

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Thursday, July 6, 1972

Opening Prayer by Mr. Speaker.

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

REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. WILLIAM JENKINS (Logan): Mr. Speaker, I beg to present the fifth report of the Standing Committee on Law Amendments.

MR. CLERK: Your Standing Committee on Law Amendments beg leave to present the following as their Fifth Report.

Your Committee has considered Bills:

No. 75 - An Act to amend The Companies Act.

No. 85 - An Act to amend The Provincial Police Act.

No. 89 - An Act to amend The Snowmobile Act.

No. 90 - An Act to amend The Trustee Act.

No. 92 - An Act respecting Certain Former Employees, now Deceased, of Moose Lake Loggers Ltd.

No. 99 - An Act to amend The Taxicab Act.

and has agreed to report the same without amendment.

Your Committee has also considered:

No. 49 - Le Centre Culturel Franco-Manitobain Act.

No. 50 - An Act to amend The Public Libraries Act.

No. 69 - An Act to amend The Tourism and Recreation Act.

No. 71 - An Act to amend The Consumer Protection Act.

No. 88 - An Act to amend The Securities Act.

and has agreed to report the same with certain amendments. All of which is respectfully admitted.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Mr. Speaker, I move, seconded by the Honourable Member for Gimli that the report of the Committee be received.

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

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

MR. JAMES WALDING (St. Vital); Mr. Speaker, on behalf of the Honourable Member for St. Matthews, I beg to present the second report of the Standing Committee on Municipal Affairs.

MR. CLERK: Your Standing Committee on Municipal Affairs beg leave to present the following as their second report.

Your Committee has considered Bills:

No. 46 - An Act to amend The Municipal Act (2).

No. 101 - An Act respecting The Town of Steinbach.

No. 105 - An Act to validate By-laws Nos. 2096 and 2097 of The Town of Neepawa.

and has agreed to report the same without amendment.

Your Committee has also considered the following bills and has agreed to report the same with certain amendments:

No. 47 - An Act to amend The Municipal Act (3).

No. 73 - An Act to amend The School Tax Reduction Act.

No. 76 - An Act respecting The Town of Grandview.

No. 78 - An Act respecting The Village of Minitonas.

All of which is respectfully submitted.

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

MR. WALDING: . . . the Member for St. Matthews, I move, seconded by the Honourable Member for Gimli that the report of the committee be received.

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

MR. SPEAKER: Ministerial Statements and Tabling of Reports. The Honourable Minister of Labour.

TABLING OF REPORTS

HON. RUSSELL PAULLEY (Minister of Labour)(Transcona): Mr. Speaker, I would like to table the Thirty-third Annual Report of the Manitoba Civil Service Superannuation Fund for the year ending December 31, 1971. In tabling this report I want members to know that this is a requirement 15 days after a normal session. I'm a year ahead of time.

MR. SPEAKER: Any other Ministerial Statements or Tabling of Reports? Notices of Motion; Introduction of Bills; Oral Questions. The Honourable Leader of the Opposition.

ORAL QUESTION PERIOD

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition)(River Heights): Mr. Speaker, my question is for the Attorney-General. I wonder if he can indicate to the House why in view of the fact that he introduced Bill 85 did he not advise the Police Commission who are hearing the appeal of a Sergeant who has been dismissed, that they did not have power to take evidence under the Manitoba Evidence Act?

MR. SPEAKER: The Honourable Attorney-General.

HON. A. H. MACKLING, Q.C. (Attorney-General)(St. James): Mr. Speaker, the matter in question is still before the Police Commission and they are seized in the matter and I don't think that I need to articulate on their understanding of their powers. It's my understanding that they were conducting the hearing in accordance with the act as it is now provided and were not in position to take advantage of the sections in Bill 85, and they were aware of that.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my question is to the Attorney-General. Does he believe that the Chief of Police had to give evidence to give the name of an informer?

MR. SPEAKER: Order, please. The question is asking for a legal opinion. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I wonder if the Attorney-General can inform the House why he provided in an amendment which is contained in Bill 85 that the Police Commission would have the power to take evidence under the Manitoba Evidence Act?

MR. SPEAKER: Order, please. The question is before the House and can be debated at that . . . Order, please. The question is before the House and can be debated at that time. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I wonder if the Attorney-General can inform the House whether he's been in contact with the Chairman of the Police Commission in the last day in connection with the hearing now taking place?

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I've been in contact with a great number of people including the Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I wonder if the Attorney-General will inform us whether he has talked to the head of the Commission and informed them of their legal position?

MR. MACKLING: I'm advised that the Police Commission has a very responsible man as legal counsel advising them. His name is Mr. Wilfred DeGraves, a lawyer of some standing who is a Queen's Counsel appointed by the previous government as a Queen's Counsel and I respect his ability to advise the Commission and they would not be looking to me for advice from moment to moment or from day to day.

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

MR. I. H. (IZZY) ASPER (Leader of the Liberal Party)(Wolseley): Mr. Speaker, my question is also for the Attorney-General. Can he tell us whether the witnesses that are testifying at the hearing - the Police Commission hearing - are they testifying voluntarily or have they been compelled to testify by subpoena?

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I am not a member of the Commission, I have not sat in at the Commission meetings and I am not in a position to indicate the hour by hour proceedings before the Commission.

MR. ASPER: My question is supplementary, Mr. Speaker; to the Attorney-General. Will the Attorney-General undertake to inquire into this question and report to the House?

MR. MACKLING: Mr. Speaker, the Honourable Leader of the Liberal Party's question is so vague that I wouldn't know what to inquire into, but I can assume that he has an interest as I certainly anticipate most honourable members have that the question that is before the

(MR. MACKLING cont'd) . . . . Police Commission will be properly adjudicated. I have that responsibility to make sure of that and I can at least assure my honourable friend that that is my concern.

MR. ASPER: Mr. Speaker, because the Attorney-General . . .

MR. SPEAKER: Question please?

MR. ASPER: The question is -- to repeat the question. --(Interjection)-- Point of order, Mr. Speaker.

MR. SPEAKER: Order, please. May I indicate to the honourable member there is no requirement for an answer to be forthcoming. He has received an answer, a repetition is unnecessary. The Honourable Member for Morris.

MR. WARNER H. JORGENSON (Morris); Mr. Speaker, I should like to direct my question to the First Minister. It's based on the new seating plan that has just been released, and on that seating plan I note that the Member for Inkster is described here as the Honourable S. Green, Inkster. I wonder if that state of euphoria now enjoyed by the Member of Inkster could be described as anticipatory bureaucracy?

MR. SPEAKER: Order, please. The question in all essence should have been addressed to myself privately. I am in charge of the printing of these and if the "Honourable" is there, it was an error at the present time. The Honourable Member for Rupertsland.

MR. JEAN ALLARD (Rupertsland): Mr. Speaker, I have a question for the Attorney-General. . .

MR. SPEAKER: Order, please. Point of order by the Honourable Member for Inkster.

MR. SIDNEY GREEN, Q.C. (Inkster): A point of privilege, Mr. Speaker. In view of the fact that the word "Honourable" is in error, I trust that that does not mean that the word should be replaced by "dishonourable".

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. ALLARD: Mr. Speaker, I have a specific question for the Attorney-General. In view of what has happened, does he intend to suspend or to consider suspending members of the Police Commission for illegal acts?

MR. SPEAKER: Order, please. Again a legal question. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I wonder if the Attorney-General can inform the House whether he's been in communication with the Chief of Police to inform him that he did not have to testify at the Police Commission?

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, the Chief of Police and the representatives of the Winnipeg Police Commission had with them at the Council hearing able counsel in the person of Archie Dewar, Q.C., a solicitor of some regard in the Province of Manitoba who has practised before the courts for some time, who I assume was knowledgeable about all facets of the act -- both the Provincial Police Act and the proposed amendments to that act under Bill 85 that is still before this House.

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

MR. SPIVAK: A supplementary question. I wonder if the Attorney-General can inform the House whether he's been in touch with the Chief of Police with respect to the question of allowing information to be placed on the record about an informer?

MR. SPEAKER: Orders of the Day. The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, from time to time I do have conversations with both the Chief of the Winnipeg Police and the Assistant Commissioner of the Royal Canadian Mounted Police, and I have conversations with the Chief of the Winnipeg Police which of course are confidential between he and I.

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

MR. ASPER: A question for the Attorney-General. Can the Minister advise this House whether it is the policy of the government or the practice of the government to allow police forces in this province to use . . .

MR. SPEAKER: Order, please. Questions of policy are not allowed in that fashion. The Honourable Leader of the Liberal Party wish to rephrase his question?

MR. ASPER: Is it the existing practice to use informers in the police work of this province?

MR. MACKLING: Mr. Speaker, I am not an expert on the subject matter, but I am advised that throughout and throughout all of the western world there has been a basis of informer proceedings. As a matter of fact some of the Statutes which we still have contain provisions for rewards to informers, and if the honourable member will reflect on some of the excellent news reporting that we have, he will find that a young law student in Quebec made a great deal of money through informer actions in that province. We still have informer actions all throughout Canada, including Manitoba, and North America and all throughout the western world as I understand it.

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

MR. ASPER: A supplementary, Mr. Speaker. In the light of that answer, what instructions, if any, has the Minister given, or is he planning to give to the Manitoba Police Commission in order to protect the names and identities of informers who work in the system to prevent a repeat of what happened in the naming of an informer?

MR. MACKLING: Mr. Speaker, if the Honourable Leader of the Liberal Party has been in the House, in introducing Bill 85 and in discussion on it I indicated that the provisions of that act were similar in nature to the provisions of the Criminal Code which has the effect of giving the body hearing evidence a discretion whether in the interest of the administration of justice or for reasons as indicated both in the Criminal Code and the section of Bill 85 that I referred to. That discretion will be theirs to employ if they consider it in the interests of justice to have anonymity of witnesses or their testimony before a tribunal.

MR. ASPER: A supplementary, Mr. Speaker. Does the Minister plan to offer, or has he offered protection to the informer who has been named and put on the record?

MR. MACKLING: Mr. Speaker, I have every confidence that the police authorities will take every reasonable precaution to protect the interests of the informer referred to, and every other person in the Province of Manitoba whose life may be threatened.

MR. SPEAKER: Orders of the Day. The Honourable Member for Portage la Prairie.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, my question is for the Honourable the Attorney-General. With respect to the hearing of the Manitoba Police Commission where it was admitted that taped information was used, would the Attorney-General inform the House as to whether or not either the law of Canada or of this province was broken in that regard?

MR. SPEAKER: Order, please. Again, a legal question is not allowed for a legal opinion. The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, the question has been asked and in allowing the question the damage is done and I would like to answer.

MR. SPEAKER: Unfortunately I do not wish to quarrel with the Attorney-General or anyone else, but there is no way of anyone in this room anticipating what a question will be until it is heard. It may still make it out of order. The Honourable Member for Inkster.

MR. GREEN: I wonder whether the House would give its unanimous consent for the Attorney-General to respond to the last question. (Agreed)

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, as I understand the state of things, the Parliament of Canada has under consideration legislation which will make it a criminal offence to employ any wire-tapping or eavesdropping device unless it's sanctioned by the courts. There has been discussion on this question, articulation of the problem throughout Canada with the Bar Associations, the various groups interested and it's my understanding that the Parliament of Canada, certainly the Government of Canada is concerned to bring forward legislation which would cover this question. Until that legislation is brought into being, it is not an offence to employ those devices, except that as the honourable member will recall, this House under this administration passed an act which makes it a civil wrong to utilize such devices and on the basis of any information that such a device is being used, civil action will lie, and that is within the jurisdiction of this province - that law.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I have a question for the Minister of Industry and Commerce. He's not in the House, perhaps I can direct it to the First Minister. Has the study, the viability study been completed on Columbia Forest Products?

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier)(Rossmere): Mr. Speaker, I would have to take that as notice.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: A supplementary. Since the First Minister agreed to take it as notice, perhaps he can tell us what is the situation at the present time as well. The employment, how many people are employed and all the information?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: The same answer, Mr. Speaker, except I can advise my honourable friend that the latest information that I have with respect to the Columbia Forest Products operation is that it is working at near full capacity with three shifts.

MR. PATRICK: A supplementary. Is it operating in a profit situation or is it losing money?

MR. SCHREYER: Mr. Speaker, it would be well nigh impossible to determine whether or not it is operating at a profitable level after less than 30 days of operation.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker, I'd like to direct a question to the Honourable the First Minister, and it relates to a question I asked him about two or three days ago with regards to the inclusion of the St. Norbert area in the Greater Winnipeg equalization school levy. My question was, will St. Norbert be included in the next levy as well, and I believe he took that question as notice about two days ago.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I really should apologize to the honourable member. I have not had the opportunity to clear that with the appropriate Minister but the Minister being in the Chamber now will be able to take that question as notice and hopefully reply tomorrow.

MR. GIRARD: Well, would I have to direct a question or would you pass it on? Is the correct Minister the Minister of Finance, or the Minister of Education? I took it, Mr. Speaker, that it was the Minister of Finance's responsibility and that's why I directed it to the Premier at that time.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: The member will get his reply tomorrow.

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

MR. JOSEPH P. BOROWSKI (Thompson): I've a question for the Attorney-General. Is he planning, or is his department planning on appealing the two years suspended sentence given to the smugglers who were smuggling American counterfeit money into Manitoba.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: The particulars of that case have not been brought to my attention yet, Mr. Speaker, other than by the Honourable Member for Thompson. I will certainly take notice of his comments and I will be getting a report from my attorneys.

MR. BOROWSKI: Mr. Speaker, a further question of the Attorney-General. Will the Attorney-General be asking or instructing the Crown counsel to press for restitution of the \$10,000 of damage done in Headingley when the prosecutions take place against the rioters?

MR. MACKLING: The honourable member will have to wait and see.

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

MR. ASPER: My question is for the Attorney-General, Mr. Speaker. In the light of his answer to the question asked by my honourable friend from Portage la Prairie, can we then understand him to have said that the police in Manitoba practise wire-tapping practices without any recourse from his department?

MR. SPEAKER: Order please. I do believe I gave the honourable member Citation 171 and 172 of Beauchesne which elucidates what kind of questions may be asked, and how, and I do believe that one of the items in it is that there shall be no expression of opinion in questions. If the honourable member wishes to rephrase his question - the honourable member.

MR. ASPER: Does the police establishment in Manitoba carry on wire-tapping practices without your knowledge, or with your knowledge?

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I have not been requested from time to time to advise the individual police involved in investigations as to the techniques they may employ, and I'm not in a position to indicate that I approve or disapprove of these techniques in this particular case, I believe, and I've gone on record as indicating my belief, that it is in the interests of all citizens in this country that the use of wire-tapping devices be only sanctioned upon application to the court, application through the various Attorney-General's departments across Canada. And that is my view.

MR. ASPER: A supplementary. Will the Attorney-General then instruct the police forces of Manitoba to restrain, refrain from electronic surveillance without consent of his department.

MR. MACKLING: Mr. Speaker, that's a question of policy and I think the honourable member can recognize that I've indicated my personal views.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L.R. (BUD) SHERMAN (Fort Garry): Thank you, Mr. Speaker. In the absence of the Honourable the Minister of Industry and Commerce, I direct my question to the Honourable the First Minister, and ask him, Sir, whether in view of the recent approval granted by the Canadian Transport Commission, whether Manitoba's regional airline is going to be able to start temporary service into the northern United States midwest.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, whether or not our regional airline will be able to initiate service into the northern U.S. is something that would be determined by the Federal Transport authority and by the airline decision makers themselves. Certainly if the honourable member is suggesting that the province might take some position contrary to such a course of action, I can advise him negative.

MR. SHERMAN: A supplementary question, Mr. Speaker, and it's based, as my original question was, on the approval that apparently has been granted Transair by the Canadian Transport Commission to pursue it's application to serve the upper U.S. midwest. Is there any initiative now that the province can take, or is taking, to aid Transair in whatever application it has to make with United States authorities?

MR. SCHREYER: Mr. Speaker, I'm not aware just what the honourable member has in mind, but certainly to date, the Province of Manitoba has not taken a position in opposition to the possible extension of Transair routes. I believe that's correct.

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. ALLARD: Mr. Speaker, the Minister of Mines and Resources is not in his seat so I direct my question to the First Minister, and in view of the urgency of the situation, I am repeating a question I asked a few days ago. Is the government going to provide some \$14,000 necessary to proceed with a \$600,000 extension to the Norway House Airport?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: As the honourable member is aware, the Province of Manitoba has expended significant amounts of money on the construction of an all-weather landing strip at Norway House, which now has at least minimal DOT navigational aids installed. It is a rather substantial airstrip that is quite serviceable. I'm not sure I understand the honourable member's reference to there being some urgency since the existing new airstrip is proving to be quite useful.

MR. ALLARD: If I may clarify the question - I'll rephrase it. In view of the limited time offer of the federal \$600,000 offer on this extension and the need for a \$14,000 provincial contribution, would the First Minister undertake to look into the question. There's a matter of urgency I believe.

MR. SCHREYER: Mr. Speaker, as the honourable member is aware, in three years the number of airstrips built in northern Manitoba has been increased from six to 36 which demonstrates the ability of this government to move quickly and expeditiously in this respect, and if the federal offer is contingent upon some time frame, or some time deadlines, I'd like my honourable friend to feel assured that the Province of Manitoba will certainly be able to move quickly in order to take advantage of the federal offer.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Thank you, Mr. Speaker, I direct a question to the Commissioner of Railways. I wonder, Sir, if the Commissioner can indicate to me that he has either issued the same warning, or intends to issue the same warning to the other major railroad that he issued, I understand, yesterday to the CNR with respect to rail line abandonment.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, in my capacity as the Railway Commissioner for Manitoba I did use the occasion of the opening of the express facilities of the Canadian National Railways in St. Boniface, adjacent to the Symington Yards to issue a warning to the Canadian National Railways and its President, who was present at that time --(Interjection)-- Would you like to answer the question? --(Interjection)-- If you'd like to hear the answer, then shut-up until I give it. I took the occasion, Mr. Speaker, to indicate to the President of the Canadian National Railways that this government . . .

MR. SPEAKER: Order, please. Would the Honourable Member for Rupertsland state his matter of privilege?

MR. ALLARD: As a matter of privilege, Mr. Speaker, is it parliamentary language for the Minister, for a House Leader to say shut-up to one of the members on the opposite side?

MR. SPEAKER: I wonder if I may return by saying, is it parliamentary to interject while a member is on his feet? The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, as I was saying before I was - I almost was going to say rudely interrupted, I won't use the word rudely because it may be unparliamentary, although accurate. While I was on my feet before the interjection I was trying to indicate in response to the question of the Honourable Member for Lakeside that I did take the opportunity of the presence of the President of the Canadian National Railways at the opening of the CN Express new facilities to issue a warning to him that insofar as we are concerned, the Government of Manitoba, we would vigorously oppose rail line abandonment of the Canadian National Railways in Manitoba. A warning, Mr. Speaker, that I have enunciated in this House in respect of both the CPR and the CNR, and I want to assure my honourable friends opposite, and I want to assure to all of the people concerned in Manitoba, that we will oppose indiscriminate rail line abandonment in Manitoba.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: A supplementary question, Mr. Speaker. Again to the Commissioner. Can he tell me did the President of the CNR listen?

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Yes, Mr. Speaker, in answer to the supplementary question the President of the Canadian National Railways did respond by saying to me, and I'm not quoting him precisely, but I can anticipate that the Honourable the Minister in charge of Railways in the Province of Manitoba, I anticipate his vigorous opposition to any scheme that we may have.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: I wonder if the House Leader would give assurance also to the people of Manitoba that he will oppose just as vigorously the abandonment of rural industries in Manitoba?

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my question is for the Commissioner of Railways and it relates to his warning to the President of the CNR. I wonder if the President of the CNR warned him that unless outside counsel is retained by the province they are going to be unable to fight rail line abandonment.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: I believe, Sir, that the President of the Canadian National Railways is appreciative of the intelligence and the knowledgeability of the Railway Commissioner of Manitoba to protest without the retention of the likes of the legal counsel that the Leader of the Opposition may give to the Railway Commissioner which may be erroneous and extraneous.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BARKMAN: Mr. Speaker, my question is to the Minister of Labour. Is the Minister of Labour going to accede to the request of the City of Winnipeg, as announced today, to hold over Bill 81 for further studies, or for longer time?

MR. SPEAKER: That's a matter of determination for the House. Orders of the Day. --(Interjection)-- Order, please. May the Honourable Minister have leave to answer the question. Agreed? Order, please. The Honourable Member for Portage la Prairie on a point of order.

MR. G. JOHNSTON: Mr. Speaker, my point of order is this, that during this session in particular, you, Sir, have said that Ministers couldn't answer a question to do with policy. My impression of the rules and custom in the past is that this is a decision for the Minister to make of whether or not he wishes to answer that question. While I do not intend to question your rulings but I would draw to your attention the situation where many times a Minister may wish to answer a question of policy, but if he does not wish to make that answer then that is his privilege. And that is my point of order.

MR. SPEAKER: In respect to the question that was asked, any matter that has been introduced to the House, and is before the House, is at the discretion of the House before it can be removed from the Order Paper. That is my interpretation of the rule, and so therefore it is not at the discretion of any one individual to retract something. He may if he has the

(MR. SPEAKER cont'd) . . . . complete compliance of the House but not individually. The Honourable Leader of the Opposition. --(Interjection)-- All right, Order, please. We can proceed by way of leave to do anything we desire. Does the Honourable Minister of Labour have leave to answer? --(Interjection)-- Are there any objections? The Honourable Leader of the Opposition. --(Interjection)-- Point of order. The Honourable Leader of the Liberal Party.

MR. ASPER: On the point of order raised by my learned friend, Mr. Johnston, the Member for Portage, my understanding of the point of order is that based on the fact that speakers in this House - the Honourable Member from Emerson and myself have in our speeches on Bill 81 asked for an amendment to allow Bill 81 to be held over. It is a matter which is before the House and the Minister of Labour can accede to that request of the two parties. --(Interjection)--

MR. SPEAKER: Does the Honourable Member for Inkster wish to speak on this same point.

MR. GREEN: Mr. Speaker, on the point of order I believe that I can pose the question so that it will not offend you ruling, which I think is correct. Does the Minister of Labour intend to request that the bill be withdrawn pending the existence of the section? That leaves it in his hands as to whether he will make that request?

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, it's rather, it's not a matter of policy at all, and yet to some degree it is. I want to say, Mr. Speaker, that I have heard through the news media that a resolution was passed at the City of Winnipeg Council last night that a request would be made to the Minister of Labour not to proceed with Bill 81 in order to give councillors of the City of Winnipeg and its officials further time to consider Bill 81.

I might say also, Mr. Speaker, that I am in receipt of numerous requests to delay the passage of Bill 81 from various organizations, Chambers of Commerce, Canadian Manufacturers Associations, and the like. I want to take this opportunity to say to all and sundry that the content matters in Bill 81 have been before the Assemblies in the Province of Manitoba since the day of Confederation and I, as the present Minister of Labour, have no intention of further delaying the inequities contained in the labour legislation. And I say, Mr. Speaker, in answer to the queries raised at this time, that I have no intention of delay, the delay will only be occasioned by the delay of members of this Assembly in forwarding the bill for proper consideration in the Industrial Relations Committee.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my question is to the First Minister. I believe he received a wire, as well as others, and the Clerk, from the House of Seagrams asking to appear before the committee when Bill 81 will be discussed and asking for 24 hours notice. I wonder --(Interjection)-- Well I wonder first whether they'll accede to the request so that there will be at least one day's notice, and secondly, whether there have been other communication from other concerns in Manitoba indicating their desire to appear before the committee.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I apologize, I didn't hear the question.

MR. PAULLEY: Did you receive a copy of the telegram?

MR. SPEAKER: Order, please.

MR. SPIVAK: Well, Mr. Speaker, if the Honourable Minister of Labour will keep quiet I think the First Minister can hear the question. --(Interjection)-- Well it's as parliamentary as any of the tactics that he's pulled.

Through you, Mr. Speaker, to the First Minister, he's received a communication from the House of Seagrams, as well as I believe the Clerk, asking at least for 24 hours notice to allow them to appear before the Industrial Licence Committee on Bill 81. I wonder if we are going to comply with that request, and further I wonder if he can indicate as well whether he's received any communication from any industry in Manitoba also asking to appear before the committee, or indicating the necessity of study of Bill 81 before its final passage.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I have received such a communication, communications in fact, and the matter is being dealt with in a systematic way. It is being channeled to the Minister of Labour and to the Clerk, and it's well in hand to provide the requested notice prior to any expectation that they appear before the committee.



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

MR. ASPER: My question, Mr. Speaker, is for the Minister of Health and Social Development. Are the medical records of individuals in Manitoba, as presumably guarded by the Manitoba Hospital Services Commission, are these records free from public scrutiny? Are they maintained in secret?

MR. SPEAKER: The Honourable Minister of Health.

HON. RENE E. TOUPIN (Minister of Health) (Springfield): Mr. Speaker, there are provisions within the act that records can be made available to those in authority within the Department of Health and Social Development and/or the Manitoba Health Services Commission. I believe, Mr. Speaker, the Honourable Leader of the Liberal Party is making reference to a case that is now before the courts, and this question of releasing of information pertaining to a case before the courts will be decided by the courts.

MR. ASPER: A point of privilege, Mr. Speaker. I'm referring to no such thing as the Minister's discussing. I simply asked a question. Now if the answer is as I understand it, I have a supplementary question. The answer was that the public does not have access to records of individual's health position, then is it fair to assume, or is it fair to say, that the Manitoba Hospital and your department - Commission - do not make available to members of the public the information relating to any individual's health record.

MR. TOUPIN: Well, Mr. Speaker, I thought I had answered the question. There are records actually kept by the Health Services Commission and/or the Department of Health and Social Development, certain cases pertaining to medical officers, and so on. Again I repeat that the information and the records kept by either one, the Department of Health and Social Development and/or the Manitoba Health Services Commission, are to be released to those persons authorized to receive such under the act.

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

MR. PETE ADAM (Ste. Rose): Thank you, Mr. Speaker. I have a question for the Commissioner of Railways. In view of his statement regarding railway abandonment, I wonder if he could undertake to make representations in opposition to the proposal by CNR of establishing service centres and closing down rural agencies?

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, in answer to my honourable friend, this is a matter that has been given considerable consideration by the government and on the assurance that the services will be improved, that the number of employees will not diminish other than through a process of attrition, we have decided that there will be no formal opposition to the scheme.

MR. ADAM: A supplementary, Mr. Speaker. Would he not agree that closing down the rural agencies will lead to further abandonment of railways?

MR. SPEAKER: The question is argumentative. The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: Mr. Speaker, my question is for the Honourable the Minister of Municipal Affairs in his responsibility for Autopac. In view of the fact that the Minister had admitted that a large number of citizens have been billed twice after having paid their Autopac premium, could the Minister tell us how many people were double billed, and also what steps are being taken to correct this blunder?

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, I couldn't advise the honourable member with accuracy as to how many people were billed incorrectly, I see one gentleman in the Press Gallery that did receive an incorrect billing, and I know there were many more throughout the province. Steps have been taken to call in the officials - the Minister responsible for the Motor Vehicles Branch and myself have called in the appropriate officials and we are awaiting a report, and as I indicated to the Honourable Member for Morris last night the computers are on a one week's notice to make the necessary corrections.

MR. G. JOHNSTON: Another question on the same subject, Mr. Speaker. In the event that a person is unable to find his receipt as having paid, what ...

MR. SPEAKER: The question is hypothetical.

MR. G. JOHNSTON: Well, Mr. Speaker ...

MR. SPEAKER: The honourable member wish to rephrase his question?

MR. G. JOHNSTON: Can the Minister advise the House what steps a citizen should take who states he has paid and he's being billed.

MR. PAWLEY: Mr. Speaker, my office has been always available to attempt to resolve problems like that and if the honourable member has such a problem, certainly we would do all that we could to correct the situation.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. DAVID R. BLAKE (Minnedosa): My question would be for the Minister of Municipal Affairs, Mr. Speaker. Would he agree that the cost of this error would almost be equal to the cost an Order for Return that I requested awhile ago?

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. CY GONICK (Crescentwood): Mr. Speaker, I have a question for the Minister of Finance. Does the City of Winnipeg's Tax Rebate Plan for home owning senior citizens conflict with the province's plans in the same area?

MR. SPEAKER: The Honourable Minister of Finance.

HON. SAUL CHERNIACK, Q.C. (Minister of Finance) (St. Johns): Mr. Speaker, I'm only aware of their plans in a sketchy nature because not only did I receive them in a hearsay fashion but also I gathered from the little bit of investigation I caused to be made today that the City Council passed some principle but it has not yet been spelt out in a full fashion. As far as I can see it does not conflict. I believe the City of Winnipeg has the power to make a grant to individuals under the present act. Apparently the application is very limited, it's limited to people who have been ratepayers for ten years, and who are in receipt of old age pension income supplement, and is therefore restricted - no tenants and no one else who does not come within that qualification. But I do not believe that it interferes in any way with the legislation already passed by this Legislature.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: A supplementary question. If the education portion of the tax paid by senior citizens who would be able to qualify is to be reduced, is it going to affect the manner in which the province will be applying its Education Tax Program to the total tax paid?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Speaker, that question is well put and on the assumption that it is a grant under the section of the act that permits it, then it's an outright grant and it would not be actually in reduction of taxes themselves but rather a form of rebate and the city would be making it. It would not affect the taxes billed as I understand it, and therefore there should be no change in that respect.

MR. SPIVAK: On that assumption, Mr. Speaker, to the Minister of Finance, it's possible then a person would be ...

MR. SPEAKER: Question?

MR. SPIVAK: Yes, the question. Is it not possible that a person would be a recipient of an amount of money over and above the actual cost of the education portion of their taxation?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: Yes, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I have a question for the Honourable the Minister of Labour who is in charge of rail line transportation. Could he inform the House in connection with rail line rationalization as to the number of elevators that are being demolished or shut down this year?

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: No, Mr. Speaker, I'm sorry that I cannot give my honourable friend the precise --(Interjection)-- what's my - I beg your pardon. I think I would get more intelligent reply from the President of the CNR than I would from the Leader of the Opposition. But I would say to my honourable friend from Rhineland, I'm sorry, Mr. Speaker, I can't give him the precise information, but I would be happy so to do, but I do want to indicate to my honourable friend the Member for Rhineland that due to the arrangements of the takeover of the grain handling facilities in Manitoba by the Saskatchewan organization, and the likes of that, that we are fully participating in taking care of the adjustments required as to the provision of services through the withdrawal of federal grain. But if my honourable friend would like to send me a note as to any precise areas that he's particularly concerned with, I would make every effort to obtain that information for my honourable friend, without having to ask the President of the CNR because it may have to deal with the CPR.

MR. SPEAKER: The Honourable Member for Thompson.

MR. BOROWSKI: I have a question for the Minister of Municipal Affairs in regards to the telegram he received last night from our Mayor Campbell in Thompson, requesting that legislation be passed this session so that the homeowner grant will go to the citizens of Thompson rather than relief to Inco. Will the Minister bring in this bill before the session is over?

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: I am pleased to advise the Member from Thompson that this morning in Municipal Affairs Committee, an amendment was introduced to the School Tax Reduction Act that would prevent the payments of the moneys, otherwise payable under the School Tax Reduction Act, from being diverted to the agreement presently existing between Inco and the City of Thompson, so that under the basis of the amendment introduced we can be assured that citizens of Thompson will receive the rebate in the same way as all other citizens of the province.

MR. SPEAKER: Orders of the Day. The House Leader.

#### ORDER FOR RETURN

MR. PAULLEY: Mr. Speaker, I believe that the Honourable Member for Minnedosa has an Order for Return on the Order Paper.

MR. SPEAKER: Proposed Order for Return. The Honourable Member for Minnedosa.

MR. BLAKE: Mr. Speaker, I beg to move, seconded by the Honourable Member for Charleswood,

That an Order of the House do issue for Return, showing the following information:

1. the location and estimated cost of each proposed low rental housing project submitted to the board of the Manitoba Housing and Renewal Corporation pursuant to Section 26 (2) of the Housing and Renewal Corporation Act, since January 1, 1970;
2. the location and estimated cost of each proposed project which received the board's recommendation on the basis of the conditions specified in Section 26 (2) of the Act, since January 1, 1970, and the date of each such recommendation.

MR. SPEAKER: Moved by the Honourable Member for Minnedosa, seconded by the Honourable Member for Charleswood, the Order for Return as read. The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, we are prepared to accept it.

MR. SPEAKER: Agreed. So ordered.

The Honourable Leader of the Opposition.

#### ADDRESS FOR PAPERS

MR. SPIVAK: I move, seconded by the Honourable Member for Lakeside,

THAT a humble address be voted to His Honour the Lieutenant-Governor praying for copies of all reports to the Minister responsible for the Manitoba Housing and Renewal Corporation pursuant to Section 26 (1) of the House and Renewal Corporation Act.

MR. SPEAKER: Moved by the Honourable Leader of the Opposition, seconded by the Honourable Member for Lakeside, the Address for Papers as read. The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, we are prepared to accept it.

MR. SPEAKER: Agreed. So ordered.

The Honourable House Leader.

#### GOVERNMENT BILLS

MR. PAULLEY: Mr. Speaker, I wonder if you would call the Report Stage on Bill No. 3, the Adjournment in the name of the Honourable Member for Rhineland.

MR. SPEAKER: Proposed Amendment Report Stage, the Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, on a point of order if there are bills up for amendment, do we not go into Committee of the Whole for the purpose of dealing with those bills?

Mr. Speaker, I have an amendment to propose to Bill No. 3, but I guess in order not to be disqualified from speaking on it, that I guess I will have to speak on the amendment first, and then present it to the House. The amendment that I propose has to do with the deletion of the last section that was added in Law Amendments Committee to the Bill, and this is dealing with the matters on what type of mortgages will be reported on, and we find that there is a restriction placed on the bill now that they will only have to report on real property mortgages

(MR. FROESE cont'd) . . . . for farm purposes, and on real property mortgages on properties where residences are situated on.

This, Mr. Chairman, restricts the legislation very much indeed. In fact it is so restricting that it has very little value, and if you take a look at the act that by putting in the amendment that the government did in Law Amendments the bill applies to Part 11 of the Act only, and which deals with property mortgages only and exempts all chattel mortgages. Now honourable members no doubt will recall the time that the previous government set up the Agricultural Credit Corporation to provide funds for farmers to sell their land to their sons or to other people to provide a course of funds to make this possible, and the reason for that was that funds had dried up completely as far as other sources were concerned. Finance companies, mortgage companies, life insurance companies and so on had gone out of the business of lending money for farm purposes, and as a result the funds were dried up and farmers were unable to make sales of the land but because there was no means of financing. No doubt this stemmed from the time of the depression and carried through, but at any rate the government of the day, when the Roblin administration took over, they brought in legislation whereby a source of funds would be provided. We also note that the Federal Administration set up machinery for that purpose too, and made moneys available. So that we were more or less restricted to government sources of funds for purposes of farm mortgages. I don't say this is bad, in fact I agreed with it at the time because I saw a need for this; there was a very great need for this kind of funds. But now we find that we have another piece of legislation which is to be to the effect of consumer protection, or for consumer information, and I thought it was good; I thought the legislation was good. But, Mr. Chairman, we are now restricting it so badly that it will be of very little use, because I feel that this should not only apply to real property mortgages in total, but also to chattel mortgage securities, and therefore that I find that the legislation as it is amended is far too restricted in my opinion.

When I take a look at the Mortgage and Loan Association of Manitoba presentation and who the people are that are backing that report, we don't find people in there that advance moneys for purposes of farm mortgages, and more or less for real estate purposes; it's for other loans. I don't think that we should follow their request in this because it doesn't really concern them that much, and that they're getting off more or less scotfree. I felt that the legislation was very worthy in itself in the first place, but with the restrictions placed on it by the amendment in committee, I feel that the value of the bill is very considerably reduced and I take very strong exception to what happened in committee. This is the reason I gave notice to the effect that I would be placing an amendment on Bill 3 on Third Reading; and at this time I will move, seconded by the Honourable Member for Churchill, that the proposed Section 25 of the Mortgage Act as set out in Section 1, of Bill 3, be amended by deletion at the end thereof the following subsection: Application of Section 25 (8). This section does not apply to a mortgage unless

(a) it is a mortgage of real property used for farming purposes or;

(b) it is a mortgage of real property on which a residence is situated.

MR. SPEAKER: In respect to the amendment, having listened to the honourable gentleman and having perused it, I am of the opinion that he can achieve the same result by voting in the negative when that particular section comes up. So for those reasons I don't wish to accept the amendment.

The Honourable Attorney-General on a Point of Order.

MR. MACKLING: It is my understanding that in accordance with the new rules that the honourable member has to -- at the report stage he has to give notice, and there is some ambiguity as to whether, you know, we're really working within the system foursquare right now. But in any event, he indicated his intention to move an amendment and then the amendment is moved in the way he did, and that amendment is voted on as an amendment to the report. Now that's my understanding of the rules. Now if I am in error the Clerk can correct. But I understand we're not going through the Bill section by section, but we're just hearing the report, and this is an amendment to the report, and we vote on the amendment -- he moves an amendment and we vote on that.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, if my understanding of the rule is correct and I must confess we've had little opportunity to deal with that particular rule and what experience we've had hasn't been good. I don't think that the rule is a very good one. However be that as it may, the opportunity that is provided at this stage is done so to enable members to speak on certain

(MR. JORGENSON cont'd) . . . . aspects of any bill that is reported out of committee in the Chamber of the House. The new rule has denied the clause by clause consideration of bills in the Committee of the Whole House, and in order to compensate for that the new rule provides an opportunity for members to introduce amendments which gives them the opportunity to speak. I think that it would be not in accordance with the intention of the rule if he was denied that opportunity now. If he has been given the opportunity to speak on it, then I think equally he should have the opportunity of having the House make a determination upon that particular amendment.

Therefore, Sir, I would suggest that in the light of the intention of the rule, that the amendment proposed by the Member for Rhineland -- although technically you may be correct in that it is simply a negative of the existing clause -- I think that in keeping with the intention of this particular rule, that the member be given an opportunity to seek a determination by the House on this particular amendment.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: If I may on the point raised, Mr. Speaker. I'm not opposing the suggestion of the Honourable Member for Morris. If I listened properly, and I believe that I did intensively to the Honourable Member for Rhineland, he has raised the point of concern with the amendment. That having been done, I would suggest possibly, Sir, that the Attorney-General be given the opportunity of replying to that particular point. And I'm sure, Mr. Speaker, that honourable members having perused votes and proceedings that have been tabled this afternoon, will see that I have introduced a resolution for reconsideration or consideration of the Rules of the House. I'm prepared, subject of course, Sir, to your agreement, I'm prepared to accept contention of the Honourable Member for Morris at this stage, and give leave accordingly.

MR. SPEAKER: Well we can proceed in two -- order, please. We may proceed in two fashions; the one suggested by the honourable members at the present time, or at the adoption of the particular bill the honourable member who has the amendment which is a straight negative could say "with the exception of the negative". But since it is the pleasure of the House to proceed in this fashion I shall put the motion and the honourable members will have a chance to vote on it.

Moved by the Honourable Member for Rhineland, seconded by who? -- seconded by the Honourable Member for Portage la Prairie, that the proposed Section 25 of The Mortgage Act, as set out in Section 1 of Bill 3, be amended by deletion at the end thereof the following subsection: Application of Section 25 (8). This section does not apply to a mortgage unless

(a) it is a mortgage of real property and used for farming purposes or;

(b) it is a mortgage of real property on which a residence is situated.

The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, the Honourable Member from Rhineland did indicate to me privately and he made his argument publicly in respect to his concern that in making the amendment proposed that was approved in committee, it would in his opinion be an emasculation of all encompassing aspects of the bill itself, and I appreciate the sincerity of his concern. However, as I understand the review of the matter by the Law Reform Commission there wasn't an application or a consideration of the ramifications in respect to commercial mortgages. It was a concern in respect to real property mortgages that are on -- particularly on individual dwellings, and whether urban or rural; and mortgages on farm or residential property, therefore, were considered to be a reasonable application of this act at this time.

Now it may well be that there has to be consideration to the question of similar rights of accounting in respect to other forms of mortgage -- chattel mortgages is the one particular commercial mortgage that the honourable member referred to. Chattel mortgages, however, do not necessarily follow, and many of the commercial chattel mortgages do not follow terminology in anywhere like a close parallel to real property mortgages. They may or may not do. Generally they're for much shorter periods of time, and the provisions for annual statements may be meaningless. There are often chattel mortgages given for periods of less than a year. I admit that there are many chattel mortgages that are taken for periods of as much as four or five years, in some cases perhaps more; but the real interest of the Law Reform Commission and all of those who were concerned about the area that we're dealing with, was in connection with the real property mortgage, and I don't think it would be fair at this time to impose the same conditions in respect to commercial mortgages. And as I pointed out at committee, very often mortgages are taken in the commercial field which are merely collateral to other

(MR. MACKLING cont'd) . . . . forms of security that is taken.

Now, for example, in respect to chattel mortgages, very often they are collateral to a promissory note, or lien note where there are specific periodic payments made in accordance with that commercial undertaking, and the payments are never really applied on the chattel mortgage. The chattel mortgage is there as additional security. Now I admit that there are chattel mortgages that are taken as additional security where they could provide -- and I've seen the chattel mortgages drawn where they're collateral to real property mortgages and the verbiage that is used, that the payments that are made on the real property mortgage apply against the chattel mortgage as if they were made there, and so on. But we get into a whole area that I would rather review in detail in respect to the whole field of other forms of security and demand on the part of the borrower for periodic statements. That's a legitimate concern. But the concern that the Law Reform Commission, as I understood their report and their review, the concern dealt with real property mortgages in residential and farm residential fields.

I wouldn't like to thwart the legitimate concern of those who made approaches to us at committee and I respect -- you know that's one of the advantages of our Law Amendment's Committee system, that those who make recommendations indicating that the legislation may affect them adversely and they would like a change, we can take advantage of that system and not make the act applicable to that area until we have had an opportunity to carefully review and consider whether that is fair and proper. That kind of consideration has not been given, and that is why I went along quite readily with the suggestion that commercial mortgages should not be covered by this requirement, and it's for those reasons that I argue that the amendment that the honourable member seeks to make should not be accepted by this House. I indicate to the honourable member, as I indicate to all members, that if there is in that area still a need for further statutory provisions to insure the adequacy of reporting to borrowers, that can and will be pursued.

MR. SPEAKER put the question on the amendment and after a voice vote declared the amendment lost. (On Division)

MR. FROESE: Could we not have a formal yeas and nays for that . . .

MR. SPEAKER: Yes, we may. The Honourable Attorney-General.

MR. MACKLING: No, Mr. Speaker. I rise at this stage prior to moving the motion to ask leave of the House to consider the problem that I have. I have indicated - I trust my colleagues will recall - that the industry affected again subsequent to the Law Amendments Committee hearing contacted the Legislative Counsel and urged again some technical problems in connection with their reasonably complying with the requirements of this act. Now I am concerned to be as fair and reasonable as possible with the industry. If it's the will of the House that we deal with those concerns and proposed amendments, which would meet those concerns, I'll be happy to propose the amendments for the consideration of the House. This is I admit an awkward position because the rules do not, unless there is leave, provide for any further amendment at this stage. Because I haven't, you know, haven't given notice and all the rest of it.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: We would agree to the action proposed by the Attorney-General in an effort to help him out of this difficulty.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I think the rules of the House should apply equally. If it applies to members on this side, it should apply to the members on their side, and I had to give formal notice. I would like to see the amendment before it is being proposed. This is my only reason, otherwise I have no objection.

MR. SPEAKER: Order, please. Does the honourable member give leave or not? Order, please. The Honourable Member for Rhineland. Do we have unanimous consent? Do we have leave? Is there any objection? The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: . . . established that Her Majesty's Official Opposition gives leave.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Certainly I'll let the government proceed.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, Legislative Counsel will distribute now - I didn't know whether I had leave to even introduce the amendments - distribute the amendments to the members. I confess that I am now dealing with very technical problems and it may be that I'll have to have some assistance from Legislative Counsel, and I trust that honourable members will

(MR. MACKLING cont'd) . . . . appreciate that that isn't an unreasonable request because of the technicality of the wording.

There are two amendments proposed by the industry. The first is an amendment to the proposed Subsection 7 of Section 25 which would mean that the annual statement which a mortgagee might use in order to avoid having to make a statement under Subsection 2 of Section 25 - we're dealing with a voluntary statement here - would not have to set out all the particulars set out in Subsection 2 of Section 25. All that would be required would be that the annual statement indicate the balance owing at the end of the period covered by this statement, the total of the payments credited during the period, the total amount of interest charged during the period, and the total of payments made by the mortgagee in charge of the mortgage, and charged to the mortgagor during the period. Now as I indicated in committee Subsection 7 deals with the voluntary statement that a borrower, pardon me, a lending institution may give to the borrower as it sees fit. Section 2 as I recall still allows the borrower to demand a statement in accordance with Section 2 if the particulars that are set out in Section 2 are not contained in the voluntary statement. So that there is no erosion of the requirement that is there, the right that is there, of a borrower to get a statement in accordance with Section 2. It's only where lenders have been in the habit - and it's been a good practice - of sending out annual balances, indicating, as I have outlined, the amount that is owing, the amount of interest that was charged during the period, the amount of payments, and so on, that they would prefer the amendment to clarify what they think might be a problem in a strict interpretation of the sections of the act as they now read.

The further amendment is to cure another problem. In discussions with some of the members of the industry, they raised the problem of the mortgagee who purchases mortgages from an earlier mortgagee and doesn't get complete records of payments from the earlier mortgagee. In this instance it is impossible for them to comply with Subsection 2 of Section 25 as the earlier mortgagee may not be susceptible to the requirements of Subsection 2 of Section 25. The normal practice in these situations is for the purchasing mortgagee to require the earlier mortgagee to provide an acknowledgment from the mortgagor as to the amount of indebtedness at a particular date. If this is done it seems that perhaps any statement given under Section 25 need not go beyond the date on which the indebtedness is acknowledged.

Now from my experience, Mr. Speaker, and I can recall instances where, and this is particularly the case too where there is a transaction of a sale and the mortgage, the encumbrance, is being assumed, a statement is requested confirming the balance owing and the prudent counsel acting for a purchaser gets confirmation from the lender as to the balance owing, and vice versa is necessary where there is a purchase of a mortgage. So it may be as indicated that the kind of statement that would otherwise have been necessary under Section 2 would be unavailable from the previous mortgagee because he sold his mortgage, he may have gone, there may be a death, or some circumstances where it's impossible to get that statement from that mortgagee. But if a statement is given from the mortgagor confirming the balance owing from that time on then the statement could be developed. Now I don't know whether that satisfies the honourable members as the rationale for the industries concern for that technical refinement of those two sections, but Legislative Counsel in discussing the matter with spokesmen for the industry considers that these are reasonable and if there is something further that maybe Legislative Counsel might wish to add to what I've said. I think it's possible for him to do so with leave of the members of the House.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, we recognize in the amendments before us that they do not appear here in any way to alter the original intent or principle of the bill. Indeed, Mr. Speaker, I believe some commendation to the Minister for his acceptance of the legitimate concerns of the persons or the industry affected by this legislation are in fact being acknowledged by this rather unusual procedure. I think, Mr. Speaker, it demonstrates again the importance of our Law Amendments procedure, provided of course that we take our responsibilities at Law Amendments in the way that it's intended to be, namely with an open and fair mind and listen to the representations that are being made before us. The Official Opposition, Mr. Speaker, accepts the amendments, and indeed commends the Minister for taking into consideration, particularly in the instance where it is obvious that the industry has every intention to comply or attempt to comply with the will of the government in this instance, but that reasonable cognizance was taken by the government to not unnecessarily provide difficulties, or provide

(MR. ENNS cont'd) . . . . additional paper work, that would only impose an extra burden or cost on the consumer or indeed the industry. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, it seems to me that we are dealing with two amendments at the same time. One is amending the Section 25 (7) and the other one is a new amendment in itself. And in a way I hate to rise and have only the right to speak once in discussing the two amendments before us. I certainly don't take exception to the one where we are amending Subsection 7, and where we spell out in certain terms just what we mean and what we want to have in the way of information. I think this is worthy although, as I mentioned earlier when discussing the bill, I feel that because of the restrictions that we are placing on the bill, we had the presentation that I referred to earlier which names a number of companies, but there are many other financial organizations in this province who did not make representations, and I think they weren't even aware of what was going on, and in my opinion who should also, and will be necessitated, to give information on the type of mortgages that are concerned, namely the farm mortgages and those of residences.

I think the legislation should have gone much further and that chattel mortgages be included. Because I know of the work in the credit unions that people are not getting all the information they want, that annual statements are not set out, and very often when a loan is made that the person lending the money does not get a copy of the statement of the terms in which that money was borrowed, that this is quite common, and I think this is common in credit union practices, and which I have criticized strongly in the past, that I felt that a copy of the terms should go to the person borrowing the money in the first place so that he has a record that he can refer to from time to time. This in many cases is not being done, and I think in most cases is not being done, where you have a chattel mortgage. The borrower doesn't receive a copy and as a result he hasn't got the terms that were agreed to.

Now this doesn't deal with that aspect, this deals with the matter of getting information as to the payments made. If he had a copy of the terms and the conditions then he could check more readily when he asks for this type of information, where the payments were made, the amounts credited by way of payment of principle, by way of payment of interest, and so on, as this one amendment is now spelling out, which I think is very good. I certainly don't take exception to the new amendment Subsection 25 (9) which recognized that, as the Attorney-General has pointed out, that where a sale may be made of a mortgage and that you have a new owner of the mortgage itself and therefore he may not go back, and may not be able to give the information prior to a certain date. I can also see that. Therefore the amendment does make sense and I will not oppose it, but I do hope that the government gives consideration to the matter of applying the legislation and make it applicable on chattel mortgages as well and not just under part 2 of the act which is the Real Property Mortgages.

MR. SPEAKER: Order please. I'm afraid the rules don't permit two speeches on the same subject. --(Interjection)-- Well - order, please. I wonder if I may have some assistance from the House. We have two amendments before us. Unfortunately because we went through leave the motions were not made to put them before the House. --(Interjection)-- Well in that case our procedure was wrong in having someone speak to something that was not before the House or having three members speak before something was before the House. Now let's get a clarification and operate correctly. I do believe we should put the motion before the House and then proceed. --(Interjection)-- What were we speaking on till now? --(Interjection) -- By leave. The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I move, seconded by the Honourable the Minister of Labour, by leave, that proposed --(Interjection)-- Well, if the amendments are agreed I can put it that way, if that's agreeable. --(Interjection)-- All right. --(Interjection)--

MR. SPEAKER: Order, please. I didn't hear a word the Honourable House Leader said. --(Interjection)-- The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, by leave, I move, seconded by the Honourable the Minister of Labour, that Bill No. 3, with the amendments agreed to by unanimous consent of the House, being an Act to amend the Mortgage Act be now read a third time and passed. I don't know whether you can read my writing but that's what I said anyway.

MR. SPEAKER presented the amendments.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: I now see that this is the third reading and the final passage of the bill



(MR. FROESE cont'd) . . . . . which affords us to speak on the total bill itself. On third reading --(Interjection)-- Pardon? No, I have no intention of taking an adjournment. I certainly have been trying to accommodate the government, and they sure know that and should recognize this, because this is something that has never happened in this House before the way this was being presented. But I feel that the legislation in itself was good legislation when it was introduced but I think it hasn't got nearly the value after some of the amendments that were made in committee. But I accept the amendments that were prepared and submitted today; I think they are of value, and I trust that the bill will in total be of some value, and also that the government will give consideration at a future date to amend it to make it applicable to chattle mortgages and mortgages other than stated in the particular amendment that was voted on.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Would you now, Mr. Speaker, call Bill No. 81, An Act to amend the Labour Relations Act. The Honourable Member for Fort Rouge.

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

MRS. INEZ TRUEMAN (Fort Rouge): Mr. Speaker, the various members of the House whom we've heard on this Bill have given their views on the provisions within it, and I don't want to repeat their arguments although I share many of their concerns, so I'll do so only perhaps to emphasize some of the flaws.

My principal concern with the bill is it gives no protection to the worker from exploitation by the big unions. Now I expect the government will think this is pretty strange, because it is obvious to them that being a labour executive it's just about the next thing to sainthood to them. Mr. Speaker, during its short but too long period in office this government hastens to protect the working man from the big bad landlord, the big bad auto insurance companies, big bad corporations, big bad doctors, big bad conservatives, bankers but conversely in this bill they are facilitating complete unionization of the work force in Manitoba, whether they like it or not, and they are placing them in the hands of the big unions.

We've all received copies of a brief from the workers at Gillam, Jenpeg and Long Spruce who are employed by Manitoba Hydro in developing new power projects. The workers are members of 20 different unions, and since 1966 in a 10 year agreement with the workers, in which the workers apparently had no voice, by which they are further governed by the Allied Hydro Council, which is a sort of union's union or a super union. The brief that was presented to us is phrased in unusually strong language by Mr. Alex Tkach who claims that he has the support of 98 percent of the workers in these three sites. But when you take out the strong language and just get at the meat -- or I should say the colourful language and get at the meat within the brief, it's quite apparent that they really do have a grievance and that in fact they are being treated scandalously by their unions. In fact they appear to be exploited by the Allied Hydro Council, to an extent equal to anything that big business may have tried to do a labour man.

I was a little puzzled when there seemed to be no reaction from the government side to the brief that was placed before us, so I made an effort to reach the gentleman who had written the brief and talked with him a bit more to see exactly what was going on in Gillam. In a letter written on June 11th he has told me, "That we have no absolutely no say in camp matters or in the affairs of the council which we have to support with unjustified extra dues. We receive no accounting where this money goes to; we are compelled to belong to our respective trade unions and the council as a condition of employment. The council has a man on site who reportedly receives a salary of \$16,000 plus expenses ranging up to \$6,000. We didn't have any knowledge what these figures were until we began to question his usefulness and purpose. There is none to our benefit. All he actually does is make sure all workers coming here have been hired through the different unions. That he can be dispensed with was proven recently when he was away for over four months and we had less strife than usual." He goes on, "This was the basis of our recent petition to the Premier wherein we requested judicial inquiry into the council and these foreign unions."

In the letter I received the application form which all present employees of contractors have been asked to sign, and which new employees must sign prior to coming to Gillam, Long Spruce or Jenpeg. The gentleman says that it's a blank cheque and where they used to pay \$1.00 in union dues every two weeks, the men are now expected to pay four cents an hour -- and using Mr. Cass-Beggs projected figure of 2,000 workers over a ten-year period, this

(MRS. TRUEMAN cont'd) . . . . amounts to \$2,180,000.00. Mr. Speaker, that in my figuring is something over \$200,000 a year for the Allied Hydro Council. Mr. Tkach says that all of us already on the site have refused to sign these renewal applications. The Council has ordered contractors to deduct these unauthorized dues and have them forwarded to their office in Winnipeg. They have hired a lawyer, Mr. Speaker, and I think that they will be receiving help perhaps that they have been unable to receive from the government.

The application which they are to sign, at least the check-off authorization that they are to sign says that "I hereby authorize (company's name) to take from my wages each pay period and pay to the Allied Hydro Council of Manitoba the sum of four cents per hour for each hour worked, or the amount as may be adjusted from time to time by the proper authorized officers". In other words they have a hand in his pocket and they can take more without going back to the worker, they can take whatever amount they desire. Further on there is a note at the bottom of this form which says "All employees working on this project are required to sign a check-off form and become union members as a condition of employment. Failure to be a union member subjects the new employee to dismissal". Well it's a closed shop and that, I gather, is the way they work, but it's hardly democratic to demand such sums from the worker, the authority to take more from them, and he is subject to dismissal if he doesn't do so.

Well as I said, they have all refused to sign this new agreement or authorization and so a letter was sent by the Allied Hydro Council to the Gillam Hydro contractors to this effect: "Dear Sir: Please be advised effective May 1st, 1972, Council assessment has been revised. As of this date, instead of the \$1.00 every two weeks you are to deduct four cents per hour for every hour of work. Thank you for your attention to this matter, I remain," and it's signed by R. Mattas, Council Secretary. So since the workers have refused to sign such check-off dues the union has gone over their head and authorized the companies to take the sum from them regardless.

They have further complaints that this Allied Hydro Council has no legal authority. It has not been certified as a bargaining agent and it has not been endorsed by the workers. As a condition of employment all workers must pay their premium dues by check-off, over which they have no control, receive no accounting, and they receive no receipt for income tax purposes this year. Previously they had been able to get them on demand. The constitution of the Council is kept secret and it has its meetings in Winnipeg. So the workers from Manitoba Hydro are paying dues to two unions. The workers are not happy with the sort of servicing that they're receiving from the Council and feel that their own shop steward could do a much better job for them.

Now it's been said by Mr. Tkach that human rights of the workers are being violated and under the United Nations Bill of Human Rights, this is so. There are four articles which are clearly being violated; Article 17. "Everyone has the right to own property alone as well as in association with others". No. 2. "No one shall be arbitrarily deprived of his property." Surely that goes for the dues that are being taken off their pay cheques.

Article 20. (1) "Everyone has a right to freedom of peaceful assembly and association, (2) No one may be compelled to belong to an association." Article 23. You're all familiar I'm sure with No. 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment" (4) "Everyone has the right to form and to join trade unions for the protection of his interests." They don't regard the work being done by this union as being in their interests. They have no quarrel with the 20 unions who represent the various areas of their work; it is simply the super union that they feel is not serving them.

Well, Mr. Speaker -- Oh yes, Article 8 was the other right that's embraced within the United Nations Bill of Rights, and it states that "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law." These men have petitioned the government; they have made three trips to see the proper officials, presented two briefs, two petitions and have written several open letters to all elected members and they have had no results whatsoever. In fact the government just appears to be looking the other way.

The real working people are sometimes afraid to speak for themselves against the unions, but in the case of the hydro workers we've had a clear call for help against the methods used by big unions to achieve their ends. And what does the government do? As I say, they look the other way while the union has its hand in the worker's pocket and threatens loss of employment if they don't sign a blank cheque. --(Interjection)--

MR. DEPUTY SPEAKER: Order. There will be no comments from members sitting in their seats. If they wish to be recognized they will be recognized by the Chair otherwise they will be ruled out of order. The Honourable Member for Fort Rouge.

MRS. TRUEMAN: Mr. Speaker, I think I've perhaps made my case, that there is a very serious omission from this bill in that the workers have no redress from the methods that are used by the big unions in order to control their working conditions.

While speaking about the Declaration of Human Rights, the employers are going to have a few rights deprived them too. Article 19 says that everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and to seek, receive and impart information and ideas through any media, and so on. Well if the employer asks a man whether he belongs to a union he is going to be subject to arbitrary fine or arrest.

Article 9 concerns this arbitrary arrest, says that no one shall be subjected to arbitrary arrest, detention or exile.

Article 11 is one which has been enshrined in the constitutions of our democratic country for time immemorial and it states that a man is innocent until he is proved guilty. And this surely is one of the most important human rights that we have. The Bill provides clearly the opposite; the employer is guilty until he proves himself innocent.

Regarding the sections on technological change our colleague from Sturgeon Creek last evening spoke on some of the provisions within the bill concerning technological change, and the required 90 day notice. There are several reasons why this is very difficult, one reason being that in the present day technological change is constant in almost any industry that you could mention. Industrial espionage is a pretty interesting factor as well. And if the man whose plant is unionized has to provide the information 90 days before he introduced a technological change it places him at a competitive disadvantage with the industry that is not unionized.

There are industries such as a garment industry where planning has to be done far in advance, for instance, right now the fall and winter clothing is appearing on the racks in the stores and buyers are away beginning to place their orders for next spring. I understand that for instance the cutting of fabric, the cutting pattern pieces, they have been stamped out by machines till the present time, but it may very well be that within a not very long period of time this job will be done by laser. Now not all technological change is harmful or unattractive to the labouring man. Quite often it relieves them of drudgery for instance. --(Interjection)-- No. They are usually retrained or put into some other job. And I don't know whether the members of the House at last Christmas heard the statement by Bell Telephone to the effect that if they had since the day that they began working never introduced any technological change that on last Christmas day they would have had to be employing every woman and girl in the country to man the switchboards. What would have happened at Christmas dinner?

Well, I think other members have mentioned another omission which has to do with freedom of religion and the right of a person not to belong to a union but be able to contribute his dues to a favourite charity as they do in Ontario when it is against his principles to contribute to a union. Well, Mr. Speaker, I think that we have evidence that the unions, the union management does not always represent all the workers' points of view, and I think that the government is misled if they think that they have the support of all unions. Something like a quarter of the labour force is unionized. We in the Conservative Caucus have established labour advisory committees in Flin Flon, Thompson, Gillam, Brandon and Winnipeg. Working people are glad to work with us and I would remind the government that the whole labour atmosphere was excellent at the time that the present government took over, as I have recently read back in the Minister of Labour's own words. And of course they may still meet resistance to complete unionization of the labour force. Last evening when the Member from Thompson was speaking I pointed out that in Ontario in the last provincial election, labour did certainly not support the NDP candidate. In fact they must have gone to the Conservatives because they did win with such a handsome majority.

Well, Mr. Speaker, in my opinion the strike is out of date, it's outmoded, it's not necessary amongst reasonable people. The public has a right to be represented at the bargaining table because of the costliness of strikes; the revenues to the Provincial and Federal Governments are severely reduced by strikes. With the big demands for more social services, this is a penalty which I think the public is no longer prepared to submit to. I think that this legislation is about 20 years too late. I think 20 years ago it might have been acceptable but I think

(MRS. TRUEMAN cont'd) . . . . it will find little sympathy amongst the general public today.

MR. DEPUTY SPEAKER: The Honourable Member for Flin Flon,

MR. THOMAS BARROW (Flin Flon): Thank you, Mr. Speaker. One thing if you don't speak very often you sure get applause, especially the Member for Rhineland and myself.

I would like to say a few words on this bill, Mr. Speaker, Bill 81. We've passed some crucial legislation in this House, Medicare, Autopac, and what have you. But to me this is the most important bill that's ever been passed in this House. And I support it 100 percent. I think the Minister and his staff who made this bill deserve a lot of credit, and if nothing else they will be long remembered for this type of legislation.

One part of the bill that I resent the Opposition from stressing is an employee not belonging to a union, an employee that doesn't join a union and refuses to pay union dues for any reason, I resent it very much. I will come back to this, Mr. Speaker.

Another comment that struck me as important when the Minister said, that now the shoe is on the other foot. It's been a long session and the weathers hot and I hope you accompany me on a little trip. I am a coal miner from away back. Born in England and brought up on the wrong side of the tracks. When I speak of unions, I speak truly as a working man without any flowery phrases, or falsities, or what have you. And I will give you my history in the union movement as well as I can.

The mines in England at that time were a flat seam, they had no air conditioning, the air was forced compressed air, the heat was terrific. The miners there, I wouldn't believe it, but my father told me they worked completely nude except for boots. Apologies to the Member from Thompson I don't want to get into pornography on the news angle. They used ponies, Shetland ponies, in those mines and a pony there was of more value than the man. A man was replaceable, a pony was harder to get. This was --(Interjection)-- Pardon me. --(Interjection)-- Right. It was a company town. The houses were owned by the company, the store was owned by the company, and it doesn't matter how hard you worked, how long, how faithful, you never completely got out of debt. This was the score there, Mr. Speaker. That old song, you know, "16 tons and what do you get?" that's not a song of humour, that is the truth in that kind of a situation. Anyway they started the strikes, and I was brought up in a strike period, long drawnout strikes, as a child, and I knew no other way of life. If you went there and watched the kids going to school, you'd be surprised, they each had a white handkerchief with a basin or a bowl. And what was it for? That was to go to the soup kitchens, and this is the way they fought, and fought for what? The right to bargain, the right to stand up and get what they want, better conditions, shorter hours.

And then my father, 45, 44 years ago came to Canada. And he came to Springhill and that time the mines there were flooded, so we had to go to an outside mine. The conditions there - I'll tell you what it was like there - the seam was 18 inches and you worked there 10 hours a day, 12 hours a day, in an 8 inch seam on a 28 degree pitch. Always water, moisture, coming slowly down the bottom, and when you went home at night there was no change house, no place to change your clothes, no bathroom facilities, no water, no electric light. You went home and it was 20, 30 degrees below zero, Mr. Speaker, your clothes were completely frozen - you washed at home.

Then we went to Springhill, and they had a different system of coal mining, Mr. Speaker, an 8 foot seam, and Springhill is noted for a few things, for it's big bumps, for Anne Murray, and a strong union, United Mine Workers of America. This is the Springhill Union and every man belonged; he was proud to belong to this union. If they had nothing else going for them they were union people. And again we hit the strike periods for better conditions, the right to bargain, and to live with dignity. The working man's wants are simple, Mr. Speaker. He wants his own home, he wants a car, a boat, a motor, simple things, and the right to bargain when you're on your feet, and not the way it has been for years and years where you go with your hat in your hand and beg with arrogant, ignorant, paternal, corporations.

Anyway, Mr. Speaker, we had the big bump, and this was never publicized. What caused this bump? And to explain a bump is hard if you've never worked a coal mine. --(Interjection) -- Well, if you're working in an area and you go through a bump before you know it it's over, and there's no protection against it. There's no timbering to protect you. The pressure forces the bottom up, and this bump has terrific force. It will bend rails like spaghetti say, eight inch hardwood, they squeeze them down to one inch, two inches, and they're enormous. And this system they used was long-wall mining, and as a safety precaution these long walls were

(MR. BARROW cont'd) . . . . staggered. The material went in through the top of the wall on a 38 degree - it was an effort to get it in and it was hard and so they brought these walls closer and closer together. And they knew it was dangerous, Mr. Speaker, they knew, because if a bump hit three walls there's 90 miners involved. Whereas if it hit one wall possibly 30, but the company, the corporation realized to get this done they had to have some enticement and it was a money enticement. The salaries per day on a contract basis went from \$15.00 to 20 and the older miners knew, and they were concerned, but they also wanted that \$5.00 a day, hence the bump - 80 men wiped out. You know. --(Interjection)-- I explained it.

Well then I've mentioned we belonged to the United Mine Workers of America and the man who made that union what it is today was a man by the name of John L. Lewis, the bulldog. And he took a Gallop poll in coal mines, Mr. Speaker, and he found out that a coal miner could expect to go seven years without a fatal, or an accident that would put him out of work for the rest of his life. And he worked and he worked hard for coal miners. And he knew that he had to have impact, and what he did, Mr. Speaker, was call a strike in time of war, 39/42 in that era, and what he did, he tied up ammunition, troops, goods, because at that time they used coal in the . . . and so on. And I'm not saying this was good but I admire his courage for doing it. But during the course of this strike he was called up to the Supreme Court, and I'll never forget it; the judge of course was on the side of the corporations - Joe is taking that in - and he said to Clarence Darrow through the interjection, Mr. Lewis, any more interjections and I'll fine you \$1 million for contempt of court. And John L. Lewis said, "\$2 million would never show my contempt of this court." And what did he get for the people? He got them an eight hour day; he got them a set wage; he introduced safety into the mines; he introduced hospital plans, even retirement houses. This is what he did through unions, because he believed that every man had the right to bargain collectively, and could to get the things he wanted, a strike was the big weapon.

And now, Mr. Speaker, I would like to mention another man who was very active in unions and that man of course is Clarence Darrow, the champion of the poor, the depressed who went bankrupt, lost his health, broke up his home, because he believed that every man should have the right to have some control of his own destiny. And the highlights of his career, and they're in here, that appeal to me was cases that he took. He represented Leopold and Lolb, the murderers, millionaires' sons. He protected them and he got them off a death sentence - the sentence was commuted to 99 years, and he was very very much in bad favour for that. But he believed, and believed strongly, that every man was entitled to justice.

Another case he took was where miners, coal miners, who were purely contract, on a contract basis, no day's pay, whatever they made they got, and the car system, picked and shovelled a car. The cars hold approximately one ton and they couldn't make a living, they couldn't live on it - so he fought and he got them a higher price for these cars, and the corporation, the company, they deliberately made the cars four inches longer and four inches higher. And this is the attitude of the corporations as far as I'm concerned, Mr. Speaker.

And then he took the case of a young man working in a mine who had lost his leg and he was looking for some kind of compensation for this young man. The company accepted no responsibility at this time. They wouldn't even supply him with an artificial limb. They did come down once, one of the representatives, to see this boy and they were quite concerned about when he was going back to work - this boy was 12 years old, Mr. Speaker.

I'd just like to make one quote from this book of Clarence Darrow's. "Although the Markham Mines had made a profit of \$1, 100, 000 in five years, paying a dividend of 45 percent when the Burns boy lost a leg in the explosion, the company did not reduce the family debt by one penny but sent the boy back to the breaker as soon as his stump had healed. Such revelations of the inherent and blind brutal greed of mankind made Darrow ill to his stomach, led him to the conviction that it was as impossible to cross political democracy and economic oligarchy as it was to cross a horse with a cow. The result, if it could be brought to life at all, would be a monstrosity which could neither give milk nor pull a cart. Political democracy had to be bred to complete economic democracy so that no man could victimize his neighbour by the avarice and callousness so deeply rooted in human nature.

While I'm on my feet, Mr. Speaker, I would like to congratulate the Leader of the Liberal party on his success in Wolseley. I'd also like to ask him a couple of questions in conclusion. He was discussing union leaders and he said several - several union leaders. And he was asked a question, he said "Who are they?" What is several - how many is several? A lawyer told

(MR. BARROW cont'd) . . . . . me a few, some. I say seven, but he gave the name of one, George Meany. And it was proven that George Meany did not say that. And of the several you bring it down to one --(Interjection)-- He hasn't got any? I was very interested in his campaign and a question that I had some trouble with: Are you in favour of aid to private and parochial schools? And you said, "Yes, if they're private, not parochial and it doesn't cost any money". I was hoping we would get some opposition that would push for labour. I don't think we're going to get it.

In conclusion, Mr. Speaker, in my humble opinion any employee who does not belong to a union is much lower than any cattle rustler. Than you,

MR. SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Speaker, I was going to adjourn it but if the member wishes to speak that's fine. If not, I would move, seconded by the Member for Souris-Killarney, debate be adjourned.

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

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MR. SPEAKER: The Honourable Minister of Finance.

HON. SAUL CHERNIACK, Q. C. (Minister of Finance)(St. Johns): Mr. Speaker, would you call Bill 59. -- (Interjection) -- I'm sorry, Mr. Speaker, I misunderstood the arrangement. Would you call the resolution of the Premier standing in the name of the Honourable Member for Inkster.

PRIVATE MEMBERS' RESOLUTIONS

MR. SPEAKER: Proposed resolution of the Honourable First Minister. The Honourable Member for Inkster.

MR. GREEN: Thank you, Mr. Speaker. At the outset, Mr. Speaker, I would like to indicate that I hope not to ask for the indulgence of the House to be a little longer than the normal time. There is 45 minutes left in the afternoon and I hope that I can conclude my remarks in 45 minutes. If I don't then I know that honourable members are aware that the rules are so framed as to try to permit the definitive statements or the statements that are being made on certain questions to go beyond the rules, and the rules are so formulated as to make this available to the Leader of the Opposition and leaders of other parties. Therefore that particular rule, Mr. Speaker, is not very well framed for this particular debate since it is being introduced by the Premier as a private member and I believe that both of the Opposition party leaders have expressed views on the question which of course we will hear from them in addition to what they have publicly expressed. But that since definitive positions have been taken I would of course ask and hope that I would get the indulgence of the House if I had to go beyond. However, I'm already taking time saying that and I don't want to waste any more time on that type of question.

MR. ASPER: Point of order, Mr. Speaker.

MR. SPEAKER: Point of order by the Honourable Leader of the Liberal Party.

MR. ASPER: I certainly don't want to take up the time, but did I understand that this is being proceeded with as a private member's resolution?

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, my understanding is that the resolution was presented by the Premier and seconded by a member of the government benches on the basis that it would proceed in that manner. But that from all of the public knowledge of what is occurring, that there is no government position on this question and no position being taken by any other party and that the Premier has pursued it as a private member rather than as Premier of the Province.

MR. ASPER: Point of order, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. ASPER: The point of order, Mr. Speaker, is do we have this taken out of the order on which private members' resolutions are being dealt with? Will private members' resolutions, the others, that are undealt with still be heard this session?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, there are I suppose on occasion, there are procedures followed which may not appear to be perfectly in line with past precedent. However, I'm satisfied there is a precedent. What I indicated already in this connection was that the matter was being proceeded with as a private member's matter, but it was on government time, not on private members' time. Furthermore, an indication was given that we would make an effort to provide for debate on remaining private members' matters. We'll make that effort. No guarantee that it would be finalized in each case.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I'd like to commence my remarks by discussing the terms of reference that have been laid out for the debate by the First Minister when he introduced his resolution. Not the terms of reference formally in terms of what is being discussed but rather the terms of reference for the nature of the debate. The First Minister made several pleas to members of the Legislative Assembly to deal with this matter in a particular way and I would hope, Mr. Speaker, that the matter can indeed be dealt with on the basis that the First Minister proceeded.

However, before making my own remarks, I want to deal with the rules as laid out, deal with certain assumptions which I don't think should be taken from these rules, and also deal with the imbalance that is being created and which the First Minister wants to have followed and which I would therefore urge him to consider when he says that the matter should be dealt with in that way.

(MR. GREEN cont'd)

To come to the first term of reference, Mr. Speaker, I believe that the First Minister said that we should proceed dispassionately. And Mr. Speaker, certainly I am in full accord with that particular injunction, I believe that in every debate that I am in, I try to deal with questions on the basis of their logic, on the basis of their rationale, and also, Mr. Speaker, on the basis of how I feel about them. Because I must admit to the First Minister, if this makes me any less credible, I leave it to the Assembly, but I must admit that I believe that all of man's actions, all of man's intellectual arguments are pursued in order to rationalize man's beliefs, and that we operate, Mr. Speaker, from sense of justice, and to the extent that we could be able to rationally focus those senses of justice into arguments that will appeal to other people, we are pursuing our beliefs. And Mr. Speaker, I am pursuing my beliefs on this question, I have no hesitation in saying so. If that makes me less credible to members of the Assembly then they should know that in advance. However, in saying that I am pursuing my beliefs, Mr. Speaker, I want to have the First Minister's first rule dealt with on the assumption that it cannot be assumed, Mr. Speaker, that those who speak in favour of the resolution do so without emotion and without passion, and that those people who are against the resolution do so with passion and with emotion. Because Mr. Speaker, if that is what is being said then I would ask honourable members to look at the debate up until its present moment.

On March 2nd, I left the government benches and I've been as far north as Churchill, I've been as far west as Brandon, I've been to various parts of the Province of Manitoba, I have been speaking to numerous people concerning this question and I don't believe that anybody will be able to find any report indicating that I have spoken in such a way as to try to arouse passions or to try to arouse emotions.

On the other hand, Mr. Speaker, the fact is that the people who are pursuing this question -- and this is why I asked the Honourable First Minister to try to put into perspective who was he referring to when he talked about people arousing passions and speaking with emotions. If he was referring to people who favour the resolution that he has put, then I agree with him and I would ask them to stop arousing emotions and to stop raising passions. If he was referring to people who are against the resolution, Mr. Speaker, then I know of no person in this House in any event who have attempted to deal with this matter in a way to create hysteria or passion in the Province of Manitoba. If he was referring to neither of these groups, Mr. Speaker, then I don't know why the injunction was set up.

However, I, Mr. Speaker, want to proceed on the basis that I believe that in this entire debate I have proceeded without emotion. On the other hand, Mr. Speaker, terms have been used with regard to this matter, they've been used in this House; such as 80 years of injustice, such as a festering sore on the history of the Province of Manitoba for the last 80 years which has to be ultimately removed. Such as the fact that this injustice, even if it is not remedied today, will continue to be fought for years and years and years until it is remedied.

Mr. Speaker, if the First Minister is saying that we should proceed without emotion on this question then I have to tell him that I agree with him but he should consider what difficulty he has placed those who are against the proposition in terms of following this injunction.

The second injunction, Mr. Speaker, is to the effect that nobody should pay lip service to the idea of the cultural diversity of our people and of our province. And I agree, Mr. Speaker; I don't believe that anybody should pay lip service to the idea of the character of the Province of Manitoba and of its attitude which encourage the respect of one people for another people within our province. But having accepted that idea, Mr. Speaker, I don't want it assumed, and I would ask that this be followed in the debate, that those people who are for this resolution believe sincerely in the idea of cultural diversity in our province and those who are against this idea are paying lip service to the idea of cultural diversity in our Province of Manitoba. And so, Mr. Speaker, when the First Minister says that we must proceed on the basis of the recommendations contained in the reference paper, and then says that those who don't proceed are really paying lip service to the idea of cultural diversity of the people of the Province of Manitoba, I want him to know that I want the debate proceeded with on the basis that I am just as sincere as he is in advocating that we retain the character of our province which ensures and fosters the mutual respect of one people in our province for another people in our province. And if he can agree, Mr. Speaker, that our difference on the question does not mean that I am paying lip service and he is sincere, then we have no problem, Mr. Speaker, engaging in a rational debate on the question and one which is completely without emotion.



(MR. GREEN cont'd)

Mr. Speaker, the third injunction that was given by the First Minister is that we should not deal with this issue in such a way as to jockey for popular political support. Well, Mr. Speaker, at this point I have a problem because I am a politician and I have always believed that the positions that I am taking although right, also are in accordance with the wills of a popular group of the people of the Province of Manitoba. And if they are not, Mr. Speaker, I would hope that the manner of expressing them and the debate that takes place in dealing with them would encourage a majority of the people of the Province of Manitoba, or more people of the Province of Manitoba, rather than less, to be in accord with my views. And therefore, Mr. Speaker, on this question I have to say that I cannot regard the opposite side of the debate, that is the side of the debate which does not favour this resolution, as being somehow the better side if it does not attract popular support; and that the affirmative of the debate is somehow the better side because it happens to have less popular support. Mr. Speaker, I cannot envisage that the First Minister is saying -- and I hope he is not saying -- that those people who are against this resolution do so for the purpose of insincerely gaining political support for themselves, while those who are in favour of the resolution are thinking of no support at all and that what they really seek is justice even though the popular will of the people of Manitoba is against them.

So, Mr. Speaker, I don't want to proceed on the assumption that the people who speak in favour of what the majority of the people in the Province of Manitoba in this respect desire are demagogues and that the people who speak for what a minority of the people of the Province of Manitoba desire are somehow statesmen. I happen to think the position that I am taking is a right position; I happen, Mr. Speaker, to also think that it is a just position; and Mr. Speaker, I happen to think that it also affords to the majority opinion of the people of the Province of Manitoba, and I cannot think that the position is any less holy because it does so. And if that, Mr. Speaker, is what the Premier means when he says that one is jockeying for political support, then I have to tell the First Minister that I cannot accept that injunction. I happen to think that he as my Leader and as the Premier of the Province has had to seek political support. I have never criticized him for doing so and I haven't criticized any other member of the House for striking a position on the basis that he will try to get political support. I think sometimes people strike positions which they think will get them political support which won't. But the notion that a politician should not seek political support, Mr. Speaker, is foreign to my thinking.

The fourth assumption, Mr. Speaker, and the one which is most serious which I'd like to deal with, is the assumption that has been presented by the First Minister that somehow for 80 years governments and successive governments in the Province of Manitoba have been trying desperately to find a way of giving further financial assistance to schools which are outside of the realm of the public school system and which are essentially schools which are set up for the purpose of furthering a particular ideology or religion one or another, or schools which are set up to create an atmosphere which is associated with a person's background or tradition. Mr. Speaker, that particular assumption I suggest is entirely incorrect. The Premier has presented this problem as if governments have been trying to do this for years but have somehow failed, and I suggest, Mr. Speaker, that the reverse is true. That successive governments in the Province of Manitoba for the past 80 years have been trying to prevent the payment of financial support to schools that are outside of the ambit of the school system and that that is where they have failed. That the failure has been not to give the support, but the failure is to have prevented the support. And this particular statement, Mr. Speaker, in this reference paper, and by the way when we are talking about emotions and how one should treat this matter completely stoically, without passion, I want to pose to the First Minister this proposition. If there was a person standing there as Premier of the province, and he happened to be one of the members of this House, and that Premier of the province presented a reference paper paid for by the State, containing numerous statistics and suggestions as to how we could eliminate the existing financial support to schools outside of the public school system, and said that we should discuss this matter dispassionately as being presented, I wonder whether he, or the Member of St. Boniface, or other people, the Member for Rhineland, would be able to say, "Yes, it is an issue which we should discuss with a complete lack of passion."

If he understands that question, then I ask him to understand the difficulty that he has placed those of us who feel that this moves in a direction which is completely the opposite to

(MR. GREEN cont'd) . . . . what we think in this connection, and that the resolution is presented in that form, backed by a reference paper, Mr. Speaker, which is designed -- although I don't particularly see the logic of it, and I must say that, that for three-quarters of the paper it discusses in philosophical terms the goal of education, which everybody could agree with; a short portion is then related to what is happening with existing private schools; and the conclusions leave a complete hiatus between the paper and what is suggested, because the conclusions say, this is the way, or these are three ways in which we could give or regularize financial support to existing schools which are outside of the school system. Then, Mr. Speaker, the paper makes this statement, and I want to know whose statement this is, and I hope it's answered at some stage. Is this the statement of the Government and the Province of Manitoba? Over the years in Manitoba a variety of measures have been tried, the object of which was to provide support for private schools. That those are the measures, and that the objects of those measures was to provide support for private schools. And essentially what the honourable -- and, Mr. Speaker, I don't agree with that, I don't think that the object of any of the measures that were suggested were to provide support for private schools. The one measure that did receive support from the Legislature, received support, Mr. Speaker, on the assurance by most of the members who spoke in favour of it, that it was not support for private schools. And, Mr. Speaker, that's what I'm afraid of. I'm afraid that all of the measures which give ultimately aid to schools outside of the public school system are introduced as measures which are not supposed to do this thing.

The Honourable Duff Roblin introduced a paper which said that we were going to maintain the separation of church and state, which said, Mr. Speaker, that no aid would be given to private schools, that what would happen is students would be able to get from the public school system 50 percent of the services in the same way as they were able to claim 100 percent of the services, but that it was not a means of assisting the private schools. And there were many of us who said at the time, this is a subterfuge to give assistance to private schools. But the Premier of the province assured the Assembly that this was not the purpose of that legislation, Mr. Speaker, and on Hansard of February 10th, 1964 Mr. Roblin said, "No payments would be made to private schools." I repeat that, "No payments would be made to private schools." And I suggest that when Mr. Roblin said that, he wasn't trying to mislead the public by saying that no payments would be made to private schools but we will give them to somebody who will then give them to the private schools. That what he was really doing was assuring the people of Manitoba, who he felt, and as I feel, were in large measure not prepared to extend the public funds available for education beyond that of the public school system. He was saying that that would not be done. And that all of the measures that were introduced were introduced on the basis that we would not give aid to private schools.

And therefore, Mr. Speaker, I take issue with the entire resolution, with the entire reference book, with the entire tenor of my colleague's, the First Minister's presentation which assumes, Mr. Speaker, that for 80 years we've been dying to figure out a way to give aid to schools outside of the public school system, and nobody has ever been able to figure out a way, and that is what we are now charged with doing. Mr. Speaker, if that's what the governments of the Province of Manitoba wanted to do, it's not so hard to figure out a way. You pass a law and you say, money is going to private schools. The reasons that they couldn't do that, Mr. Speaker, is that no legislator in majority has ever wanted to do that thing. And that the only way in which they could be convinced to give some small measure of assistance was on the argument which my Premier says was to the effect that if you can take advantage of 100 percent of the public school system, you can take advantage of 50 percent, or 25 percent, of the public school system and the logic of that position is pristine pure and irrefutable.

Mr. Speaker, what is also pristine pure and irrefutable logic was that this Shared Services Program was then not intended to say to a private school that three-quarters of the day you are a public school, one-quarter of the day you are a public school, and you are therefore entitled to all of the moneys that you need in the public area to go direct to your school, or through a division to your school, to leave the private school in existence as it was before. What everybody understood it to mean is that children who attended private schools could go to the public schools and get their shops; they could go to the public schools and get their economics; if they wanted, they could go to the public schools and get their mathematics. And that eventually if they wanted to, they could go to the public schools 100 percent and go to their own schools for the length of time that they needed that school for the particular reason that that school was set up.

(MR. GREEN cont'd)

Mr. Speaker, I would suggest that there isn't a citizen in Manitoba who in 1964, including who ran the private schools, because they said of this program, "We have asked for bread and you have given us a stone." Now they would not have said that if they were of the opinion that this meant that all of their activities which were not religious could be financed on a public school basis which seems to be the suggestion that the Premier makes in terms of pristine pure logic.

Now Mr. Speaker, these are the four assumptions that we are dealing with: one, Mr. Speaker, that emotion is not exclusive to one side of this case, and I hope that we will be able to deal with it unemotionally. Two, Mr. Speaker, that it is not the case that those people who don't happen to agree with the Premier are paying lip service to the characteristics of our society. We may believe in it just as much as he does. If one was able to weigh belief there might be a person in the world who favours the position that I am now asserting, who believes in it more than he does, but that's irrelevant. The fact is that it doesn't mean that we are paying lip service to him. Certainly, Mr. Speaker, that one cannot identify the bad guys as seeking political support and thereby not being in favour of the resolution. There may be people who seek political support who are in favour of the resolution, and I would not criticize them for that. And fourth, Mr. Speaker, that I cannot accept it as an assumption which is behind the resolution in every way that somehow for years the people of Manitoba have wanted to do this but they haven't had the intelligence of figuring a way out to do it, of figuring a way of doing, and therefore what this legislature is designed to do is to figure out, and solve that problem that they've had such a difficult time with. If that were the case, Mr. Speaker, we wouldn't have to set up a committee. We would merely say here are the private schools, here are their demands, here is what we give to public schools -- we pass a bill giving them that money.

The difficulty, Mr. Speaker, is that is not what the people of Manitoba have wanted to do for 80 years. The reverse of the Premier's position is true. And I would say that the reverse would seem to be true, and the Premier could put himself in my perspective if I had a resolution on the Order Paper with an 80 page document, or a 50 page document, which said that we have to figure out a way of getting the money that is now going to shared services back from those people and putting it back into the public school system, and let the people carry on their own school without any aid, and we should deal with that unemotionally, and we should deal with that dispassionately and we should deal with that without jockeying for a voting position. I know, Mr. Speaker, that there would be people in this House who would tend to be angry with that particular position, and may even make emotional speeches such as I heard the Member for St. Boniface make, such as I've heard other honourable members make, such as I have made from time to time when I feel that a great injustice has been done; that I would not be able to tell those people, be calm, cool and collected, don't try to get votes, speak dispassionately, nothing is happening here. Something very substantial is happening here, Mr. Speaker, and I can't regard it as nothing happening here, and yet, Mr. Speaker, I will try to deal with the issue dispassionately.

What is the issue that is facing us, Mr. Speaker? I have indicated in this House, and I am going to try to be brief, that I believe that the public has to use all its resources to provide an educational system which will give to the people of Manitoba the best quality of education that we can devise and that we can afford. That that system should be available to everybody; that everybody should be responsible to the maintenance of that system; and, Mr. Speaker, that system should try to be as secular as possible, as reflective of all of the diversities that exist in our society as is possible. That system should make it very easy for a Jewish child, a Roman Catholic child, or a Mennonite child, to sit in a classroom composed of other children, yet present his point of view and not be told that in this school we don't think that way; that that system should reflect all of the needs of our society; that that system, Mr. Speaker, should have as its objective to teach people not what to think, but how to think; and that the person who comes out of that educational institution should be one in whom we have developed critical thought insofar as he has had the latent talent of developing that critical thought.

Mr. Speaker, when I say this I don't mean that people should not have beliefs. What I am saying is that the State should not foster the teaching of beliefs that that is in a different realm, that that comes from the parents, that that thought comes from the institutions which deal with beliefs such as the church or any other such institution, that those beliefs are formed within let us say the labour movement of the Chambers of Commerce, or other such areas, but

(MR. GREEN cont'd) . . . . that it is not for the public to be involved in the financing of beliefs. Because, Mr. Speaker, as sure as I am now saying if the public becomes involved in the financing of beliefs, the public is going to have to choose which beliefs they will finance and which beliefs they will not finance. And I, Mr. Speaker, do not have the same capacity as my honourable friend the Member for Thompson or the Member for St. Boniface, or other members who in this House have got up and stated, yes we will finance these schools, we will not finance other schools; we will not finance schools that teach socialism, we will finance schools that don't teach socialism. I believe that the State should stay completely out of the minds of individuals, and I say so, Mr. Speaker, because I say that any other mechanism is a form of thought control, and although I have indicated that I am quite willing to use the facilities of the State to try to create an economic situation which will result in more wealth being produced and a more equitable distribution of that wealth when it is produced, I am not and never have been, and never will be I trust, in favour of having the State be involved in teaching people what to think, what beliefs are valid, and what beliefs are invalid.

So that is the first suggestion, Mr. Speaker, and I recognize, and I have said it on numerous occasions, I recognize that a complete secular school system is an impossibility, that there are always some assumptions that carry forward from the general nature of the society to a school system. But because, Mr. Speaker, we are unable to create something perfect doesn't mean that we should shy away from seeking an ideal. There are people here who are of different religions. I have never had any real formal religion but I know, Mr. Speaker, that the Jewish religion believes that we are ever approaching the Messiah but we never reach it. But because we never reach it does not mean that we should stop trying to get there. And this is translated by Eugene Debbs, who is not a Jew, who is a Socialist, who said it is not for me to finish the job, neither is it for me to stop trying, and I say that it is not for me to finish -- to make a perfect school system, neither is it for me to stop trying. And I believe that the best school system is the one which reflects the general nature of society, which embraces all of the groups within society, and which does not try to favour one particular belief, ideology, religion, over another.

Mr. Speaker, having said that I next come to the question of financing. I believe that every person should have the opportunity of attending the public school system, and I believe that they all do. I did myself and I attended it in circumstances which are fairly close to what I have described. That every person in our society insofar as taxation is general has the responsibility of maintaining the public school system, and this applies, Mr. Speaker, whether that person has no children, whether their children have grown, whether they have never been married, whether they have property but don't live in the Province of Manitoba, that the education tax is the responsibility of all of us and nobody can say that since I get no benefits from the school system, I want to opt out of payment of the education tax, because long ago, Mr. Speaker, we have recognized that education is not the particular benefit of the person who happens to be attending school but that education is for the benefit of society, and society must pay for it. So, Mr. Speaker, I recognize no right of anybody to say that because my child doesn't happen to be in that school I am therefore opting out of the cost of public education. We have to decide what public education is, then we have to say that everybody is responsible for paying for it. Any person who doesn't take advantage of it, Mr. Speaker, is the same as a person who likes, and I don't make this comparison badly I hope, who like the parents of the Leader of the Opposition decided to send their child to Harvard Law School, or let's say anybody decides that they want to send their child to a school in the United States, or some school which is nowhere near, they cannot come to us and say because I'm not making use of your educational institution, and because I have to pay to send my child elsewhere, I want my tax money back. That, Mr. Speaker, doesn't apply in any circumstances where society has taken a position with regards to the provision of a service. We provide parks and, Mr. Speaker, those parks are paid for by everybody and available to everybody, but there are people in our society who say, quite likely, that that park is available but the regime, the atmosphere at that park is not what I want for my child, therefore I want to send my child to a summer camp where his summer experience and his recreational experience will be combined with a particular atmosphere that I want for my child. And Mr. Speaker, I would say there's nothing wrong with that, I've done it. But if that person said, since I am undertaking in writing not to use the public facilities which are available to me and which you have charged me for, would we say to that person, you are entitled to opt out of your recreational taxes, we will return to you because you are paying double

(MR. GREEN cont'd) . . . . taxation, and that part that we return to you can be used for the sending of your child to that park.

Mr. Speaker, I suggest to the Premier that the logic is pristine pure and irrefutable. We do not do those things. If somebody said they prefer an herbist to the people that we have now under Medicare and promise not to use our doctors, and they promise not to use our hospitals, but they would like their Medicare premiums back because they want to go to an herbist, we would say to them you are responsible with the rest of society, if you want to go to the herbist go ahead but at your expense. We do that, Mr. Speaker, in every single area of our society, and for people to claim that in the area of education it represents double taxation is merely an argument, and I don't blame them for it, for the purpose of trying to get money back from the State, which everyone is required to pay, to have a special educational program for their child.

Now, Mr. Speaker, I want to pause at this point and say that I am not "very proud" of the public educational system. I don't deride it, I don't write it down, but nothing that I am saying stems from the fact that I am proud of the public educational system and therefore have to see to it that it is maintained at the expense of other educational systems. I think that there is much that can be done in the area of public education; I think that there are many exciting things that we need in public education which involves parental involvement, which involves a much greater flexibility, which involves, let us say, having schools where you have 30 people say they want to learn Hebrew they kept that on a regular basis within the public school system. All of those things are possible within the public school system if we don't give up on it. But if we give up on it and say, which is the ultimate claim of those people who seek financial assistance to private schools, and I suggest to you that there is a principle involved, and I'll get to it in a moment, then what we will have is those people who are possibly needed most in order to do the things that are necessary within a public educational institution, will say well we can take our kids out of the public school, we'll get our money back and set up our own school. And their initiative, which has now in large measure contributed to the public school educational system, will also be lost and the end result, Mr. Speaker, is that not only will those exciting new thrusts lack the initiative from people who are necessary for the purpose of getting that initiative, not only will that happen, but the public educational system will deteriorate, and that is something, Mr. Speaker, that I believe that we should be trying to avoid and not trying to promote.

Now I've heard it said that this issue is not one of principle, and I believe that most issues revolve against arriving at a pragmatic answer. But, Mr. Speaker, there are two directions, and just as I said yesterday that because you don't achieve everything you want doesn't mean that you are not fighting for a principle, it depends on the direction you want to go. The direction that I would like to go, and which I believe that many people want to go, is to say that we will have a public educational system, that that public education will reflect the diversity of our society, that that public educational system will have within it parental involvement, will have within it flexibility, will have within it the power to give us the most effective way of making a person a free human being and give him an effective capacity to develop those talents within him, and that that can be done by having schools which embrace our total population.

And then there is another direction -- there is a direction that says that there are groups within our society, that those groups given the opportunity, given the finances that have been taken from them extensively by the public, having them given back to them, will enable them to develop systems which are essentially divided on three bases, one is race, second is religion, and three is economic status. That is the division of private schools at the present time. That if you give the money back to these groups, that they will be able to take that money and develop an educational system which is better for the public as a whole than the one that we've got.

Now, Mr. Speaker, anything that moves in direction number one I would vote for, even though it didn't achieve it entirely. Anything that moves in direction number two I would vote against, even if it didn't achieve it entirely, because what we are voting here is not the ultimate principle but the direction in which we want to see our future educational system proceed. Now, Mr. Speaker, if that being the case, what is the pressure, what are the valid arguments? I admit that there are some but I disagree with them, that the real argument is based on principle, and whether or not the Premier will now agree with it, I happen to believe that he thinks it is based on principle, that it is based on the principle that a parent should be able to get his educational dollar back and set up his own school and that those schools should be able to deal with ideology.

(MR. GREEN cont'd)

Mr. Speaker I've heard it said by the Leader of the Liberal Party that he would be prepared to support public aid to schools provided that there was no state religion set up, and provided that the beliefs that are being taught at the school is not alien to the people of the Province of Manitoba. Now, Mr. Speaker, I don't want him to explain. I want to take and I want to try to do this in the best of comradeship. Mr. Speaker, if that were the definition of those beliefs which deserve support, there isn't a single fundamental great belief that would ever have been to public support in any society. Mr. Speaker, when the Jewish religion was founded, that religion was alien to the people of the society in which they lived, and would never have received public support. When the Christian religion was founded that religion was alien to the people who lived in the society in which it was formed, and would never have received public support. When Martin Luther broke from papal Rome that belief was alien to the people of the society in which he lived, and would have never been entitled to public support. And, Mr. Speaker, the belief which I believe generated the election of this party to the power in 1969 was alien to the people of Manitoba in the year 1910, and if we were at that time considering which beliefs are entitled to public support, it would be alien to the people of the Province of Manitoba. And, Mr. Speaker, when I hear someone say that I am prepared to support any belief except those which are alien to the people of the Province of Manitoba, I immediately say he's thinking of me. Because there are lots of people who say my beliefs are alien to people of the Province of Manitoba and therefore it I'm going to be out of being able to get this public support, then I don't want anybody else in because I believe that my beliefs are as well founded and as well entitled to public support as the beliefs of any other member of this assembly.

Mr. Speaker, it's been suggested by some that this is a real boogeyman, that the notion that if the state supports certain schools, that it will then be a danger to the beliefs of the society generally, is not really a founded proposition. I have said from time after time, Mr. Speaker, that I believe that it is the worst thing that can happen to a religious group that they get their support from the state; that it is the worst thing that can happen in a society is that the government involves itself in the teaching of people of what to believe. And people have said, well no government, no government headed by certainly the First Minister, or no Manitoba Government, would ever do a thing like that.

I want to read, Mr. Speaker, from the Western Jewish News of Thursday, June the 15th, 1972, one month ago.

MR. SPEAKER: I don't know whether the Assembly wishes to proceed but the hour of adjournment does appear to be here. I also have no knowledge whether the Assembly wishes to allow the honourable member's name to stand on the Order Paper to proceed.

MR. PAULLEY: I think that would be the procedure, Sir.

MR. SPEAKER: Well in that case I would call on the . . .

MR. PAULLEY: Mr. Speaker, I beg to move, seconded by the Honourable the Minister of Finance, that the House adjourn, and we would agree that the honourable member, the next time this resolution is up, to proceed with, and so therefore, Mr. Speaker, I move again, seconded by the Minister of Finance, the House adjourn until 8:00 this evening.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 8:00 o'clock, Thursday evening.