

THE LEGISLATIVE ASSEMBLY OF MANITOBA
9:30 o'clock, Monday, July 6, 1970

Opening Prayer by Mr. Speaker.

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

MR. RON McBRYDE (The Pas): I beg to present the First Report of the Standing Committee on Agriculture.

REPORTS BY STANDING COMMITTEES

MR. CLERK: Your Standing Committee on Agriculture beg leave to present the following as their first report.

Your Committee met for organization and appointed Mr. McBryde as Chairman. Your Committee has agreed that, for the remainder of the Session the Quorum of this Committee shall consist of six (6) members.

Your Committee has considered Bills:

No. 16 - The Bee Act.

No. 25 - The Animal Diseases Act.

No. 30 - An Act to amend The Veterinary Science Scholarship Fund Act.

No. 31 - An Act to amend The Veterinary Services Act.

And has agreed to report the same without amendment.

Your Committee has also considered Bills:

No. 37 - The Credit Unions Act.

No. 53 - The Resource Conservation Districts Act.

No. 81 - An Act to amend The Agricultural Societies Act.

No. 137 - An Act to amend The Milk Control Act.

And has agreed to report the same with certain amendments.

All of which is respectfully submitted.

MR. SPEAKER: The Honourable Member for The Pas.

MR. McBRYDE: I move, seconded by the Honourable Member for St. George that the report of the committee be received.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): I move, seconded by the Honourable Member for Roblin, that debate be adjourned.

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

MR. SPEAKER: Notices of motion; Introduction of Bills; Orders of the Day. The Honourable Leader of the Official Opposition.

MR. WALTER WEIR (Leader of the Opposition)(Minnedosa): Mr. Speaker, I'm wondering if the House Leader is able to tell us what the activities of the House and its related committees are likely to be within the next few days.

HON. SIDNEY GREEN, Q. C. (Minister of Mines and Natural Resources)(Inkster): Mr. Speaker, I would like to be in a position to go back to the Committee of Law Amendments on Wednesday morning, so that there will be a notice to do that, and in the interim to deal with the material which is on the Order Paper both today and tomorrow. If the Order Paper moves along more quickly than I thought then there will be some question of whether any committee can meet on shorter notice, which I'm not suggesting but I'll discuss that with my honourable friends.

MR. SPEAKER: The Honourable Member for Wolseley.

ORAL QUESTION PERIOD

MR. LEONARD H. CLAYDON (Wolseley): . . . question to the First Minister. I had directed it previously to the Minister of Government Services but I have not seen any results of the question, so I'll repeat it - and I'm referring to the Mounted Police. Will it be possible for the government to have a Mounted Policeman in red uniform stationed in front of this building during the months of July and August?

HON. ED. SCHREYER (Premier)(Rossmere): Mr. Speaker, that sounds like a very good idea, and if the matter has been put before the Minister of Government Services already, it's a case simply of checking with him again; I shall do so.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. CLAYDON: Mr. Speaker. New Brunswick, it says at Ottawa, the custom has the approval of headquarters in Ottawa and they point out, and I wondered if you wouldn't look at this and see if it couldn't be provided. Tourists are asking where can they - or could you tell us where can tourists take a picture of a red coat when they come up from the United States.

MR. SCHREYER: Right, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. JEAN ALLARD (Rupertsland): Mr. Speaker, some time ago - I'd like to repeat a question to the Minister of Health which I asked some time ago re the mercury pollution of residents on the edges of Lake Winnipeg, people who had been eating a considerable amount of fish?

HON. RENE E. TOUPIN (Minister of Health and Social Development)(Springfield): Mr. Speaker, I got a final draft press release for this morning on the subject saying that the outcome of the tests that we've taken in the northern part of Manitoba are found to be negative on all counts. Regarding the community of Easterville where we have approximately 600 Cree Indians and 14 white persons, all the residents there appear to be in generally good health, and there's no sign of malnutrition and there's no excessive signs of mercury content to these residents. These were in regard to the tests we took, the samples that we took in Easterville and Grand Rapids, test of the blood, urine and the hair of some of the residents of Easterville and Grand Rapids. In Grand Rapids we have approximately 1,000 persons, of which two to three hundred of them are native people and the rest are working on the different projects, the Hydro projects that we have there.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. I would like to direct my question to the Minister of Agriculture. Has there been any basic change in the qualifications for crop insurance eligibility?

HON. SAMUEL USKIW (Minister of Agriculture)(Lac du Bonnet): No, Mr. Speaker.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SIDNEY SPIVAK, Q.C. (River Heights): Mr. Speaker, my question is for the First Minister. Two or three days ago an article appeared in the Globe and Mail which indicated in the article on Manitoba, that Mr. Eric Wells had been hired by the government as a Public Relations Consultant in connection with economic activities and I wondered if he could give us some information in connection with this.

MR. SCHREYER: Mr. Speaker, if it's the same article that the honourable member's referring to that I recall seeing in the Globe and Mail, I would suggest to the honourable member that there was more than one passage in it that was not quite in accordance with reality. However, with specific reference to Mr. Wells, I believe the article indicated he was retained by The Manitoba Development Fund; he is not retained by any department of the Crown.

MR. SPIVAK: A supplementary question, Mr. Speaker. I wonder if you can indicate whether the Fund has retained him personally or has retained the firm in which he is connected with.

MR. SCHREYER: Well, Mr. Speaker, I can find out for my honourable friend, because I'm not sure.

MR. SPIVAK: A supplementary question. Has the First Minister and members of the Cabinet had any discussion with Mr. Wells in connection with his activities having been retained by the Fund?

MR. SCHREYER: Mr. Speaker, no, I don't believe so; and I indicated to the honourable member that I'm not aware that he has been retained by the Fund and in what capacity if he has been. I'll check and advise my honourable friend.

MR. GREEN: Mr. Speaker, just so there is no misunderstanding, I talk to Mr. Wells sometimes.

MR. SPIVAK: Mr. Speaker, I have a question for the Minister of Industry and Commerce. Under the Development Fund Act under Section 31, a report of the activities of the fund is to be filed with the government no later than the 30th of June and then filed in the Legislative Assembly. I wonder if the Minister of Industry and Commerce could indicate when we could expect that report. It's Section 30, subsection (1).

HON. LEONARD S. EVANS (Minister of Industry and Commerce)(Brandon East): Mr. Speaker, to my knowledge I believe the latest report has been filed.

MR. SPIVAK: Mr. Speaker, for the benefit of the Minister, I'd like to read the section so he'll be aware of what I'm asking for. "No later than the 30th day of June in each...."

MR. SCHREYER: On a point of order - Mr. Speaker, whoever heard of this? The honourable member hasn't heard of it so why is he trying it now?

MR. SPEAKER: Orders of the Day....

MR. SCHREYER: On a point of order, Mr. Speaker....

MR. SPIVAK: a supplementary question....

MR. SCHREYER: the honourable member has no business reading from a report...

MR. SPIVAK: I'm not.

MR. SCHREYER: ... during the question period.

MR. SPIVAK: Mr. Speaker, I wonder if I can ask the Minister a supplementary question.

MR. SPEAKER: If the honourable member has a question, he may place it.

MR. SPIVAK: Is he aware of the fact that no later than the 30th day of June the report of the Fund of the latest fiscal year is to be filed in the Legislative Assembly if it is in session.

MR. EVANS: Mr. Speaker, as I indicated to the honourable member, I was under the impression that that report had been filed, but if he's still dubious I'll check into it.

MR. SPIVAK: I have a question for the Minister of Industry and Commerce or the First Minister, Mr. Speaker. I wonder if they can inform us whether it's the intention of the government to call the Standing Committee on Economic Development before the end of the session?

MR. EVANS: Mr. Speaker, I'm not the chairman of that committee, but in view of the fact of the heavy workload facing the members of the Legislature, I'm not sure whether the committee will be called before the end of the session.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY ENNS (Lakeside): Mr. Speaker, I wish to direct a question to the Minister of Industry and Commerce. Can he confirm the fact that a representative of the Sabra Pharmaceuticals Limited is currently in Israel and western Europe to study the possibilities of setting up a government-run drug operation in Manitoba.

MR. EVANS: I didn't catch the first part of the question. A representative of who?

MR. ENNS: Of the firm, Sabra Pharmaceuticals Limited. I believe the owner of the firm, Mr. Lifchus - - information has reached me that he is currently on the government payroll as a counsellor in this regard.

MR. EVANS: Well, Mr. Speaker, I can confirm the fact that the Department of Industry and Commerce is studying ways and means to attract a pharmaceutical industry to the Province of Manitoba.

MR. ENNS: Mr. Speaker, the question simply: would the Minister inform the House whether this particular firm is involved in this particular gentleman, and perhaps if he's getting the information if it is not true that he is being paid \$2,000 a month plus expenses, plus secretary, and that he took his wife along as his secretary to travel in Europe and Israel on this investigation?

MR. EVANS: Mr. Speaker, as far as I'm concerned we are paying, without going into any detail, we're paying a fair contract price to a very capable consultant.

MR. ENNS: Mr. Speaker, I direct a further question to the Honourable the Minister of Health. Could the Honourable Minister indicate to the House whether or not the Department of Health has on staff a pharmaceutical advisor?

MR. TOUPIN: We have more than one, Mr. Speaker.

MR. ENNS: A supplementary question then, Mr. Speaker. Could the Minister indicate what role or what part the pharmaceutical advisors to the Department of Health and Social Services played in the decision reached apparently by the Department of Industry and Commerce to move in this direction?

MR. TOUPIN: Mr. Speaker, the Department of Industry and Commerce is in constant contact with the Department of Health and Social Development, and anything that pertains to the Department of Health and Social Development.

MR. ENNS: One final supplementary question, Mr. Speaker. Can the Minister of Health indicate, was he aware of this person's trip prior to him taking the trip?

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, my question is for the Minister of Industry and Commerce - after he has received his instructions. I wonder whether he can indicate the number of people who have been hired in the past year to solicit or enquire or investigate on behalf of the government industrial enterprises and who have either been paid a per diem or who have been given an expense allowance for carrying out this function.

MR. EVANS: I'd be delighted to provide the honourable members of the House. I would ask the honourable member to ask for an Order for Return.

MR. SPIVAK: A supplementary question. I will file the Order for Return, Mr. Speaker, but I wonder whether the Minister can indicate whether there are several or there are just one or two?

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

ORDERS OF THE DAY - MOTIONS FOR PAPERS

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Speaker, in the absence of the honourable member, I beg to move, seconded by the Honourable Member for Assiniboia, that an Humble Address be voted to His Honour the Lieutenant-Governor praying for copies of any correspondence, and any agreement, between the Manitoba Government and the Government of the Provinces of Saskatchewan and Alberta and the Government of Canada relative to the apportionment of water from the Prairie Provinces' watershed, under the Prairie Provinces' Water Board.

MR. SPEAKER presented the motion.

MR. GREEN: Mr. Speaker, that's acceptable.

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

GOVERNMENT BILLS

MR. GREEN: Mr. Speaker, could you call Bill No. 121, please.

MR. SPEAKER: Adjourned debates on second reading. Government Bills. The proposed motion of the Honourable First Minister. Bill No. 121. The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, the legislation on The Human Rights Act is one of the series of bills or legislative enactments that was proposed or suggested by the Speech from the Throne, and reference was made to it in the various speeches during the debate on the Speech from the Throne by members on the other side. It's interesting to note, Mr. Speaker, that it would appear that the government is not going to be in a position to introduce in this session all the proposals that have been suggested in the Speech from the Throne, and the Human Rights Act is one of approximately six items, some of which have already been introduced as well, that was to be introduced.

Now there is some experience in terms of legislative enactments with respect to the Human Rights Act that's now being introduced. There is a Human Rights Bill in Ontario and there's one in Alberta, and the bill itself appears to be to a large extent a restatement of the bills that are repealed by this Act, that is to say the Fair Accommodation Practices Act which was enacted in the province, and the Fair Employment Practices Act which had already been enacted in the province, along with changes that were taken from the Ontario Act, the Alberta Act and the Provincial Bill of Rights of the Government of Saskatchewan.

Now, in terms of the bill itself, that is the Human Rights Act, the Human Rights' legislation, the government should be commended for this. In terms of how far this has gone I think one can say that really what we have before us, with the exception of one major change, and I'm going to refer to that, is that present bills as they now operate in the other provinces and it would appear to me that there was probably other areas in which this could have been developed more fully and, in turn, in which there could have been probably a more forceful effort and a bill which would have insured into a larger extent than it now presently does. The rights that we are attempting to protect, with respect to the Human Rights Act, and I am going to deal in a few moments with this bill in the totality of civil liberty legislation that I think is required for the province, the one respect in which this bill - and I suggest the government is to be commended for the bill and the government is to be commended because they have done one additional thing and that is the question of bringing grounds of religion and sex as matters in which there can be redress if discrimination is practiced, which does not fully exist, it's not as explicit in the Ontario Act, it's only implied and it would appear to me that this Act is far better in this respect. The procedures that are proposed here vary from Ontario and the question that one must ask is whether in fact the procedures that are to apply here will cause a better result in those specific situations in which this Act can come into force because I think that there has to be a recognition by all of us that the First Minister's statement of the educational value of the Act and of the impact of the Act being in the educational field is a correct one.

(MR. SPIVAK cont'd.). . . . There's no doubt about that. The restatement of the basic provisions here are for educational processes and I would hope that the government would follow the practice in Ontario of sending out, as they have done in Ontario, the variety of different brochures and articles and material which has been sent throughout the province for the purpose of educating the people not only as to what is stated in the law but the intent. I have in front of me - and it's not my intention to read from it - the various pamphlets, articles that have been sponsored by the Ontario Government that have been sent out to the business institutions, to the apartment dwellings, to those in the hotel industry and have been published throughout the province and I would commend the government and I would suspect that they will follow this procedure in seeing to it that in fact this does take place and in fact there is a provision within the department to have the information forwarded throughout the province.

But now I'd like to if I may deal with the Human Rights Act in relation to the totality of civil liberty legislation that should be forthcoming from the government. There are four classes of civil liberty legislation. There is the political civil liberty legislation; there are liberties that are connected with legal order; there are liberties that are connected and referred to as economic civil liberties and there is liberty that's referred to in a human rights sense.

Now the political civil liberties that we know of and understand are associated with our parliamentary institutions and freedom of association, freedom of utterances, freedom of the press, freedom of conscience, religion are part of this. But in the proposals of the government, at least in the Speech from the Throne, there was an indication that there would have been a provincial Bill of Rights and a provincial Bill of Rights would have been one more step in the political civil liberty field, one of the four fields that I've mentioned. And it would have been a progressive step. It's strange to me that the government who have followed to a certain extent the practices in Saskatchewan and who have in fact looked to Saskatchewan as a source of inspiration for them, not only for them in terms of their programming but also as a source of personnel to fill the civil service with, that of the matter that they referred to and brought into this House that they did not look seriously at the Saskatchewan Bill of Rights which is found in Chapter 378 of the Revised Statutes of Saskatchewan of 1965. Now when we talk of political civil liberties and if we talk in terms of Saskatchewan Bill of Rights, there's one particular section that would be insignificant because it does not exist in our provincial law today and that is - and I'll read from the section in Saskatchewan - that every qualified voter resident in Saskatchewan shall enjoy the rights to exercise freely his franchise at all elections and shall possess the right to require that no legislative assembly shall continue for a period in excess of five years. Now this is not the only portion of the Saskatchewan Act that is important; there are other matters and I do not believe that the Saskatchewan Act is by any means the end all or be all but it was a basis on which there could have been introduced a provincial Bill of Rights and in which they could have at least met the first requirement of extending and recodifying and restating, with reference to political civil liberties, a Bill of Rights in this province which would also have the educational value that the Premier has asked for or believes will occur with respect to the Human Rights Act.

Now we have liberties connected with legal order and the government proposed that there would be an Administrative Practices Act, which as far as I know has not been introduced this session. An Administrative Practices Act is extremely important because, as I have said in this House before, there is really no point in having an Ombudsman and there's really no point of trying to accomplish the objective of an Ombudsman without having a corollary that you in fact provide an Administrative Practices Act to ensure that the rights of the individual are stated before the administrative tribunal so that in fact there would not be in the exercises of the bureaucratic administration discrimination which in fact does take place which really have no ability to have the right of appeal or no way in which the individual can be able to seek redress for the practice as exercised by the administrative body. I think we all recognize as government becomes more and more involved in our society and more and more involved with the individual and as the structure of government changes with the additional boards and commissions and other groups who exercise power that in fact the individual's rights are eroded and that there is reason to believe that there should be protection. The liberties connected with legal order are freedom from arbitrary arrest, seizure of person, premises and property from arbitrary search and the basic protection that there should be an impartial adjudication of an issue with notice and access to counsel and there is protection against self-incrimination. It would seem to me that the government's intent at the time the Speech from the Throne was

(MR. SPIVAK cont'd.). . . . introduced to introduce a Bill of Rights, to introduce an Administrative Practices Act were in fact correct and it's a shame that as we reach the end of the session or towards the end of the session, that the government has not been in a position to introduce this and one wonders whether they were not able to introduce this simply because they didn't have an Act to copy to be able to introduce it or whether they weren't serious about it when they first talked about it in the Speech from the Throne.

One has to get the impression, Mr. Speaker, as we examine the legislative course of action in this House that at the time the Speech from the Throne was written the Ministers and others sat down - and this has happened before but I don't think to the extent that it's happened this year - and they wrote a Speech from the Throne without really having the legislation in front of them and there has been a tremendous effort and tremendous rush to be able to try and produce as much as they could, to be able to fulfill the obligations that they have set in the past and this is why we have had a very unusual practice of the bulk of the bills coming at the end of the session and prolonging this session into probably one of the longest sessions in legislative history in Manitoba -- (Interjection) -- And the biggest legislation? Yes. And it would seem, Mr. Speaker, as well, that the government is concerned about saying that this is the biggest legislative program and you know, Mr. Speaker one had to then analyze what they really mean by this. You get the impression that they're thinking a little bit beyond the close of the House, they're thinking a little bit maybe to the time that they're going to be able to stand on the hustings and say -- (Interjection) -- I know you think about it all the time - and be in a position to say, we have produced so much more. But, Mr. Speaker, let me say this - and I think it has to be said for the record - that the amount of legislation that's been introduced at the end of this session has really done a great disservice to the legislative process in this province for this reason: not that the legislation is bad but the manner in which it has to be basically ran through because this is the only way it can be done. I'm not at this point suggesting that the government is doing anything that has not been the practice in the past but the practice in the past has not been to introduce at the end so much legislation with so much detail --

MR. SCHREYER: Mr. Speaker, I rise on a point of order. I know that it's customary to allow wide latitude in debate on second reading but I don't think that anyone would disagree that in the past few minutes the honourable member has been talking about tactics and strategy, about the timing with which legislation has been introduced into the House, everything except the substance of Bill 121.

MR. WEIR: Mr. Speaker, did the First Minister say they introduced everything except -- everything except what?

MR. SPEAKER: I believe the Honourable the First Minister's point is well taken. I would hope that the Honourable Member for River Heights would bring himself back to the bill before the House.

MR. WEIR: It depends on which side you're sitting on.

MR. SPIVAK: Mr. Speaker, let me say this, in terms of what the Honourable First Minister has said. I think what I said is extremely relevant because it has a bearing in connection with this legislation. This is one piece of six pieces of legislation that was referred to in the Speech from the Throne under the heading of civil liberties, if I'm correct; and there are other pieces of legislation that have not been introduced. I suggest that they have not been introduced to a certain extent because they were not in a position to copy them from previous Acts of other administrations -- (Interjection) -- Yes, and let me say this. You copied it from the Ontario Act, the Alberta Act and from one section in the Bill of Rights in Saskatchewan and the First Minister may not be aware of it but that's actually what you've done. You've improved it, yes. I suggest that you've -- (Interjection) -- Well I would say copied and if you want me to show you the sections that are verbatim, would you like me to go through section by section and indicate to you the ones that are verbatim? I have already done that. I don't think that the First Minister should be that sensitive about the fact that Acts have been copied from Ontario. As far as I know this practice has been continuing for some time. Ontario, with its Conservative administration, has been reasonably progressive and has been usually ahead of the legislatures in the prairies and that I think is an accepted fact.

I'm not faulting the fact that they were unable to do this but in saying this - and I don't want to argue, that isn't the point that I'm trying to argue - I'm simply suggesting that it's rather unfair for major pieces of legislation or for this legislation to have been introduced at the tail end of the session which does not give us the full opportunity, not just to discuss the

(MR. SPIVAK cont'd.). . . . specific legislation but the whole general field of civil liberties and the necessity for further action by government in this field because I think that we accept that there is an evolution in our society and that there is change and that there obviously are new requirements. We know that on the federal level, in the constitutional level, the Prime Minister is concerned about a Bill of Rights being enshrined in the Constitution and there's no doubt that that has great relevancy to what will happen here and no one questions that we may disagree as to whether it should or should not but nevertheless this is a matter of discussion and a matter of serious discussion which I believe will be carried on at the Constitutional Conferences to come in the future.

I've already referred to the fact that we have four classes of civil liberty legislation, political civil liberty legislation and that's what the provincial Bill of Rights would have been about; liberties connected with legal order and that's what the Administrative Practices Act would have been about. The third classification is economic civil liberty and this was interpreted, Mr. Speaker, to me that there would be freedom from basically state regulation in one's life. We accept that public controls are necessary; we accept that in general, in terms of the social interest, government must become involved and it's curious that economic civil liberty has now been turned and correctly, as a result of the evolution in our society, to be interpreted to allow freedom for collective bargaining, for striking, for picketing and for a variety of other things and there's no doubt that there are some on the other side who would interpret economic civil liberty in a far greater way than we on this side and I would suggest, Mr. Speaker, that as we move into the decade of the seventies and as we proceed with the decade of the eighties economic civil liberty without question is going to become a very important and significant issue and we will have legislation in the future in this area, as the society moves and evolves in this area. And I'm not quarreling with the direction. The question is a question of pace and this becomes, I think, an important thing to assess.

Now the fourth category is liberty in a human rights sense and this we suggest and know is equality of employment, fair accommodation - there is no discrimination in accommodation, no discrimination in housing and this we have already legislated to a certain extent - and as I've indicated, the present bill is a restatement of two bills that were in existence in Manitoba. But I think if we talk in a liberty and a human sense we have already achieved by legislation, reference to liberties in terms of the legislation on unemployment insurance, the right to education and a variety of other programs in which government has now entered which we now accept, is a right to the individual. I think we have to recognize though, Mr. Speaker, that when we start to legislate to suppress discrimination - and I have no objection to that - there is always a danger that the legislative authority will exercise that right to in fact, discriminate and, Mr. Speaker, I'm not going to talk about Bill 56 now because we'll have other occasions but, Mr. Speaker, we have -- (Crash) -- I've obviously made a point. Mr. Speaker, I must say that one has to be concerned - and we have a good example - one has to be concerned about the power of a Legislature to in fact in its legislation discriminate and the power in its legislation to in fact do some of the things we are trying to protect by the Human Rights Act itself.

So, Mr. Speaker, I suggest that in terms of the Human Rights Act that the Act is a good one; that it is needed and that in fact with the exception of some pieces, some particular sections that appear to be drafted rather awkwardly and I would think would have to be restated and to be reclarified when we get into committee - and I hope that I will be able to make a contribution in that respect - that the bill itself should be passed and the government should be commended for that. I must say that the Honourable Member from St. Boniface thinks that that's rather strange. I should refer him to the first speech that I made in this House in Opposition in which I suggested -- (Interjection) -- no, no, in which I suggested that these Acts be introduced including the Human Rights Act itself. -- (Interjection) -- Yes I know he's refreshing and I'm happy to see that you copied ours, not copied, you followed some of it. I'm sorry that you didn't follow -- (Interjection) -- No, as a matter of fact I looked to -- and I've read the Hansards, Mr. Speaker, I've read the Hansards of the past few years and I haven't seen too many members on this side who were advocating that and if the Honourable Attorney-General suggests that members on that side were advocating these specific things, not the human rights, but some of the other matters that were referred to then I'd like him to be able to show me. -- (Interjection) -- Provincial Bill of Rights, Administrative Practices Act, Fatal Enquiries Act, I would suggest to the honourable members on the other side of the six or seven civil liberty items that were referred to by myself that I do not recall in reading the Hansards of the

(MR. SPIVAK cont'd.). . . . past that the members on the opposite side actually made reference to it.

But I'm suggesting, Mr. Speaker, that notwithstanding this Act, the government should have introduced the Provincial Bill of Rights; it should have introduced the Administrative Practices Act, this was part of the legislative program that was suggested. It was not introduced and it's -- (Interjection) -- Yes.

MR. SCHREYER: Is the honourable member aware that of the nine specific items which were mentioned in the Throne Speech relative to civil liberties that seven of them have been either already enacted or are before the House now, that the eighth one is being referred to the Law Reform Commission - in case he's curious what's happened to the reference to administrative practices legislation. And the second one that is not of the nine, that is not already in process of enactment is under further advisement. Seven out of nine, that's not bad is it?

MR. SPIVAK: Well Mr. Speaker, I've indicated to the First Minister I'm aware of that, I'm aware of the fact that almost in all cases these Acts were copies of Acts in other jurisdiction and I'm not faulting him for that, I'm simply saying that made it very easy to be able to introduce. But what I'm suggesting Mr. Speaker, is that notwithstanding that -- (Interjection) -- Beg your pardon? Mr. Speaker, the first opportunity that I had to talk on this matter was in opposition and if you recall Mr. Speaker, the first speech that I -- (Interjection) -- Well the Honourable Minister of Mines and Natural Resources laughs - the first speech that I made, made reference to all the items that he's referring to. And if there's any question on that, I do not have a Hansard but I'm prepared to get back one of my speeches and read them back to the First Minister - I don't think he wants that particularly . . .

MR. GREEN: Mr. Speaker, would the honourable member permit a question?

MR. SPIVAK: Yes.

MR. GREEN: Would he not agree that in 1966 he had an opportunity to discuss at least two of the things which he now refers to as civil rights and which were voted upon almost unanimously by the House last week?

MR. SPIVAK: Mr. Speaker, I must say yes, I had an opportunity, and in fact I did deal with it within our caucus in Cabinet, but I must say Mr. Speaker, I've also read the speeches of the honourable members opposite during those three years and I do not find any reference to any of the items that were in fact referred to with the exception of the Human Rights Commission and that's the only one -- (Interjection) -- The ex parte injunction? -- (Interjection) -- Well the ex parte injunction that the Honourable Minister of Mines and Natural Resources refers to indicates that that's civil liberty legislation, and as I've indicated Mr. Speaker, before, the Honourable Minister of Mines and Natural Resources is wrong in his interpretation of the law and the Supreme Court has held him to be so wrong so I don't think that we have to argue that again.

I'm suggesting Mr. Speaker, that notwithstanding the fact that there was some suggestions about my course of conduct, I suggest that the honourable members opposite did not deal with this, and I suggest as well Mr. Speaker, that it's rather curious that after it was restated in the House -- and I take credit for that, in my first address in opposition that in fact we had this introduced and I remember the Honourable Attorney-General saying that we'll get it -- as a matter of fact he said we'll get you the Administrative Practices Act and I think the Honourable Attorney-General should recall that. I think he does, with the smile on his face I can assume that that is an affirmative answer. I'm sure that we'll have it, but it's unfortunate it was mentioned in the Speech from the Throne and there was some anticipation. All I say Mr. Speaker, is that the field of civil liberties requires a great deal more attention than has been given; it is not just a matter of attempting to try and appear to be concerned about civil liberties and it's not a matter of trying to appear to be interested to be able to present a legislative record which will say that we are more concerned with civil liberties than the next administration.

What really is important is the necessity to start to innovate and to start to become concerned in a more tangible way, involved in civil liberty legislation so that the individual's right will be protected and at the same time the right of the individual not to be discriminated by the practices and legislation action of the government be also protected. Because just as there is a concern, and rightfully, for the individual so that he will not be discriminated because of his race or his religion or sex, I would think Mr. Speaker, we've reached a point in our society, particularly here in Manitoba, based on the experience we now have that there better be some

(MR. SPIVAK cont'd.) restatement of principles which will allow the individual rights to be protected properly from legislative action by a majority in this House, we know when we've talked about the tyranny of the majority, but I think it's important that we have a restatement of that -- and I recognize as well that a legislative body can in fact by its own legislation override any enactment that has been made before and so the majority can do this. But I think it's necessary in 1970 in our society in Manitoba where we do have a group who are going to be affected directly, whose economic civil liberty is going to be affected by government action, to in fact be protected so that there are procedures in which government action will not be in a position to discriminate unless there is degree of compensation which will in fact protect them so that in fact the arbitrary action of government, whatever motivation it may have for its action, will not allow it to infect it in such a way that the individual in our society in Manitoba will be prejudiced and will in fact have their liberty controlled and altered and placed in a position whereby their rights, even though they may be rights of a small group in number, are affected by the majority to a point where there is no redress because of the power that the legislative authority has on them. In this respect I recognize that every action of the Legislature affects individuals and in this respect, I'm not suggesting that every legislative action does not affect someone in different ways, but if we're going to be serious about protecting individuals' rights, then we have to be serious about the individual who in our society carries out his functions to do his thing and to fulfill his capability and in the course of it builds for himself a profession, or builds for himself a business, or builds for himself some particular thing that he is interested in which has a commercial nature, if the government is prepared to come in and the government is prepared to take it over or to nationalize it, then that individual's right should be protected. Otherwise, Mr. Speaker, the tyranny of the majority today will be a different kind of tyranny when it's exercised by another majority and some of the very people who are concerned and who have expressed their interest in civil liberties legislation may very well find that the exact kind of thing that they're concerned about will be affecting them in a more direct way than they would realize.

We have one example, Mr. Speaker, and I would like to make one reference to it. The United States has a Bill of Rights, and that Bill of Rights has been interpreted over a period of time and has given a great deal of protection. It's not what it's sometimes referred to as in the TV programs or it's not as referred to in some of the movies, but nevertheless it has given a great deal of protection and it has evolved over a period of time. We have a situation in the United States where the Gallup Polls indicate, Mr. Speaker, that the majority of people in the United States would be prepared to alter that Bill of Rights in such a way that some of the basic rights and freedoms that were guaranteed before should be altered, and I would think that the Gallup Poll probably reflects the mood of the country today. Mr. Speaker, I think it reflects the mood of the country today. Mr. Speaker, there's no one in this Legislature that I know of, I doubt if there's anyone, who would want that society in the United States with its majority view to in any way alter the basic freedoms that were required in the Bill of Rights even as badly as has been interpreted because they know the consequences of what that would mean. Now, Mr. Speaker, my reference to that specifically . . .

MR. GREEN: Would the honourable member permit a question?

MR. SPIVAK: Yes.

MR. GREEN: Is he aware, Mr. Speaker, that the Supreme Court of the United States held unconstitutional graduated income tax based on the Bill of Rights? Is he aware that the Supreme Court of the United States held that no State could abolish slavery on the basis of the Bill of Rights?

MR. SPIVAK: Mr. Speaker, I have indicated already that there's an evolution and the Honourable Minister of Mines and Natural Resources knows it. There are judgments that are made by one court that are changed and altered, we know that. Yes I'm saying to you that I would still if the Honourable Minister of Mines and Natural Resources is suggesting that the Bill of Rights doesn't accomplish its purpose in the United States, is no good, then that's fine. That's his interpretation. I suggest, Mr. Speaker, that the point that I'm making is that the will of the majority in the United States today if it was exercised by being capable of altering the Bill of Rights would jeopardize the limited - and I admit it's limited - liberties that are now existing in the United States; and I don't think that we on this side would want that to happen nor do we want this to happen here. So I suggest to the honourable members opposite that those of you who are now in a position to exercise a majority view, at least until we get into a Committee

(MR. SPIVAK cont'd.) of the Whole, those of you who are in a position exercise that majority view by exercising a majority view and by affecting the rights of the individual, as you now are by your legislation and by the will of a majority as expressed in this Legislature must recognize that the time will come and can come when there will be another majority in this House who are going to be in a position to exercise their views in such a way that the rights of the individual may be affected much more drastically than anything that we visualize today. And I am not so sure, Mr. Speaker, at this time, because in fact we do have the individuals being affected so directly by the result of the nationalization in this specific case and I'm not so sure that at this time we do not require some restatement in principle of the rights of the individuals in this province and of their rights in an economic sense and in the full economic civil liberty sense and I mean in both ways. This in fact could and should have been incorporated in the Bill of Rights and, Mr. Speaker, if we would have had that here today, and I would think it would have been darn relevant to the whole discussion of Bill 56 and the action of a government against a minority, a very small minority, but nevertheless, people who have and are entitled to certain rights and certain liberties and certain degree of protection in our society.

Now, Mr. Speaker, therefore I approve of the Human Rights Legislation but I suggest that there is a certain condemnation that could be made of the government because I think that if we would have had this, could have served a basis and whether this government does it or the next government does it, someone better produce for this province a Bill of Rights. And someone better have a restatement of the principles in which our society is going to operate here in Manitoba and it better come very soon, Mr. Speaker, because if the course of action that the government is undertaking is followed through - and the Premier has suggested that it will not occur in other situations, but no one can be sure of that at all, but if that course of action is followed, then, Mr. Speaker, the rights of our individuals, the rights of the individuals in this province are going to be more drastically affected than others and the danger to the structure and to the way in which a society operates will become extremely real.

MR. SPEAKER: Are you ready for the question? The Honourable Minister of Finance.

HON. SAUL CHERNIACK, Q. C. (Minister of Finance) (St. John's): May I ask a couple of questions of the honourable member? The other day - and Hansard hasn't come through yet - he was speaking about the Bill of Rights. As I recall, he said that the reason there is no Bill of Rights before us is that it is practically impossible to draw one. I wonder if that's a correct quotation of or report of what he said and whether he agrees that it is practically impossible to draw one.

MR. SPIVAK: Mr. Speaker, I said that existing law is difficult to codify; when you codify existing law, what you do by codifying it is that you probably restrict it and it can be interpreted by the courts in a different way. I suggested as well that a provincial Bill of Rights to a large extent is declaratory in nature and I did not suggest that the legal effect of it, the legal effect of it would be - and I suggested not that the legal effect of it would be that apparent. I suggest as well, Mr. Speaker, that the Human Rights Act that's in front of us and the second which deal with action by the government are going to be very difficult to, in actuality, follow through. And I have some experience and some knowledge as the Minister of Finance I'm sure has as well, of the cases that have been involved in the previous Acts that were repealed. What I'm suggesting, Mr. Speaker, is that in effect when you codify existing law, it becomes extremely difficult, extremely difficult that in doing that you are not in fact restricting it and eliminating the parameters of the evolution of that law as society changes. But I'm suggesting as well, Mr. Speaker, that a declaratory provincial Bill of Rights - and I have only suggested right from the very beginning that's all it actually is. I made references to the Bill of Rights in the United States as an example for a particular situation, not as the reference to a Bill of Rights. I would say this, if we had a Federal Constitutional Bill of Rights - and this is a different situation - embodied in the Constitution and not capable of being changed, we have a different situation. But insofar as the provincial bill is concerned, its declaratory nature, but in terms of our society, the educational value, just like the educational value of the Human Rights legislation, is extremely important and is extremely important because it will alert our society as to their rights.

Now the interesting thing about what I said is if we examine the Saskatchewan legislation, there's no reference to ex parte injunctions at all. Now that's extremely interesting. There are references to injunctions and there is reference in Section 12 and Section 14 and, if I understand correctly the interpretation of this law, what it simply says, that without reference to this

(MR. SPIVAK cont'd.) particular section, is that an injunction can be used, Mr. Speaker, an injunction can be used against those people who in fact practise discrimination but there is no specific reference to the particular situation which does come under the ex parte injunction legislation here and the reason that there's no reference to that and there's no -- (Interjection) -- I'm answering the question. There's no reason, - the reason that there is no reference, Mr. Speaker, is because that is the existing law and it's because it's the existing law, Mr. Speaker, . . .

MR. CHERNIACK: May I interrupt by saying, I, myself have forgotten the question that must lead to the answer.

MR. SPIVAK: Now, Mr. Speaker, I'll put the question that the Minister referred to me and I'll answer as quickly as I can. He said to me, did I not say in talking with the ex parte injunction that it's difficult to codify - and that's probably one of the reasons you didn't bring up the Bill of Rights - I said, Mr. Speaker, that insofar as the ex parte injunction legislation, it was not necessary to codify it because that was the law. Well, I said that it was the law. The Saskatchewan Act basically says the same thing because it does apply injunction where discrimination is used but not an ex parte injunction, because that was the law. I said as well that a provincial Bill of Rights would have only been declaratory in nature but nevertheless at this stage in our society is extremely important and it's unfortunate that it wasn't introduced.

MR. SPEAKER: Are you ready for the question?

MR. CHERNIACK: I have another question; I'm afraid of the answer but I still want to ask it - of the likes of the answer. The other question, Mr. Speaker, I understood the honourable member to say today that he would like to see a Bill of Rights that would provide that in the event of government action a person loses his livelihood there should be some form of - I don't remember what word he used, but some protection for that person. If that's correct, would he then propose or approve of legislation providing that if any person loses his livelihood because of an action of another party, because for whatever reason, that that party should be compelled to compensate the person whose job is or livelihood is lost?

MR. SPIVAK: Mr. Speaker, you know the standard answer on the part of the government to these questions - that's a hypothetical question; when you give me a set of facts I'll be able to deal with them. All right. Now that's a standard answer. You want me to sit down now. Yes I know. Well, let me suggest, Mr. Speaker, I refer to the third category of civil liberty legislation which is economic civil liberty legislation. I've indicated as well that there are very positive things that have to happen in this area and I think this is understood in our society. I think that this is a matter of education as much to be able to develop our society to a point where they're going to be prepared to accept it. But I think there are two sides to the coin, one is the side that the Honourable Minister has said, and I'm not going to deal with it in a specific way because I'm not sure what he's referring to. The other, and just as important, is the economic civil liberty which is freedom from government action and regulation.

I recognize that there's government action and regulation and I recognize that in terms of our social order there are things that will have to be done, but I'm suggesting, Mr. Speaker, we reach the point where the individual has a right to be able to expect, in a position to exercise his freedom to a point where his livelihood will not be taken away from him by government - by government. I'm suggesting, Mr. Speaker, that he has a right to expect that, and I expect, Mr. Speaker, I expect -- (Interjection) -- well for the employer, Mr. Speaker, we provide, and we provide the Human Rights legislation that he cannot exercise discrimination. We legislate so that the employer can do certain things and cannot do certain things, but at the same time by our very legislation in one particular field, we're discriminating against a specific class. -- (Interjections) -- Oh yes, we are. We're exercising our discrimination against a certain class of people in this province. -- (Interjection) -- Oh yes, bosh! -- (Interjection) -- On sex, creed and colour? No. On the fact that it suits the will of the majority at this time for its own political purposes to try and move society in a certain way and in doing that we exercise it. Now I recognize that society may have to move in that way, but I'm also recognizing there has to be some restatement that there is an obligation on the part of the state if it does move that, for fair compensation, and that's not what has been ever suggested in this House so far.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, it is not unusual for the Member for River Heights to make the kind of speech that leaves one incredulous, and this morning certainly is no exception.

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(MR. SCHREYER cont'd.) If I could infer anything of substance from what the honourable member had to say this morning, it was probably that this government in his view has not moved fast enough and has not moved far enough with respect to legislating with respect to civil liberties and rights of individuals. He went on to say that really it was difficult to draft the legislations that exist in other jurisdictions and that it was a case of merely copying the legislation on the statute books of these other provinces.

Mr. Speaker, if one accepts that argument, if one does, then one surely can pose the very valid question: if that's the case, what stopped you? What stopped you? -- (Interjection) -- Mr. Speaker, I am not one, I am not one to raise the question, "Why didn't you do it when you were in office?" but it becomes difficult to sit here and have someone shoot his mouth off to the effect that it's all very simple; it's a case of copying legislation on the statute books in other provinces. Well, if it's been on the statute books so readily accessible and available for copying and enactment here, you've had ample opportunity to take that easy approach, and if you didn't do it I assume it's because it was just a little more complicated, just a little more difficult than you have made out this morning.

In any case, I want to refer the Honourable Member for River Heights to the fact that in the Speech from the Throne, we made reference to nine specific points of human rights' enactment. We made reference to the possibility of enacting nine different pieces of legislation relative to individual rights and civil liberties, and of the nine, seven were brought before this House in this session. That's not a bad average, Mr. Speaker. It's certainly in this field of endeavour and responsibility - individual rights and civil liberties - it's a much better batting average than my honourable friends were able to show during their time of office.

But two of the nine I admit we have not proceeded with, and he made much about the fact, and I admit it is a fact, that we have not brought forward legislation that would codify administrative practices which would set out standard rules of procedure to be followed by government boards and commissions, agencies and the like in the exercise of their powers, duties and responsibilities. But I want to advise the honourable member and his colleagues that this matter of administrative practices - legislation or codification will be one of the first things that will be put before the Law Reform Commission when it is formulated and when it is organized this year and we hope, and I'm advised by the Attorney-General that it is still our hope and the likelihood that the Law Reform Commission will become operational in September of this year.

So all in all, Mr. Speaker, I think that it is a pretty good performance on our part in this area of human rights and civil liberties, that within the first twelve months in office we should have brought forward in legislative form seven of the nine points that we talked about since forming government, and prior to that. And I say again that it is worth - and it is worth repeating, that if it is that simple, then there was nothing preventing my honourable friends from having proceeded when they were in office; and they had more than one year, Sir, they had ten years in which to grapple with this. Now I wouldn't fault government for not having done something if the problem they were facing was so complicated, but we have from the mouth of the Honourable Member for River Heights himself, the assertion that this was really the easiest thing to do, and I say again if it was that easy, where were you?

Well, I go on now to make -- (Interjection) -- Yes, I can recall that the former administration passed one significant piece of legislation in the field of human rights and civil liberties when they were in office, and that was the Fair Employment Practices Act in 1958. -- (Interjection) --- I'm not referring to the Pension Bill for Ministers, that was somewhere in the mid 1960's and it was more in the area of economic individual rights for certain individuals than it was the matter of civil liberties, but the interjection of the Member for St. Boniface does raise an interesting point and that is the matter that the Honourable Member for River Heights was putting so much emphasis on and that is economic civil rights. Was that the expression he used, economic civil liberties? Yes.

Well, Mr. Speaker, as I sat here listening to the honourable member, I couldn't help but get the impression that here was the voice of the jurists of the Supreme Court in the United States around the turn of the century.

MR. LAURENT L. DESJARDINS (St. Boniface): Hear, hear.

MR. SCHREYER: There is a fantastic parallel to be found in the words spoken by the Honourable Member for River Heights this morning, and the voices of the more reactionary of jurists who sat on the Supreme Court, State Supreme Courts, I think in particular the New

(MR. SCHREYER cont'd.) York State Supreme Court of the late 1890's, early 1900's, when one piece of reform legislation after another enacted by the New York State Legislature was thrown out as unconstitutional and ultra vires by reactionary jurists who were more concerned with protecting the rights of property than they were of protecting the rights of individuals in the enjoyment of their civil liberties. This is nothing new. It seems that there is a certain cycle to the thinking of people in politics and the point of view being put forward by the Member for River Heights this morning is as reactionary as the most reactionary of jurists that one can think of back in the late 1890's.

I noticed, Mr. Speaker, that the question posed by the Honourable Minister of Finance this morning to the Member for River Heights was not really answered by him, when he asked whether it was the thinking of the Honourable Member for River Heights that if government was to be considered under a direct onus for remedial action with respect to those whose livelihood might be affected by actions of government, what about the rights of those individuals whose right to a basic livelihood was impinged upon by the actions of an employer in the private sector. -- (Interjections) -- Well, that is exactly what we're doing, and my honourable friend, my honourable friend should know that what we are proposing in our compensation proposals is in fact a model; there are very few private employers in Canada that are providing the kind of transitional assistance benefits. -- (Interjections) -- The U.S.-Canada-Ottawa agreement pact has made provision for transitional adjustment benefits of this kind. Well, the formula is almost identical, my honourable friend should know, and for all the years that they were in office, there was nothing to have prevented them from enacting model legislation, there was nothing to have prevented them from enacting model legislation that would outline and set forth the requirements for action by government in terms of transitional assistance benefit payments to those whose basic livelihood was somehow impinged upon by the actions of government or within the private sector. I do believe that we have come to a point in time when this responsibility should be clearly acknowledged by government, and anyone who reads the Freedman Report surely cannot think otherwise; but equally there is need for acknowledgment of that kind of responsibility by employers in the private sector.

Over the years of course many actions taken by government have directly or indirectly affected adversely some group of people. Because of the nature of the interdependency among different groups in our society and in our economy it is virtually impossible to follow any course of action to enact any program that, while it may be of benefit to large numbers, the likelihood is that it will affect some few people in a way that leaves them less well off than they were before. And I should know because I, the many years that I sat on the Opposition, represented constituents both at provincial and federal level, I can think of the building of provincial trunk highways, in new routes, in new locations that have left people operating stores and motels high and dry - not that many perhaps, five or ten, but there was no thought given to compensation because it was felt to be beyond the competence of government to be able to deal with that kind of problem. Nevertheless it did leave certain people in a state of affairs where they lost their business. -- (Interjection) -- That's right, in a different business perhaps; in a same one or in a different one. -- (Interjection) -- Well, Mr. Speaker, the fact remains that they were put out of business where they were and some never did go back into the same business. -- (Interjection) -- In the case of building the Red River Floodway there were many many people who were expropriated; some received offers of settlement which they accepted, other never did, and the offers that some finally accepted were two and three times what they were initially offered by the Crown. In the case of the Birds Hill Park the same thing. The point I am making, Sir, is that in the normal course of the carrying out of its duties to legislate in the general public interest and to enact programs of benefit to the general public, it is virtually impossible in many, if not most cases, for some in small number or smaller number of individuals to have their particular private interests adversely affected, and I certainly agree that there is need for government . . .

MR. SPIVAK: I wonder if the Honourable Minister would . . .

MR. SCHREYER: Well, when I'm finished - there is need for government to acknowledge that insofar as it is possible there is an onus on government to take whatever remedial action is necessary to minimize the dislocation and to provide for some form of compensation in a transitional period.

But I come back to make this one final point, Mr. Speaker, before I take my place, and that is that of course this is the crux of the whole heart of government; this is at the heart of

(MR. SCHREYER cont'd.) the very core of the problem of government, how to reconcile rights of individuals with those rights of the majority - majority will and minority rights - and the heart of good government is to reconcile the two in the best way possible. It is certainly something that I find easy to endorse, a statement I've heard a number of times, that government will be judged on the way they have treated their minorities. There is a ring to that kind of declaration that I like very much. On the other hand I know only too well from a reading and I hope an appreciation of history, that over the years it has been possible for certain very influential minorities - in some cases these minorities were able to keep even democratically elected government under their undue influence - they have succeeded in preventing the majority from enacting programs and legislation that would redound to the greater benefit of the greater number. And therefore the Member for River Heights had better bring more balance into his presentation of civil liberties, individual rights and the majority rule.

MR. SPIVAK: I wonder if the Honourable First Minister would permit a question. I wonder in view of what he said whether he would consider in connection with the insurance agents who are going to be involved by, as a result of Bill 56 and are going to go out of business, whether he would consider the possibility of allowing the court to decide compensation rather than the Legislature in this sort of arbitrary way?

MR. SCHREYER: Well, Mr. Speaker, let me just answer that question by putting this one. In the case of other programs of transitional assistance benefits which we have some examples in the public sector and a few in the private sector, in which of these cases is any provision made for adjudication by the courts?

MR. SPIVAK: Mr. Speaker, a supplementary question. The First Minister I believe, I think I'm correct, referred to the problems of expropriation and indicated the adjudication that was made at that time where in fact . . . is made out for expropriation and people - he mentioned particularly the Red River Floodway and said these people then would have to relocate. But one thing he didn't mention and I wonder if he realizes it, that the people involved in the Red River Floodway in the expropriation did have a right of appeal.

MR. SPEAKER: Does the honourable member have a question?

MR. SCHREYER: Mr. Speaker, I'd like to answer that question very much, because the honourable member asked me whether it's not a fact that those people who were expropriated for purposes of Red River Floodway and then later Birds Hill Park, they didn't have access to the courts. Well of course they did, but then again the poor man who sleeps on the park bench and is arrested has as much access to the courts as the nobleman or the millionaire; they both -- if they both should fall asleep on a park bench and are arrested for violation of a city ordinance against sleeping on park benches, they both have equal access to the courts except the likelihood is one will avail himself of that access, the other will not. Let me say to my honourable friend that I am very very personally and intimately aware of the fact that all of the residents that were expropriated for purposes of the Red River Floodway, they were aware that they had access to the courts but also let it be clearly understood that for many of them this was an access that was more theoretical than it was real. It was just not within their inclination nor their means that they should be able to take every case to the courts. I know that some did all the way up to the Supreme Court but for the majority of farm people, market gardeners along that area, this right of access to the courts was more apparent than real.

MR. SPIVAK: Mr. Speaker, well then the First Minister applying that would then suggest that for this reason the insurance agents shouldn't have access to courts. Is that his reason?

MR. SCHREYER: Mr. Speaker, I'm saying that we do have cases where transitional assistance benefits programs have been arranged, have been established and we intend to follow the same formula, the same parameters. -- (Interjection) -- My honourable friends had ten years to set some precedents; they didn't set very many.

MR. ENNS: I wonder if the First Minister would permit one further question. He's indicated his intimate knowledge about the areas referred to, Birds Hill and the Red River Floodway. Could he indicate to me whether he's aware of a single person in that area who was not compensated at least two or three times the amount of his capital outlay for his original or initial purchase of land?

MR. SCHREYER: Mr. Speaker, the property is appraised and an offer is made on the basis of the value as arrived at by the appraisers. If that isn't satisfactory, provision was made for a form of arbitration and if the arbitrator's award wasn't accepted - I know of one case where the Crown wouldn't accept the arbitrator's decision - well then, there was appeal upward.

MR. ENNS: One final question to the First Minister and it will be the final question. Would he then not also be agreeable to have some independent appraisal to investigate the -- to find out for a fact what the capital investment of some unfortunate insurance agents are who have just recently invested heavy capital into agencies in much the same as somebody else would invest in land that might, for later reasons, be expropriated for government use?

MR. SCHREYER: Well, Mr. Speaker, I find it a much closer parallel with the arrangement that was made to assist those who were dislocated by the enactment of the U.S.-Canada agreement. I'd find that a much, much closer parallel and that's why we intend to abide by that. May I also say that at the time of the enactment of the Canada Pension Plan there wasn't even any effort made with respect to transitional adjustment.

MR. SPEAKER: Are you ready for the question?

MR. SPIVAK: I have one more question for the Honourable First Minister. Is it not a fact that in the auto adjustment pact that he referred to, the transitional thing that he referred to that there was really two parts: one was for the employees and one was for those people who were operating businesses. Is it not a fact that there was a transitional assistance program for the owners and operators of the businesses as well, and may I ask what the government intends to do in that aspect?

MR. SCHREYER: Well, Mr. Speaker, I've indicated that we are looking at this as a much closer parallel and we intend to be guided more by that program than what was done or not done in the case of expropriation of property and land or in the case of the Canada Pension Plan which did adversely affect life insurance agents but I don't recall that the Federal Government made any compensation payments at all.

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

MR. SPEAKER: The proposed motion of the Honourable . . .

MR. GREEN: Mr. Speaker, would you please call Bill No. 134.

MR. SPEAKER: . . . First Minister, Bill No. 134. The Honourable Member for Fort Garry.

MR. BUD SHERMAN (Fort Garry): Mr. Speaker, I intend to be very brief at this stage on this bill, partly in the interests of expediting the business of the House and partly because the essence of the position that I take and that we take towards Bill 134 has already been very effectively stated by speakers who have been on their feet earlier in the debate. In principle, we agree with Bill 134. We recognize that some control, some efficient administration over spending is necessary and desirable in the elective exercise but we add the rider, Sir, that those controls must be equal, equal in their application and equal in their ramifications for all involved in the election process. Those controls must apply equal in terms of the strictures that they involve, must apply equally in terms of the strictures that they involve for all parties and for all elements in the political spectrum. So we would want to exercise a very searching scrutiny over the bill itself in the committee stage to insure that there is no unfair advantage, there is no disadvantage implicit in the wording of the legislation to any element in the political field in the country.

The kind of measure, the kind of approach that's envisioned in Bill 134 is the kind of technique that often looks simple. In addition to appearing desirable, Sir, it's the kind of thing that often looks simple and long overdue, but as often as not, measures of this kind contain hidden nuances which are not easily recognizable and they often contain very profound and far-reaching implications. We must consider the threats that might be contained in this kind of legislation to freedom and to the right of the individual to his privacy. Surely a man has a right to anonymity as far as his political affiliation is concerned if he so wishes such anonymity.

So while recognizing the desirability of some intelligent limitation on spending in the elective process, we emphasize at the same time that the measures we would like to take must be counter-balanced by firm assurances for, and endorsements of, the right to freedom and to privacy and to anonymity for all citizens in a democratic state insofar as they desire it. So I repeat, Sir, that we agree in principle with the kind of improvement that the proposed legislation aims for, but we do not necessarily agree in detail.

I would like in particular to commend the comments made at this stage of the bill by the Honourable Member for Ste. Rose, who I think the other day in the Chamber put very clearly and very profoundly the kinds of dangers and the kinds of difficulties that one can get into and that a Chamber of legislators can get into if it rushed too quickly and unreasonably into embracing legislation of this sort simply because it contains, on the surface at least, a kind of democratic ideal, a kind of desirable democratic principle to which all parties I would think

(MR. SHERMAN cont'd.) unquestionably subscribe. The Member for Ste. Rose underscored the difficulties and the dangers in this area very effectively I think and I wouldn't want to ignore making reference to his contribution to the debate because I think he spoke for a great many of us in the party to which I belong as well as his own, and I would suspect for a great many of those on the government side of the House, when he said what he said about the desirability of and the necessity of making sure that with this kind of legislation we don't impinge upon those very freedoms that the whole thing is all about, that we don't intrude upon those very freedoms that the whole system was set up to guarantee and ensure.

So we don't, Sir, subscribe to the legislation in detail. There are many specifics of it having to do with limitations on spending and disclosure of spending, both in the area of party and in the area of individual candidate; there are sections having to do with disclosure of donor and donation, having to do with the individual private citizen and his right to privacy and anonymity in the democratic process, which cause some anxiety on our part and will certainly be the subjects of attention in committee stage and possibly the subjects of amendment. But we do agree in principle, and at this point would like to allow the legislation to pass this stage and move to the committee stage of deliberation where we hope some strengthenings of the kinds of requirements for freedom to which I've referred can be made and where the weaknesses in the legislation, as we read them at this stage, can be eliminated and the entire effectiveness of the bill made much more democratic and much more acceptable.

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

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I wasn't quite prepared to speak on it yet but I feel that I do not want to hold up the bill on second reading. I support the bill in principle. It contains a number of the items that I have asked for on previous occasions and I know the government has asked for when they were in opposition, and I certainly will support the bill.

As to some of the details, as has been mentioned by the Honourable Member for Fort Garry, I wish to debate them in committee. The matter of increasing the number of signatures on the application form, I don't know whether it's necessary to increase the number but I certainly will not object if that is the wish of the House.

I rather failed to get the complete meaning of Section 62 (6) (e), where it's a matter of stating the name of the political party, if the party is not recognized as such. This deals with the matter of Independents or also naming the party as well, and if the party is not recognized, how are you supposed to still put the label on. I'm quite in favour of having the label on the ballot. I feel that this should be there so that if people want to vote party-wise that they can do so and that they will know who the candidate is. I certainly subscribe to that.

As to the amount that can be spent, the 40 cents per elector, I don't think that that is cutting the line too fine or that it is limiting it too much in my opinion. I don't think so. I feel that I can live with it and I think most of the members in this House can live with it, so that I don't think it's limiting it too much in my opinion.

I haven't checked all the detailed sections so I intend to complete that though before we discuss the bill in committee, and certainly on second reading I approve of the bill.

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

MR. SPEAKER: The proposed motion of the Honourable Minister of Mines and Natural Resources, Bill No. 123. The Honourable Member for St. Vital.

MR. J. WALLY MCKENZIE (Roblin): Mr. Speaker, I assume that the Member for St. Vital wouldn't mind my speaking on this bill at this time or . . .

MR. GREEN: Mr. Speaker, I have no objection to that but I understood from the Member for Swan River that the Member for St. Vital would not be speaking, that he stood it for other members of his group, so I would like the Member for Roblin to indicate that so the debate will not continue to stand.

MR. MCKENZIE: This is my understanding as well, Mr. Speaker, and one of the other members of our group will likely speak after me and complete the remarks of our group.

This wildlife Act is one that - and certain amendments to it - that I have been advocating since I was elected to the House in 1966. I have a constituency which is exposed to wildlife from the Duck Mountain area continuously. Those that live in the periphery of the Duck Mountains are continually bringing to me certain problems with regard to the wildlife. The House will recall the problem that we had with bears a few years back and legislation was brought forth that has corrected that problem to the stage now where it seems to be under

(MR. McKENZIE cont'd.) reasonable control and the bears are not the menace to the average farmer or the average citizen that they were at that time.

The Minister no doubt, and the department, are seriously keeping under consideration the conservation of our wildlife resources in the province. This at times becomes of great concern to me when we find certain ways and methods that are used for the hunting of the wildlife, aircraft being used in the hunting areas of big game which I don't think adds anything to the hunting. It basically becomes a suicide because with the radio system that's available today they can spot them from an aircraft and radio the man on the ground and they move right in where the wildlife are. I would hope that we could really tighten that up, and I see the Minister has brought in some amendments that no doubt will correct this.

I'm more than pleased to find the section with compensation. This has been the matter that has been most brought to my attention. Last year specifically was a bad year for those that live in the periphery of the Mountain, the Duck Mountains, and enormous losses have been indicated to me through wildlife and the grain being out all winter, and with this use of the wildlife certificate fees, I think we have moved in the right direction and I only hope that the compensation can be realistic and in line with the losses that are being suffered by many. I had a delegation contact me as late as last week and wonder if in fact now that the bill is on the table if they could be compensated for last year's losses, which I doubt, but the Minister no doubt in closing the debate will fill us in more fully with regard to that.

Section 12 of the Act, and its amendments dealing with the use of poison with wildlife, I think we have to be very careful with the pollution factor that's so evident around us today. Last year I had notice brought to me of certain people in the area who found wild ducks dead in the ditches alongside the roadsides, which I don't know if it ever was documented, what the cause of the death was, but in most cases those that hunt in the areas suspect that it was from the D.D.T. that was sprayed on the trees and the roadsides. I don't know just how we can propose to control this factor, but it's one that's used - hydro and telephone use these D.D.T. factors to try and control the vegetation and the weeds in the areas and it could be one that the Minister should maybe possibly regulate at this time. I'm not an expert in it but it's one that has concerned many in our area, where does it start and where does it stop.

The hunting on Sundays section of the bill is also one that I think the Minister has brought in line and will be controlled by regulations. This is a sort of a pro and con feeling. The people that live in the areas where game and birds are, don't want people hunting on their property on Sundays for various reasons. There also is many of the hunters who feel that we chase the birds and the wildlife for six days a week and they're entitled to a day off in their normal place of quiet the same as everybody else, and of course the factor of conservation enters into the picture. Once we start hunting seven days a week, where do we draw the line to conserve the wildlife which is so important to our natural habitat and to the areas of the province. It's a wonderful thing for people that come from other jurisdictions to be able to drive down the roadsides in my area and see wildlife standing there for photography and that. I'm sure the department has certain ideas in mind, but with the hunting on Sunday, and I think while there is a great deal of desire for people to hunt on Sunday, I think it's one that has to be worked out very carefully with those that live in the areas where hunting takes place and the hunter himself.

The hunting one from vehicles there - Section 18 - is one I'm glad to see. It is okay to hunt from horses, I don't think that that's -- I support that, but I would hope that we can get pretty strict in here with regard to skidoos and aircraft. There is also one factor with the coyote where certain municipalities in the province in my area do grant permission to hunt coyote from aircraft. The coyote now is practically extinct with using this method of hunting. It's no chore at all to hunt a coyote from an aircraft. You just spot him and come down, and to be shot from the aircraft is not fair. In the biological or the control of wildlife, I'm told by some that now that the coyote has practically become extinct the skunk has taken over. The coyote controls the skunk, I understand. I'm told by some biologists that a mother coyote before her young is born will go in an area of a radius of approximately five miles and clean out all the skunks in the area. That's some natural instinct that they have - balance of nature. So we are at the moment in certain municipalities, I think doing a disservice to the coyote, who no doubt if we continue will become extinct in the province, and possibly there should be other methods used than the one hunting from aircraft. I personally do not support that type of hunting as a matter of predator control.

(MR. McKENZIE cont'd.)

The one of destruction of habitat is another one that has concerned myself and many of those that I represent, and I think possibly the day is here when the province is going to have to set up some guidelines of what can be put into cultivation and what can't be put into cultivation. I see certain areas of what I think is habitat being cleared and put into cultivation, and immediately it's cleared, it's not hard I think for a layman to recognize that this is not good farm land and possibly would never give a return that's adequate for the one that is clearing it, and as a conservation measure, possibly this can be brought under control either through agriculture or the Minister.

The one, too, of the rights against trespassers on posted land and signs, this is a difficult thing to legislate. In certain areas where they post signs, the hunter comes along and he moves down 200 yards from where the sign is and he says he didn't see the sign. It becomes a real problem and the farmer becomes irritated and he finds trespassers on his property and the hunter just says he didn't see the sign, and it is a very difficult one to legislate and keep everybody happy with the matter of trespassing and posting of land.

The one other section that concerns me somewhat, and this is Section 77, whereby a private dwelling can be searched without a warrant. I just wonder where we start and where we draw the line as far as the privacy of our citizens are, whereby those that are administering the law can walk on to somebody's property without a warrant and perform a search. The Wildlife Act in many aspects is one that concerns me something like the Highway Traffic Act, where you're guilty until you prove yourself innocent. Somebody charges you with something and you're guilty right away.

I had a case last winter where this gentleman came home from curling and his wife tells him when he arrived home at 10:30 at night that there was animals out in the field where unharvested grain was and he proceeded to go out on that property with his truck and try and locate these horses. The conservation officers picked him up and his truck was impounded. They found a rifle underneath the seat, some shells and an old pair of overalls that was in the back of the truck, but this man had just come home from curling with his neighbour in good faith and there he was. His truck was impounded - and I think possibly it's cleared up - but in all due faith, you talk to the people in the area that knew this man, and he was reasonably well acquainted to them much more than to me, but the fact that the conservation people could confiscate his truck there and then and deprive him of his only method of transportation, without any just reason in my opinion, Mr. Speaker, but nevertheless it happened.

These are some of the sections or the philosophy of the law, and I'm not an expert, whereby a man is guilty until he proves himself innocent. Maybe the Minister can explain why the law is this way in the Act. This is only one of many occasions where I have come across problems of people where the law has certain things that it can do and they have basically no rights at all except to try and prove their innocence, and this becomes very expensive though.

With those few remarks, Mr. Speaker, I support the bill and look forward to the committee stage and the passage of it through the House.

MR. SPEAKER: Agreed that the adjournment stand in the name of the Honourable Member for St. Vital?

MR. GREEN: We agreed that he would not be speaking, that it was just stood for the other members.

MR. GABRIEL GIRARD (Emerson): It is my understanding that the Member for St. Vital adjourned it so that I would have a chance to make a brief comment.

There are just a few things I would like to observe in respect to this Act. First of all, it's interesting to note that in this Act we seem to be concentrating the power of decision-making in the hands of the Cabinet, and I suppose that this is one Act where it's a most understandable thing to do because circumstances that require immediate decisions in this field cannot all be regulated by law and therefore this is a domain where I can understand the decision-making being placed in the hands of the Cabinet. I cannot agree that this is a good trend for all the legislation that we put through, and I think maybe too much of it has occurred this session, but in this particular Act I can see justification.

There's only one other matter that I would like to comment on, and this is a matter that will be regulated by regulation and not by statute, and this has to do with Sunday fishing. I know that before Sunday fishing becomes law and practised - or Sunday hunting, pardon me -

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(MR. GIRARD cont'd.) becomes law and practised, that the Minister and his department will have a chance to study the matter closely. I would like to suggest, however, that in my view it's important that Sunday fishing be not permitted throughout the entire province at the same time -- I sorry, I mean Sunday hunting ought not to be permitted throughout the entire province as a blanket regulation. I would rather like to see Sunday hunting restricted in a regional fashion so that control of hunting areas could benefit both the province and the hunter. I am interested in this area because I do not wish to have Sunday hunting introduced in populated areas that are close to Metropolitan Winnipeg. On the other hand, I am all in favour of the relaxation of the regulations to permit someone who is going on a hunting trip, on an extended journey, to include Sunday in his day of hunting. I think it's a forward-looking kind of change in the statutes and I would simply hope that the Minister views it this way in implementing the regulation.

MR. SPEAKER: Are you ready for the question?

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

MR. GREEN: Mr. Speaker, I'll be closing debate. I indicated to honourable members the other day that I didn't want to close debate without getting some further information. The debate on this particular bill has been rather far-reaching and I take it that that is because the Minister's estimates were not before the House and therefore many of the worthwhile contributions that the members would wish to have made during the estimates they have made during the debate on this bill and I thank them for it.

I first of all, Mr. Speaker, want to say that I am fully cognizant of the value that is played by the various organizations that are active in this field, the wildlife organizations and the game and fish organizations and all other organizations which have over the years expressed an interest and contributed so much in the area of wildlife conservation, and I have no illusions, Mr. Speaker, that the protection of our wildlife can be enforced by the standard law and order measures. Unless there are in the community people who genuinely foster a conservation mentality on all of the people then we're just not going to have enough game officers or enough conservation people to protect the wildlife, so if the conservation efforts are to be effective it depends on the type of organizations that I have mentioned who have been so helpful in this area.

It's impossible, Mr. Speaker, for me to adopt the attitude as has been adopted by various United States politicians that the way to cure the problems of law and order in the United States is to have a policeman with a rifle on every yard of the sidewalk in Washington or in New York. That is not going to be the answer. The answer is to try to create circumstances whereby the people themselves recognize the need for conservation measures and that is what the organizations are doing and without them I don't think that anything that we do in this Act could be very effective.

Now various points have been raised by honourable members about this bill. I think one of the first points that was made was relative to jack lighting and the Member for Portage la Prairie in particular indicated that the Minister in Ottawa was quite happy to do something about this problem if the province would make a recommendation. I think that this is a rather neat way for the Minister in Ottawa to try to avoid the responsibility himself and I think that the area is one which is so sensitive that he obviously adopted this tact in order to deal with it.

Mr. Speaker, I want to make it quite clear that one of the big problems that I have with regard to the issue of night lighting is that the people who have spoken to me speak about it as if it is a Treaty Indian problem. It is not a Treaty Indian problem. There is night lighting carried on by all kinds of people and the fact that the Treaty Indians have a different position, vis-a-vis the right to hunt for food on Crown land than other persons have, is not something which I believe can be handled in a rough and ready fashion. I don't think, Mr. Speaker, that if we look at the Treaty Indian people that we can regard them as being the most favoured people by the laws of Canada and by the laws of the United States. Certainly their circumstances don't indicate to me that they are the most favoured and that they thereby reach the highest levels of living economically or get the highest standard of education or have the highest standards of housing or have other things which constitute privileges. Therefore, Mr. Speaker, I think that it is dangerous to take one law which indicates that a person who is a Treaty Indian has a right to hunt for food on Crown land and say that that law is the most important thing that has to be changed with regard to Treaty Indians. I think that this is one area where these people now have a position and it's not something that can be taken away from them without a reassessment of all of their rights relative to the other laws that we have both federally and provincially. I think that this, Mr. Speaker, is the main problem and I think that anything that is done with regard to any of the rights that Indian people have vis-a-vis hunting that may be different from those had by other citizens in the community have to be looked at within the entire context of the Treaty Indian situation and society.

So, Mr. Speaker, I am not prone to be dealing with this subject on an isolated basis. I have been in consultation with the Manitoba Indian Brotherhood relative to this matter and I know that they too are interested in Conservation measures. They think, with some justification, that they were doing a pretty good job with conservation measures when they were left on their own. I'm not in a position to either affirm that or deny it, all I do know is that the jack lighting problem cannot be identified and should not be identified as a Treaty Indian problem.

The Honourable Member for Morris and the Honourable Member for Brandon mentioned the International Waterfowl Commission. I'm advised that this is a commission which provides joint consultation between North and Central American authorities regarding problems

(MR. GREEN cont'd) associated with waterfowl which use the flyway. It has no legislative authority nor does it have operational responsibility for programs such as habitat preservation. However the Canadian Wildlife Service started a pilot project in 1965 to obtain easements for wetlands. This program did not become operational until 1967 when the easements were confined to the Turtle Mountain and Boissevain area of Manitoba. No easements were obtained in Manitoba in 1966 but in 1969 the service was again active in the Rossburn area. A proposed program for the Minnedosa area was not carried out. The easement program has been greatly curtailed this year because of cutbacks in the federal budget but the service intends to complete easements entered into around Rossburn. It does not appear that the program will be continued or expanded. It is understood that the Federal Government is withdrawing from the easement program in order to develop a more flexible program with an emphasis on compensation or assistance in the long term. Now I don't want honourable members to take from this that nothing is being done in the area suggested by both the Honourable Member for Morris and the Honourable Member for Gladstone. The province is engaged in programs which are designed to do the type of thing that was suggested by the Honourable Member for Morris, that is the planting of lure crops and the creation of wildlife habitat. There is such a program now being engaged in in the Interlake which is the Oak Hammock Marsh Project and it continues to be a part of the departmental program. But referring specifically to the International Waterfowl Commission, the information that I have given is what has been indicated. The Honourable Member for Birtle-Russell was asking about beaver dams and I understand that although there may be a jurisdictional problem that when we have information relating to any specific problem the department is in a position where it possibly could either by itself or through joint consultation be able to do something about it.

Mr. Speaker, I suppose the most controversial feature of this bill relates to Sunday hunting and various members spoke about the issue including the Member for Brandon and the Member for Gladstone and now the Member for Emerson. I have to say, Mr. Speaker, and repeat that I am not a hunter myself whether members will believe this or not. I have difficulty swatting a fly and stepping on a spider; however, it's not my own feelings in this connection that are as important. The Honourable the Attorney-General is an avid hunter, he disagrees with Sunday hunting. On the Sunday hunting issue I know that there is a great deal of controversy and all that I am proposing is that that controversy be settled by a legislative vote; the only way that this kind of thing ever becomes settled as between conflicting interests is that there be a legislative vote and I imagine that different people are going to feel differently about it. I had not until the Member for Brandon spoke -- I believe he regarded this as a conservation issue rather than a Lord's Day issue. If it's a conservation issue, Mr. Speaker, then why can't it be another day, a day when people are not off for the purpose of recreation. If it's a religious issue then I have a problem with it because there are different people with different religions. I don't think the animals particularly regard Sunday as their Lord's day. There may be Seventh Day Adventists who think that there should be another day; certain people have no profession of faith at all, they may take a seventh day on a Wednesday. I wasn't aware that this was being fought by the people who want a prohibition on a conservation issue; I rather thought that it was to do more with the fact that people should not be disturbed on a Sunday. However, if it is a conservation issue then it could be looked at on another day. If it is a religious issue then everybody of course should have an opportunity of voting and acting in accordance with their conscience.

The Member for Emerson is mentioning that it should not apply to the entire province. The bill is being brought in in such a way that it could be made to deal with specific areas and the intention of the department is that it should be in areas where it would not affect people who would otherwise be in the position of enjoying their Sundays. Normally we are thinking in terms of areas such as northern Manitoba and I would indicate, Mr. Speaker, that the way the law is now it's discriminatory against the person who wishes to hunt but is essentially available on weekends rather than at other times, so the present law favours the person who either comes here as a tourist and has holidays or the person who can take any day off. So it doesn't favour members of the Legislature nor does it favour miners or other people who may find that their only day off is on a Sunday or people who work in a seven-day operation where they don't know when their day off is going to be.

So all we are suggesting, Mr. Speaker, is that because there is a controversy, because it appears to be an issue which people are split one way or the other on and I can tell you that on the basis of it being a Lord's Day issue that I certainly don't want to impose my own view

(MR. GREEN cont'd) on another person who may want to do this, that is hunt on a Sunday, and I personally therefore will be voting in favour of the measure. But what we are seeking here is a legislative position on whether or not they wish this to be a permissive type of thing. One of the members, I believe it's the Member for Gladstone, raised the question of elk licences. At the present time there are only individual elk hunting licences which are awarded by a draw. The department will give consideration to the suggestion of the Member for Gladstone relative to two-party licences to be issued to elk hunters.

Mr. Speaker, with regard to the wildlife compensation program, the program whereby we are presenting the wildlife certificate, I don't want members to feel that this is going to come into existence immediately or that compensation will be available immediately. It's a program which has to be phased in and it starts off essentially with the lure crops and other measures but it is intended to provide us with a means whereby farmers will be compensated for crop damage and other damages suffered as a result of hunting.

I believe the Member for Roblin mentioned the very onerous sections in the Act that deal with power to seize and what have you when wildlife provisions are suspected of having been violated. I think, Mr. Speaker, that this is not a new situation, it's an ongoing situation in the Act, it causes some difficulties, but there doesn't appear to be any way of enforcing these provisions without fairly strict type sections. I think members will recall that there was one gentleman who had trapped a fisher and wanted to keep it as a Centennial project - it all sounded very well and I think that the gentleman was perfectly sincere, but once you relax these type of provisions then the wildlife being in areas where you don't have a conservation officer on every -- I can't say street corners because there are no street corners -- under every tree, this is the only way that experience has shown that these kinds of provisions can be effectively enforced. I think that in the interests of the protection of our wildlife these things are just necessary. The laws do in certain areas require this type of strict enforcement and I don't see at the present time, Mr. Speaker, that we can make any relaxation in those areas.

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

MR. GIRARD: Mr. Speaker, I wonder if the Minister would permit one question? I wonder if I'm interpreting the Act correctly here. Is it not so that by voting for or against this bill that we are not voting for or against Sunday hunting but rather that we are voting for or against giving the Minister the authority to decide on Sunday hunting.

MR. GREEN: Mr. Speaker, that is correct. Not only does it give the Minister the authority to decide on Sunday hunting, there are certain qualifications. The Minister can decide on Sunday hunting in certain areas and not in others. Also, I understand that locally municipalities can make it an offence to discharge a firearm on a Sunday. So to that extent any local municipality could have an option of sort of superseding what we are doing insofar as firearms are concerned.

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

MR. GREEN: Mr. Speaker, will you call 127, please.

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 127. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, Bill 127 is the Age of Majority Act and this is a brand new Act. We have discussed the contents of such a bill more or less by way of resolution earlier this session, and at that time I already spoke and indicated some of my views on the matter. I do not intend to cover the whole area again but I think a few things are worth repeating though. I do favour an act of this kind, however, my basic objection is that I think we are going too far. We are reducing the age from 21 to 18 and I feel we are taking too big a step at one time. Surely this is going to bring certain problems with it and I think some of them have already been indicated by the members who have spoken before.

If I may I'd like to refer to the matter of high schools because many high school students will now be of age when they attend school and if they do not agree with the administration, whether we cannot have court actions as a result. Certainly it will be much more involved for the administration to administrate our high schools from here on once this Act is passed and that we might need further amendments to the School Act as well as a result. I certainly think situations will arise that will require further legislation at a future date. As indicated when I discussed the matter in resolution form I felt that we were subjecting the young people to much greater temptation than heretofore and also that we were removing parental protection that our young people have enjoyed up till now. I feel this is very important because by removing this protection we are also at the same time removing or diminishing parental influence on these

(MR. FROESE cont'd) young people because they will not be able to exercise certain authority that they were happy for. This means that the area of influence will certainly be diminishing. Then too we have no indication of the young people in this province whether they actually want this or not. Why couldn't we have had a referendum and have the young people vote on the issue. I doubt whether they really are interested, whether they're for it or not. Certainly there wouldn't have been anything wrong with it because of the step that we are taking in my opinion is going a little too far and I certainly would have liked to have a clearer indication. While there may have been certain clubs or certain groups of young people that may have discussed this and taken votes among themselves as to whether they are interested, whether they are for it or not, but on the over-all I don't think we have any such clear indication by the young people of this province.

Then too no doubt there will be further involvement because of, I think in my opinion, there could be further increased problems as to drinking and drugs. On the other hand, some members might argue that once they are of age the courts will look after this and that they will have to be accountable themselves. This again I think involves an area where there is a certain amount of protection at the present time because of the parents having certain rights and certainly can use some of their influence on the young people.

There are many different matters mentioned in the bill to which the Act will be pertaining to: the matter of Wills certainly is one of them and while a number of the Wills that have been drawn which indicate that young people are to receive such and such when they come of age, they will now be able to get this at the age of 18, and whether or not future Wills may indicate that instead of when the person comes of age, whether the person attains a certain age it may not be 18, it could be a higher age because some people might think that they would want to have a longer waiting period than just 18. I feel that a certain number of young people are more rash to do things at that age than when they have reached the age of 21, so that there is actually no prohibition that this can be done, that the Wills can indicate that if they so desire.

There are one or two things that I thought I should at least draw attention to. That is in connection with the 6.1 and 6.2 of the Act pertaining to Court Orders where it is deemed that in the absence of an indication of the contrary intention that the Court Order will stand; and on the other hand, the following subsection goes a little further in my opinion, that states without further indication of the contrary intention that Section 1 will apply. Well, Mr. Speaker, at the time that this passes many people will have indicated through their Wills or other documents of certain intention, not having any knowledge that a thing of this type would come about. And also some say it pertains to a Will where the people have passed on; the Will is actually in effect but where the heirs have not come of age. I take it under this section if there is not very expressly written intent that this is to be 21, that because of the passing of this Act the heirs will now receive whatever they have coming to them at the age of 18. I'm just wondering whether this will be fair in all instances, whether we will not have areas arise where people will take exception to this, to have this pass at this time.

Other than that, Mr. Speaker, I support the Bill except for the matter of the age and unless there is a division - if there is a division I certainly would oppose it on the grounds that I feel that the step is too drastic. However, on the other hand, if there is no division and if the Bill goes to committee I have intentions of amending it to some other age.

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

HON. AL MACKLING Q.C. (Attorney-General and Minister of Consumer and Corporate Affairs) (St. James): Mr. Speaker, in saying just a few words in reply, I would be closing the debate, unless someone else wishes to speak.

Mr. Speaker, I think that the contributions that have been made by honourable members really were not unanticipated. I accept the fact that to a great number of members the views that were expressed during the course of the discussion on the private member's resolution indicate again that there is a minority of the members in this House who have some very grave reservations about this measure. But I can assure you, Mr. Speaker, that the arguments that have been advanced in a very minor way in this House against this legislation were advanced in a much more sophisticated and thorough-going manner before Commissions who studied this question for considerable periods of time, and despite some arguments which seem to have a good deal of logical consideration, the Latley Commission, for example, made the decision that brought about the introduction of the age of majority of 18 in England, the Mother of Parliament.

(MR. MACKLING cont'd)

I can assure you, Mr. Speaker, that if any amendments are put in Law Amendments Committee in respect to changes for specific categories - and that was intimated in the House that they thought it was, one honourable member, I think it was the Honourable Member from Fort Garry, thought that perhaps the drinking age should be 19 but for all other purposes 18 would probably be accepted. Well, Mr. Speaker, I for one can't accept the logic of that. If a person is at 18 capable, and he, among other honourable members had agreed to that at the previous session, if honourable members believe that a person at 18 is not only capable of voting but standing for office and being elected to this Legislature to make laws governing the field, including the right to consume alcoholic beverage at an age, then I say it would be completely illogical and inconsistent to suggest now that for the purposes of consuming alcoholic beverage there has to be a substantial change in his basic rights, and I say on the basis of that major inconsistency that that argument cannot stand. I am very hopeful that this legislation will be passed without amendment in Law Amendments Committee because it is high time that responsibility was accorded to the young people, because it is not just another right that is being accorded by this legislation, it's the transfer of responsibility to young people, because that's the necessary aspect that's involved - together with the rights go responsibility. I think it would be dangerous, as has been indicated by the Latley Commission, to withhold the granting of responsibility and the provision of the rights that young people in our day expect, and I believe, Mr. Speaker, have a right to have at this time.

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

MR. MACKLING: Bill No. 109.

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 109. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, Bill 109 is the Dental Mechanics Act and here too we have had other speakers speak on the Bill before me who supported the Bill. I personally cannot support the Bill for various reasons and one of my main objections, Mr. Speaker, is that the dental mechanics will only be able to deal with whole dentures and will not be able to work on partial plates. I feel that this is not quite fair. Well, it isn't fair in my opinion, because they have been doing that kind of work for many years and there has certainly been a request for that too, otherwise they wouldn't have had the amount of work that they have. They have a very large amount of work to do and have been doing a great deal of work, and certainly this has been at great savings to many of the people of this province. This is certainly another reason why I make the issue that we have many poor people in this province who at the present time cannot afford to go to the dentist and that's an actual case. We have many labourers with larger families who can just not afford to go to a dentist.

MR. MACKLING: Mr. Speaker, I wonder if the honourable member would permit a question just at this point?

MR. FROESE: Yes.

MR. MACKLING: The honourable member has indicated that he cannot support the Bill and he appears now to be indicating that he is in favour of granting legality to people who have been practicing not in accordance with the law. Do you, therefore, oppose the principle of the Bill or just some aspects of it? Because we are debating the principle of whether or not these people should be properly licensed to be able to practice their art or craft.

MR. FROESE: Oh, it's a good thing the Attorney-General did interrupt me because I certainly am not objecting to licencing these people to operate. Certainly not. On the other hand, I think I fully endorse that aspect of it because I feel there should be legislation on the books governing them, but I feel that they should have much wider scope than what is being allowed them under the Bill. Unlike some other members who have spoken on it indicating that the Act could be amended at a future date giving them further powers, Mr. Speaker, I think that is wishful thinking because we know from past experience of past Legislatures that we never came to grips on this thing because of that very reason. They wanted to limit the authority and the powers of the denturist much more than what is even contemplated in this bill. Certainly, as far as I'm concerned, if the denturists or the dental mechanics as they are referred to in the Bill, if they think that at some future date they can amend this legislation to get further powers I think they are very much in the wrong. This certainly will not come about and this is my reason for opposing it too at this time. That if we are not going to put those things into the Bill and into the legislation to authorize them to operate on a wider sphere, if it's not being done now, they will never get it.

(MR. FROESE cont'd.) The matter of getting a certificate from a dentist of oral health of a patient or of a person who wants work done, this is another area where certainly obstruction can be placed to them and I certainly think that this would happen because of the experiences we have seen in other provinces, and this accounts for another reason why I don't feel that I can support the Bill.

There are other sections, or other provisions in the Bill for schools to be set up, not approved by the Minister. I just wonder who will be running these schools once they are set up? Under whose jurisdiction will they be? Who will set up the regulations? Who will have eventual control of it? I think we should have some replies to these questions. There is provision for a committee to be set up, but here too we have three different groups from which representatives will be selected and the dental mechanics will be only one of them, whereas you have more groups on the other side and certainly the dental mechanics will not have a majority on that committee; so I think as far as hoping for any benefits to come about to them from this area, is very leery in my opinion as well.

The matter of fines, provision for fines in this Act, I think are rather - well, how should I put it? Certainly this is not something that is done regularly in legislation because you provide for three different fines if the infraction is recurring, and I don't think this is a proper provision, or a proper way of doing things at all. Certainly, I don't think we should expect to have infractions recur and recur. I feel if we provide for fines there should be one provision and that should apply and not have greater fines put on each additional infraction. The way it's set up it looks as though we are actually looking for infractions of the law and I feel that this is basically wrong and should be eliminated. At least I will, if no one else will, I will move that the latter two sections of the fines be deleted from the Bill and that we just have the one section.

There is quite a number of items left to the regulations again. The matter of the committee that I raised before, this comes under regulations and then says "such other matters as may be referred to it by the Lieutenant Governor in Council." There is various matters that can come up later on which will be dealt with under regulations.

If I may refer to Section H of the regulations respecting the suspension or cancellation of the license of any dental mechanic found by the Minister to be guilty of misconduct or to be incompetent. Just what guidelines do we have at this time that indicate to us that a person is guilty or will be guilty of misconduct? What does misconduct entail in this particular provision? I think these are questions that should be answered, that we should know, because I certainly take exception to them very strongly.

The matter of advertising will be dealt with under regulations, and here again we have no indication by the government just what their views are in connection with advertising by the dental mechanics.

Prescribing the terms and conditions to which a license issued under this Act may be subject and the duration during which such license may be valid - another point that will be subject to the regulations.

Certainly these are points that I feel we should get further information on and if we don't get it before the closing of the debate, certainly we should get it in committee. But there again I would raise a point, Mr. Speaker, that so often at this Session we've been discussing points in second reading and a number of times the Minister wouldn't even bother replying to them at the close or passing of the Bill on second reading, and when we come to committee we are not given the information. They then want to deal with the Bill section by section and don't want to give us the general opportunity of discussing the principle or getting the information, the general information of the Bills in the Law Amendments Committee or whatever committee it may be. I raise this point at this time because I feel that we have had too many bills pass on second reading here without the Minister giving answers to the questions that have been put and then being denied the information in committee. So I do hope that some of the information that we are asking for on this side will come forward before we get to committee so that these matters need not be raised again.

So Mr. Speaker, I intend to oppose the bill. I wish we had a division on this so that I could record it in Votes and Proceedings, but if it's not going to happen at least I want to be on record as not subscribing to the bill because, not because I don't feel that there should be legislation regulating them, but because of what is contained in the bill and some of the restrictions that are being placed on the dental mechanics.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, in speaking now I would be closing the debate. Mr. Speaker, I regret the fact that Hansard is not available so that I could refer specifically to the contributions that have been made, but without relying on the inconsistencies that might occur if I relied completely on my memory of the contributions themselves. I do however want to acknowledge Mr. Speaker, that those who have spoken spoke with a concern for the change that is being brought about here in now making it possible for people who have practised a certain art to now practise this art legally. Some members who have spoken have indicated a concern that the legislation does not go far enough; others, a degree of apprehension as to what this might involve. But Mr. Speaker, the Honourable Member from Rhineland, despite my question to him, surprises me most of all because if we accede to his argument, what we would do now in second reading is defeat this bill, leave the situation as it is presently, where a group of people continue to practise an art or a craft outside of the law and leave the situation where these people are subject to the private prosecution that is possible under the terms of the present legislation, and I can't believe that the Honourable Member from Rhineland, after indicating during the course of his remarks a sympathy and a response favourable towards the continuance in operation of these people, really wants us to defeat this bill at second reading.

As I indicated in my general remarks in introducing this bill, this legislation reflects as closely as possible, the unanimous views and report of the bipartisan committee of this Legislature which was set up to consider this very old question. I say very old, not in any derogatory fashion. It's a problem that honourable members have admitted has perplexed legislators in this province for some time and this bill does go part way to satisfy the concern of members who want it; some measure of legalization, if I can use that word, to these people who have practised this art or craft. Certainly the Honourable Member from Rhineland defeats his own purpose if he votes on second reading against this bill going to committee. It is open, this is a government bill. It is not a private member's bill. The government bill only goes as far as the bipartisan committee's recommendation as reported to this House. It is open to the member from Rhineland, as it is open to any member of this House, at Law Amendments Committee to abridge or expand any provisions of this legislation by his or her amendment, and that amendment would be considered in Law Amendments Committee. But for the honourable member to suggest that the bill ought to be defeated now because it doesn't go all the way that he thinks it should, is very unfair to the members of this Legislature who worked on that committee and spent many hours considering all of the argumentation that has been advanced to the committee.

Now in respect to the honourable member's questions about some of the details of the bill, I can assure him that the question of the provision of the oral certificate was one that troubled the members of the committee for some time because although oral certificates were required in sister provinces in initial legislation, it appears that through a reluctance on the part of some members of the dental profession to provide oral certificates, they have more or less fallen by the wayside. Hopefully that won't be the case in Manitoba, because if the dentists - and I think they are - are sincere in their concern in respect to the protection afforded to the public against the provision of dentures to a diseased mouth surely we can expect that they will co-operate to provide oral certificates when requested. If they don't, as the honourable member knows, the public health doctors can provide these certificates. The honourable member is concerned about the fact that there will be provisions for training and so on. Well, a committee has to be prepared. It is hoped that arrangements will be made to provide for reasonableness on the part of those who are participating, and that the cards, so to speak, won't be stacked against any particular group, certainly not the dental mechanics.

He questions the particularization of the fines. It's the government's position that the fines ought to be significant and ought to be specifically spelled out so that it will be clear to all concerned that although this provides for a measure of legality now to a particular group or craft, they must perform their services in accordance with the law, this new law, and if they fail to do so then a specific remedy will be well known to them.

In respect to the further particularization of the regulations in respect to advertising, it was during the course - and the Honourable Member from Portage la Prairie referred to this in his contribution - that the committee had considered providing and I think in the report, provided some delineation of regulations in respect to advertising because it was felt by the members of the committee that the advertising technique of those who practised the art of the dental mechanic ought to be so scrutinized as not to confuse the public to think that they're dealing

(MR. MACKLING cont'd.) with someone who has professional ability beyond what they really have. So that provision is made in the Act for regulations which will take care of the concern hopefully that was manifest during the course of the committee hearings.

I think, Mr. Speaker, that that deals with the essence of the contributions that have been made. I apologize to members who have spoken if I haven't directly referred to their contributions but I am sure that if there are any particular questions that the opportunity will come during Law Amendments Committee for particular questions to be put either to myself, as the Minister who has been responsible, introduced the bill, or others whom we may have available to go into the necessary details. I suggest again to the honourable members and to the Honourable Member for Rhineland in particular and other members who may have some reservations about whether or not the legislation really is tailored to their thinking on the matter, that they ought not to frustrate the work of the committee by defeating this measure at this stage, because in essence the government is carrying out the unanimous view of the members of the committee who met and made a report which is the essence, and not only the essence, but is really the substance of the bill that's before you.

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

MR. GREEN: Will you call Bill No. 139?

MR. SPEAKER: The proposed motion of the Honourable Attorney-General. Bill No. 139. The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I rise to support the bill and I will be brief but I do have a few comments to make, and I have some reservation as to what are the principles involved in this bill. You must appreciate and I am sure the members of the House are aware that our party did have a resolution to the House a year ago that Landlord and Tenant Act be reviewed and amended and a complete study be made of it and there's not too much opposition or too much wrong with the Act as I see now, but I do have some reservation on one or two principles involved.

I think the best recommendation as a result of this bill is perhaps the formation or the proposal of a Rentalsman and I think he can probably solve many of the problems that at the present time are bothering the tenants and the landlords as well; and I agree with many of the things that the Rentalsman will be involved in, such things as advising the landlords and tenants in tenancy matters or receiving complaints and mediating disputes between landlords and tenants. I know there are some other ones such as receiving and investigation of complaints of any contravention of legislation and giving information on rights to both the landlord and the tenant. And if the Rentalsman will involve himself with those three certainly important items that I have just indicated I think there'll be very little problems in respect to the tenant and the landlord in respect to living accommodation, and I would like to point out that many of our problems will be solved if the Rentalsman will be able to perform the functions that he is given to perform and will be able to do a proper job.

There are some other things that are very important in this bill, such as giving notice of 24 hours before the landlord will have entry to the premises or such things as changing of locks and I agree with these things wholeheartedly Mr. Speaker. In fact I would like to see certain type of locks to be specified for many of our apartment dwellers in the city, that they'd be more safe and more foolproof instead of the ones that are installed in some of our new apartments which you can get in with almost an ordinary hairpin and it's quite easy to get in some of them and this is done on occasion. So I have no argument with some of these things.

I know there are such points as tenants whose lease should not be terminated during the school term and I guess this is only by the landlord because I know there are many short term leases and this may not apply in those cases. I hope it doesn't and perhaps the Attorney-General will be able to explain when he's closing the debate if this does apply.

Also there's ninety-day notice prior to rent increase. I would believe perhaps this is maybe too long a notice; sixty days' notice would be more standard because if we request too long a notice then the rent would just maybe increase that much higher because of your tax statement coming up. So I feel that perhaps sixty days would be sufficient time and there are such other things as standard lease forms, and in this respect I hope that the Attorney-General will ask advice and meet with the industry as well before final form is drawn instead of the government by Order-in-Council agreeing on some form that they wish to put through. I feel that the industry will definitely have to be consulted in this respect so that some form is drafted and approved by the government that is reasonable to the industry and one which can do a

(MR. PATRICK cont'd.) proper job to the tenant as well.

I believe these are some of the points that I wanted to bring up at the present time, but the one that I feel is most important and I cannot agree with and that is the paying of security deposits to the Rentalsman. Mr. Speaker, there has never been any problem in this city in respect that I am aware of with any security deposits that are presently paid to the landlords or to the agents and held in trust for the people, and I'm speaking from a considerable amount of experience and I'm not speaking for the landlords because my contact, my own, that I was able to do more business with the tenants as such instead of the landlords, but I find that there's been very limited or almost no problems, at least not in the area that I represent, and I'm speaking of particularly Assiniboia or St. James-Assiniboia. I know it's a newer area with newer apartment blocks and maybe we have no problems in that area. Perhaps the problem is where we have older homes and older apartment blocks with a lower income group. Maybe there is the problem there, but there certainly isn't the problem in the area that I speak of because I know that there isn't.

Now I know that there's such a thing as - there's one other provision in the Act that the rent money can be paid to the Rentalsman if the property is not fixed up or painted. Now on many occasions when a tenant secures a lease and he may only stay there for one year and the landlord would have to be requested to almost paint the property every year, and on occasions he'll say well you take the property for a certain rent as is and he moves into premises that may require painting and may not, maybe one room, but he takes it at a certain predetermined rent for a year's lease. Now maybe the conditions of the lease was that the property will not be painted for a year; the tenant moves in and he may request decorating of his suite in a matter of a month or so, so I cannot see why the rent money should be paid into the Rentalsman under those circumstances.

I'm sure that in every case there are circumstances such that we have to be careful what we're doing with this Act, because what will happen is that you will have in many cases the rent will have to go up if this does happen. And the other point, and I'm very greatly concerned, and I believe the industry's concerned and this is what the government will find out, that you'll have a tremendous decrease in the construction of accommodation in this city, because one of the provisions in this Act, what we're requesting the tenant is to pay the security deposits to the Rentalsman, which is the government, and I have no argument with the Rentalsman as such for the provisions he's supposed to do, advising landlords, advising tenants in tenancy matters and receiving complaints and mediating disputes which I think will solve the problems. But if we're going to ask some 40,000 tenants, and I know that all are not requested to have security deposits deposited with an agent or with a landlord or with the government, I don't know what majority may, but I know there is approximately 40,000 or more suites and duplexes in this city, and if you're going to require every single one to deposit his security deposit with the Rentalsman I could see a great big bureaucracy growing in the city and other parts of Manitoba setting up the bookkeeping accounting, because you take 40,000 and I would say if we average anywhere between \$75.00 and \$100.00 as security because many of your larger suites now in the newer apartments run anywhere between 200 and some even as high as 400 and perhaps more, so we're talking about a half month security deposit, I don't know what the average may be, but let's say approximately \$75 to \$100, this amounts to a considerable amount of money, Mr. Speaker, it's not the money that the government or the Rentalsman will hold in trust, that's not the argument at all, but somebody will have to bear the cost and somebody will have to pay the cost setting up Rentalsmen with offices, with staff in order to be receiving security deposits, handling it, and as every month he'll have so many terminations of suites in the City, and you must realize we're talking about 40,000, the transaction and the paper work and the correspondence that will have to go on, I could see that the government will have to be establishing or buying another building for an office to set up their operation; and what do we do in say centres like Dauphin, Neepawa or some other towns? Are we going to set up a Rentalsman in each community, set up an office, collect security deposit which at the present time we've had no problems with. I don't know, and I hope that the Attorney-General will be able to tell us where this problem stems from, because what you're saying to the industry right now, sorry fellows, we can't trust you, that's why we won't let you hold trust money.

Mr. Speaker, I say that there's provisions in this Act to deal with anybody that doesn't act according to the legislation in respect to trust monies. The landlord let him be fined in this case and let the law deal with him if he's not accounting for the trust money in a proper

(MR. PATRICK cont'd.) way. But to say ahead of time that we don't trust you fellows, I think it's wrong in principle, we're creating a higher cost and somebody will have to bear this cost, which in my opinion, I don't think is necessary. I would agree with the Attorney-General if we said to the property owners at the present time, this is what the law is, you have to keep your security deposit in trust funds, deposit it and give an accounting of it, we may make an investigation once a year or twice a year and see if you are living up to the legislation, if you have trust accounts in the banks and so on and if there's been any problems perhaps a year from now or later if there were serious problems we could have all right in this instance or in all cases the Rentalsman will have to collect security deposit.

But at this stage when we've never had any problems to say that the Rentalsman collect security deposit, all I'm saying Mr. Speaker, is that we're going to create another expense on the people that will need accommodation, will create another expense on the people that are interested in developing property, in building accommodation type of property and I think it's going to be another red tape, that anyone thinking of building in this City will think twice before he will and my concern is Mr. Speaker, is we don't want to put anything in the way that will curtail the construction and development of residential properties in this City, because there is a shortage, the rents have gone up, we have the Rental Review Board, we have all kinds of legislation within this Act, Mr. Speaker, that will take care of many of the problems that have existed before. But to set up another administration to deal with security deposits and as years go by you'll have more and more people living in duplexes, you'll have more people living in apartment blocks which will take again a larger administration to handle the security deposits.

So that's one principle that I don't necessarily subscribe to or agree with the legislation that's proposed under Bill 139. Unless there's something that I don't understand and I hope the Minister will be able to explain but I can tell him that from my personal experience I've had no problems dealing with security deposits and I would say in a majority of the cases - I'm talking from experience - that my interest was in the way dealing with a tenant and not with the landlords because we're not in the rental business as such or acting for apartment blocks and I see no reason whatsoever to at this stage, to set up another office or another administration for rentals, for security deposits or - I know that the Minister may say well we have already have to have a rentalsman, and I agree that I think he's got some important function, and if he performs these functions I think that we'll have very little problem, if any, because if somebody can explain the problems of the landlord and mediate between the tenant and the landlord I think there will be no problems. They'll know what their tenancy matters are, they'll know the information and perhaps any complaints of contravention of legislation will be pointed out to the landlord or the tenant and the problems may not arise. But at this stage to say we have to set up a bureaucracy to collect trust deposits I don't think it's warranted, it's necessary. If the experience shows a couple of years from now it's required then I won't argue with it but at this stage Mr. Speaker, I don't think it's necessary, I'm prepared to let the bill go into committee, but I hope that the Minister will be able to take a second look on one of those principles involved.

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

MR. WALLY JOHANNSON (St. Matthews): Mr. Speaker, this bill, Bill 139 will give Manitoba the best and I think the most advanced Landlord and Tenant Act in North America. For 59 other provinces and states on the continent, Manitoba now becomes the peacemaker in this area of social reform. For example, I recently received a letter from the Urban Research Corporation in Chicago which has been doing research in the area of tenants' rights, the Tenants Rights Movement, and they tell me that according to the report of the committee which dealt with the Landlord and Tenant Act, which report I sent to them, Manitoba is quite a bit advanced - quite a bit more advanced in this area than are most American States. I also notice in an editorial written by Mr. Val Werier in the Tribune that there's a good deal of support both from the editors of this paper and from other people in Winnipeg.

Let me just quote briefly from the article by Mr. Werier on the Landlord and Tenant Act: "Present law allows a tenant to be treated in an outrageous manner. All this will be changed in far-reaching reforms to the Landlord and Tenant Act. The old Act was loaded against the tenant, in the new one his rights are clearly defined". And this is -- (Interjection) -- Pardon? -- (Interjection) -- No, he says the old Act was loaded against the tenant. For centuries in North America, the flow of immigration has been from Canada to the United States. At present this flow has been reversed and now more people come to Canada from the United States than

(MR. JOHANNSSON cont'd.) we lose to that country. Why? There are a number of reasons for it. The United States

MR. SPIVAK: Would the honourable member permit a question? I wonder do you have any statistics in the last year that would support that statement?

MR. JOHANNSSON: I don't have the statistics but I would be prepared to get them for the honourable member. But it's my understanding that at present more people come to this country from the U.S. than we lose to the U.S.

MR. SPIVAK: Are you aware of the immigration out of Ontario to the United States? Mr. Speaker, would the honourable member permit a question? Are you aware of the statistics of those who leave the Province of Ontario to the United States, the numbers?

MR. JOHANNSSON: I'm talking about the statistics for the entire countries.

MR. SPIVAK: I think you're incorrect.

MR. JOHANNSSON: Perhaps, but I'll check the statistics and provide them for the honourable member. Many people leave the United States because of the troubled state of that country. They come to Canada in large part because this country is not troubled, because the quality of life here is better. These new Canadians are largely young people, well educated and bright and they're certainly people we want as citizens. It's interesting but A.R.M. Lower, one of the premier historians in the country had a thesis that the reason why Canadians were a dull and rather unimaginative lot was that the bright people, the imaginative and aggressive people left this country and went to the United States. Now I think this situation is being reversed and we're getting the bright, imaginative, aggressive people. They're coming here.

Manitoba can attract a large number of these very desirable new citizens. A large percentage of these young people would be attracted by an improving quality of life rather than a deteriorating one as you have at present in the United States. Many of these young people, of course, would be tenants and they would appreciate living in a province where a tenant can live with some dignity.

MR. SPEAKER: Order please. It is now 12:30, perhaps the honourable member could continue at another time. The Honourable House Leader.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable Minister of Cultural Affairs that the House do now adjourn. Mr. Speaker, before the question is put, may I remind members that on 9:30 on Wednesday morning we will be sitting on Law Amendments Committee. I say this hopefully to get the widest dissemination of information, that the committee will be meeting on Wednesday at 9:30 for representations on Bills referred.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 Monday afternoon.