

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, July 5, 1978

Time: 2:30 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills.

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. EDWARD SCHREYER (Rossmere): Mr. Speaker, while we await the Minister of Finance, I would direct a question to the Minister of Agriculture and ask the Minister of Agriculture if he can advise whether it is the intention to bring in legislation still at this session with respect to The Farm Lands Protection Act. I ask that in light of the intimation left in the Throne Speech and subsequently in press reports emanating from the Minister's office that there were changes contemplated.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY (Arthur): Mr. Speaker, I believe we have had first reading of the amendments to The Farm Lands Protection Act. It is my intent to carry on and introduce it for second reading.

MR. SCHREYER: Could the Minister advise whether he intends to bring in tandem legislation or would it be correct to say that the only changes contemplated are those embodied in that one bill that he refers to?

MR. DOWNEY: Mr. Speaker, I have also introduced a bill under, I believe it's The Real Property Act, to go along with the same bill.

MR. SCHREYER: Can the Minister of Agriculture advise by what date, approximately, does he intend to have a definitive statement to make with respect to whether or not the Province of Manitoba will proceed according to the terms of the Beef Stabilization Program to effect recovery in those cases where recovery is warranted under the formula?

MR. DOWNEY: Mr. Speaker, I have already informed the livestock producers that have contracts with the province and so we have proceeded to collect the moneys that will be owed to the province.

MR. SCHREYER: Mr. Speaker, I thank the Minister for the reply. He will forgive me for suggesting that yesterday's Hansard will show rather to the contrary. He left the impression yesterday that they were not certain as yet as to whether they would be proceeding, however . . .

Sir, while still waiting for the Minister of Finance, I direct a question to the Minister of Health and ask him what action, if any, does he intend to take as a follow-up to the report he received very recently from the Family Planning Advisory Council to the government which recommends, apparently, an increased role for government in the dissemination of family planning information.

MR. SPEAKER: The Honourable Minister of Health. .

HON. L.R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, I don't plan any definitive action in the near future on that report other than consultation with my departmental officials, and possibly consultation with Dr. Mervyn Roulston, who is an international authority on the subject of family

planning.

MR. SCHREYER: A supplementary, Mr. Speaker. Could the Minister indicate whether the basic principles embodied in that report to him are such as he finds acceptable, or can he not yet say, not having had an opportunity to consider the report and all of its ramifications.

MR. SHERMAN: Mr. Speaker, I would be pleased to try to answer the Leader of the Opposition's question. At the risk of perhaps being impolitic, I might say that the basic proposals in the report do not find acceptance with me, do not elicit acceptance from me, not because I don't agree with the need for and the subject of family planning, but because the basic thrust of the report seems to indicate that government should play a much higher profile and a much heavier-handed role in this field. I am not enthusiastic about the suggestion that a separate division or directorate be set up within my department, and with respect to the call for service in the field and dissemination of information, I believe, Sir, that we can rest assured that in Manitoba there are a wide number of private agencies and organizations and agencies and organizations associated in a quasi-official way with the government, who are active in the family planning field.

MR. SCHREYER: I would ask the Minister then, since he was candid enough to indicate that he was not in agreement with the basic principles embodied in that report, could the Minister be equally candid and indicate if that being so, whether he intends to have this report become a dead letter?

MR. SHERMAN: Well, Sir, I don't propose to rely entirely on my own judgment in this matter. I am attempting to give the Honourable Leader of the Opposition a reading on how I feel; that may not be the way he feels, or the way that the official opposition critic in the field of health and social development feel, and I certainly would be interested in their views. I also would like to discuss the contents of the report with Dr. Roulston before formulating a final opinion, but if I were to identify for the sake of understanding and communication between the Honourable Leader of the Opposition and myself, my fundamental position on the subject at the moment would be that I'm not enthusiastic about acting on the report.

MR. SPEAKER: Before we proceed, I should like to at this time direct the honourable members' attention to the loge on my left, where we have the visiting Member of Parliament for Winnipeg North, Mr. David Orlikow. On behalf of all the members, we welcome you here this afternoon.

The Honourable Member for St. Boniface.

MR. LAURENT L. DESJARDINS: Mr. Speaker, my question is to the Minister of Health. I would like to thank the Minister for his remarks on the question of my leader. Now the Minister stated that he would discuss the situation, the matter, with Dr. Roulston. Wouldn't he think it advantageous to discuss it with other people who do not share Dr. Roulston's ideas on this matter? Mr. Speaker, does the Minister realize that the makeup of this committee was quite representative, and if he chooses to discuss only with one person in presenting one point of view, doesn't he think that this would be wrong at this time or doesn't that indicate maybe something that the Minister doesn't want to do, indicate what he favours?

MR. SPEAKER: The Honourable Minister of Health.

MR. SHERMAN: Yes, Mr. Speaker, I would accept that as a very reasonable suggestion. I would like to say for the record, that I do appreciate the work that the Chairman and the members of the Committee did. I know they worked hard and conscientiously, and they carried out their duties in the best traditions of Manitobans working for their province, and I will discuss the contents of the report with a wider audience than simply Dr. Roulston.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker, I have a question for the Minister of Industry and Commerce. In view of the announcement on Tuesday of the federal proposals on energy research, solar energy, wind and forest products, can the Minister indicate which projects, if any, were supported or funded or will be taking place in the Province of Manitoba as a result of that program?

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

HON. ROBERT (BOB) BANMAN: Mr. Speaker, I know The Manitoba Energy Council is involved

in several of the projects and is looking at some. There will be liaison with that particular department of government as well as The Manitoba Research Council, and we'll be seeing at that time exactly what we will be supporting.

MR. AXWORTHY: A supplementary, Mr. Speaker. In view of the fact that the Federal Government appears to have funded several joint projects with provincial agencies in other provinces, can the Minister indicate whether this province made any specific proposals for the funding of solar energy projects in Manitoba that would be jointly funded at this time, in view of the fact that other provinces have already received that guarantee and that kind of commitment?

MR. BANMAN: Mr. Speaker, I am going to have to take part of that question as notice to get exactly the number of projects that were funded jointly, but projects such as Biomass, which is funded through The Manitoba Research Council, is a federal-provincial cost-sharing program. The exact number that have been involved I would have to get for the honourable member, and I can check to see what kind of involvement we have had with regards to the funding of solar energy projects.

MR. AXWORTHY: A supplementary, Mr. Speaker. I would ask the Minister whether there was any specific proposal for the establishment of a solar development centre in the Province of Manitoba, considering past reports indicating that this is the prime location in Canada for that kind of solar research to take place?

MR. BANMAN: Mr. Speaker, I can check that with my honourable colleague, the Minister of Finance, who is responsible for The Manitoba Energy Council, and also check with The Manitoba Research Council.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SCHREYER: Mr. Speaker, a supplementary. I would like to ask the Minister, since he is taking this series of questions as notice, whether, with respect to the \$350 million program announced by the Government of Canada with respect to the really first serious effort in Canada, to take research beyond the laboratory to pilot project scale with respect to alternative energy possibilities, can the Minister advise whether the Government of Canada consulted with the provinces and with Manitoba in particular, and also whether the Minister could advise as to how much, if any, of this \$350 million will have regional or provincial distribution directly relevant to Manitoba?

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

MR. BANMAN: Mr. Speaker, I'll take that question as notice. Also, I know my colleague, the Minister of Finance, has been talking about wood gasification and several other projects that the Manitoba Energy Council has been dealing with, and I'll try and get some facts for them.

MR. SCHREYER: Mr. Speaker, I would be very pleasantly impressed to hear the Minister confirm that the province, through any one of its agencies, is considering the advisability of research and more important, development in wood gasification technology. May I ask the Minister by way of question to double confirm that, given the publicity of two or three weeks ago, from the Minister of Finance, which presumed to downgrade the relevance of wood gasification and related technologies. . .

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

MR. HOWARD PAWLEY: Mr. Speaker, my question is to the Attorney-General, and it relates to the present situation in the Province of Manitoba pertaining to very limited supplies of beer as a result of the lockout of the brewery employees by the breweries. I would like to enquire from the Minister responsible for the Liquor Control Commission if he can advise as to what formula is used insofar as the distribution of available supplies of beer to the various outlets, in view of the fact that it's my understanding there has been some disparity insofar as the existence of supplies from one outlet to another?

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, my advice from the Commission is that the Commission is supplying beer on the basis of the date orders are received. I am advised that the Commission received 23

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truckloads of beer from the United States last week, expects to receive 28 this week and 40 next week, and when this supply is received, they expect to be able to fill all of the present orders which they have for beer in the Province of Manitoba.

MR. PAWLEY: Can the Attorney-General assure us that all outlets, whether they be hotels or veterans' clubs, are receiving the supply of beer on the same basis, on an equitable basis, from one outlet to the other?

MR. MERCIER: Mr. Speaker, I am informed that there has been a difference in that the Manitoba Hotel Association have made a blanket order of beer for which they have paid the money up front, so to speak, for the beer, and have distributed that beer supply to the hotels on the basis of the average consumption rates of the various hotels. Apart from that, the Commission has ordered its supply American beer, which they are distributing on the basis of the dates orders are received, and there is no discrimination there. It may be that some facilities to date have received beer earlier because they simply had their orders in earlier. But with the additional supplies of beer coming into the province from the United States this week, they expect to be able to supply all of the beverage rooms and licensed rooms and may have some additional beer for sale in the various liquor stores.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. PAWLEY: Would the Attorney-General advise us as to whether or not one of the difficulties that has occurred pertaining to the availability of beer in the province is due to the fact that there have been very limited, in fact quite inadequate warehousing facilities at the Liquor Control Commission in order to handle the supply of beer and thus, as well as the problem of labelling, the requiring of bilingual labelling, has reduced the amount of beer which would otherwise be available to the province from American sources?

A MEMBER: We could use the government garage.

MR. MERCIER: Mr. Speaker, I believe that the Commission is very seriously considering a solution to the problem of a distribution facility and a storage facility. It has not really been a problem to date because there has been no time to store the beer. As soon as it is delivered by truck, it is put in another truck to be delivered to the hotels.

With respect to labelling, Mr. Speaker, I don't think labelling should be referred to as simply a problem of bilingual labelling. One of the probably more important elements of the labelling is the requirement to indicate the number of ounces in the container and the alcoholic content. That problem is being handled satisfactorily at the present time.

MR. PAWLEY: Can the Attorney-General confirm that at the Gimli Air Force Base unlimited supplies of beer have been made available to the air force base in contrast to the limited supplies of beer that are available elsewhere through the province due to the fact that the Gimli Air Force Base is able to by-pass the Manitoba Liquor Control Commission?

MR. MERCIER: Mr. Speaker, I would have to take that question as notice and inquire into that.

MR. SPEAKER: The Honourable Minister of Mines.

HON. BRIAN RANSOM (Souris-Killarney): Mr. Speaker, last Friday, in my absence the First Minister took as notice a question from the Honourable Member for Fort Rouge with respect to Dutch Elm Disease. He was asking for confirmation of new outbreaks. First of all, I should say that the responsibility or the authority for taking action with respect to Dutch Elm Disease is not within my department, it's within the Department of Agriculture, which department has the authority for the responsibility for The Plant, Pests and Diseases Act. I am informed that there have been two new outbreaks of Dutch Elm Disease confirmed this year at St. George and Great Falls. There may be some effect on the situation in the City of Winnipeg in that there is always the possibility that infected wood may be transported from those areas back to the city. I'm also informed that similar action to that which has been taken over the past year or two will be followed up in these two new cases.

MR. SPEAKER: The Honourable Member for Transcona.

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MR. WILSON PARASIUK: Mr. Speaker, my question is directed to the Minister responsible for Tourism, Parks and Recreation. In light of the newspaper report yesterday which indicated that the Actor's Showcase Theatre for Children has cancelled its 1978 summer tour due to a lack of financial support from the department and from the Provincial Employment Program which has been cancelled by the Progressive Conservative government, could the Minister indicate whether in fact he would be willing to undertake an immediate investigation to ensure that this program, which has been cancelled because of a shortage of \$5,000, and which last year played 60 to 90 performances to about 30,000 children, could the Minister indicate whether in fact he is willing to undertake that this program gets reinstated immediately?

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

MR. BANMAN: Mr. Speaker, I'll take the question as notice and see to what extent the financial involvement of the Department of Tourism was.

MR. PARASIUK: Mr. Speaker, a supplementary. In view of the fact that the Director indicates that he cancelled the tour because of a shortage of \$5,000 which the Manitoba Arts Council was going to provide, and in view of the fact that the Conservative government is providing something on the order of \$4 million for a private sector employment program, can the Minister undertake to sit down with the First Minister to ensure that possibly \$5,000 of that private sector employment program can be channelled to a program which will provide employment to young actors and also provide shows for 30,000 children in Manitoba during the summer?

MR. BANMAN: Mr. Speaker, as I mentioned, I will check into the particular matter. If the member is correct in saying that it was the Manitoba Arts Council that was involved in the funding, the member should know that that particular body does the screening and looks at the applicants of different applications that come in, and they are the ones that are deciding on it.

MR. PARASIUK: Mr. Speaker, I've got a supplementary to the Minister. Can the Minister confirm that the budget to the Manitoba Arts Council was cut for this fiscal year by his department, and also that the Provincial Employment Program, which used to provide funding for programs of this type, has been cancelled by this government?

MR. BANMAN: Mr. Chairman, in keeping with some of the other restraints that we have asked people to undertake in this year, that the Arts Council received some fewer dollars this year, there's no question of it, but the priorities as far as the Arts Council is concerned is another thing that is within their jurisdiction. Now, I've said I'll check into that particular area and see if they did receive money last year from the Arts Council or from the Department of Tourism.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. PAWLEY: Th Member for Gimli caught my eye a few moments ago, and I realized that I indicated Gimli Air Force Base; my words should have been the Portage Air Force Base.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. J.R. (Bud) BOYCE: Mr. Speaker, a question to the Minister responsible for The Rent Control Act. I wonder if the Minister can and will advise the people that notices to vacate, effective as of October, which are given in — in my judgment — a facetious manner in the reported intent of renovations, that they're going to carry out renovations. Can he assure the people that it is not the intent of this Act to have such activities condoned by the government?

MR. SPEAKER: The Honourable Minister of Consumer Affairs.

HON. EDWARD MCGILL (Brandon West): Mr. Speaker, to the Member for Winnipeg Centre. The notices to which he refers, that is, a notice by a landlord to a tenant to vacate, is not a valid notice until it is established that there is cause, and if complaints are received by tenants who have received such notices, they will be investigated. The matter of major improvements, of course, to apartment blocks or units having a number of suites, might require notice to vacate to tenants but, again, if there is reason to believe that this is not a valid reason, that is, these major repairs are not such as to justify vacating of the premises by the tenants, such matters would also be investigated.

MR. BOYCE: I thank the Minister for his answer, because that was my understanding. But would

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the Minister agree that a coat of paint is not a renovation, and I understand the cause for vacating is that a bonafide renovation project is under way.

MR. MCGILL: Well, Mr. Speaker, I would not attempt, nor would I expect that the member would expect me to attempt to debate what would constitute a major repair, and certainly this could be dealt with if a specific case were referred to the Rent Stabilization Board.

MR. BOYCE: Of course, that is the problem, Mr. Speaker. A question somewhat related to the Minister of Health: can the Minister of Health advise the House and the people in the province at what income levels people are entitled to assistance in light of the fact that the Minister of Labour refuses to recommend increase in the minimum wage?

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

MR. SHERMAN: Mr. Speaker, the honourable member asked me at what income levels persons are entitled to assistance. It would probably be easier to answer the question the other way around, at what income levels do they cease to be eligible for assistance? I would have to get the precise figure for the honourable member, but off the top of my head, if we were talking about a family of three, a married couple and one child, we are looking at an income level between \$5,000 and \$6,000 a year, at which point they would move into an area where, in terms of straight assistance, they would be getting beyond eligibility. It's a very difficult question to answer because there still would be other forms of assistance such as day care; there would be training courses with allowances paid in the field of trade upgrading or training, and additional children would mean the opportunity to apply for additional assistance. But in general, we would be talking of the income range of between \$5,000 and \$6,000 annually.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: Thank you, Mr. Speaker. I'd like to address a question to the Minister of Industry and Commerce. Can the Minister of Industry and Commerce advise whether he or his department are making any efforts whatsoever to offset or to prevent the demise of the Westman Regional Development Corporation, which is now in process, or is the government going to allow the first — I think it's the first — and perhaps the oldest regional development corporation to disappear?

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

MR. BANMAN: Mr. Speaker, the government is aware of the particular situation that the member refers to. We have taken the approach, and I believe it's the right one, that the regional development corporations are a body of municipalities that got together and worked together. If the municipalities themselves find that they do not want to spend their taxpayers' dollars in that particular manner — in other words, if the municipalities don't want to get together and have that type of organization for their particular region, they will determine that themselves, and that is the message that I have left with them. There are some that are working extremely well; there are some that are having difficulty, but I think it is a matter for the municipalities to work out themselves, because the regional development corporations, the municipalities involved will get out of them as much as they put in. So, the government has taken the approach that we will provide the funding, we will allow them to — if you want to call it — do their own thing with regard to the Regional Development Corporations, but we will not be stepping in and propping them up by some artificial means.

MR. EVANS: I thank the Minister for his answer, Mr. Speaker, and appreciate that he recognizes that there will be one large gap in the total spectrum of the seven Regional Development Corporations that have been existing in the province. Can the Minister advise the House whether there is any indication of any other of the six Regional Development Corporations that may be on the verge of collapsing or folding up?

MR. BANMAN: Mr. Speaker, all that I can say now is that from having spoken to different municipalities throughout the Province of Manitoba, there are some regions that are definitely more active than others. To give a report right now as to what status they're at, I have not received any pertinent or particular information with regards to that. The one that seems to be having the most problem right now is the out in Westman and we're hopeful that the councils out there will resolve it. If they don't well, it's unfortunate, but in order to make the thing go, you have to have the full input from the municipalities. If you don't have that, it's an organization that will not benefit

MR. EVANS: Thank you, Mr. Speaker. I appreciate the Minister's answer and I agree that you have to have the co-operation of the municipalities involved. What I am interested in learning, Mr. Speaker, is whether this government has changed in any way its policy or its attitude towards encouraging, promoting, fostering, enhancing the industrialization of rural Manitoba or is there a scaling down of the efforts in this respect by his department because of government cutbacks or because of government restraint.

MR. BANMAN: First of all, Mr. Speaker, I have to answer that no. I think one of the biggest problems that we face with regard to the Regional Development Corporations is that when they were formed in the beginning, I think a lot of people thought that we would now see smokestacks in every little town throughout the Province of Manitoba. This has not come about and some of the particular Regional Development Corporations have found themselves somewhat at a loss of the direction that they wanted to take. I think one of the things that is happening in Westman is there is a certain amount of soul-searching to see what direction the particular Development Corporation should take.

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

MR. SAUL CHERNIACK: Thank you, Mr. Speaker. I have already given notice of my question to the Minister reporting for the Manitoba Telephone System. Could he justify a procedure of the System whereby they have sent a pamphlet in with the telephone bill to a constituent of mine urging the purchase or the installation of an extension telephone and found that the Telephone System's pamphlet is printed in the United States of America. Could he please explain why that is?

SOME MEMBERS: Shame, shame, shame.

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

HON. EDWARD MCGILL (Brandon West): Mr. Speaker, I thank the Member for St. Johns for giving me notice of this question which refers to an insert that was included with bills that were mailed out by Manitoba Telephone System and extols the virtues of a new TrendLine phone, a telephone instrument, incidentally, which is assembled in a Winnipeg plant of ITT Communications. Mr. Speaker' as to whether or not I can justify the use of this insert as having been printed in the USA, I could say that perhaps there is an argument on the basis of economy that these inserts were provided free to Manitoba Telephone System with a blank area on which they imprinted their own MTS message and for which they paid a Winnipeg printer. So, Mr. Speaker, while the basic insert was indeed printed in the United States, these were provided free by the Winnipeg assembler of the phone instruments which are being advertised and the local message was printed and paid for in Winnipeg.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SCHREYER: Mr. Speaker, when the Minister says that this was printed in the U.S. and provided free, I would ask him if he is not aware of one of the most important of the credo of private enterprise, namely that nothing is completely free.

MR. SPEAKER: Order please. Before I recognize the Honourable Minister, may I point out to the Honourable Leader of the Opposition that this time period is for asking questions not for making statements.

MR. SCHREYER: I'm asking a question.

MR. SPEAKER: The Honourable Minister of Consumer Affairs.

MR. MCGILL: Mr. Speaker, just to respond briefly to the Leader of the Opposition, it's quite true that there is a cost involved in some way. I would point out to him that the Winnipeg suppliers of these telephones are seeking manufacturers in Canada for the component parts and that we hope that eventually all of the parts, as well as the printing and the telephones in their complete form, will be provided from Canadian sources.

MR. SPEAKER: The Honourable Minister responsible for Housing.

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HON. J. FRANK JOHNSTON (Sturgeon Creek): Mr. Speaker, I took as notice a question the other day from the Honourable Member for Transcona. He asked me the number of lots sold and the breakdown between private individuals and companies. Mr. Speaker, there were 25 lots sold to individuals. There were 130 lots sold to contractors and that's broken down into 111 R1 and 19 R2. There were three blocks of RPL sold to contractors. Those RPL blocks will be multiple housing. And I have for the honourable member, which I'll send over to him, a map in colour showing where the lots are.

MR. SPEAKER: The Honourable Member for Transcona.

MR. WILSON PARASIUK: I would like to thank the Minister for providing that information. Could he inform the members of the House whether there are any further lots for sale or have they all been sold in Inkster Gardens?

MR. JOHNSTON: Yes, there are approximately 40 percent of the lots to be sold; 60 percent have been; approximately 40 percent more to be sold.

MR. PARASIUK: A supplementary. Are those available for sale at present so that individuals wanting to acquire lots in Inkster Gardens can contact MHRC to see if they can acquire them now?

MR. JOHNSTON: Yes, Mr. Speaker, they are available to individuals on the same basis that they were previously and they are available to contractors on the same basis that they previously were available to contractors. To just kind of explain that to the honourable member regarding the contractors, they have to take so many R1 before they get multiple; that's on the same basis.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN: Mr. Speaker, I would like to direct a question to the Minister of Health. When the province makes a substantial grant to an organization for the purpose of construction, etc., is it a standard policy that due recognition be given to that grant in the form of signage, joint press releases, public statements and so on?

MR. SPEAKER: The Honourable Minister of Health.

MR. SHERMAN: Mr. Speaker, in the case of the Department of Health and Social Development, much of the authority that is sought from this House for projects of the kind referred to by the honourable member is merely borrowing authority, and it's then up to the individual health facility to borrow up to that authorized amount and what they do in terms of signage and plaques and identifications on their facilities is up to them. In a case of an outright grant, an outright funding in the form of a grant from the department, I don't know of any difference between the signage that would be applied in the case of the Department of Health and Social Development and any other department of government. I expect there would be joint recognition.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: I wonder if the Minister could check into the grant given for the Reh-Fit Centre on Taylor Avenue. I believe there was a \$250,000 grant, and as best as I can determine, by riding by in a car, there is no indication that any provincial moneys are going into that facility.

MR. SHERMAN: Well, I'll certainly check into that, Mr. Speaker. I just remind the honourable member that that grant, of course, comes out of lottery revenues but I'll check into it anyway.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker, I have a question for the Minister of Agriculture. Based upon the information given by the Minister of Environment that there have been some additional outbreaks of Dutch Elm Disease, can he indicate whether there has been any special action taken by the provincial government, by his department, to inform residents of that area or people travelling in that area that branches or wood should not be carried from that area to any other part of the province?

MR. SPEAKER: The Honourable Minister of Agriculture.

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MR. DOWNEY: Mr. Speaker, I would have to check on that, whether the department have been notifying the people. They are working on an awareness program, we are working with the people, and I don't know whether that specific area has been notified on the fact that the disease does spread with the bark, and I will check with the department to make sure they have been made aware of the problems that can occur from that kind of a thing happening.

MR. AXWORTHY: A supplementary, Mr. Speaker. Would the Minister, while he is checking on that aspect of it, also determine whether the Department of Agriculture and the City of Winnipeg intend to provide any special information to residents of the City of Winnipeg concerning the state of the Dutch Elm Disease, what problems may exist, and whether there are any new dangers and what can be done to react or correct any of the new potential dangers as a result of these outbreaks?

MR. DOWNEY: Mr. Speaker, the Department of Agriculture and the city are working on an awareness program by putting, I believe, information signs on buses to let people know, to make them aware of the problems. As far as anything further than that, I would have to check and let him know.

MR. AXWORTHY: Mr. Speaker, I would just like to ask a question of the Minister of Finance, responsible for the energy . . .

MR. SPEAKER: Order please. The time for questioning having expired, I allowed the member a supplementary question to the Minister of Agriculture, but when he is asking another question to a different Minister, the question period has expired.

Orders of the Day — the Honourable Member for Kildonan.

MR. FOX: Thank you, Mr. Speaker. I would like to announce a change on the Statutory Regulations and Orders Committee. The Honourable Member for St. Boniface is to be replaced by the Member for Selkirk.

MR. SPEAKER: Is that agreed? (Agreed)

ORDERS OF THE DAY

ADJOURNED DEBATES ON SECOND READING

BILL NO. 39 — THE FAMILY MAINTENANCE ACT

MR. SPEAKER: The Honourable Attorney-General was speaking at the close of the previous session. The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, when 12:30 arrived, I was pointing out that the bill presently before the House contained 28 amendments to the 41 sections in the 1977 legislation. It was for that reason, although many of them were minor amendments, that we chose to introduce a total new bill in order to be of some assistance to members of the Legislature, so that they had the whole matter before them, and explanatory notes were distributed to members opposite.

Mr. Speaker, a major amendment to the bill, of course, is the potential inclusion of conduct of an extreme nature in the determination of the amount of a maintenance order. Yet in Hansard, on Friday, June 9, 1978 on Page 3536, the Honourable Member for Selkirk stated, and I quote,

"If each case," and he was referring to those which deal with the phrase, gross and obvious repudiation of the marriage, "is carefully analyzed, we would find that the result which was achieved in the cases in question could just as easily have been attained by reference to the various factors which were outlined in the bill of last June."

In his careful analysis of these cases, the honourable member should have noticed that the conduct considered in some of those cases occurred while the spouses were living together. In those cases, the court considered pre-separation conduct, Mr. Speaker. This would seem to indicate that the 1977 legislation considered conduct of spouses during cohabitation in determination of an award for maintenance. Perhaps, Mr. Speaker, the amendment in Section 2(2) is not such a major amendment after all. —(Interjection)—

I notice, Mr. Speaker, the Member for Selkirk and the Member for St. Johns indicate disapproval with that statement

MR. CHEIACK: Disagreement, not disapproval.

MR. MERCIER: Mr. Speaker, whether there was a reference to any conduct in the 1977 Act is questionable, I think, and I'll return to that particular aspect.

There are a few other substantial amendments, Mr. Speaker. The factors affecting an order set out in Section 5 are no longer exhaustive; the section which deals with separation agreements has been modified; the reconciliation sections have been added; so that, Mr. Speaker, there are really, indeed, just a handful of amendments. But if one considers, Mr. Speaker, the statements made by the HonOurable Member for Selkirk on June 9th, perhaps the careful analysis of the cases which he referred to was not so careful after all.

Many of the members opposite, Mr. Speaker, I believe have made conflicting statements, some of which have had no real basis over the course of the debate which has gone on so far. We he found out the intention of the 1977 legislation apparently was not to have a system of no-fault maintenance. This, Mr. Speaker, I believe would be quite a revelation to the Family Law experts and members of the public, who perceived the provisions contained in that legislation as not including any reference to fault.

The Honourable Member for Inkster's rather ingenious definition of no-fault maintenance, I suggest, Mr. Speaker, goes against what a vast majority of the public and of the practising legal profession consider no-fault maintenance. The vast majority of people consider conduct referring to behaviour such as adultery or cruelty in any discussion of fault or no-fault maintenance.

With all due respect, Mr. Speaker, to members opposite I suggest there is no mention of conduct of that nature in the former Act. The clause that was eliminated, Clause 5(1)(k), dealt with circumstances which could be reasonably expected to affect the financial status of spouses and whether or not those circumstances were conducive to reasonable efforts being made by the dependent spouse to be financially independent. Mr. Speaker, I don't believe that that refers to conduct as most people consider it when dealing with no-fault maintenance. I suggest that the deleted clause is sufficiently covered in the existing Clause 5(1)(i) of the present Act, which refers to and I quote, "where one spouse is financially dependent upon the other spouse, whether and to what extent the dependent spouse is complying with the requirements of Section 4, which deals with the onus of self-support."

In fact, Mr. Speaker, I am not the only one who has come to the same reading of the former legislation. The June 1978 edition of the *Chatelaine* magazine concluded that no-fault separation or the right to ask for maintenance simply on the basis of need, earning capacity, dependency, or maintaining an adequate standard of living. Mrs. Bowman, considered by some to be a family law expert, stated that the NDP legislation allowed for maintenance payments to be based on financial need and conduct was not mentioned. The seminar, referred to on a number of occasions last October by The Law Society, recorded in the minutes that Mr. Robert Carr, who was an expert on family law, retained by the previous government to do some work on family law legislation, stated that conspicuously absent from the Act are matters of conduct, and the new Act purports to take away the issue of conduct in the determination of maintenance.

Mr. Speaker, numerous submissions have referred to the no-fault maintenance of the previous legislation. It was quite clear that the public and legal profession considered the former bill to be no-fault maintenance, and now we find out this was not really the case. It seems as though these people were misled, Mr. Speaker.

I refer again to the comments of the Member for Selkirk, Page 3536 of Hansard, on Friday, June 9th: "And a clause, Section 2(2), the conduct section, Mr. Speaker, which I suggest to you is not necessary, that the factors which we had included in our legislation of last June would have dealt with more fully, more clearly, and would have arrived at a fair and reasonable conclusion without doing what the Attorney-General has done, added in phraseology and wording, a factor which can only as I have indicated add a great deal of delay and uncertainty in the court process."

How can that be, Mr. Speaker, more clearly? The members opposite have said one thing, yet the vast majority of people who have looked at the Act, including members of the legal profession, have felt that the former Act meant something else.

This confusion is apparently carried over into other comments made by members opposite to the present bill. They cannot agree themselves on what it means, Mr. Speaker. The Member for St. Johns looks to the non-exhaustive nature of Section 5, dealing with factors, and suggested this will allow all, and I quote: "the dirty linen of the marriage to come out in court." But in making this statement, he is forgetting subsection 2(2) which deals with conduct. When reading Section 5, the court is referred to Section 2, which is the conduct section. It makes it quite clear that conduct of an extreme nature may only be taken into account in a determination of quantum. I suggest the specific reference to conduct in subsection 2(2) excludes conduct from consideration in Section 5.

I thought I made that point clearly before, Mr. Speaker, when I introduced the bill and stated a number of things. One, that conduct will not be a factor in the determination of whether or not

to grant an order for maintenance; it may be taken into account in the determination of quantum. I also said, Mr. Speaker, that the actual wording of, in the conduct, which is set out in Section 2(2) would indicate that conduct is not a ground or basis for a support order, that a judge may consider conduct if and only if it is within the ambit of the conduct contemplated in Section 2(2) and it may be a factor in the determination of quantum.

So I simply refer, Mr. Speaker, the Member for St. Johns to those statements once again and point out that it is clear that the intention of the government with respect to the role of conduct in the determination of a maintenance order only refers to the possible limitation of quantum.

Mr. Speaker, the Member for Inkster apparently agreed with this interpretation in the conduct section, and this interpretation has been supported in Ontario where similar wording is used in that particular section of the Act, in their Act it is Section 18(5), where they have stated that conduct should only be considered when it falls within the ambit of Section 18(6) of their Act.

So that, Mr. Speaker, conduct of an extreme nature, in no-fault, and by fault I refer to the former sections of The Wives and Children's Maintenance Act, and The Divorce Act, only conduct of an extreme nature may — not shall or must — be a factor in determination of quantum. Again, Mr. Speaker, I thought I dealt with that particular aspect when I introduced the bill, when I referred to a number of cases, the *Wachtel vs. Wachtel* case where Lord Denning had stated that conduct by one party, which formerly was regarded as guilt or blame, would not fall within the ambit of the kind of conduct that is contemplated in Section 2(2), and this type of conduct contemplated will only be found in a rare number of cases.

Mr. Speaker, the Member for St. Johns also made reference to the subsection which provides for a right to postpone sale Section 9(3). He stated that because of no immediate sharing, this right could be circumvented by quick action on the part of a spouse. But, Mr. Speaker, I would refer the honourable member to the provisions of The Dower Act in the rights that a non-titleholding spouse has under that Act and the requirement for the consent of the non-titleholding spouse.

The Member for St. Johns also questioned and criticized the government for the section which concerns common-law spouses. The criticism centered around the fact that there are certain criteria which must be satisfied, (a) that a man and woman have cohabited for more than one year; (b) there has been a child of the union; (c) one of the spouses applied within a year of the cessation of cohabitation, and and all of those factors must be filled before the Act will be applicable. He said this was not the case in the NDP legislation. Again, Mr. Speaker, I believe he has perhaps misread or forgotten what was contained in his legislation, because the criteria previously mentioned were all contained in the previous bill. The only change that has been made in Section 11 is the one which made the section non-discriminatory so that either spouse may make an application.

Mr. Speaker, the Honourable Member for Inkster went on at great length to describe the process by which ingenious lawyers were employed by this government to make changes for the sake of changes, and he specifically referred to the section which deals with financial information, that that section states the spouses have the mutual obligation to provide each other with information and statements. The same section exists in our legislation, Mr. Speaker, with a difference. The Honourable Member for Inkster specifically quoted the words, "during the marriage," and stated that these words were contained in the former legislation in Section 6(1) and that our government deleted those words so that ostensibly, to use the member's words, during a marriage, the provisions dealing with financial information would not apply.

Mr. Speaker, this is another example of perhaps some unfamiliarity or lack of a careful reading of the legislation. If he had read subsection 6(1) of the former Act carefully, there is no mention of the words "during the marriage" at all, rather the words that we're taking out were "living together." These words were taken out so that the marriage spouses living apart would have the same right to financial information that those living together had. I suggest that those spouses living apart have the same right to know of the other's financial information as those living together, and in fact they can make applications for a variation of maintenance orders under the Act.

Mr. Speaker, the bill meets the deficiencies in the former law and, I believe, will provide Manitobans with better legislation in the area of family maintenance. The primary basis for an award of maintenance is financial need; conduct of an extreme variety may — and I emphasize the word "may," not "shall," — but may be taken into account in a determination of quantum, as follows the recommendations of the Family Law Review Committee and the Law Reform Commissions of Manitoba and Ontario. I suggest that it's also in accord with society's and the general public's conception of individual responsibility.

Members opposite say they considered conduct in their former Act, but as I said earlier, Mr. Speaker, I believe this is subject to doubt. Also, they felt, Mr. Speaker, that an individual should be held responsible for those things that happened after separation. The responsibilities and duties of married persons toward one another during marriage don't apparently matter as far as members opposite are concerned. This principle of individual responsibility, Mr. Speaker, is the basis of the inclusion of Section 2(2).

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Mr. Speaker, much has been said about the enforcement of maintenance orders. I have said earlier, my department is reviewing the procedures by which maintenance orders are enforced at the present moment. We hope to be able to take positive action in the very near future. The previous government simply referred to the establishment of a Task Force and never did take any concrete action, although it would appear that they certainly did intend to but there was never any evidence of any concrete action undertaken. The preliminary review that I have, Mr. Speaker, shows that it is the administration of the enforcement of maintenance orders that may need some overhaul but I will have to await completion of the report before I can discuss the matter any more extensively.

All I can say at the present time, Mr. Speaker, is that our government is concerned about the enforcement of maintenance orders, as I believe members opposite also are, and we hope to be able to take some positive steps in the near future to improve the situation.

Mr. Speaker, I believe that we have made some, although few, some substantive, positive changes in the legislation. I look forward, Mr. Speaker, to hearing once again the representations that will be made with respect to this legislation in the next few days, and I thank members opposite for their participation and comments with respect to this bill.

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

MR. CHERNIACK: I wonder if the Honourable Attorney-General would permit a few questions for clarification?

Firstly, Mr. Speaker, in view of the fact that I agree with his interpretation of the existing legislation — the NDP legislation — that conduct is not a factor affecting an order, and in view of the fact that he states that conduct, as defined under 2(2), would only apply as to quantum and not as to whether or not an order shall be made, is he prepared to consider such amendment as may be necessary to satisfy beyond any reasonable doubt the fact that the Conservative government does not propose that conduct other than as described in 2(2) shall be a factor in determining whether or not to make an order under Section 5(1)?

MR. MERCIER: Mr. Speaker, as I indicated, the interpretation we give to the legislation is supported by the interpretation in Ontario of similar wording, but if the honourable member still has some doubts and can produce an amendment which we feel would add clarity to it, then certainly, I would be prepared to give it serious consideration.

MR. CHERNIACK: I appreciate that response. I wonder if the Honourable Attorney-General could respond in like manner on the question of the Unmarried Cohabitation section which I agree is similar to what was passed by our government previously but which now could be amended to protect any person who is not married but has been living common law, from prohibition of the other spouse from access to the premises formerly occupied by the two, since as I indicated when I spoke earlier, I understand that the police consider it a domestic problem and one they hesitate to get involved in, and if the court cannot make an order, except under the limited circumstances described in the section before us, that possibly there could be an amendment to broaden the discretion of the court to give protective orders, even when all three factors do not apply. That is, in relation to prohibition and access to premises.

MR. MERCIER: Perhaps, Mr. Speaker, that would be a matter that would more properly be discussed at Committee, because it's a matter of some detail, and I am prepared to discuss it there.

MR. CHERNIACK: Finally, Mr. Speaker, this question was a question that the Member for Selkirk wanted to ask, but he was called away just a moment ago. On June 26th last, the Attorney-General under his Estimates gave an indication that he hoped for, and I think indicates that he expected, that deferring the unified family court would still make it possible for contributions to be made by the Federal Government. And he says on Page 4348, and I quote, "I've written to Mr. Basford indicating that was my understanding of the matter between the respected departments and hoping that on that basis in the event that we wish to proceed with the project next year, that funding will be available. I've not received a response."

Does the Minister inform us today, and now, that the Federal Government has notified him that the funds cannot be counted on in next year or the year beyond, and that there would have to be some new application, but does he indicate that he received a negative answer from the Federal Government?

MR. MERCIER: Mr. Speaker, I've not yet received an answer to that letter from Mr. Basford.

MR. CHERNIACK: Mr. Speaker, just on that point. I listened rather carefully to what the Minister said before 12:30, and the impression I received was that he knew that he couldn't get this funding for the next year or two automatically for the unified family court.

MR. MERCIER: Mr. Speaker, I suggested in the letter that the basis upon which our government's decision to defer the project was made, was on the basis that we believe that the project could be continued in the next two years and possibly funding might be continued over the next three years. I don't recall right now the exact contents of Mr. Basford's letter but he indicated that another project had come forward to which the moneys for this year had been applied. There was not, in my mind, a final determination of whether or not, or that moneys would simply not be available next year and it's on that basis I wrote to him explaining our understanding that was reached between various administrators and asking him to advise whether the moneys could be made available next year. I have not received an answer to that letter.

QUESTION put, MOTION carried.

MR. CHERNIACK: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

Order please. The proposal before the House is the motion of the Honourable Attorney-General on Bill 39, The Family Maintenance Act, be now read a second time.

A STANDING VOTE was taken, the results being as follows:

YEAS: Messrs. Anderson, Banman, Blake, Brown, Cosens, Craik, Driedger, Einarson, Downey, Enns, Ferguson, Galbraith, Gourlay, Hyde, Johnston, Jorgenson, Kovnats, MacMaster, McGill, McGregor, McKenzie, Mercier, Minaker, Orchard, Mrs. Price, Messrs. Ransom, Sherman, Steen, Bostrom, Boyce, Cherniack,

NAYS: Messrs. Adam, Axworthy, Barrow-Cowan, Desjardins, Doern, Evans, Fox, Hanuschak, Jenkins, Malinowski, Parasiuk, Pawley, Schreyer, Uruski, Walding.

MR. CLERK: Yeas 28, Nays 19.

MR. SPEAKER: I declare the motion carried.
The Honourable Member for Kildonan.

MR. FOX: Mr. Speaker, I would like to announce a further change on two committees, Law Amendments and Statutory Regulations. The Honourable Member for Point Douglas to be placed on Statutory Regulations and removed from Law Amendments; and the Honourable Member for Transcona to replace him in the same order.

MR. SPEAKER: Is that agreed? (Agreed)
The Honourable Member for Gladstone.

MR. FERGUSON: Mr. Speaker, I also have one change on Law Amendments, that will be the name of Mr. Kovnats for Mr. McGregor.

BILL NO. 44 — AN ACT TO AMEND THE CORPORATIONS ACT

MR. SPEAKER: Bill No. 44, the Proposed Motion of the Honourable Minister of Consumer Affairs, an Act to amend The Corporations Act.
The Honourable Member for Kildonan.

MR. FOX: Mr. Speaker, I stood this for my Leader, the Honourable Member for Rossmere.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SCHREYER: Mr. Speaker, as I indicated to the Government House Leader, it is our intention to speak to this bill very briefly, to indicate that upon analyzing the bill and its intention, we find no great quarrel with it. Indeed, it should be said that there are some changes embodied in this

bill that are meritorious and worth supporting. There is an improvement in language or wording in some of the sections over that which exists. By and large, however, we do not regard there being any great substantive change inherent in this legislation or bill.

I should indicate in advance to the Minister piloting this bill, that when it reaches committee stage, there are some five sections which we regard as, however, being not well-worded and not embodying desirable principles to embody in The Corporations Act, and accordingly we shall be asking for elaboration and making some argumentation at that stage. Because the parliamentary procedure at second reading stage is not to go into the specifics of specific sections, I'll desist from doing so at this time.

The main point to emphasis here is that on balance the legislation is worth supporting but there are five sections we would very much like to see either clarified or further changed before passage.

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

MR. MCGILL: Mr. Speaker, I would just like acknowledge and thank the Honourable the Leader of the Opposition for his brief comments on this bill, which is rather voluminous but really is largely of a housekeeping nature, there being really only one change in the intent of the Act. The main purpose of the bill, aside from some minor changes in language, was to provide greater uniformity with the federal statute and because there is merit and there is an advantage in having uniformity in legislation respecting corporations in our country.

So, Mr. Speaker, with those few words, we will look forward to hearing in detail the specific suggestions that the Leader Of the Opposition is intending to make at the committee stage.

QUESTION put, MOTION carried.

BILL NO. 30 — AN ACT TO AMEND THE CIVIL SERVICE SUPERANNUATION ACT

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSON: Mr. Speaker, will you call Bill No. 30?

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: I stood this bill for the Honourable Member for St. George, Mr. Speaker.

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

MR. BILLIE URUSKI: Thank you, Mr. Speaker. My remarks on this bill likewise will be quite brief. The bill, as indicated by the Minister of Labour, is a very technical or housekeeping bill clarifying an interpretation problem between the Provincial Auditor and the staff of the Civil Service Superannuation Board.

As the Minister indicated, there is no significant change in policy; it's just a clarification of the amendments made, I believe, last year to bring in benefits in recognition of civil servants who had World War I service, so that there is no hesitation on this side to have this bill go to committee and receive approval.

QUESTION put, MOTION carried.

BILL NO. 25 — THE CATTLE PRODUCERS ASSOCIATION ACT

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSON: Will you call Bill No. 25, Mr. Speaker?

MR. SPEAKER: Bill No. 25, the Honourable Member for St. Vital.

MR. D. JAMES WALDING: Thank you, Mr. Speaker. Like the last two speakers, I don't intend to speak at great length on the bill but I did want to delay it a little.

Mr. Speaker, members opposite might wonder why a city member, a suburban member at that, is rising to speak on a bill having to do with cattle producers and I will admit freely that there are no cattle ranchers nor cattle producers in my constituency. However, Mr. Speaker, my constituents

are the same as other Manitobans, interested in the well-being of all farmers and food producers. They are also meat eaters and are concerned about the price of the meat that they eat. I also have within my constituency a number of workers within the meatpacking industry and some who are presently locked out of the meatpacking industry.

Mr. Speaker, the point has been made by my colleagues on this side that this bill really does not have too much to do with cattle producing; it has more to do with private associations, the powers that this Legislature is giving to them and the delegation of taxing authority that this House is giving to private associations.

The point was made ably and well by the Members for Inkster and St. Johns, who pointed out very well that apart from professional associations and marketing boards the powers that are being given within this Act are unprecedented in our history.

I would advise honourable members in all seriousness, Mr. Speaker, to sit down and carefully consider what precedent is being set here and whether this government or some future government might not refer back to this bill if and when it should be passed and to say, well, if it can be done for one group of Manitobans, can it not be done for another group of Manitobans? Members should ask themselves very seriously whether they are prepared to extend these taxing and policing powers to a number of other, or any other, private association within the province.

My colleague from Ste. Rose raised very serious doubts as to whether people involved in the cattle industry do in fact overwhelmingly support this bill. In fact, he produced evidence to suggest that the balance of support, or the balance of opinion, is rather in the opposite direction.

My colleague, the Member for Lac du Bonnet, pointed out a little bit of the history involved here and pointed out to members, or reminded members opposite, that there have already been two votes approximately on this subject, both of which have been defeated. He also informed the House, which was news to me, of bills in other provinces which have been referred to by members opposite and pointing out to us that these particular provisions within this bill that we find so offensive do not in fact appear in other bills. There are measures in those bills in other provinces which do provide a measure of monitoring by the government and do not allow these private associations to wield this very unusual power with impunity.

There was another matter that has come up over the last couple of days, Mr. Speaker, having to do with The Beef Stabilization Act, and this is something that my constituents are particularly concerned with because it was partly their money that was a part of that \$38 million which was paid out in beef subsidies over the last couple of years under that plan.

I believe that under the circumstances that they did not object to paying out that amount of subsidy, realizing the conditions at the time and the cyclical nature of the industry. However, the situation has now changed and we are told that the scales have now tipped back the other way where the public, through the government, is now entitled to recover some of that \$38 million that it has invested in the industry.

However, from questions of the Minister, it seems that he is very reluctant to be definite as to whether he is attempting to or has the authority in fact to collect for the people of Manitoba any of that \$38 million. There is definitely a contractual arrangement between those in receipt of those stabilization funds and the people of Manitoba and we question why the Minister is so reluctant and why he is dragging his feet on this matter, and why he is seemingly reluctant to recover for the people of Manitoba some amount, if not all, of this rather large amount that is outstanding.

It is, Mr. Speaker, in order to give the Minister a little time to clarify this matter, if clarification is needed, and also to make a very firm statement either to the Legislature or to the people of Manitoba directly that I would like to move, seconded by the Honourable Member for Ste. Rose, that Bill 25, The Cattle Producers Association Act, be not now read a second time but be read this day six months hence.

MOTION presented.

MR. DEPUTY SPEAKER: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Speaker, I beg to move, seconded by the Member for St. George, that debate be adjourned.

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

MR. JORGENSON: Mr. Speaker, I wish to tell the honourable member that I do not intend to accept any more adjournments on this bill. It has been on the Order Paper for a month and a half and I think if honourable members are going to speak on it they are going to speak on it now.

MR. DEPUTY SPEAKER: The Honourable Member for Brandon East.

MR. EVANS: Mr. Speaker, on that point of order, I wonder if the Honourable House Leader could indicate in the rule book what rule or regulation is there preventing an honourable member from adjourning, considering that we will be meeting again this evening, and I also point out, Mr. Speaker, that the opposition has been very accommodating, speaking as much as we can on these bills and not standing on them.

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSEN: My honourable friend wants to know what rule there is; there is a very simple rule. There was a motion that was moved that the debate be adjourned. That motion can either be accepted or rejected, and I am simply advising my honourable friends that I do not intend, after this occasion, to accept any further adjournments on this particular bill, that in the future the bill will be debated to its conclusion.

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

MR. BOYCE: The motion on the floor is to adjourn debate. I don't believe it is debatable. If the member wants to vote on it, we will vote on it, Sir.

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSEN: I indicate to my honourable friend that I was not going to accept any further adjournments. I am simply serving that as a warning to my honourable friends now that in the future the debate will continue when next that the bill is called.

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

MR. BOYCE: If I may, Mr. Speaker . . . You are accepting this motion to adjourn. Oh, excuse me, I misunderstood the member because that's all we wanted was one adjournment.

MR. SPEAKER: Order, order please.

MR. JORGENSEN: I think, Mr. Speaker, that it's customary that you advise honourable members when no further adjournments are going to be accepted and I am doing that at this occasion.

QUESTION put on the adjournment and MOITON carried.

MR. JORGENSEN: Mr. Speaker, if the Member for Selkirk is prepared to go on Bill 31, now.

BILL NO. 31 — AN ACT TO AMEND PERSONAL PROPERTY SECURITY ACT

MR. SPEAKER: The Honourable Member for Kildonan adjourned this for the Honourable Member for Selkirk. The Honourable Member for Selkirk.

MR. PAWLEY: Mr. Speaker, this bill flows as a result of legislation which was passed in 1972 dealing with the Personal Property Registration Act and during the period of time from 1947 up until now there has been a gradual development of a personal property registration system in the Province of Manitoba, which is to take effect shortly, which will provide for the registration of documents pertaining to liens or mortgages on personal chattels.

So that, Mr. Speaker, what is before us is a bill which deals only technically with the legislation and the machinery that has been developed since 1972 in the province.

Mr. Speaker, I have perused the technical aspects of this bill and find that there are no areas within the bill that we find objection with, because we are mainly dealing with the registration of documents and the requirement that those documents that are registered need not have the signature of the debtor, but of course the principal document would have the signature of the debtor, and there would be only a document which would be filed which would give notice to the world at large that a certain chattel mortgage or lien exists pertaining to a particular item.

So, Mr. Speaker, I'm prepared, on behalf of our party to indicate support in principle and would suggest that the bill be cleared, so may be processed in Law Amendments Committee.

QUESTION put, MOTION carried.

BILL NO. 42 — AN ACT TO AMEND THE QUEEN'S BENCH ACT

MR. JORGENSON: Will you call Bill 42, Mr. Speaker?

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: I adjourned this for my colleague, the Honourable Member for Selkirk, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. PAWLEY: Mr. Speaker, this legislation as well deals with mechanics. Mr. Speaker, we are naturally unhappy with the legislation which has been introduced to this House by the Attorney-General pertaining to marital property. We feel that it is a backward step. This bill, of course, is related to that legislation, however, if we are to live with what may eventually become legislation, being realists, as unsatisfactory as that legislation is, then, Mr. Speaker, I suppose we are doomed to have to agree to the particular bill before us. If The Marital Property Act is to be processed and passed through this Legislature, what the bill before us is doing, is providing for the County Court Judges and the Eastern Judicial District to be able to perform certain functions which they presently are not able to do. And so, to that extent, Mr. Speaker, because it does provide enabling, it does provide mechanics that are reasonable, we will support this bill only because it is logical and rational if we do find ourselves within a matter of days ending up with the far from satisfactory legislation which this particular legislation is based upon.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSON: Mr. Speaker, perhaps my honourable friends could advise me, I notice that most of the bills are standing in the name of the Member for Kildonan, and I wonder if . . .

MR. FOX: Forty-one.

BILL NO. 41 — AN ACT TO AMEND VARIOUS ACTS RELATING TO MARITAL PROPERTY

MR. SPEAKER: The Honourable Member for Selkirk.

MR. PAWLEY: Mr. Speaker, last June we passed legislation which dealt more or less with the contents of the bill before us, legislation which in fact provided for change in The Devolution of Estates Act, to provide that in the event of one dying intestate, that the first \$50,000, rather than the first \$10,000, would be distributed to the widow, and in excess of \$50,000 would be divided equally, rather than 1/3 to the widow and 2/3 to the children as had been the case under The old Devolution of Estates Act.

Mr. Speaker, I would just mention, because I'm sure you will recall that at that time you were somewhat critical of our legislation. I remember a speech which you gave quite eloquently in this Chamber, in which you criticized the legislation which we had introduced at that time, on the basis that it didn't protect children adequately, and there was too big a share ending up insofar as the — well the general nature was that it didn't protect the infell, Mr. Speaker, it is for that reason I suppose I'm a nts.W little surprised to find that the Attorney General is bringing to us legislation which did find itself criticized to some extent last year when we had formed the government.

I don't know why the Attorney-General did not see fit to proceed with the passage, with the proclaiming of the legislation which was passed last June, because these very contents were included within that legislation. I don't know why a brand new bill to deal with those provisions were required. The Attorney-General indicated it was for purposes of simpler reading but I don't really feel that it was necessary for that reason.

So, that, Mr. Speaker, I say we support the principle what the Attorney-General is doing, we find ourselves at a loss as to why a new bill was required in view of the fact that we had, as a government, last June, processed this very legislation, with the exception of one portion of this legislation before us, which is a minor part of the legislation, that dealing with the changes to The Dower Act, which could have been dealt with separately, it certainly didn't require a brand new

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Act. All I can imagine as to the reason for this, is that some way or other, the present government wants to take credit for what in fact was legislation that was passed last June, and which we were proud to have presented to Manitobans, through this Legislature, that the Attorney-General rather than proclaiming the legislation, progressive legislation that we passed last June which I feel received some critical comment from his side, has now seen fit not to proclaim what we had done and to come into this House with a new bill, leaving the impression in that way that, in fact, it's their idea, their legislation. I don't want to dwell unnecessarily on that, but to indicate that the changes here are changes which we endorse, and this will be a bill which will certainly receive our support.

We look forward to any representations that might be made in committee from members of the public to the legislation itself. It's long overdue, and it only reflects the changing value of the dollar and also, I believe, a change to some degree in the thinking of the society around us, in connection with both provisions of The Devolution of Estates Act, and The Dower Act.

QUESTION put, MOTION carried.

THIRD READINGS

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSON: Mr. Speaker, the Member for Brandon East was anxious to proceed with the third reading of Bill No. 18.

MR. WALDING: He's on his way.

MR. JORGENSON: Well, we'll perhaps then wait for the member to arrive. —(Interjection)—O! Mr. Speaker, then we can perhaps deal with Bill No. 28. It's also a third reading.

BILL NO. 28, An Act to Amend The Payment of Wages Act was read a third time and passed.

BILL NO. 8 — AN ACT TO AMEND THE PORTAGE LA PRAIRIE CHARTER

MR. JORGENSON: Mr. Speaker, will you call third reading of Bill No. 8?

MR. LLOYD G. HYDE presented Bill No. 8, An Act to Amend The Portage la Prairie Charter, for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. PAWLEY: I would like just to ask the Minister of Municipal Affairs if he would care to comment in respect to the comments that are made in connection with an urban Act, so that we could avoid the situation of having conflicts insofar as various larger towns and small cities in the province are concerned. I intend to vote for the member's bill, dealing with the amendment to the Portage Charter, but I'm not very enthusiastic, because I do feel that it's time that serious thought was given to some approach that would attempt to eliminate some of the inconsistencies from one charter to the next, and would attempt to improve the existing legislation by which our larger towns and small cities in the province operate under, so that patchwork basis — and I don't attribute this to the present Minister of Municipal Affairs, certainly we performed in a patchwork fashion as well during the past eight years pertaining to this area — but it had been our intention to proceed to a small urban centre Act' and I would hope that that would be the intention of the present government as well, so that we don't have to deal with these various charter amendments, and with the danger of us providing for inconsistencies every time we pass an amendment to someone's charter.

MR. SPEAKER: The Honourable Attorney General.

MR. MERCIER: Mr. Speaker, I thank the Honourable Member for Selkirk for expressing his concern. I have not had an opportunity to consider yet a review of all of the various charters that relate to a number of smaller cities in the Province of Manitoba. I have become convinced that there is a definite need for a thorough review of The Municipal Act, and hope to be able to proceed with that. And as it would probably be a very helpful suggestion at the same time to review a number of the various charters and attempt to determine the possibility of including them in one overall piece of legislation, but I say that, Mr. Speaker, on the basis that I haven't yet had an opportunity

to look at that. It's a helpful suggestion and I think one particularly that has to be proceeded with is a review of The Municipal Act, and hopefully within the next year or so, we will have an opportunity to do that.

QUESTION put, MOTION carried.

BILL NO. 12, An Act respecting The City of Brandon was read a third time and passed.

MR. JORGENSEN: Call Bill No. 18, Mr. Speaker.

BILL NO. 18 — AN ACT TO AMEND THE BRANDON CHARTER

MR. CHERNIACK: presented Bill No. 18, An Act to Amend the Brandon Charter, for third reading.

MOTION presented.

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

MR. GEORGE MINAKER: Thank you, Mr. Speaker. Mr. Speaker, I would like to speak on this bill because at the second reading of the bill the basic concept put forward at that time was a simple annexation of, I think it was some 38 acres of property that was on the outskirts of Brandon, and there was a problem with the adjoining municipality and the City of Brandon in resolving a problem of zoning and particularly stipulating a length of time to a certain area of land. And what evolved after second reading was that amendments were brought forward in the Municipal Affairs Committee that dealt with a different concept, Mr. Speaker. It was no longer a simple annexation of land but now was a law before us, a bill before us that would designate that particular piece of property zoned, not only that, designated that it would be zoned for a stipulated period of time.

Well, Mr. Speaker, what does that mean? What it means, Mr. Speaker, is that if the bill is passed as it is amended, that we will be by-passing the municipal board, we will be by-passing the normal procedure of planning that was adopted in this Legislature by, I might add, the former government, the now Opposition. And what does it mean to the people in Brandon? Well, Mr. Speaker, I am in favour of the people of Brandon getting a mobile park because they are in need of such a facility, and it will obviously make those particular people happy, but if we pass the bill the way it is put forward to us at the present time, it will mean to some people in Brandon or in the general area of Brandon that they have no right that they presently have to go before the Municipal Board or before the proper jurisdiction to give their views on whether or not this particular piece of property should be zoned in this manner.

So in essence, Mr. Speaker, what we are doing, if this bill is passed, is saying that the Municipal Board's opinion is not required. It is no longer needed in this particular instance. It is also saying that the normal planning procedure is no longer necessary in this particular instance.

Mr. Speaker, I suggest that we are setting a precedence here, that, in fact, the Legislature is becoming the planning body for the Province of Manitoba. And I can foresee in the future that if there are two municipalities that can't get along on some particular situation that all they will do is come to the Legislature with a Private Member's Bill, put forward the proposals in the Legislature, the Legislature will pass the law, and that way the problems will be resolved and the Municipal Board will be by-passed, and everybody presumably would be happy.

But, Mr. Speaker, if they can do it for two municipalities, I suggest then the precedent has been set, that if there is a particular in say, the City of Winnipeg, that the City of Winnipeg in its wisdom feels it should not be zoned in a certain manner and say for an example, it might be for Manitoba Housing and Renewal facilities, that if the City of Winnipeg in its particular wisdom feels that that land is not best suited for that particular zoning and application, then the precedent has been set if this bill is passed. Then somebody can bring forward, presumably the MHRC or the government of the day could bring forward a bill that will just specifically say a certain title of land, a certain area, certain dimensions, will be zoned in a certain manner, because the precedence will have been set here.

Now I think and I believe that there is law that exists today that probably that could be done. I think if he wants, I believe that — I remember the last Act that was passed, the Minister can have that power at the present time to refuse a zoning. I don't know whether he has the power to introduce a particular zoning.

Well, Mr. Speaker, the reason put forward in the debates that I have heard since this amendment has come through from the Honourable Member for Brandon East of why we are doing this or proposing to do this, is that there is a time element involved, that they have to get moving, that

if they went through the normal channels there would be a three to four month delay. Well, Mr. Speaker, I also found out, and I don't know whether it has changed since our last Municipal Affairs Committee meeting, that there is dispute on the ownership of the land that is being annexed, that the present owner has questions on whether in fact he wants to sell the property, whether in fact he wants it annexed, whether in fact he wants the zone stipulation tied to the land. So, Mr. Speaker, we further complicate this bill in the fact that the present owner is questioning in fact a legal docent that he has with the developer that is involved.

So, Mr. Speaker, it is a very very messy bill when we look at what we could be doing. It is obvious that by this decision of the Legislature, there will be a capital gain in the value of the land because at the present time it is zoned agricultural, and obviously once it is zoned for the mobile park it will appreciate in value. So that not only are we by-passing the Municipal Board and the normal planning procedures and taking away the rights of the individuals in the Brandon area who might be opposed to this or even maybe are for it but want to give their views, we are further adding a value of the land. I suggest, Mr. Speaker, that if the two municipalities can work out their differences of opinion which they have to a degree in resolutions of Council, that there is no reason why we can't just pass the annexation of this property and not create this further issue that will come into play of by-passing the Municipal Board and the planning authorities, because, Mr. Speaker, I am sure that the Municipal Board will give fair hearing to the proposed changes and I am confident that Brandon can get their particular property built into a mobile home park, rather than all of a sudden start this new step and a precedent, in my opinion, on this particular bill.

For that reason alone, and the only reason, this precedent that I believe is being set of stipulating a certain piece of property, zoning it, and setting a time limit on it, that I am opposing this particular bill for that reason only, that I am in favour of annexation and the proper channels being taken to see that Brandon gets its mobile park, but I cannot support the amendments that are before us at this time.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. PAWLEY: Mr. Speaker, there certainly is considerable merit in what the Member for St. James has indicated. However there are various aspects I think we have to weigh. One is, it is my understanding that both the City of Brandon and the Rural Municipality of Cornwallis arrived at a consensus in respect to this legislation that is before us. It is no longer legislation that really would be at issue insofar as the two principal municipalities.

But secondly, I want to really address my comments to the Minister without Portfolio, responsible for the Provincial Land Use Committee, or to the Minister of Municipal Affairs, because I do believe that there should be a better way of dealing with this than through the legislation. I am wondering, in view of the fact that we now have concurrence on the part of both the R.M. of Cornwallis and the City of Brandon, if the mechanism of the Provincial Land Use Committee cannot be used, for instance, PLUC would not be able to refrain from approving any actions involving the property in question until certain understandings were arrived at. Certainly we already now have the indication that the two municipalities are in concurrence. I would think that with the injection of PLUC, so that we could still retain the normal planning mechanism that is available elsewhere through the province to other development plans and other zoning procedures, that we would be able to achieve the same objective as we are trying to achieve in what is certainly, I think, somewhat of a questionable manner. I am wondering if we could obtain some response from either the Minister of Municipal Affairs or the Minister without Portfolio responsible for the Provincial Land Use Committee. I would like to see Brandon-Cornwallis achieve what they wish. I share some of the concerns expressed by the Member for St. James that we are doing it in a peculiar way and if a better way would not be to use the existing machinery of the PLUC Committee, and I would think that would be rather easy now that we have consent, apparent consent of both Cornwallis and the City of Brandon.

MR. DEPUTY SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I supported this particular annexation since last fall, but it has now arrived in such a situation that I don't feel that I can support this bill on third reading.

Firstly, we have before us now a bill containing an amendment requiring a certain specified zoning over a period of ten years. I don't think, Mr. Speaker, it is the proper function of this Legislature to legislate zoning in this manner. That should be done by the planning authority, which is the City of Brandon, and the R.M. of Cornwallis.

Mr. Speaker, certainly if there is anything to be done in the way of zoning alternatively, it should be by way of agreement between the land owner and the municipality involved.

Secondly, we have the question of ownership of the land. We had representations at Committee that Mr. Hall was not entitled to purchase the land under certain conditions under the option

I had an opportunity to look at the agreement and there probably is a method by which Mr. Hall could purchase all of the land and get around some of the difficulties that were brought forward. But ownership of the land is apparently a matter in some doubt.

Thirdly, Mr. Speaker, the question of servicing the property. It is indicated that it would be approximately two to three months before the property could be serviced, so that it is not the immediate solution that it was suggested that it would be.

I don't believe again, Mr. Speaker, in answering the Member for Selkirk, that the PLUC Committee is the method by which the zoning of the property should be restrained. Again that should be the function of City Council. Certainly the PLUC Committee will have to approve a development plan or a development statement, but I don't believe that it is proper that the PLUC Committee and it probably can't give that a long-term commitment to the zoning or the use of the land in question.

It would appear to me, Mr. Speaker, if the two municipalities, the City of Brandon and the R.M. of Cornwallis, have now reached a point where they apparently agree that the land should be used for certain use for a period of ten years, that they don't need legislation to accommodate the mobile home park. If they've agreed on this use, Mr. Speaker, it would be my suggestion that they can agree, certainly in the interim, it would probably require a change of the zoning in the R.M. of Cornwallis, but they could agree to proceed on the basis, perhaps there might be annexation in the future, but they can agree on the use of this particular land in question without even the necessity of annexation.

If representatives of Cornwallis indicated that as long as the land within the city boundaries were retained for use as a mobile home park for a certain number of years that they had no objection. Upon that basis, Mr. Speaker, I would suggest that they can do it by way of agreement between the R.M. of Cornwallis and the City of Brandon.

Mr. Speaker, for these reasons, the principle of zoning by legislation is one that I do not agree with. The question of ownership of the land is doubtful although it may very well be, and I admit that Mr. Hall may very well be entitled to purchase all of the land under the option to purchase he has. The question of servicing will, of necessity, not allow this land to be immediately used. There is a question still, of rezoning the land in the R.M. of Cornwallis that is the subject of the annexation. So for all of those reasons, it's not an immediate solution to the problem and because the R.M. of Cornwallis and the City of Brandon have now at least got this far in agreement, I think this is a matter that they could agree between themselves to allow for the use of the property as a mobile home trailer park.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. PAWLEY: Mr. Speaker, I wonder if the Minister of Municipal Affairs could advise why we could not pass Bill 18 as it was originally worded, and there be an understanding that Bill 18 would not be proclaimed until such time as the Provincial Land Use Committee had worked out a satisfactory development plan which would be satisfactory to all interested parties, which I would think would then involve the ten year freeze as envisioned by legislation, at least we wouldn't be proceeding by way of legislation to provide for the ten year freeze, or zoning. We would do it through PLUC Committee, through the normal channels, so that the objectives of Bill 18 would not be compromised that we could pass Bill 18, not proclaim Bill 18 until such time as PLUC had given its consent to the development plan which would be brought forth, which I would think would be the ten year period envisioned in the amended legislation.

If that would not be a method by which we could proceed without legislating zoning by way of legislation, which I agree is bad, that we would be recognizing the planning process, and thirdly, we would be . . .

MR. SPEAKER: Order please. To the Honourable Member for Selkirk, he has already spoken on the third reading of Bill No. 18 and it's developed into a debate rather than another question. The Honourable Member for Selkirk.

MR. PAWLEY: Mr. Speaker, I am sorry if I appear to be entering into a statement. I was trying to elaborate as clearly as I could and provide as much detail as I could possibly . . .

MR. SPEAKER: Would the honourable member state his question, please.

MR. PAWLEY: . . . if that would not be an approach that might be more satisfactory than the approach that's before us.

MR. SPEAKER: Bill 18, third reading. The Honourable Attorney-General.

MR. MERCIER: A question was asked of me, Mr. Speaker. I'm not sure if I'm following the correct procedure here, but I suppose as long as no one has any objection, my view would be that the best and the proper method of dealing with establishing a relationship for continuing zoning is that it should be done by agreement between the land owner and the City of Brandon. The development plan that Brandon has forwarded, I understand shows this property to be a mobile home trailer park. I'm not aware of any reasons why PLUC Committee would not approve that development statement in the form it is now. It hasn't yet been considered by the PLUC Committee, but I think the most appropriate manner of dealing with this is not by the PLUC Committee giving an indication that it will not allow a change in the development plan for ten years, but the more appropriate way should be by way of legal agreement between the land owner and the City of Brandon.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. EVANS: Thank you, Mr. Speaker. First of all, I'd like to emphasize, if it needs any emphasizing, that I, through the course of the exercise of introducing the bill and attempting to bring it through its various phases have been working on behalf of the City of Brandon at their request, and subsequently also working very closely with the Rural Municipality of Cornwallis. Unfortunately, many members of the Legislature were not at all of the committee meetings, and to that extent I believe they are at some disadvantage, because many of these issues we discussed, including issues raised by the Attorney-General that were put to the Legislative Counsel of this Assembly, and we were given a very clear answer that we had to proceed by way of legislation, because there were expressions of concern at the committee that we proceed by some other method.

Mr. Speaker, the amendments that we have in the particular legislation before us are there at the request of the Municipality of Cornwallis and also with the agreement of the City of Brandon. Both municipal jurisdictions held special meetings and passed resolutions, to wit, that this land in question be annexed and that for ten years it be zoned as a mobile home facility, including reference to the existing Brentwood Village Mobile Home area. The municipalities have agreed on this, our amendments, my amendments were brought forward in response to the will or the expression of agreement by those municipalities, and on top of that, Mr. Speaker, I don't know whether the honourable members are concerned or not, but my information and my understanding is that this is considered to be a very urgent issue in the community, it was demonstrated by the very large delegation that appeared before the committee, people who are being displaced at an existing motor court, Larkhill Mobile Home area, also the possibility of further displacements from an additional motor court perhaps being closed in the future.

The community regards this as a crisis, the Mayor of Brandon has indicated it to be such, that something must be done quickly to assist these people being displaced from their present place of abode, and also this was recognized by the Municipality of Cornwallis. So we have recognition in the community that this is an urgent situation, and they're appealing to the Legislature as the only body that can deal with this expeditiously and meet the particular time constraints involved. The question, if I recall properly, was put to the Legislative Counsel, why not an agreement between the two municipal jurisdictions. My understanding is that they did not have the right to bind a particular area to be zoned in a particular fashion for a ten year period or what have you. There might be some agreement, but this wouldn't necessarily be binding, and further, the only way we could assure the Municipality of Cornwallis that that would occur, that there would be a ten year limit placed, because it was at their request that the ten year dimension be brought into the bill, was to put it into the Act by way of amendment. And this amendment was agreed to in the resolution of the City of Brandon.

So what we have before us is a bill with amendments, based upon, as I understand it, consensus, agreement, between the two municipal jurisdictions, and we are simply responding to what those two jurisdictions have requested of us by way of special resolution of Council.

So to those who say, why the Bill, why legislation, my answer is the answer given by the Legislative Counsel, that this is the only way that we can meet the requirements of the Rural Municipality of Cornwallis, giving them the assurance that this will continue to be used, at least for ten years, as a mobile home park.

There have been no objections raised in the whole course of the debate before the House. In the many weeks that this bill has been before the Legislature, there has been no correspondence, no telephone calls, no objections raised, to my knowledge, of anyone in the community, indeed it's the reverse. If anything, there's a great feeling in the community that the Legislature should act expeditiously in this matter and now proceed because the two municipalities are in agreement.

I would suggest it is not a precedent, it's a very special case, it perhaps is a peculiar case. When it was turned down by the Municipal Board, the Municipality of Cornwallis was opposing it; that

is not the case at this point in time. As I also indicated, in the committee, and I repeat, I suggested that this bill do not become law until it is proclaimed by the Lieutenant-Governor-in-Council, that is by Order-in-Council, and the purpose for not making it law until proclamation is simply to enable the Cabinet to assure itself that the purchaser, or the person who has the option on the land and Mr. Phil Hall does exercise his option. His lawyer has advised him that he has a legally binding option if it includes all the 83 acres, some of which would be in Cornwallis, some of which could be in the annexed portion in the City of Brandon, and that this would take place upon passage of third reading. Once this bill was approved at third reading, then the individual in question is prepared to exercise his option and to indicate to the Minister of Municipal Affairs and to the Cabinet that this is the case and therefore allowing the Cabinet then, to proceed, to proclaim the bill in question.

So I say, it's unfortunate that many members of the Legislature could not be at the committee to hear the representations and to discuss this matter with the representatives of the both municipalities. What we have, I repeat, Mr. Speaker, what we have before us is a bill which now meets the requirements of both municipalities, there is no conflict, there is no opposition to my knowledge in the area, and that really the amended bill that we have before us is a product of a compromise or a consensus that has been worked out. But I repeat, my understanding from the Legislative Counsel, is that this is the only way we can meet Cornwallis' objections, it cannot be done through the Municipal Board, it cannot be done by agreement between the two municipalities.

So based on that, Mr. Speaker, I would hope that members of the Legislature will see fit to support it, as we usually do with many bills of this type that have been requested by both jurisdictions involved, and to help overcome a serious problem of shortage of mobile home spaces in the community, and to particularly help those people that are virtually being put out, I was going to say, in the cold, maybe I should say, out in the heat, but who are being displaced. If the Honourable Minister of Public Works was there, he could have talked to this entire busload of people who did come to tell their plight to the committee.

As I said, the City Council of Brandon recognizes it; the RM of Cornwallis recognizes it; and they have acted by special resolution and they are requesting us to respond to what they believe is a workable solution. I also repeat that the bill only becomes law when it is proclaimed by Cabinet, and Cabinet, I believe, would not wish to proclaim it, or the Lieutenant-Governor-in-Council would not wish to proclaim it until they are satisfied that the particular individual in question has exercised his option and that there is no question about the ownership of land. Thank you.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. MCGILL: Mr. Speaker, I have very little to add to the remarks that I made on this bill at second reading, which was essentially that we get the bill to committee in order that we hear from the people who are most directly concerned with the extension of the available sites for mobile homes in the City of Brandon. This has been done, Mr. Speaker, and during the course of the whole debate and during the period following the Municipal Board's hearing and appeal, the concern was, and the suggestion was that the two jurisdictions involved should do all in their power to resolve this matter by agreeing on the terms of an annexation of the necessary property to extend the Brentwood Park Mobile Home.

Mr. Speaker, over the period of months and up until the time of the committee hearings, this had not been accomplished, but following the hearings, we were advised by both the City of Brandon and the Municipality of Cornwallis that an agreement had been reached and the terms of their having reached an agreement on the transfer of this land were such that the only way they could be enshrined was in the bill itself. It would have been much preferable, Mr. Speaker, as both the Minister of Municipal Affairs and the member opposite has pointed out, if this could have been done in some other fashion other than including it in the bill which amended the charter of the City of Brandon and extended the boundaries. But I do think, Mr. Speaker, that we have provided a situation where there is general agreement on the terms. The method of enshrining the terms is not the one that we would have perhaps preferred but, Mr. Speaker, the people most directly concerned find the best chance of their obtaining the necessary mobile home sites through the early passage of this bill and I feel that if the 10-year term of zoning as mobile home park or mobile home sites proves to be too long, what this Legislature has done, it can undo if that should prove to be necessary, but in the meantime it would provide the assurance for both jurisdictions that the terms under which they had agreed would be respected.

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

MR. SIDNEY GREEN: Mr. Speaker, I voted against this bill on second reading and I did so because

I felt that the question of changing the boundaries of a municipality when there was a dispute as between the two municipalities, was not a matter in which the government should be able to avoid responsibility, that the government should be the one that says what municipal boundaries are. If there was complete agreement as between the two municipalities and there were no special provisions which would affect the right of one municipality to deal normally with municipal property, then I think it would be not an issue and that the government or any members thereof who were merely avoiding it on the grounds of some supposed principle, would be wrong. But, Mr. Speaker, that's not what is happening here. What we have is the municipalities getting together and saying because we are worried that something is going to happen, we will agree, provided certain things are put into the legislation, such as 10 years zoning in a particular use. Now normally, Mr. Speaker, a municipality has the power to zone land or perhaps under The Planning Act certain powers exist. But why should municipalities be forced to deal in this way?

Mr. Speaker, I have no doubt that somebody is being difficult in this case. I have no doubt that the Municipality of Cornwallis, it would appear to me, because Brandon wants something, that the Municipality of Cornwallis is being difficult, has been difficult, and is making demands which possibly they would not be entitled to. But, Mr. Speaker, when that happens, it is the responsibility of the government to deal with the situation, and if there is that happening, then the government of the Province of Manitoba should introduce a bill stating that we are not going to let one municipality, for spiteful reasons or because they think they are in a powerful position, make use of another municipality, or take advantage of a particular position. They have no right to do it. The government of the Province of Manitoba can avoid it, and when we were the government, we did that, Mr. Speaker. We didn't try to coerce the parties into agreeing. The Government of Manitoba brought in a bill. It didn't have to come from the Member for Brandon East or the Member for Brandon West. It said that Brandon will consist of — and annexed a portion of Cornwallis, and there was every reason for it. It was right to do and we accepted the responsibility for it. If that government can't muster up amongst itself the authority to govern in this particular area, I don't see why we have to agree to a bill in which two municipalities subvert their right to deal with municipal property in a normal way.

Mr. Speaker, I don't care if the municipalities have agreed. What if the municipalities agreed on the basis that the land would be annexed provided that Anglo-Saxons not be permitted to live on that property for a period of 10 years? Would we pass it because the municipalities have agreed?

Now, I have used, Mr. Speaker, an outrageous example, but I have used the example merely to indicate what is happening here. Why should a municipality that is entitled to land be required to put in an inhibition into its zoning by-laws which is completely unreal? It shouldn't have to do it, and the people who are to blame are the government of the Province of Manitoba, not anybody else. Their two municipalities — municipal boundaries — if there is something wrong, they should be adjusted by the government. The government hasn't introduced a bill, as a result of which we are legislating in accordance with what two municipalities feel they have to say in order to get the approval of a majority of the members of the Legislature.

Mr. Speaker, I say that that is an abdication of government responsibility. I do not believe that we should be dealing with an agreement between two municipalities who feel that they have to say certain things because they can't get the government to act. That is no way to legislate, Mr. Speaker. That's why I voted against this bill on second reading. It is now before us on third reading. I find the limitations objectionable. I find the fact that the government has not legislated if they feel that there is a problem, objectionable, and therefore I will vote against it on third reading.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I wonder if the honourable member would permit a question? I wonder if the honourable member would acknowledge that his government brought in amendments to The Municipal Act which provides for petitions for annexation by municipalities to be referred to the Municipal Board for hearing and consideration and report.

MR. GREEN: Mr. Chairman, that still places the responsibility totally on the government of the Province of Manitoba. That is the Municipal Board set up by the government to deal with the situation, and should deal with the situation. The fact is that that does not in any way depart from it. If you are unhappy with the decision of the Municipal Board, which you can be, the honourable member says, change the Board. You can do that, or you can legislate.

When we were unhappy in certain cases with the decision of the Clean Environment Commission, we didn't change the Commission. We came into this House and said they are making rulings in their wisdom which we can't live with; we are going to legislate.

If you can't live with the decisions of the Municipal Board, you can legislate.

MR. MERCIER: Would the honourable member inform me of any decisions of the Municipal Board with respect to annexations which were changed by legislation or which the previous government introduced legislation on?

MR. GREEN: Mr. Speaker, I have indicated to the honourable member that this type of thing would be done if one was not satisfied with the course that the Municipal Board is taking. I have indicated that it happened with respect to several boards. It certainly happened with respect to the Clean Environment Commission and did, in effect, happen with regard to the Municipal Board in other areas, because when the Municipal Board indicated that it had a problem in dealing with the planning or what requirements were going to be on five-acre lots, we set up The Planning Act. If the government is unhappy with what the Municipal Board did, and they have a perfect right to be unhappy with it, well, Mr. Speaker, the honourable member is shaking his head. He can vote against the legislation because he doesn't like the annexation.

I am suggesting to you that the fact that the Municipal Board turned them down is no reason, and has not been a reason, for our government for saying that we will not legislate. As a matter of fact, with the Metro legislation, the City of Winnipeg legislation, it is a perfect example. It was referred to a commission. The commission came back with a report and said nine cities. We didn't say because Chaim Kushnir and his cohorts and Buck Witney or whoever it was said nine cities that the government is now powerless. We said we don't like nine cities and we legislated a City of Winnipeg, which has been the most significant improvement with regard to municipal government that this province has ever seen. —(Interjection)— Yes, Mr. Speaker, I challenge anybody to try to undo it, that's right.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, I just wanted to say that on this bill, it is a Private Members' Bill, and one can think of a number of analogies over a period of time, different bills that have come into the House, and if this bill generates a vote which I assume it will, that the Members in the House will vote on a free basis. It is not regarded as being a government bill and that's the long and short of the case.

MR. SPEAKER: Are you ready for the question?

MR. SPEAKER: All those in favour of the motion please rise.

MR. JORGENSEN: Mr. Speaker, you must make a decision as to whether the Yeas or the Nays have it, at which time anyone can rise and call in the members.

MR. SPEAKER: In my opinion, the Nays equal the Yeas.

MR. GREEN: Mr. Speaker, on the basis of your ruling, you will have to vote and then someone may call the Yeas and Nays.

MR. SPEAKER: In that case, then I vote against.

MR. EVANS: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

MR. SPEAKER: Order please. The motion before the House is Third Reading, Bill No. 18, An Act to amend The Brandon Charter.

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

YEAS: Messrs. Adam, Barrow, Bostrom, Cherniack, Cowan, Craik, Domino, Evans, Fox, Jenkins, Johnston, Jorgenson, MacMaster, McGill, Pawley, Sherman, Uruski, Walding.

NAYS: Messrs. Anderson, Banman, Blake, Boyce, Brown, Cosens, Desjardins, Doern, Downey, Driedger, Einarson, Enns, Ferguson, Galbraith, Gourlay, Green, Hanuschak, Hyde, Kownats, McGregor, McKenzie, Malinowski, Mercier, Minaker, Orchard, Mrs. Price, Messrs. Ransom, Steen, Wilson.

MR. CLERK: Yeas 18, Nays 29.

MR. SPEAKER: I declare the motion lost.

MR. JORGENSON: Mr. Speaker, will you call Bill No. 58.

BILL NO. 58 — AN ACT TO AMEND THE EDUCATION DEPARTMENT ACT

MR. SPEAKER: Bill No. 58, Second Reading, An Act to amend The Education Department Act, the Honourable Member for Kildonan.

MR. FOX: Mr. Speaker, I adjourned this bill for the Honourable Member for Burrows.

MR. SPEAKER: The Honourable Member for Burrows.

MR. BEN HANUSCHAK: Thank you, Mr. Speaker. I just have a few brief comments to make in relation to this bill, which primarily are in the form of questions which I hope that the Honourable Minister would answer in closing debate, upon the conclusion of the debate in second reading.

I am wondering, Mr. Speaker, whether in view of the fact that under this bill the Minister may make regulations certifying, respecting the certification of clinicians, will that in fact open the door to the Minister acquiring a similar right to certify the practitioners of other professions who may be employed within the school system? In other words, if the Minister is going to certify clinicians is he also going to certify psychiatrists and doctors and lawyers and accountants, and a whole host of others? There may be . . . Oh yes, there are engineers and architects. I know at least one architect employed by a school division. And will the Minister take upon himself that responsibility to set the standards for the practice of those professions? And if it's going to set a precedent to do that, I am really wondering, Mr. Speaker, whether a Minister of Education should have that responsibility or whether it should not rest elsewhere.

In fact, Mr. Speaker, it would seem to me that if one reads The Education Department Act that what this bill provides for may in fact be going somewhat beyond the purpose and intent of The Education Department Act as it presently reads. From my reading and interpretation of The Education Department Act, it would seem that the powers of the Minister with respect to the certification and the prescription of qualifications for those employed in the school system is pretty well limited to that of teachers, and not going beyond teachers. In fact the Act is very specific in indicating that the Minister may prescribe qualifications for students being admitted to teacher training institutions and those being admitted to the practice of teaching, and so forth.

So it would seem that this may go even a bit beyond the intent of the Act, and for the reason that I had mentioned earlier, the question that I put to the Minister, "Has this opened the door to the Minister prescribing qualifications for the practitioners of other professions employed by a school division."

Then the other question that comes to my mind, Mr. Speaker, is: When the bill speaks of those being covered by this bill and that they will be — the clinicians that is — that they will be entitled to all the rights, benefits and obligations of a teacher, except the obligation to teach, well, if other groups or if the Minister should chose to prescribe, to make regulations, respecting the certification of other professional groups employed in the school system, will that then also apply to them because, well I'm not quite sure what all the rights and benefits are I would take it that it means the ten-month employment; that it would mean not being employed during the periods of time during which schools are closed, as per The Public Schools Act, or under the regulations; that it would also include pension benefits, sick leave benefits; that it would include the rights that a teacher has with respect to termination of employment or notice of termination of es, loyment. As the Honourable Minister know a teacher, as opposed to another employee of a school system, a teacher can only be — his or her employment can only be terminated either on one month's notice, either the end of the calendar year, the last day of December, or the end of June, and at no other time. Well, would those benefits also extend to this group and could they conceivably extend to other groups who may seek similar benefits — this precedent having now been established?

Then the next question that I would like the Minister to answer is why must this bill be retroactive to September 1st, 1977. The present school year has ended. It ended practically a week ago, and if there is justification for this bill it would make just as much sense to make it effective September 1st of 1978, rather than make it retroactive to September 1st, 1977.

In fact, Mr. Speaker, it would seem to me that maybe there is some relationship between the number of events; one that there was an election about that time. Mr. Speaker, I see no justification, other than perhaps a commitment that may have been made to this group to make it retroactive

to that date, because there is really no justification to bring in that type of retroactivity.

In making it retroactive, perhaps the Minister could also explain — either retroactive or if the Minister should change his mind and decide to have an amendment brought in in Law Amendments Committee to make it effective September 1st of this calendar year, whichever it might be, but I would like the Minister to explain how this bill would affect one's pension rights, sick leave rights, and so forth, where they may have been one thing under an existing contract of employment. The pension benefits and sick leave benefits may have been at one level and then coming under the Education Department Act, under the Public Schools Act, the Teachers Pensions Act, the level of benefits may vary, may either increase or decrease, and I would like the Honourable Minister to explain how he will handle that.

For example, if I may give the Honourable Minister an example, if one has a clinician who, let's say, is approaching retirement and has four or five years to go to retirement and has worked in the public school system for 25 or 30 years and has contributed into a pension plan which would have paid him a pension according to a certain formula, then he comes under this and continues working as a clinician for the five or six years remaining but the calculation of his pension plan will now come under a different formula, how will the two be reconciled and how will one square with the other where 25 or 30 years of pension contributions were under one formula and five or six under another?

So really, Mr. Speaker, those are the questions that I have and I would hope that the Honourable Minister would answer them in closing debate. I will be looking forward to representations in Law Amendments Committee, both from the clinicians, who no doubt are asking for this legislation, and I would also hope, Mr. Speaker, that the Manitoba Teachers' Society and perhaps the School Trustees Association will also see fit to appear before Law Amendments Committee and present their views on this bill.

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

MR. CHEIACK: Mr. Speaker, I don't intend to enter into a long debate but I would hope that the Minister of Highways would — I'm sorry — I wouldn't want the Minister of Highways to enter this debate at all. I withdraw my suggestion that the Minister of Highways enter into it. I would hope the Minister of Education will respond and will enter into the debate and since we have two minutes to go, then I think, Mr. Speaker, that the bill could be held in his name or I suppose he could adjourn debate, if he could do that. But other than that, Mr. Speaker —(Interjection)— Well, that's a danger.

Mr. Speaker, I wonder if the Minister will indicate that he is prepared to adjourn debate, and if he is I will leave the floor to him.

MR. SPEAKER: The Honourable Minister of Education.

HON. KEITH A. COSENS (Gimli): Mr. Speaker, I would look to you for some guidance. I would like to come back to this after five-thirty adjournment. So if we can call it five-thirty. .

MR. SPEAKER: Order please, order please. If the Honourable Minister starts to speak, the bill will then be in the process of carrying on; if he adjourns debate, it will resume at . . .

MR. COSENS: Well, then I would move, seconded by the Minister of Health that debate be adjourned.

MOTION presented and carried, and the House adjourned until 8:00 p.m. tonight.