjourned Bill 56 in favour of his colleague, the Honourable Member for St. George.

**MR. SPEAKER:** On the proposed motion of the Honourable Attorney-General, Bill 56, An Act to Amend The Planning Act — the Honourable Member for St. George.

**MR. URUSKI:** Thank you, Mr. Speaker. I wish to indicate that members on this side will be supporting these measures; we will have certain questions in Committee on the technical nature of this bill, on several sections. I would hope that the Minister will indicate on one portion of the bill dealing with the area, specifically dealing with Section 8 with dwelling units, and that area of the bill where dwelling units are permitted on a parcel of land. I want the Minister to indicate the actual requirement or need for this section in the bill. I believe that municipal councils today are in a position to pass by-laws prohibiting the construction or placing of either a mobile home or another home on a parcel of land without limiting that development to one unit, or allowing an additional home with the permission of that council. I am wondering, and I would want the Minister to explain as to the necessity of this section in dealing with it on a provincial basis, because I believe local councils could handle a problem through a local by-law and have full control of this measure on a local basis. There must be some problems, I presume, that the Planning Branch and the department have encountered in this area, but I would like to hear the reasoning behind that specific move as well.

I would like to question on this area as well, whether this section would prohibit the moving on to a parcel of property in certain cases, of, let's say it be a mobile home, for a short period of time. Because it does indicate that no person shall move it unless the building or the home is related to a specific industry. But there may be occasions where families may want to, for a short period of time, move on a home prior to having it moved to a permanent site, and it appears that this may prevent that movement. I would hope that the Minister, or whoever his colleagues are looking after the bill, would take this under consideration and indicate how this matter would be handled.

I am pleased to indicate that the move to recognize and the move to transfer authority from the Minister to the District Planning Board within planning districts that have already been formed, are being handled by this piece of legislation, so that the government is moving in general progression to the program that has started with the passage of this Act several years ago.

I kind of chuckle to myself, Mr. Speaker, with the Minister without Portfolio, the Member for Morris, who today is the Chairman of the Provincial Land Use Committee within the Government of Manitoba. I recall very vividly in the last session of the Legislature, his remarks about The Planning Act within the Province of Manitoba. His remarks were to the effect that The Planning Act within the Province of Manitoba was the imposition of regional government by the back door. Now we have the same member, who accused the former administration of imposing regional government via the back door, being in charge, and being the Chairman of the Provincial Land Use Committee, bringing forth the land use policies for the Province of Manitoba, and I am happy to say, a very strong proponent of land use policy and planning within the Province of Manitoba as I have seen by his speeches to the municipal councils in rural Manitoba. I have read some of his speeches and by his statements here of being Chairman, I believe he has made a complete reversal of his position with respect to regional government coming in via the back door through The Planning Act and that he now is a strong proponent of land use planning and is going gung-ho in having some orderly land use policies within this Province of Manitoba. So I say to him, I am slightly amused at the reversal of position from two sessions ago when we were in government that his statements about this government's Planning Act and land use policies, and everything surrounding The Planning Act, and now that he is Chairman of the Land Use Committee, and as I understand it, well under way to bringing in the land use policies that were being developed, and he is gung-ho on it. Frankly, I am very pleased as well as amused.

Mr. Speaker, with those few words, we will send this bill to Committee. Thank you.

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. JORGENSON:** Mr. Speaker, I don't want to unduly delay the passage of this legislation. I just simply want to make one comment. My honourable friend has indicated, or at least suggested, that I have been an opponent of The Planning Act, and indeed have voted against it. But there was one specific reason for which I opposed the bill being introduced at that time. I have always been

a very strong proponent of land use planning, and hearings throughout the province of the Agricultural Committee several years ago, confirmed my belief that there was a strong feeling across this country that there had to be some substantial planning in our resources in this province.

During the course of the debate on Bill No. 44 that was the very point that I attempted to make, that there was a responsibility on the part of the government to ensure that before The Planning Act became operative, that there were land use policies clearly defining the areas in which the Provincial Government had responsibility and would maintain that responsibility. That did not happen. The land use policies did not come out until some time later, and in the meantime, as we had predicted, there was a considerable amount of difficulty, and a number of subdivision approvals had been made that are now causing some problems. I can't back away from the statement that I made at that time, that it was necessary for the Provincial Government to assume its responsibility in determining the areas in which policies will be laid down. I still feel that way, and I believe that those policies should have been available even before the bill had been proclaimed. I just simply want to make that point. —(Interjection)—

My honourable friend mentions the question of regional government. He is perfectly right. I did express that fear, and I might add to my honourable friend that that same fear was inherent in practically all of the municipalities that I contacted during the course of the district meetings earlier this year. And we had to assure them that it was not the intention of this government to use this as a means of installing regional government or larger municipalities throughout this province.

I think, with that assurance, municipalities have found a greater degree of acceptance of The Planning Act and all that it embodies, than they had prior to that time. I am not suggesting for a minute that there is complete acceptance at this time, because there are still some problems that have to be resolved, but we hope to be able to ensure the municipalities across the Province of Manitoba that the formation of planning districts is to achieve a specific purpose of land use planning, and not to form regional governments throughout the Province of Manitoba. I thought I should just put those words on the record for my honourable friend.

**MR. SPEAKER:** The Honourable Member for Selkirk.

**MR. PAWLEY:** Mr. Speaker, I believe I would be remiss if I did not also add a few comments as a result of the comments by the Member for Morris. The Member for Morris indicated that his reluctance in supporting the old Bill No. 44 was a result of the fact that there had not been developed land use policies and proposals. Mr. Speaker, during the discussion of old Bill No. 44, I recall, as Minister of Municipal Affairs, pointing out very, very clearly, that policies were gradually being developed; they were being developed in consultation with the municipal people, particularly the municipal people that would be most affected, those in the 30 to 35 municipalities in the regions surrounding the City of Winnipeg. In fact, Mr. Speaker, the discussions and meetings in respect to what we now have, what has been now given birth to, started back in 1972-73, as I recall. I recall that the basic nature of the land use policies that in fact have been announced by the Minister, were in fact developed and I recall votes taking place in the Holiday Inn, back in 1975 by municipal people, in which 90 percent of the municipal people basically supported the land use proposals that were being developed and devised at that time.

So, Mr. Speaker, I do have to add then, comments, in support of the surprise and amazement that we do feel in seeing the present Minister and his colleagues enthusiastically supporting The Planning Act. Certainly back in the period when The Planning Act was passed in this Chamber, it was known that we were developing land use policies. Those land use policies were being developed through consultation. That was made very, very clear, and all that we wished were the mechanics in order that we could proceed with that development — that development — and how we stressed that, Mr. Speaker. And yet we ran into the most furious opposition by the then opposition in this province, and not rightly so because we have now unfortunately revealed the hypocrisy of the position which was taken at that time by the then Official Opposition.

Mr. Speaker, what is even more disconcerting, and I must stress this in the firmest manner that I can, that the Minister without Portfolio states there was a fear among the municipal people, and he even witnessed some of it this spring, that The Planning Act would be the forerunner of regional government. Mr. Speaker, there was never any such intention. But, Mr. Speaker, there was some fear created, and that fear was generated within this Chamber and carried out of this Chamber into the minds of some municipal people. Fortunately, Mr. Speaker, I must say to you that I do view it as a minority of municipal people; only a minority were fooled, but they were fooled by false representations that were geared to mislead Manitobans three years ago. And it is rather interesting now, Mr. Speaker, that the Minister without Portfolio, now responsible for PLUC is the one that now must remove the fears' the fears that he and his colleagues created, colluded together in order to generate throughout this province, not for constructive reasons, Mr. Speaker, but for destructive reasons, and unfortunately they did, they did make our task harder.

But in any event, Mr Speaker, I am pleased to see that the present government is proceeding with the basic outlines that were developed some years ago, despite their earlier position in adamantly opposing that position and I am pleased that they are providing us with amendments that may to some extent improve the existing legislation, and to that extent we support the bill before us.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. JORGENSON:** Mr. Speaker, will you call Bill No. 35 standing in the name of the Minister of Highways.

**BILL NO. 35 — AN ACT TO AMEND THE HIGHWAY TRAFFIC ACT (2)**

**HON. HARRY J. ENNS (Lakeside)** presented Bill No. 35, An Act to amend The Highway Traffic Act (2), for second reading.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Minister of Highways.

**MR. ENNS:** Mr. Speaker, this bill before us, Highway Traffic Act (2), is of some length, some 53 clauses. I want to indicate to honourable members that the bill is here by reason of one particular clause which the members will recall when I bring it to their attention. But as is so often the case, when the bill has to be opened up, a considerable number of housekeeping clauses were added to it, more than I perhaps would have wanted, but it indicates that I haven't controlled the bureaucracy — normal bureaucratic procedures have prevailed.

I would like to draw the honourable members' attention to this particular clause, and you'll forgive me, Mr. Speaker, for referring to it, but I have to refer to that particular clause because it is the reason for the bill, and the clause isn't written up right. I want to indicate a very basic change in the clause.

The members will recall the Ombudsman's report involving a case which he investigated concerning a Manitoba driver who had been convicted of an offense in another jurisdiction, and who was assessed demerits and subsequently, an additional insurance premium based on his total demerits. The legal opinion on the question at issue is divided as the Act as well as the regulations made under The Manitoba Public Insurance Corporation Act are ambiguous. The question at issue is whether a Manitoba resident holding a licence issued to him under this Act, should not be held accountable for his driving conduct beyond the borders of Manitoba.

In the case of a criminal offense, the Act is clear. A Manitoba resident convicted of an offense under The Criminal Code, is subject to the same penalties as if he were convicted in Manitoba. However, in the case of offenses under The Provincial or State Acts, the matter is less clear. The licencing jurisdiction is the only one which can effectively exercise control over the driver licences. It therefore follows that where a person commits an offense in another jurisdiction, which would also constitute an offense in Manitoba, such offenses should be recorded on their records in Manitoba and drivers held accountable for their conduct. Therefore, Mr. Speaker, an amendment is being proposed here which makes it clear that any person who is convicted of an offense in another province or state of the United States for a violation of the law, which would also be a violation in the law in Manitoba, such convictions would be recorded on the driving record, and the appropriate number of demerits assessed as prescribed under the regulations.

Mr. Speaker, this is nothing new. This has been happening for the past number of years, it is simply a question though that the law isn't clear on. Here is the deviation from the bill as it now reads, and I take this occasion to underline and to demonstrate my repugnance at passing retroactive legislation; the Act as it now reads suggests; "it is also proposed that this amendment be made retroactive to November 1, 1968," and that's done so for the purpose, because my bureaucrats tell me that they simply do not have the records, they cannot, if somebody was charged with an offense in 1970 or 1969 or 1974 — in the changeover to the computer system of the whole licensing process working hand-in-hand with the marriage of the MPIC insurance portions of the whole licensing process — in any event, those records are not available. And to protect themselves from the possibility of the odd citizen coming to the Motor Vehicle Branch and suggesting that, look, you actually didn't have the power under law to do what you did four years ago, or two years ago, and I demand some restitution either of a few dollars in penalties or in most cases it may be a reduction of a demerit point off their licenses. What I propose and what I am going to do is, where such a person can come in and provide the documentation, and the onus would have to be entirely

put on the individual, we will respond. It's a little reverse to the law as it stands, but I find it less repugnant than passing retroactive legislation dating back to 1968.

Mr. Speaker, I draw members attention to the fact that that is the principle clause in the bill, that it's the reason for the bill's existence. Unfortunately the clause is written wrong, it doesn't express my opinions and I will be making the necessary amendments to the clause at the committee stage, which will take away the retroactive feature.

Mr. Speaker, there are other rather important items in the . . .

**MR. CHEIACK:** I wonder if I could interrupt the Minister?

**MR. SPEAKER:** Order please. The Honourable Member for St. Johns.

**MR. CHEIACK:** Thank you, Mr. Speaker. Although it is contrary to the general principle that one, on second reading, should not be discussing sections, since this is an omnibus bill, I wonder if the Minister could refer to the section number about which he has just spoken?

**MR. SPEAKER:** The Honourable Minister.

**MR. ENNS:** Yes, Mr. Speaker, I believe the section that we are speaking about, or that I was referring to specifically — I don't have the section number in my hand, but I will make that available. I think it's the very last section, or the second last section, Section 53, of the Act, which bears the retroactive feature to it, that I made references to, and somewhat ahead of that you will find the other clauses of that particular bill.3

Mr. Speaker, there are a few other reasonably important items to the bill. The housekeeping items that I refer to are responding to the city's needs — they wish to be able to regulate the speed of traffic and control the speed of traffic in the back lanes, for instance. As the Act now stands, to do that they would have to post and sign every back lane. This Act simply allows them to put up a general sign at the boundaries of a city, town or community, that, unless otherwise posted, the speed in back lanes shall be this speed — whatever the by-law calls for.

Mr. Speaker, there are other features that are perhaps of some interest to individuals. We have found, for instance, that with the development of the moped sales, originally they were put under the regulations of auto dealers, or dealers in general, and experience has shown us to prove that that is an onerous regulation to live under. We ask them, for instance, to be bonded at the rate of \$5,000 for any person engaging such a person as a salesman selling mopeds. Well, this is simply too onerous for people that are only selling mopeds, they are not in that scale of business, and the amendment is proposed that would delete from the description, under dealers, those persons engaged in the sale of mopeds only, if that's all they are selling, if that's not part of another business.

We have such interesting little amendments to make, for instance, some years ago an amendment was made that prohibited one-way glass to be used in vehicles, because it was somewhat disconcerting to approaching drivers if they couldn't look and see somebody behind the wheel in this vehicle that was coming at them. But, although that was an appropriate amendment to come in, they forgot to restrict the operation of the vehicle with the one-way glass, so we are just tidying up that Act now. Now it is going to be illegal to use one-way glass in vehicles, and it is also going to be illegal to drive the car with one-way glass. Don't laugh, Mr. Speaker, this has happened — it's caused a bad accident. Reports are there at Autopac, a woman saw this vehicle careening out of the lane and she thought it was a run-away vehicle or something like that, she threw up her hands and promptly crashed into a hydro pole and you have a \$600 or \$700 claim later on. So the reasons for putting in these amendments are grounded in fact is what I'm trying to say — and experience.

As our roads systems improve, we have more and more four-lane highways coming on stream, and while it is a normal and accepted practice that slow moving traffic stay on the right-hand side of these four-lane highways there is nothing in The Highway Traffic Act that makes that a law, and we have had cases where it's actually obstructing traffic and the enforcement agencies tell us that we need to single that out in the Statutes, and so we're doing it.

Mr. Speaker, there is a law that says that at every intersection, whether it's signed or not, particularly unsigned intersections, vehicles must come to a full halt. —(Interjection)— With more and more highway improvements, where we have the deceleration lanes, and we have the curved in yield type of approaches into the sections rather than the straight right-angle intersections —(Interjection)— It is, in fact, hazardous to good driving to come to a full stop, if the traffic conditions are such, and the road design is such that with acceleration and deceleration lanes that allow you to smoothly work into traffic. So we have suggested, and have made that point in the law, that you do not need to come to a full stop anymore, where it's so indicated.

Well, Mr. Speaker, you will notice that I am just touching over the high points of this piece of legislation, which I am very proud to introduce. It will, I think, achieve and will be read with interest by all meers, because driving regulations affect all of us. There are such other things in the Act that, for instance, permits the licensing of commercial vehicles — this applies to rural Manitoba, where we do have delegated in towns and communities in rural Manitoba that people who are authorized to sell registration for vehicles, but they were not authorized to register a commercial truck, for instance, and those persons had to come all the way to Winnipeg, or I believe to Brandon, and just a few other centres, where commercial units could be licensed. This makes it possible that these same persons now delegated to sell vehicle registrations can also sell truck registrations.

There's a little provision in here that makes it a little easier for those persons that come to us during each harvest season, and help take off the crop. There's always been a little bit of difficulty for those who are engaged in custom coining. The Act currently requires a non-resident motor vehicle engaged in commercial enterprise to be registered in the province, and there's no specific authority in the Act authorizing The Motor Transport Board to issue a temporary commercial truck permit. Now this is a very isolated case, and it involves a handful of units that come up to do custom combining in our part of the country, but again, in trying to respond to even the minutest needs of the citizens of this province, is what I'm attempting to do here, Mr. Speaker.

Well, Mr. Speaker, a somewhat more important issue here, which I don't want to fail to mention and then I think I've mentioned enough, is the question of The Licence Suspension Appeal Board, for which there are some changes being proposed. Under the existing provisions of the Act, respecting appeals from suspensions, a person whose appeal is denied by the board, has the right to appeal to a Judge of the County Court. It is a matter of interest that it was Manitoba who pioneered such legislation, and which has been adopted by some other provinces, is the only jurisdiction which permits a suspended driver the right to two appeals. I know this is an area that all of us get involved in, particularly as MLAs we hear from our constituents — the privilege of driving is a very important facet of our everyday life, and to take away that privilege is really a very serious denial of a person's right to exist in this society.

But on the other hand, Mr. Speaker, I should take this occasion to correct one Dr. Parker, who was recently addressing a group at the Convention Centre, and uttered amazement as to how come Manitoba continues to enjoy the best highway accident record — the lowest fatalities per capita than any other provinces or jurisdictions, — and these are his words, "despite the fact that we, as a province, haven't done anything." He was referring, of course, to not having an Act of compulsory seatbelt legislation, or these other measures, but, Mr. Speaker, what we have done, and what we have pioneered in doing is what, I suppose to use in medical language, we've done a great deal in preventative medicine — practised preventative action with respect to making Manitoba Highways safer. We, for instance, have, and this will come as a surprise to some meers, about five to six times amount of miles of four-lane highways than Saskatchewan has. You know, we are often compared on a very similar basis; populationwise, geographywise, and we can predict — we can predict with complete accuracy — yes, that is actually true, I will find you the actual mileage, and we know for a fact that if we improve a facility, we take away the opportunity for head-on collisions, which are so often fatal, that you can reduce, for instance on those particular areas which we are now engaged in — Highway 59, Highway No. 7, Highway No. 12, those highest counts of our Motor Vehicle daily counts, that we will bring about marked reductions in the terms of seriousness of accidents and the number of them, by that kind of highway improvement.

Now the other one is, of course, the fact that we are fairly rigid in terms of removing repeated bad offenders in drivers from the rights to drive on highways, and this is the section that we're talking about. So I point out that we are the only jurisdiction or one of the few jurisdictions that allows the right of the suspended driver to two appeals: one, to the Appeal Board, and if unsuccessful, to the County Court.

As a rule, the board generally refuses to remit a suspension of the applicant if there is a very serious driving record behind that applicant. The amendment is accordingly opposed. However, we have had a situation develop where the appeal is taken to County Court judges without regard to the person's driving record in a very automatic way are handing back the driving privileges. A recent case, as used as an example, where a person with three alcohol related convictions within one year plus innumerable other accident cases on his record, was automatically reinstated to full driving privileges at the County Court. We are suggesting, and this is an amendment that no doubt will receive some attention from members in the committee, that an amendment is accordingly proposed which would disallow the right of appeal to the County Court where the Appeal Board has refused to grant remission of the suspension of a driver who has been convicted on more than two occasions for an offence under the Criminal Code related to the operation of a motor vehicle within a five-year period. It is noteworthy that none of the other Western Provinces, who have similar provisions for automatic suspensions following convictions under the Criminal Code, allow such drivers the right to appeal from suspension. We're again allowing an appeal mechanism here which

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is not available in any other jurisdiction, in any other jurisdiction. Drivers who have shown, by their previous conduct, an utter disregard for the safety of other highway users should not be allowed back on the road, particularly where the board has determined that public interest would be jeopardized if that were to be done.

Now, Mr. Speaker, I feel rather strongly about that amendment because I think it's part of the mechanics that will enable Manitoba to enjoy, you know, reasonably safe driving conditions on our highways.

Well, Mr. Speaker, I think I've covered the major areas of concern to the members with respect to The Highway Traffic Act (2). I would ask that the honourable members at committee stage, where the presence of the people, the Motor Vehicle Registrar, Mr. Dygala and others, will be there to discuss the individual amendments that are of concern to members, but otherwise ask that the bill be given reasonably speedy passage to committee stage.

**MR. SPEAKER:** The Honourable Meer for St. Johns.

**MR. CHERNIACK:** Mr. Speaker, I wonder if the Honourable Minister would permit a question. Is he indicating to us that in more serious types of cases that appear before the Licence Suspension Appeal Board, where the board does not grant the licence on any conditions, that he is removing from the courts the opportunity to review the decision of the board and to reverse the decision, in the more serious cases, but at the same time he apparently supports the concept that courts should have judicial discretion to consider the marital property disposition or maintenance? How can he relate in one case entrusting to the courts judgment and discretion, and in the other to remove from the courts the opportunity to make decisions on the suspension of licences?

**MR. ENNS:** Well, Mr. Speaker, in the first instance, I am not removing from the courts the approach. I am curtailing the scope, perhaps the discretion. I think that's perhaps also contained in the bills referred to the honourable member. But, however, Mr. Speaker, I want to assure the Honourable Member for St. Johns if he should argue eloquently on this matter, and persuasively, I could be persuaded to delete this section perhaps. So we'll come to committee stage and see how that works.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, I wish to address some remarks to this bill, in trepidation that I might be described as being facetious which I have no intention of being.

Mr. Speaker, I am concerned with the major section of the bill which my honourable friend has indicated would permit the Motor Vehicle Branch to register, against a person's licence, those convictions which are made in other provinces where they are Highway Traffic Act convictions as distinct from criminal convictions. I can see, Mr. Speaker, that criminal convictions are not a problem because the Government of Canada has jurisdiction throughout the country and, therefore, once a person is convicted of a criminal offence, it is deemed to have been properly convicted and it is not outside the jurisdiction of the Province of Manitoba to deal with it. Where, however, we come to Highway Traffic Act offences, the Government of Manitoba doesn't have jurisdiction with regard to other provinces and, therefore, if we are going to make the conviction in another province applicable to a person's licence, it has to be specifically stated so.

Now, Mr. Speaker, I am very concerned with automatically putting a conviction in another province against a driver's licence in the Province of Manitoba because, Mr. Speaker, I venture to say that most convictions in other provinces are not practically, for practical purposes, defendable by the person who is charged. And, Mr. Speaker, the Member for St. Johns indicated to me that he was stopped in Alabama in a speed trap, would possibly have liked to defend himself, that they demanded that he post a bond or provide other . . .

**MR. CHERNIACK:** A \$20.00 bond.

**MR. GREEN:** . . . a bond or provide other means of dealing with the question unless he was prepared to plead guilty in which case he would pay the fine and leave.

Well, that's not unusual, Mr. Speaker. That happens throughout all parts of any jurisdiction outside of the province and what happens, the general situation, Mr. Speaker, is that what happens is that the person who is stopped is not going to stay for a trial, is not going to wait around, is forced to more or less plead guilty or leave. Mr. Speaker, that doesn't happen to everybody and those are the convictions that you are registering in Manitoba. Those persons would come and defend themselves and, Mr. Speaker, very possibly be acquitted and it would never be registered against their licence.

I can tell you, Mr. Speaker, with regard to a personal experience which is even more, I think, compelling to the Minister than what happened to the Member for St. Johns or what may have happened to any of the other members. I was leaving Saskatoon, Mr. Speaker, and I was stopped by a policeman who said I was travelling at a certain speed. I did not believe that I was travelling at that speed; I do not feel that I was travelling at that speed and I indicated to him that I was intending to defend it. He gave me a summons, or a document, which indicated that if I wished to defend it I had to appear at a certain court in Saskatoon. I didn't have to file a bond because I think that, between provinces, they have ways of collecting the fine if the person doesn't appear and doesn't pay.

But, Mr. Speaker, as you well know, I don't readily accept the fact that the policeman was right and I was wrong, and I therefore indicated to him that I would defend myself. When I came to Winnipeg I got a lawyer and proceeded to indicate that I wanted to defend myself. The thing came up for hearing in Saskatoon and because of the proceedings that were taken by the lawyers — and I was not there but indicated that I wished to defend — a warrant was issued against me in Saskatoon, in the Province of Saskatchewan. This was probably in the year 1972 or 1973 and for a period of time I would not go to Saskatchewan because there was a warrant.

**A MEMBER:** You were afraid of the Socialists.

**MR. GREEN:** No. There was a time, Mr. Speaker that I had to go to Saskatchewan — (Interjection) — That's right. I had to go to Saskatchewan and I had my lawyer arrange that I would appear in Saskatoon if they would withhold their warrant — and we did, we arranged for a trial in Saskatoon. We went there and I was acquitted, because the policeman was wrong. You know, policemen are sometimes wrong — Speakers are sometimes wrong — but nevertheless, I was acquitted, Mr. Speaker. — (Interjections) — Mr. Speaker, I'm not reflecting on any decision. I'm saying that as judges are sometimes wrong, lawyers are sometimes wrong, and even Speakers are not immune from being wrong.

Nevertheless, Mr. Speaker, I want you to know that I defended myself; I was acquitted; that the ordinary person who couldn't get back to Saskatoon, didn't have perhaps the resources to do it, would have a mark against his licence which I didn't have. The reason that I was so concerned with it is that I had never been convicted in the Province of Manitoba or anywhere else of any moving driving offence and I did not wish to have that on my licence. I went to Saskatoon armed with a document from the Province of Manitoba that I had not been so convicted.

But, Mr. Speaker, it was a very unusual procedure. As a matter of fact, when my lawyer spoke to the judge in Saskatoon the judge facetiously suggested that I was really going to go to Saskatoon to defend this speeding charge and that it seemed so unusual that the judge suggested maybe this man can be acquitted on the grounds of insanity because that's what I was prepared to do. But nevertheless, we did go to Saskatoon. Mr. Speaker, I did go to Saskatoon and I was acquitted and have, to this day, — knock on wood, because it can happen to anybody — no driving conviction in the years that I have driven a vehicle which is since I was 27 years of age which would be approximately 30 years. No, 20 years, 20 years.

However, I say, Mr. Speaker, we're not dealing with a political issue, that you look at this section, that it is not fair to automatically register a conviction in another jurisdiction against a man's driver's licence, the circumstances under which he didn't defend, if he didn't defend, if there was a trial, then I would want the member to make sure that it was a reasonably fair trial. I believe that the citizen should be able to come into the Motor Vehicle Branch to tell his story, and that the onus, or that the benefit of the doubt should be afforded to that citizen, that he should not have an automatic conviction from another province against his driver's licence. The province can get notice of the conviction; they can call him in; they can say, "What happened?" and if he tells any plausible story then his story is as good as the other story. His position is as strong as the position of those who seek to say that he should be convicted. If there was a trial or if the circumstances are such that the Registrar of Motor Vehicles is certain that this is a problem, then he should be able to attach it as a problem and I believe there are some types of appeal procedures with regard to points against a driver's licence, that the citizen should be able to do this.

So, Mr. Speaker, I urge the Honourable Minister not to automatically do this, that it is not fair that every person in this room can appreciate that you do not have the same right to defend in another jurisdiction as you do in the Province of Manitoba.

Now, Mr. Speaker, the Minister has let the winds out of my sails because he has attacked his own bill. But let's not forget that the bill came in and every bill that comes in is approved by usually the Minister, for certain, generally the Cabinet. The reason I'm saying this — and the Minister knows it — is that that bill was retroactive to 1968. It is, as it stands, retroactive to 1968. The Minister has been alerted to why he has to change this provision.

We have another bill before the House. He still won't get out of it, Mr. Speaker. You're still not

going to be able to save yourself from what the Minister of the Environment is doing. The Minister of Environment is introducing a bill which he will not make retroactive and which lets off the hook a major oil company in the Province of Manitoba from paying for the damages that they have caused or from even having it tried as to whether those damages occurred under circumstances, Mr. Speaker, where there is no doubt that it should be retroactive.

Now, the Conservative government came in, and there are several more retroactive bills — this is not the only one — there are several retroactive bills, and I intend to deal with the provision of retroactivity when we move to amend that Clean Environment Bill, so I'm not going to use the time of the House to deal with it now. But this Minister, forewarned by the fact that his government is coming in with legislation which moves in both directions at the same time, is saying that he finds it reprehensible to ask the House to pass the bill which is now before us. That's what he's saying. Because he says, "This provision in the bill is obnoxious to me," that it's retroactive to 1968.

I'm not going to hold up the bill on that account, Mr. Speaker; I'm not going to hold up the bill. There are numerous provisions in it; The Highway Traffic Act bill can go to Committee. I indicate that although I am not in principle against driving misconduct in other provinces being registered against a driver's licence, and therefore I'm not going to oppose the bill on principle, that that subject matter should go to Committee; I tell the Minister and I ask him to not say a conviction is automatic, because it is generally the kind of conviction, Mr. Speaker, on which you cannot properly defend yourself when you are in a different jurisdiction.

With regard to the retroactivity, I'm not sure that there isn't some desirability for retroactivity with regard to what the Minister is saying. If there are convictions which do and can be shown to be a mark against the person's driver's licence, I'm not sure that I want to say, Mr. Speaker, that a man who is convicted of criminal negligence — no, let's forget criminal negligence — negligent driving, or careless driving in the Province of Saskatchewan, where there were obvious problems arose, where it can be shown that this has occurred; where perhaps there was a trial and he was convicted, whether that should not be against his driver's licence because it happened last year. I'm concerned with the drivers on the road, and therefore I'm prepared to consider the question as to how this previous misconduct, which is not an automatic point now, can be dealt with. And therefore, I'm not entirely against looking to what happened prior to this year. But, I agree with the Minister that a blanket retroactive section which deals with convictions which I say shouldn't even be done now — I mean, I'm not even talking about the retroactive feature of it. I do not believe that it's proper for the government, or it's fair to the citizen, to say that a conviction in another province is an automatic charge against his driver's licence, without the Director of Motor Vehicles and the Motor Vehicle Branch having more than the fact that there is just a conviction.

In that respect, Mr. Speaker, I say that the citizen should be given the benefit of doubt. I know what the Branch will say; they will say that the conviction should be prima facie evidence of proof and the citizen should have to explain himself. I don't agree with that, Mr. Speaker, because what the Motor Vehicle Branch will say is, "Look, we can't get the other people from Saskatchewan" — Saskatchewan is a good province to use, because I have personal experience — "We can't expect them to send their policemen down to tell us what happened." But Mr. Speaker, if they are saying that, how can they say that you should have expected to go to Saskatchewan to defend a charge. The very argument that they will use for saying that you should be to blame until you prove otherwise is used the other way when you say that I live in Manitoba and I was driving through, on my way home, and received a charge; why should I have been expected to go back to Saskatchewan?

Well, Mr. Speaker, there is no doubt that the Province of Saskatchewan and the Province of Manitoba have a right and have no alternative — and I go stronger than that. We have a right to charge and convict people in our province for driving offences but the people we convict should be able to go back to their provinces, as I say our citizens should be able to come back here, and be able to deal with that conviction on a fairer basis than that they should have to go back to the province and defend it. So I don't disagree with the principle, Mr. Speaker, but I do say that the Minister should not have the Motor Vehicle Branch regard it as an automatic charge against a man's driver's licence that he was convicted in another province, that the man should be able to deal with the circumstances.

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for Lac du Bonnet. The hour being 12:30, the bill will stand in the name of the Honourable Member for Lac du Bonnet.

The hour being 12:30, the House is adjourned and stands adjourned until 2:30 in the afternoon.