

THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Tuesday, July 4, 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; Introduction of Bills; Oral Questions. The Honourable Leader of the Opposition.

ORAL QUESTIONS

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition) (River Heights): Mr. Speaker, I have a question for the First Minister. He indicated I think yesterday that yesterday evening he was intending to table the correspondence between the government and the federal government with respect to the compensation for the fish processors. I'm just wondering whether he is prepared to do it now?

HON. EDWARD SCHREYER (Premier) (Rossmere): Yes, Mr. Speaker, the matter was allowed to pass last evening, that I do have the documents here for tabling and accordingly table them.

MR. SPIVAK: Mr. Speaker, I have a question for the First Minister. Are those all the correspondence or just selected correspondence by the government with respect to the issue?

MR. SCHREYER: Mr. Speaker, I believe that the file just tabled contains the exchange of three letters that took place between the Honourable Mr. Davis and the Minister of Mines and Resources on the part of the Province of Manitoba in the period of time between 1970 and the end of 1971.

MR. SPIVAK: I wonder if the First Minister can indicate whether there has been any recent correspondence in the last two weeks?

MR. SCHREYER: None other than the letter requesting permission to table. --(Interjection)-- I indicated, Mr. Speaker, that there was no correspondence within the last two weeks other than the exchange of letters asking permission to table the other letters.

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

MR. IZZY ASPER (Leader of the Liberal Party) (Wolseley): Mr. Speaker, my question is for the First Minister. Can the First Minister advise the House whether since the Federal Provincial Constitutional Conference in Victoria subsequent negotiations have taken place between himself or other members of government with the other provinces or federal authorities relating to the rewriting of the Constitution?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I'm not certain if the Honourable the Leader of the Liberal party is implying that there ought to be, but I can tell him that there have been in fact no formal requests on the part of the Government of Manitoba nor any formal request received from the Government of Canada relative to that subject matter.

MR. ASPER: A supplementary, Mr. Speaker. Does the First Minister contemplate that between now and the next sitting of the House, such negotiations are intended to occur? Has he any notice that such negotiations may occur?

MR. SCHREYER: Mr. Speaker, if you allow the question as not being hypothetical I will answer and say that I assume that there will be some formal request emanating from the Government of Quebec asking for a resumption of the discussions with respect to the possibility of a constitutional revision. However, that's just an assumption.

MR. ASPER: Can the First Minister tell us, Mr. Speaker, if before a resumption of negotiations occurs he will, as I believe he indicated last year to this House he was prepared to, table for discussion, public discussion or debate in this Chamber the Manitoba Government's position as to the constitutional renegotiations?

MR. SCHREYER: Mr. Speaker, as an academic exercise that might be worthwhile, and if there is some inclination on the part of members opposite to have the material made available I will see if there's any difficulty in so doing. However, at this point in time it's pretty clear that if Constitutional talks resume they may be on the basis of entirely different premises.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I have a question for the Minister of Education. Has the Minister or the Department of Education recently appointed a person by

(MR. PATRICK cont'd.) the name of Mr. John Banmen to that department ?

MR. SPEAKER: The Honourable Minister of Education.

HON. BEN HANUSCHAK (Minister of Education) (Burrows): It depends what the honourable member means by "recently".

MR. PATRICK: Mr. Speaker, I understand the Minister is familiar with the name. Can he tell us what are the responsibilities and duties of this person ?

MR. HANUSCHAK: Mr. Banmen has been with the Department of Education for at least eight years and his duties and functions vary.

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

MR. ASPER: Mr. Speaker, my question is for the Attorney-General. In view of the decision yesterday by the Saskatchewan Courts to the effect that a breathalyzer conviction is invalid where the accused was denied the right of counsel in advance of taking the test, will the Attorney-General now instruct the law enforcement officers in Manitoba to advise accused of their legal rights in this regard in advance of having to subject themselves to the law ?

MR. SPEAKER: The Honourable Attorney-General.

HON. A. H. MACKLING, Q.C. (Attorney-General) (St. James): In hearing the question, maybe I heard it incorrect, there was a reference to a Saskatchewan decision. I am under the impression that it was a Supreme Court decision that is the leading case now in connection with the breathalyzer legislation and right to counsel. But in any event, whichever authority is being referred to there have been instructions indicating to the Crown Attorneys that it is essential that police understand again that it is a vital requirement that any accused person whether he be accused of likely impairment and a request to take the breathalyzer test be permitted to communicate with counsel in any event.

MR. ASPER: For sake of clarification, Mr. Speaker, to the Attorney-General.

MR. SPEAKER: This is the question period. Questions only.

MR. ASPER: It's a question, Mr. Speaker.

MR. SPEAKER: Very well.

MR. ASPER: Has the Attorney-General seen the decision of the Saskatchewan Court yesterday as opposed to the Supreme Court ?

MR. SPEAKER: Order, please. I don't see what relevancy there is to the procedures of this House whether the Attorney-General has or has not seen it. Orders of the Day. The Honourable Member for Thompson.

MR. JOSEPH P. BOROWSKI (Thompson): Mr. Speaker, I have a question for the Attorney-General. Could he indicate to the House what the decision of the Supreme Court was in regards to the time allowed for the person who is caught. How much time does he have to call a lawyer and how much time does the lawyer have to get to the scene, or to the Courthouse ?

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: The decision of the Supreme Court is still under analysis. My impression, and it's only my impression at this stage, is that there wasn't a definitive time indicated by a majority of the Supreme Court but an indication that wherever possible and under reasonable circumstances an accused person accused of the likely offense of being impaired and a request to take a breathalyzer test should be given a reasonable opportunity to contact counsel. I don't think there was a definitive indication on the part of majority of the Supreme Court as to whether it ought to be two hours or a lesser amount.

MR. BOROWSKI: Further question. Is the Attorney-General going to make representations to the Federal Justice Department to bring in some other law to overcome the problem that we're faced with now as a result of this split foolish decision brought down by the Courts ?

MR. MACKLING: Well, the Honourable Member for Thompson is obviously concerned about an apparent weakness that has developed in what otherwise has been excellent legislation and I too am concerned. We will have to consider the advisability of any representation. That's a question of policy and will be considered and announced in due course.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my question is to the Minister of Municipal Affairs. I wonder if he could indicate to the House whether the Transitional Assistance Board has awarded transitional assistance claims to claimants with respect to the takeover of the auto insurance industry ?

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs) (Selkirk): Mr. Speaker, in

(MR. PAWLEY cont'd.) answering the question, I find it very vague and probably incapable of answering. Certainly the takeover of auto insurance industry is - I don't know what the intention behind the use of such phraseology is. I think I would have to await answering to permit the Leader of the Opposition to clarify what is a very vague question.

MR. SPIVAK: Mr. Speaker, my question speaks for itself and the Honourable Minister of Municipal Affairs knows that. Has the Transitional Assistance Board appointed by the government awarded any claims to those people put out of business as a result of the takeover of the auto insurance industry by the government?

MR. PAWLEY: Mr. Speaker, first I reject the use of the term takeover, it's a provocative term I suppose intended to create a provocation in return, I choose not to. But insofar as the answer in respect to the Transitional Assistance Board I'm rather puzzled that the Leader of the Opposition is not aware that this board has been in operation now for at least 9, 10 months and has awarded hundreds of claims in respect to transitional assistance. I thought that the honourable member would be much more closely in contact with those that were involved in the applications.

MR. SPEAKER: Order, please. The Honourable Leader of the Opposition.

MR. SPIVAK: Yes, Mr. Speaker. I wonder if the Honourable Minister could indicate the number of awards that have been made and the total amount of money . . .

MR. SPEAKER: Order, please. Order, please. As I have indicated on many occasions statistical information should be given notice of, it's only a courtesy. The Honourable Member for Crescentwood.

MR. CY GONICK (Crescentwood): Mr. Speaker, I have a question for the First Minister. Has there been a response to the delegation with respect to their request that the tax arrangements with CPR be altered?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I'm not certain which delegation the Honourable Member for Crescentwood is referring to. I do believe that there have been representations received from two, possibly three sources.

MR. GONICK: Mr. Speaker, I'm referring to a delegation which appeared before Members of the Legislature informally, I think it was last week, and requesting some response on the part of the government with respect to the tax arrangements with CPR.

MR. SCHREYER: Mr. Speaker, I have the impression that the delegation that the honourable member is referring to met informally with a caucus of committee and not with a committee of this House. However, I understand that the Minister of Highways was representing the Crown at the time and agreed to forward the proposal and accordingly my colleagues and I await the receipt of this proposal from the Minister of Highways.

MR. SPEAKER: Orders of the Day. The Honourable Member for Thompson.

MR. BOROWSKI: I have a further question for the Attorney-General. Could he indicate when and if charges will be laid in the Wolseley riot, I mean, Sir, Headingley riot?

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, the report has been considered, or is being considered. I'm not in a position to indicate tonight when or how many charges will be laid but I expect that there could be some charges laid. I haven't had any complaints in respect to the Wolseley situation although I expect there may be some difficulties in connection with the returns of expenses under the Wolseley campaign, but that's another thing.

GOVERNMENT BILLS

MR. SPEAKER: The Honourable House Leader.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Speaker, the Constituency of Wolseley has been mentioned. I wonder whether as the Member for that constituency would like to make his contribution in respect to Bill 81, The Labour Relations Act.

MR. SPEAKER: The proposed motion of the Honourable Minister of Labour. The Honourable Leader of the Liberal Party. Bill 81.

MR. ASPER: Mr. Speaker, let me begin by saying at the outset that we in the Liberal party recognize that Bill 81 is extremely important legislation, particularly in the context of the total labour legislation package that's been presented for discussion so far in the session; and the Liberal Party also recognizes and welcomes a good deal of what's provided in Bill 81 recognizing a great deal of it as already approved Liberal Party policy.

(MR. ASPER cont'd.)

In general we commend the government for its attempt to improve the labour law. I won't deal with the rather impassioned speech made last evening by the Honourable Member for Logan - I don't see him in his seat --(Interjection)-- Sorry. For the record, Mr. Speaker, the Member from Logan appears to be in his seat. The somewhat gratuitous and unwarranted remarks that he made in his speech last night on the role of lawyers and statisticians and economic consultants in labour disputes, I will ignore because they contributed that much to the debate, zero.

The members I think of this Chamber must observe that what Bill 81 provides varies between the good, the missing, and the controversial. And it requires I think much more dialogue and consultation with the public, which after all is the victim or the beneficiary, as the case may be, of the success or failure of labour management relations.

While many portions of 81 can readily be supported by people of goodwill from all parties, and even applauded in many respects, it still appears that some portions are not at all conducive to harmonious labour-management relations, or to the promotion of the welfare of the ordinary working man and, most important, the ordinary consumer. As I acknowledge this is important legislation, and because it's well known that the government has spent the past three years working on this legislation, we consider it wrong for the Minister to introduce complex and significant changes in the labour law at this late date in the session. --(Interjection)-- If we are to have indepth debate, and receive well-considered submissions from the public, it will take several weeks of thoughtful consideration. Yet the Minister --(Interjection)-- Mr. Speaker, I recognize your comments of yesterday to the effect that being a new member I should try to observe the rules, and one of the rules that I observed that I would ask you to comment on, Sir, is the rule that there shall be no interruption of debate. I wonder if you might --(Interjection)-- Are we back to finding out how far the construction has gone?

Perhaps the Minister through no fault of his own, and I certainly am laying no blame at the feet of the Minister, but for whatever reason, the bringing in of this legislation at the time when we're in speed-up, facing a still heavy load of unfinished legislation, when people are out of town on holidays, who might otherwise wish to be heard and who might even be helpful to us in our deliberations in committee, it seems unwise to proceed on this rushed basis. So it seems appropriate as my learned friend from Emerson said last evening, that the bill be referred to the appropriate committee, which can sit in-between sessions, and report to the House next session, at which time the bill can be speedily passed. I do not suggest this is a delaying tactic. Such a suggestion is the natural consequence of having this bill presented at this particular time in the session. Indeed the bill itself recognizes that there is no urgency for speedy passage, because under its own term the bill does not become law until January 1, 1973. Now assuming the House will sit again next February or March, at which time the committee could have concluded its public hearings, and public opinion could have crystallized, passage could be accomplished next February or March, and the total delay would really amount to only a few weeks. The suggestion that the earlier public hearings are a substitute for public hearings on the bill itself, the public hearings that were held last fall, I suggest is not a relevant suggestion, because at that time the hearings and the submissions that were made, were made in a vacuum, they were made when no one was looking at a bill. We have the statement, and I take it at its face value of the Minister of Labour, that industrial relations in Manitoba are now good, and that's true, we have very few strikes. So one must ask, why is there the need to rush into something new, something that has been untried in recent history elsewhere? I emphasize that my suggestion for public hearings and more public discussions, is in no way aimed at delaying or defeating the bill for as I have already acknowledged, there is much which we can apply. But it's my design to insure broader discussions, more thoughtful contemplation of where we are going in this very area, very important area of human endeavor, and as I will point out, the areas of controversy in the bill run deep.

If I may, Mr. Speaker, I would like to outline a little of the labour philosophy that prompts my comment. As we in the Liberal Party have said on many occasions, that the working man can best improve and protect his position in the society through strong democratic responsible self-regulating trade unions. We are firmly committed to the concept that collective bargaining between people of equal strength will produce industrial harmony and assure the working man of fair treatment. Now that's important because we say that unions must be strong, because the weak cannot bargain effectively with management. We say that unions must be democratic, because only in that way can the members insure that their trade unions work in their individual

(MR. ASPER cont'd) interests. We insist that unions be responsible, because the trade union like any other person or organization has a collective responsibility to the society. We insist that unions be self regulated, because the trade union must build up within itself the means and techniques by which it can correct abuses within the union when they arise. Now if these conditions are absent, Mr. Speaker, the result inevitably must be public or governmental intervention.

We're considering the bill at a time when objective people all over the world are rethinking the traditional attitudes towards the field of labour relations, management relations. Indeed many are questioning whether or not the strike has become an obsolete method of resolving industrial dispute. Some of the most powerful American union leaders have publicly repudiated the value of striking --(Interjection)-- George Meany. Others are suggesting that the adversary system of confrontation between labour and management no longer serves us well, and we must find new approaches which lessen the adversary system and strengthen the co-operation between labour and management. We in the Liberal Party are committed to moving closer to industrial democracy where labour participates more in the management decision-making process, and where labour's return is tied to productivity and/or profit-sharing systems of one kind or another.

And over the past few years in this Chamber the Liberal Party has introduced several private members' resolutions dealing with the reform of labour legislation. You will recall that in the 1965 session, the Liberal Member from Assiniboia proposed legislation giving the Labour Board power to detect and deal with unfair union practices, and shortly afterwards the Woods Commission made a similar recommendation, and shortly after that legislation was passed along the lines of the Liberal proposal. Liberal members have introduced resolutions calling for the implementation of the recommendations of the Royal Commission on the Status of Women for the benefit of women who wish to enter the labour force, including maternity leave, strict enforcement of equal pay for equal work, and so on. Indeed at this very session of this House, Mr. Speaker, it was the Liberal Party which introduced the resolution calling for a minimum wage differential of not less than 10 percent for northern Manitobans in recognition of the higher cost of living. And although it was ruled out of order because of other government legislation, Bill 81 presumably, it was the Liberal caucus which presented the resolution to this session calling for much greater notice to be given to the labour force where management plans, technological, or other automative processes, which would cause the reduction or dislocation in the work force. So I proudly say to you, Mr. Speaker, that the Liberal Party takes no back seat to any other party in Canada in its progressiveness in advancing the cause of industrial labour harmony.

But there are many concepts and principles in Bill 81, some of which collide with those objectives and some which complement them. The concept with which I can readily identify and my party can readily endorse, the 35 percent certification vote absolutely. It has long been recognized that particularly in large plants where communication is difficult, labour has a difficult time in organizing the workmen into a union. The present law which requires a union to demonstrate that it has 50 percent membership before it can apply for certification creates too large an obstacle for labour. The provision in the new act which permits the union to apply for certification vote, and I stress to the public that hasn't I think entirely grasped what the legislation provides, that this is not automatic certification on a 35 percent membership but rather the right to hold a democratic election vote, and it is for that reason that the Liberal Party endorses wholeheartedly the 35 percent optional vote plan. We believe it is extremely fair - indeed I might point out that in 1970, June, the Liberal Party passed a policy resolution for the Liberal Part in Manitoba, calling for exactly this legislation. So we're happy to see it implemented. At the same time we must voice concern over what appears to be some confusion in the act in this respect, because it is possible, as my honourable friend from Emerson pointed out last night, to interpret the act as saying that the Labour Board can order a vote even if the union has less than 35 percent. If that is the case as we read it, then we will have suggestions to be made on that score at the appropriate time in committee, because we do not believe --(Interjection)-- certainly. It will go to committee as expeditiously as possible, Mr. Minister. We do not believe however that a minority of one percent or two percent of a plant should have the right to trouble the Labour Board or management with a certification vote, and 35 percent, or something less even, seems reasonable.

And again one compliments the government on having followed a line of strict neutrality

(MR. ASPER cont'd) between labour and management, because that is the appropriate position for government, the public to take. You will note, honourable members will see on examination of the bill, that where labour is given a right, a corresponding right is given to management, and that's as it should be. Management is given the authority for example to apply for decertification whenever the union membership is such as would have enabled the union to apply for certification. In other words, I'm suggesting that the bill maintains what we've always thought a fair balance between labour and management, the two contending interests.

And we're also pleased, and approve the fact, that the government has in this bill dealt with the difficult problem of finding a just and equitable compensation scheme for those members of the work force who become adversely affected by technological change for scientific advances, through which their work becomes automated, and by which the unfortunate side effect arises that the worker as an individual becomes redundant. This is a problem peculiar to our century, Mr. Speaker, one which has caused anguish for many decades. The Liberal Party adopts the view that was taken in the Freedman Report which essentially says, that where technological change destroys one's job, or significantly alters his conditions of work, management must be prepared to negotiate a fair adjustment and a transitional system for those members of the work force who suffer as a result. Clearly there can be nothing more cruel, nor brutal, than to see workers who have given a life time of service, or long years of service to an employer, being summarily laid off or discharged with little or no compensation or regard for the years' service they had given before science has put them out of work. And in this difficult area, and this is where I hope we can in moderation and good will come to amendments in committee, we know that we have to strike a balance whereby progressive technology is not impeded and at the same time cruel blows are not suffered by the work force in the name of progress.

In other legislation following the Liberal proposal that we made by resolution earlier this year, and which was adopted by our party in June of 1970 this government has wisely legislated the extended amount of notice that must be given to the work force when lay-offs are impending or perceived. And again we say this is only fair to the work force, and it should be of no impediment to management, and we urge spokesmen for management not to react on this issue. Because it simply means that now management will be required to forecast its production plans a little further, and a little better, and communicate that forecast to the labour force so it too can make its own plans. In Bill 81 the government adopts the posture that where technological change that's likely to affect the terms and conditions or the security of employment of a significant number of employees, or changes which alter significantly the basis on which the collective agreement was negotiated, the union gets the right to terminate the agreement and to start negotiations toward a new agreement. In other words, labour is given the right to strike, and management is given the right to lock out, unless there is an agreement reached over the new conditions of work based on the changes in technology.

The government has very appropriately included the provision which allows, as I understand it, Mr. Minister, binding arbitration over the issue of whether or not the changes in conditions of work are of sufficient significance to allow the collective agreement to be terminated, and that is the enlightened view which we commend.

The government in the general area of this whole part of the concept of the bill is in no dichotomy with the Liberal Party, we endorse the government's aim. But we will be questioning in committee the solution that the government has chosen to the problem. I am not at all sure, and many of us are not at all sure, that in this area we should not provide for an automatic intervention by an objective third party who will want to see justice done to both sides should they be unable to come to agreement. As the legislation now stands I'm afraid that it may be difficult for the two parties to negotiate the transitional step which should be followed where the technological changes dramatically affected the size and security of the work force. At a later stage in the debate we'll ask the House to consider an amendment to improve the government's intention.

There is a very strong case that can be made for saying that when you have a work force for example of 400, and 100 are rendered redundant by technology, and they are no longer employed but have been laid off, that the union that speaks for the plant may not be the best vehicle, the best institution, to speak for those employees who are no longer engaged; and where they fail to be able to come to terms it may very well be that in that case, public intervention on behalf of the laid off workers who are no longer members of the union necessarily,

(MR. ASPER cont'd) because they've gone to other jobs, or may have taken other employment. It may very well be that in that area public intervention on behalf of the discharged or dislocated labour force, may be the enlightened thing to do. Another key principle is the bringing in of law of the Rand Formula in the legislation. It's been long argued by the Liberal Party as well as by members of organized labour that where there's no closed shop and the union negotiates the contract for the entire work force, it is the entire work force that is the beneficiary of that contract. And yet because only those who are members of the union pay union dues, it is true that some employees who are not members and who are contributing nothing to the union's costs of operating, are getting the benefit of that labour contract. And clearly that is unfair. And so the Liberal Party has accepted and promoted the concept of legislating the Rand Formula of compulsory checkoffs.

But on the other hand, Mr. Speaker, the Liberal Party would never countenance legislation which forces a person to give up his right to freedom of association. We would never support legislation which forces people involuntarily to join any organization including trade unions, because this is a violation of the fundamental human right, the right to associate or not to associate. However, it is not inconsistent with Liberal philosophy but is rather the essence of it, that those who benefit from the work of a union must contribute their fair share to the cost of its operation. It's for this reason that we commend the government for including a provision in the bill that all members of a work unit, whether members of the unit or not, labour or not, will pay a checkoff to cover the costs of the union. But we will suggest that an alteration is in order here.

As my honourable friend from Emerson said last night, it's true that there are some, and not many, but there are some who for philosophical or religious convictions cannot in conscience contribute funds to a labour organization or to any other kind of an organization. -- (Interjection)-- Some of my honourable friends follow that policy religiously. In those few cases where there is a conscience objection there must be an exemption. I point out to the Minister's attention that the Province of Ontario has done that in this regard. That is, the Province of Ontario has exempted people from the mandatory checkoff who for religious or conscience reasons cannot contribute to the union. And as the Minister will know, these people are required to make an equivalent contribution to a suitable charity or public purpose so that their financial position personally is not improved by virtue of their refusal to contribute to the union. And that's all we seek here.

But we will want to hear more debate from the rank and file, from the leaders of the small union as opposed to the larger union, on what exceptions there ought to be to the contribution on the mandatory checkoff. Should one be entitled to deduct from his mandatory contribution an amount equivalent to his portion of what the union might contribute to a political party, for example? Should we be forcing people to contribute through a mandatory checkoff, to any political activity or religious activity with which he is not personally in agreement which has nothing to do with the negotiation of his collective agreement? And these are points we will want to hear discussion on.

I could go on at some length, Mr. Speaker, cataloguing the areas in which we are in agreement, but that's not the function of a spokesman for the Opposition, although I'm certain the government will lose no opportunities to extol the virtues of its legislation, and I would now want to point out some of the areas which are controversial and on which there will be widespread disagreement with what the government proposes.

Perhaps the greatest criticism of the bill is that contrary to what the Minister of Labour calls "a major breakthrough in modern labour relations" the act does fail to contain new, bold steps into the whole field of labour relations management. Steps which are taken are clearly toward strengthening the great industrial unions and particularly the business managers of those unions. But it may be doing this at the expense of the small unions and the rank and file members of all unions as opposed to union management.

In Bill 81 the government takes the view that labour and management have grown up. That's the fundamental thesis - they've grown up. The Minister has said that the government is going to allow the parties to really negotiate free of government intervention. He speaks of truly free collective bargaining and that this is a good thing. As a consequence the new act, as we all know, takes away the conditions precedent to a strike, to a strike vote. Under the present act no union can strike until it's taken a strike vote and no strike and no lock-out occur until the conciliation officer has been appointed or the Minister has failed to appoint,

(MR. ASPER cont'd) a conciliation officer or he has instructed a conciliation officer to confer with the parties and seven days have elapsed after the date of the receipt of the conciliation officer's report.

There are serious conditions precedent to the dislocation and heartbreak of strike and lock-out. Sometimes, it's true, the Minister appoints a conciliation board or a mediator. But in all cases there are no strikes, no lock-outs, no disruption of work until the Minister has received the report and there has been at least an opportunity for mediation and conciliation. Now under the present system there can be no legal strike and no legal lock-out without the Minister knowing about it in advance, and without him there is the conciliation officer trying to bring the parties together and exercising such prestige and influence as his office carries, as he thinks will be helpful to protect the public interest. Not management's interest, not labour's interest - the public's interest.

Now under the new Act it becomes entirely an optional procedure. The Minister may still appoint a conciliation officer but there is no requirement, as I understand it, for anyone to wait for the conciliation officer to report. Am I correct? The strike can begin without anyone having recourse through outside objective and unemotional intervention. As I understand the government position its intention is to interfere as little as possible, and from statements made by the Minister mediation will be the exception rather than the rule as a matter of intent. It may very well be, and I certainly am prepared to hear argument, it may very well be that the government is adopting the enlightened view but there are many of us who are not sure.

There are many people in this nation, in this hemisphere and in this province and in this city who are familiar with the -- and I am no stranger to labour management negotiations; I have taken part in them myself -- who will believe that this is simply a case where the government is advocating a responsibility to the public because that responsibility is sometimes onerous, sometimes embarrassing. I think it may very well turn out to be a great trap to assert that there can be healthy and free collective bargaining without public involvement, without the public who is the victim or the beneficiary, as the case may be, having an involvement in it.

Firstly, collective bargaining as with any kind of bargaining confrontation or fighting, can only be reasonably fair and reasonably decent if the parties are roughly equal in strength. So let's look about us. Most of the unions in this province are in small shops. Few of the unions are a match for the employer who by a variety of devices, some of which were detailed last night by the Honourable Member from Logan, can always beat the union. It's these unions, the small unions and their members, who have often had to deal with giant employers and who could never have come to terms with those giant multi-national employers without the benefit of mediation and conciliation. And equally on the other hand there are those very few large giant unions in Manitoba who do have the power and the organization to bring just about any employer to his knees. It's these already strong unions who will benefit from the new act. But the small, some of the craft unions, the guilds, the smaller local unions, may very well suffer without the ability to call for help, without the assurance - not the discretionary assurance of the Minister maybe intervening, but the automatic right for conciliation when he's faced with a giant who is dealing with a shop of 16 employees who can simply transfer the business to another shop. And I've seen it happen. And so have honourable members opposite.

So if we are committed to improving the capacity of labour to bargain and to bargain effectively, then let's ask ourselves the question: What labour are we talking about? Because I perceive that small labour is not guarded well enough in this bill. We'll be asking for amendments in that regard.

The automatic or rather the withdrawal of the automatic right to mediation may very well lead to something that I fear, the continued mad-on rush to bigness forcing many of the smaller unions perhaps to amalgamate. And we'll be looking to hear from them in the Committee and I will be the first to be consoled by their assurance that they do not share my concern. And I will want to hear from their rank and file that they share the view of the government. Because it is for them that we have endorsed the principles of Bill 81.

The government may think that the forced amalgamation of small unions is a good thing, for their passion for centralization, whether it's the moving of industrial plants from rural towns into Winnipeg or for the centralization of government services or the centralization of political power, is well-known. But I reject centralization, and if the bill goes through into second reading and into committee I hope that the public hearings will bring, as I say, the

(MR. ASPER cont'd) small unions and the rank and file and let them say to us that they want to withdraw the idea of mandatory conciliation and then we will certainly be prepared to reconsider what I've said.

But in any event how is the public interest protected in Bill 81? Under the present law the Cabinet can declare certain functions, certain industries, certain services to be essential to the health and well-being of this province as a whole or in the preservation of property within the province. At present such a decision by Cabinet to restrain the right to strike then becomes ratified, must be ratified within 14 days by a vote of this Legislative Assembly. This principle of the right of the Cabinet and this House to intervene on behalf of the public in what threatens to be, or is in fact a destructive strike, a damaging strike, is no longer part of the principle of our labour relations. Indeed the government now leaves the protection of the public interest to the well-known tender mercies of organized labour and organized corporate management. And I do not think that they are suitable guardians of the public interest. I believe that the public interest can only be protected by an objective third party.

As the government appears to see it, it is worth it that the price of this experiment, in a province which is working very well without the experiment, should be paid by the whole of the public. And I doubt that this is an enlightened modern approach where no problem exists. When one reviews the British experience, the American experience, and the Canadian experience, it is a history, firstly, of making it legal for working men to organize for their common good; and secondly, through government intervention to make the interaction between management and labour less of a confrontation and more of an accommodation. What I'm saying is the bill encourages, heightens the degree of the adversary instead of going the what I believe is the modern route, the more enlightened route; moves closer to industrial harmony through accommodation less confrontation. The bill does nothing in this regard.

I'm suggesting in effect that the Manitoba Government is prepared to turn its back on the whole history of labour-management strike, and go back to where the Americans were in 1935. That's the kind of law we had before the great strikes. So I would suggest that the removal of mediation and conciliation as a normal part of collective bargaining is a regressive step rather than progressive.

And in the bill and in the outlines of the government's plans for next year's legislation, it becomes clear that the government proposes to make the right to strike on the part of a union or the right of an employer to lock out his employees, a universal right. Now, is that really what the people of Manitoba want? Is that what the people of Manitoba need? Surely our experience has taught us that we've reached the stage whereby now we are recognizing that a labour-management dispute is not something like a shareholders' dispute between shareholders and a corporation. It's not something that's suffered by only the parties who are directly affected but by rather the general public who is far more affected than the parties who are directly involved.

If 200 garbage removal employees go on strike, can anyone on the side opposite argue that they, these 200, or the management who employed them, have a higher right than the health, the sanitation and the safety of a million people in the province --(Interjection)-- No, there isn't. That's what we're calling for. The whole essential service strike must be reviewed. We've got enough experience from other jurisdictions to know that we don't want --(Interjection)-- should ask an entire province. . . . Excuse me, Mr. Speaker, I think someone's ill on the other side. I heard some . . . Are you all right? Let's try to make it a two way street.

I ask the Minister if he's prepared to read tomorrow's Hansard about what I've said inasmuch as he doesn't appear to be listening tonight. I ask him to ask himself and ask his colleagues the question whether or not an entire province should be asked to endure a blackout or a withdrawal of electrical services because of a dispute between a few hundred hydro workers and the Government of Manitoba through its agencies.

The Minister says that he intends to extend the right to strike to all essential services including police, fire, teachers and so on. And I'm suggesting that when the public has had an opportunity to make itself heard on this issue, and remember that the public includes the rank and file members of labour unions as well, that the Minister will see to it that it is in the best interest of this province that there be machinery in our Labour Relations Law which can promptly, effectively, and efficiently bring an end or a suspension to a strike or a walkout in a service in which the public interests dictate that the essential service carry on. --(Interjection)-- Exactly. Exactly. The public interest is paramount as I say, not the interests of labour

(MR. ASPER cont'd) management, or management of the corporation. The Minister has argued that by removing the public's right to intervene even in essential services, that will force more responsible, more straightforward bargaining between labour and management. And that may be, but I fail to see how it will work because I've spent a lifetime in all sorts of negotiations, and I have always found, and I know my honourable colleagues in the profession of law will remember that it is the intervention of the dispassionate, objective, unbiased, third party which very often cools tempers, prevents emotions from ruling and restores reason, provides opportunities for face saving, extrications from difficult situations which might otherwise lead to confrontation and clash. I say I have participated on both sides of this question in negotiation, and there comes a time in these negotiations, labour management, where only emotion and frustration rules rather than as I say reason and goodwill. And I am saying that the public of Manitoba is entitled to better protection from the giants of big business and the giants of big labour than the Minister proposes to give.

Another principle of the bill that I think will prove troublesome, is that which offends against the basic principles of British-Canadian justice to the effect that when one accuses another of wrong doing, the onus is on the accuser to prove his charge, yet in the bill dealing with unfair labour practices, the bill puts the onus on the accused to prove his innocence, rather than the onus being on the accuser to prove the guilt. Now I can readily understand the circumstances which have led the Minister to adopt the view, although I'm not altogether certain that we have to go this far. It is well known that management in particular can through subtle means create situations which coerce, intimidate, or unduly influence the employees. We're all well aware of this and quite properly this is an unfair labour practice. Where the labour union makes the complaint that an unfair labour practice has been committed, it has in fact proved to be extremely difficult for the prosecution to prove its case because of all the facts, all the data being in the hands of management, and so the prosecution is rarely successful. We recognize this, and we sympathize with the existence of the problem, and I do not want to be taken by my honourable friend as supporting any system which makes it easy for any party to collective bargaining, to abuse the rules, any party. Nevertheless I still cannot easily accept the notion that the onus must be on the accused to prove his innocence. This is not unknown to our law, I recognize. There are examples where we ask the accused to prove his innocence, but it is something that we should only do when there is no other possible technique available in solving the problem. And I'm not satisfied that the conditions yet exist in this situation to a degree sufficient to warrant the drastic violations of the fundamental principle of our judicial system, namely that one is innocent until someone has proved him guilty. I hope we will be able to suggest alterations and amendments in committee which will improve the operation of the law without negating the basic principle, and I hope the Minister will objectively and open-mindedly be receptive to consider amendments in this regard.

There are a number of other problem areas which we will refer to in greater detail as the debate proceeds. To touch briefly on them, Bill 81 says that an employer cannot discharge or lay off, or transfer or suspend, an employee who refuses to perform work which will directly facilitate the operation or business of any other employer whose employees are on strike, or who are locked out. And once again the onus is on him the employer to prove that he is innocent when he is charged with this offence. I suggest that this is a most unduly harsh contract. We now are saying that an innocent employer is to be impaired, innocent in labour management confrontation, an innocent employer is to be impaired in his dealings because someone, some other company over which he has no control, and with whom he has no relationship, is on strike. The question is, will he be required to maintain his full contingent of employees who stand idly by because of their sympathy strike in effect for another bargaining unit which has been locked out, or is on strike. I am suggesting to the Minister that surely we have the ingenuity to find a less harsh method for resolving the hot goods and sympathy strike problem. In this regard again, Mr. Speaker, at the appropriate moment in debate we will offer the Minister alternative suggestions. Once again in Bill 81 we see the principle of denial of natural justice engaged in.

We have seen many bills presented by this government over the past three years which have now become categorized as snooper bills, because they give the right to search, to seize, to enter people's premises, to ordinary enforcement officers at any time of day or night, not even at reasonable times of day and night, but to enter at any time with the right to search and seize without a search warrant, and this is a denial of the natural justice concept in a free

(MR. ASPER cont'd) society. And we saw half a dozen examples of this last year in the City Bill and in the Investigation Bill, and so on. It has become the trademark, an unfortunate blemish on this government, for its lack of regard for the basic civil rights of people not to be interfered with in their privacy, not to have people barging in their door without search warrants, demanding the right to search, and the right to seize and take away goods. --(Interjection)-- Not at this point. I'll be through soon.

Unfortunately the rules as I understand them don't permit referral to - I'll give it to you later --(Interjection)-- and we can't be proud of the fact that we have it right now either. I was looking for this government to bring in an enlightened labour code --(Interjection)-- We did not think for a minute, Mr. Speaker, that we would be able to debate the Labour Bill or even touch the Holy paper on which my learned friend the Minister has inscribed on tablets of stone these words without being insulted, without being bullied, without being called anti-labour, pro-business, you can't even debate it. If we can't discuss labour without passion from the side opposite - Mr. Speaker, I would not want it to be thought by my learned the Minister that because I've touched on only a few points in the bill that this is our entire view of the legislation. Rather what I have attempted to do is to outline to the Minister and to the House, and to you, Mr. Speaker, our points of agreement, and touch on some of our points of disagreement, and we are saying to you, Mr. Speaker, that this bill has both good points and bad features, and that it will be our objective to remove the bad features and retain the good, because the bill not only suffers from what it does say in some areas, but also more particularly from what it does not say, as my honourable friend the Minister has interjected on several occasions. And if I appear disappointed at its content, it was because we dared to believe that the present government would bring in indeed an enlightened labour code. We looked forward to much more than we received. Some of the things that we have been asking for, and that should have been included and can still be added to the bill, and that should be considered by this House, would include firstly, provisions insuring and expanding the democratization of the labour union organization to make it more responsive, and more responsible to its members. We've reached the place in our progress as a society where all of us must surely recognize that all institutions regardless of whether they are private or public, whether they are corporations, co-operatives or labour unions, must have a responsibility to the general community, and in this regard Bill 81 is noticeably silent.

It is odd that the government believes that the law should enforce standards of morality and good conduct on everyone, except in the cases of labour unions these be the rank and file. For example the Minister is not hesitant to call upon the employer to abide by exacting rules in dealing with his employees. Mr. Speaker, the Minister says, "that's all right this will," and I'm quoting him, "this will only bother the few bad employers". Well, Mr. Speaker, why for example, should the unions mind laws being passed that democratic union internal conduct will be observed for, to apply the Minister's own words, "that should only bother the few bad unions". We should have liked to have seen, just as we have legislative standards of good corporate citizenship and intend, I hope, to legislate more, standards of disclosures and financial reportings by corporations, co-operatives, credit unions, to their shareholders and members, we should have liked to have seen the same standards of full disclosure, grievance rights, automatically by law, not by constitution, but by law, applied to labour organizations for the benefit of the individual member of a union. So when I say I'm disappointed that union democratization was ignored in the reform, you can imagine why we are even more unhappy that the Government of Manitoba has failed to look about the entire western world, and to consider the new approaches that are being tentatively taken, experimented with in industrial relations in England towards making unions more amenable to the general law; in the United States towards democratization of the unions; in Germany towards giving the unions more of a say in the management of the companies. In many jurisdictions various types of profit-sharing including the use of company pension plans, is being loaned as capital to the very company from which the pension funds come, and thus giving the workers an extra stake in the success of the company. There are countless, adventuresome, modern ideas that are being proffered in the field of labour management relations. These were ignored in favour of the debate being resolved of the 1960s at a time when we are dealing with the problems of the 1970s.

Other ideas that are being considered, and ought to have been considered by the government is the concept in highly automated plants of competing units. The unit, including management, compete in those situations against other units under the same ownership. But instead of

(MR. ASPER cont'd) bold and imaginative advances in these areas, Bill 81 simply changes the law to provide that persons who were formerly considered part of management, or professional staff, may now be required to become unionized because of the increasing definition of who may be forced to join the bargaining unit. That's something that I'm sure we'll want to hear a considerable debate on by lower, middle, and even senior management.

We are wondering, Mr. Speaker, where is the legislation which provides certain basic fundamental rights being legislated that will cause the Canadian membership of a union that is affiliated with an American union, to give complete control over the administration of the local union to the people who live here; that will guarantee by law grievance procedures by Manitoba members of the union being dealt with by Manitobans in Manitoba, and not in some foreign city; the right to make certain that in any international affiliation a fair portion of the union dues paid by Manitobans will be governed by Manitoba officers; and other obvious steps that must be taken to repatriate control over many sections of the Canadian labour movement and the Manitoba labour movement into the hands of Canadian labour leaders as opposed to non-Canadian labour leaders. Where is the government action that will protect the worker from having his real income eroded by continuing rises in the cost of living? If government is seriously concerned about labour, there were a lot of things that we could have seen. We could have seen consideration of wage, price, profit, dividends, rents, restraint. We could have seen a lot of other things that would have made our labour package more real, more meaningful.

Mr. Speaker, much remains to be done, as I tried to indicate tonight, to bring our labour relations law into line with modern reality. Union democratization, steps to foster and encourage democracy, repatriation of foreign control over our union, a bill of rights for the union rank and file, these are only some of the steps that have to be taken. Our Workmen's Compensation payments remain inadequate even after the passage of the bill at this session. Our minimum wage must become tied to increments in the cost of living. We must build in flexibility into that wage system. To permit ready and simple exceptions to be made so that the partially handicapped can without a complicated bureaucratic procedure be able to work for less than the minimum wage on a productivity basis, rather than having to lose their welfare, or other disability pension benefits. Our definition of industrial diseases must be broadened so that our Workmen's Compensation law truly reflects the risk of industrial injury better than they do at present. And standards of living conditions must be legislated for work camps so that we don't have a repeat of the eyesore, and the shame that existed this winter at the Ilford road clearing campsite. And, Mr. Speaker, there is much more to be done. And this bill fails to grapple with the real problems facing the working man in this province.

So to sum up for now in my view, Mr. Speaker, this legislation will only result in increasing the power of some of the management side of a few major unions, while decreasing the power and effective bargaining position of the rest of the unions, placing the working man too much in the power of too few union leaders and if this bill is passed without alterations there will be a chaotic time, at least for awhile, but the general public may be in for a very long hard journey.

So I conclude by adding the hope that in some of the areas I've covered, some of the concerns I've voiced, the government will reconsider its position during the course of this debate. And I would hope, Mr. Speaker, that the House will give speedy second reading to this bill without delay so that we can in committee hear from those members of the public who will be the beneficiaries, as I have said, or the victims of our wisdom or our lack of wisdom in trying to bring reform to our labour-management relations.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN, Q.C. (Inkster): Mr. Speaker, I did ask the honourable member if he would take a question at the end of his remarks. Yes, I wanted to know which section he was referring to when he talked about the . . . section -- yes, do you know which section you were referring to?

MR. ASPER: I haven't got the number. I am referring to the section dealing with the investigation of unfair labour practices. I'll find it for you in a minute.

MR. GREEN: Would it be section 34? I wonder if you would look at 34 and tell me whether that's the one you're referring to?

A MEMBER: 97.

MR. ASPER: Yes, 97. 97 is one and I think there's another one too.

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. GONICK: Mr. Speaker, I would like to ask the member a question, in fact two of them. The first question is, I wonder how he would reconcile his statement in favour of the principle of the self-regulation of unions on the one hand with second principle, namely, government imposition of democratization of unions on the other?

MR. SPEAKER: The Honourable Member for Wolseley.

MR. ASPER: The two positions are wholly consistent. Today in every structure that exists by law, corporations, trade unions, credit unions, co-operatives, these are all creatures of the law. The law says that since we give you the right, the legal status to exist, and give you rules within which you work, we will legislate the framework within which you will work. We legislate that directors cannot deceive shareholders. We legislate that where a shareholder and we keep improving our company law, our shareholders are receiving more and more the right to full disclosure. We are now at the point where we're saying to our corporations under the corporations and labour unions returns provisions in Ottawa, that they must file returns describing who their shareholders are, how much money they paid out in foreign currency and so on. Having said that, we who are characterized by my honourable friend the Minister as supporters of non-labour, when we say that we seek to insist that the corporate structure be responsive and responsible to the shareholders of those corporations and we want greater and greater responsibility, it is not inconsistent for us to suggest that we want the same democracy, the same right and better, if possible, for the rank and file member of unions as opposed to union management.

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. GONICK: Sir, I would ask the member if he would not agree with another Liberal spokesman, namely John Kenneth Galbraith, that it is normal and usual . . .

MR. SPEAKER: Order, please. I must inform the honourable member that extraneous material is not allowed. Questions of clarification yes; new areas of debate, no. The Honourable Member for Crescentwood should know that.

MR. GONICK: Mr. Speaker, the question is, would the member not agree that it is common for large corporations to promote through its own mechanism large unions opposed to them? Is it not also correct that it is normal that small craft unions of the kinds he talks about normally would find themselves opposed to small . . . ?

MR. SPEAKER: Will the Honourable Member for Arthur state his point of order?

MR. J. DOUGLAS WATT (Arthur): . . . your speech, okay.

MR. GONICK: Mr. Speaker, the question is, would the member not agree that it is normal for large unions to be facing large corporations, small unions to be faced with small businesses, as another Liberal writer John Kenneth Galbraith has expressed it?

MR. SPEAKER: The Honourable Liberal Leader.

MR. ASPER: I'm not prepared to endorse what my honourable friend from Crescentwood suggests as a co-liberal John Kenneth Galbraith. To my knowledge he is not a member of the Liberal Party nor does he speak for the Liberal Party. Having said that, the answer in a word, if you want it in a word, is no. If you want it in more detail one can readily point to examples of small craft unions being faced dealing multi-national corporations. A classic, although it isn't on all fours with the case we're discussing, a classic case that we had in Manitoba just this last year was the Flin Flon strike where you had a very interesting and anguished combination of a large international union bargaining for the vast majority of the employees, but numerically a great number of smaller craft and trade unions, other trades bargaining for a very small number. That's my answer, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I'd like to start my remarks by registering my particular bias. It is not always accepted by the Minister of Labour and we have had various disagreements about this type of legislation, that this type of legislation is not my type of bill. It is certainly not the choice of the kind of legislation that I would enact if I were able to play the role of being able to enact everything by myself, which I never will be in that position. It's legislation which nevertheless I have to congratulate the Minister for bringing in and it's the kind of legislation which I predicted to honourable members of the Conservative Party in particular that I said would be enacted by Opposition parties inevitably as the result of the kind of legislation which preceded it; that in view of the fact that for the last 35 years, Mr. Speaker, there has been the notion that one can regulate trade union activities by virtue of passing

(MR. GREEN cont'd) legislation and in view of the fact, Mr. Speaker -- I hope that the Member for Wolseley stays but I see he has to leave, which is his business -- Mr. Speaker, in view of the fact that for 35 years successive governments had enacted legislation which said that these matters can be regulated by legislators, and in view of the fact that in general those legislatures were controlled by people who essentially -- now, Mr. Speaker, I'm going to try to be as unprovocative as I can -- but who essentially took the management position rather than the employee position.

The laws with regard to trade unions became very restrictive and the labour people sided with the Opposition parties and it was quite a natural linkage as has happened in many other countries and in many other places. The same thing happened in Canada in the Province of Manitoba, sided with the party of the left which was the CCF or as we know it today, the New Democratic Party. It said that we would like to get a government in so that we could undo by legislation or do unto them as they have done unto us. And, Mr. Speaker, as a result of that, the New Democratic Party came into power and tried to enact legislation which will undo many of the inequities that existed by virtue of past legislation. And as a result of that, Mr. Speaker, we have a labour code which I think is far superior to any labour legislation that we had in the Province of Manitoba because it undoes many of the inequities that existed by virtue of past legislation, but which remains, Mr. Speaker, and this is the only area where we're on disagreement with the Honourable the Minister of Labour, which remains essentially legislation to deal with labour and management as if they were creatures different from anybody else in society; that I have tended to believe that the least legislation that you had in the labour area, the more that you allow these people to be governed by the laws that govern other peoples in society, the better. And the Honourable Member for Rhineland is nodding his head up and down and I agree with him and I hope I have found a convert.

But the fact is, Mr. Speaker, that I think that that would be the best type of labour legislation. That is, the least the better. And, Mr. Speaker, in saying that, I have to disagree with what was said by the Honourable Member for Wolseley a few moments ago when he said that lawyers have played a very important role in labour relations. I note that the Member for Wolseley says that he has bargained for people on both sides, he's bargained for management, he's bargained for labour, he's negotiated many many -- I don't think he used those words but he gave the impression that he has been in this field for some time, for some years. I don't dispute that, Mr. Speaker. I probably was involved in more labour-management negotiations, or relations law on the side of labour than any other lawyer. I don't remember running into Mr. Asper either on the labour side or on the management side, but that could be by complete accident. I mean, I believe that I had run into everybody who was involved in the field but I did not run into the Member for Wolseley in the field, but I repeat that could be by complete accident.

In all of the laws that I have tried to advocate with regard to labour relations I have tried to advocate laws which gets the lawyer out of the field, because I do believe what the Member for Logan said. I believe that the more the lawyer is involved in the labour relations field the more difficult is it to have industrial stability. Therefore all of the attempts that I have made in this House, or at any time, were to try to see to it that there was less room for lawyers in industrial relations and that the least the lawyers were involved the more likelihood, Mr. Speaker, that we would have of industrial stability.

I believe that essentially what the Minister of Labour has done is to enact a bill which tries to restore as much as possible the essential bargaining as between this group to the same source as it lies with regard to other groups of society; that two people are negotiating with regard to the price of a house, there is very little law. As a matter of fact I would venture to say that there is no law which is designed to make them come to an agreement as to the price of that house. That the financial world is bargaining with the public, or other people in the financial world, with regard to the amount of interest they will charge before advancing their moneys. As far as I know, Mr. Speaker, there is no law which requires them to advance moneys at one rate or another rate or which seeks to have agreement arrived at as between those who are advancing the money and those who wish to borrow money. And as the Minister of Labour pointed out I think the first year I was in the House, that several years ago the financial institutions went on strike. They said that they would not advance money unless terms and conditions of advancing that money were to their benefit, and they would not advance it at 7 percent, they would not advance it at 8 percent, they would not advance it until it reached 9 percent or beyond that. And as a result of them not advancing that money under terms and conditions which they found

(MR. GREEN cont'd.) acceptable to them, Mr. Speaker, the entire public was affected, but affected, not affected as they are affected sometimes when a single factory goes on strike and some people have difficulty getting shipments, not as they are affected even when the entire agricultural population is affected, let us say, because grain loaders don't load in the month of August they wait until September, October and the grain eventually goes, but, Mr. Speaker, the entire country was affected. Thousands of people were put out of work. Construction stopped. Everything stopped. But nobody came in, Mr. Speaker. It was said that we had to send in a mediation officer and he had to tell those financial institutions that they had to advance interest at less rates because the public is affected, and that if necessary we will pass a law getting an injunction requiring them to advance the money at 6 percent, or why not five? Why not five?

But, Mr. Speaker, in no other area that I can think of except the area of industrial relations, and this has happened consistently, in no other area am I aware that an economic relationship where there is a purchaser and a vendor does the public come in and say that you must be the purchaser, you must be the vendor, and if you can't agree as to the terms and conditions under which that purchase and sale will be made, we will find a way to make you agree. This is the only field that it exists. And, Mr. Speaker, the law that the Minister of Labour is bringing to the House, I repeat it's not my type of bill, it's not the kind of bill that I would present. I would present a bill which was possibly two pages long and which tried to say that the rights of management and labour are the same as everybody else in society, and every time a court makes a special law for employees which doesn't apply to others, we will revoke that law. Because, Mr. Speaker, that is what happened.

The Honourable Member for Wolseley is not correct when he says that the history of labour is one of first of all permitting them to organize. The history of labour, Mr. Speaker, is first of all one of prohibiting them from organizing. The first labour laws were passed in 1799, Mr. Speaker, and they did not give labour the right to organize. They were the Combinations Act which declared, Mr. Speaker, which declared that if Mr. Paulley and myself were working for the same employer and on our way home we started to say, gee, we're not doing very well; we can't buy enough food; we can't build enough of a house. Maybe the two of us should approach our employer tomorrow and say that unless we get better wages we're going to go and look for work somewhere else. It declared, Mr. Speaker, that he and I could go to jail because we had that discussion. So the notion, Mr. Speaker, that the first laws were designed to free trade unionists is a distortion of history. The first laws were designed to prohibit trade unionists and all of the laws since then have been subtle ways, Mr. Speaker, of trying to make this simple activity - and I refer to it as simple activity because everybody else can engage in it. My honourable friend the Member for Wolseley can say to a client, "Unless we agree as to terms and conditions of my working, I am going to withdraw." He can also go over to his lawyer colleague and he can say to me, "Sid, here's a fellow who is looking for some work. As far as I'm concerned we shouldn't work for him for less than a certain amount, and I would ask for you not to do that if he comes to you, because you're going to be undercutting my wages," and, Mr. Speaker, the lawyers have done it. The lawyers have passed the tariff which says that we will not work below a certain wage and in the Province of Ontario it is even considered a breach of ethic for which one could be disciplined if he happens to work for less than that wage. So the lawyers can do it, the doctors can do it, every single group in society is able to negotiate the terms and conditions upon which they will sell something or buy something, and there is no law that I am aware of, and maybe the Member for Wolseley will correct me, except in the labour field where society comes in and says, if you can't agree because other people are affected, and because if people don't buy buses now, if the government doesn't buy buses for a certain rate other people will be affected, we are going to require you to pay a certain rate, or do something of that kind. And this, Mr. Speaker, is essentially what has been brought in. And I was amused, Mr. Speaker, to hear the Honourable the Member for Roblin referring to this act as being some kind of a union between the government and the trade unionists, that it was being brought in for the trade unionists, and he was going to fight it, Mr. Speaker, and I marked his words down because they sounded very familiar to me. He said "I will fight this to the bitter end." And, Mr. Speaker, it rather reminds me of Carlyle's French Revolution where he says, "The émigrés surrounded France and they marched their armies up to the borders, and there they stood vowing to fight to the last man, but no further". And the Member for Roblin he will fight to the bitter end but, Mr. Speaker, no further, because the kind of law that is enacted here, I suggest to you is going

(MR. GREEN cont'd.) to be exactly what the Minister of Labour referred it to be. It is the venturesome labour law, not the kind of thing, Mr. Speaker, not the kind of thing that the Member for Wolseley referred to - and the Member for Wolseley is back now - and I must admit, Mr. Speaker, that tonight I find myself really and truly bested, that I am completely outdone by the, what the Member for Wolseley has done. I have listened to his remarks, Mr. Speaker, and there are so many things that he says which are either inaccurate or misleading, Mr. Speaker, or just out and out wrong, that I just can't deal with them all. And if that is the way of presenting a case so that it can't be answered, then I admit that the Honourable Member for Wolseley has bested me, because I just can't.

Mr. Speaker, I want to take a few small examples. I asked him - he said that he links this with an approach of government that last year the New Democratic Party brought in certain, what he called snoopers, legislation which gave people the right to do things without a warrant, which gave them the right to make searches, and just to make sure that I knew what he was talking about, I asked him to identify which section he was talking about, and he identified Section 97, Mr. Speaker, as being evidence of the insidious nature by which this government is going to continue to legislate, because now having had it . . . last year in the various snoopers bills, we were now introducing it into the labour bill. Am I being unfair to the Member for Wolseley? Because that's the way I got it, that we were now bringing this in, Mr. Speaker, --(Interjection)-- yes it does matter because the Honourable Member for Wolseley, Mr. Speaker, left the distinct impression that this government because it is sneaky, because it wants to break into places without warrants, it doesn't matter at what time, that we have come in and enacted a new section and put it into our labour bill for the purpose of being able to accomplish these purposes. The section is Section 97, Mr. Speaker. It says - and I'm entitled to refer to the section, Mr. Speaker, not to argue about it but merely to identify it - a mediation or a conciliation board or an arbitration board, or a person who has been authorized for that purpose in writing by a conciliation board or arbitration board, may without any other warrant than this section at any time enter building, ship, vessel, factory, workshop, place, or premises of any kind, and then it goes on and on. Mr. Speaker, I have the Statutes of Manitoba 1954, enacted by that great Liberal Party, Mr. Speaker, that doesn't believe in snooping, that doesn't believe in entering in places without warrants, that would never enact a section such as 97. Mr. Speaker, I want to read it to you. Section 34, Statutes 1954, "A conciliation board, or a person who has been authorized for that purpose in writing by a conciliation board may without any other warrants in this section at any time enter a building, ship, vessel, factory, workshop place or other . . ." Now, Mr. Speaker, I'll accept the argument that it's a bad cheque; I'll accept the argument that when a civil rights piece of legislation is brought to your attention, and the Leader of the Opposition knows this, that when the Opposition last year argued about certain questions with regards to the part, with regards to the other snoopers clause, I know that he knows I did a job in changing those sections, regardless of whether they existed before, regardless of whether they had them in the bill, and I accept that kind of suggestion. If the Leader of the Liberal Party had got up and said, "This is the kind of thing that should no longer be in our labour laws even though we enacted it way back in 1954", I would have accepted that as at least being an argument. But, Mr. Speaker, that's not what he did. This is evidence of that insidious socialist tendency to sneak into places at any hour without a warrant, to break down doors and to make investigations, and to interrogate people. Mr. Speaker, that is --(Interjection)-- I won't yield to a question. Mr. Speaker, all of the members were in the House, including members of the Conservative Party, and members were in the gallery as well. If I am misrepresenting my honourable friends then I will suffer by that misrepresentation, but I heard what I say, I heard. Hansard will show whether or not that is the impression that the Honourable Member for Wolseley wanted to leave, but that is definitely, Mr. Speaker, what came through to me.

As to whether the section is good or bad, we can argue about it, we can enjoy issue about it, and maybe it could use changes. But to suggest that that represents something essential to the character of the people who sit on this side of the House is utter balderdash because it was passed, Mr. Speaker, by a Liberal administration. Mr. Speaker --(Interjection)-- No, I won't yield to a question. Mr. Speaker, I asked the honourable member to yield to a question, he wouldn't do so, but if he now says that that was an unfair thing to do and that he should have yielded for me, and now having achieved a new sense of fairness, I yield to a question from the Member from Wolseley.

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

MR. ASPER: Will the Honourable Member for Inkster confirm that last year when we questioned and discussed the same kind of clauses in the Municipal Committee dealing with the City of Winnipeg Act, I said to you then and there, do you recall . . .

MR. SPEAKER: Order please. Order please. Again I must indicate the rules of the House indicate questions of clarification yes; questions that open up new areas of debate, no.

MR. GREEN: Mr. Speaker, the Liberal Party Leader is making an admirable attempt to get out of his predicament but I don't think that he is able to do that. The fact is that he came to the Committee on Urban Affairs last year when we were discussing the City Bill, he pointed out many sections. I indicated to him, Mr. Speaker, that I felt sensitive about those sections. Those sections were sent to the Law Reform Commission, and I believe that they will be reported on. Mr. Speaker, I believe, you know, I believe that if it will be looked at objectively, that I have just as credible a history in fighting civil liberties cases as does the Member for Wolseley. I won't say more, I'll let that be the verdict of other people.

But that's not what we're arguing about tonight. We're arguing about him choosing this bill and picking out a section and trying, Mr. Speaker, to characterize the people on this side of the House, the administration on this - as being some sort of insidious socialist hyenas by virtue of including in the bill a section which the Liberals had enacted almost identically when they first enacted the Labour Relations Act. And that I do object to, and I believe I have a right to object to. If you had dealt with the section that would be fine, but to suggest that the section characterizes the government, Mr. Speaker, I don't accept. The Honourable Member for Wolseley can make that type of invidious comparison, that's up to him.

Mr. Speaker, I indicated that there were many many things. He said that the laws have given legal status to unions and therefore have the right to enforce or to control these entities. The Liberal Party Leader is now saying that without the law, without somehow somebody having incurred a legal status, then it would be illegal for the Honourable the Minister of Labour and the Attorney-General and the Member for Burrows, and myself, if we happen to be working for the Member for Wolseley that it would be illegal for us to go home and sit down and say, "How can we get more money out of that guy? Maybe if we get together and approach him and say we're all going to leave that we will get more money." The Honourable Member for Wolseley says that that is not permitted by law, and you know that's what makes me understand his bill of rights. He thinks that the only thing that is permitted by law is what we enact here in this Legislature. I say that the reverse is true. The only thing that is prohibited by law is what we enact here in this Legislature. And the fact is that unions did not have any status conferred upon them by any Legislature, they only had rights taken away from them by Legislature. And the only status that was given was one that was enforced on them, because in 1964 and in 1965 the Conservative administration in response to the Builders Exchange and the Canadian Manufacturers Association said that unions must be legal entities. We have to make them responsible, and therefore we have to give them corporate status. They don't want it. But we have to give them corporate status, otherwise they will be non-responsible. Well the Honourable Member for Wolseley is a lawyer, and I think it will come as a bit of a shock to him that somebody incorporates to become responsible. What was the history of people incorporated, Mr. Speaker, in order to become responsible? People incorporated in order to become irresponsible, because if they didn't incorporate they would have unlimited liability, and if they incorporated that they couldn't put a certain amount of money in the firm, the firm could go bankrupt. It could incur all types of debts but they would not be responsible. And therefore this notion that legal status was conferred on trade unions to make them responsible is something, Mr. Speaker, that I've never understood. I knew when I practised law in 1954 - I acted for many trade unionists, some of them had gotten judgments against them. I never knew and I asked the Conservative administration at the time to point out a single case of a union not honouring a judgment that was found against them. Mr. Speaker, they couldn't point to one. I've got at least 50 judgments against corporations in my office that aren't worth a cent, I'll give them to the Honourable Member for 10 cents on the dollar --(Interjection)-- and he won't take them. But the fact is, Mr. Speaker, that was the fixture by which unions were given legal entities. So it is not true that the law has put legal status on unions and therefore has a right to demand legal responsibilities from them. The fact is that unions have had and continue to have, and will in the future have, all of the same rights and responsibilities that apply to every other group in society. If a union rents an office in Wolseley constituency, like the Liberal Party has done, they will be to the same extent as the Liberal Party is responsible for paying the rent,

(MR. GREEN cont'd.) the union will be responsible for paying the rent. There is absolutely no difference, and therefore for my honourable friend to suggest that somehow unions were made legal by weak do-gooder legislatures is a complete distortion of history, and it's just not true. Unions were made illegal by legislatures. Unions were restricted by legislatures. Unions had their hands tied by legislatures. Unions were put into an inferior position by legislatures. But unions did not have any rights conferred upon them by legislatures. The only thing that this Legislature did in 1970 was to say that certain rights that had been taken away by court were to be left the same for unions as they were for anybody else. That is another fact of history.

The honourable member talked about, Mr. Speaker, democratization of unions. Well, Mr. Speaker, unions are associations at law and the honourable member should know that the same laws that apply to the Chamber of Commerce, assuming that it was not incorporated, or to any other unincorporated bodies such as the Conservative Party or the Liberal Party or the New Democratic Party, or any other associations apply to unions, that if a member of the Conservative Party, if cheated by the Conservative Party, or denied rights by the Conservative Party, he has recourse at law. Union members have recourse at law. His buddy and advisor John G. . . his union was started by recourse at law. So let him not say, Mr. Speaker, that there is some lack of law, that here is a group in society that somehow the law forgot to look at. The law looks at trade unions in the same way as they look at every other group. And if the honourable member doesn't know that, then all of his long experience in labour-management negotiations which I'm sure had been carried on all his life, as he said, even when he was two years old, all his life he has been involved in it. Then all of that experience has profitted him little because those laws apply, and I have had cases involving those laws, and they apply just as hard, if not harder, because of an inarticulate major premise on the part of judges in our society against unions. They apply with vigor, Mr. Speaker, insofar as democratization of trade unions are concerned.

Mr. Speaker, let me reveal another bias. I believe in international unions. I have never said anything different. I believe that it is in the interests of working people that they associate with as many other working people, probably in the same skill but not necessarily in the same skill, the bigger the better, that in their interest that they will best achieve their objectives if they are associated with as many people as they can of whatever nation and of whatever nationality, and of whatever place in the world, and that the forming of international unions of that kind is for the benefit of the working man.

The honourable member says that there is something Holy about a Canadian union, that this is somehow something that we should strive for. This is the typical employer pitch, Mr. Speaker, that when he wants to weaken his union he says that the Americans are taking your dues from you, or you should throw off your American shackles. Well, Mr. Speaker, let's follow this. If a Canadian union is better than an American union then, Mr. Speaker, I'm sure the honourable member whom I've heard being nationalistically western Canadian, would say that a western Canadian union is better than a Canadian union. And, Mr. Speaker, if a western Canadian union is better than a Canadian union, than a Manitoban union - and he nods his head, yes - is better than a western union, and if a Manitoban union, Mr. Speaker, is better than a western union, then a Winnipeg union is better than a Manitoban union. And, Mr. Speaker, if a Winnipeg union is better than a Manitoban union then really a northend union is better than a Winnipeg union, and, Mr. Speaker, when we come down to it in the plant, if a plant union is better than an industry-wide union, then surely the second floor of a plant, or the machinists in the plant, is better than a union that takes into account the whole union. And, Mr. Speaker, if a plant union within the plant is better than a total plant union then the best thing that you can do, and the best way of getting your conditions improved, is to fight for yourself, don't be involved with anybody. Because, Mr. Speaker, surely as God made little apples if John G. . . 's union - which I know something about - if that union became the bargaining agent for all of the employees in the Province of Manitoba, for all of the employees of the Province of Manitoba, and then a firm in Saskatchewan underbid them on a contract that was being awarded some place where their employees wanted a contract, I want the honourable member to know, nationalists or not, the first thing that John G. . . tries to do is to organize those Saskatchewan workers so that they won't under cut their prices. And when you get those Saskatchewan workers, and there's a plant in North Dakota that underbids them, the first thing that he will do is organize those North Dakota workers. If the honourable member knew anything about unions he would

(MR. GREEN cont'd.) know that there is no value in waving a flag insofar as unions are concerned. There is certainly a great deal to be said for the economy of locals within any organization, and I have been, Mr. Speaker, somewhat connected with the Trade Union Movement and I know, Mr. Speaker, the way I see the democratic process work within the Trade Union Movement is better than it works in the Glendale Country Club. It's better than it works, Mr. Speaker, in other national organizations; it is better than it works in the --(Interjection)-- well it's better than it works in the church associations; it's better than it works in almost every other national association of organizations that I have seen. There is nothing, --(Interjection)-- Mr. Speaker, the fact is that the Chamber of Commerce, the Chamber of Commerce if they had a federation - and I think that they have kind of an international push too - that if they had a federation that that federation would not be allowed as much autonomy as is permitted within the normal trade union structure. And there are abuses, I will warrant to the Honourable Member from Wolseley that there are abuses, that the Trade Union Movement is no more perfect than the Law Society, or the medical association, or the Liberal Party, or the New Democratic Party --(Interjection) -- throw that in too. It has its strength and it has its weaknesses, but its strength is not founded upon waving a Canadian flag and saying, we must belong to the Canadian unions. Now if that's the honourable member's pitch, that's fine. If he thinks that that somehow will endear himself to the emotion-pitched national elements, just as members in my party, you know, run around talking economic nationalism, which I have never agreed with, and never will, never agreed with and never will, but if that's the kind of a pitch the honourable member needs in order to go from four members to five and one-half members, go ahead and use it. I'll assure you it will not do anything for trade unionists.

Mr. Speaker, the honourable member says that, and I agree, I am completely done because I have too much, Mr. Speaker, to talk about. The honourable member started his speech by talking about the three sides that are involved, the management, the employee, and the public. Mr. Speaker, they are all the public. The management is the public, the employee is the public, and the public is the public, and in any other case not involving a particular employer and a particular employee, those who are involved in the last case as management and labour are the public. And there is absolutely, Mr. Speaker, no way in which you can make a case for the fact that management and labour are not public. They are the public, and it is the public's interest that is involved, and everybody agrees that it is the public's interest that is involved, but I want to know, Mr. Speaker, whether the Member for Wolseley or myself, because I won't do it, I will make the admission now that I will not do it. I will not work for a client for what he tells me I should get paid, that is the Member for Wolseley. I will make my own terms and conditions with my client. --(Interjection)-- Pardon me? That's correct, Mr. Speaker, I intend to try and continue in that way, and when a law is passed to try to say that I am going to work at a certain rate, then I will tell you the same thing that a Cincinnati man, who may be as involved in as many labour-management cases as my honourable friend, told me about when a court once ordered a group of people back to work, thereby creating industrial stability, so to speak. He said that if a court can order somebody to work today, they can order him to work harder tomorrow, and more particularly, Mr. Speaker, if they order somebody to work today, they will have to order him to work harder tomorrow, because the human being being so constituted as to desire freedom and liberty will not work under oppression, and everybody who has tried to do it failed. And when my honourable friend says, Mr. Speaker, that George Meany said that the strike is obsolete, he told only half the story. Because what did George Meany suggest? George Meany suggested that the strike could be replaced by voluntary binding arbitration. Does the honourable member know what that means? Well having spent all his life in labour management affairs, he would know what it means. Voluntary binding arbitration as between labour and management. What you were saying was that the union will agree and the company will agree that they will accept the decision of a binding arbitrator. But that's okay, Mr. Speaker, that's new? That has existed for 150 years. It has happened on numerous occasions. It's happened without the new Labour Relations Act, it's possible under the new Act. It's happened with the old Labour Relations Act. And, Mr. Speaker, and what is most wonderful of all, it's happened without any legislation whatsoever, that somehow management was smart enough, labour was smart enough to say that this is a tough dispute, there is not that much between us, we will submit it to voluntary binding arbitration, and that's all George Meany said. But he never said, Mr. Speaker, that he would take away the right from an employer, or take away the right from an employee, to say that I will not sell my services,

(MR. GREEN cont'd.) or I will not retain your services, unless we can agree as to terms and conditions and employment which are acceptable to the both of us.

Mr. Speaker, the honourable member picked on a clause in which I have taken issue with my honourable friend and colleague, the Minister of Labour, he said, "A wonderful thing. You have shown a great parallel, that union needs 35 percent to get the right to a vote, and if people want to be certified and if they can get 35 percent, they are also entitled to a decertification vote." Has my honourable friend ever figured out what that means? It means that today a union could win certification by getting 60 percent of the vote in the plant. Tomorrow, because you only need 35 percent for a decertification vote, you could commence decertification application proceedings on an issue which was decided the day before, with the same number of votes existing on the other side. These people who look for parallels between the two situations, Mr. Speaker, wind up with other sections of the Act, they are not necessarily introduced by the Minister of Labour, but over the years you had to try to make a lockout the same thing as a strike, and that the same laws with regard to lockout are the same laws as regards to strike. So we have a section in the Labour Relations Act in the new bill which says, no employer shall interfere with the formation of a trade union, and no employee, or no union, shall interfere with the formation of an employers' organization. That's wonderful parallelism.

I wonder if my honourable friend knows of any case in history of the world where a union has interfered with the affairs of an employer organization. The reverse is true. Employer organizations such as the Builders Exchange have urged the unions to sign collective agreements with them whereby the unions will not hire out their members to work for people who are not part of the Builders Exchange. And if that's not interference with an employer's organization, I don't know what is, because it's asking the unions to supply men only to the employer's organization. But these parallels are looked upon as demonstrating a great deal of equity, a great deal of fairness to the extent, Mr. Speaker, that we wind up with the Labour Relations Act which does the following thing. It says, that in exchange for you saying, the Honourable Minister of Labour, or Mr. Paulley and myself, that you will not, that you will not leave your employment together, I will say that by law I will not fire you because you are a member of the union, and the next day he will fire the Honourable Minister of Labour because he doesn't happen to like the colour of his eyes, and he will say that I didn't fire you because you were a member of a trade union, I fired you because I didn't like the colour of your eyes. And the Honourable Member for Wolseley launches into this with a suggestion that here are those evil socialists turning around the onus, turning around the onus, making a man prove his innocence, Mr. Speaker, I tell you as I stand here, it is part of the normal law of the land that if I had an agreement with the Member for Wolseley, that he worked for me, and it was for a term of one year, and I fired him and he sued me for wrongful dismissal, he would have to prove the dismissal and I, who am accused, would have to prove that it is just. That, Mr. Speaker, is the normal. --(Interjection)-- . . do you have another problem?

MR. SPEAKER: The Honourable Member for Wolseley.

MR. ASPER: While I'm not going to contest all of the inaccuracies of misquoting . . . --(Interjection)--

MR. SPEAKER: Order please.

MR. ASPER: I don't like you being inaccurate either. I would ask the speaker to not misquote me. I did at no time describe him as a sinister socialist. If his conscience is bothering him, that's another issue.

MR. GREEN: Mr. Speaker, I used the term evil socialist. I didn't say sinister socialist. But I'm happy to know that my honourable friend doesn't consider me as evil or sinister. All I know is that he stood up in the House and he said that this government has taken the common law in England, all of those years of tradition, and have said that the guilty must prove their innocence. And now, Mr. Speaker, if I said that the Honourable Member for Wolseley had tried to say that the - had passed a law saying that the guilty must prove their innocence, he would say that I was calling him evil. I am sure that he would say it, because that's an evil law. And if the honourable member doesn't think it's an evil law, what's he complaining about? But he said that we, on this side of the House, had taken this position and we were going to make the accused, Mr. Speaker, prove his innocence.

MR. SPEAKER: Order please. The honourable member's time has elapsed.

MR. GREEN: Mr. Speaker, I think that the Honourable Minister of Labour, you know, he has a couple of things that he would like to say on this bill. He's kind of annoyed that I'm using up all of his good material so . . .

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): No, not at all. You're welcome, quite welcome . . .

MR. GREEN: . . . I am going to have to close and we are going to have, Mr. Speaker, spend maybe a couple of weeks, maybe a couple of years, finding out who is throwing out the inaccuracies, who is not throwing out - I'd like my honourable friend to indicate those inaccuracies. I'm going to wind up, Mr. Speaker. But I do say, Mr. Speaker, that he got up and he said that we . . .

MR. SPEAKER: Order. Order.

MR. GREEN: Mr. Speaker, that we were going to. I thought that I had leave. I was going to --(Interjection)-- I don't have leave. I'll sit down.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. R. (BUD) SHERMAN (Fort Garry): Mr. Speaker, if no one else wishes to speak at this time --(Interjection)-- Mr. Speaker, if no one else wishes to speak . . .

MR. JOSEPH P. BOROWSKI (Thompson): Before you adjourn?

MR. SPEAKER: Order please. If the honourable member is asking a question, the honourable member for Inkster's time has elapsed. He would have to have unanimous consent of the House. That's been our rule. Agreed? The Honourable Member for Thompson.

MR. BOROWSKI: Mr. Speaker, I believe the Member for Inkster when he was speaking referred to some - he was trying to emphasize a point - that just as sure as God made green apples. I wonder if he is now publicly admitting for the first time there is a God? --(Interjection)--

MR. SPEAKER: The Honourable Member for Sturgeon Creek wish to carry on?

MR. FRANK JOHNSTON (Sturgeon Creek): I would like to move, seconded by the Honourable Member for Fort Garry, 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, would you kindly call Bill No. 82 standing in the name of the Honourable Member for Portage la Prairie.

MR. SPEAKER: Proposed Motion of the Attorney-General. The Honourable Member for Portage la Prairie.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, I shall be brief. We have perused Bill 82 and in principle, in principle we have agreement with it, although there are one or two sections that we would closely question in committee as to the meanings of striking out or adding certain sections, but in principle we are in agreement with Bill 82.

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

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MR. PAULLEY: Bill No. 91, Mr. Speaker, please.

MR. SPEAKER: Proposed motion of the Honourable Attorney-General. The Honourable Member for Rhineland. Bill 91.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I had my bill here a minute ago. Anyway, Mr. Speaker, this deals with the judges as far as I'm concerned, setting up a board to deal with matter of judges who might be disqualified or could be disqualified or for certain reasons should be disqualified. Anyway I haven't got the bill before me and I haven't got my notes before me.

But my main concern with this bill was that we are going to exclude people from this board by reason of age and I think the age that was given was 65 years, that no one could sit on this Judicial Council over 65. I don't subscribe to this. While I can see the reasoning behind it that members on the government side may have of having younger people sit on that particular council, that I certainly think the limit of 65 years is too low, that we should at least go to 70 on this. I know from past history that provinces or Federal Courts, parliaments have run into trouble because of situations that may occur and may arise and it seems to me that this is one way of trying to avoid certain problems that may come to the fore. Whether there is a situation at present I am not aware, maybe the Minister when he closes debate could say so. So that there is probably no urgency to the particular legislation before us but at the same time I think it's reasonable and I certainly won't take any objection at this time to bringing it forward.

MR. SPEAKER: The Honourable Attorney-General shall be closing debate.

MR. MACKLING: Mr. Speaker, I just wanted to reply very briefly to the comments that were made in contribution by the Honourable Member for Sturgeon Creek in respect to some sections of the bill. The bill does provide for a chief judge and also for a senior judge of the family division - Provincial Judges' Court Family Division - the intent being the senior judge in the family division would have some overview over the adequacy and the staffing and the provisioning of the Family Courts -- of course still within the general framework of the administration of justice and through the offices of the Attorney-General. But the chief judge would have general supervisory powers as indicated in sections of the bill.

There was some concern on the part of the Member for Sturgeon Creek as to the terminology of the bill indicating that a judge should be devoting his full time and I think in the past there have been criticisms levied at people who are employed as magistrates full time have been known to engage in some sort of an additional capacity in the practice of law and this is frowned and discouraged and we have indicated our attitude on this to any full-time magistrate. This enactment will certainly make it clear that it's the intent that full time judges are expected to devote their full regular time to the activities of a judge. Now since the printing and since the introduction of the bill at second reading I've had further technical changes suggested to me, some slight improvements in some sections and I'm prepared to review those with the committee when we get to committee. And it includes for example the concern of the Honourable Member for Sturgeon Creek in respect to the political rights of provincial judges. It is clearly not the intent of this Act to prevent a provincial judge from voting in an election but not engaging in partisan political activity.

Now there might be some question, well if you permit any political activity, that is if the capacity of voting could be construed a political activity, well that is really going I think to the widest extreme, and there would only be a probable difficulty if a provincial judge were being called upon to hear an application under the Elections Act for controvert election or anything like that, and I don't think there would be any difficulty in arranging for a judge who lived in a different area than where the voting had taken place to have the hearing. So we can't see any reason for denying the privilege of voting to a provincial judge. As a matter of fact, I wonder about the exclusion in the Federal Act when there is that capacity to disassociate yourself from the hearing if it happens to affect an area where you reside. Be that as it may, as I indicate there are a couple of technical changes we'll discuss in committee.

In respect to the comments of the Honourable Member from Rhineland, I appreciate the fact with some people the age limitation really could work a disservice to society because oft-times men have infinite capacity at certainly far beyond age 65 to perform very vital services to the people and some of our best judgments have been delivered by law lords and justices who have certainly been in excess of 65 years of age. But there is a concern I think on the part of everyone that so far as possible we introduce younger men to the bench and I think the attitude

(MR. MACKLING cont'd) of the Federal Government was indicated in its desire to provide for the supernumerary judges between the ages of 70 and 75 and that was a relatively substantial step for the Federal Government to take in acknowledging that it would be wise to try and get younger men on the bench -- and without in any way deprecating from the value of people of much greater age.

So I don't think with the provisions in the Act as they are that in a particular case where we thought that it was in the interests of the public that there be an extension of service that is open to the Lieutenant-Governor-in-Council to do so, and as a matter of fact that is being done in connection with, for example, the senior judge of the Family Court who's an exemplary judge, one of, I think, the finest appointments in the province, and I'm glad that we've had the privilege of making that appointment and he will be extended beyond the age of age 65, the normal retirement.

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

MR. SPEAKER: The proposed motion of the Honourable Minister of Mines and Resources. The Honourable Member for Birtle-Russell. Bill 93.

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Speaker, I beg the indulgence of the House to have this matter stand.

MR. SPEAKER: The proposed motion of the Honourable the Attorney-General. The Honourable Member for La Verendrye. Bill 94.

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Speaker, I believe the bill before us has two main aspects. First, the Act removes the part-time restriction, from some officials -- I should say from some officials period. And secondly, provision is made for a greater use or utilization of law students in the actual delivery of legal aid.

The question that we could perhaps now consider in this context is perhaps what the future thrust will be of this program and the relationship between those needy of legal aid. I think most of us are aware in our ever-increasingly complex society equal access to legal aid is perhaps as fundamental as equal access to medical aid at times. I think we've reached that point where this is a fact and we should now perhaps not ask any more if legal aid is necessary but rather when will all citizens have an opportunity or be truly equal before the law. I think we are going into the next generation with many of these problems around us and while this bill does not spell this out directly, I think it is part of the intention, the principle of accepting some of the problems in the future that more than likely will be facing us.

The bill states the part-time description of district area directors. I wonder if this means that the job of an area director is to become a full-time job at this time. Certainly we've seen that the problem of government involvement, for example, in social legislation seems to be that they got locked into certain contracts and too soon we lose control. I don't think there's anyone in this Assembly that will not agree that these programs had to be and they have a great value, but there's always a limit to how far we can go as far as controlling that type or certain types of help.

Mr. Speaker, the trend seems to me to be an increasing use of legal aid. It is no longer true that only the rich or those with more money need legal advice. I think it's been proven from day to day that many who cannot afford legal advice need this help and I'm glad that we're ready to start accepting this responsibility. And I think this will lead to a point that's certainly in the future; there will be a larger demand for legal training -- and I don't want to go into the matter of how many lawyers should be trained a year or not, or how many should be laid off. I think that is a problem that I wish to leave with the Law Society or perhaps with the universities, I should perhaps say with the Faculty of Law, rather than try to combat with it in my own way. But I do think, Mr. Speaker, that it is fair to suggest that also certain people who are not lawyers but who have had some knowledge of particular aspects of the law and have had experience in helping along with certain cases other than direct lawyers, should be considered and I think can be quite a benefit to this cause. I could perhaps give the example, the Citizens Action Committee, and I am sure there are others. I don't know if we're ready to go as far as the law passed in the Province of Quebec in 1971 where now the social services are delivered or taken up in community clinics. I'm not ready to suggest that legal aid should be served or given to the people on the same basis. I am somewhat curious to know that whether in the White Paper that is going to come up, I wonder if there is a suggestion or a provision made that perhaps clinics will be suggested for legal aid.

Mr. Speaker, if we've set the right of legal aid on the basis of need, then the Legal Aid

(MR. BARKMAN cont'd) Act will need certain areas of expansion and I think if our principle is that we believe that this should take place, we have to go along in co-ordination with the Canadian, perhaps the Manitoba Bar Association, and certainly the Law Society, and perhaps the Attorney-General will be thinking of setting up a committee or some form of help to have some of the proposals that are set forth in this bill and I am sure there are other ideas that will be coming up. I think we can just think back to the legal insurance plan that we heard about at the last meeting, at the Clear Lake meeting — I thought it was rather interesting. But I wish to say this, that all these together plus the Legislature in this building, in this Chamber, I hope we can work something out if this is going to help society progress and those that have not an opportunity that they will now get an opportunity to get legal aid.

MR. SPEAKER: The Honourable Member for Thompson.

MR. BOROWSKI: Mr. Speaker, I'd like to say a few words on this bill also. As the Attorney-General is aware, I am certainly going to support the bill, I think that we must move in a direction where we have to help out people who find themselves in circumstances in court and yet do not have the funds to pay for a lawyer. However I think the Attorney-General must look very carefully how this money is used, after all it is public money, and I think he's going to have to lay down some ground rules. I recall two weeks ago where an American smuggling money into Canada got caught at the border and they delayed the case in court because he was applying for legal aid. Now, Mr. Speaker, I do not believe that we as citizens have a responsibility to pay for the defence of a person who comes from America and is smuggling whether it's counterband, whether it's drugs, whatever it may be. I do not think the citizens of this province consider that a progressive move, any more than they might consider it a case of last year or two years ago when an undercover agent of the RCMP had worked with a rock band to trap some drug pushers and he was successful, and then we find out that they're going to give legal aid to the drug pusher to fight the case against the RCMP. I don't think that this is the intention, never was the intention of the NDP Party and I don't think it was ever the intention of the Legislatures to allow such goings on.

The other question, Mr. Speaker, the Attorney-General must address himself to, is how many times will we help a person? Once, twice, three times? I understand there have been cases in Manitoba where a person has been assisted several times. -- (Interjection) -- Well I -- the Member for St. Matthews says seven times seventy the Bible says. I don't mind him quoting the Bible, Mr. Speaker, but I consider that blasphemy coming from those who don't believe it in the first place, as I consider the member that referred to the green apples, mentioning the Word of God when he doesn't believe in God himself, and I wish they would refrain from that kind of statements in this House.

Mr. Speaker, there are people that are habitual criminals, I don't know how many there are in Manitoba. Some of them have managed to fight their cases every time they come up. Then one day they find themselves without money, they come to the Legal Aid Services and they apply for assistance and they are given assistance, I am told -- and the Attorney-General could set me straight if my information is incorrect. They take the attitude that this is his first trip even though he's got a record a mile long; they say that under the regulations you are entitled to aid.

There is the other question, Mr. Speaker, about who qualifies; only those that are on welfare and people who could prove that they're not working whatever they are, or do we assist the working poor too? How much does a person have to make per week before he qualifies? I know of a case that I'm handling right now, Mr. Speaker. The man works for the government as a matter of fact, clears about \$180 in two weeks. He has a judgment against him from the courts of \$65.00 support for a daughter from a previous marriage. It was just lowered to 65, it used to be \$100.00. Mr. Speaker, that man cannot take a case to court. After he's paid all his rent, his groceries and all the rest of it, and the \$65.00 which the court ordered, he simply cannot afford to hire a lawyer. He had gone to Legal Aid; he was refused. And he resents that, Mr. Speaker, when he sees deadbeats walking into that office and drug pushers and known criminals who get legal aid, but because he's got a steady job, because he's trying to meet his responsibilities, they tell him "Sorry, Buster, no dice." I think the Attorney-General has a responsibility to lay down the rules to those people who are going to be dispensing that \$1.3 million -- I believe that's what it is. That's a heck of a lot of money. He's got a responsibility to say to them, "That's public funds and these are the rules under which you're going to dispense it and no other, because we have to answer to this Legislature and to the public.

(MR. BOROWSKI cont'd)

There's also a further question to consider, Mr. Speaker. If it's a small case, say the case may cost \$50.00 a guy working at the minimum wage may be able to afford to pay it. But what if it's a case that costs \$2,000? Surely the Attorney-General will agree that he can't pay the \$2,000 fee. Does that qualify it? Mr. Speaker, I am told that that does not qualify it. Once they've turned it down they don't care what the cost is. The fact of the matter is that the working poor cannot afford to pay some of the legal fees that are involved. It may be an appeal, it may be a dragged-out case dealing with property settlement, it could be divorce, it could be anything. If it costs a great deal of money they simply cannot afford to pay it. I'd ask the Attorney-General to tell us in this House if he has a policy, if he doesn't that he should get one before he asks us to approve this bill, which I say is basically a good bill, but he'd better tell us if he's going to say, "After one offence you're cut off," or two offences or three offences and at what stage you qualify and at what stage you are not qualified. I think this House is entitled to those answers and I hope when the Attorney-General gets up that he can give us those answers. Thank you.

MR. DEPUTY SPEAKER: The Honourable Attorney-General will be closing debate. The Honourable the Attorney-General.

MR. MACKLING: Mr. Speaker, the points that were made by the Honourable Member for La Verendrye I think largely covered the whole ambit of the concern as to the extent that legal aid will be provided and I think that last year in introducing the bill establishing the Legal Aid Society's corporate capacity, I indicated then at some length my concern and the concern about government for a comprehensive legal aid program that would encompass not only the limited program that is being to a great extent effective in its area but limited in scope that the members of the Law Society have carried on for some years. As you'll recall, when we came into office, it was approximately \$75,000 that was contributed by the public through the Province of Manitoba to legal aid. We expanded that in the course of two years to \$300,000, but one of the first things we did was set up a fact-finding committee and it's largely the recommendations of that committee that governed the establishment of the corporation which is known as the Legal Aid Services Society of Manitoba, and these amendments are by and large rather technical amendments to that Act. But the honourable members in their discussion on these amendments have evidenced some concern in respect to the ambit of the whole program of legal aid, and I want to assure honourable members that it is a concern for a comprehensive program that is uppermost in the mind of the Board of Directors who have been appointed, who have had a number of meetings, who have developed regulations, who have had meetings with the Law Society in working out an acceptable and mutually agreed upon a tariff of fees, and I am very hopeful that the program will be in effect before too long and hopefully some time later on this year.

There has to be a concern as to the scope of legal aid. But one of the things -- and I want to underline this, Mr. Speaker, as forcibly as I can -- one of the things of the uppermost concern for myself in office has been the anomaly that has existed that someone who has been convicted or is charged, I should say, with an indictable offence, would be entitled to legal aid despite the fact that he may have committed a previous offence and an indictable offence, but someone coming before the court on a much lesser charge or having a concern of a civil matter, would not necessarily be assured at all of having his rights properly adjudicated before the court because he couldn't afford counsel. And one of the reasons for the establishment of this comprehensive program has to be that at long last we will have a program that not only will be able to meet the need of what in Law have been called legal indigents, those who don't have any funds at all with which to support an advocate on their behalf before the courts, but it will also be able to assist the people on limited and fixed incomes and the so-called working poor. And that is certainly the design and the purpose of this comprehensive legal aid program.

And I want to assure honourable members on the other hand that in discussion with the Chairman and members of the Board, they are conscious of the fact that they must utilize every technique to maximize the return to the people of Manitoba of the dollars that are put into a Legal Aid Program. Where at the present time, for example, there are legal services provided to someone on social assistance and that social assistance payment is proportioned between the Province of Manitoba, the Crown in the right of the Province of Manitoba, and the Federal Government, then that process will continue so that we will not be wasting Manitoba public tax dollars if it hadn't been that we brought this system into being. So I want to assure

(MR. MACKLING cont'd) honourable members that our approach in the approach of the Board is a most pragmatic, a most economic and a very conscientious and reasonable one in respect to developing the necessary guidelines for the operation of this scheme.

On the other hand I have to disagree with the Honourable Member from Thompson that simply because a person has erred once, twice or three times does not mean that we should deny that person the right to counsel before the court, because it is often the case, you know, that someone who has been involved in a previous offence is subject to being considered a likely prospect for having committed another offence of a similar nature, and where the Crown errs -- and we admit that we do err because we lose cases in court from time to time -- it's more often in the cases where a person has had a previous record and the logical, you know the modus operandi, the various circumstances, all indicated a similarity that could well attribute the offence having occurred as a result of the participation of someone who had been convicted before. And it would be doing a terrible injustice in our society if we were to say, "Oh, because you've had a previous conviction once or twice, you know, now that you're accused of this offence we're not going to provide you legal aid." Well, you know, how about six times? Where do you draw the magic line? In our society, in our society, Mr. Speaker, and the honourable member I think knows that

MR. DEPUTY SPEAKER: There can only be one speaker on the floor at a time. If other members want to be recognized you have already exercised your opportunity. The Honourable Attorney-General,

MR. MACKLING: Mr. Speaker, if it's once or a dozen times I think that the Legal Aid Society through their Board of Directors will take an enlightened attitude towards the providing of legal aid. Now there may be some guidelines that would tend to restrict legal aid to certain types of repetitive offenders perhaps in the drug pushing area or something like that. But generally on principle I think it is extremely difficult to try and lay down that kind of guideline which prejudices the guilt of a person and therefore denies him the right to legal aid. Now one of the reasons why -- (Interjection) -- Surely.

MR. DEPUTY SPEAKER: The Honourable Member for Thompson.

MR. BOROWSKI: Mr. Speaker, the Attorney-General is telling us that it's very difficult to judge at which stage they say we won't give aid, two times, three times, four times. I wonder how they arrive at the magical figure, they say after that we can't give you aid -- on earnings; if you're making 300 or 400, how do they arrive at that? Isn't there any consistency in his argument?

MR. DEPUTY SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, the honourable member is trying to draw parallels between two things that are completely disparate. One of them is the number of times a person may have been involved in confrontations with the law and whether or not he'd been proven guilty or otherwise, and income level, and I indicated to the honourable member that income level certainly was going to be considered so that people who might be able to afford counsel if, you know, if they had no other commitments, will now be able to afford counsel and pay in part the working poor, the so-called working poor. Well he wants to know the guidelines. I don't have all the guidelines before me. But I can assure the honourable member that there will be reasonable guidelines to provide reasonable contribution towards the cost of legal aid. Now it will provide on the individual circumstances of the participants, and the guidelines have been under discussion between the Board of Directors and my department and in due course I expect that the guidelines will be adopted by Order-in-Council and then they become public information, but at this time I haven't got a set of definitive guidelines I can lay on the table for the honourable member.

But he refers to the case of the non-resident who is charged in Manitoba for an offence. Well we charged the non-resident here for an offence and our system, our administration of justice is employed against him, and the principle that's embodied in this legislation, the fundamental principle of legal aid, is that anyone that we charge before our courts we are responsible to provide them their day in court a defence to the charges that we lay. And that's the principle that's been advocated not just by this government. The Prime Minister of this country, the former Minister of Justice now the Minister of Finance have made great speeches from one end of this country to the other, talking about the need for equality before the courts. They've even talked, they've even gone so far, Mr. Speaker, as to indicate that maybe they're going to provide some money for legal aid. Well we're still waiting; we're still waiting; but in this

(MR. MACKLING cont'd) province we're not waiting on the largesse of the Federal Government.

We have accepted a commitment not a sham, a sham hollow Bill of Rights that is meaningless. We have accepted a commitment to so far as possible provide a greater measure of equality before the courts, not based on whether you've had one conviction or two or whether you're a resident or a non-resident. We say that if a person is charged before the courts in a criminal matter, of an indictable matter, where they have a civil matter which should be brought before the courts, we are going to provide a system of legal assistance, and I think this should be a proud day for all members of this House to be associated with the development and the passage of this scheme. And rather than take a negative attitude to it, I welcome the positive statements that have been made in respect to it.

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

MR. SCHREYER: Mr. Speaker, I'm wondering if the Honourable Member for Fort Rouge, I'm wondering if the Honourable fair Member for Fort Rouge would be inclined to speak to Bill 103? If not we'll proceed with Bill 70.

MRS. INEZ TRUEMAN (Fort Rouge): Mr. Speaker, I would prefer to let Bill 103 stand till tomorrow afternoon.

MR. DEPUTY SPEAKER: Stand?

MR. SCHREYER: Bill 70 then, Mr. Speaker.

MR. DEPUTY SPEAKER: Bill No. 70. On the proposed motion of the Honourable Minister of Tourism and Recreation, The Honourable Member for Souris-Killarney.

MR. EARL McKELLAR (Souris-Killarney): Mr. Speaker, I will be very brief. This is not the time to be listening to -- and I can't create much amusement at this hour of the evening, so I am going to be very brief. -- (Interjection) -- Yeah, I did enjoy the speeches on amusements because it's been so long since I've been to a picture show I didn't realize that they've changed to that degree. And it became a real -- the only thing we didn't have was colored television here with some of the speeches that were going on it might have made a little better entertainment. The honourable member, the Minister there of Culture, I was surprised at the Honourable Minister for Culture bringing in a bill like this; I thought it might be the Minister of Labour bringing in this bill, it's just about in his -- fit his department. I can't understand why culture fits into the picture shows as they relate them around here, because I think the Minister should have definitely given this to some other Minister. I don't know what Minister would have been the best Minister to give it to because it was very delicate, very delicate.

Mr. Speaker, in the short time I have been in this House -- (Interjection) -- yeah, that's right, the Minister of Labour -- the short time I have been in this House along with the First Minister and the Minister of Labour things have really changed. They've not only changed this House but they seem to be changing outside of this House, so much so that the Censor Board I guess has got the axe and a new board has been created. And if nothing else, Mr. Speaker, we're getting rid of unemployment. I read in this bill where there's two new boards going to be appointed up to 15 maximum each bill and that's one way of getting rid of unemployment. For \$40 a day plus expenses, I am sure these board members are going to be looked after to such an extent. And there's also one board that I see they're going to deal with other governments in other provinces across Canada, so I'm sure that board is looked after in the best of .

Yeah -- (Interjection) -- The Minister says I need to read. Well all I can read here that if he reads in this one particular section, it states that -- I don't know what page it is, but it's on here anyway. Appeal Board. Mr. Speaker, what are we dealing? What are we dealing? We're trying to tell people what they can do or what they can't do. And I enjoyed the Member for Inkster's speech so well when he said he can trust government with controls but he can't trust private industry or private people. And I remember so well when we on this side of the House were talking about freedom of choice, when the government shot us down with every argument we put up that it was right for the government to look after the people of the Province of Manitoba. So what are they doing now? They're saying it isn't the right of the government to look after the people of Manitoba, that people should choose for themselves. Freedom of choice, that's the great motto of the boys across the way. I wish they had only remembered that two years ago when we were talking about Autopac. It would have saved a lot of people's lives; it would have saved people from moving out of the Province of Manitoba; it would have saved all that unemployment that we have here in the Province of Manitoba, people who lost

(MR. McKELLAR cont'd) their jobs because of that because of that great motto that the government can run things better than the people themselves.

So here tonight we're going to tell everyone we're going to create a classification for us, and what's the Classification Board going to do? It's just going to decide what shows that one 17 years and under should go to, and all of those over 17 the ones we should go to, but if I had my boy who I see sitting up in the gallery right now, and I wanted to take him to a picture show, I can't go to that picture show because it is restricted to adults -- even though he might be sleeping all through that show, Mr. Speaker, which is possible, at the late hours the drive-in movie starts in the Province of Manitoba. And this is the thing that I really am concerned about, really concerned about. Are the people in the Province of Manitoba going to have freedom of choice, or are they still going to be told by the Classification Board what shows they can go to. Mr. Speaker, they're putting quite an onus on the owner of the theatre, and when you talk about fines that are in this bill, Mr. Speaker, lots of nights those people don't have that much money taken in at the gate. When you're talking about the minimum fine that's in this bill, that's going to remove these people, that's going to remove another industry; that isn't going to hurt Odeon theatres, it isn't going to hurt any other theatre company in the Province of Manitoba -- but that poor theatre operator out at Killarney, he's really going to get the axe because it might be possible that some little child could be in the back seat which he wouldn't notice when they came in in the dark to come in and see that show, and yet the onus is on that man, the onus is on that man.

Mr. Speaker, are they going to be a policeman, or are they going to be a theatre operator? I don't want that kind of legislation. I don't want it, I don't want it for that reason. I want freedom of choice, Mr. Speaker, and I want the kind of legislation that you don't matter what they classify it, let the people decide for themselves. If they don't like it they can go home. That's what I want. But you're not doing it that way. You're not doing it that way. You want to tell them when they still can go, what shows they can go to. The worst, Mr. Speaker, the only shows that I have seen in the last while are the ones on CBC, and if they're an example of what's going on in the drive-in movies -- well, I imagine just as bad -- I would imagine that this Classification Board should have a look at those too. And I don't know what powers, and I would like to ask the Minister have you got any control over the CBC? If you have, I would say check into Festival, that great magnificent show that used to be on every Wednesday evening from 8:00 o'clock till nine during the interval when the children of the Province of Manitoba would like to watch good entertainment. They had to watch that trash that poured out of Montreal and Toronto, something that wasn't, well it just wasn't in the best interests of, not only of the children of Manitoba, but also of the adults. So I don't know what powers you've got over that, but if this new almighty board is going to take over whenever this bill is passed I hope you would have them look into that.

Mr. Speaker, there's other sections in this bill which we're going to deal with when it goes to committee, and I am sorry I am not on the Law Amendment Committee but I expect I'll be there to take an active part. But these are the things that bother me, Mr. Speaker -- freedom of choice, the great words of wisdom that we hear so often, that the Member for Inkster says he can trust with government when government are in power. He can trust government -- yep, but you can't trust the individuals with freedom.

MR. SPEAKER: The Honourable Member for Inkster on a matter of privilege.

MR. GREEN: The Honourable Member made a remark concerning me which I am sure I did not make and I ask him to either show where I made it or let me know, or take back the remarks.

MR. SPEAKER: The Honourable Member for Souris-Killarney.

MR. McKELLAR: Mr. Speaker, if I said anything -- it was my impression -- but if I said anything that was irritating to the Member for Inkster in any way I apologize to him right now. Yeah, Mr. Speaker, there's not much more I'm going to say. As I mentioned before, anything I would say at this hour of the night wouldn't create much amusement I don't expect. But anything I might do to correct, to change the government's attitude -- well I don't suppose I could do much, so I'll just sit down by saying that until governments do give the people freedom of choice I think they will always continue to be in trouble. And once more, I hope that by my few words of wisdom here tonight that the government will look into Autopac once more and decide -- (Interjection) -- the Wawanesa Mutual, the Portage Mutual have freedom to sell to the people, give the people freedom to choose the kind of insurance they want in the Province of Manitoba.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Speaker, if no-one else wishes to speak I beg to move, seconded by the Member for Rock Lake that debate be adjourned.

MR. SPEAKER: The Honourable Member for Charleswood.

MR. ARTHUR MOUG (Charleswood): Mr. Speaker, I have very few words to say on this. I just want to declare that I am opposed to the abolishing of the Censor Board, and the one point probably in the bill that I am most opposed to is that -- and I feel that the Censor Board had a reason to be there; they were doing a job as they censored the film and they put it forward to our children and ourselves to go to the movie and see something that they thought was just for them to see -- the responsibility is going to be left with the Classification Board where they simply classify a film as I understand it, and I think that the responsibility, the onus being placed entirely on the owner or manager of the theatre is the wrong place; I think it belongs in this Legislature. It's our responsibility to set up a board that would be responsible for any film that's being shown and our responsibility is to set up a board that would cut out the obscenity and censor film, in entirety if necessary. I also want to say that it's very ironical that the Minister of the Cultural Affairs is the man that introduces this bill. Thank you.

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

MR. GRAHAM: Mr. Speaker, I beg to move, seconded by the Honourable Member for Rock Lake that debate be adjourned.

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

MR. PAULLEY: Bill 79, Mr. Speaker.

MR. SPEAKER: Proposed motion of the Honourable Attorney-General. The Honourable Member for Wolseley, Leader of the Liberal Party, Bill No. 79.

MR. ASPER: Mr. Speaker, I can only express my gratitude to the Minister from Ink -- rather the Member from Inkster to permit us to carry on the dialogue. For the benefit of the members of the Opposition primarily I would like to outline the actual practice that Bill 79 affects so that we can deal with it. It will be our intention to support Bill 79 notwithstanding the support of the Liberal Party for the motion earlier in the day to defer the bill for six months. Our motive in supporting the amendment earlier is that there is such a conglomerate of problems attached to Bill 79 as presently drawn that we do not think there is time at this point in the Session to rescue it. Nevertheless the bill has more good than bad, and therefore on that basis we will be supporting it to move it into committee where we hope to make major amendments.

Fundamentally the practice goes like this. In the lawyer's account outside of the special accounts to which the Attorney-General referred where people direct him to invest the money while it's lodged in trust, what happens is the money comes into the account by the ordinary average person in our community who is buying a lot, selling a farm, having any kind of a commercial transaction that involves the law. And what happens is that the lawyer particularly if he has more members in his firm or works with a larger firm, develops what is called in the banking world a float. The float is the net difference between the money that is coming into his account, and the money that is leaving his account, dealing with an average amount of money that is in his account. And I don't have the statistics before me, Mr. Speaker, but I would think that the busy single practitioner might average 30 to 50 thousand dollars a year on an average float. As the Attorney-General pointed out a man comes in, sees his lawyer, is about to buy a home, lodges, because that is the tradition, three, four, five thousand dollars as his down payment in the lawyer's trust account; that money will stay there for not hours, usually not even days, normally several weeks, and it has become a practice that this money is deposited in non-interest bearing trust accounts. This is the money belonging to the client, not the lawyer. And two problems develop from that. First, the bank became the beneficiary of the use of that money without the client knowing that it was the beneficiary; and in more rare but nevertheless I understand some circumstances lawyers were personally able to gain an advantage in their personal financial dealings with the bank because they could always point to the fact they are instrumental in causing say fifty thousand dollars per year average to be sitting interest free in the account. And clearly this was an unfortunate and an unbecoming situation.

The Law Society, I think, quite properly moved to make it clear that this money ought not to belong to the lawyer, the interest on that money. I recognize that there will be members of my profession, or members opposite who believe the interest ought to perhaps have gone to

(MR. ASPER cont'd) the lawyer. It was always my judgment and it still remains my judgment that no matter how well intentioned the lawyer is in using this windfall, this bonanza which he did not earn to allow him to lower his fees to his client, no matter how well intentioned he was incapable of performing. Maybe there are exceptional people like my honourable friend from Inkster who set up his conscience to work that way, most people didn't. So the result -- the sophisticated client, the knowledgeable commercial client said to his lawyer, if you're going to have my \$3,000 in your account for sixty days, or thirty days, I insist that it be put into an interest bearing account which will go to me. That's what he did. The bill before us aims at putting to better use the interest on the money that is left dormant in non interest bearing lawyers' trust accounts. Where it fails and what attracted our disappointment is that the sophisticated will still go to the lawyer and by the appropriate section of the bill -- I won't refer to it -- will direct the lawyer to not include his money in the general trust account, but will direct him to deposit it separately so that he will be the beneficiary of the interest -- not the lawyer, not the bank, not the public -- the client. And he should be entitled to do so, it's his money. It's the average person, the unsophisticated, the untrained in the law who were the victims of the old system, and will continue to be the victims of the new system because rarely will they want to go to the trouble or be willing to go through the complexity of taking a \$1,000 down payment on a cottage lot or what have you, and putting it into a trust account that bears interest. And I'm not prepared as the honourable gentleman behind me has suggested, I'm not prepared to rely on the lawyer to instruct him as to rights not because I believe the lawyer will deliberately mislead him, but because in a rush of business the lawyer will likely forget. -- (Interjection) -- The suggestion from behind me is that the lawyer will forget conveniently. It's a preposterous suggestion, it's a suggestion based on ignorance of the situation because the lawyer can under no circumstances be the beneficiary of this interest. Only the bank has been the beneficiary. If there are bankers who are so unscrupulous as to have allowed themselves to be blackmailed into granting favours to lawyers who dared to use clients' trust accounts for their personal advantage, I say any man who knows such information to come forward and say so. -- (Interjection) -- The allegation that was made that this occurred is not an allegation that ought to be made in this House, but to be taken by a banker to the Law Society where proper disciplinary action can be taken.

The government unfortunately sees the problem in the wrong light. The government sees that the banks are getting a windfall and becoming enriched at the expense of the average client, and that is true. The government's answer is to say we will take the place of the banks. We will enrich ourselves -- we, the public -- by taking it away from the banks who were formerly taking it away from the people. It's a Robin Hood approach. And there is a better solution. I have said that we will vote for the passage of this bill because it's the lesser of two evils, but we will seek amendments to create a better solution. I am not satisfied, and I have spent years looking at this problem, as a lawyer and on committees of the Law Society. I am not yet satisfied that it is not feasible through the mass of technology that we now have to ascertain the distribution of the interest on that account and pay it to the clients to whom it rightfully belongs.

And I want to know in committee what steps the Minister took to determine the technology that could be applied -- the use of the government computers which we abound in apparently, or the use of the banks' computers. If the Minister suggests that he was unable to deal with the banks because they come under Federal jurisdiction in order to insist that they do the calculations. And there is a solution, and that is amongst others to call in the credit unions, call in the provincially incorporated trust companies, which are totally amenable to our laws in this House, and ask them whether they can devise a system and I would not be at all surprised to see them willing to compete with the banks to provide this service that would enable ordinary men and women to get the interest that their money earns while deposited in trust accounts. The average person and the plan that the government has is to call on the average homebuyer to pay a tax to the people of Manitoba, a hidden tax that he won't even be aware he's paying, simply because he does business with a lawyer. The home buyer who buys a house for \$5,000 down leaves his money on average one month in the lawyer's trust account between the buyer's lawyer and the seller's lawyer account, the total transaction -- (Interjection) -- Yes, the total transaction represents at 5 percent deposit rates approximately \$20 of interest. So on that transaction somebody has paid the public of Manitoba \$20 just because they availed themselves of the services of a law office and that's wrong. That money belongs to the people.

(MR. ASPER cont'd)

But if we find that technology does not afford us the technique for giving the people what is theirs, the innocent user of the service, then let us at least go to the bill and say, what should happen to the money because it's now not only a source of money, it's the application to which we apply the money. The government says that it should be used in the discretion of the Government of Manitoba ranging between three to six hundred thousand dollars of what I call tax money, hidden tax money. That three to six hundred thousand per year, and it will grow, should be used in the discretion of the government to be applied to legal aid or to the Law Society education or some combination. And that I suggest is a wrong and improper application considering the source of the fund. It is not the responsibility of the people who avail themselves of legal services, who in effect are paying this tax under this bill, to finance legal aid or to finance the education of lawyers. It is the responsibility of the public at large and the lawyers themselves.

One of the suggestions we put to government to consider is that this fund should be used because it comes from people who avail themselves of legal services; this fund might very well be used to compensate those who are the victims and who become injured and suffer damages as a result of the use of those services. I'm going to give you an example. Every year -- and I make no complaint against lawyers as being any higher in nobility or lower than any other factor or sector in society -- but every year a certain percentage, or every few years lawyers will go into default. They work on the honour system, when you have a thousand lawyers in the province it is extremely unusual not to expect that one or two will go sour and will in effect rob their clients.

We're running into a history of those clients having to be compensated not by the public who created the lawyers, who licensed the lawyers, but by the lawyers themselves to a certain extent -- and I've run into many young men just coming into the field for the first time being handed an assessment of \$100 a year to pay off the costs of a defaulting lawyer because the law profession has tried to make good where its members go sour. But there's a growing number of people who do not qualify for that government aid, or that Law Society aid rather. I understand in one of the most recent defaults approximately 40 percent of the amount that the client lost was not refundable under the legal system of Law Society making good on members' default. And I would suggest to the government that it consider along with other options for the use of this money, if this is the only solution, which I am not yet prepared to accept, that it find a better use for the six, five or four hundred thousand a year that is going to be taken in taxes from the people who use the legal system; I suggest there are better options than are in the bill.

Having so said, Mr. Speaker, if there is no better solution, I suggest we'll try to find one in committee. We ask that the bill be moved into committee and given second reading.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my intention is to adjourn debate. I'm not sure if the honourable member who . . .

MR. SPEAKER: The Honourable Member for Rupertsland. -- (Interjection) --

MR. JEAN ALLARD (Rupertsland): Yes, I'll try to. Mr. Speaker, I have but very few words to say on this bill. The first thing I'd like to do is deal with the peculiar statements of the previous speaker. Now garbage is garbage any way you slice it, baloney is baloney, and when three years ago I as a real estate salesman was dealing in real estate, it was my experience that lawyers did the best they could to keep their float as big as possible, many of them, by being a little slow in disbursing those funds. That is a reality of the situation, and to argue that lawyers receive no benefits from this, or to argue that the banks are dishonest is foolish. The banks are in business and all they do is they'll turn around and they'll give advantages to a lawyer in one way or another to be able to have his float sitting in their bank, and if a lawyer makes any sense and is any way a business man -- and a lot of them by the way are businessmen on the side -- they're sure to take advantage of the situation and get as great a benefit as they can. This seems to make sense to me. It's a reasonable thing. If they didn't do that I think they were stupid. I don't think they are, so when I'm told that's what they do, I think the person who is telling me that is telling me a story, baloney.

Now the other problem that I have, the problem that I have with this bill, Mr. Speaker, is this one. If I'm correct, it allows the client to direct his lawyer to place his money -- his deposit, his funds, whatever they are -- into an interest bearing fund. Is that correct? It be

(MR. ALLARD cont'd) directed that way? Now what will effectively happen is that a man who deposits \$10,000 - \$10,000 is a reasonable amount -- will be smart enough to tell his lawyer, hey, I want some return out of this, I don't want it just sitting there. And I'm afraid that this amount of \$600,000 that is mentioned will necessarily get smaller because essentially the guy who will be paying it is the guy who will deposit, who's buying a little shack in St. Vital and who puts \$700 down for it. The truth -- (Interjection) -- \$700 or \$1,000 or up to \$1,500 -- and these are the clients who will be paying really for this into this fund. I think it's better than nothing but I regret that it's those people who have relatively small amounts of money deposited into these funds -- (Interjection) -- I'm sorry, the Member for Inkster has some comment. Did he think I'm wrong in this? -- (Interjection) -- Okay. And I'm afraid it won't take much time before we're down to \$200,000 really because lawyers will make their clients aware of the fact that they could put it into some fund or other and then it's only the funds that turn over quickly. But if it only does one thing at least it will do away with the problems of real estate men who are stuck with lawyers who are trying to stretch their float and make it as big as they possibly can.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I move seconded by the Honourable Member from Swan River that debate be adjourned.

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

MR. PAULLEY: Mr. Speaker, earlier to day I indicated that it should meet with the convenience of the members that municipal bills in the name of private members would be considered at this time. And so therefore we will be going into Private Members' Municipal Bills and not the normal Private Members' Bill or Resolution or course, and I'm wondering whether it would meet with the convenience of the sponsors of those bills that rather than the bills go into Municipal Affairs Committee that they go into Law Amendments Committee. I understand that there are one or two bills in Municipal Affairs and if it is agreeable that these go into Law Amendments, I would suggest that the bills that have already been referred to the Municipal Committee likewise go to Law Amendments on the understanding of course that due notice would be given to the public concerned as to the timing of the consideration of those bills in the Law Amendments Committee. The reason that I'm suggesting that, Mr. Speaker, is due to the fact that it may be advisable not to call a committee just for the purpose of considering one or two bills at this stage.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Well, Mr. Speaker, the House Leader spoke to me before his presentation and there appeared to be some agreement, but I wonder if it's possible to have the members in the Municipal Committee present at Law Amendments, let the presentation be made, and it may very well be necessary then for the Municipal Committee to retire as a separate group into another room to be able to consider the bill privately. If that would be agreeable, I think . . .

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: If I may, Mr. Speaker, on that point, I don't think that there would be any objection. The only point that I do wish to make, Mr. Speaker, it has been a procedure in this House that we do not have two committees meeting simultaneously. But we can work out some arrangement where this can be done, if that would be satisfactory to my honourable friends opposite. If it is, Mr. Speaker, then I wonder whether or not we might proceed with Bill 76 respecting the Town of Grandview, standing in the name of the Honourable Member for Radisson.

PUBLIC BILLS

MR. SPEAKER: The Honourable Member for Radisson.

MR. HARRY SHAFRANSKY (Radisson): Mr. Speaker, I have made inquiries, I see we have some You're tired -- if you want to get yourself relaxed. Mr. Speaker, I have made . . .

MR. SPEAKER: Order, please. I should like to suggest that it's fine and dandy to jest but too much of a good thing is also bad for you. Those of you who aren't aware of it do remember the Chinese torture -- one drop of water at a time. Too much applause is the same result. The Honourable Member for Radisson.

MR. SHAFRANSKY: Mr. Speaker, I made inquiries to the Department of Municipal Affairs and found there is nothing objectionable in the bill and they are ready to proceed -- this bill to go to committee.

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

MR. PAULLEY: Bill 78, Mr. Speaker.

MR. SPEAKER: On the proposed motion of the Honourable Member for Swan River. The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River) presented Bill No. 78, an Act respecting The Village of Minitonas for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Swan River.

MR. BILTON: Mr. Speaker, this is one of those bills that will give the Village of Minitonas an opportunity to have a vote for the adoption of dining room and liquor and cocktail licence. It seems that the Village voted a year ago, Mr. Speaker, and it was defeated and without the passage of this bill of course it will require that it be laid -- it be three years from now. It is a peculiar situation in the Village of Minitonas in that the surrounding municipality has this privilege as do all the hotels and beverage rooms around the valley and this small hotel in the Village of Minitonas due to the vote a year ago was selling beer and wine, they are restricted in that regard. And at the same time in the village itself the hall can be hired and the liquor and cocktails can be served whereas the hotel is denied this. There is a considerable opinion, Mr. Speaker, in the Village of Minitonas that it might be well to place this again before the people and I ask for the consideration of the House toward the passage of this bill.

MR. SPEAKER: Is it the pleasure of the House? The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, I would just wish to commend this bill to the House for approval of the House so it can go to committee for section by section study.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, in connection with this bill -- as likewise I would have some remarks in connection with the bill dealing with the R. M. of Grandview -- I have some reservations that I will articulate at Law Amendments Committee, a concern on the part of the Liquor Control Commission as to the wording of the bill which seems to be overly broad. But certainly I have no objection to it going to committee and we can discuss the wording of the bill at that time.

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

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Just on one further point, Mr. Speaker, in consultation with the Clerk and one or two of my colleagues, I think that it would be proper to refer these to Municipal Committee and then if it's desirable to change that afterwards we will do so. So if the Clerk would kindly note that they go to Municipal Affairs, it would be in keeping with the custom of the House. And would you now call Bill 101.

MR. SPEAKER: Proposed motion of the Honourable Member for La Verendrye. The honourable member.

MR. BARKMAN presented Bill No. 101, an Act respecting the Town of Steinbach for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BARKMAN: Mr. Speaker, I think I better say a few words in respect of this bill. Over the last two years, or perhaps longer, it's becoming more evident that the Town of Steinbach needed more room for immediate expansion and also perhaps more control for future expansion. The Mennonite Museum, the airfield, the golf course and quite a few of the public functions were being held outside the museum -- and especially the cemetery belonged to the R. M. of Hanover -- and I shouldn't call it functions, pardon me, they were also outside of the borders of the Town of Steinbach, and many of the Steinbach residents wished that the golf course or the airstrip or especially the cemetery would at least belong to their own municipality.

Well as negotiations began and discussions for the last year and a half or so, the Rural Municipality of Hanover, after as I said, after quite a while of negotiating realized the position and the dilemma that the Town of Steinbach was in and I must say graciously accepted to release the area described in this bill. Much credit goes to the Council of the R. M. of Hanover for their broadmindedness and their willingness to co-operate with the wishes of the Town of Steinbach in this respect. If you follow the borders -- and I don't know how many have taken

(MR. BARKMAN cont'd) the trouble of checking the bill -- but if you follow the borders of the suggested annexation area, you will find that it is mostly an area going along Highway #12 to the north basically, and then of course where the cemetery is concerned to the south. It's a total area of approximately 1100 acres.

And as, Mr. Speaker, as the bill clearly points out, the Town of Steinbach assumes nearly all the responsibilities formerly exercised by the Rural Municipality of Hanover involving assessment changes, welfare costs and other normal responsibilities held by them before. Now the assets held by the R. M. of Hanover, have been practically left unchanged as part of the agreement during the negotiations. The legal costs involved will be borne by the Town of Steinbach since of course they will be the financial beneficiaries of this agreement.

Mr. Speaker, I want to make it abundantly clear while many months of negotiations took place, the bill before you is backed by resolutions from both municipalities, and I am happy to present this bill, having taken part in most of these negotiations. I can assure you that the Minister has resolutions from both municipalities to verify the statement that I am trying to make at this time. I want to particularly thank the Minister and the Deputy Minister for the time and effort they spent and the patient, the co-operation I got concerning this bill. And they were enough, that I think I must mention them and I gladly do so because without their help I could not have done this. Also I would like to take this opportunity to thank the Reeve and his committee especially, and of course the councillors of the Town of Steinbach for special efforts they made during these negotiations. I'm not going to go into these negotiations, but they were rather lengthy and at times rather strenuous as negotiations are usually if somebody is supposed to give something away for nothing and the other one of course is always ready to receive. But I wish to ask for support of all members of this House, either side of the House, and I do hope that there is that support because the Town of Steinbach will be very happy to try and claim these borders after January 1st, of 1973.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, I would like just to speak for a moment or two in respect to this bill. It's a type of bill that has come about as a result of the format of discussions that one would wish to see occur between two municipalities that have problems in respect to boundaries and realignment of those boundaries. It's a type of situation where often you do have a conflict between a town who wishes to expand in order to provide better planning apparatus and sometimes a municipality that might wish to restrain that expansion due to a loss of revenue. The two municipalities here in question have engaged in very lengthy discussions as the Member for La Verendrye has indicated. Resolutions have been passed back and forth by council, people have been involved at many different levels, and the result as described in the bill before you is one in which the two parties together have been able to develop between themselves in order to accommodate a mutual interest, a desire -- a desire on the part of the Town of Steinbach to expand, to plan more effectively; and on the part of the R. M. of Hanover to assist the Town of Steinbach because surely the two municipalities are one and the same in the same community working together towards a joint object. And I only emphasize this because I think here there is a lesson that can be learned by other municipalities that may be in a position, that they too should reconsider their boundaries in discussions at that local level in order to develop the same type of objects that these two municipalities have done. I commend the bill to the House.

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

MR. PAULLEY: 105.

MR. SPEAKER: Proposed motion of the Honourable Member for Gladstone. The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West) (on behalf of the Honourable Member for Gladstone) presented Bill No. 105, An Act to validate By-laws Nos. 2096 and 2097 of the Town of Neepawa for second reading.

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

MR. PAULLEY: I hope my honourable friends in the Assembly don't think I'm sort of a Jekyll and Hyde. The Law Amendments Committee has been called for 10:00 on Thursday morning. It may be advisable to call the Municipal Affairs Committee for 9:00 on Thursday morning and I've instructed the Clerk to put that on the Votes and Proceedings. So I wonder if my friends who have municipal bills standing in their name, and of course this will include the bills that are already before the Committee, to inform those who may be interested that the

(MR. PAULLEY cont'd) bills will be considered at 9:00 o'clock Thursday morning, Municipal Affairs; 10:00 o'clock Thursday morning, Law Amendments. And I remind members that tomorrow morning at 10:00 o'clock the Committee on Industrial Relations will meet. With those bits of information, Mr. Speaker, I beg to move, seconded by the Honourable the Attorney-General that the House do now adjourn.

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