



Legislative Assembly Of Manitoba

DEBATES and PROCEEDINGS

Speaker

The Honourable A. W. Harrison



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THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Friday, April 13th, 1962.

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions.
Reading and Receiving Petitions.
Presenting Reports by Standing and Special Committees.
Notices of Motion.
Introduction of Bills.

Before I call the Orders of the Day, I should like to introduce Selkirk Collegiate from Selkirk, Manitoba, in Selkirk constituency. They're under the guidance of their teacher, Mr. Ray Purvis and Mr. Lloyd Fisher. The school is located in the constituency of the Honourable Member for Selkirk, Mr. Hillhouse. We welcome the students here this afternoon and we hope that their visit will be a pleasant one and they may carry back to Selkirk very pleasant associations with the Legislature of the Province of Manitoba.

We also have another group in the Gallery this afternoon from the neighbouring province of Ontario. We have Kenora-Keewatin School, 34 pupils from Grade X, under the guidance of their teacher, Mr. William S. Dexter. I understand that this group are honour students from Kenora-Keewatin and we also welcome them to our province and to our Legislature and we hope that as they look down from their point of vantage on democracy at work that they will carry back to their Province of Ontario, favourable opinions of Legislature in the Province of Manitoba.

Orders of the Day.

HON. J. B. CARROLL (Minister of Public Utilities and Minister of Labour) (The Pas): Mr. Speaker, before the Orders of the Day, I'd like to lay on the table of the House a Return on an Order of the House No. (2), dated February 22nd, on the motion of the Member for Elmwood.

MR. SPEAKER: Orders of the Day.

HON. DUFF ROBLIN (Premier) (Wolseley): I believe it has been agreed -- I suggest that it has been agreed that we will proceed with the adjourned debates on government bills to be found on the last page of the Order Paper. We have there the adjourned debates on Bills 102 and 100, and when those are disposed of it is proposed to proceed with the second readings of other government bills and then to go into Committee of Supply.

MR. SPEAKER: Adjourned debate on the proposed second reading of Bill No. 102. The Honourable Member for Brokenhead.

MR. E. R. SCHREYER (Brokenhead): Mr. Speaker, it's not my intention to speak at length on this bill because understandably I'm not an expert nor even well acquainted with the general field of labour legislation, but I have done some amount of soul searching about the provisions of this particular Bill 102, and I feel it is in order and desirable that after one does do some soul searching on legislation that he present his views to members of this Assembly. I am not one who has, unlike the Member for Lac du Bonnet and other areas, I am not one who has to contend with labour unions or labour councils in my constituency, because there are none. As a matter of fact the number of people who are in organized labour are very few in the constituency of Brokenhead, so what I have to say I say "with a song in my heart" so to say, because I have no pressure on me and I feel that what I have to say will be relatively unbiased.

To me it seems that there are three main provisions in all of the 16 or 17 -- 19 sections of the bill. The first has to do with the establishment of government-supervised strike ballots and this, I suppose, is not really all that significant. I think that as my colleague from St. John's pointed out, the government will find out that once this is passed into law, they will find that the effect will hardly warrant the expenditure, because the experience of the United States has shown this to be the case ever since 1948 or '49 when the Taft-Hartley Act was proclaimed into law. I don't feel strongly about that particular provision -- government-supervised strike balloting. I don't feel strongly, but I oppose it, on the grounds that it will be, after all is said and done, a needless public expenditure however small that expenditure might

(Mr. Schreyer, cont'd.) be. It would seem no more than fair, however, Mr. Speaker, that if we are going to provide a government-supervised strike balloting that we should reciprocate as regard to the other segments of our economic society, and at first glance this might seem like a superficial and somewhat childish argument, but I think that we should have equality of treatment and we should have reciprocity of treatment as regard to labour and management. Why would it be so childish to suggest that when strike balloting takes place as regards management that shareholders should have more of a say? At the present time they have none whatsoever. I think if the Brandon Packers incident proved anything, it did prove that management, not just the entrepreneur side, that is the actual owner or main owners, but the actual management can be and are and have been over the average more irresponsible than any other segment of society.

The second provision has to do -- and I take it this is welcomed by labour -- with the provision in section 16, "that the government heretofore will initiate proceedings against the firm or firms that are violating certain provisions of the existing Labour Relations Act." If this is welcomed, I can understand why. The only thing I'm surprised at is that it has taken this long for the government to bring in legislation which will have the effect of making the government enforce its own statutes, and I think this is the long and the short of it. But the most important, as far as I can see, the most important part of the Act is embodied in Section 14 which has to do with the question of making unions legal entities. Now you can read literally reams of material as to why unions should or should not be legal entities. You can read United States Supreme Court cases on this and you can read about cases in the development of British Labour legislation. To me it's very simple, Mr. Speaker. Section 14 of this act, or bill, will have the effect of turning the clock back about 55 years, possibly -- yes 55 years -- and I'll tell you why. Are we so afraid that organized labour has become so strong that we must put the screws on it, because if we do we're not justified, because for the first time in modern history has the working man got through his unions anything that approaches to countervailing power, anything that approaches to giving the working man through his union a parity of bargaining power with his employer. For the first time; and as soon as that time arises, which seems to be now, we're determined to roll the clock back, turn the clock back so that we can again give the entrepreneur, the industrialist, 50 years of a head start. Because this isn't new legislation, Mr. Speaker. What we have embodied in Section 14 is much what the British industrialists induced the Conservative Government of 1901 to do in the famous Taff Vale legislation. I don't know how many members are familiar with the Taff Vale decision in 1901, but that decision was very simple. It had the effect of making labour unions legal entities. The Attorney-General reassures his colleague from Lac du Bonnet that this provision will not jeopardize union funds. This is all very comforting and all very well, but let's see what an outstanding authority in British history, Professor G. M. Trevelyan had to say about the Taff Vale case, which is a pretty good parallel, and he had this to say and I quote: "The entirely new and unexpected interpretation of the Act of 1871 by the Law Lords of 1901, namely the Taff Vale case, struck at the very heart of trade union action. Under the Taff Vale judgment trade unions durst not, under peril of losing all their funds in damages, take any strike action to raise wages or to prevent the lowering of wages." Naturally employers took advantage of this. I could quote from the Grade XII history text that is used in our high schools. "History of European Civilization 1500 to the Present," by Ferguson and Bruun, and the alternative text, "The History of Europe 1500 to the Present" by Hayes and Cole, both of which deal with the Taff Vale case, both of which say in rather unargumentative language that the Taff Vale decision which decided that unions were to be legal entities struck at the very heart of trade union existence, and I don't know how much stronger you can put it.

Now if it is a fact that sometimes employers have justifiable reasons for suing a union, at the present time there is provision for that. All that one need do is to take out action against any group of persons who fairly represent that particular bargaining group or union, and has it worked so badly, Mr. Speaker? Has it worked so badly? Well I suggest that in order to try and make it work you're going too far in the other direction, because you're not making any provision in here. It wouldn't be so bad if you would make provision for exemptions in cases of wildcat strikes or actions undertaken by individuals of a union acting on their own and not acting on the authority of the union executives. What protection is there for a union in Clause 2

(Mr. Schreyer, cont'd.) of Section 14? Any small handful of union members acting on their own and acting irresponsibly can put the whole union in jeopardy, and there is no safe-guard in Clause 2 of Section 14. I'm sure that it's not an oversight either, and if it is an oversight the time to remedy it is still not too late. You simply can't pass legislation, Mr. Speaker, that gives the organization no protection at all against wildcat strikes.

Now what do they do in Britain? After the Taff Vale decision labour unrest grew and grew -- in other words after an occurrence much the same as we're trying to perpetrate here -- until five years later, and again I quote from Trevalyn: "The government of Great Britain had to change, had to back-track, and this is what they did. The Prime Minister, Campbell Bannerman, surrendered and accepted demands for complete legal immunity of trade unions for actions of purport, though their individual members breaking the law, of course, remained subject to penalties and then that was the only solution they had before them." Now, why has this been brought down? This government here, much as I disagree with it, is not some appendage of the John Birch Society. I can understand it in British Columbia where the line of distinction between the administration there and some of the ultra right-wing movements in the United States is almost invisible. This government is not like that, so why this sudden burst -- why this sudden burst of reactionary thinking? And I submit to the Member for Lac du Bonnet -- and unlike him I have no trade union group to contend with -- I would suggest to him that if he is going to base his vote on the soothing and comforting advice given to him by the Attorney-General, he should think again, because it is basic; it is necessary to understand that we live here, not as a government by men but as a government by laws. Even if this Attorney-General and this Cabinet would not use provisions of Clause 2, Section 14, to put union funds in jeopardy, it could well be that some subsequent government or Attorney-General might, because the law in here would give them that scope. This is a government of laws and not of men. Therefore, the Attorney-General's advice has no validity and your vote should be in the negative.

Now I merely want to say in closing, Mr. Speaker, that I am sure this government is not reactionary in the sense of ultra right-wing government of British Columbia which seems to forget the very basic principles of law in the BC Power expropriation incident. Therefore I don't believe that they want to set the clock back. Certainly I don't think that they want to set it back to the period in labour legislation development when workers were dispersed with bombs, and the Hay Market Riot in Chicago in 1870 when workers trying to organize were dispersed with bombs, or the field of Peter . . . Riots in Britain when they were dispersed from trying to organize by mounted policemen. Of course this is a ridiculous assumption; therefore I cannot understand why they persist in falling into the same error that the British Government did way back in 1901. History is repeating itself completely here, and this government has shown that it is exactly 61 years behind the times as far as labour law is concerned.

MR. T. P. HILLHOUSE, Q. C. (Selkirk): Mr. Speaker, the debates that have taken place in this House since the second reading of this bill prove beyond any shadow of a doubt the reasonableness and the logic of the stand taken by my leader respecting this bill. The divergence of opinion which has been expressed, both for and against, convinces me that the only way that we can deal with this matter in a just, fair and equitable way is to refer it to Law Amendments and there have a representation made to us by experts in the field of labour, by management and by the community as a whole. I intend to vote for the second reading of this bill, but in so doing I want it understood that I am neither accepting nor rejecting the principles therein contained. All that I am interested in is getting a fair hearing at which all parties can make their representations and on the basis of -- (Interjection) -- No, no, I'll vote on this thing when the time comes, but I don't think this is the time to rush into legislation without hearing what the proponents have to say and the opponents have to say, and on the basis of what I hear in that committee I'll make up my mind and don't worry about that.

HON. STERLING R. LYON, Q. C. (Attorney-General) (Fort Garry): Mr. Speaker, there were one or two remarks made in the course of the debate that I thought some comment should be made upon. The remarks yesterday of the Honourable Member from St. John's, while I don't have them transcribed in Hansard in front of me, I do have some recollection of what he had to say, and I should like to deal with one or two points that he raised. He was dealing particularly with the question of legal entity and he made the rather interesting statement that there was no need to clarify the law with respect to legal entity in Manitoba because

(Mr. Lyon, cont'd.) it was now definitely established that a union could sue and could be sued. Now this I find rather a difficult statement to accept because I'm sure that if my honourable friend had taken counsel from some of his friends in the field of the law he would know this to be a completely erroneous statement. The law in Manitoba, to be charitable with respect to the legal status of unions, is extremely cloudy; it's extremely uncertain as to what the law is in Manitoba. There is no general statement of the law that can be made as of this moment with respect to legal entity of unions in Manitoba. My honourable friend referred to the Tunney case, and all he has to do is look at the style of cause of that case in the Supreme Court and in the various courts through which it went before it reached the Supreme Court, to find out that the plaintiff, Mr. Tunney, had to sue the members of the executive of the particular union in question and take them right through to the Supreme Court. He wasn't suing any union, and the judgment, may I say, the judgment that he collected as a result of the wrong-doing of the union, not just of the executive, the judgment he collected -- and the Supreme Court held this, that the plaintiff was entitled to damages against the defendants in their personal, but not in their representative capacity. Well now, that would be a great deal of benefit to anybody to get a judgment in the amount of a few thousand dollars or several thousand dollars against some person in his personal capacity but not in his representative capacity, yet that person was acting, not as an individual, he was acting as part of an association. He was conducting an association plan or an association idea or carrying out policy on behalf of a group. Yet the judgment you get against them in the case -- perhaps one of the leading cases in the field -- the Tunney case, is with respect to the defendants in their personal capacity.

Do my honourable friends suggest for a moment that this is a satisfactory state for the average workman, and remember this, this was a case of the average employee wanting to sue his union, and he got a judgment all right, but not against his union; against the individuals on the executive in their personal capacity. Now I've read the case even if my honourable friend hasn't, and this is in fact what happened. They can turn, I suppose, with some hope to the Dusessoy case which was decided in 1961, and there they will find Mr. Justice Monnin saying that in his opinion the Therien case in the Supreme Court gave him new hope that he could interpret The Labour Relations Act of Manitoba as implying, but certainly not stating, but as implying a form of status which in the particular fact, in the particular circumstances of the Dusessoy case -- and honourable members will recall part of the case dealing with secondary boycott -- it permitted him he thought to imply that there was a status and that the union as such could be held to be responsible in that particular case for damages -- court damages for loss of trade to the particular plaintiff in question. But I say to them if they take any particular hope from that action, I remind them that that action was by a Justice, albeit a distinguished Justice of the Court of Queen's Bench, as he then was, but by one Justice of the Court of Queen's Bench it was not appealed and it stands pretty well by itself with respect to the facts in that particular case only, and certainly cannot be taken as a general statement of the law in Manitoba.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party) (Radisson): Why was it not appealed?

MR. LYON: I would ask my honourable friend that question because I don't know why it wasn't appealed. But if they have any hesitation or any doubt on the matter at all, let me refer them to an unreported case with which they are no doubt familiar but probably don't like to refer to in the course of this debate, and that is the case of Re the Bakery and Confectioner Workers International Union of America, Local 389 of Winnipeg and Brothers Bakery Limited, and that was an unreported case, wherein the judgment of Chief Justice Williams, as he then was, was handed down on the 19th of October, 1961, and may I point out to my honourable friends opposite that this case was decided by the Chief Justice of the Queen's Bench subsequent to the Dusessoy case and it was an action by originating notice of motion whereby the plaintiff, the applicant -- or the union as he called it, because he couldn't call it the applicant because he subsequently found and held that the union had no status to bring the action -- the applicant was denied redress in the court. The union, which was the applicant, was denied redress in the court against the defendant company because, of course, the court held that they did not have legal status. There was no legal entity. And I want my honourable friends opposite to be clear on this point. Are they in favour of unions having the right of access to courts? Or are

(Mr. Lyon, cont'd.) they opposed to it? Because you can't have it both ways; you can't have unions having access to court, having the right of access to court as a legal entity, and then saying, "But that's fine; on the other hand they will not have any responsibilities under the law as a legal entity." -- (Interjection) -- Well, there may be other nonsense being spoken on this debate, Mr. Speaker, but I would suggest with the greatest of deference that my honourable friend would be much better advised to consult with some of his lawyer friends in his party before he starts talking about utter nonsense, because I can assure my honourable friend that there is a great deal that he has to learn in the field of union legal entity before he can arise as a person who can try to carry the day as one who is knowledgeable in this field in Manitoba.

MR. PAULLEY: I have had legal advice.

MR. LYON: And so I say to my honourable friends opposite that if the law as was laid down in the Bakery and Confectionery Workers case is the way they want it, that's the way the law is now. If that's the legal entity that they speak of, that unions have to sue in Manitoba, I'd like to hear them canvass the union members of this province, the labour men of this province and ask them if that is the case. I'd like them to tell labour the facts instead of raising all of this emotional mirage. I'd like them to tell them the facts because I'm sure, from my knowledge of people, that all the people want is the knowledge of the facts, and when they find out what the facts are, some of my demagogic friends opposite and some of their cohorts will find that they can't pull the wool over the eyes of the people quite as easily as they think they're trying to. Now I don't propose to quote from this judgment because I've attempted to summarize it and just point out that the Chief Justice in that case, subsequent to the Dusessoy case, quite clearly pointed out that there was no status for the union to seek its redress before the court.

Now, Mr. Speaker, we've heard a fair amount from the Honourable Member for St. John's about legal status. "He said that" -- and I'm quoting now from a Free Press account of his remarks -- "He said it had been suggested that legal status for unions was like corporate status for companies. Nothing could be further from the truth, Mr. Orlikow said. The purpose of corporate status is to limit the responsibility of the corporation and its officers." Nobody's going to disagree with him there at all and it accords certain rights as well. Any corporate status does. "If the legal entity provision was meant to allow unions to sue and be sued it was completely unnecessary. Court decisions in Canada have already established that unions can be sued for actions which caused harm and were the responsibility of the officers of the union. Likewise, he said, union members are able to initiate actions on behalf of the unions."

Well now, Mr. Speaker, I suggest with the greatest of deference that my honourable friend the Member for St. John's had better consult his sources again before he makes such a statement in this House, because that is a completely erroneous statement of fact and of law. Now my honourable friend can quote individual cases and I can tell him that every individual case will stand on its own facts, because that's what the courts have held, and if my honourable friend would take four years of his valued time off and take a course in the law -- I think he might be a good lawyer -- he would soon learn that an individual case does not represent the law, and I'm sure that he will, before this debate is over, find out that that is the case. But I think that this is niggling; I think that this is really the niggling part of the argument because, Mr. Speaker, I ask the House to consider this proposition: has any individual, has any group of people any fear of corporate or status or legal entity status, if they are going to act within the law? And I think the answer's clearly no. -- (Interjection) -- No they haven't, Mr. Speaker. Every one of us sitting around this House has corporate status in a sense. We're responsible for our actions and we're not worried about that. Not one of us leaves here at night worrying about that particularly because we know we're going to try to live within the law. And I suggest, with the greatest of respect, that no person, no group of persons, whether they be labour, management or whatever, need worry about legal status if they are convinced within their own minds that they're going to live within the law. Because the law is not going to do harm to any person who's living within it. But the law is going to do harm and I think properly -- not do harm; the law is going to bring responsibility to those persons who try to live without it. And if that's what my honourable friends are arguing for I'd like to hear them stand up and say it. Are they arguing for the proposition that breaches of the law should be condoned in special cases? Is that their argument? Because if that's their argument I don't think labour will go

(Mr. Lyon, cont'd.) along with them because the bulk of labour want to live within the law -- and the bulk of labour do live within the law. But I want to suggest, Mr. Speaker, that my honourable friends really know better. They really know better, but this is a convenient way, a very convenient way to pick up the hue and cry and try to make out that these are the sole friends of labour in Manitoba. Well, I'm sure that the average citizen of Manitoba knows that he's got as many friends on this side of the House, and for that matter in the Official Opposition, as he has on that side of the House. Certainly they have no monopoly on looking after the rights of the citizens of Manitoba because they've never had a chance to do it, and as far as I can see for many years ahead, they never will. And the citizens of Manitoba have had their rights looked after by both the present government and the former government, I would say in a very satisfactory way over the past number of decades.

MR. S. PETERS (Elmwood): voted for it. Ask Grant McLeod about 66 cents.

MR. LYON: I want to say, to make this point quite clear, and I suggest that there are a few, and a very few at that, and I think we should all take considerable consolation from that fact, there are a few among those who have positions of responsibility in the labour movement who are opposed to this. Of course there are. And there are a few persons, who for their own reasons -- and I'm not going to suggest motives; you can draw your own conclusions -- would oppose this type of legislation and try to say that it's reactionary and so on. I'll tell you who the reactionaries are, Mr. Speaker. The reactionaries are the people who supposedly on behalf of labour are trying to impede legislation, trying to impede government action, which is designed to give labour a status in the community which they don't have now. There are some of these people, and some of them sit opposite us, Mr. Speaker, who are much more reactionary when it comes to matters affecting the citizens and the rights of the citizens of this province, than one would ever hope to see in this House. But that is the case -- that is the case.

We had an example about a year ago when we were attempting to remove all of the section from our statutes which prohibited the average citizen from having recourse to prerogative risk, to get his case heard in the court. And at that time we heard a great hue and cry from the very few to the effect that this was reactionary legislation, but it was legislation attempting to give to citizens the rights that had been taken away from them -- but it was reactionary because it affected one statute which in turn related to a matter wherein employees were involved. The status quo, the status quo, as suggested by my honourable friends, is not that sacred. Improvements have to be made in labour legislation as well as in all other forms of legislation. We hear my honourable friends talking about Ombudsmen and protecting the rights of the citizens of Manitoba. What's wrong with protecting the rights of the working citizens of Manitoba by giving them recourse to the courts? We hear that this is class legislation. I suggest, Mr. Speaker, that those people who say it is class legislation are the ones who want to maintain some form of class distinction in this country because it suits their own political purpose -- that's what I say, Mr. Speaker. --(Interjection: Hear, Hear!) -- And I say this as well, that this is not class legislation, this is legislation that is designed to give everyone a fair and equal chance under the law. And I say further, that if you believe in the law, if you believe in the rule of law, if you believe in the courts, if you believe in the right of the court to protect individual citizens from authority in whatever form, that you don't oppose the conferring of legal status upon any group of individuals, because if you have faith enough in the courts, you know that those rights are going to be protected.

A great deal of hullabaloo goes on about the raiding of union funds, and so on. Union funds aren't going to be raised under this legislation or any other legislation, if the unions are acting within the law, as the large and vast majority of them do at all times. And so I'm sure, and I can assure the average working man in Manitoba today that he doesn't have to worry about that, no matter what the labour hot-heads may tell him -- that small group -- he doesn't have to worry about that. I want to assure him, I want to assure, Mr. Speaker, those who are concerned about the number of frivolous actions that are going to be brought, that that's exactly what the courts are there to do -- to protect individuals, corporations, unions, whatever, from frivolous action. And if you have no faith in the courts, you won't have any faith in legislation that confers power on the court. That's true; that's very true. If you believe, like Brother Goodman of the Manitoba Federation of Labour, that the courts, the judiciary, the Chamber of

(Mr. Lyon, cont'd.) Commerce, in fact all society except labour, are wrong, then you won't believe in this legislation. But I don't think that anybody on that side believes what Brother Goodman believes -- and if they do I'd like them to stand up in their places and say so.

And so, Mr. Speaker, I say this. I say this, Mr. Speaker, that there will not be raiding of union funds. The unions will not be litigated to death, any more than they were litigated to death under The Labour Relations Act when each working man and each employer had the right to bring action for breaches of the status. Were they litigated to death under that statute? Of course they weren't. No they weren't at all. Because we knew what happened. This is one reason why the law is being changed. Employers were very chary about bringing actions against members of unions or against their union, and in turn unions were chary about bringing actions against employers because the two of them were concerned more about the long-term good relations between the two groups. And there were very few actions brought. Do my honourable friends suggest that all of a sudden that picture is going to change? That every time one member of the union steps over the line that there's going to be an action brought against somebody? I suggest that they wait and see, and they'll soon find out that that will not be the case because the same atmosphere that has prevailed with respect to the Labour Relations Act and the prosecutions that might have been brought thereunder will continue to prevail --

MR. SCHREYER: Mr. Speaker, will the Minister permit a question?

MR. LYON: Not at the present time -- will continue to prevail even where they have this status conferred upon them.

Now what I have said I don't believe, Mr. Speaker, is away from the fact -- it's certainly not away from the law at all. I merely say this, that no one need worry -- and I repeat it again -- no one need worry about having legal status if he's going to live within the law. And if he's going to live within the law, he doesn't have to worry about legal status, conversely. And that's why the rank and file of labour don't have to worry about legal status because they do live within the law, and they're going to continue to live within the law. But that small group who would have this situation reversed; that small group who would like to be in a position to threaten breaches of the law and know that there is no responsibility on them, or on the people that they represent before the court, they're the ones who will fight this -- they're the ones who will fight it. And we'll soon find out, Mr. Speaker, we'll soon find out just the calibre of the arguments they hear. I agree with the Honourable Member from Selkirk to this extent, that we want to hear representations before the Committee, and I think that they will be very helpful, very valid representations that will be made from both sides, and I think they should be made.

In the meantime, Mr. Speaker, I suggest that this bill deserves second reading. I suggest that there is nothing reactionary in its terms at all, particularly with respect of legal entity to which I've tried to confine myself. I suggest that it is not class legislation, that it is completely the reverse, and that those who would try to pin it as such are the ones who would like to maintain class legislation in this country, and I suggest, Sir, that it will deserve the support of this House.

MR. A. E. WRIGHT (Seven Oaks): Mr. Speaker, when I first read the Tritschler Report I was impressed by the amount of thought that had gone into it, and not knowing too much of the subject we immediately started to find out who were the people who had the most knowledge on this subject. After being with these people for a few times, I am now of the opinion that labour unions can be sued, can be sued now in their own name. I think that the government is trying to create an animal that no one has ever seen in this bill. I don't think that labour can shirk its responsibilities by being a corporate entity. I think, Mr. Speaker, I was trying to draw a parallel from this proposed legislation. I think it would be like trying to sue the Medical Association for the mistake of a doctor, and as the law, as I now understand it is, that if a small boy gets into a car and puts the starter on and drives it through a plate glass window, the parents cannot be held responsible unless it can be proven that the boy was instructed to do this, and I think that being able to sue a labour union, a union that exists solely for the protection of its individual members, is much the same case.

Mr. Speaker, I would be prepared to talk for awhile on this, but I would, after hearing the certain amount of heat that was generated from the Attorney-General, I am prompted now

(Mr. Wright, cont'd.) to propose a resolution, and I move that this bill be not read now but be reported six months hence, seconded by the Honourable Member for Fisher.

Mr. Speaker presented the motion.

MR. PAULLEY: Mr. Speaker, before you put the question, I might say, like the Honourable the Member for Selkirk, that while we were going to vote against the second reading of this bill, we were prepared for the bill to go into the Committee of Industrial Relations, and we had no intentions whatsoever, may I say, Mr. Speaker, to you and the members of this House, to formally propose the motion that we are now going to have to deal with until we heard the tirade of the Honourable the Attorney-General. My honourable friend the Attorney-General has a habit, and it might be one of the techniques that he learned in Law School, of awaiting until those in Opposition have exhausted their normal rights to speak before he comes in with his remarks. My honourable friend pursued this on another occasion on another debate in this House, namely that dealing with the question of the establishment or in opposition to our bills a few years ago with the establishment of the Greater Winnipeg Gas; he waited until the very last moment, that we who opposed the giving away of this natural industry, until we on this side had exhausted all of our rights to speak. However, Mr. Speaker, I feel duty-bound to make a few comments in respect of the tirade of my honourable friend the Attorney-General. I am sorry that I cannot take up his invitation of four years at Law School in order that I may be qualified to debate matters before the Bar of Justice here in the Province of Manitoba. I suggest, Mr. Speaker, I do not require that qualification to debate matters of justice before this Bar of the public opinion here in the Province of Manitoba.

I suggest to my honourable friend that he is perfectly correct when he indicated to me and also to my colleague, the Member for St. John's, that we are not learned in the law -- at least not academically -- but I would suggest this to my honourable friend, that not having those academic qualifications such as he as Attorney-General of this province had, we still are enabled with the limited amount apparently of intelligence that we have, to be able to assess the effects of legislation such as proposed by the Government of Manitoba upon the people of the Province of Manitoba.

My honourable friend has repeated some of the remarks of the Minister of Labour, and I say, Mr. Speaker, it's crocodile tears that are being shed by both of these honourable Ministers when they attempt to infer that the legislation that is being placed before us for our consideration today and over the past number of days is for the improvement of the lot of the worker. I reject that entirely, and I'm sure if my honourable friend the Attorney-General would in quiet reflection let his better sense and his better judgment rather than his oratory come to his aid, that he would agree with me. I am convinced that my honourable friend just spoke this afternoon for the sake of being heard, and thought that it was time that he got into this very important discussion. My honourable friend referred to a number of cases. He referred to the case of Tunney. He referred to the case of the Brothers Bakery, and referred to other cases. I say to him that these cases have been judged on their merits, and I say to him, and I agree with him, that our courts are honourable courts, and the courts have made these judgments. They have decided that individuals can sue their organizations and their officials, because in the Tunney case, there was an award, if I recall correctly, against the organization as well as against the executive and the individual concerned. In the other cases too, I suggest that in the Palymer case -- my honourable friend did not refer to that, and again I must confess and admit, Mr. Speaker, that I am not qualified in the law and I have not studied these cases, but I do know of these cases wherein judgments have been made by the courts that we agree with insofar as they are being qualified to make their judgments, and these judgments have been made, and I would suggest this, Mr. Speaker, if it was not for the report that was received in this Legislature as the result of a one-man investigation into one strike in the Province of Manitoba, concerning only 100 men, that this legislation would not have been proposed by the government of the day. I say that they have rejected entirely all of the past history of good labour relations here in the Province of Manitoba and basing it on the judgment of one honourable judge of our courts into one labour dispute, and then my honourable friend turns around and says to us, "We're bringing this in because we're not sure of the judgment of the court, because of the differences of opinions." I suggest to you, Mr. Speaker, that long before the year 1962 the honourable judges have been making decisions in respect of cases that are before us. If my

(Mr. Paulley, cont'd.) honourable friend feels that legislation should be enacted now on the basis of not having clear direction from cases that have been decided in the courts before, why did they not bring in legislation two years ago when they had an opportunity, at the time of the judgment of the Tunney case, and prior to that? These were there before that, before now. I suggest, Mr. Speaker, that the legislation that we have before us are not based on the judgments of the courts, but are being based on the observations of one honourable individual into one circumstance here in the Province of Manitoba.

My honourable friend says in his remarks that the union funds would not be raided if this law passes. I say to him that they will be -- (Interjection) -- because they can be litigated against from morn till night, because of the fact that the legislation makes any act as we have it before us, the act of any individual belonging to an organization the responsibility of the union organization to whom he belongs. Is that not so?

MR. LYON: No.

MR. PAULLEY: It is so.

MR. LYON: I'll tell you what

MR. PAULLEY: And I'm saying it is so, Mr. Speaker, because in all deference to my honourable friend the Attorney-General who is so learned in the law, that I too have had legal advice in this, and I wouldn't suggest that the learned gentleman, who I think graduated even from the School of Law a few years ahead of my honourable friend the Attorney-General, I wouldn't suggest that they know more than my honourable friend, but I would suggest that at least they are equal to him and this is the advice that they have given to me, that this is.

Mr honourable colleague the Member for St. John's, I believe, read an excerpt from a communication that he had received from one of the foremost labour legal experts in the whole of the Dominion of Canada, a chap with whom politically, of course, my honourable friend the Attorney-General would not find favour with, but I'm sure that my honourable friend the Attorney-General would have to agree that David Lewis is no slouch in the interpretation of labour laws in the Dominion of Canada, and this gentleman, this gentleman says as against the advice of the Attorney-General of this province, after having read the amendments as proposed by the Honourable the Minister of Labour, that what I say of an individual member of an organization can by an overt act make the whole of the union responsible for suit and court action. And I would place, not because of his political affiliation, but because of the accepted knowledge of this individual, I would place the judgment of David Lewis far beyond that, with all due respect, to the Attorney-General of the Province of Manitoba.

My honourable friend, in his oration here a few moments ago, says that one of the objectives of this legislation was to -- sometimes it's hard to get words to describe what my honourable friend says, Mr. Speaker, so if I'm a little hesitant, please forgive me -- that one of the purposes of this legislation is to control the activities of labour hotheads. I ask my honourable friend, who are the labour hotheads in the Province of Manitoba? My honourable friend the Member for Selkirk says to me, "Simmer down." I want to say to him, Mr. Speaker, that I am not a labour hothead at all. I may be a hothead but who, Mr. Speaker, could be otherwise after listening to the guff of my honourable friend the Attorney-General here this afternoon? He says to this House in his remarks, "Is labour afraid of the law?" I say, Mr. Speaker, labour is not afraid of the law, and I said this and I will repeat it. I will say that labour is not afraid of the law providing the law is not directed against labour as this is. I say that this is discriminatory against labour and is intended to and has been meant to be discriminatory ever since it was introduced by the Honourable the Minister of Labour and defended so vigorously this afternoon by the Honourable the Attorney-General, and I say, I say that insofar as labour is concerned -- and I'm happy, Mr. Speaker, to be able to say -- that by and large with the vast majority of the citizens of the Province of Manitoba, we respect the law; we respect the law. Labour respects the law. But, I say to the government of the Province of Manitoba, let the law be respectful of labour. This is a two-way street. You have the power by the pure weight of numbers to place this legislation on the statute books of Manitoba. Smallwood did it in Newfoundland; Bennett did it in British Columbia; and you have it here in the Province of Manitoba, and I ask you and I beseech of you, not to follow the lead of the Liberals in Newfoundland or the Social Creditors in the Province of British Columbia, and I say, if you want the respect of the law of labour which labour has prepared and has given to you, don't you enact labour

(Mr. Paulley, cont'd.) which puts you in disrespect, such as this will be. I said, Mr. Speaker, that I originally did not intend, or we did not intend, to present the motion that we have before us at the present time but to allow the arguments to be considered and discussed in the Industrial Relations Committee itself on Monday, and I had hoped, I had hoped that that would have happened. My honourable friend the House Leader says, what sort of an argument is that? I think it's valid, because I had anticipated that we would have heard a reply from the Honourable the Minister of Labour in respect of this legislation. I had anticipated listening to a reasoned reply from the Honourable the Minister of Labour. Instead of that we heard an unreasoned and an unrational tirade from the Honourable the Attorney-General and that caused me to change my mind. My honourable friend the Attorney-General here this afternoon, in an attempt to substantiate his stand, used by illustration one by the name of Sam Goodman, a man who is unable to defend himself in this House; a man who did make and confessed to making some statements at a conference or a convention of the Manitoba Labour Federation in respect of what he thought of the honourable gentleman who headed the investigation into the Brandon Packers and in particular, his solicitor -- (Interjection) -- Yes he did. Yes Mr.

MR. ROBLIN: Tritschler?

MR. PAULLEY: No

MR. ROBLIN: No, he apologized to the man who sued him, who threatened him.

MR. PAULLEY: No, nobody sued him --

MR. ROBLIN: He didn't apologize to the ones who didn't threaten him.

MR. PAULLEY: Mr. Speaker, Mr. Goodman was not sued.

MR. ROBLIN: say he wasn't --

MR. PAULLEY: You just made the statement showing your little knowledge of what's going on in your own province. You just made a statement to the effect that he apologized to the man who sued him. I say to you, in order that the record may be straight, that Mr. Goodman was not sued, but the attorney for the commission drew to Mr. Goodman's attention the publicity of the remarks that had been given, demanded from Mr. Goodman an apology, and the apology was forthcoming and was publicized. There again, there again is my honourable friend the Attorney-General, who says, "Look at all these things in their proper perspective," has the consummate gall to turn around here in this House against a man who is not here to defend himself, to say that the only reason that he gave the apology was to prevent a suit. -- (Interjection) -- if that is the type of action, if that is the type of battle and the course of battle that this Attorney-General of the Province of Manitoba adopts which is most unfair and that he has adopted here in this Assembly this afternoon.

Mr. Speaker, needless to say, from these remarks that I have made, I am perturbed with the remarks of my honourable friend. My friend the Honourable Member for Brokenhead has pointed out to me that in our university school books and in our high school textbooks dealing with the question of labour, management, governmental relations, there are contained firm statements to the effect that we do not have such legislation as is suggested by my honourable friend the Minister of Labour in the Province of Manitoba respecting legal entity, because, as the textbooks say it, "Manitoba realizes that with such legislation the financial situation of our trade unions in the Province of Manitoba could be so adversely affected to their detriment." Yes, Yes, Yes, Mr. Minister of Education, may I suggest to you, and I take no credit for this but give it to my honourable friend the Member for Brokenhead, that if you, Mr. Minister of Education, as one of the members of the Cabinet, agree with the legislation as proposed by the Honourable Minister of Labour and as so vigorously defended by the Attorney-General, pass this legislation, then you, Sir, are going to have to change the textbooks of the Province of Manitoba to jibe with the recommendations of the Minister of Labour.

Now, Mr. Speaker, I apologize to this House for taking up the time that I have in this. I had no reason prior to the oration and the tirade of my honourable friend the Attorney-General to say anything further in respect of this vital matter, and so I apologize to the House on his behalf for taking up the time that I have, and I say to you, Mr. Speaker, now that we have this motion before us, naturally we are going to support it. But I do trust and hope, I do trust and hope that when this matter is in the Committee on Industrial Relations, as I'm sure that it's going to be, that all of the sides to this question will be heard in a calm, cool manner in order that all aspects of the proposition can be heard and our conclusions arrived at. In

(Mr. Paulley, cont'd.) conclusion I say to you, Mr. Speaker, to the Cabinet, to the Government of Manitoba, as I have said in the past in this debate, if you want to enhance and to continue what the First Minister of the Province of Manitoba has said repeatedly, if you want to continue the good relations that labour and management has in the Province of Manitoba, withdraw this piece of legislation, if not forever, at least until the matter has been given more thorough, more calm study, because -- and I repeat once again -- the Attorney-General told us this afternoon of various cases substantiating his not being able to have a complete legal case to go on. I suggested, and I suggest again to him that this could have been considered and this legislation could have been brought in a year ago, two years ago, or as soon as this government took office, but it's not until after the affair at Brandon, the investigation there; so therefore I think, Mr. Speaker that we can be right in arriving at the conclusion that this upsetting of the years and years of harmonious labour management in the Province of Manitoba can only be arrived at based on the judgment of the affair at Brandon.

MR. CARROLL: Mr. Speaker, I hadn't intended participating on our Labour Bill this afternoon. However, it seems that our touchy friend --

MR. SPEAKER: for six months

MR. CARROLL: Yes, that's the motion I'm speaking on. I hadn't expected to speak on the other -- on the bill before. However, our touchy friend over here seems to get all riled up whenever anyone suggest that he and his party may be wrong about the intent of this particular bill. I think he was very eloquent in his remarks the other night when he was telling us about the good labour relations in Manitoba; that our labour law was good and that really it required absolutely no change. I believe, you do agree that the law is good in Manitoba, The Labour Relations Act basically, generally speaking is good. Is that right?

MR. PAULLEY: Yes.

MR. CARROLL: I think this is what you indicated to me the other day, and I suppose you would also agree that people should obey this law that we have which is basically and generally good?

MR. PAULLEY: No, I can't answer you

MR. CARROLL: You can't answer that question -- I think regarding to this bit of a debate the other day. I do want to reject that we're bringing in this legislation as the result of Mr. Tritschler's report only, because I think that he will realize that some two years ago when the Federation of Labour were in, they made several suggestions to us at that time and we indicated yes, we were favourably disposed to some of those, and that we would eventually be bringing them in. I think last year we indicated when one other member of his party had a bill before the House, I believe we did indicate at that time that we weren't quite prepared for our own labour changes, that they would be coming along in due course, and I submit to the House that we have had ample opportunity, at least on this side of the House, to make up our minds about those kind of changes that we hope to make in our labour legislation.

Now we've heard several comments from members opposite about the damage that this will do to the trade union movement, the litigation which will result and all of these things. Well I would invite our friends to read the bill and see exactly what the bill says about the status, about the obligations which will be placed upon the parties under The Labour Relations Act. It says under Section 14(1) that "A trade union who does or authorizes, aids or abets doing anything prohibited under this Act, or fails to do anything required to be done by the Act, or authorizes or aids or abets the failure to do anything required, that they may become liable for any damage which may result," and this deals only with infractions at this particular point of The Labour Relations Act, and what kind of infractions may we have here? I suppose there's the unfair labour practices, where someone uses threats or intimidation to get people to join a union or to refrain from joining a union, or the fact that the law says that you won't organize on company time, some prohibition against strikes during bargaining and during the term of a collective agreement. Well these are the kind of things that are referred to here, and the only thing for which a trade union or an organization or any person may be liable under this Act, and in so doing they must, of course, prove damages in the court. They must prove that some loss has resulted from this action. And only in the next section do we come to breaches of collective agreements and that says "a party to the agreement" which means the union or the employer must reach the agreement and they must show loss or damage as the result before an action

(Mr. Carroll, cont'd.) . . . can take place. In this particular section -- someone mentioned the other night about people who might refuse to work overtime because they had other commitments. Well unless the union as a party to the agreement condoned that or promoted that then there certainly could be no action as a result of this refusal to work overtime. If it was a concerted action, prompted and promoted by the union, by the party to the agreement, not by an individual -- an individual can withdraw his services at any time and no one can make a person work if he doesn't want to work, and certainly if half a dozen people walked off a job without the authority of the union or without the union promoting it, certainly nothing could happen under this particular legislation.

Now our friends are very keen to tell us about the good labour relations in Sweden and all these other countries. Well what's the situation in Sweden?

MR. PAULLEY: I don't know.

MR. CARROLL: You don't know. Well, I'm glad you don't know because I intend to read to you from a book on Sweden and tell you just what the situation is in that country, because I think this is one of the things that helps to contribute to good labour relations in that country, one of the very things here, is the kind of legislation, kind of understanding they have in that country. Now, I'm going to read to you from the "Trade Union Situation in Sweden." It's a report of a mission from the International Labour Office, the I. L. O. in Geneva, and this study was done in 1961, and I'm going to read to you from page 26.

MR. PAULLEY: Would you adopt all the labour legislation they have in Sweden?

MR. CARROLL: I think frankly we can go a long way toward it and I think really there's nothing in this legislation here that would really be in conflict with what they've got in Sweden. I think they've got good labour legislation. I think it's developed quite differently from our own, but frankly I have no quarrel with it in that country and I think that we can certainly learn from the experiences over there, and incidentally, recalling an earlier debate. I think someone was suggesting that the good Swedish government over there called the parties together and said, "Boys let's sit down and solve our problems together." They didn't do that at all. They threatened to knock their heads together if they didn't do something about it, that's what they did. That's again the friendly co-operation they had over there -- read this book -- it's a good one. This is page 26 on the appeal -- (Interjection) -- Yes I admit, Mr. Speaker, I will admit they didn't threaten to knock their heads together. They threatened to take action in the public interest if labour and management didn't get together and solve their own problems. That was a kind of threat.

Now here is a case that went before the courts in 1915: "The Court of Appeal in Stockholm held that the collective agreement was a binding contract, but only in regard to wages," and reading down a little further: "In other words it resulted from the Supreme Court's decision that a strike called in violation of the expressed provision of the so-called Collective Agreement was illegal and gave grounds for damages." This deals with the situation of "further, a collective agreement is a legal document." I would like to read now from -- this is in Sweden: we're still in Sweden -- and I read from page 30 of the same report. This is talking about the December compromise of 1906 in which employers' organizations mutually recognized the trade union organizations: "It was supported by the attitude of the courts which held that an act permissible by a single person was also permissible for a number of persons joining in concerted action. Later in the decision of 1950 already referred to, the Supreme Court upheld the principle that workers and employers organizations were endowed with legal personality." With legal personality.

Then I'm going to go back again to page 27 here: "The mere fact that a collective agreement had gained considerably in stature meant that increasing reliance would be placed upon them to the detriment of militant action. The agreements possessing, as they did, virtually the force of law, were tantamount to a new form of legislation, legislation by contract enacted by the parties themselves without the benefit of the law givers." Just one other section I want to read from here; this is page 30 again: "No legislative provision is made for the prior authorization of trade unions and of employers' associations or for their registration. The only requirements for the acquisition of corporate status" -- of corporate status -- "are the adoption of sufficiently detailed rules and the election of an executive committee." In other words, in Sweden any trade union who organizes, they have elected officers, they immediately attain

(Mr. Carroll, cont'd.) . . . corporate status. Their agreements are binding upon both. For a breach of agreement they can be taken to court for damages. Now this is the situation that exists in the country that our friend from Elmwood said is really wonderful. This is where the trade unions have solved all their problems. And our friend, the Leader of the NDP, he made reference too to the wonderful situation that exists in Sweden, and I agree, and we're just patterning our law after the experience of that country and instead of going back 55 years as our friend from Brokenhead said, we're really trying to progress and catch up with some of the other countries who've had legislation like this for a long time.

Incidentally, the member for Brokenhead took us to the United Kingdom, and it's interesting to see what they do in the United Kingdom. They did have a Taff Vale decision a few years ago, subsequently changed by legislation. I'd like to read now from page eight of The Law of Trade Unions by H. Samuels. It looks like about 1949 publication. "A registered trade union is a vastly statutory legal entity and is alone in that. Although consisting of a fluctuating body of individuals and not being incorporated it can only properly act as agents" etcetera. Then it goes on to refer to a court decision here of Lord Justice Scott which says, and I'll read in part here from his decision: "A trade union has many activities. It has some existence. It is something. The omission of Parliament to christen it with some new generic name is immaterial. The Parliament has absolute sovereignty and can make new legal creatures as it likes. It is able to clothe an existing association of natural persons with a co-operative personality so to give it the status of a *persona judica*." Like the Leader of the NDP I'm not a legal man either and can't understand these peculiar words in here. Now going on a little further in the decision, "The men's union more especially must be able to protect itself against any form of attack calculated to arouse doubts and suspicions in the minds of the members and so destroy the cohesion and the will to act of the union. Against endeavours of this sort the union must have powers of defence and the most effective power of all is the right of action in The King's Courts." This is what this Lord Justice Scott said I believe in 1945 -- I'm not exactly sure of the date. Now this refers, as people opposite will know, to what they call "registered unions" in that country. An unregistered union apparently does not have exactly the same status although by merely advising the registrar that they want to have this status they can become registered at any time. -- (Interjection) -- Yes, we'll find out how many want to. We'll find out how many want to, because we just had a recent correspondence with -- it's signed Leywood, Minister of Labour, I'm not sure -- there may be something else here, but we have had correspondence from them to find out how many employees are in unions that are registered in that country, to see the preference of the trade unionists themselves over there. We find that 8-1/2 million British trade unionists are in registered trade unions as opposed to 1-1/4 million who are in unregistered trade unions and there are some 9-1/2 millions who choose not to belong to trade unions at all. -- (Interjection) -- No, I'm sorry, no, the number that aren't in union membership at all is 12-1/2 million. Twelve and a half million are outside trade union movements, 8-1/2 are in registered trade unions and 1-1/4 are in unregistered trade unions. So you'll see that better than 85% of the trade unions, presumably by choice, in Great Britain belong to unions that are considered to have, and for very good reasons, legal status.

The situation, of course, in the United States -- I'm quite sure everyone is familiar with that -- in case the Leader of the NDP doesn't know the situation over there I would like to read from another book that is published by the ILO, Page 73, published also in 1961. Well I thought I had jotted down the right page numbers here anyway but I don't appear to have them. In any case the trade unions in the United States are legal entities and have been for a good many years, and I think that all in this House will agree that the trade union organization in that country does not appear to have suffered as a result of this entity. And I think that there is a general admission on all sides of this House that people who enter agreements voluntarily should, and in most cases want to live up to their obligations that they have assumed. And I think that trade unions have nothing to fear from this legislation unless, of course, they want to live outside the law; they want to not abide by the obligations of the law and by the obligations of their own agreements that they've entered into.

Now, Mr. Speaker, I just wanted to say a word or two at this time about the question of legal status. I have a great many other remarks to make on the bill itself but because of this

(Mr. Carroll, cont'd.) . . . flurry of excitement here over the question of legal entity and the motion that's before us, I thought maybe I should place some of the facts before the House. Because I think one of the great misunderstandings in the labour movement in this province is sparked by people who would appear to have some interest in misinterpreting what the government is trying to do in legislation that we're bringing in. I must confess that it's a disappointment to me that certain trade union leaders can mislead the rank and file members. The member who raised the question the other day about the remarks that came from the Labour Temple a week Tuesday in connection with our bill, I've had information that some of those people who spoke and voiced their opinions at that time had not read the bill; they didn't know what was in it; it was all hearsay information that they had availed themselves of and had seen fit to voice their opinion on it. I think the same thing can be said about the latest submission that was made to us from the Manitoba Federation of Labour, that the great many of the people who appeared with that committee had not had the opportunity to consult the report of Mr. Tritschler; had not had any advance information on the brief itself. Some of the vice-presidents of that union, some of the Vice-Presidents of the Manitoba Federation of Labour hadn't read that brief before it got in here that day, or if they had read it, it was within hours of its presentation to the government. And I think that certainly this is a very unfortunate situation that we have this kind of misunderstanding about what we're trying to do in this legislation, because it isn't the intent of this legislation to ham-string the unions, to thwart them in their legitimate aims, because that's certainly not the intention of the legislation at all. Because the legitimate aims of labour will not be hampered by the changes that we're bringing in at this time. My honourable friend shakes his head because he must think in doing so that they're not prepared to live up to their agreement; they're not prepared to live within the law, and I challenge him on that. I say this is not true.

MR. PAULLEY: absolutely ridiculous.

MR. CARROLL: Trade unionists are in my opinion -- generally speaking, trade unionists are law-abiding citizens like every one of the rest of us. But there are some, there are some who try to distort what we're doing here; try to give half truths, part truths; in many cases, no truth at all, and this, I say, is a very dangerous situation. Now we'll have more to say later on in closing this debate on the bill itself but I do intend to vote against the motion before the House at the present time.

MR. DAVID ORLIKOW (St. John's): Mr. Speaker, I think that the Honourable the Minister of Labour ought to get some advice in the law, although from what I understand the Honourable the Attorney-General had to say this afternoon, the four years which he spent at law school didn't teach him much about the law. But now to get some very simple advice and that is, that it really matters very little what the intent of this law is. What the intent of this government is, what the intent of our Legislature is as to how the courts will interpret the law. I want to say that I would like to take the statement of the Honourable the Minister of Labour at its face value -- I would like to believe that he thinks that this law will not ham-string labour; that he really believes that labour will not suffer as a result of this law; that he really believes that no labour union will be able to be sued for the irresponsible actions of an individual member, even though the labour union in question has nothing to do with what that member has done. I hope that the Honourable Minister really believes this. But whether he believes this or not really has nothing to do with the case. Whether he says this in the Legislature really has nothing to do with the case. We'll just go back to a very simple case which we had here -- two years ago, was it? Two years ago, or was it three years ago, this government brought in an amendment to the Vacations with Pay Act. Every member of this Legislature thought that the amendment was very clear. Every member of this Legislature thought that the amendment gave to every worker who had worked a year for an employer two weeks vacation with pay. The Honourable the First Minister thought so, because I can remember very vividly him delivering a lecture -- and I want to say that the lecture was deserved -- to the representative of the Manufacturers Association -- I think the Honourable First Minister remembers that -- so we thought that everybody was entitled to two weeks vacation with pay. But what happened? Lo and behold the lawyers -- those great people who get in between honest negotiations, legitimate negotiations between employers and employees -- the lawyers got busy and all of a sudden they dug out a different section of that Act, a section which said that where an agreement was better than

(Mr. Orlikow, cont'd.) . . . this provision, that the agreement would supersede this provision, and so many workers found that although they thought they were entitled by the legislation which the First Minister was so proud to bring in, they thought they were entitled to two weeks vacation with pay, all of a sudden they were only entitled to one week's vacation with pay. And I can remember last year bringing this up in the House. We went through the estimates on Labour very quickly yesterday. One of the reasons is that this year the government finally got around to bringing in an amendment to plug that hole. I can remember bringing this up last year and the Honourable Minister passing it off, saying, "Oh, we've taken care of that." Well they obviously hadn't taken care of it because lo and behold this year we got an amendment to that Act.

So I want to say that the best intentions -- somebody once said that the road to hell is paved with good intentions -- I don't know where this road is leading to but the best intentions of this government really mean nothing. The question at issue is: how will the courts interpret this? First of all we hear from the Honourable the Minister of Labour that is political. I wonder if the Honourable Minister of Labour knows who the president of the labour union in Pine Falls is. I can tell him, if he doesn't know, that he's a Conservative. I can tell him I have met, I've attended every meeting of the Federation of Labour since there's been a federation, and that I can never remember until today him ever agreeing with me on any particular question. Now, why is he opposing it? Is it political? I'll tell you what the politics are. The Honourable Member from Lac du Bonnet won't be here after the next election because you will not convince those people in Pine Falls that they're not going to be heard because they know better. After all, this is not something which came out of the blue in 1962. Labour has been living with this kind of thing since the Taff Vale decision in 1902 in Great Britain; the same kind of thing and the same kind of statements that this wouldn't hurt labour. And did it? Well, of course, it did. So one learns from experience. One's a fool if one doesn't. And this government can put all the PR people they want at work; labour knows from experience that this will hurt.

The Honourable the Attorney-General apparently read to us a lecture; told us we didn't know anything about the law. Well, Mr. Speaker, I said and the Honourable the Minister of Labour said, that many people who had passed this bill hadn't even read the bill and hadn't read the Tritschler Report. Now I said yesterday, and I repeat it again, I'm not going to defend the attacks on this government or the language used in attacking this government by other people. I will stand responsible for any language which I use here or anywhere else, and if other people want to use language which some people think is intemperate, that's their responsibility. I would say in a general way that where intemperate language is used, that it usually hurts the case; it usually hurts the people who use it; and if people in the labour movement have used intemperate language, I think that their cause has suffered. But I said yesterday, and I repeat again, that I am not surprised about the fact that they have used intemperate language. I thought we would get through this session without discussing the Tritschler Report. I don't want to start a full length discussion on the Tritschler Report, I just want to make a small observation about it as it affects me personally.

One heard a good deal in the press, while the Tritschler Commission was sitting, about the fact that various people didn't want to come forward voluntarily to testify and that they had to be subpoenaed, or they had to be threatened to be subpoenaed. Well I don't know about other people. I do know about myself, Mr. Speaker. I found out during the last session -- some months after the hearings had been held, when the government tabled the transcript of the hearing -- I found out that that wonderful gentleman, that sterling character, the former manager of the Brandon Packers Plant, Mr. Waddell, while testifying on all sorts of matters had testified that a CCF member from the Legislature from Winnipeg, one Mr. Orlikow, had come in to Brandon and had done certain things. I want to say now that I have never met Mr. Waddell; he knows nothing about what I did or did not do directly; and any evidence which he gave was entirely based on hearsay. Yet neither Mr. Tritschler nor Mr. Austin had the decency or the common courtesy to contact me -- after all I am a member of the Legislature; I am a public figure of some stature, important or not -- to some people it's important -- to me it's important that people know what I do -- and I think that it would have been a matter of common courtesy, of common decency to contact me; to say that my name had been mentioned and that it was

(Mr. Orlikow, cont'd.) alleged that I had done certain things; and that the commission would be happy to hear me if I wanted to come down and explain what I had done. That wasn't done, so if people get angry about the Tritschler report, I for one understand why they get angry. -- (Interjection) -- I beg your pardon?

MR. LYON: you have to get angry.

MR. ORLIKOW: Because I think I have the right. If it was alleged that I did certain things which were improper, and that's what Mr. Waddell was alleging, I think I have the right to put in the record what I actually did. It's a small matter but I think it goes to show the kind of thing which the commission did. But I want to get back to this question, Mr. Speaker, about whether we know what the law is. I said yesterday that the information we had received from people competent in the law was almost unanimous that whatever this government intended, that in the light of the decisions which have now been made -- and I mentioned the cases -- in the light of the decisions which have now been made, that the courts in this province would likely rule that a union could be held responsible and could be assessed damages for the actions of a member, even though they had not authorized those actions. -- (Interjection) -- I beg your pardon?

MR. LYON: They have to prove they haven't authorized them.

MR. ORLIKOW: Well I don't know what constitutes proof. I do know this, Mr. Speaker, and I mention it today because the Honourable Minister of Labour leaves the inference that people who are passing this bill or who are making this assessment of the bill in many cases haven't read the bill. This bill was tabled in the House, I think a week ago Thursday. I gave a copy of the bill to a lawyer who works pretty extensively in the field of labour law. He told me the next day that it so happened that that night they had a meeting of the labour section of the Bar Society. Now I think that here you have the lawyers who are best capable of judging how this bill will really work, because they're the people who work with it -- not the Honourable the Attorney-General. I don't know -- has he ever done any labour work? I doubt it -- I doubt it -- certainly not very much. He was busy working for the Attorney-General; he was busy prosecuting people. Now they had a discussion about this and I am told -- and that's why I said it yesterday -- I am told that at that meeting were present lawyers who represent both labour and management; and I was told that they were unanimous -- and I want to emphasize that -- they were unanimous in their feeling that this bill would be interpreted by the courts as making it possible to sue unions for the actions of the individual members, whether the union had authorized those acts or not. Well the Honourable the Attorney-General can shake his head -- he may be right. All I can tell the members of this House is that this is what the lawyers who work in the field said and said unanimously.

Now, Mr. Speaker, I sent a copy of this bill to Mr. David Lewis. Now it's true that Mr. Lewis -- and I wouldn't try to hide it if I wanted to because of course it would be impossible -- Mr. Lewis is a very prominent figure in the New Democratic Party, but he also happens to be, Mr. Speaker, probably the most prominent labour lawyer in Canada. The Minister of Labour at least will know that very recently he was here in this province arguing the case of what union is to represent the workers at Thompson. He must be a pretty good lawyer, although I'm sure they had a good case, because the union which he represented got what they wanted. I want to read -- and I'll be glad to table this letter if the members want -- I want to read just one or two sentences -- one sentence from the reply I got. Here's what he says about this bill, and I quote: "I received your letter of April 9th yesterday, together with the copies of the bill of proposed amendments to The Labour Relations Act. There isn't any doubt that Section 14 of the bill is way beyond anything that one has heard suggested by the most rabid management lawyers."

I want to tell members of this committee that I asked Mr. Lewis to have the bill and its implications assessed by the persons in Toronto most qualified in the field of labour law, and that Mr. Lewis told me in this letter that I will have, by Monday, an assessment of the bill by the Professor of Labour Law at Osgoode Hall. I wonder when we get that assessment and an analysis and when we read it into the record, either in the Law Amendments Committee or in this House -- whether then the Honourable the Attorney-General will tell us that we still know nothing about the law. I suppose the only people who know anything about the law, in his opinion, are the people who give him the kind of advice which he wants. You know one can get any

(Mr. Orlikow, cont'd.) advice one wants if you hire the kind of person you want and if you tell them what you want in advance. -- (Interjection) -- Well the Honourable Member from Swan River says it's silly. With his vast legal experience, I suppose he sets himself up as knowing more about labour law than the Professor of Labour Law at Osgoode Hall. -- (interjection) -- Yes I certainly do remember 1919 and I remember that, as a result of the 1919 strike, five men who were in that Vaughan Street detention quarters that we visited the other night were elected, and when they finished their terms came over and took their seats in this Legislature. I wonder if the First Minister wants a repeat of that kind of incident. I don't think so. It didn't do much good to either side, so let's not talk about 1919; let's talk about 1962. -- (Interjection) -- Well, Mr. Speaker, I wish the trained seals would do their own speaking on their own time. I have the floor at the moment.

Mr. Speaker, I said yesterday and I repeat again, the government has a right to pass this kind of legislation, although I must say that I can't understand why we have this legislation. I do disagree with this type of legislation and, if I had been a member of the Legislature of Newfoundland or been a member of the Legislature of British Columbia, I would have voted against the laws which they passed in those provinces, but one can understand the passage of those laws in those two provinces even if one doesn't agree with it, because in those two provinces they had a series of strikes which caused tremendous difficulties. I express no opinion about those strikes. I don't know too much about the background, but one can understand legislation in those two provinces, even if I disagree. But what is the purpose of this law in this province in 1962? I quoted from the First Minister's letter yesterday where he said that labour-management relations in this province have been excellent. If one wanted to compare this province with any other province in Canada in terms of trade union membership and in terms of total population, I think we would find that there probably has been less man days lost per thousand workers than in almost any other province in this country. I said yesterday and I repeat again, is it necessary to shackle 50,000 organized workers in this province because of one strike of a 115 workers? That is the question which we have to ask ourselves. I say it isn't necessary.

Now we have heard from that side of this House that after all we want to be fair; we want to be equitable. Well I want to tell the First Minister, I want to tell the Attorney-General that you might have been able to sell this need to be equitable if this was really equitable, because what has happened? Let's look at the facts. Mr. Justice Tritschler was appointed to hold enquiries about the Brandon strike, which he did. Mr. Justice Tritschler said in his report, after holding the hearings, that both management and labour had been guilty of violations of the laws of this province. I think that Mr. Justice Tritschler made a number of mistakes in his report, but let's assume for the moment that he didn't. Let's assume for the moment that his report was factually correct. The infractions of the law by labour people were pretty small. How many labour people went to gaol as a result of actions directly arising out of the strike? How many labour leaders -- how many labour union members were even charged in the courts? Now I want to tell the Honourable Attorney-General -- (Interjection) -- Mr. Speaker, that comes ill from the Attorney-General of this province, the chief law officer of this province. Surely, Mr. Speaker, it's a basic tenet of British justice that a person shall be considered innocent until they're proven guilty. And what does the Honourable the Attorney-General interject here? That the reason they weren't charged is they weren't caught. I want to reject that completely.

MR. LYON: Mr. Speaker, will the honourable member permit a question?

MR. ORLIKOW: I have the floor and you can get up after I'm finished.

MR. LYON: Oh you weren't even here, you were speaking in England. You'll get yours after.

MR. ORLIKOW: Oh it's all right, I'll get mine and I'll give it back as good as I get any time, here or any other platform in this province. The Attorney-General may think he's a good debater but he doesn't scare me at all, not for one second.

I want to say, Mr. Speaker, that people are considered in this country to be innocent until they are proven guilty, and despite the fact that the City of Brandon had a Crown Prosecutor who -- and I want to be fair -- was quite close to Brandon Packers. -- (Interjection) -- Well his firm -- (Interjection) -- well all right let's put on the table the record. Mr. Meighen represented Brandon Packers. He was their nominee on the Conciliation Board which met to try

(Mr. Orlikow, cont'd.) and settle this dispute before the strike began. Mr. Meighen's partner was counsel for Brandon Packers. I think there's a connection. The honourable members can shake their heads. There has -- of course lawyers can act on both sides of any case as long as they get paid. He was pretty close. I don't think that the Crown Prosecutor of the City of Brandon was leaning over backwards not to prosecute where he had any evidence, and so I say again that the number of union people who were charged, let alone prosecuted; let alone convicted; was almost nil -- almost nil -- that's right. Well you have the records there, you tell us. You have the records. I don't keep the records. -- (interjection) -- I beg your pardon? I said almost nil -- (Interjection) -- I don't know. The Honourable the Attorney-General will tell us. He has the records -- let's hear them. -- (Interjection) -- The head of the Local, Mr. Speaker, went to gaol, that's true. The head of the Local did not go to gaol for anything which he did as a result of the strike, he went to gaol for something which he did in his personal capacity. If the manager of a bank embezzles money one does not blame the bank, one blames the manager; and that is the only case.

Now despite that, Mr. Speaker, Mr. Tritschler recommends legislation restricting the rights of labour and we have that legislation right here -- or the first installment anyway. Mr. Tritschler talked about the breaking of the law by management. I don't want to go into any detail about that because I understand that the cases are being appealed, but members of this House know what happened. Members of the House know that these people were charged and tried and convicted. Despite that fact, Mr. Tritschler recommends no legislation and we have no legislation. Now I want to ask the members of this House, had there been no strike in Brandon; had the strike not lasted as long as it did; had the government not appointed the commission; how would we have known about what was happening with the finances of that company? How indeed? I wonder if the Minister when he gets to the Public Utilities Department, of which he's also in charge, whether he will tell us what the Securities Commissioner -- if we have one -- what was he doing? Was he investigating or was he in Florida taking a holiday? -- (Interjection) -- I'm not saying anything about that. I still don't think it was the best way, but the Commission did bring out the fact that there had been some financial skulduggery. But if the strike had not taken place, if the Commission had not taken place, would we ever have discovered that? Of course not. Would those people have been punished? Of course not.

The question which we have to ask ourselves, Mr. Speaker, is how many other cases like this are happening in the Province of Manitoba? I don't know. The Honourable the Attorney-General doesn't know. Obviously the Public Utilities Department doesn't know because they're not doing much about watching it. You talk about equity; you talk about justice. I want to tell the Honourable the Attorney-General that if he wanted to make labour feel that this was part of a package deal where everybody was getting justice, in which case maybe they would have looked at this a little different than they are, he might have been proposing in this session of the Legislature a bill which would ensure that there was proper inspection; that there was a very close watch kept on management representatives so that we wouldn't have the kind of thing which was carried on in the Brandon Packers case. But he doesn't do that, and so I ask the members of this House, what can people, who are working people, feel? That this government is more than willing to bring in legislation which will curb the rights of labour, but that when it comes to management, no matter what they did -- some members when we were talking about the Attorney-General's department were trying to find out why there are disparity in sentences -- well one can get a pretty rough time if one goes into a chain store and steals \$10.00 worth of groceries, but I suppose you have to steal a large amount before you can not get away with it -- but we don't get legislation about that.

I want to suggest to the Honourable the Attorney-General that if he wants to be fair or if he wants to bring justice -- I forget the words he used the other day -- it needs to appear to be fair -- well labour will not -- I think that's the words he used, I'll paraphrase him roughly. It needs not only to be fair but to give the appearance of being fair. Well this legislation which we're discussing today is not only not fair, but it doesn't even appear to be fair to the working people of this province who are getting it in the neck while management which was, I suggest, at least equally if not more guilty than labour in the Brandon Packers dispute, in terms of legislation -- I'm not talking in terms of what happened to the particular case -- but in terms of legislation for the future, so that we won't have a recurrence of the same thing as we had

(Mr. Orlikow, cont'd) in the Brandon Packers strike. They are getting off scott-free. No legislation, no controls as far as we can tell, everything is all right as far as they're concerned; but as far as labour's concerned, we're going to watch you like hawks and we're going to give your management the opportunity to cut your throat anytime that you seem to have stepped off the line.

So I want to say in closing, Mr. Speaker, that the honourable members across the way may think that they are being fair; they may think that only a few hotheads on this side; or a few paid -- it's a wonderful phrase -- a few paid labour bosses are concerned about this. In fact, there are no labour bosses in Pine Falls. To my knowledge, they don't have a paid man in Pine Falls. The Honourable Minister of Labour -- maybe not the Attorney-General, he obviously knows nothing about labour -- but the Honourable Minister of Labour, I think, will know that the Pine Falls trade unionists are a pretty independent group; they have not been following lock step with the rest of the labour movement in Manitoba; they have not been following -- they haven't got a ring in their nose -- doing exactly what the Manitoba Federation of Labour tells them they must do; and if they've come to this conclusion all on their own -- well the Minister shakes his head -- unfortunately for the Minister we can thank the Honourable Member from Lac du Bonnet, who is a member of the Conservative Party -- a representative of the Conservative Party -- for reading into the record, so that the Honourable Minister of Labour can't get up and quote things or say that we have appointed ourselves as the spokesmen of labour; nobody asked us; we've done it and we're trying to speak for all labour; we haven't got the right. The Honourable Member for Lac du Bonnet read into the record what the people there really believe. Now you people can go out and try and tell them that this doesn't mean what they think it means and what we say it means, but you had better pray that there will not be a suit before the next election, because if there is a suit before the next election and if our assessment of the bill proves correct, as I am certain that it will, then the electors will know who is responsible and they will know who to put the blame on.

. Continued on next page.

MR. SPEAKER: Are you reading for the question?

MR. R. O. LISSAMAN (Brandon): Mr. Speaker, I think I'd like to say a few words at this point. I hadn't intended to enter this debate at this point until the Member from St. John's passed his remarks. Where there can be such flagrant disregard of the facts and I think one or two of them should be answered.

Now he says that the government, of course, is ignoring all the fact that there was crooked management. Well the plain fact is that, under Corporation Rules, these men were responsible already for their actions and they were put in gaol. --(Interjection) -- Now, don't use this as an argument to twist things around. And then the Honourable Member from St. John's says: "only this one man by any chance got in gaol." Oliver, who was the head of the local union, for beating up a man in a beer parlour, a much smaller, less strong person.

MR. ORLIKOW: Why don't you tell about

MR. LISSAMAN: When he was put in gaol and offered his resignation to his union -- (interjection -- Just shut up please, I'll get to you. And his union refused his resignation. If this isn't condoning illegal actions by an official of a union, I don't know what is. It's quite all right to use arguments but they should be founded on fact. In my opinion and in approaching this legislation, I have been quite proud of the government of which I am a supporter. I have always believed that the government, in disputes between labour and management, should be in a position where it stands by more or less an arbiter and sets the rules of the game by which these two groups will compete. And after all said and done, you might as well be frank about it, they are competing at times. Labour at times wants something that management can't afford and management has to, in order to defend both the interest of labour and its own markets, at times to refuse and then we have these labour differences. I think it is good and I don't see how else you can expect -- and if I can put this in terms of simple language where an ordinary person on the street can understand -- you couldn't expect to have two football teams, for example, or two hockey teams trying to play the same game but by a different set of rules for each one. And here the unions being incorporated, it gives the union a status equal to management; it gives both the same responsibility in the eyes of all. To me this is part and parcel of studying the rules equally to both sides.

Now the other day the Honourable Member for Elmwood suggested that a union could be compared very much to a Parent Teacher Association, for example. Did you ever hear anything so ridiculous, Mr. Speaker? I have never heard of Parent Teacher Associations causing strikes clean across this entire nation by simply a threat of a strike. Unions, we must admit, have tremendous power. I believe in defence of the union itself; unions should have a considerable degree of power over their membership because they are negotiating for the people they represent. And no one in this House would deny for one minute that unions in the history of any development in any nation have not played a useful part for society in general in helping raise standards. But, Mr. Speaker, we must also realize that during these years, labour has usurped, taken onto itself, powers which a government would not even dare to use. Unions have the right to say whether a man shall work or not. Now then, when we realize, and I'm not saying that unions should not have authority and have power over their membership, but when we realize that unions do have this tremendous authority and power over its membership, then all the more important that the union be made a legal entity and responsible in the eyes of the law when they hold this authority. Now I'm not going to divulge any name, but I can tell you this that I was down at the Packers after this trouble had more or less been settled and one of the workmen called me off to one side and he said, "When you go back in the House, you want to see that some legislation against labour is put in." I said, "Now just a minute." I knew the way he was thinking. I said, "You don't mean anti-labour legislation." I said, "You just simply mean, I believe, legislation which would give some control over your bosses" and he said, "That's right, that's what I mean."

Now, any commonsense person, and I think you'll find, despite this furor today, you will find hundreds and thousands of workmen who belong to the union; who believe in the union; who will still want this legislation and believe it is necessary, Mr. Speaker.

MR. PETERS: Mr. Speaker, I did not intend to speak and I do not intend to speak at any great length. I didn't intend to bring in the name of John Oliver, who is the President of Local 255 of the Packinghouse Workers. His name was brought in here by the Honourable

(Mr. Peters, cont'd) Member for Brandon and they're all trying to paint him as a black blackguard, or something of that sort. Nobody has said when John Oliver was 17 years of age, when this country was at war with Germany, that he went and lied about his age and joined the armed forces and fought for this country. That doesn't give him the right to go and beat anybody up, or anything else, but that's what he did do. And while he was in the forces at that age of 17 years of age, he was taught how to fight and protect himself and protect this country. And what were the circumstances leading up to him beating up this fellow. I talked to John Oliver; I bailed him out after he'd been sentenced -- I bailed him out.

MR. CARROLL: Did you talk to the kid he beat up?

MR. PETERS: I talked to John Oliver and I asked him: "Why did you get into a fight?" He said, "there were three of them coming at me" -- (interjection) -- Yes, that's what he told me. And this is what else he told me. I said: "Well why did you have to beat him up so badly?" He said: "I hit him once." And he said: "So help me God I should drop dead here. That's all I did, I hit him once." And he said: "If he got beat up anymore, it was by his own friends and not me." And what about John Oliver's house? Who went there to burn it? Yes, who set it on fire? I'm sure, he didn't. I know what you people would like to think happened. Why don't you say it out of the House? Why don't you go and tell him? Go and say it outside the House, so that you can be sued? You say it here where you're safe. --(Interjection) -- They can say what they like, Mr. Speaker, but if they want to bring in this man's name, let them tell all the facts, not half them.

MR. SPEAKER: Are you ready for the question?

MR. LYON: We've heard a rather interesting dissertation from the Honourable Member for St. John's about a speech that he didn't hear, namely, the one that I gave and if it will put his mind at ease a little bit I would like to assure him that in the course of my remarks, and I know he was being briefed by the Honourable the Leader of the NDP, and I think I should tell the Honourable Member from St. John's that his Leader was a wee bit rabid -- R-A-B-I-D -- not rabbit, rabid, before he came into the House and that he shouldn't take that as being unprejudiced evidence of what anybody said in the House.

What I was pointing out to the House, Mr. Chairman, and I repeat it again, is that the question of legal entity of unions is not a settled question, as the Honourable Member for St. John's would have us believe. It's not settled by any stretch of the imagination. That's the legal point that I'm talking about. This is not a settled question and I ask him to put that question to Mr. David Lewis or any of his other legal friends and get the answer on that question, because that's what we're talking about. If we want to talk about law, let's get down to the fact of what the law is and don't take some perversions of what was said from the Honourable the Leader of the NDP. That's what I'm talking about. I'm saying this, and I ask my honourable friends opposite this. Are they, or are they not, in favour of John Tunney being able to sue the union as an entity, that he had an action against? Are they, or aren't they in favour of it? That's a simple question. --(Interjection) -- He sued a number of individuals. I asked him a simple question. Should a man, a member of a union who has a cause of action, should he not be empowered under the law to sue that union and to have redress the same as he would against any other group? That's a very simple question and I'd like to know what their answer is. Instead of all of this emotional malarkey about the unions being litigated to death, let's get down to cases. Number one question: Should Tunney have the right to sue the union? Number two question -- I asked them this on the basis of the case that I referred today -- should the Bakery and Confectionary Workers International Union of America, Local 389, have the right to bring action as a legal entity against Brothers Bakery, or shouldn't it? Now that's number two question. Shouldn't a union have the right to go into Court as a legal entity on behalf of its executive and on behalf of its membership and to say to a company, we feel that you are wronging us and we were seeking redress according to the law? Now that's the question I want my honourable friends to answer. Never mind all of this lolly goggling about union funds being attached, setting us back fifty years and so on -- get down to hard cases. Do you want a union to be able to go into court and sue or don't you. Do you want it to have the same right as any other citizen or any other group of citizens in Manitoba or don't you. Conversely -- and I go back to the Tunney case again -- where a union has wronged do you not feel that a union should be sued by an individual member, by a corporation or by anybody else? They

(Mr. Lyon, cont'd)are not, Mr. Speaker, and I'm sure that when my honourable friend consults his legal counsel on that point he will find that what I am saying is true and that is what I stood up to say today and that's what I have said.

MR. ORLIKOW: how you cut it.

MR. LYON: Now, Mr. Speaker, really there wasn't too much that was said by the Honourable the Leader of the New Democratic Party that requires either comment or rebuttal, because he made of number of, shall I say, uncontrolled emotional remarks about everybody over on this side being anti-labour and raising the flag on behalf of the NDP Party and so on, and I was even interested to hear him defend Brother Sam Goodman. That was an interesting thing and taking advantage -- taking advantage of that gentleman's name of the question in connection with the Brandon Packers situation and so on.

MR. PAULLEY: I'll defend anybody whose name is besmirched in this Chamber.

MR. LYON: Well I'm very happy to

MR. PAULLEY: Particularly if it's the leader of the law

MR. LYON: I'm very happy to hear my honourable friend say that -- I'm very happy to hear him say that.

MR. PAULLEY: Yeah.

MR. LYON: And I just wonder how far my honourable friend would go to defend Mr. Goodman. Of course Mr. Goodman holds a position of authority with my honourable friend's party -- he's the secretary of the provincial New Democratic Party, and of course in that position I suppose we can expect practically anything --

MR. PAULLEY: nothing to do with it.

MR. LYON: from him and I'm beginning to think, Mr. Speaker, from my honourable friend the Leader of the NDP in his woebegone attempt to woo a few votes on a bad cause.

MR. PAULLEY: No, not at all.

MR. LYON: He defends Mr. Goodman, this estimable gentleman, that he takes offence at even having his name mentioned in this House. I presume that he's familiar with that famous speech that Mr. Goodman is alleged to have made because he himself made reference to that speech in the course of his remarks this afternoon -- in fact something to the effect about he being gentlemanly enough to have made an apology to somebody in connection with those remarks but there were other remarks that were made, by Mr. Goodman in the course of that speech and I'd like to hear from my honourable friend if he supports Mr. Goodman with respect to those remarks and I'm quoting now from the brief of the Manitoba Federation of Labour that was presented to the government in January of this year, wherein these particular remarks have been set forth. For what reason, I don't know.

MR. PAULLEY: Mr. Speaker, on a point of privilege I don't think Sam Goodman's on trial here at all. The only rebuttal I made in respect of the gentleman was in regards to the remark that the Honourable the Attorney-General made when he made reference to Mr. Goodman and the question of only apologized as the result of a threat of a case of slander or something like that. Now I can't see where Mr. Goodman is on trial here. I acknowledged the fact that he's the secretary of the New Democratic Party. It is well known, the remarks that he made, they're recorded and they have been in the Press. I don't think this is proper for the Attorney-General to pursue this where a man has no defence and my honourable friend has the whole of the immunity of The Assembly Act of the Province of Manitoba.

MR. LYON: Mr. Speaker, I'm still wondering where the point of privilege was.

MR. PAULLEY: The statement was, Mr. Speaker, to the effect that I'm not learned in the law.

MR. LYON: I don't worry about my honourable friend being learned in anything after some of the outbursts that he makes in the House. --(Interjection)-- Well, Mr. Speaker, it's very interesting that we hear my honourable friend making reference to this whole situation because there was an awful lot said by Mr. Goodman that I'm sure my honourable friend, the Leader of the NDP, would not and does not like to have associated with the name of his party. I'm sure that he doesn't want to hear

MR. PAULLEY: say it as a member of my Party.

MR. LYON: Oh, I see, he has two minds on these matters of public issue does he?

(Mr. Lyon, cont'd.) One when he's speaking for the NDP and one when he's speaking for

MR. PAULLEY: Well, I'll tell you he's just as twisty in his verbiage as you can be.

MR. SPEAKER: Order!

MR. LYON: I'm just wondering if my honourable friend, the Leader of the New Democratic Party, Mr. Speaker, and I'm not going to cast any aspersions upon anybody

MR. PAULLEY: Oh no.

MR. LYON: I'm merely going to use the words of that person and let the audience -- let the court make its own decision about these words.

MR. PAULLEY: You can't go before the

MR. LYON: Mr. Goodman -- "I think that the record in time will prove that this is the single most important matter to come before this convention, speaking of the Brandon Packers strike and the strike enquiry commission, because while on the surface it may appear that it deals with an incident, this in fact reveals that there is ever lingering under the surface of the so-called peaceful atmosphere, a group and a philosophy which is striving to undermine the foundations of our democratic society and trying at the same time to smash down the standard of living which we enjoy in Canada as a result of the organized efforts of the trade union movement alone." I'd like my honourable friend to tell me if the New Democratic Party subscribes to that first paragraph? I'd like to tell my honourable friend if he will defend the secretary of his provincial party when he made that remark.

MR. PAULLEY: I don't have to.

MR. LYON: And he carried on -- "And because this force lingers under the surface, ready like a serpent to raise its ugly head, I think it is necessary for this convention to make its position known. As far as I am concerned, without wanting to dwell too much on the merits of the case, I think that the mask is off. The Government of Manitoba, under the leadership of Roblin, unmasked itself and stands revealed as an anti-labour government."

MR. ORLIKOW: I agree.

MR. PAULLEY: We agree with that.

MR. LYON: We'll see if they agree with what follows -- "No government in Canada, except perhaps the nefarious so-called government of Mr. Smallwood, has undertaken to try and create an image of the trade union movement such as they have tried to create, as has this government of Mr. Roblin in Manitoba, and it is more negarious, in my opinion, because it is done with more subtlety and it is done with more finesse. It is done with a veil of so-called impartiality and Smallwood at least would have the guts to get up and say -- I want to smash the trade union movement -- but this government says -- we don't want to smash you, we want to love you to death, we want to kiss you until you're smothered and we want to cover you with roses to the extent that you will never see the light of day, and it is this subtlety, this stype of attack, while appearing to be impartial, which is so dangerous and so difficult to detect."

I pause for a moment, Mr. Speaker, to ask my honourable friend and particularly the Leader of the NDP if he subscribes to that particular doctrine as given by the secretary of the NDP party.

MR. ORLIKOW: Attorney-General is asking a question. Let it be put in the record that up 'till now I subscribe to every single word that Mr. Goodman said at that

MR. LYON: We're happy to hear that -- happy to hear it.

MR. PAULLEY: As a matter of fact, Mr. Speaker, in reply directly to

MR. LYON: I'm not

MR. PAULLEY: You asked me a question.

MR. LYON: My honourable friend can answer the question after, Mr. Speaker.

MR. PAULLEY: Oh! I thought you asked me a question.

MR. LYON: We've got all afternoon to hear it.

MR. PAULLEY: Did you ask me a question?

MR. LYON: You can make another speech on this

MR. PAULLEY: No, you asked me a question.

MR. SPEAKER: Order! Order! The Attorney-General has the floor.

MR. LYON: Now what has happened here that is so different, continuing this wonderful

(Mr. Lyon, cont'd.) . . . oration from the secretary of the New Democratic Party. What has happened here that is so . . .

MR. PAULLEY: Mr. Speaker, on a point of privilege, let's get the record straight. At the time the statement was made, the gentleman in question was not the secretary of the New Democratic Party.

MR. LYON: I see.

MR. PAULLEY: He was vice-president of the Manitoba Federation of Labour, I believe, or the Winnipeg and District Labour Council. He was not the secretary of the New Democratic Party . . .

HON. GURNEY EVANS (Minister of Industry and Commerce)(Provincial Secretary) (Fort Rouge): You elected him after that.

MR. PAULLEY: Irrespective of my honourable friend the Attorney-General, who is so precise and so correct in all that he does, refer to this as the remark, and back date it. I suggest that he gives him his proper title at the time he made the statement.

MR. LYON: I'm quite happy to, Mr. Speaker, I'm quite happy to have my honourable friend corroborate that after making this wonderful speech he was promoted to secretary of the New Democratic Party in Manitoba. Now what has happened here he says, that is so different. "The only thing that has happened here that is different is that a strike was won in Brandon, at last; and the fact that a strike is won in Brandon, believe it or not, shakes the whole foundation on which stands that ugly edifice" -- and I ask honourable members to listen to these words: "that ugly edifice, the Chamber of Commerce" -- and they're worried to death about it because if you can win a strike in Brandon it means that a strong union with a determined membership -- with a militant trade union organization and with a just cause can be victorious, and this never happened in Brandon before. It appears that the rural areas in Manitoba are to be some sort of a sanctuary for exploiters who can build plants and make huge profits on substandard wages and when it is proved that that cannot be done, or may not be done, or the future may approve that strong organization is going to prevent that from being done, then the Manufacturers' Association -- and listen to this Group -- then the Manufacturers' Association, the Chamber of Commerce, the judiciary, the law societies and the government and the cabinet and all of their lackies get on a horse and say we'll ride you out of here brother whether you like it or not; and I say our movement is too big to go for a ride like that anymore. We're not going to take it and we don't have to take it." And I pause again, Mr. Speaker -- and I hope that somebody from the other side will reply -- to ask my honourable friends in the New Democratic Party to how much of that last paragraph do they subscribe because I want to know. I think every thinking citizen of Manitoba wants to know to what extent they subscribe to the words of their present secretary of their party. I think it would make very interesting hearing for all of the people in Manitoba to know this fact because here is the record -- here is the record of what this person is saying -- here is the man that the Honourable the Leader of the New Democratic Party, Sir, is defending -- whose honour needs defending because his name is mentioned in this House. I merely asked him to make a simple statement with respect to this remark of the secretary of his party. "Just carrying on, I just wish to, if you would permit, I would beg the delegates to allow me one more moment. I want to say this -- all we know is what we read in the papers and it seems to be enough for the government. They set up all sorts of commissions based upon what they read in the paper. All we know is what we read in the paper, that the paper tells us that there is being conducted in Brandon an imposition which is a disgrace to democracy in Canada in 1960, and I accuse the government of undertaking to besmirch the trade union movement." I pause there to ask my honourable friends in the New Democratic Party if that is the view that they still hold with respect to the Brandon Packers Strike Enquiry Commission. I would like to know. I think the people of Manitoba want to know the answer to this very interesting little question, because they have waffled all over the place. They didn't know which side to fall on -- they probably hadn't counted enough noses or enough heads -- they waffled all over the place as to whether the strike should continue, and yesterday we had the Honourable Member for Elmwood stand up and say of course the whole thing was wrong -- the whole thing was wrong --(Interjection)-- the whole thing was wrong because the whole thing should have been held under the Labour Relations Act. Picked up out of this same brief -- and may I say to the Honourable Member from Elmwood, meaning

(Mr. Lyon, cont'd.) nothing personally that that is just a piece of nonsense, and don't be led away by the people that created this rather nefarious document into arguing you down a blind alley like that because it's not a very productive one. But I say again to the New Democratic Party -- let's hear what you have to say about these remarks of your present secretary. Let's hear what you have to say about the judiciary --

MR. PAULLEY: You make your speech and we're over our -- can't speak.

MR. LYON: . . . and the government and the cabinet . . .

MR. K. ALEXANDER (Roblin): Order! Order!

MR. PAULLEY: Oh, you be quiet.

MR. LYON: Let's hear a little bit about democracy.

MR. PAULLEY: You wait until we have exhausted our right to speak.

MR. LYON: Mr. Speaker, let's hear from the New Democratic Party a little bit about this democracy we live in. --(Interjection)--

MR. ALEXANDER: Order! Order!

MR. LYON: Let's hear a little bit about this so-called class legislation that we're bringing in. What kind of talk is this, Mr. Speaker. Is this non-class talk I suppose. This is talk from one who believes that everybody should be the same, I suppose. No, Sir, this is the kind of talk that I ask my honourable friends to stand on record and say whether or not they're in favour of it -- whether or not they're in favour of putting the government, the cabinet, the judiciary, the law societies, everybody else -- all of society into one bag and then having their group up on another elevation looking down and saying "Ah, but we're so much better" --(Interjection)-- and I merely want them to tell us that --(Interjection)-- and I carry on -- "I accuse the government of poisoning happy, harmonious labour management relations. The Brandon Packers Strike Enquiry Commission, I suppose, poisoned happy, harmonious government labour management relations." Well I want to hear from my honourable friends opposite Sir whether or not that is the case. Do they hold to that opinion?

MR. PAULLEY: You wait until we can't talk - -

MR. LYON: Do they hold to that opinion? Because if they do, -- (Interjection) -- Now my honourable friend's obviously agitated, Mr. Speaker, and I would suggest that if it bothers him so much, he go out and have a cup of coffee and when he comes back everything will be normal again and he can carry on - -

MR. PAULLEY: Will you be seated then? Will you be seated then?

MR. LYON: . . . in his usual quiet manner. I'm not going on to repeat this other libelous material that appeared in here because that's what it is and I don't think it is worthy of repetition. I don't think it deserves repetition. I think it would be in bad taste for anybody even to mention it again. That is the remark concerning the Chairman of the Commission and the remarks concerning the count. I don't ask my honourable friends to consider those at all because they are so low as not to deserve comment by any member of this House. It is interesting, of course, to note that following the statement by the secretary of the New Democratic Party, as he now is -- he was followed by delegate Swailes, who is a gentleman perhaps not unknown to this House -- member in good standing of the New Democratic Party -- Winnipeg Musician's Local. Mr. Chairman, after such an eloquent address by Brother Goodman, it would be almost anti-climax for anyone else to speak; but I do want to convey some thoughts that should really be fixed in the minds of the delegates at this convention. First of all, I want to tell you that we made personal representation through the Federation of Labour and through the Winnipeg and District Labour Council. We were up to see the Premier and the Minister, pointing out the dangers of an enquiry of this kind and asking that it be conducted within the terms of the Labour Relations Act, and the Premier promised he would give it consideration" and on and on. But I think these words are particularly interesting -- "It would be anti-climatical for anybody to speak after the wonderful oration from Brother Goodman." "The strike was settled with proper negotiations between employee and employer" -- He carries on -- " and then again the logical thing would have been to disband the commission. The strike is over, there is no need to have a commission to arrive at an amicable settlement; but this was not done, and the very things we pointed out -- the very harm that we pointed out has come into being, and the responsibility of that rests wholly with the Government of Manitoba. This enquiry is being carried on for what reason very few people really know. The strike in

(Mr. Lyon, cont'd.) . . . Brandon was an exceptional case. Throughout the years, all over Manitoba, thousands of agreements are being reached without any difficulty whatever and the most friendly relations are being maintained between management and labour." I ask the Honourable Members of the New Democratic Party to express their views with respect to the delegate Swailes' statements because we want to know where they stand in these matters --

MR. PAULLEY: Sure, sure, my honourable friend just waits until we can't talk before he asks these questions.

MR. LYON: . . . We want to know. We just want to know whether this type of class bullying is part and parcel of the New Democratic Party outlook now. And we'd like to know. We'd like to know very much, Mr. Speaker just where they stand on this matter --(Interjection) -- Well I think the people of Manitoba know.

MR. PAULLEY: Yes, we know too.

MR. LYON: I think the people of Manitoba know, Mr. Speaker, that this government stands for the people of Manitoba. It stands for the ordinary people of Manitoba just as it stands for all classes or groups of citizens in every region and every part of this province. We don't make laws for any one sector of the population. We like to think and we try to achieve laws that are in the public interest. That's what we're trying to do here and it will not serve the purpose of the public interest in Manitoba, Mr. Speaker, for my honourable friends opposite to try and say that this is anti-labour legislation; to try to paint over the picture, don't deal with the truth because --

MR. PAULLEY: We call a spade a spade.

MR. LYON: Mr. Speaker, the facts in this situation will kill them and they know it. The facts will kill them . . .

MR. PAULLEY: Go and sit down -- sit down.

MR. LYON: And I know better -- I know better than to appeal to them to try to be . . . on this subject because quite frankly I think they feel there's too many votes in it. . .

MR. PAULLEY: Oh, sit down.

MR. LYON: So I say to them --(Interjection) -- so I say to them --(Interjection)-- no we're not counting the votes. No, we're not, Mr. Speaker, we're trying to do what is right in the public interest for Manitoba. That's what we're trying to do. No we're not. My honourable friend from St. John's may find this a humorous situation but I'm sure the people of Manitoba don't because I'm able to stand up and make that statement.

MR. PAULLEY: Oh, Little Lord Fauntleroy, sit down . . .

MR. LYON: It's a shame that he couldn't say the same thing on behalf of his own group. So, Mr. Speaker, without going in again to all of the questions about Brandon Packers and so on that were raised by my honourable friends opposite, I merely say that the position of the government is quite clear. I say to them that I would like to hear in due course their response to the remarks of the man whom they defend so hotly, and I'd like to know what the policy of the New Democratic Party is with respect to the public interest of Manitoba. -- (Interjection) -- I want them to tell us what they feel the law should be with respect to the average citizen, to the consumers of Manitoba, because we know what our position is, and I ask them to have the intestinal fortitude to come forward and say it. I ask them to stand up like men and to take a reasonable attitude, if they can on this, and to give the facts to the people -- give the facts. Because if the facts are given in this situation, I'm sure everyone will appreciate that this is being done in the public interest.

MR. PAULLEY: You don't know what the facts are.

MR. SCHREYER: The Attorney-General is pretty cute. He asks all sorts of rhetorical questions of my Leader and the Member for St. John's, knowing full well that they can't reply at this stage. He asks us whether we subscribe to, and support the comments and statements made by the person who is now the secretary of our provincial section of the New Democratic Party. I don't know how much relevancy this has to the debate at hand, but it's suffice for me to say that I, for one, do not like to see intemperate language used at any time, and there are one or two occasions where I find it difficult to agree with the choice of words used by that particular gentleman. However, I would like to say that in connection with the spirit of his comments, not so much his choice of words, but the general thought that he was trying to express, it's not difficult for me, and I suppose I can say this on behalf of my colleagues,

(Mr. Schreyer, cont'd.) . . . not very difficult to go along with these. I would say that we regret the inclusion of the words "judiciary" and "Law Societies" in that otherwise distinguished group of names there, the Manufacturers Association, the Chamber of Commerce, the Government and Cabinet. Had he not included in there the words "judiciary" and "Law Societies" I would say that we could subscribe to that particular statement wholeheartedly. Because after all, what is involved here in this bill that's before us is something that can be re-acted to very strongly. All of us in this group, and all of us in this Chamber are interested and would give our lives, I suppose, for the maintenance of justice; and there is a subdivision of justice called economic justice that is being violated right here and now by this government. There is no economic justice for the trade union movement in Bill 102. And I don't know what better way to summarize the general feeling of our group than to quote this one sentence from the Pine Falls District Labour Council. "Bill 102 is the most restrictive and oppressive labour legislation ever contemplated in this province." And so that is why we opposed Bill 102 so strenuously. It is sheer sophistry for the Attorney-General to get up and cite several court cases here in this province involving the suit against the union and asking us on this side and asking our Leader on this side whether we are in favour of having an individual being able to sue a union; because there is more than one way to provide protection to the individual member. What is really the point at issue is whether the individual can obtain justice. And I think the case Tunney versus Orchard, if that's the right case, did point out that justice can be obtained. Whether or not the union is a legal entity in the strictest sense of the word -- wasn't justice obtained?

MR. LYON: You missed the point, my boy.

MR. PAULLEY: Quiet.

MR. LYON: You wouldn't know it if you heard it.

MR. ROBLIN: Now, now boys be quiet, simmer down.

MR. SCHREYER: I feel that most of the arguments used by the Attorney-General were sophistry and nothing much more. The feeling of this group can be summarized by that quotation from the Pine Falls District Labour Council which I have just made. And I would ask the Attorney-General and the Minister of Labour do they think that now, perhaps, is the time for us to re-write all of our Grade 12 and university history textbooks because everyone of them -- and they must number close to a score, official textbooks and reference books -- all of which state that the provisions that were included in the Taff-Vale case struck at the very heart of the trade union movement -- and this is precisely what is involved in Bill 102. And the Minister didn't answer it; he didn't say whether that is a correct statement or a wrong statement. I suppose he knows better than Professor Trevalyn or any of the other historians who have written on this subject. And I think in view of all these things we are perfectly justified in taking the stand we have; and we are, furthermore, perfectly justified in standing behind the statements that were made by our provincial secretary even before he was our secretary. And even if we weren't, what does that prove? The secretary is not in a policymaking position. It so happens we agree with his views. But supposing we didn't? This is a spurious argument to bring up in the context of discussion and debate of Bill 102. It's merely intended to cloud the waters, intended to bring a bad light upon individuals who happen to be in our movement. And I think that when all has been said and done those who can be accused of class bullying, which is an argument so fondly used by members of the Treasury bench opposite, when all is said and done it's not us who are guilty of reagitating the class war or the class struggle. It is rather they who are by bringing in a bill which is not needed. None of them on that side can say that this bill is urgently needed in the context of the present industrial relations in this province. There are so many things that Manitoba could set the pace in; so many programs, forward-looking programs that we could embark upon. But what does Manitoba choose as a program in which to be in the vanguard -- restrictive legislation. And that is a pity.

MR. MOLGAT: Mr. Speaker, before you put the question, I just want to say a very few words on the amendment proposed by the Leader of the NDP.

MR. PAULLEY: I didn't propose it.

MR. MOLGAT: Oh, I'm sorry. Drafted by the Leader of the NDP and proposed by one of his members, Mr. Speaker. I really feel that the discussion we've had this afternoon while interesting and lively has not helped the cause that we are interested in in this particular case.

(Mr. Molgat, cont'd.) We've heard from the government side taking the position of opposition to labour; we've heard from the NDP as the self-styled proponents of labour. The interest that all of us have to look for here, Mr. Speaker, is the general public interest. The interest of the consumer, the interest of our province as a whole to get a type of labour law which will be acceptable, which will be followed, whereby both labour and management can continue in this province to go ahead. This is what we must seek and it seems to me, the speeches we have heard rather than striving towards that, have been, in fact, a hardening of positions and harmful to this particular cause. My honourable friend suggests one aspect with which I would agree; and that is by referring it for six months we would be studying it in between sessions. With this part we are in agreement. We are quite prepared to have our members on the Industrial Relations Committee sit after this session and study this matter thoroughly. We are not prepared, however, Mr. Speaker, to defer this decision and the start of the discussions for six months. We think that this matter should be investigated now. We should start immediately on Tuesday morning as is the proposal to hear representations from all parties who are interested in this matter; get expert advice on the subject. The more speeches we hear, the more it is obvious that there is a great deal of misunderstanding on the question because we hear absolutely conflicting statements from members here in the House. What we need is a quiet, cool -- not an emotional discussion such as we have had -- but a reasoned discussion with people who can advise us in an expert manner. That is why we are going to oppose, Mr. Speaker, the amendment proposed by the NDP. We feel that this bill should go forward to the Industrial Relations Committee and there receive full discussion.

Mr. Speaker presented the motion and after a voice vote declared the amendment lost.
MR. ROLBIN: Yeas and Nays please, Mr. Speaker.

MR. SPEAKER: Call in the members. The question before the House is the amendment on second reading of Bill No. 102 proposed by the Honourable Member for Seven Oaks which reads as follows: "That the Bill be not now read but be reported six months hence."

A standing vote was taken the result being as follows:

YEAS: Messrs. Gray, Harris, Hawryluk, Orlikow, Paulley, Peters, Schreyer, Wagner, Wright.

NAYS: Messrs. Alexander, Baizley, Bjornson, Campbell, Carroll, Christianson, Corbett, Cowan, Dow, Evans, Froese, Groves, Guttormson, Hamilton, Hillhouse, Hutton, Ingebrigtson, Johnson (Assiniboia), Johnson (Gimli), Klym, Lissaman, Lyon, McKellar, McLean, Martin, Molgat, Prefontaine, Roblin, Roberts, Scarth, Shewman, Shoemaker, Smellie, Stanes, Tanchak, Thompson, Watt, Weir, Witney, Mrs. Forbes.

MR. CLERK: Yeas 9. Nays 40.

Mr. Speaker declared the motion lost.

MR. SPEAKER: The question before the House is second reading of Bill No. 102.

Mr. Speaker put the question.

MR. ROBLIN: Mr. Speaker I think the Minister of Labour wishes to adjourn this debate if no one else cares to speak. I hope he is --

MR. CARROLL: Mr. Speaker, yes, if no one else wishes to speak, I move, seconded by the Honourable Minister of Health that the debate be adjourned.

Mr. Speaker presented the motion and after a voice vote declared the motion carried.

MR. SPEAKER: Second reading of Bill No. 100. The Honourable the Member for Selkirk.

MR. HILLHOUSE: Mr. Speaker, I do not intend supporting this bill. I intend to vote against it on second reading. I haven't any use for a parent who abandons a child; nor have I any use for a parent who criticizes a child for doing something that that child was specifically instructed to do by its parents. I voted for the Metro Bill when it first came into this House. It's true that I had certain mental reservations regarding the provisions in that bill, but I nevertheless felt that that bill had been introduced to this House after considerable study by the government. The government had the advantage of having before it the report of the Winnipeg Investigating Commission. It had the advantage of having received briefs from the City of Winnipeg and from ten suburban municipalities; and I felt that notwithstanding my own reservations regarding the provisions of this bill, that it would at least be the proper thing to do to give Metro a try within the framework of the Act that was presented to this Legislature. Now

(Mr. Hillhouse, cont'd.) . . . it is perfectly true that there has been considerable criticism levelled against Metro but I think it ill behooves this government to try and slough off its responsibility by referring this matter to an enquiry commission.

I think that the proper thing to do is to hold a hearing investing the committee on municipal affairs with the necessary powers to sit during recess; and at that hearing we could have representations made to that committee by the Metropolitan Council of Winnipeg, by the 18 area municipalities and by the public generally. We would then have an opportunity of discovering what criticisms were valid, what criticisms were invalid. We would also have the opportunity of listening to whatever recommendations that may be made to the committee regarding the powers vested in Metro, regarding the question of finances and the financial arrangements made. I think that is the proper thing to do. I think it is the proper way for this House to discharge its responsibilities and I don't think that it is to the credit of this House to try and slough off these responsibilities by referring this matter to the committee which ordinarily would have sat in 1965. As far as Metro is concerned, I think everyone in this House was agreed upon the principle of Metro. We were all agreed that there should be some central authority to carry out these particular services which have been vested in the Metro Council. Now as far as I can see by having an enquiry committee set up as is suggested by the government, we will not get at the real root of the trouble if there is any trouble. The only way that we can get to the root of this trouble is by hearing representations made to us by those people who have been complaining about the operation of Metro; and I don't think that there's anybody more qualified to speak than the mayors and reeves of the 18 area municipalities, the Metro Council itself and the people of the Metropolitan area. And for those reasons, Mr. Speaker, I cannot support this bill on second reading.

Mr. Speaker put the question.

MR. F. GROVES (St. Vital): I was going to speak on this bill but I don't know if you want to call it 5:30. If you'd rather not . . .

MR. ROBLIN: Mr. Chairman, I suggest if my honourable friend is not anxious to speak at the moment that he could adjourn it or perhaps make a few introductory remarks and then speak after dinner, but I'm afraid that we have been sticking pretty closely to the rule that we work through till 5:30.

MR. GROVES: Well I am prepared to speak and I might as well speak tonight. Mr. Speaker, I will take the suggestion of the First Minister and make a few preliminary remarks and perhaps give the body of my speech when we convene again at 8:00 o'clock. I have been one who voted for the Metro Bill at the time Bill 62 was before this House because I felt, as I think most members of the House felt, that we had to do something for the municipalities in Greater Winnipeg that were having difficulty in getting some of their programs done. I have also been one who has been most critical of the way Metro has carried out its work since Bill 62 was passed. I stated in my address on the Speech from the Throne this year that I still thought the Metro Act was a good act with some reservations, and that my criticism was levelled mostly at those who were carrying out the provisions of that Act. I am in favour, Mr. Speaker, of the principle of the bill that is before us at this time. The principle of this bill -- or the main principle of this bill is the moving ahead of the Committee of Review from 1965 to now.

This bill in my opinion, Mr. Speaker, justifies a great deal of the criticism that has been levelled at Metro. The Honourable Member from Turtle Mountain in his address on this bill indicated that he thought that this bill was a vote of lack of confidence in the Metro Council -- and I agree with him, Mr. Speaker. I think that this bill is a motion of lack of confidence in the Metro Council and in those that have been hired by the Metro Council to carry out their functions. And I must say, referring also to remarks that were made further by the Honourable Member from Turtle Mountain, that it wouldn't hurt my feelings if this bill resulted in resignations from Metro. No names, no tax bill; no names, no tax bill; no names, no levy.

A review in 1965, Mr. Speaker, at the time we considered Bill 62, was a good thing because I'm sure that we were all under the impression that Metro would go about the business of taking over these various services slowly from the municipalities and over a much longer period of time. That is why in my opinion, Mr. Speaker, we gave the first Metro Council a four-year term. Well within the first year after the Metro Council had taken office they had

(Mr. Groves, cont'd.) taken over all but I think two of the services that were outlined for them in the Act; they're well on with their program and they're borrowing large sums of money to finance it. In so doing, Mr. Speaker, they have attracted to themselves a great deal of criticism, and this criticism, Mr. Speaker -- some of it major and some of it minor -- comes from some of the members of this House who are the creators of Metro. A great deal of this criticism comes from nearly all of the area municipalities, and Metro's bitter critic is the largest municipality of all, the City of Winnipeg. This criticism, Mr. Speaker, is coming from the general public; and this criticism is crystallizing itself in the form of signatures on petitions that are even now being circulated in the Greater Winnipeg area; and the time has come surely when we should have a look at what has been done since we passed Bill 62. We are, Mr. Speaker, in view of the fast take-over of services by Metro and the criticism which it has attracted to itself, justified in now wanting to see what the record has been.

I agree with the statement that was made by the Honourable Member of the New Democratic Party when he said that the air now needs a good clearing. Mr. Speaker, if we had the assurance that this committee of review would complete its investigation and report before the next session of the legislature I think that nothing further need be said -- two minutes -- if this were the case, as I say, nothing more need be said. If this were the case, Mr. Speaker, we could at the next session of the legislature consider the report of this committee in the light of its recommendations and in the light of the history of Metro as we know it, and we could then decide on what reforms, on what changes might be necessary in order to make Metro work, and we could in the meantime take the necessary steps to advise the Metro Council; and the necessary steps to prevent them from venturing into new fields. However, Mr. Speaker, we haven't got the assurance that this committee will report before the next session of the legislature; and I don't think really that we should expect to have an assurance like this because the committee itself should have some say in the time that it might need to do a proper job and the time that it thinks it would need to review this situation properly. I would like, Mr. Speaker, this House to consider the possibility of this committee of review not reporting for a number of years; and particularly I think that we have to consider the possibility of this committee not reporting before the next Metro election. And again, I think that we should consider the possibility of this committee not reporting until after the next provincial election. It's in the light of these things, Mr. Speaker -- and there has been a great deal of speculation that this committee might take a number of years to make its report -- and it's in the light of these possibilities that I think that we should examine what this bill before us means insofar as Metro is concerned at the present time.

MR. SPEAKER: I call it 5:30 and leave the Chair until 8:00 o'clock tonight.