

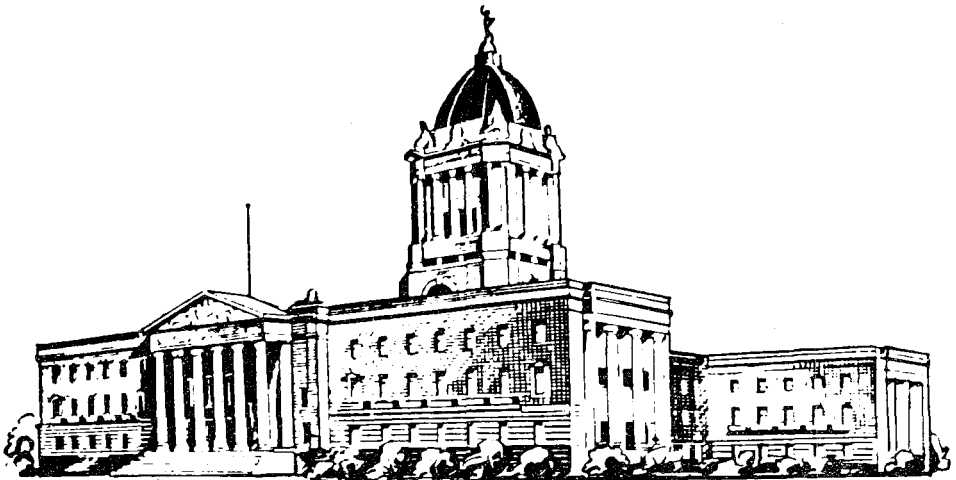


Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

Speaker

The Honourable Peter Fox



Vol. XIX No. 127 8:00 p.m., Wednesday, June 21st, 1972. Fourth Session, 29th Legislature.

Printed by R. S. Evans — Queen's Printer for Province of Manitoba

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WOLSELEY			

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Wednesday, June 21, 1972

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports; Notices of Motion; Oral Questions. The Honourable Leader of the Opposition.

ORAL QUESTION PERIOD

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition) (River Heights): Mr. Speaker, I have a question really for the Minister of Industry and Commerce although it comes from a statement that the Minister of Labour made with respect to Air Canada and the purchase of goods to be supplied to Air Canada in Manitoba. I wonder if the Minister can indicate if there is any reason to believe that Air Canada will now be purchasing more goods than it had in the past from Manitoba manufacturers?

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

HON. LEONARD S. EVANS (Minister of Industry and Commerce)(Brandon East): Yes, Mr. Speaker, it's indeed our hope that Air Canada will buy substantially more from Manitoba manufacturers in the future than they have in the past.

I am pleased to report to the House that the Manitoba Department of Industry and Commerce has worked very closely with Air Canada in establishing a show and it emanates from the fact that we have been very concerned about what has happened in the past. I think Air Canada feels that it has to go out of its way to be more conscious of doing business in Manitoba and we do look forward to more purchases in the future than in the past.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: A supplementary question. I wonder if the Minister of Industry and Commerce can indicate in some ball-park dollar figure what amount is likely to be purchased in addition to what is now being purchased from Manitoba?

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

MR. EVANS: Well, you know, it's virtually impossible for me to make that estimate. It partly depends on how competitive Manitoba manufacturers are in supplying the goods that are required both in quality and in price terms but I trust that Manitoba manufacturers will meet the challenge.

MR. SPEAKER: The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Mr. Speaker, my question is for the Minister of Industry and Commerce. Does the Department of Industry and Commerce send samples of Morden's Fine Foods to the States of North Dakota and South Dakota by way of promotion?

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

MR. EVANS: I really have not got that information at my fingertips. I would rather doubt it but we had thought of sending some material, some of the output of the Morden plant to the unfortunate people in the Rapid City area, but as you know subsequently the U.S. Federal Government decided that no goods and supplies should be brought into that city from other sources because it was declared a national disaster area. But that was one of the thoughts we had.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I address a question to the Minister of Agriculture. Could the Honourable Minister inform the House whether his department or the government is doing anything to get a better price for the farmers for wheat in Canada?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): If the House Leader would permit, and if you would permit, Mr. Speaker, I could probably spend a couple of hours on that. -- (Interjection) -- The Member for Rhineland says it's quite in order. I think the Member for Rhineland should know of the number of presentations and meetings that were held between myself and the Government of Canada and other provinces in this respect. There has been an awful lot of activity which did result in some improvement, and that is the payments that were made this year to farmers on the prairies amounting to something in the order of \$60 million. Alongside of other programs and with a great deal of indication that there will be further discussions to further develop some stability for the agricultural community.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: A supplementary. Could the Honourable Minister inform the House in what form the payments resulting from a two-price system will be paid out for the next year?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: The Province of Manitoba had a brief prepared to that effect, I presume all of a year and a half to two years ago when we were proposing a grain stabilization program, after which the two other western provinces joined in making their recommendation similar to ours to the Canadian Government and the Canadian Wheat Board, at a meeting held in, I believe it was Regina, some two or three months ago, at which point the Minister in charge of wheat indicated that he would want to have further discussions with the prairie Ministers to develop a formula of distribution of money allocated for the two-price wheat program. And that we hope is going to take place very shortly, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Tourism and Recreation.

HON. LAURENT L. DESJARDINS (Minister of Tourism, Recreation and Cultural Affairs) (St. Boniface): Mr. Speaker, this afternoon the Honourable Member from Assiniboia asked me a question re a grant for the Sports Federation. It was only after reflection, after speaking with him that I realized that he wasn't asking for a question of a grant to help the association but rather a construction grant, therefore I wish to tell him yes, the Federation and other people did meet with me and asked for a grant.

I suggested that they should meet with the people that are interested in sports in the City of Winnipeg such as Manisphere and the Enterprise, and glad to say that they had a meeting this afternoon and suppose they'll determine the priorities instead of everybody trying to get something else. I hope to meet with them again.

MR. SPEAKER: Orders of the Day. The Honourable Minister of Labour.

ORDERS OF THE DAY - GOVERNMENT BILLS

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Speaker, I wonder if you would mind calling Bill No. 71 standing in the name of the Honourable the Attorney-General.

MR. SPEAKER: The proposed, second reading to be -- The Honourable Attorney-General. Bill No. 71.

HON. A. H. MACKLING, Q.C. (Attorney-General) (St. James) presented Bill No. 71, an Act to amend The Consumer Protection Act for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, in principle this bill evidences a present and probable future need to continuously review and revise the Consumer Protection Act to assure that it remains relevant and reasonable for practical application to those aspects of the consumer marketplace with which the Act deals. As new complex products and sophisticated promotional practices are developed and made available by competitive enterprises the law must be kept abreast of the times for the benefit of consumers and to preserve fair competition among those who vie for consumer expenditure dollars.

For the most part the amendments proposed in this bill provide technical clarification and some corrections of existing provisions of the Act. Certain sections of the bill tighten control of pyramid selling techniques by changing the wording of the provisions enacted at the last session of the Legislature. Other sections clarify certain aspects of licensing procedures and requirements for collection agents, vendors and direct sellers. The amendments proposed also remove ambiguities now existing in those sections of the present Act requiring notice to a purchaser of his right of rescision of a direct sales contract and those sections dealing with secondary financing of down payments by chattel mortgage.

Part 12 of the Act which controls collection practices will be improved and clarified by the amendment proposed in this Bill. Similarly the amendment provides for the clarification of the intent of Part 13 of the Act which deals with the issuance of credit cards. The amendments to which reference has been made are necessary and desirable but none of them embodies any material change in the principle of the Act.

There are, however, three areas of the bill that merit special mention. The bill amends Section 26 of the Act which controls credit advertising and extends the control of credit advertising in newspapers and magazines to credit advertising in flyers, circulars and direct mail solicitations. Thus an obvious loophole will be corrected.

A further provision of the bill is perhaps more significant, in that it requires that if an

(MR. MACKLING cont'd) advertisement contains a statement of an amount of loan, any reference to down payment, a monthly or periodic payment, any reference to the cost of borrowing or any one or more of them, it must also give full details of the transaction. A great many merchants in the province use the term "no down payment" in their advertising and technically this could be construed as being a reference to down payment. Such a reference would therefore require full disclosure of all of the terms, conditions and costs of the credit plan that is made available. On the other hand, firms promoting sales through credit cards advertise "no cash required". Furthermore, cash lenders advertise loans for the full value of a purchase; and of course leasing companies advertise "no investment required". The restriction on "no down payment" advertising can therefore be discriminatory and detrimental particularly to small merchants doing business in the province. Because of this inequity, it is suggested that the words "any reference to down payment" be deleted from this subsection of the Act.

Further provisions of the bill provide for amendment of Section 58 of the Act which deals with statutory warranties on sales of goods and services and corrects an error in the wording of subsection (8) of Section 58 of the Act. Mr. Speaker, this bill provides some further protection respecting warranty provisions. In some instances where items, particularly electrical appliances and television sets are returned to a dealer for warranty repair, the repairs are done but the dealer refuses to give the purchaser any billing evidencing the actual repairs that are required and the parts and services that are required to correct the defect. In some cases purchasers may have to return the item three or four times, but without a bill of some kind they have no written evidence of the fact that they have pressed their claim against the dealer. It would be desirable to have this in case the purchaser had to pursue his remedies in court under Part 6 of the Act. This new provision requires that a written record of all items to correct a warrantable defect be given to a buyer at the time of the correction. It is recognized that not all retail stores do the warranty repairs themselves. Quite frequently the item is returned to the factory for repair. It will then be incumbent upon the factory to supply the necessary information to the store so this then can in turn be given to the buyer.

Mr. Speaker, perhaps the most important amendment proposed in this bill enables the director to apply to a judge of the Court of Queen's Bench for a restraining order where there is reasonable evidence that a person is not abiding by the Act or is contravening the Act. There have been cases where vendors have been reported to the Bureau for making door-to-door sales without being properly licensed and sellers are doing likewise. Unfortunately by the time the Bureau investigates such illegal activity the offenders have made their sales and left the province. At least two rug companies from Ontario have come into the Manitoba market and made sales and then moved on before adequate investigations could be completed. At least two photo studios are suspected of making sales on a direct sales basis and are not properly licensed. These cases are under active investigation but until such time as sufficient evidence is obtained for prosecution the companies continue to canvass.

From time to time some persons are reported to the Bureau as being engaged in the business of a collection agent without proper licensing. An investigation to obtain satisfactory evidence is very lengthy and if the business is operating unethically, extensive damage can be done during the period of investigation. These provisions in this bill will enable the Bureau to take prompt action to curtail practices that do not comply with the provisions of the Act or in fact constitute breaches of the Act. It is important to note that the proposed changes do not give any one person the right to issue cease and desist orders, rather a restraining order can only be granted by a judge of the Court of Queen's Bench and there is a right of appeal to the Court of Appeal if the restraining order is issued on an ex parte application to the Court of Queen's Bench by the director.

Mr. Speaker, this pretty well completes the comments that I have on the specific provisions of this bill and I commend these amendments for your consideration and approval. I mentioned at the beginning of my remarks the necessity for continuous review of the Consumer Protection Act and its provisions to determine where it can be improved and if it can be made more effective in specific areas of consumer concerns. We will continue to review various trade practices that provide inordinate opportunity for exploitation and result in disadvantage to consumers.

At this time while we know of some specific problems originating with certain merchants, we are not presently in a position to submit further legislation. In order to be fair and to ensure

(MR. MACKLING cont'd) that any such legislation is equitable and practical, we will require more extensive study and basic information than we now have. There is in the meantime ample opportunity for all business associations and individual companies to review their market practices and make such corrections as may be necessary and feasible in the consumer interest. Furthermore, where associations or individual businesses are encountering unfair competitive practices we would appreciate receiving information about them and suggestions for appropriate ways to deal with them.

It may ultimately prove to be impractical to expand the ambit of the Consumer Protection Act and possibly these problems will have to be dealt with under a separate Trade Practices Act and possibly these problems will have to be dealt with under such an Act - under a Trade Practices and Promotions Act. Regardless however of what ultimate steps need to be taken the government will continue to be concerned about consumer problems and will further seek to remedy inequities in the marketplace.

I thus, Mr. Speaker, recommend the amendments which I have suggested are really remedial and technical in nature to the House.

MR. SPEAKER: The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): Mr. Speaker, may I say, Sir, that our Caucus has examined this bill but in the light of the extensive remarks of the Honourable the Attorney-General, I must move, seconded by the Honourable Member for Brandon West debate be adjourned.

MR. SPEAKER: The Honourable Minister of Labour, on a point of order.

MR. PAULLEY: I suggest to my honourable friend that he should have just moved the adjournment. I don't fault him for his preliminary remarks. I accept them and I'm prepared to accept the motion for adjournment.

MR. SPEAKER: The Honourable Member for Swan River on the same point of order.

MR. BILTON: I obviously apologize for taking up the time of the House but I must say that I learned it all from the Leader of the House.

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

MR. PAULLEY: Bill No. 75, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable the Attorney-General. Bill No. 75.

MR. MACKLING presented Bill No. 75, an Act to amend The Companies Act, for second reading.

MR. SPEAKER presented the motion.

MR. MACKLING: Mr. Speaker, Bill No. 75 amending the Companies Act contains some 20 amendments which are for the most part of a technical nature and merely clarify the law respecting corporations.

Provision of these amendments make uniform certain inconsistencies in the wording of the Act respecting entries in the share register which have been criticised by our courts, while certain sections clear up certain technicalities which are relatively inconsequential.

Further provisions of this bill enhance the position of wage earners of a corporation, which has defaulted in its debt payments and where a receiver is appointed. Situations have arisen where the directors of a corporation are financially unable to pay wage claims having invested everything in the corporation and this amendment requires the receiver appointed under a debenture, or charge, to pay three months' wage claims out of funds realized from the floating charge.

Other provisions require notice to be given to the incumbent auditor of a proposal to remove him or to appoint a new auditor in his place, and permits him to make a written representation on the situation which must be sent to the shareholders in the notice calling the meeting. This amendment is intended to strengthen the position of the auditor in the case where the directors are not satisfied with the auditor's report to the shareholders and who may wish to remove him and obtain a new auditor who may not be as critical of the director's actions in the financial operation of the corporation.

This bill also brings the Companies Act provisions in line with the Securities Act and provides that such public companies are required to supply the commission with the same type of financial information that is set out in detail in part 12 of the Securities Act.

This bill also extends the provisions of transjurisdictional incorporation to trust and loan companies which were incorporated by private act prior to 1964 and places them on the

(MR. MACKLING cont'd) same footing as trust and loan companies created by Letters Patent under the present Act. The honourable members will recall that both in the House on a presentation of a private member's bill and in Private Bills Committee I have indicated a provision that will be brought forward in the Companies Act will make it possible for all trust and loan companies, who were incorporated by private act, to go transjurisdictional without the necessity of having to come by private bill to get the amendment to their charter. This provision in the Companies Act will make it possible for every one of those companies to make application in the ordinary way as a company could since 1964 to the registrar of the Companies Branch for authority to go transjurisdictional, and thus I hope that with the passage of this bill it will obviate the necessity of passing those two private members' bills that are before the House or before the Committee.

Now there is one section of a private member's bill that goes a bit further and that portion of the bill of course could still go forward because it deals with its authorized capital.

A further provision of this bill dispenses with the requirement of enacting and filing by-laws, to changing location of the corporation's head office when such change is the result of amalgamation or annexation of one municipality by, or with another municipality.

Yet another provision permits a judge to require security for costs if he is satisfied that there is a likelihood that a company would not have sufficient assets in the province to satisfy a judgment against them.

Finally, Mr. Speaker, this bill specifies that a corporation which places its name in a Manitoba Telephone Directory, with a Manitoba address, is deemed to be carrying on business in the province. Such a listing clearly indicates that the company is carrying on business from such an address but the company often claims that its local representative is not an agent of the company as contracts solicited by the agent can only be accepted by the head office which is outside Manitoba. If the corporation shows an address in Manitoba it should qualify under company law and appoint an attorney who could be served in Manitoba by residents of the province who do business with the corporation.

The Companies Branch is conducting an overall review of our Companies Act, and along with a special committee of the Bar Association will be studying the changes in this field that are taking place in other jurisdictions, particularly, Mr. Speaker, in the Province of Ontario. It is my hope that within two years a new Act will evolve, based on a registration system of incorporation which would prove more efficient and practical than our present Letters Patent process of incorporation. In the meantime it is necessary that our current Act be kept up to date and I therefore recommend this legislation to the House.

MR. DEPUTY SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Thank you, Mr. Speaker. Mr. Speaker, I beg to move, seconded by the Honourable Member from Birtle-Russell, that debate be adjourned.

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

MR. PAULLEY: Bill No. 79, Mr. Speaker.

MR. DEPUTY SPEAKER: Bill No. 79, an Act to amend The Law Society Act. The Honourable Attorney-General.

MR. MACKLING presented Bill No. 79, an Act to amend The Law Society Act, for second reading.

MR. DEPUTY SPEAKER presented the motion.

MR. MACKLING: Mr. Speaker, there are a number of very significant and very important principles involved in the amendments that are being brought forward to this House in Bill No. 79. The proposed amendments provide among other things, the following:

Authority in the governing body of the Law Society, that is the benchers, to issue, refuse to issue, or issue subject to terms and conditions, practicing certificates in respect of 11 circumstances specifically enumerated in a section of the amending bill. In a submission of the Law Society, dated June 15, 1971, to the Special Committee of the Legislature on Professional Associations it was indicated that the present provisions of the Law Society Act permit the governing body by resolution to reprimand, suspend, or expel, a member found guilty of professional misconduct. That's Section 45 of the present Act. In some circumstances the Discipline Committee has found that these sanctions are not appropriate. Problems can arise from a member's inexperience, practising in a field in which he is not specifically qualified, financial difficulties, health problems, and the interest of the member

(MR. MACKLING cont'd) and the public would be served by placing limitations on the nature of the work he is entitled to perform, or requiring that he practise with a firm rather than alone.

There is an infinite variety of circumstances where reprimand may be ineffective, while suspension or expulsion may be too harsh. If there were a clear right to issue a conditional certificate, then in so doing the Discipline Committee could impose conditions which would adequately protect the public interest. Now these are the views of the Bar Committee that appeared before the Professional Associations as I referred. The submission of the Law Society at that time further indicated that occasions arise at the time of examining students for admission to practise where conditional certificates would be most appropriate. A candidate may be found to excel in some areas of law, but to demonstrate substandard performance in other areas. A conditional certificate could be used to confine the area of authorized practice or requiring the candidate not to practise alone for a fixed period of time. The amendment to authorize conditional certificates has been requested by the Law Society and I may say, Mr. Speaker, that I have had a fairly continuous dialogue with the Law Society in respect to the proposed amendments. It is noted that in this connection that a section of the amending bill provides for an appeal to the Court of Appeal by a member who has been refused a certificate or granted a certificate subject to terms or conditions.

Authority in the Law Society to establish and maintain a Professional Liability Claims Fund to pay professional liability claims against members of the Society is provided for in this bill. At the present time by annual levy on its members the Law Society maintains a fund to reimburse members of the public who've sustained financial loss by reason of a member's misappropriation or conversion of funds entrusted to a member of the Society in his professional capacity as a lawyer. The fund proposed by this amendment would cover claims by the public against a member for an amount of money that the member is legally obligated to pay as damages for errors or omissions in the performance of his legal services. The amendment provides as well authority for the society to enter into contracts of insurance with an insurer for payment of professional liability claims and to use the fund to pay premiums in respect of such insurance. The fund proposed would be provided by a levy on the members of the profession. This authority to establish such a fund as added protection to the public has also been requested by the Law Society.

A special committee of the Law Society appointed to study the question of interest on lawyers' trust accounts reported to the . . . who accordingly adopted a policy effective April 1st, 1972, that it would be considered unprofessional conduct for a member of the Law Society to deposit monies held generally for clients in interest-bearing accounts and to use the interest for his own purposes. The Fact-finding Committee which this government appointed on legal aid on April 8th, 1970, estimated that interest on lawyers' trust accounts should produce an annual sum of money that could substantially contribute to the cost of operating an effective legal aid program in this province. Accordingly this bill provides that, except for written arrangement with a client as to deposit of a client's money and disposition of the earned interest at the direction of the client, or except where the lawyer deposits the client's money in a separate interest-bearing account and accounts to the client for the earned interest, all monies received in trust, or for clients, shall be deposited in an interest-bearing account and interest therefrom after deducting bank service charges shall be paid to the Minister of Finance for the purposes of legal aid services and educational programs of the Law Society.

The other amendment to this Act provides for a repeal of Section 32 where judges of the Court of Appeal and the Queen's Bench are visitors of the Society, a kind of anomaly that has existed for some time.

Mr. Speaker, the most significant aspect of Bill 79 -- and I want to underline its significance -- is that many hundreds of thousands of dollars which formerly found its way through the deposit in general lawyers' trust accounts either to the credit of the banking system, or to the credit of individual lawyers, will now be directed into the public interest. It's hard to make a realistic guesstimate as to what this interest will amount to because there is specific provision where a client has a substantial amount of money in the tens of thousands, or hundreds of thousands of dollars for a particular transaction that he have the lawyer deposit that money in interest-bearing account and he or she will get the benefit of that interest, and that is only right and proper. But there are many miscellaneous sums of money that are in general trust accounts, small sums of money. When I say small sums of money, hundreds of dollars, some

(MR. MACKLING cont'd) thousands of dollars, in land conveyances, contracts of all kinds, and totally this amounts to many many millions of dollars and the interest on this money amounts to a formidable sum. For the first time as a result of this Act there will be a mandatory direction of that money in the public interest.

Now members may say, well isn't that interfering with the relationship between a lawyer and his client? Not at all. It is not intended, as the Winnipeg Free Press apparently tried to incite, that the public through this system is going to somehow try to investigate the private accounts of lawyers and their clients. Not at all. And I resent it very much, Mr. Speaker, the inflammatory editorial in the Winnipeg Free Press of June 12th, 1972, giving the lawyers of Manitoba a law lesson about the encroachment of government into their prerogative in respect to their trust accounts. Mr. Speaker, let me tell you this about the legal profession in this province and elsewhere, that they're not all there, not all, or not any number of them, such archaic people as the Winnipeg Free Press suggests. I want to point out to you, Mr. Speaker, that lawyers in other parts of this country have indicated a genuine concern that interest on trust funds be appropriated for public purposes. In the Province of British Columbia -- and the Honourable Member from Rhineland will be pleased to hear about that -- the legal profession of that province by resolution requested that the funds earned from interest on trust accounts be appropriated for legal aid. There has been this attitude expressed in other parts of the country. I wanted to refer specifically to the item, but I don't seem to have it at hand unless it's in my general file here, Mr. Speaker. I hope that maybe perhaps by Law Amendments Committee I'll have that quotation. The difficulty has been in British Columbia that it was a voluntary application of interest. And the law of society there has said: Let it be amended to your application of interest, because it's for a good purpose. -- (Interjection) -- There is someone saying he doesn't mind the compulsory application at all, and that's good. And Mr. Speaker I want to assure honourable members that right from the outset I had a dialogue with representation from all of the chartered banks represented in Manitoba, and they expressed a complete willingness to abide by the provisions of any scheme that we set up and they will be happy to oblige -- the arrangements that were suggested. So it is, Mr. Speaker, that I now commend heartily to the members of this House the provisions of this bill which I think are a milestone in the development of legal aid in this province.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. FRANK JOHNSTON (Sturgeon Creek): Mr. Speaker, I would like to move, seconded by the Member from Gladstone that Mr. Speaker . . .

MR. SPEAKER: Order, please. The Honourable Member for Assiniboia wish to speak now? The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I do wish to say just a few remarks on this bill. I have not had the opportunity to study the bill in detail, and I have not had the opportunity to discuss it with some of my legal friends -- but just listening to the Attorney-General at the present time, in my opinion I feel that the bill falls short of good legislation. I'll try to point it out to him -- there are some good provisions. I believe it's proper for the Law Society to have a Discipline Committee, and perhaps put somebody even on probation; if the lawyer is incompetent -- and perhaps after a certain period of time maybe he shouldn't be practising law if he's incompetent.

The other point, I would agree that a Claims Fund is in the right direction for misappropriation or mistrust of funds. This is perhaps overdue to some extent. However, I'm sure that the Minister knows that the lawyers did have a fund which they donated so much money to a fund in case any lawyer did misappropriate, that there was some recourse by the public. I know it was a voluntary assessment, but under this legislation I understand it'll be mandatory and it will be only for the protection of the law or for the protection of the citizens, and I agree with it.

The point I wish to raise or differ with the Minister, and that is he mentioned about the amount of money that will be raised on -- or the amount of interest on the money on deposits held in trust accounts -- and he said that this is the money that should go towards the legal aid, and I believe legal education program. And that's what he mentioned. And that's the area I wish to differ, because I do understand that the amount of money that may be accumulated through the interest from the trust accounts is anywhere in the neighbourhood of \$1/2 million to 600,000 dollars -- and that's a year. And at the present time with the computer system that every bank has -- I cannot see -- if the government is really interested in a proper

(MR. PATRICK cont'd) legal aid program, I think it should be at the expense of the government. The money should come from the general revenue. And I feel that interest on deposits should go to the people that that interest really belongs to, because I understand it's people with considerable amount of money -- or dealing to a great extent in large amounts or in big properties -- they will still be able to tell the lawyer that that person wants his money in an account, interest bearing account, and that interest will go back to the client not to the Law Society's Fund or Interest Bearing Fund.

But it's the people that deal in small amounts of money in small transactions; the widows; the certain people that buy and sell, or have their homes sold; or buy homes -- people that haven't got too much money, that perhaps it amounts in 2,000, \$4,000; that's the type of individual will be paying for the legal aid program in this province, and that's what I disagree with.

I feel that under the present system it should be no problem of returning that interest back to that individual, back to that widow that really needs it in a bad way. Because the way I understand the legislation -- if I'm wrong I hope the Minister will correct me -- but the way I understand it, if I have a transaction with a lawyer I can tell him; "Look, I'm not giving you the money to be deposited in a trust; I want to deposit it in my interest bearing account, and I'll only transfer it on the day that the transaction takes place." So therefore the man that knows what he's doing; the man that's dealing in large volumes of money, he will not be contributing to that Legal Aid Fund or the fund that's -- I understand is in the Bill, one section that will be used for legal education, legal educational program.

So if I'm correct in my assumption, I feel it's incorrect -- I feel that the government should properly fund the legal aid program. And the people that contribute or have money transactions with the lawyers, the widows, the people that deal with small transactions, I feel that interest should be returned to those people. Unless that every transaction that will be required -- but the way I understand it, that any one person that will be dealing in any transaction, he will still be able to tell his solicitor that the money is in his interest bearing account in his name and will only be transferred on the day of the transaction.

So really, the Minister will not be able to accumulate much money from these people; he'll only accumulate it from the source that I feel that need this money, that need this interest in the worst way. So for that reason, I feel this legislation falls short. I would hope that the Minister would take another look at it. Some of the other provisions I agree with him completely; but in the case of the \$500,000 or \$600,000 -- the accumulation of interest from the deposits, trust deposits at the present time -- if most of it, or the greater part of it can be returned to the people who it really belongs to, I feel that's where that money should go. And the government should finance the legal aid program in a proper manner.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. S. JOHNSTON: Mr. Speaker, I move, seconded by the Member for Brandon West, that debate be adjourned.

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

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, will you call Bill 82?

MR. SPEAKER: Proposed motion of the Honourable Attorney-General. Bill No. 82.

MR. MACKLING presented Bill No. 82, an Act to amend The Jury Act for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, there are really only two major changes in the amendments that are proposed to the Jury Act. One deals with the particular capacity of certain jurors to serve. The other one deals with the remuneration of jurors.

The National Commission on the Status of Women, as well as the Provincial Human Rights Commission, have recommended that discriminatory provisions in the Jury Act be removed so that both men and women are placed on the same footing so far as the requirements for jury service is concerned. This bill gives effect to these recommendations, and as well provides for an increase in the per diem rates to be paid to jurors.

More particularly, Mr. Speaker, the amendments provide that Section 6 of the present Jury Act is repealed, which provides that women served with jury summons and not wishing to serve need only notify the sheriff; and without giving a reason are accordingly exempt for

(MR. MACKLING cont'd) service for one year. This provision is removed.

Section 54 of the present Act presently deals with juries for Causes at Bar and Special Commissions, and has no practical application in the courts of Manitoba and is therefore recommended to be repealed.

Present Section 63(1) of the Act provides that a notice issue with a summons for jury duty setting out the method of claiming exemption, and refers specifically to male persons. The amendment will make the provision equally applicable to all persons, male and female.

Section 63(3) in the present Act provides that no person shall be excused from jury service other than provided in the statute unless the court is satisfied that the public interest requires it. The current amendment adds an additional reason to be excused, namely undue hardship.

Sections 74 and 75 of the present Act, present Jury Act, deal with all male or all female juries as well as applications by women to be excused from jury duty, having in mind the nature of the evidence. These sections apply particularly to civil trials with juries and the amendments remove the distinction for the purpose of jury duty as between males and females.

Further sections of this Bill increase jurors' fees from \$9.00 per day to \$18.00 per day, with a further increase provided for individual jurors on the recommendation of the presiding Judge on the grounds of undue hardship to a maximum of \$24.00 per day.

Mr. Speaker, it's relevant to note that the failure of governments to provide reasonable remuneration to jurors has not passed unnoticed. This government and the government in Manitoba before had received repeated requests from various groups -- particularly the Manitoba Federation of Labour among others -- for a substantial increase in the remuneration of jurors, because men and women who have served on juries have been penalized substantially for serving their province in participating in the jury system. They have lost not only considerable by way of money, but have been inconvenienced in their family life; oftentimes juries, particularly in respect to capital offences are confined overnight, and there is considerable inconvenience occasioned to the personal family lives of jurors who serve in the interests of the administration of justice in the province. So, Mr. Speaker, this change in the Act will give significant increase and pay tribute to the desirability of reasonable reward to those who serve in the jury system.

I would like, Mr. Speaker, to contrast what we are proposing here with a critique that I noted in the Winnipeg Tribune of June 15th, 1972, which was a reprint of an article in the Windsor Star. And the caption of this editorial is "Starved Jury System", and I quote: "Serving on a jury is a democratic duty which if it can involve difficult decisions is also interesting and educational. These non economic arguments pale unfortunately in the economic realities of the \$10.00 a day paid jurors". And I digress here to say that obviously \$10.00 a day is the amount that is paid to jurors in the Province of Ontario. And I go on: "At that rate jury duty for most Canadians is an expensive as well as a democratic duty. And even the mileage fee for travelling to and from the county seat is no further real compensation. As Judge Sidney Clunis told a jury this week, the jury system is in danger of being starved to death by the inadequate fees. Also as Judge Clunis said, the answer is for the Legislature to increase the fees to a reasonable level. At \$10.00 a day a juror's pay for a week would be \$50.00, a new low in minimum wage levels. For this the juror is expected to weigh evidence and make decisions affecting the freedom of a fellow human in criminal cases or the settlement of large sums of money in civil cases. Is \$10.00 a day the value placed by Ontario on justice." So concludes the editorial in the Windsor Star, which was reprinted as I indicate in the Winnipeg Tribune, June 15th.

Mr. Speaker, it is high time that this Legislature and other Legislatures recognized the high cost of serving our fellowmen, and I submit that the recommendations that are contained in this bill are a substantial step forward to rectifying the anomaly that has existed for many many years in this province.

I would also like to point out, Mr. Speaker, that there are certain anachronisms, oddities that still exist in the Jury Act, which the Law Reform Commission are reviewing. And I trust that in the not too distant future, I'll be coming back to the Legislature with further recommendations for changes in the Jury Act -- but these amendments I think should be recognized by all to be not only reasonable, eminently desirable, but certainly vital in the public interest.

MR. SPEAKER: The Honourable Member for Swan River.

MR. BILTON: Mr. Speaker, we have reviewed this Bill. We find no objections to it at

(MR. BILTON cont'd) the moment, and they're quite prepared to see it go forward for Committee consideration.

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

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, I move seconded by the Member for Rhineland, that debate be adjourned.

MR. SPEAKER: Moved by the Honourable Member for the Honourable Member for Thompson wish to speak on this Bill?

MR. JOSEPH P. BOROWSKI (Thompson): Yes.

MR. SPEAKER: The Honourable Member for Thompson,

MR. BOROWSKI: Mr. Speaker, I would like to congratulate the Attorney-General for bringing in this bill. I doubt if he will get any bouquets from the Womens Lib in Canada, but I'm sure that the majority of the women will applaud the changes incorporated into that Act.

And now if the Attorney-General could just change The Coroners Act likewise, bring in the same provisions, particularly where peers are not allowed to sit on a Coroners Act -- (Interjection) -- and the Attorney-General tells me that it's out -- well, that's a double bouquet for him if that's the case. And I must say that he has taken a very enlightened attitude in regard to pay. Many of us in the labour movement have argued for years that the \$9 was not an insult, it was a kick in the butt to offer a person who's making 25 or \$50. And the miners up in Thompson -- a good miner makes \$50 a day, and they used to resent it very much to be hauled out of the mines and locked up in a room in The Pas for two weeks away from the family; isolated completely at a miserable \$9 which he couldn't even pay his house payment with. So I'm glad to see the Attorney-General has raised it to \$18 -- and I understand that there is room also for a further increase up to \$24. Now if we can just get the Minister of Labour to put the minimum wage to a decent level we'll have a first-class department. Thank you.

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

MR. SCHREYER: Mr. Speaker, would you call Bill 49. No -- sorry, Mr. Speaker, I'd ask you to call Bill 54.

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

MR. SCHREYER: Mr. Speaker, again if I may impose, I thought I saw the Member for La Verendrye here; he's not. May I ask you to call Bill 58 -- the Member for Birtle-Russell is not here either. -- (Interjection) -- Oh, all right.

MR. BILTON: . . . brought in immediately. Mr. Graham's coming right in.

MR. SCHREYER: Yes, Mr. Speaker, that being so we can try again from the top. The Member for Emerson having entered, could you call Bill 49, please?

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

MR. GABRIEL GIRARD (Emerson): Mr. Speaker, with regards to Bill 49, I have had time to study the bill in some detail with some interest -- and I'd like to advise the members of the House that should they not be aware of -- Bill 49 is almost an identical replica of the bill establishing the Cultural Centre for the Centennial Hall of Winnipeg. Bill 49 in all its sections except two is identical to the bill which establishes the Cultural Centre of Winnipeg.

The purpose of the Cultural Centre of Winnipeg was of course a Centennial project designed to bring forth to the people of Manitoba another dimension, or especially a facility, to enable the people of Manitoba to indulge in cultural activities, theatrics, musical, artistic of all description. Now the bill in question, Le Centre Culturel Franco-Manitobain Act, is in a sense identical in nature because its purpose is to bring culture to the people of Manitoba -- and this is all Manitobans. But there is one difference in that the purpose is to bring French culture -- culture associated with the Franco-Manitobain Society -- to Manitoba; and therefore it is different in that particular aspect, although overall it is similar in purpose.

One might say, Mr. Speaker, that if that is the case, why don't we bring all cultural activities to the Centennial Hall of Winnipeg and alleviate the necessity of having another cultural centre. Well, I would submit that that kind of argument would not be satisfactory to the people of Manitoba. If we wish to bring French culture to Manitoba, it will necessitate more time, more usage and more facilities than is available through one centre only.

It's also different in another respect, Mr. Speaker, in the make-up of the Board that is organized to direct, organize the cultural centre set up by this bill -- the make-up is a minimum of five members on the Board. There's another significant factor included, and that is

(MR. GIRARD cont'd) that a minimum of five members on the Board will be named or suggested by the FFM Societe Franco-Manitobain; and the Minister shall select a board of a minimum of five, it could be fifteen, but a minimum of five -- and a minimum of five must be members selected from the list given him by the FFM. Now we might say, Mr. Chairman, that it's really insignificant to Manitoba as a whole which might well be so. But to the French community it is not an insignificant move in that the French community has organizations, has organizations of a variety of kinds, some social, some economic -- some Chambers of Commerce, for example the Cercle Moliere, could be considered as an organization functioning in a Franco Manitobain society which is basically French. Some organizations in Manitoba are artistic and musical.

Now by accepting that the FFM name five members to the Board, what we are doing is accepting or establishing maybe an already established fact -- however, we are reinforcing the recognition of the FFM. We are acknowledging that the FFM the Associate de Franco Manitobain is the organization which will speak on behalf of the French community in Manitoba in matters that are of general interest to the community. That does not in any way say that the Chambers of Commerce, the Cercle Moliere -- or any other organization might not be autonomous, it might well function on its own. However, the liaison, the overriding or the umbrella association in the French community will be the FFM, and I would believe that this is already an established and recognized and accepted fact in the French community. To make it more clear might I equate that kind of recognition with that of the Canadian Jewish Congress that represents in Canada -- not the organization such as B'nai B'rith and the other organizations that might be established in that community -- but an overall riding, an overall establishment community to speak on behalf of those people in not specific matters but rather in a general context.

Now, Mr. Chairman, I would like it clearly understood that the objectives of this bill as I read it are to encourage and foster and sponsor by all means available, all types of cultural activities in the French language and make available to Franco Canadians -- the Franco Canadian culture -- not to the Franco Canadian people, but to all the people of Manitoba. As a matter of fact, may I go one step further, Mr. Speaker, and I would suggest that if this kind of bill were proposed to render Francophone culture to Francophones only, I would vote against it. My reasons, and I've stated them before in this Chamber, are quite simple. I feel very strongly that the survival of the French culture and the values included in the French culture in Manitoba rest not with the French community but rest with the non French community of Manitoba. And if we want the French culture to survive -- if we want the French culture to be something that is appreciated by Manitobans at large -- we have to assure ourselves that we're not addressing ourselves to the French community only, but we are addressing ourselves to all of Manitoba and we are interesting non French people in the French culture in Manitoba.

I want it also clearly established that this bill means an allocation of funds to that particular purpose. That allocation of funds might be misinterpreted as an allocation to the French community -- I suggest to you that it is an allocation of funds for the fostering of the culture of Franco Manitobans for purpose of all Manitobans and not that group only. The allocation of funds includes a \$100,000 grant from the Provincial Treasury for the purpose of working capital, exactly in the same way as \$100,000 were set aside from the Provincial Treasury to make the Centennial Centre function.

And there is another provision which says that the Board at their discretion, approved by the Minister, would be authorized to borrow up to an additional . . . if need may be. This might be interpreted as an allocation of \$200,000 because the borrowed \$100,000 can be, or would be -- provided the Minister accepts this -- would be a guaranteed kind of loan by the province. So one might think this would be an advancement of \$100,000 in working capital and \$100,000 guaranteed loan. I wish to outline clearly that this is the kind of money allocated. As I read the bill it provides for nothing more or nothing less, and I think Manitobans at large ought to know exactly in terms of finances what is allocated.

Now these are the specifics with regard to the bill, Mr. Speaker. If I may be permitted to digress, and yet remain within the principle of the bill -- might I consider another implication with regard to this particular bill. Let's consider for a moment that Canada is a bilingual country -- Canada, officially, legally, politically, economically has been, is, and I hope will be for many years to come -- a bilingual country. This means that we in Canada recognize that there are two official languages; there are two cultures; there are two founding nations --

(MR. GIRARD cont'd) and these groups ought to be recognized as such.

But we also in that same context, Mr. Speaker, recognize that there doesn't exist in Manitoba or in Canada only two cultural groups. And I might suggest to you that I'm not only aware of the existence of a variety of cultural groups, but I for one am very firmly convinced that one of the biggest assets that Canada -- and Manitoba more specifically -- has is a multitude of cultural groups. I have a great deal of respect for all of them. I don't know if it's commonly known but I have a close association with the Ukrainian group. As a matter of fact my wife and my father-in-law and their family are of Ukrainian ancestry. -- (Interjection) -- (Ukrainian) (Pardon? What did you say?) And might I suggest that my father-in-law and my wife lived in the midst where, as the Member for Point Douglas suggests, in an area where a good number of Polish people live. Last Saturday, I was at a wedding celebration that was predominantly Polish, and I enjoyed myself, Sir. And I think that we too seldom fail to recognize in Manitoba the value, the cultural value brought to this Province by the variety of cultural groups. I consider myself I suppose maybe with some disagreement from some corners of this House at least, as one who has a modest number of years of schooling. And I must confess to you that I feel it a bit shameful that one might go through our schools in Manitoba -- and yes in fact, through university courses in Manitoba -- and know very little about the culture that makes up the difference groups in Manitoba. I feel a little bit at a disadvantage, Mr. Speaker, that I am not one who is familiar with the habits, the customs, the values, the food, the sense of humour of the Jewish people. I feel sometimes hurt that I know so little about that particular community, and yet live among them. I feel sometimes a little uneasy, Mr. Speaker, when I know that in our schools we dwell on the culture, the habits, the likes and dislikes of certain groups of people that live in Africa. And we dwell on the hunting habits, the values, the sense of humour of the Eskimo. But throughout the schools in Manitoba in terms of the present-day curriculum, we don't hear of the Ukrainian culture; we don't hear of the Jewish culture; we don't hear of the Indian culture -- (Interjection) -- Yes, Sir, we should, and I'm suggesting very strongly that we should, but the fact is that we don't. Our system of education now seems more preoccupied . . .

MR. SPEAKER: The First Minister on a point of order.

MR. SCHREYER: Yes, Mr. Speaker, I would like you to consider, Sir, the question of the rule of relevance with respect to Bill 49, the remarks of the past 15 minutes of the Honourable Member for Emerson.

MR. SPEAKER: I do think the honourable member is wandering a little. I would agree with the First Minister that the relevance to the Cultural Centre -- although some of the areas that he's touching on may be interesting -- are a little far and wide.

MR. GIRARD: Mr. Speaker, on the same point of order. The point I'm trying to make is that in Manitoba we have I think need to consider the value of bringing to Manitoba culture, culture of the French group and I don't want it to be thought of that we don't value cultures of other groups as well.

Now if I may be allowed to continue, Mr. Speaker, I would suppose that with no exception the people of Manitoba and certainly the members of this House have no objection to seeing ballet, symphony music, theatrical and artistic of that kind brought to Manitoba. As a matter of fact we have no objection, we're probably happy to support this kind of culture being brought to Manitoba. May I suggest to you that there is as much value in bringing culture that is more related to the groups that form Manitoba.

There is another dimension I would like to bring with regards to the bill, and I hope that the Premier won't feel that I'm straying too far away from the principle of the bill. We have established that Canada is a bilingual, bicultural country -- and we have heard in the recent months that a certain segment of Canada, namely Quebec, is now debating whether or not -- or should I say more specifically certain members, certain members of that community are debating whether or not they will remain in Confederation. And I don't wish to bring this matter to debate, but I'd like to leave a few questions in the minds of the members in this Chamber. Let's suppose that the worst happens. May I ask those who have the answers usually what would you speculate would happen to the Maritimes, and what would you speculate . . .

MR. SPEAKER: Order, please. I do not think speculation is relevant to the bill before us. The Honourable Member for Emerson. The Honourable Member for Lakeside.

MR. ENNS: If I would be permitted to speak on the point of order, I believe that the subject matter that the Honourable Member from Emerson is bringing into the debate is

(MR. ENNS cont'd) entirely relevant to the bill before us. The bill before us - consideration of spending sums of public money before us for this particular cause is entirely relevant to the cause of Confederation, and it's entirely relevant to bringing into the discussion the subject matter that he is. I would sincerely ask you, Sir, or through you, Sir, that members would consider that some degree of latitude must surely be given at the second reading of this kind of a bill. If the recognition of the French fact was not an important matter in Canadian political life, then we wouldn't have this kind of a bill before us - and anything pertaining to -- and any closing of one's eyes to the hard facts of political life in Canada today, including the very subject matter that the honourable member raised having to do with our sister province of Quebec certainly is relevant to the principles of the bill that we are discussing.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: On the same point of order I notice the object of the bill certainly referred to all types of cultural activities not defined or restricted to any particular . . .

MR. SPEAKER: I am at the pleasure of the House, but I do think that in regards to latitude in relevancy we should try to stay within the bounds of this province. Much as it may be important to discuss all of Canada at the moment, I do think we are dealing with a bill that pertains to Manitoba - and I may allow a certain amount of latitude in regards to the debate on that point, but I certainly wouldn't want the honourable member to stray too far away and too long. The Honourable Member for Emerson.

MR. GIRARD: Well, Mr. Speaker, I'll try to stay closer to the lines you'd like me to follow. However, might I point out that the people of Manitoba are certainly aware, conscious and concerned because we will be, whether we like it or not, dictated at least to some degree by the events that happen in Canada and not only in Manitoba in this regard. And therefore might I ask the question: Suppose that we had this kind of undesirable situation? What will happen to British Columbia? What will happen to the prairies? What will happen to Manitoba? What will happen to the people of Manitoba? What will happen even more specifically with regards to French culture or the culture of the Francophone in Manitoba? And these I'll leave as questions because of course it's a bit hypothetical, but I suppose that if we took a poll we would find that most of us would come to very much the same answer.

There is another thought that occurred to me during the time I studied this bill, and I wish to indicate this because I think it's regrettable that in Manitoba - probably in Canada, and maybe this is a common factor maybe in many parts of the world - certain cultural groups, maybe all of them, have looked upon other cultural groups as competitors, as competitors rather than contributors. And it strikes me that if Manitobans would stop to realize that they take any cultural groups that exist in Manitoba, and they look at them very carefully, they will find that that particular group has made a significant contribution to Manitoba and in fact has not been of harm or of competition in nature. And not to recognize this would be shallow in my view.

There is one more item I would like to affirm. It is a speculation on my part but nevertheless it has come to my ears occasionally, that somehow the non-French community in Manitoba has looked to the French group as a group that has ties with France, has ties with Quebec, in a more firm way than do other cultural groups in Manitoba. And I want to say here and now and as emphatically as I can that the French, the Francophones of Manitoba are Manitobans first. There is no doubt in my mind, and I wish there were no doubt in anyone's mind, because this is a fact. There is no way that the Francophones of Manitoba wish in any way to be associated economically or politically with the Francophones of Quebec, and much less the French people of France. And I wish to dispel - if there is any thought that there is some kind of relationship as mystical as it might seem between that cultural group and another - that there is no more relationship between the French group of Manitoba and that of France as there is between the Honourable Member from Swan River and that of England.

Finally, Mr. Speaker, it is my nature and my conviction that all cultural groups of Manitoba bring a contribution to our cultural mosaic that is very realistic. I don't believe that we can say that one group brings to Manitoba more or less culture than any other group. I would like to see the recognition of the contribution of all groups, but I think we have to be realistic and practical at this stage in history. We have to be realistic and practical in that we recognize that Manitoba, being part of Canada, recognizes two languages and two cultures as their official languages and cultural groups.

Therefore it would seem to me that establishing a cultural centre for the purpose of

(MR. GIRARD cont'd) bringing the culture of the Francophones to the people of Manitoba is realistic, is realistic and is of value. I would suggest that it is not interpreted as one that disregards other groups - as a matter of fact I was told today by members who are working closely in organizing this legislation that they are now communicating very closely with the Ukrainian cultural group in order to bring that kind of parameter under - or give them a facility -- (Interjection) -- Not another grant, no. I didn't suggest another grant; I'm suggesting using the same facilities, using the same facilities. I am not speaking on behalf of the Conservative caucus in my suggestions, Mr. Speaker, I want that clearly known. But I'm speaking on behalf of what I think is right, and I am prepared to support the bill - and I think it is of value, of cultural value to Manitoba - one that is certainly worthwhile supporting.

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

MR. G. JOHNSTON: Mr. Speaker, I was going to ask the adjournment, but if other members wish to speak . . .

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN Q.C. (Inkster): Mr. Speaker, I was going to ask for the adjournment. I don't know if my honourable friend wishes it in precedence to myself he could have it, but if he doesn't then I'll make the motion.

MR. SPEAKER: Order, please.

MR. GREEN: I move, seconded by the Honourable Member -- I think the honourable member is yielding to me. I move, seconded by the Honourable Member for Wellington, that debate be adjourned.

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

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MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, would you call The Water Supply Board Act, Bill 58.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Agriculture. The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. Bill 58 is a bill that we in the Conservative caucus feel should go to Committee as quickly as possible but at the same time there's a little bit of concern that probably the representation that could be made with regard to this bill might not be made at Committee because mainly there is a lack of communication between the various towns and villages throughout the province and the central government, and this is quite a natural thing because many of your councils only meet once a month, or some twice a month, so that there is a considerable time lag in that respect. When we are dealing with this bill and its proposed enlargement of activity, I think it's only fair that we take a look at some of the past activities of the Water Supply Board, and I am the first to admit that while this Board was introduced by an administration of which I am presently a member, it did at that time and still causes me a certain degree of concern, Mr. Speaker, because basically there is one premise in here which I have always felt was questionable to say the least and that is the premise that government, big government, can do things better than small governments can, and I don't subscribe to that theory, Sir. In fact I think the opposite is true, that if you want efficiency of operation and economies that that scale of activity can better be served at the local level by a smaller government than it can be through the central administration. And I went back, Mr. Speaker, through the last five years of water rates for those towns and villages that are customers of the Water Supply Board, and according to last year, our latest report, at that time there were some 40 towns and villages throughout the province who were customers of the Water Supply Board. We find from the years 1967 to 1970 there were three revisions of rates and one was in 1967 in Minnionas, which had a rate of \$3.85 and it was reduced to \$1.25; and there were two in 1969, one was Letellier which had a rate of \$2.65, and the other was the Town of Winkler which had a rate of 65 cents and was increased to 82 cents. But we find that in 1971 there was basically a revision, not a completely across the board revision, but 15 out of the 40 corporations involved had rate changes. And out of those 15 there was one that was decreased and 14 that were increased. Some of the increases were significant, some of them were practically a doubling, others were of a lesser nature. But it does point out one thing, Mr. Speaker, and that is that the cost of operation by a central administration do increase faster than they do at a local level, and the costs to the user is probably greater than it is if the total system was operated by the local government.

As an example I would like to take two small corporations in my own constituency that are remarkably similar. The unincorporated Village of Strathclair and the incorporated Village of Binscarth, where I reside. And within the population figures of the two areas are within three or four people of being identical. There's just slightly under 500 people in each place. The installation of the water system which carried out roughly at the same time, they have been in existence for several years, and the rate of growth of the systems from the original program and the extensions that have occurred have been roughly the same in each case. They've had minor extensions. The number of users, or the number of subscribers, that have been connected to the system are within two or three of being identical. And the source of water is approximately the same distance from the centre of the distributing system in each case. And the soil conditions that exist as far as construction are very similar as well. So you would expect to see similar rates in the operation of the two systems, and you'd expect to see similar results from the operation, but what you found in the Village of Binscarth, they did not enter into an agreement with the Water Supply Board for the purchase of water, and they are now operating at a rate of approximately 80 cents per thousand gallons. Of that 80 cents there is approximately 25 cents of that 80 is eaten up in debenture costs and the interest on that. But what we have found is that the usage in the Village of Binscarth is double that of the Village of Strathclair. In Strathclair the rate set in 1971 was \$2.90 per thousand gallons as compared to 80 cents in the Village of Binscarth - \$2.90 as compared to 80 cents. I'm sorry the First Minister wasn't listening I was comparing the Village of Binscarth and the unincorporated Village of Strathclair. Their systems were installed at the same time and they're the same size, and their population and the connections are all very similar, within two or three of being the same. So one can only come to the conclusion that it costs money to the users to subscribe to a system that is centrally administered by the large government of the Province of Manitoba.

(MR. GRAHAM cont'd.)

We find the Minister of Agriculture is concerned about this, and I understand that he is again considering rate changes, so that we find that the people who have subscribed to the central government Water Supply Board are probably going to be paying more than they are at the present time. And when you put an increased cost on these services what you find out is that usually you get a decrease in usage. This is quite evident when you compare Binscarth and Strathclair where they had the same usage factor when they started but the Village of Binscarth is using twice as much water now as the Village or the unincorporated Village of Strathclair. It could also result from one other factor and you have to be fair in this that the Village of Binscarth encourages the usage of water because they have unlimited supply to all users. They don't charge on a gallonage basis, it's a flat fee. And if you use 10,000 gallons a month or 2,000 gallons a month you're going to pay the same amount. Well that no doubt has a significant bearing. But the important factor is that even with all that increased usage, they are using in the Village of Binscarth about six million gallons per year and their rate is about 80 cents. And we look in the tables of the Water Supply Board and there's only one area, and that is Winkler, which has a rate in that neighborhood and that is 82 cents, and they rely on a usage factor of approximately 50 million gallons per year to establish a rate of that nature. And yet in the Village of Binscarth they can do it with the usage of six million gallons.

So I think the lesson is quite obvious for those municipalities that because of lack of funds were probably persuaded, lack of sufficient funds, to put in an entire system and could reduce their initial capital output by going through the Water Supply Board, are now finding that it's a rather expensive procedure and the saving while it was an immediate saving of capital outlay, probably are paying a greater rate now by using the Water Supply Board than if they had stayed away from it.

I raise it at this time, Mr. Speaker, because I feel that the municipal corporations probably would not appear before committee to give their own evidence of their operations and I think that members of the Legislature should be aware of the difference in operating cost between the users of the Supply Board and those that were fortunate that they had the financial resources to stay away from the government operated system and run their own.

That is all I want to say on it at this time, but I would appreciate comments from other members either now or at the committee stage.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I beg to move, seconded by the Honourable Member for Portage la Prairie, that debate be adjourned.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Mr. Speaker, I wonder if you would mind calling Bill No. 65, The Landlord and Tenant Act.

MR. SPEAKER: Proposed motion of the Attorney-General. The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Thank you, Mr. Speaker, again I would like to thank the Attorney-General for his explanation of this Act. But I'm afraid I must disagree with basically one section of the Act, and I'm sure with when I explained my disagreement, Mr. Speaker, that the Attorney-General may consider the use of a couple of words in this Act, and basically consider what he has opened up.

When the Attorney-General mentioned and discussed this Act on the basis that there were some situations when a landlord did not pay his bills for the light, heat, water or electricity, that the Rentalsman would then take over and pay the bills and see that the balance of the money after the bills were paid were returned to the landlord, is not quite right.

The way this bill reads is in that particular area, is that if it appears, if it appears, Mr. Speaker, that the landlord has not supplied these certain services to the tenant but that the Rentalsman can then direct that the rent be paid to the Rentalsman. Now Mr. Speaker, the word "appears" is an accusation. All of a sudden we have a situation where the temperature is 85 and you walk into an apartment block and the person says I am cold, and then that "appears" as if the landlord is not supplying heat. You cannot really have good legislation with this type of wording. You could almost visualize, Mr. Speaker, that having the word "appears" that the landlord is not giving these services, that the Rentalsman would have to have a very large department, and on the basis of his decision if it appears so to have rents paid to him and he

(MR. F. JOHNSTON cont'd.) would have to have a department sitting around paying the water bill, the light bill, the heat bill, and on that situation, Mr. Speaker, the Rentalsman almost becomes next to God. All of a sudden we would be gradually leading into the situation where all the tenants would be paying their rent to the Rentalsman and then the Rentalsman would be paying the bills, and then the balance comes back to the landlord. Not that's an exaggeration, Mr. Speaker, but to put legislation on the books that says, "if it appears" that the landlord is not supplying these services the Rentalsman can direct, can direct that the rent be paid to him.

Mr. Speaker, I said before, that's an accusation. And it's no way that this doesn't set up a situation that is truly unfair. I fully agree that the people should have the services that the Attorney-General is speaking of and as is directed under this bill. But if a man is not supplying it, he should be prosecuted. He should be made to supply it but I think that he should show that the man is guilty of neglect in some way shape or form other than the Rentalsman says, "it appears" as if he is not giving it. That is wide open legislation; that is taking all authority of legislative people, all authority of city, all authority of everybody else, and putting in the hands of this one man. And secondly, Mr. Speaker, this is going to set up a department, a very large department, of a million people in Manitoba. We now have a Rentalsman that can by his own initiative or by the initiatives of the people who have authority under him to say you pay the rent to me if it appears as if the services are not being supplied. Then, Mr. Speaker, we have a department where the rent is being paid to the Rentalsman; we have a department that has to now make out the cheques for the light, heat, water, etc. We are moving into a situation on that particular clause, Mr. Speaker, the way it is written, that is very dangerous. And I would like to ask, Sir, that the rest of the legislation, the rest of the bill, is certainly agreeable to our side but we would caution that this particular type of consideration to the landlord, and this particular type of power that you will give a Rentalsman, we cannot really buy. This is really control. This is the fact of somebody coming up with a complaint, you don't even have to hear the other man's side of the story if the Rentalsman decides that "it appears" that he is not giving these services.

Mr. Speaker, we would not support that particular area of the bill the way it is written, and I would ask that the Attorney-General before it comes to Law Amendments, or at Law Amendments, consider the wording of that particular area of this bill because legislation that is accusation is very poor legislation.

MR. SPEAKER: The Honourable Member for Assiniboia.

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

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Would you call Bill No. 70 please, Mr. Chairman.

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

MR. BOROWSKI: Mr. Speaker, can I have this stand please. --(Interjection)-- It's too late.

MR. PAULLEY: We have no objections to this standing in the name of the Honourable Member for Thompson, Mr. Speaker. A request has been made as to the possibility of Bill No. 67. I am agreeable. Will you call that, Sir.

MR. SPEAKER: The Honourable Member for Gladstone.

MR. J. R. FERGUSON (Gladstone): Yes, Mr. Speaker. I adjourned this bill for the Honourable Member for Roblin.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): Thank you, Mr. Speaker, we have caucused this bill and went through it, and I think we can congratulate the Honourable Minister. He's amalgamating two incorporate bodies and making them into one corporation. I think that's progress.

There are a lot of questions I would like to ask the Honourable Minister in this debate. In setting up this new corporation how is the Minister going to help the various museums around this province, and I can think about the one at Grandview, the Crossley Museum, the Austin Museum, the Swan River, the Steinbach, they're all over this province. And I think everybody supports the philosophy of the Museum of Man and Nature . . .

MR. SPEAKER: Order, please.

MR. McKENZIE: . . . and if this corporation that the Minister is establishing will go out and assist these people, not take them over, help them, and they need a lot of help. And of course in the debate of the Minister's Estimates some few days ago we talked about historical sites. We also heard the Honourable Member for Emerson speak tonight about other matters, and there's a lot of work for the Members of this House today and the government to do about our own history in this province. And it's interesting. If you walk down the streets of the City of Winnipeg today, even with all the maps and the signs, and there's a heck of a lot of people live in this province don't even know where Roblin is and surely - you know we're talking about man and nature and museums, but it's most interesting that we've got ourselves a lot of homework to do, and in all sincerity, Mr. Speaker, I hope with the incorporation of these two bodies into one corporate body the Minister will be able to put it all together and I'm sure we're going to move forward. So we support the bill; we think it's progress, and we're all for it and I'm sure in the bill that we're going to help these various culture groups, these various little small museums that are springing up all over this province. They've got a lot of things and I'm sure when the - and maybe some of them will appear in the Committee and help us to put this thing together to make it better for all the people in Manitoba.

MR. SPEAKER: Is it the pleasure of the House to adopt the motion? The Honourable Minister of Cultural Affairs. The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: Well, I understand the Minister's closing debate. I beg to move, seconded by the Member for Assiniboia, that debate be adjourned.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Bill No. 13, Mr. Speaker.

MR. SPEAKER: Proposed motion of the Honourable Attorney-General. The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, we've had occasion to peruse the contents of this bill and although I should really take the advantage to once again chastise the government for, you know, having to come back as is the case, going to be so repeatedly with major legislation that was just brought in a year, two sessions ago, and then having to come back so shortly with amendments largely to patch up the poor drafting and the ill-advised haste with which they presented some of the legislation in the first instance. But I'll forego that, Mr. Speaker, in deference to the hour of the night and suggest to the House Leader that we have no objection to seeing this bill move forward to the Committee.

MR. SPEAKER: Is it the pleasure of the House? The Honourable Member for Assiniboia.

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

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

MR. PAULLEY: Bill No. 24, Mr. Speaker.

MR. SPEAKER: Proposed motion of the Honourable Minister of Highways. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, this bill deals with the proceeds of a Contract Disbursements Act, 1972 and with a certain contract of Sentinel Construction Limited. And the amount involved is something like 6,400 and some odd dollars. It's rather peculiar that a special bill would be brought in but most likely there must be special circumstances involved here. I will not object to the bill but I notice from the intended distribution that claims will have to be sent in and then the judge will decide. But in the meantime the judge has the power to set aside, or vary the schedules of those that will be paid off, in my opinion and according to the bill, and there will be no appeal from the judge's decision.

The only thing that bothers me in this is that people can make application and agree to a schedule but later on the judge may vary that schedule and after that there's no recourse. So I don't think that that is very fair. If that is the case then there should be allowance made for appeal.

There is another matter in this particular bill dealing with a matter of paying the trustee. If there's money in the pot left, the payment of the trustee will come from the money that is in the pot. However, if there is not enough then the government is going to take it from the Consolidated Fund. And this I think is irregular, is not the same as is generally the case especially where you have bankruptcies. And this is a variance from bankruptcy proceedings. I think we are giving preference in this case for this particular case as the result. And I would

(MR. FROESE cont'd.) . . . like to know from the Minister just why we are giving preference to this particular company, and could he also inform us whether the money that is there is sufficient to pay all the claims that he knows of. Certainly this would be valuable, and I think it would also have a bearing as to our reaction on this side as to giving approval to the bill on second reading in principle.

Because if we are starting to make exceptions to the rule, then I think we should also consider a number of corporations that have gone bankrupt in the last several years where the Development Fund borrowed, or lent money into, and they took first charge, first security on the assets of those corporations. I remember too well Plum Coulee Growers, where the people lost most of the money. However the Development Corporation got all the money they'd put into it. And those people never got anything. Now we've got a bill before us which is of a similar nature where the claimants are asking for money and the government is prepared, if there's not sufficient money in the pot, that they will pay for the trustee. So I think we should be consistent and if this is the case I would like to hear from the Minister on it before I give my vote for it.

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

HON. PETER BURTNIAK (Minister of Highways) (Dauphin): Yes, Mr. Speaker, that's right, I'll be closing debate unless somebody else wishes to speak. I don't see anybody else on his feet.

I think that the Honourable Member for Rhineland - I'm not sure whether the honourable member was in his seat when I explained the situation, and particularly in this regard. It isn't something that's new. It's happened in the past. I refer to the time a few days ago when the bill was in for second reading and explanation was asked for, I suggested, or I informed the Members of the House that a similar situation occurred in 1968 and no doubt there are several other situations that have taken place, similar situations that have taken place over the period of years. I also suggested then, as I suggest now, that I don't think that anybody is too happy to see this kind of a bill when somebody loses money and, you know, sort of goes broke. But this is the situation and as far as the Honourable Member for Rhineland suggested, I don't have the information with me because the House Leader sort of caught me by surprise here, but I do believe that it's not a question of 600 and some odd thousand dollars, I think there is only a difference of about 20 some odd thousand dollars really because the contracting, if I recall correctly, was for something like 800 and some odd thousand dollars and there was a holdback. Now this is something that happens in every case that the government holds back a certain percentage of the contract.

Now the bills did come in late and it's not a question of the whole amount as you said in your comments. It is true that as far as this particular contractor is concerned they had lost money and of course the Trust Company is now in charge and if it so happens that when the money is distributed whatever is left of the amount, perhaps there's only so many cents on a dollar that's going to be paid out. Now I am not a lawyer and as I'm sure that most of you know, but we've discussed this with the legal people and this is the way that these things have to be done, and as I said this is not the first time and I hope it is the last, but I'm sure it isn't the last time that this situation will take place. So it's really nothing new, it's not a precedent-setting thing. Just as recently as 1968 this happened to another contractor, and I'm sure there are many contractors were found in the same position over the years unfortunately, and no doubt perhaps it will happen again. But this is the way that we have to do these things according to our legal people and this is why the bill is before us today.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: I wonder, Mr. Speaker, whether you would mind calling Bill No. 63, the proposed motion of the Honourable Minister of Labour.

MR. SPEAKER: Proposed motion of the Honourable Minister of Labour. The Honourable Member for Fort Rouge.

MRS. INEZ TRUEMAN (Fort Rouge): Mr. Speaker, my remarks on this bill will be brief and . . .

MR. SPEAKER: The Honourable Member for Portage la Prairie on a point of order.

MR. G. JOHNSTON: My point of order is: Can the House Leader go back on the Order Paper without leave of the House?

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: For the edification of my honourable friend the Member for Portage la Prairie the control of calling the bills is within the jurisdiction of the Honourable the House Leader whether it happens to be me or anyone else. As it has not been called therefore I am within my rights to call Bill No. 63, which I now so do.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. TRUEMAN: Mr. Speaker, as I was saying I simply wanted to point out what in my opinion are important omissions in the Workmen's Compensation Act. Items which I think might have been dealt with during this time when the Act is being so thoroughly revised. The rates are being increased of course to the widows and children of workmen. However they are still quite inadequate. The woman may very well be the sort of person who has - she may be quite young; she's probably worked hard for her family; worked hard for her husband, and she may have several children on her hands and be unable to go out to work herself. And the rates as they are provided even with these improvements are inadequate and I believe she will still have to - the widow will have to turn to welfare to supplement the compensation that she will be provided under this bill.

Another discrepancy that I find in this bill concerns the workman that is injured while he's out of the province and this workman may have worked, spent his whole life in Manitoba, and I know of one instance where this was so. He went off to Newfoundland on company business and in one fateful day he had a serious accident which resulted in the loss of one of his legs. Now because the man was in Newfoundland at the time he had to apply for compensation there and so he is being compensated at Newfoundland rates, which are considerably lower than Manitoba rates, although he has returned to this province and expects to spend the rest of his life here. He is then faced with the problems of trying to arrange for his treatments and his care by mail, although I think that everyone is trying to make a very determined effort so that he will have as little inconvenience as possible. But I think his case points up the usefulness of perhaps having an appeal procedure, or a further appeal beyond the Workmen's Compensation Board. In this particular instance I think the man would much prefer to be dealt with under the Manitoba provisions. However --(Interjection)-- This is what I'm asking, whether some further appeals, presumably it would have to be to the courts as it is in any other instance. And I've frequently seen this government championing the rights of appeal to the courts in professional associations and other organizations, perhaps not labour matters --(Interjection)-- right. But there are other instances. Many bills that have gone through this House which have strongly advocated appeal procedures.

I think, Mr. Speaker, that this is all that I would have to say on this bill but I shall be most interested to see how it proceeds.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker, I have also had a chance to look through the Workmen's Compensation Bill, No. 63, and in most cases I was pleasantly surprised to see the changes that are brought about in that particular area of legislation. I was happy to see that the Minister of Labour, who must certainly know a great deal more than I do about labour, is still responsive at least to some degree to the suggestions that have been made from this side, and I can see incorporated in this bill suggestions that I had made at the last session and in this count I must congratulate him. I refer maybe more specifically, Mr. Speaker, to the bill incorporating some streamlining effect on the workers who are residents of the province but might find themselves working outside of the province for a period of time, and also it clarifies the position of workers who live outside of the province and work in the province, and these I think are important clarifications that - maybe to a few people but certainly important clarifications. I am not sure that the clarifications are clear enough, and the reason I suggest that is that it would seem to me only if the communication between our Department of Labour and that of other provinces is absolutely fluent and well organized will the administration of this kind of Act assure the workers of satisfactory treatment. I hope that will be the case.

I am a little concerned in areas such as workers who qualify in one province and because they qualify in one province, does that eliminate their qualification in another province? Have we sufficient communication with other Departments of Labour to assure ourselves that injured workers might not collect from two provinces or, conversely, might be refuted by two provinces which is more important. If the Minister gives us that kind of assurance I think then that part of the bill will be satisfactorily dealt with.

(MR. GIRARD cont'd.)

Generally speaking the bill has throughout one general principle. It says the present remunerations paid are not sufficient and therefore we are increasing them in almost all domains. We are not increasing the maximums but we are increasing, somewhat, the widows' pension, the benefits paid generally by Workmen's Compensation and I think that is a step in the right direction. I would like to be assured that any widow left because of the husband being victim of an accident has sufficient resources to assure herself of not being forced to go to work should she not be able to. I'm not sure that our increase still puts that kind of widow in that position. I'm sure that it's in a better position, it's a better position than she had, but yet I am not sure that it is the ideal. I would think that if we are going to give the same pension to all widows then we should assure ourselves that that pension is sufficient, that any widow will have enough not to be compelled to go back to work.

I was interested to note, Mr. Chairman, that there is a minor change in the bill with regards to the chairmanship of the Compensation Board. As I read the previous statutes the Chairman of the Compensation Board was appointed and removed by the Cabinet, and as I read this bill it seems that there is a change which would indicate to me that that kind of decision doesn't necessarily have to go to Cabinet. I might misread the bill - it deals with the elimination of going to subsection (2), which deals with Order-in-Council, and if that is the case I was just wondering, I was just wondering why it was that that change was made, and I'm sure the Honourable Minister of Labour can explain to us that there must be important reasons why that kind of change is made, and I would appreciate hearing from him in this regard. It's not that it's terribly important but we'd like to know who is paving the road, for what kind of reason, to what kind of objective.

There is however one area of the bill with which I'd like to take exception, Mr. Speaker, and that deals with the medical report submitted to the Compensation Board from medical officers. And this bill states very firmly that these medical reports are confidential reports and cannot be divulged to the claimant, and that particular kind of thing, Mr. Speaker, though the Minister of Labour might assure us of its necessity, seems to me that it is undesirable, and I challenge that it is not an essential kind of measure. I can quote you one example which - there are probably many - but I can quote you one example, Mr. Speaker, to clarify this kind of situation. I had a case referred to me, one of my constituents who was injured and got negative reports from the Workmen's Compensation Board time after time after time and the Board kept saying, well our medical officers are saying there is nothing wrong with you. And it was impossible to see the reports that said that; it was impossible to determine why the reports said that until on one particular occasion - there might even have been a leak - but on one particular occasion one of the medical reports came to the claimant's attention and he passed it on to me. And as I read the report it seemed to me that the case was not a closed one. After receiving this report and communicating further with the Workmen's Compensation Board it was finally established that we could have a hearing before the Board of Reference, and that hearing was held, and that hearing decided that the claimant had a legitimate claim. He was paid for the months that he had not received what was due to him; he was given the opportunity to go for an operation; he is now recovering years later, and I suggest that that would not have been necessary had there been an open dialogue, an open study, and no secrets involved between the claimant and the Workmen's Compensation Board. And therefore, Mr. Speaker, I'd like to register that I am opposed to the kind of secrecy that this bill permits between the claimant and the Compensation Board. If there are medical reports that say that the claimant is not in fact deserving of compensation, I believe that the claimant has a right to know about that report and to know the why if he is eliminated.

One other area of the bill that I find difficult, Mr. Speaker, and it might well be because I haven't done enough homework on it, is the repeal of the present regulations and exactly why. I would have thought that maybe we could repeal some regulations but not all of them.

Another aspect of the bill also continues to give the Workmen's Compensation Board the powers that in the past I have thought might not be absolutely necessary. I think that the powers of taxing ought not necessarily be left in the hands of the Compensation Board but rather in the hands of the Minister, and at present this bill reaffirms the power of the Compensation Board to tell industry exactly how many dollars they're going to pay in workmen's compensation. There is no limit; there is no minimum or maximum. The Compensation Board will tax the employers for sufficient amounts of money whatever they need it, and I suggest that maybe

(MR. GIRARD cont'd.) that power would best be vested in that of the Minister rather than that of the Compensation Board.

Lastly I have never professed to be a labour expert but one thing keeps cropping up in my mind and that is I wonder why we force employees who would like to have a better kind of accident protection than they now have under the Workmen's Compensation Board to go to private insurance in order to buy it. I feel that The Workmen's Compensation Act should be able to permit employees who would desire more protection on a participation basis to obtain that particular kind of protection, and I know that the objection is that now we're opening the door to participation in supplying the funds necessary to fund the Compensation Board. And I don't object to that at all, Mr. Speaker. I would think it's something that's very worthwhile looking into. I'm not saying that industry ought not to bear the responsibilities that they have now. I'm saying the employees deserve what they have now but should they want something that is even better on a participation basis, it should be allowed them within the parameters of the Act in my view. I don't wish to belabour the Labour Bill or Minister. I would like it known that within the bill as it stands, although there are certain areas that we do not like, I am still prepared to suggest that this bill should go to Committee.

MR. SPEAKER: The Honourable Minister of Labour will be closing debate. The Honourable Minister.

MR. PAULLEY: Mr. Speaker, may I say that I appreciate very much the comments that have been made by members of all political faiths in respect of this bill. I sincerely believe, Sir, that it is one of the most important pieces of labour legislation that has been introduced into this House for a long time. And as I said when the bill was introduced into the House, that I realize that there are deficiencies within the bill, that many people concerned would have liked to have seen a further progress made in the field of workmen's compensation, that I was prepared to accept those criticisms. If I recall correctly, Mr. Speaker, at that particular time I said that workmen's compensation and Workmen's Compensation's Acts throughout the whole of the Dominion of Canada, and indeed throughout the whole of the western democracies, had been from time to time subjected to judicial inquiries and that we could have conceivably here in the Province of Manitoba once again referred the important matter of workmen's compensation to a judicial inquiry. But this government in its wisdom, or otherwise, decided to adopt a difference methodology of consideration of Workmen's Compensation in that we called an Industrial Relations Committee of this Assembly to hear representations respecting Workmen's Compensation and that, Sir, as the result of the representations that was made to that Committee, the Minister of Labour was charged with the responsibility of giving consideration to suggested changes, and also the Minister of Labour was charged with the responsibility of introducing into this House changes in Workmen's Compensation and the Workmen's Compensation Act to try and bring about a more reasonable Workmen's Compensation Act in the Province of Manitoba. And this has been done.

I want to reiterate, Mr. Speaker, that this legislation that I have the honour of proposing in this House is not the end-all of Workmen's Compensation. I realize quite fully that the propositions contained within Bill 63 are not all that is desirable. But I do want to thank, Mr. Speaker, all of the members who have participated in this debate for their contribution. The first spokesman for the Official Opposition, the Conservative Party of Manitoba, the Honourable Member for Fort Garry said, if I recall his contribution, that he welcomed the bill, that he agreed on behalf of the Official Opposition that it was worthwhile. His major contribution was, Sir, that the increase in the pension to widows was not enough, and I can sympathize with that viewpoint. But after all, Mr. Speaker, whether it is enough or whether it is not enough, the increase in widows' pension amounts to 25 percent over what they are now receiving, an increase from \$120 per month to \$150 a month, and there is no one, I would suggest, Mr. Speaker, in this Assembly that would agree that a pension of \$150 in respect of a widow as a result of an industrial accident is sufficient. We are all agreed with that but, Mr. Speaker, I want to say further to that, that the basic concept of Workmen's Compensation is not welfare. I agree with the Honourable Member for Assiniboia when he says that it should be greater. I agree with other members as well. But I do think, Mr. Speaker, in all due respect to those who have made a contribution to this debate they have lost a conception of what workmen's compensation is all about.

My colleague from Thompson when he was speaking in this debate indicated to the House, and in particular to the present Minister of Labour, who happens to be the representative from

(MR. PAULLEY cont'd.) Transcona, that he hopes that this is not the end-all in respect of pension, be they to widows, partial disability pensions, total disability pensions. And I accept that. And I agree with him that this is not the end. But I do suggest to members of the Assembly that the propositions and the proposals that are being suggested in Bill 63, are more forward-looking than any propositions that have ever been presented to this Legislature in the past under Liberal regime or under Conservative regime. For I recall, Mr. Speaker, when I first became a member of this House, I asked that the ceiling for consideration of compensation would be increased. At that particular time it just happened to be that there was a Liberal administration in the Province of Manitoba, and my efforts were rejected, and I spoke in vain except for one Liberal at that particular time, and I give him credit - that Liberal was a chap by the name of Bud Jobin who represented northern Manitoba. And he joined me in an endeavour to have the base annual incomes increased. The only Liberal, Mr. Speaker, that I have ever heard in this House while in power suggest increases in workmen's compensation until the Liberal Party in Manitoba became an almost extinct entity in the political arena. But now, now it appears that because they're apparently, and I say apparently advisedly --(Interjection)--

MR. SPEAKER: Does the Honourable Member for Assiniboia have a point of order? The Honourable Minister of Labour can proceed.

MR. PATRICK: I just want to correct a . . .

MR. PAULLEY: You want to correct what? Were you here?

MR. PATRICK: . . . Minister of Labour, I have asked for increases in the ceilings for the last ten years. I have asked of the former administration; I have asked of this administration for the last three years. So the Minister is incorrect by saying that nobody has ever joined him or asked for increase in the ceiling of . . .

MR. PAULLEY: Mr. Speaker, I admire my honourable friend from Assiniboia but here again he has misconstrued what I said. I said in effect that when the Liberal Party of Manitoba had an opportunity to do something in respect of workmen's compensation they did not, except for one member, Bud Jobin from northern Manitoba, and he was rejected by his own party. And I suggest in all deference to my honourable friend that because of some event that took place last Friday, there is a resurgence of the Liberal Party because they are now concerned about the worker. They weren't concerned a damn about the worker when they had the authority and they had the power to do it, and that is historical. I agree that the Honourable Member for Assiniboia did give lip service to increases --(Interjection)-- all by himself. It was never adopted as policy of the Liberal Party of the Province of Manitoba under Senator Molgat, or anybody else, because plea after plea from the New Democrats was rejected by the Liberals in Manitoba, and it's only because we now have the power of government that something is being done in respect of workmen's compensation. So I reject completely --(Interjection)-- . . .

MR. SPEAKER: Order. Order.

MR. PAULLEY: That's right after three years, that's right.

MR. SPEAKER: There's ample time and opportunity for all members to participate in debate. Every member is entitled to 40 minutes according to our rules of procedure and those members who want to be vociferous would they kindly wait till their time comes. The Honourable Minister of Labour.

MR. PAULLEY: --(Interjection)-- Dispense with what? Bill 63. I'm sure the Conservatives would agree with that. --(Interjection)-- Of course I'm doing fine. But I'm doing fine only, Mr. Speaker, because I am telling the truth, and quite frequently the truth falls on foreign ears with both Conservative and Liberal parties in the Province of Manitoba.

My honourable friend the Member for Assiniboia says that we have been the government for three years and this is the first time we have done it. He is correct. He is correct because we are doing it on a firm foundation in respect to the workers, not because of any political consideration as the modus operandi of the Liberal Party because their Leader during the by-election in Wolseley said elect me and I'll be the guy that gives you all you've been fighting for over the years. They had the opportunity and they didn't do it. And now, and now, this oracle from Wolseley through the spokesman for Assiniboia is now saying in effect to the workers of Manitoba, gee if I was only there you'd have had it long before this, which is a bunch of blinking nonsense. Because they had not the desire or the inclination on behalf of the worker even though they had the "Asperations" politically to do it. They had the opportunity to do it, and they did not, Mr. Speaker. But Bill 63 will give an opportunity for it to be done,

(MR. PAULLEY cont'd.) and I challenge, I challenge, the representative from Assiniboia to reject the propositions that are before us in Bill 63. --(Interjection)-- Aw sure, Mr. Speaker, oh sure, Mr. Speaker, the Member for Assiniboia in his speech said I'm going to support you but it's not enough. He's right. I agree that it's not enough but I do --(Interjection)-- the Member for Portage chirps in there, well then do something about it. I doubt if the Member for Portage la Prairie has even read Bill 63, or has a knowledgeability of the contents of the bill, because we are doing something about it at a cost, at a cost, Mr. Speaker, in total in respect of past pensions of about five millions of dollars of which for the first time the Consolidated Revenue of the Province of Manitoba is going to pick up a million dollars over a number of years in order to pay for the deficiencies of consecutive Liberal and Conservative administrations in the Province of Manitoba, who had no concern at all for those who were injured in industry. --(Interjection)-- Pardon? Ah, my honourable friend the Member for Portage la Prairie wants now to know who introduced the original bill. I believe it was a Conservative administration back in 1914 over the objections of the Liberal Party that that man from Portage la Prairie now leads in this House. --(Interjection)-- We're improving it now. That is the point that counts that we are improving it now. You rejected, my honourable friend the Member from Lakeside, you rejected improvements over the years. We're fulfilling our obligations to those who have been injured in industry now.

Now then, it is true, it is true as the Member for Assiniboia said that the increase of 25 percent in widows' pensions is not enough. --(Interjection)-- Pardon? Of course. Of course. The Member for Portage la Prairie says, peanuts or something like that but did my crumbs --(Interjection)-- Yes, that's right. I want to say to my friend the Member for Portage la Prairie, did you introduce a resolution into this House to improve the lot of the widows on Workmen's Compensation. I'll answer it. --(Interjection)-- You didn't. The Member for Assiniboia did not, --(Interjection)-- specifically in respect to widows' pensions, he did not. Let him prove it, because he did not. I know, Mr. Speaker, because I've been around here long enough. He criticized, he condemned, as is typical of the Liberal Party in Manitoba, they criticize and condemn and do not offer anything constructive. And that is the whole process of the Liberal Party in the Province of Manitoba. --(Interjection)-- So anyway, Mr. Speaker, Bill 63 has now been given consideration.

The Honourable Member for Rhineland condemned me because of my past activities on behalf of the workers who have been injured and said, why did you not do it when? We're doing it now. The Honourable Member for Rhineland has suggested that there should be a cost of living bonus attached to Workmen's Compensation, if I heard him correctly. The Honourable Member for Rhineland, Mr. Speaker, has no concept, in my opinion, of the purpose of workmen's compensation. But when we look at the increase for widows' pension --(Interjection)-- crumbs, yes, but does not my honourable friend the Member for Portage la Prairie also realize that in the suggested improvements in pension that we're increasing the allowances for children of widows \$10.00? Does he not realize that we are eliminating the discrepancy against children under 16 years of age. It was never done before, Mr. Speaker --(Interjection)-- You reply to a question you asked of me? No. --(Interjection)-- No I didn't.

MR. SPEAKER: Order please. Order please. The Honourable Member for Portage la Prairie is out of order.

MR. G. JOHNSTON: . . . I'm replying to one of your questions.

MR. SPEAKER: Order please.

MR. G. JOHNSTON: The Minister asked . . .

MR. SPEAKER: ORDER. Order please. I should like to indicate once again to all the honourable members if a member has the floor and he does not yield it the member who wishes, no matter how much he may so desire, is out of order to insist asking a question except on a point of order or a matter of privilege. I'm certain the honourable members are well aware of this and I shouldn't have to repeat it. The Honourable Minister of Labour.

MR. PAULLEY: No you were not. You were . . .

MR. SPEAKER: Order please. The honourable member doesn't have the floor; he can't be asked a question. The Honourable Minister of Labour.

MR. PAULLEY: What I want to suggest to my honourable friend that while they are talking, Mr. Speaker, about the increases to the widow's allowance as a result of a fatality in industry, that we have increased also the allowance to children which affects the total income to the householder or to the widow. We have eliminated, we have eliminated the differentiation

(MR. PAULLEY cont'd.) between those under 16 and those under ten. This will accrue also as a benefit to the widow if she has children, and I suggest, Mr. Speaker, that this has not penetrated the minds of those who criticize the legislation that is being presented for the consideration of this Assembly because I think, Sir, that it has to be taken into consideration as well, not only have we increased the pension to the widow by 25 percent we have increased the allotment to the children, in some cases by \$20.00 a month, depending on the age of the individual child which apparently has not been realized by the Member for Portage la Prairie, the Member for Assiniboia, and of course the Member for Rhineland as well.

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

MR. FROESE: The Minister definitely misquoted me here earlier when he said that I had suggested that it be raised according to the cost of living. When I spoke I referred to his lamenting on this side that nothing was being done and that what they actually did was not nearly enough.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Well after all. Then the Member for Pembina stated that the matter of persons injured years ago who at that particular time was single, subsequently became married and no increase in his pension. Now I'm wondering really, Mr. Speaker, whether the Honourable Member for Pembina was serious in that. If he applied this psychology to some of his expoundings insofar as the area of welfare is concerned I don't know really where my honourable friend would stand.

And then we have the labour expert of the Conservative Party, the Honourable Member for Pembina, speaking on --(Interjection)-- or Emerson, that's right - Emerson, speaking about some individual that he's had problems with. I've shared those problems with him. I think in some respects we've been able to resolve them and I want to say that as far as I am concerned as the Minister charged with the Workmen's Compensation Act that if there are any problems, we'll do our utmost to resolve them. I do say, Mr. Speaker, that for the first time in at least the last 20 years of government in Manitoba, a government is concerned with workmen's compensation, its benefits, and we're attempting to do something about it, and I recommend this bill for the consideration in Committee.

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

MR. PAULLEY: Mr. Speaker, after that I now move, seconded by the Honourable Minister of Finance, that the House do now adjourn and stand adjourned until 2:30 tomorrow afternoon.

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