

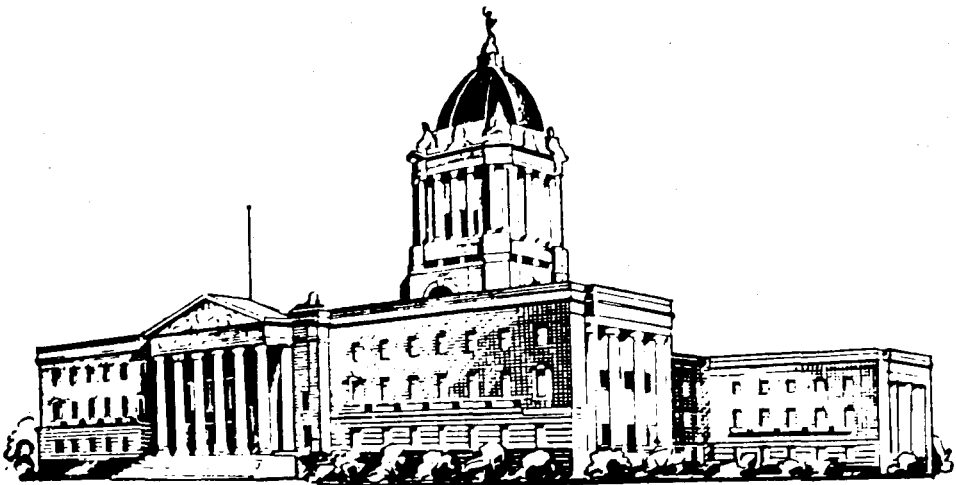


Legislative Assembly of Manitoba

DEBATES  
and  
PROCEEDINGS

Speaker

The Honourable Peter Fox



Vol. XXIII No. 145 2:30 p.m., Wednesday, June 9th, 1976. Third Session, 30th Legislature.

Electoral Division	Name	Political Affiliation	Address	Postal Code
ARTHUR	J. Douglas Watt	P.C.	Reston, Man.	R0M 1X0
ASSINIBOIA	Steve Patrick	Lib.	10 Red Robin Place, Wpg.	R3J 3L8
BIRTLE-RUSSELL	Harry E. Graham	P.C.	Binscarth, Man.	R0J 0G0
BRANDON EAST	Hon. Leonard S. Evans	NDP	Legislative Bldg., Winnipeg	R3C 0V8
BRANDON WEST	Edward McGill	P.C.	2228 Princess Ave., Brandon	R7B 0H9
BURROWS	Hon. Ben Hanuschak	NDP	Legislative Bldg., Winnipeg	R3C 0V8
CHARLESWOOD	Arthur Moug	P.C.	29 Willow Ridge Rd., Winnipeg	R3R 1L5
CHURCHILL	Les Osland	NDP	66 Radisson Blvd., Churchill	R0B 0E0
CRESCENTWOOD	Warren Steen	P.C.	410 Borebank St., Winnipeg	R3N 1E7
DAUPHIN	Hon. Peter Burtniak	NDP	Legislative Bldg., Winnipeg	R3C 0V8
ELMWOOD	Hon. Russell J. Doern	NDP	Legislative Bldg., Winnipeg	R3C 0V8
EMERSON	Steve Derewianchuk	NDP	Vita, Manitoba	R0A 2K0
FLIN FLON	Thomas Barrow	NDP	Cranberry Portage, Man.	R0B 0H0
FORT GARRY	L.R. (Bud) Sherman	P.C.	86 Niagara St., Winnipeg	R3N 0T9
FORT ROUGE	Lloyd Axworthy	Lib.	140 Roslyn Road, Winnipeg	R3L 0G8
GIMLI	John C. Gottfried	NDP	44 – 3rd Ave., Gimli, Man.	R0C 1B0
GLADSTONE	James R. Ferguson	P.C.	Gladstone, Man.	R0J 0T0
INKSTER	Hon. Sidney Green, Q.C.	NDP	Legislative Bldg., Winnipeg	R3C 0V8
KILDONAN	Hon. Peter Fox	NDP	Legislative Bldg., Winnipeg	R3C 0V8
LAC DU BONNET	Hon. Sam Uskiw	NDP	Legislative Bldg., Winnipeg	R3C 0V8
LAKESIDE	Harry J. Enns	P.C.	Woodlands, Man.	R0C 3H0
LA VERENDRYE	Bob Banman	P.C.	Steinbach, Man.	R0A 2A0
LOGAN	William Jenkins	NDP	1294 Erin St., Winnipeg	R3E 2S6
MINNEDOSA	David Blake	P.C.	Minnedosa, Man.	R0J 1E0
MORRIS	Warner H. Jorgenson	P.C.	Morris, Man.	R0G 1K0
OSBORNE	Hon. Ian Turnbull	NDP	Legislative Bldg., Winnipeg	R3C 0V8
PEMBINA	George Henderson	P.C.	Manitou, Man.	R0G 1G0
POINT DOUGLAS	Donald Malinowski	NDP	23 Coralberry Ave., Winnipeg	R2V 2P2
PORTAGE LA PRAIRIE	Gordon E. Johnston	Lib.	Box 112, Portage la Prairie, Manitoba	R1N 3B2
RADISSON	Harry Shafransky	NDP	4 Maplehurst Rd., Winnipeg	R2J 1W8
RHINELAND	Arnold Brown	P.C.	Winkler, Man.	R0G 2X0
RIEL	Donald W. Craik	P.C.	3 River Lane, Winnipeg	R2M 3Y8
RIVER HEIGHTS	Sidney Spivak, Q.C.	P.C.	2518 – 160 Hargrave St., Wpg.	R3C 3H3
ROBLIN	J. Wally McKenzie	P.C.	Inglis, Man.	R0J 0X0
ROCK LAKE	Henry J. Einarson	P.C.	Glenboro, Man.	R0K 0X0
ROSSMERE	Hon. Ed. Schreyer	NDP	Legislative Bldg., Winnipeg	R3C 0V8
RUPERTSLAND	Hon. Harvey Bostrom	NDP	Legislative Bldg., Winnipeg	R3C 0V8
ST. BONIFACE	Hon. L.L. Desjardins	NDP	200 – 185 Carlton St., Wpg.	R3C 1P3
ST. GEORGE	Hon. Bill Uruski	NDP	10th flr., 330 Portage Ave., Wpg.	R3C 0C4
ST. JAMES	George Minaker	P.C.	318 Ronald St., Winnipeg	R3J 3J8
ST. JOHNS	Saul Cherniack, Q.C.	NDP	333 St. Johns Ave., Winnipeg	R2W 1H2
ST. MATTHEWS	Wally Johannson	NDP	418 Home St., Winnipeg	R3G 1X4
ST. VITAL	D.J. Walding	NDP	26 Hernlock Place, Winnipeg	R2H 1L7
STE. ROSE	A.R. (Pete) Adam	NDP	Ste. Rose du Lac, Man.	R0L 1S0
SELKIRK	Hon. Howard Pawley	NDP	Legislative Bldg., Winnipeg	R3C 0V8
SEVEN OAKS	Hon. Saul A. Miller	NDP	Legislative Bldg., Winnipeg	R3C 0V8
SOURIS KILLARNEY	Earl McKellar	P.C.	Nesbitt, Man.	R0K 1P0
SPRINGFIELD	Hon. René E. Toupin	NDP	Legislative Bldg., Winnipeg	R3C 0V8
STURGEON CREEK	J. Frank Johnston	P.C.	310 Overdale St., Winnipeg	R3J 2G3
SWAN RIVER	James H. Bilton	P.C.	Swan River, Man.	R0L 1Z0
THE PAS	Hon. Ron McBryde	NDP	Legislative Bldg., Winnipeg	R3C 0V8
THOMPSON	Ken Dillen	NDP	24 – 1 Public Rd., Thompson	R8N 0M3
TRANSCONA	Hon. Russell Paulley	NDP	Legislative Bldg., Winnipeg	R3C 0V8
VIRDEN	Morris McGregor	P.C.	Kenton, Man.	R0M 0Z0
WELLINGTON	Philip M. Petursson	NDP	681 Banning St., Winnipeg	R3G 2G3
WINNIPEG CENTRE	Hon. J.R. (Bud) Boyce	NDP	Legislative Bldg., Winnipeg	R3C 0V8
WOLSELEY	R.G. (Bob) Wilson	P.C.	2 Middlegate, Winnipeg	R3C 2C4

THE LEGISLATIVE ASSEMBLY OF MANITOBA  
2:30 p.m., Wednesday, June 9, 1976

Opening Prayer by Mr. Speaker.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 48 students, Grade 7 to 9 standing of the Miniota School. These students are under the direction of Mr. G.B. Cornish. This school is located in the constituency of the Honourable Member for Virden. On behalf of all the honourable members I welcome you here this afternoon.

Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports; Notices of Motion; Introduction of Bills; Questions. The Honourable Member for Fort Garry.

ORAL QUESTIONS

MR. L.R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, I'd like to direct a question to the Honourable the Minister of Labour and ask him whether in view of representations that have been made before the committee whether he would consider having the Industrial Relations Committee meet between sessions to consider the whole field of workers compensation in Manitoba and the Workers Compensation Act and the manner in which compensation awards are made?

MR. SPEAKER: The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Speaker, I cannot answer for the whole Committee on Industrial Relations. I did at considerable effort, accompanied by my colleagues and others, hear numerous representations from people desirous of changing matters pertaining to workers compensation and I would not recommend any deferment or delay in forwarding the proposals that we have arrived at for intersession. If my honourable friend or anyone else has new proposals that they wish to offer to the government and to the Department of Labour in this case in particular, then I suggest the onus is on them to do it in between sessions and in my opinion they have had ample opportunity to consider changes and to have changes before them for consideration. If those changes are defeated in committee then they may be resurrected for consideration in the future. But as far as I am concerned as Minister of Labour there will be no deferment of the propositions that have been considered by the committee and the recommendations and hearings that have been brought forward for our consideration. I chose not to hear the Honourable Member for Lakeside. I doubt if it was very substantive but if he has something that is, I'm always accommodating to my honourable friend who still owes me a piglet.

MR. SHERMAN: A supplementary question, Mr. Speaker. I'd like to ask the Minister whether he would give consideration to the committees meeting intersessionally in order that new proposals could be heard with respect to the legislation, particularly in view of submissions made on the appeal procedures.

MR. SPEAKER: Order please. The question is a procedural one and it has already been taken care of by this Assembly.

MR. PAULLEY: If I may, Mr. Speaker, I think possibly it would be proper for me to make an answer to my honourable friend with your acquiescence. There was a delegation before the committee last night raising a similar type of a proposition and I gave him the assurance that as far as I was concerned, as soon as was convenient that I would agree to meeting together to hear propositions from outsiders and from insiders as well. I think that should accommodate my honourable friend.

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

MR. GEORGE MINAKER (St. James): My question is to the Acting House Leader. I wonder if the Honourable Minister could advise the House if the Economic Advisory Board will be presenting a brief or their Annual Report to the Economic Development Committee during this sitting of the session.

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MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): Mr. Speaker, my understanding is that it will not.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I have a question for the Minister of Education. I understand that the Minister has made a public statement that political studies and the history of labour and consumer courses will be introduced in our schools this coming term. Can the Minister indicate to the House when will these courses be introduced into our schools?

MR. SPEAKER: The Honourable Minister of Education.

HON. BEN HANUSCHAK (Minister of Education) (Burrows): I believe, Mr. Speaker, the honourable member answered his own question.

MR. PATRICK: Can the Minister indicate who is designing these courses?

MR. HANUSCHAK: My department, Mr. Speaker.

MR. PATRICK: Can the Minister indicate what branch of the department is designing the political study courses and history of labour?

MR. HANUSCHAK: There's involvement of a number of branches, Planning and Research, Curriculum Program Development and so forth. All of the courses that the honourable member has mentioned are at different stages of preparation. Some are at the point of being tested out on a pilot basis, others are still in the process of having the material prepared and organized. In fact various aspects of the areas of study mentioned by the honourable member may not necessarily appear as separate courses per se but rather will be incorporated into other related subject areas presently on the school programs.

MR. PATRICK: A supplementary, Mr. Speaker. Can the Minister of Education give any information to the House if there is any facts behind that the Deputy Minister of Education may be changed from the position that he has now before the next election?

MR. SPEAKER: The Honourable Member for Wolseley.

MR. ROBERT G. WILSON (Wolseley): Thank you, Mr. Speaker. To the Minister responsible for Autopac. I wonder can the Minister confirm that his department is refusing rooming house insurance policies to citizens despite the fact that his government has driven most of the insurance companies out of the province.

MR. SPEAKER: Order please. Order please. Let me get the Question Period straight again. If the honourable members have a question they're entitled to ask it. If they have an opinion to express it's out of order and I'm sure the honourable member is aware of that. I wish he would adhere to the rules like everyone else is trying to and the same as I'm trying to. The Honourable Member for Wolseley wish to rephrase his question?

MR. WILSON: Yes, thank you, Mr. Speaker. I sort of got carried away with the latter part of the question. Can the Minister confirm that his department is refusing rooming house insurance policies to the citizens of Manitoba?

MR. SPEAKER: The Honourable Minister for the Insurance Corporation.

HON. BILLIE URUSKI (Minister for Manitoba Public Insurance Corporation) (St. George): Mr. Speaker, the honourable member well knows that the general insurance portion is a competitive field and we are refusing risks of all sorts that are considered unacceptable risks. I want to indicate to the honourable member that the Corporation has a loss prevention department and suggestions are made to the prospective clients or policyholders to the effect that if the risk is considered a below standard risk, that matters can be corrected in either fire prevention hoods if it's restaurants and/or rooming houses with fire protection and the like to make it an acceptable risk, like the private sector.

Insofar as chasing the insurance companies out of the province, Mr. Speaker, the honourable member should check the record in Alberta as to how many companies in the free enterprise Province of Alberta have left in the last year.

MR. WILSON: A supplementary then. Has the AIB okayed the 200 percent increase plus that is now required from the industry of rooming house owners? In other words, has the AIB looked at the alarming increase in these rooming house rates?

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MR. URUSKI: Mr. Speaker, the honourable member is talking about 200 percent rates. He should check what the industry rates were a year ago. Our rates have not virtually changed since we set them last July when the Corporation entered the field and I would think that if there have been alarming increases in the last year, not only the AIB but I'm sure the Superintendent of Insurance of Manitoba should be contacted.

MR. SPEAKER: The Honourable Minister of Renewable Resources.

HON. HARVEY BOSTROM (Minister of Renewable Resources) (Rupertsland): Mr. Speaker, I would ask leave to table the information on the . . .

MR. SPEAKER: The Honourable Minister have leave? (Agreed)

MR. BOSTROM: . . . on the Northern Fishery Transportation subsidy as I promised this morning to the Member for Minnedosa. I have information here for the caucuses, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY McKENZIE (Roblin): Mr. Speaker, I have a question for the Minister of Tourism, Recreation and Cultural Affairs. I wonder can the Minister advise the House if he or his department had any input into the Master Plan for Sports in Manitoba, input into the report which was recently prepared.

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

HON. RENE TOUPIN (Minister of Tourism, Recreation and Cultural Affairs) (Springfield): Well, Mr. Speaker, initially yes the Department of Tourism, Recreation and Cultural Affairs was involved to some extent. The responsibility now being under two different departments of government, the input being at least three-fold, being those involved in the study itself, the Department of Health and Social Development and some officials of the Department of Tourism, Recreation and Cultural Affairs are still involved.

MR. McKENZIE: Mr. Speaker, can I ask the Minister then if he's had access or does he have a copy of the report that was recently released?

MR. TOUPIN: Mr. Speaker, as the Minister of Tourism, Recreation and Cultural Affairs, not as the Acting Minister of Health, I had a rough draft. To my knowledge I can't recall seeing the final product.

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Mr. Speaker, I wonder if you would head off on Page No. 2 with Adjourned Debates on Second Reading.

ADJOURNED DEBATES - SECOND READINGSBILL NO. 20 - AN ACT TO AMEND THE TRADE PRACTICES INQUIRY ACT

MR. SPEAKER: Thank you. Bill No. 20, proposed by the Honourable Minister of Consumer, Corporate and Internal Services. The Honourable Member for Roblin.

MR. McKENZIE: Mr. Speaker, I, like other members am most concerned at this late date in the session to have a bill of this magnitude placed on our desks from a government that can't run a lottery, a government that can't run Saunders Aircraft, a government that can't run Flyer Coach. I'd like to know what they can run. This Minister comes in and asks at this late date, Mr. Speaker, for these wide-ranging powers and he's going to regulate prices in this province.

A MEMBER: Right.

MR. McKENZIE: Mr. Speaker, who created the inflationary factor in this province? Who stimulated all these price increases today? This government right over there. --(Interjection)-- Mr. Speaker, they're the prime factor to the whole problem . . .

MR. SPEAKER: Order please. Order please. Order please. I'm aware that it's stormy outside and those members who are interested in a stormy session should leave the Chamber so we can conduct business in the Chamber. The Honourable Member for Roblin.

MR. McKENZIE: Mr. Speaker, the storm outside no doubt is part of the gods on high recognizing that this Minister is coming after these wide-ranging powers with which he can do nothing. It's absolutely window-dressing, window-dressing in the worst form. He's had it in his office since March 17th; he's trying to get a little political

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(MR. McKENZIE cont'd) . . . . advantage; the Premier is cooking up an election in his office every day. They're all getting their hair cut and here he says: "We're going to regulate prices in this province; we're going to give the people all the new incentives of this government and we're going to take this province over and control all the prices." Mr. Speaker, before I get through speaking this afternoon I'll prove to you and to the Minister it's a farce, a farce in the fullest sense of the word.

Mr. Speaker, if this Minister was honest with us in opposition, if he was honest with the people of this province, if he was honest with this government, this bill should have been on our desks months ago. He's had it in his office since March 17th, and I don't know what for. It's only a two-page bill. What's he trying to prove? Is it another gimmick like they tried on this free vote on the cultural bill where there was no free vote. I don't trust this government, Mr. Speaker, as far as I can even see them across there. --(Interjection)-- I don't trust them. Mr. Speaker, they're always pulling hanky-panky deals.

The House Leader came in and said, "We'll to into speedup." My gosh, Mr. Speaker, we in opposition have got bills coming out of our ears. We sat here for weeks and weeks waiting for legislation, waiting for bills, waiting for this bill. So, Mr. Speaker, I don't trust this Minister; I don't trust this government; I don't trust the First Minister in the way he's running the affairs of this province and I'm going to spell it out in my remarks this afternoon.

Mr. Speaker, this is poor management.

MR. SPEAKER: Order please. The Honourable Minister have a point of order?

MR. USKIW: The Member for Roblin indicates that the House Leader had somehow misled the House with respect to the number of bills. I simply want to remind him that when the question was put the honourable member was out by one bill in the answer that he gave.

MR. SPEAKER: The Honourable Member for Roblin.

MR. McKENZIE: Mr. Speaker, that's typical of the Minister of Agriculture, a . . . of interference. Why didn't the House Leader tell us that bills of this magnitude were coming in where these wide-ranging powers are being asked by Cabinet Ministers, be granted that they're going to take over, expend all the rights like the cultural bill. This Cabinet Minister wants all the rights without appeal in this bill and coming in at this late hour without sufficient time to debate and for the people on the streets of this province. I suspect, Mr. Speaker, we can go farther. I hope that the Minister will tell us, what business communities has he talked of this bill to? Has he talked to the wholesale crowd? Has he talked to the Winnipeg Builders Exchange and others? No, he hasn't talked to anybody. So again, Mr. Speaker, it's the worst form of window-dressing that anybody could ask. I'm sure the First Minister surely has some control over this Cabinet to bring this kind of legislation in at this late date plus the other things, and as us in opposition not only to defend the rights of the man in the street but to defend the rights of parliament and the rights of government.

I don't think any Minister is entitled to the powers that's asked for in this bill and I'll spell it out. Mr. Speaker, I can't help but be up-tight because what has this government proved they can run? They can run nothing, nothing.

Let's look at the lotteries which I raised earlier. It's a farce. Saunders, a farce; Flyer, a farce; and the list goes on and on and on. This Minister, the Minister of Consumers wants us to give him these kind of powers to try and regulate the prices in this province. Mr. Speaker, first of all he's got to prove to me and to members of my caucus that he deserves that power and he hasn't proved it yet. He secondly has to prove to me that he's talked to the people on the street in this province and he hasn't done that.

Thirdly, he's got to go and talk and prove to me that he can deal on international matters in this bill.

A MEMBER: Never.

MR. McKENZIE: No, he can't. The powers are artificial. Are you telling me in this legislation, Mr. Speaker, that this Minister can deal with matters of imports coming into this province and regulate the prices of imports? Can you regulate the price

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(MR. McKENZIE cont'd) . . . . of Australian beef coming into this province? Can you regulate the garments coming in from Hong Kong, Taiwan? Can you regulate the price of shoes coming in from Italy in this bill? No way. That's a federal matter, Mr. Speaker. That's where this Minister doesn't need the power, and if he did have the power he couldn't do anything with it.

A MEMBER: Just wants political window-dressing.

MR. McKENZIE: Secondly, Mr. Speaker, let us just wonder why he wants the right for no appeal and that's typical of the NDP, Mr. Speaker. They don't trust nobody but themselves, and we don't trust them.

A MEMBER: They don't trust themselves.

MR. McKENZIE: We don't trust them, Mr. Speaker. I don't trust any Minister of the Crown having the authority and the ability to pass legislation where the man in the street doesn't have the right of appeal and I'm going to stand up for the man in the street all the time.

Let me remind the First Minister of this province there's too much of this kind of legislation. We've gone all through the labour bills, there is too much of this legislation coming into this House, too many powers being given to this government to take the rights away from people in this province and it's time that it stopped.

I'll tell you when it's going to stop, Mr. Speaker. It's going to stop at the next election because we're going to clean you guys out of there. This government is fading out, Mr. Speaker. This government is weak. This government is sick. It's got to be sick because why would the Minister of Consumer Affairs come in with this bill at this late date, this late hour, and ask for these wide-ranging powers, Mr. Speaker? I don't know. But I assure you, Mr. Speaker, I and my group and the citizens of this province don't trust him and we don't trust the government with this kind of power that's asked for in this bill.

Mr. Speaker, it's window-dressing of the worst kind. It's powers that should not be given to any one Minister without the right of appeal and, Mr. Speaker, until I get some time to go back and talk to the people in my constituency about this legislation, I'm going to vote against it and I hope everybody else will clear out this kind of philosophy which the NDP have got that they are the big powers of this province. They are the new image. They need all these powers.

A MEMBER: Big brother.

MR. McKENZIE: Mr. Speaker, it's a farce. The AIB board in this province have been out in my country, they've taken goods off the shelves in the stores in rural Manitoba; they've taken ungraded eggs off the shelves; they've taken honey, local honey off the shelves. They've taken produce that's been sent out by truck to the stores in rural Manitoba and checked the quality of the produce and said: "It's not the right quality," and sent it back. Now, can this Minister show me that he's going to do better with all this power that he's asked for? At least with the Anti-Inflation Board there's a right to appeal. At least we have that right. But in this legislation, Mr. Speaker, to trust that Minister, this government, with any form of legislation without the right of appeal, I'm opposed to it, and I'm sure every man in this province is opposed to it. So until I have some time to go back and talk to my people, I shall not be supporting this bill in any way, shape or form. It came in too late. Had it come in in March or April, so I could have had time to take it out - I say bring it back next session, Mr. Speaker, and we'll deal with it again.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, it is with the deepest of regret that for the larger portion of this session it was necessary for me to be absent for personal reasons and I missed being able to see the gesticulations and the theatrics of my honourable friend who has just taken his seat. I hope that I am spared another year and also my honourable friend, so that we might get a repeat of the nonsense that he has just issued.

I am sure, Mr. Speaker, that if my colleague the Honourable the Minister of Consumer Affairs did not attempt or try to do something to alleviate the problems that are prevalent today in the field of controls of prices insofar as consumers are concerned, even to the degree of going on to the shelves in the store of my honourable friend to see whether

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(MR. PAULLEY cont'd) . . . . the eggs had one, two, three or four yolks, I'm sure that my honourable friend would be one of the first ones up in protest that somebody in government, whether he had the absolute authority or not, was not doing something about it.

Now my honourable friend drags out that well-hackneyed phrase, and I don't know whether he learnt it from me or from reading Hansard of the times when I was on the opposite side of the House and condemned the government of the day, who I believe were called Conservatives, because of the fact that legislation was not introduced at what we thought were the closing days of the Assembly. And I recall a very good redheaded friend of mine who was the Attorney-General and is now the illustrious leader of a once-prominent political party in Manitoba, turning around and saying: "Have nae fears my little friend, His Honour the Lieutenant-Governor has not been in here to close down the session as yet and you have the opportunity to give vent to your verbiage and your voices as long as you like." One of your colleagues just said we have the time to give vent and they are giving vent to nonsense and everybody will agree with that, Mr. Speaker. But the point though, Mr. Speaker, nonetheless is, as I say, --(Interjection)-- No I'm sorry, I can't see you. It's hard enough seeing you, and I believe you're from Swan River - when my eyes were good I had difficulty in seeing you as a member of this Assembly but now with the deficiency that I do have in my eyes, I see less of you but more through you than I did at that particular time.

But however for my honourable friend, the member to give us such an oration, Mr. Speaker, as he just did, and say you are forcing us out of here, you're cutting off our opportunity of making our contribution and as sure as the Lord made little apples, I'm going back to the hinterland from whence I came, and I'm going to tell those bad people there that this government, under this incapable leader, didn't give me an opportunity of saying anything on your behalf. What ruddy nonsense. And he knows that it is, and all of you over there know of what I say at the present time is the truth. It may be foreign, Mr. Speaker, to the ears of my honourable friends opposite, but I would suggest that if my colleague, the Minister of Consumer Affairs, by this bill, which came in just recently, or whether this bill had of been in here at the commencement of the session, that same lovely member of this Assembly would still be going up to his constituency and saying I haven't had enough time to really answer the Minister of Consumer Affairs because I've been so busy with other matters that I haven't had time to even study the content. And I would suggest, Mr. Speaker, that the honourable member gave every evidence that he hasn't studied even the title of this bill that's been introduced by my colleague, and while there may be, there may be some deficiencies in this bill that my honourable --(Interjection)-- One page, well that's just about as far as your intellect will allow your mind to go, one page. --(Interjections)--

MR. SPEAKER: Order please.

MR. PAULLEY: But this man here, this member here . . .

MR. SPEAKER: Order please. I would just like to suggest that if the members have any contributions to make, they're entitled to do that but they should at least wait until they are recognized, stand up and say their piece then. The Honourable Minister of Labour.

MR. PAULLEY: So, what I want to say . . .

MR. SPEAKER: Again, order please, and that includes those who say "fair enough" and anything else. I think those contributions are certainly not necessary, especially in a raucous voice because it's most annoying.

MR. PAULLEY: I thank you, Mr. Speaker, and I have every respect for your judgment which so far exceeds the judgment as exhibited by the honourable member who took the floor at the start of consideration on second reading of this bill. And I want to say to him and to his colleagues, before they just come out with the gobbledegook that they did, that they haven't time to --(Interjection)-- You wouldn't understand it - to say as he said, that the Minister doesn't know what he's talking about, there are provisions in this bill that may not be applicable to Canada because of different jurisdictions under our British North America Act. He may be perfectly correct but I would suggest that it is fitting and proper, notwithstanding that possibility, for the Minister responsible for Consumer



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(MR. PAULLEY cont'd) . . . . Affairs and consumer prices in the Province of Manitoba to draw to the attention of this Assembly, and through this Assembly to the public of Manitoba, and hopefully to those dunderheads that are representing Manitoba as members outside of this jurisdiction, that they may pick up the cudgels on behalf of the citizens of Manitoba, and goodness knows, we will. My honourable friend from Lakeside says "we will".

They've had an opportunity of having at least nine, I believe, representatives in the House of Commons since the last general election that could have been acting on behalf of the citizens of the Province of Manitoba, and we've heard little or nothing except gripings about some parliamentary procedures that in essence and in the interest of the community as a whole, don't mean a damn. Now, that's the type of people that we have representing us down in Ottawa and my honourable friend has the consummate gall to stand up, Mr. Speaker, in this House and say, "look at this bill, we haven't got time to consider it." Well, the Lieutenant-Governor was only appointed here a month or so ago, with a tenure of office, I would suggest, approaching five years. He doesn't need to come through those doors to dissolve this Assembly, or to adjourn this Assembly, until the termination of that period of time. I would suggest to my honourable friend, that if he has any contribution other than the nonsense that he orated so far this afternoon, that if he had a real contribution that we should hear, Manitobans should hear, and in particular those who have sent him here in their interest, if he has a story to tell, Mr. Speaker, I suggest that he should have taken advantage of that opportunity instead of giving us the ruddy nonsense that he did before he took his seat.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): Mr. Speaker, I should like to move, seconded by the Honourable Member for Lakeside, that the debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: Bill No. 79. The Honourable Member for . . .

BILL NO. 88 - THE CORPORATION CAPITAL TAX ACT

MR. PAULLEY: Mr. Speaker, I wonder if you would kindly call Bill 88?

MR. SPEAKER: Very well. Bill No. 88 proposed by the Honourable First Minister. The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Well, Mr. Speaker, there were some very pointed comments made with respect to Bill 88. The Corporation Capital Tax Act, by honourable members who spoke earlier today and in recent days. Unfortunately while some of the concerns and criticisms that were made were valid, the Member for Assiniboia expressed some concerns which I would be simply wrong to suggest were entirely invalid. Nevertheless some of the more pointed criticisms, Mr. Speaker, are simply incorrect as a matter of fact. One of the major criticisms, one of the main brunts of the attack on this bill that was made by the Honourable Member for River Heights, namely, that this bill was not deductible from corporate income tax payable, contrary to what we were suggesting, happens to be a complete misapprehension on the part of the Member for River Heights. In other words simply stated, he is wrong. In regard to the deductibility of the capital tax as a business expense in computing corporate taxable income, raised this morning by the Member for River Heights, I think the Member for Assiniboia also voiced that impression. I have to reassure them that their impression is wrong. The fact of the matter is that the capital taxes in those provinces in which this form of taxation has been on the books for a long time have always been deductible in arriving at income for Federal and Provincial Income tax purposes. So right there, Mr. Speaker, at one fell-swoop the major part of their concern is misplaced. In no case has the deduction been disallowed.

Interested members who have spoken may wish to review Section 18(1)(a) of the Income Tax Act of Canada in this particular regard. This section permits tax filers to deduct in computing income for tax purposes, outlays or expenses made or incurred by the taxpayer for the purpose of gaining or producing an income. All members will be pleased to know that in light of this morning's questions and discussion on this bill, later

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(MR. SCHREYER cont'd) . . . . this morning officials of the Department of Finance have rechecked again in order to ascertain this as being in fact the case.

Now the Member for Assiniboia expressed a concern, which I would regard as perhaps the most valid concern expressed in all that was said, and that is that this tax will somehow affect small neighbourhood businesses, barber shops, drug stores, and the like. The first point I would make in that regard, Mr. Speaker, is to indicate to the Member for Assiniboia that most such businesses are unincorporated and this measure before us is, as the title implies, a Corporation Capital Tax.

In addition to that fact, the second fact is that there is an exemption for small incorporated businesses with taxable capital of under \$100,000. Some members have criticized the tax as the proposed tax is confiscatory, as if to suggest that the tax will somehow result in the confiscation of the capital used by the corporate sector.

The Member for St. Johns spoke into that point, and I think answered it quite well. I think that it is perhaps necessary to cover some of that same ground once again. The rate of the tax proposed here on corporate, not on incorporated small business, but on corporation capital, is one-fifth of one percent, and so that means that at \$1 million of employed capital, it amounts to \$2,000, it is really stretching the point, Mr. Speaker, to suggest that it is somehow confiscatory. Indeed if one were to use the word confiscatory in this context, then one would have to say that all taxation is confiscatory, literally all of it, and yet we know that, unless of course one is prepared to countenance a kind of future society in which there is a worsening instead of a bettering in terms of relative conditions that apply to different groups and individuals in society, we want to see more equality of the human condition, not less. We have witnessed Her Majesty the Queen make a moral and spiritual address to members of the Commonwealth calling on effort to be made to reduce disparities and discrepancy in income and wealth, and unless we are to listen in a completely hypocritical fashion, it seems to me that we should want to do something about it instead of utter platitudes. And not only in that context, Sir, but we have had at the great United Nations Conference on Habitat, some of the alleged best brains in the world have assembled together, and what is the main theme of that conference and what is the message? It is that because of the growing realization of the finiteness of resources on this planet that there must be a growing acceptance of peoples of the civilized countries to accept less, not more discrepancy. Is all this to be platitude, or shall we in at least a snail's pace make some progress towards more equality?

They want to express concern about a capital tax that runs in one-fifth of one percent, and they say that it's confiscatory. What tax then, Sir, by that definition is not. Is the five percent sales tax as my honourable friends levied in 1966 not confiscatory of that residual that otherwise would be available for personal consumption? --(Interjection)-- No, we did not, but you put it on, and my only point, Mr. Speaker, was not to say that it was wrong. Did you ever hear me say once, that it was wrong? I'm only making a case in juxtaposition to the fact that somebody over there this morning was making a case that this was confiscatory.

A MEMBER: Right.

MR. SCHREYER: It is no more or less confiscatory, than that particular measure. It is about as simple as that. The ability to pay remains - the Member for Assiniboia is right - it remains, you know, a good, as rational a criteria for levying of taxation as anything. I don't frankly know what - he is quite right, Sir - what principle could be a more rational principle. If you don't accept that principle, then presumably you accept a corollary, or rather the converse, which is that taxation shall be based on the inability to pay - and let's not think that that has not been practiced back in the pages of human history. I seem to recall that as a student of history that back some 100-200 years ago, because of the allegation of those in positions of wealth and influence, that if they were taxed that it would destroy initiative, so they didn't tax them at all, and they put a tax on bread and on salt, on the peasants and on the working people --(Interjection)-- and perhaps sourbelly. Mr. Speaker, you see one can end up in an absolute conundrum of logic. I can't quarrel with the Member for Assiniboia that taxation should, above all else, be based

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(MR. SCHREYER cont'd). . . . on the ability-to-pay and I do not regard a corporation capital tax, identical in intent and in provision to the principles embodied in the Corporation Capital Tax in Quebec, Ontario and British Columbia, to be somehow a deviation from that principle. I don't see it. His concern is with small business and I laud him for that concern and I indicate once again that this does not apply to unincorporated business, it applies only to incorporated business and then only to the extent that they have employed capital in the extent of \$100,000.

Now then that being the case, at \$500,000 of employed capital the tax would be \$1,000. It seems to me that tax is about equal to - indeed it would be less than the tax paid by small business in terms of municipal business tax and municipal property tax. I'm sure it's significantly less. So it cannot be regarded as either confiscatory in a sense any different from any other form of taxation, nor is it particularly weighted somehow in a way that departs from the principle of ability-to-pay. I deny that vehemently, Sir.

Now he also expressed concern that there are such things as capital intensive industry such as mining, that they traditionally pay income tax under one-third of their profits. Labour intensive industry such as retail and wholesale trade - ah yes, Sir, that is an interesting point that the honourable member raises. I'm not sure if it was the Member for Assiniboia or River Heights, drawing the distinction between the fact that certain industries are capital intensive, some are labour intensive and that those that are labour intensive will be, by definition, paying much less of this tax than those industries that are capital intensive. What the honourable member should find some consolation in and I think he will - if he won't admit it publicly I think he will privately and perhaps might acknowledge it privately - is that in most cases those industries that are capital intensive as opposed to labour intensive also happen to be paying, by virtue of the definitions of taxable income, accelerated capital cost allowance and the various other refinements - or perhaps one could call them loopholes, I'm not sure - the refinements or loopholes in our taxation laws in Canada, they consistently pay a lesser proportion of their income in taxes than would an industry that is less capital intensive.

To give you a concrete example - and the Carter Commission bore this out very clearly - there is no question, there is no doubt but that a mining company on the same generated income per annum will pay less tax than manufacturing industry or retail or service industry or the garment industry. So that is an offsetting fact of life, of tax life, which should I think allay my honourable friend's concerns and that they are not in this context really being hard done by. So to put it in perhaps a more succinct way, to the extent that Manitoba's proposed Capital Tax reverses the income tax discrimination against labour intensive industry and the reversal is not all that significant given that the rate here is one-fifth of one percent. Nevertheless we will have made some very minor progress towards the honourable member's apparent goal of neutrality, because our present tax laws are not neutral, let's have that clear, as between the impact of taxation per million dollars of generated income as between mining on the one hand or manufacturing or service industries on the other.

I want to just make a couple of other observations, Mr. Speaker, and then conclude. The Honourable Member for River Heights, I don't think the Member for Assiniboia so much, but the Member for River Heights made much of - and I think maybe the Member for Roblin - made much of the argument that there is a reverse onus clause in this proposed tax which is detrimental to, deleterious of, rights and civil liberties. Now we all have a pretty good common notion as to what constitutes misplaced onus and we try to avoid it. If my honourable friends want to take a pristine pure attitude about reverse onus clauses in legislation, then I would very easily be able to dredge up some of the old Hansards of 1959 and '60 and '61 and '62 when the then Honourable Member for Selkirk, T. P. Hillhouse, was the member and he had no difficulty, Sir, in uncovering - I guess that was his particular objective which he took unto himself and which he should be given credit for - and he had no difficulty in uncovering reverse onus clauses in bill after bill and indeed in existing statute law, one Act after the other. We have, Sir, less reverse onus clauses today in non-financial, non-fiscal legislation than would have been the case a decade or more ago. Now my honourable friends want to speak of reverse onus.

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(MR. SCHREYER cont'd). . . . I would simply point out to them, I will read now from Page 4425 of the Canadian Tax Reports under Federal Income Tax Law:

"Proof of expenses. The onus is on the taxpayer to prove that he has actually made the expenditure or disbursements for which he claims deductions. He must discharge this onus with reasonably acceptable evidence. A charge that the assessor lost the taxpayer's vouchers does not satisfy the taxpayer's onus to prove expenses." And this was the ruling of a judge in the case Marcus versus M & R, reference 52 DTC 429.

Why do I quote that, Sir? Well it merely is to indicate that there is ample precedent under financial or fiscal law ruled on in cases before the courts so there is both statute and case law. There is nothing new about it. If it were feasible to proceed otherwise these would be changed. What is before us now could conceivably be reworded. But that is not the consensus of opinion and view thus far in our country on the part of those who have to discharge the responsibility for our fiscal laws.

Having made that point, there is one other. I think the Member for La Verendrye as well as the Member for River Heights alleged - I would have to say they alleged, Sir, that in Ontario under the Corporation Capital Tax Act they were taxing the net assets and here this bill is proposing to tax gross assets. Upon checking we are advised as follows: That we have not made any different provision in our legislation in this regard than in Ontario with respect to industry with the exception of the banks, with the exception of the banks. But in Ontario, because they tax banks on a net basis, they also apply not a one-fifth but a two-fifth of one percent rate. So they've given, shall we say, a more favourable definition to the banks but they've doubled the rate and therefore it is really, Sir, six of one and half a dozen of the other. But with respect to non-banking industry in Ontario the same kind of application of this law applies.

It's rather interesting, Sir, when the specific tangible criticisms have been isolated out of what has been said and they are looked at in the light of the facts, in every case they have been proven to be without foundation with the exception of the point made by the Member for Assiniboia that there would seem to be some degree of hardship or negative effect insofar as smaller business that really didn't possess the ability to pay. But I think that in large part if not completely, that I have spoken to that point as well.

QUESTION put. MOTION declared carried.

MR. SPEAKER: Order please. The motion before the House is Bill No. 88. A STANDING VOTE was taken, the results being as follows:

YEAS

Messrs.	Adam	Malinowski
	Barrow	Osland
	Bostrom	Paulley
	Boyce	Pawley
	Burtniak	Petursson
	Cherniack	Schreyer
	Derewianchuk	Shafransky
	Doern	Toupin
	Evans	Turnbull
	Hanuschak	Uruski
	Jenkins	Uskiw
	Johannson	

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(STANDING VOTE cont'd)

NAYS

Messrs.	Banman	McGill
	Bilton	McGregor
	Blake	McKenzie
	Brown	Minaker
	Craik	Moug
	Einarson	Patrick
	Enns	Sherman
	Ferguson	Steen
	Graham	Watt
	Henderson	Wilson
	Jorgenson	

MR. CLERK: Yeas 23; Nays 21.

MR. SPEAKER: In my opinion the Ayes have it. I declare the motion carried. The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON (Portage la Prairie): Mr. Speaker, I was paired with the Honourable Member for St. Vital, had I been able to vote I would have voted negative.

MR. SPEAKER: Thank you. The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, would you call Bill No. 80, please?

MR. SPEAKER: Bill No. 80, proposed by the Honourable Minister of Municipal Affairs. The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Stand, Mr. Speaker.

MR. USKIW: Bill 84, Mr. Speaker.

MR. SPEAKER: Bill 84, proposed by the Honourable Minister of Consumer, Corporate and Internal Services. The Honourable Member for Wolseley.

MR. WILSON: Stand.

. . . . . continued on next page

MR. USKIW: Bill No. 89, Mr. Speaker.

BILL 89 - THE STATUTE LAW AMENDMENT ACT (1976)

MR. SPEAKER: Bill 89, proposed by the Honourable Attorney-General. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Speaker. Mr. Speaker, when we adjourned at lunch I had got to the section in The Statute Law Amendment bill dealing with The Fatal Enquiries Act.

I have to say at this time, Mr. Speaker, that we have seen almost a constant attempt by this government on various pieces of legislation to pry into the private affairs of individuals in the province. On numerous occasions we've seen this; we saw it two or three years ago in Consumer legislation; we saw it in the Human Rights; now we see it here in amendments, which are supposedly technical amendments but rather significant I suggest in the aspect that it does, in my opinion anyway, invade the privacy of the lives of people in the Province of Manitoba.

I want to bring it to your attention, Sir, that under this proposed amendment a medical examiner can examine and extract information from any record or writings of any individual, and he can make copies of same for his use as a medical examiner. He can do that, Sir, without applying to the courts for permission; he can do it without notifying the person that those records are required; he can do it without giving notice to anyone; he can do it at any time of the day or night, there is no limitation whatsoever placed on the activities of a medical examiner in prying into the secret affairs of individuals in this province or the personal affairs of individuals in this province. I suggest, Sir, that that is wrong. I think it is very wrong and I'm surprised at the Attorney-General, who is supposed to be the Protector of the rights of individuals in the province, for allowing this type of legislation to come forward. I would hope that when this bill goes to committee that he will have amendments drafted to protect the rights of individuals in society, at least to the point that if a medical examiner wants access to an individual's personal writings, his personal files, that he has to show due cause, that he has to do it in reasonable hours, that he has to satisfy the courts that it is necessary for the conduct of his examination that he acquire those records. I think it is only fair and proper that those safeguards be enshrined in legislation; otherwise I'm afraid, Sir, that people will not think too kindly of those that would bring forward legislation that gives certain individuals in society almost unlimited rights to pry into their own personal affairs.

So, Mr. Speaker, I hope, and I sincerely hope that the Attorney-General will bring in amendments when this particular section goes to committee for study.

Going onto another section, dealing with The Hospitals Act, Mr. Speaker, I tried to interpret the meaning of the changes in the amendment proposed here, and it may be correct and it may be incorrect, but I would hope that when this goes to committee that the Attorney-General will take a look at that also to make sure that the wording is correct.

Sir, when we go on to The Landlord and Tenant Act we find that there are certain sections which are repealed and I find that those are basically in order. As far as I can find out it is mainly because of the fact that we have increased the limitation of actions that can be brought before the County Court and in that respect I see not too much difficulty with that.

But then we come down to a section, Sir, dealing with the changes in The Medical Act - and it's unfortunate the Minister of Health is not here - but there are some very significant changes there dealing with the accreditation of medical doctors, and I would hope that that section has been thoroughly discussed with the medical profession and meets with their approval.

There have been changes in the medical field in the last short period of time where the advantages of reciprocity that existed between the medical profession in Canada and the United Kingdom are now apparently terminated - and I don't know whether it was a mutual agreement or whether it was a one-sided one, but we do notice that there are changes being made here in the manner in which those that want to be accredited as doctors have to make their applications, and the credits that are recognized and those that aren't.

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(MR. GRAHAM cont'd)

While we're dealing with the matters of health, Sir, there's another section dealing with The Pharmaceutical Act which deals with the possibility of the removal of the drug standards and therapeutic formulary. I would like to know what the degree of success has been with the establishment of the formulary. Has it been of real benefit to the province or not? I know it's a relatively new thing; now we find that there's a clause being inserted here which gives them the option of getting out of it. There is a possibility that that could be taken away.

I think that there are some amendments to the University Grants Commission and the status of the universities that I think perhaps some other members of this side of the House may want to talk about, so I won't say too much about that.

However, there is an amendment that does intrigue me and that is dealing with changes in The Marriage Act, where we find that those that are witnesses to the consummation of a marriage - in the past I understand the Act has said they had to be adults - we now find that those witnesses have to be credible. Now, I don't know what they mean by credible. I don't know what the definition of the word "credible" is. But does this mean that they no longer have to be adults to be witnesses at a marriage ceremony?

--(Interjection)-- Oh, I apologize. I apologize to that. But anyway, we now find that the witnesses, the word "adult" is being removed. Now does that mean that the witnesses can be children? --(Interjection)-- Well, if the Member for Flin Flon says: "Anybody over 10", I wish he would put that amendment in. I don't know whether he would qualify or not.

But it also states in there, Sir, that those witnesses have to sign statements, and I don't know what degree of legality there is in statements signed by juveniles. I don't think it's really that important, but at the same time I was just wondering what constitutes a credible person. I think that the choice of words could probably have been a better one than this. I certainly wouldn't want to use the word "incredible", but at the same time I think that when we are putting legislation on the Statutes that it's going to remain there for quite some time, I think it is only fair to those who will be using those statutes to be able to understand what the interpretation of the legislation really is. So when you use the term, "a witness has to be a credible person", I think that's a rather meaningless or vague, to say the least, a very vague definition. I think there could be a better choice of words used here I think.

Most of the other sections, Sir, I find have been fairly standard.

But then we come to the amendments of The Vital Statistics Act, and in that, Mr. Speaker, we find that we have, starting on Page 15, we have three-quarters of a page of amendments to The Vital - no, we have a full page on 14, full page on Page 13, and a third of a page on Page 12 plus all of Page 16, all of Page 17, and part of Page 18, which all deal with amendments to The Vital Statistics Act. Now I know they are all of a technical and minor nature but I would hope that when these amendments are passed, if the amendments are that extensive that the entire Act be rewritten because the amount of changes that are involved here are numerous to say the least.

The section in The Statute Law Amendment Act dealing with the change in The White Cane Act, I find I have no serious disagreement with. I have talked to those that have had a great deal of concern about the present section but I'm not too sure if a dog, even though it is well trained, enters into a place of heavy density of people whether it be indoors or out, accidents can happen and I just wonder whether that dog should have some restraint placed on its muzzle at that particular --(Interjection)-- That's a good word. I know that most people that have trained dogs do not like the idea of muzzling a dog at all. I don't think it's the nicest thing for a dog. I think it may eventually cause a very gentle dog to be rather temperamental. But at the same time, while we are making every effort to protect those that are under a severe handicap, namely the blind people, I think we also have an obligation to the public at large to ensure that there is maximum protection for them. I hesitate whether to make this an amendment but I want to bring it to the attention of the Attorney-General, so that when we go to committee, perhaps we can hear some representation from those that are actively involved in the use of guide dogs and we may at that point be able to gather some additional information.

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(MR. GRAHAM cont'd) . . . . I just raise it as a matter of interest at this particular time so that we can maybe get some representation on it.

Dealing with amendments to The Winnipeg Act, I'm not going to take too much time with that. I think there may be others who might want to talk on that. With those few remarks, Sir, I'll suggest that the bill as far as I am concerned, I would be prepared to see it go to committee where we can discuss the various things in greater detail and perhaps see some changes made.

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. WARREN STEEN (Crescentwood): Mr. Speaker, I'd like to make a few comments regarding Bill 89, The Statute Law Amendment Act. An area of this particular bill that is of interest to me is the area amending the suspension of licence and registration for failure to pay the Corporation under The Manitoba Public Insurance Act. The concern that I have regarding this particular aspect of the bill is that we're changing the word "or" to "and" and this means that when an unlicensed person is driving an unlicensed vehicle that he will not only have his licence suspended but also have the vehicle taken away from him.

I cite an example for the Minister and would like his interpretation at a later time of a transfer company operator who perhaps carries six licences for six vehicles, yet owns eight vehicles. He has a few older vehicles that he has for emergency cases and purposes. If a person was to drive into that transfer company yard and have an accident with one of these unlicensed vehicles does that mean that the transfer operator loses that vehicle? It's an unlicensed vehicle. Does the Public Insurance Corporation take away that vehicle if they're having difficulty in settling the claim? That's a concern that I raise, Mr. Speaker, regarding going from "or" to the word "and" because "or" I would think that the discretion would have been there with the Public Insurance Corporation and they would have understood such a situation. Now it means that the person is going to lose the licence "and" the vehicle. That's a definite concern that I have and this same example could be cited with a farmer who has extra vehicles and he is prepared to pay the \$3.00 transfer fee, once, twice, during a given year and change the plates from one vehicle to a second vehicle depending on seasons and so on. While he leaves his unlicensed vehicle in his yard, it is really not a registered vehicle. I would like the Minister to tell us how this is going to be handled when the legislation is going away from the word "or" and to the word "and" where it's going to be compulsory now for the person to have the licence lifted.

Another concern or an area that I would like to make a few comments on, Mr. Speaker, regarding The Manitoba Public Insurance Act is that I'm pleased to see that the Minister is making changes to protect the confidentiality of medical records. I think this is an area that the opposition as well as many persons in the private sector have brought pressure to the Minister to see to it that a person must give consent before such medical information is ever given to the Public Automobile Corporation. Perhaps, Mr. Speaker, when the Minister responsible for Bill 89 is concluding debate he might spend a moment or two and make reference to the clause that I have brought to his attention which is Clause 5, Section 33.1(9) where they're changing the word "or" to "and". He might take into account the example I have used of the person with the extra vehicles.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. WILSON: Thank you, Mr. Speaker. Speaking to Bill 89, I wish to express a few of my concerns and again congratulate some of the changes and talk about some that may or may not be left out.

I think the registration system is good. However I would like to see the large battery of lawyers employed with the Attorney-General's Department put a little more teeth in the conversion section. It seems that the conversion of automobiles today has been blamed on an inadequate system and I would like to see, once this system is placed, that further teeth be put into the conversion of automobiles throughout the Province of Manitoba. The person that buys the car, because he claims there's no proper records, ends up hiring a lawyer at further expense to himself and ends up losing the battle. So that is a good section.



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(MR. WILSON cont'd)

I think that the garagekeepers' section is again a positive thing. I should say now that it seems that the same battery of lawyers has taken since 1969 to correct partial wrongs throughout many of these legislative bills and I would like to see that they go all the way and not every two or three years give a sprinkling of some sign of improvement. I think that again I speak with sort of a vested interest and this is possibly the first time that I have spoken in the House on something that relates to me but I do feel I am speaking from personal experience. I think it is wrong that these changes are taking so long to come about. At one time under The Garage Keepers Act, all the expenses of recovering the security were passed on to the person who is the scoundrel that didn't pay the bill. Now because of Bill 139 which wiped out the bailiff industry in Manitoba, the bailiff is now called a collection agency and therefore under The Consumer Protection Act, under this sort of motherhood situation, the garage man has to pay all the charges. On one hand he's got The Garage Keepers Act under which he thinks he's fully protected but on the other hand he has 20 bureaucrats who interpret The Consumer Protection Act to suit themselves and to side with the debtor.

Under The Distress Act I would concur and I'm very pleased to see that the Minister has finally amended sections to The Distress Act which calls for the total elimination of the printing of Section 36 on the back of a Warrant of Distress. However, to show you how outdated it is, we must begin to look at some of the wording and see that it's long overdue and again we should be grateful that it's here, but again, why does it take so long? When you start talking about the elimination of phrases such as "one cooking stove with pipes, one wash basin, and one axe and one saw," I think we are taking back wording which is prior to our time. It may apply in some particular sections of the province still. I do think it was a sad day when Bill 139, which prohibited the . . . for rent which is mentioned here because the ability to force collection for rents justly owing has caused an inflationary factor because a person in business never loses money, he just passes his loss on to the honest tenants. I think this free rent for the socialistic squatters and passing the charges on to the honest tenants is really a cause of inflation and increased rents. I do think that the collection system in the courts is a farce because the landlord is facing a number of problems. I really would like to see where the person who is aggrieved wouldn't have to face a battery of Legal Aid lawyers and take time off work and when he gets judgment, he has a piece of paper that is supposed to be good for ten years but then he finds that he has to transfer it to county court in order to garnishee any wages. Most of the time these people are either commissioned salesmen or people on the public assistance.

I'd like to see this group of expensive lawyers on the government staff examine the possibility of rescinding the sections of some of these past bills that don't contribute to the fair balance, whether it be with the businessmen and the public or the consumer with the landlord and the tenant because the person then has to pass it on to what Mr. Trudeau might call the just society. In other words, we're basically creating a debtor's haven by supporting the freeloaders and it seems to me there should be some rescinding in some of these sections.

I would like to say again this is the first time I've spoken on anything I have had personal experience in but I did feel that when the government wiped out the industry which I was involved in, which I felt was a vehicle against dishonesty, that they didn't do any particular service to the community and did they pay that industry any compensation? No. They never paid them a dime in typical government fashion. The remains were transferred to become collection agencies at a \$300 a year per licence per name whereas the industry used to pay \$15.00, we were charged by the city and they were charged \$75.00 when it first came in by the province, before they wiped out the bailiff licence. This increase to \$300 per name is extremely gouging on behalf of the Minister of Consumer Affairs and it borders on usury. The Act as it's presently under the control of the Minister of Consumer Affairs calls for a licence fee of \$300 per name. So if you had a corporation with five names, according to the Minister's interpretation or the Minister's staff, you must pay \$300 for each name. --(Interjection)-- Yes.

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

MR. SAUL CHERNIACK, Q.C. (St. Johns): Does the honourable member mean five people or five different names under which an operation is being carried on?

MR. SPEAKER: The Honourable Member for Wolseley.

MR. WILSON: Thank you, Mr. Speaker. What it means if a corporation is incorporated and carrying on under five different names, that they would pay \$300 per name rather than like the income tax which recognizes the corporate shell. --(Interjection)-- After I've finished, thank you.

I would like to see some changes come forward immediately to correct the ills of some of the sections, rather than every three years. It seems to me it's a sad day when civil servants have to justify themselves by shuffling paper around and just coming in with bits and pieces. An example of the unfairness which is under The Distress Act is the tariff of fees. While the Ministers recognize inflation and give themselves increases and of course their staff increases, under the tariff of fees, the levying of a distress under The Distress Act is still at \$1.00. This \$1.00 charge is archaic and it's from the turn of the century. --(Interjection)--

MR. SPEAKER: The Honourable Attorney-General.

HON. HOWARD PAWLEY (Attorney-General) (Selkirk): On a point of privilege. I cannot let that last statement go uncorrected. The Ministers received no increase in salary, haven't since 1966. I don't know what the honourable member means by "well the Ministers have given themselves an increase". They haven't given themselves an increase.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. WILSON: I meant members of the Legislative Assembly rather than ministers as per the church. I would like to say that levying the distress of \$1.00, at least Ontario recognized it and moved it up to \$10.00. But I think asking a person in this day and age to work for \$1.00 is certainly in the dark ages.

This is a favorite tool of Legal Aid when they take members of our industry to court. They always refer to the tariff of fees and say, you're only entitled to charge \$1.00 with a few odds tossed in. If I may give an example, the mileage to going to seize is 15 cents a mile one way. Well if you go to Brandon which is 310 miles, that means that you're only allowed \$15.50. In this day and age I'd like to see anybody put in a day's wages for \$1.00 plus \$15.50.

This is the thing people in the credit industry have to face when they go up against Legal Aid lawyers because they always refer to the law books, the statutes of that government, and I'm saying that when you eliminated - which I appreciate - when you eliminated Section 36 you did eliminate a lot of terminology which was from the dark ages. I would suggest however that you should leave in possibly Section 2 and 3 because I think the pointing out of exemptions is something that the onus should be on the owner. Put yourself in the position where a sale has been put to bed and two years later somebody comes forward and says, you sold a deep freeze that belonged to me. The person knowing that the deep freeze didn't work, it would be to his advantage not to point out his exemption and let the thing be sold because then he could sue for the full amount of the deep freeze. I'm merely suggesting that by leaving the pointing out of the exemption into the particular Distress Act is something which certainly should be left in. I just think that the licensing should be reduced to compare with Ontario.

I think the definition of collection agents and bailiffs should be separated. I know at the time of Bill 139 it was with a great deal of pleasure the government wiped out that industry but I think now that they've had a chance to examine the situation it should be copied after the Ontario bill, like they do in so many of their others. A \$75.00 fee seems to be more realistic compared to \$300.00 per name. However, I guess if you're not one of the favourite industries on the side of the members then you suffer the consequences and do get gouged by unfair licence fees.

I would like to talk about another section under Bill 89, which deals with the word "creditable" pertaining to witnesses and the clergy in dealing with amendments that are suggested. I think until the Registrar - who is now going to be called the Director -

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(MR. WILSON cont'd) . . . . until he practices what he preaches so to speak, until he is willing to police the registration of clergymen in the Province of Manitoba, then I think we have a real problem on our hands. We can't tell because what we've got is a series of mail order ordained ministers and they don't seem to be policed by the Minister of Health. I'm sorry he's in Israel today rather than here to hear my criticism but I realize when you have a \$395 million budget that it's very tough to get into something as small as the policing of the registration of clergymen. But I do think that the Minister should have stayed home to listen to a bill that affects his department because it does say that before a clergyman is registered they ask questions as to his qualifications. They ask questions like does the church own property in the Province of Manitoba? Who are the officers of the church? Is the church incorporated? How many members of the congregation? Does the church or clergymen have a meeting place? I asked the question upon examining the credentials of some of the clergymen that I have run across in my examination of half-way houses and government experiments in my area, it leaves very much to be desired. I think that the government, just because a person has the name Reverend in front of them, until such time as we shore up the registration I don't think that they will be the No. 2 or 3 person in the credibility charts that is deserving if they don't police their own industry and point out and demand from the government that they make sure the credentials are indeed in order. These magazines allow you to send \$3.00 or \$10.00 to become a clergyman and then have the province give you a registration to allow you to marry people throws a very dim interpretation of the word "creditible" as suggested in Bill 89.

The fact also that adults will no longer be required to be witnesses throws a further curve into the matter of what I think is a very serious step in anyone's life. It's a tragedy it's become so loose today but marriage is a very major step in anyone's life and I think under that policing that that word "creditible" should be taken into account. I'm very disturbed about the role of the marriage counsellors as set up and Legal Aid pertaining to the destruction of the family unit by means of fee generating separations and things. I think the whole intent of the marriage contract is to keep people together and for this reason I'm suggesting that the Minister, when he receives my letter, look into this matter as to the policing of the registration of clergymen.

With those few remarks I do think that there has to be given the thought that if you are going to do a job and if you are charged with the responsibility and getting a good salary from the government with no fear of being laid off and no fear of losing your job, then I suggest to those large numbers of members of the Civil Service that they get on with the job of reviewing these Acts and instead of bringing in minor changes let's clean them all up and do the thing properly once and for all.

MR. SPEAKER: The Honourable Minister for Public Insurance Corporation, The Honourable Member for St. Johns.

MR. CHERNIACK: The honourable member agreed to submit to a question when he concluded. I'd like to know how or why any person in his industry would wish to have a company with five separate names. What is the purpose of more than one name to operate a business?

MR. SPEAKER: The Honourable Member for Wolseley.

MR. WILSON: Well speaking from my own personal experience as a young man with a limited income, I bought one company and as I had the work ethic incentive I then bought another company and each one of those companies was put into the corporation so that over a period of 10 or 12 years a person who is working with the idea of acquisition of different companies in the city would then, through the corporate shell, acquire these different companies. They would have furniture, they would have staff, they would have clients who would be the type of clients that would be doing business with a certain company and would not appreciate a sudden merger. I can say to the member who asked the question that certainly I did business with his family under one company name for years.

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

MR. CHERNIACK: A supplementary question. Wouldn't the member's description suggest that he was operating five businesses as far as the public was concerned?

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MR. SPEAKER: The Honourable Member for Wolseley.

MR. WILSON: There is always that suggestion and the result was that the five names were cut down to three and subsequently to two and that's the way it stands today.

MR. SPEAKER: The Honourable Minister for the Public Insurance Corporation.

MR. URUSKI: Thank you, Mr. Speaker. I just want to make a few comments with respect to the comments made by the Honourable Member from Crescentwood with respect to the amendment relating to The Public Insurance Corporation Act. He gave an example during his remarks with respect to the effect of this section as it would apply to a small trucking firm that may have a number of vehicles of which one or two may not be licensed and of course not insured which would be standing on the owner's property and another vehicle which was insured would come into collision with it, how it would affect that owner. Well, Mr. Speaker, it would not affect the owner of that company whatsoever as the insured motor vehicle which would come into collision with the unlicensed vehicle, provided the liability would be clear against the licensed vehicle, the third party coverage of that vehicle would be in effect to cover a claim of the innocent party, insured or uninsured.

The specific change that is being made in this section of Bill 89, Mr. Speaker, is really a technical change. The intent was clear when the section was drawn up that the Registrar of Motor Vehicles, in cases where the Corporation has made payments to an innocent party on behalf of an uninsured motor vehicle owner and/or driver, where there's been a claim paid out on behalf of the uninsured motorist, in these cases where either a Letter of Consent was obtained by the Corporation for payments back to the Corporation by the uninsured motorist or a judgment was received by the Corporation against that motorist, in the event that that motorist fails to continue his payments, that he has been legally obligated either by consent or by court order to make back to the Corporation, the Registrar has the powers to either suspend his licence and/or now vehicle registration should he not comply with the payments that he has previously agreed to in the judgment that has been against him, either by his Letter of Consent or by a judgment in court. It is the same provisions that are in effect under the Unsatisfied Judgment Motorists Fund and the same provisions are carried on in The Corporation Act.

There were statements made before that possibly the Corporation should obtain a court order in all cases with respect to failure to pay these judgments. Mr. Speaker, I would submit that there are many instances where the motorist is amicable to sign a Letter of Consent acknowledging that the expense of going to court is not necessary if he acknowledges the liability, there's no contestation, he's willing to pay back that money. That is why there is a dual process of either a Letter of Consent and/or a judgment. That is precisely the effect of the amendment here.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. DONALD W. CRAIK (Leader of the Official Opposition) (Riel): Mr. Speaker, there is one item in this bill that I wanted to ask the government about. It's the same item that was in last year, in the Statute Law Amendments Act of last year that was withdrawn. I notice that they've brought it back in and I think it's probably pretty well the same as it was last year.

It relates to the universities and puts a restriction on the jurisdiction of the universities to incur liabilities that are not agreed in excess of the grants received by the Universities Grants Commission or from other sources of income that the universities may have. I wonder if the government, in the course of things, can explain to us first of all what the reason is and what is the practical reason for this being brought back in. I understand that last year when it was withdrawn it was done on the basis that they would wait and see what happened in the ensuing year.

Mr. Speaker, if there is in fact a problem with the universities piling up a deficit and a liability that cannot be logically funded then I can see some room for the government becoming concerned. But in the event that there isn't a problem such as that being faced it would appear to me that this sort of legislation which basically removes discretionary power from your University Board of Governors, makes you wonder what a Board of Governors is actually for at a university. Many of their academic responsibilities that they once had have been assumed by the senates of the various universities and much of

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(MR. CRAIK cont'd) . . . . their financial responsibility has been taken over by the Universities Grants Commission. Now if this move is taken which says to the University Boards of Governors that they in fact cannot incur a liability in excess of their grants then it puts an even further restriction on the operation of the University Boards of Governors of the three universities.

So, Mr. Speaker, I think that some explanation from the government is in order before we start passing this sort of legislation. I've asked them some time, now or at committee, to provide some sort of defence that hasn't at this point been given to the Legislative Assembly. It's all too characteristic of the type of restriction that this government seems prone to do. The Trade Practices Act is another. Somehow we seem to get the feeling that the Cabinet has insight and judgment that can be passed on these matters that exceeds that of an appointed board or someone in the private sector. Bills seem to be full of that sort of thing, restrictions on the exercise of normal discretion by ordinary people. There seems to be a propensity for this government to bring in this sort of legislation. We say that unless there is some real just cause for doing it the responsibility should be delegated and left out there where it was if it's been operating even reasonably satisfactorily and get away from this centralization of authority. We would, Mr. Speaker, in this particular case of removing that discretionary power from the Boards of Governors of the universities, unless the government can point out some specific reason and some justification for this, to then indicate some sort of a defence to the people of Manitoba for taking yet another move of restriction on yet another voluntary group that is servicing the province.

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

MR. PAWLEY: Mr. Speaker, I intend to only spend a moment or two because most of the discussion can I think more beneficially be completed during the committee stage.

I would like to comment in connection with the Honourable Member for Birtle-Russell's concern in respect to the personal property system and the reason for setting back the commencement of the implementation of that system. I appreciate the honourable member's concern about this system because it is long overdue that we have had a system in Manitoba by which all liens, encumbrances, mortgages affecting motor vehicles, chattels, etc. be open to search so that one can ascertain as expeditiously as possible whether or not there is any adverse interest to that chattel or motor vehicle. The present system of course is deficient in that regard.

Now the reason that there has been some delay in respect to this is that it was found, 1) that there was a much more professional and expert attention required in order to develop this system. It's an extensive system that requires development. A great deal of time was required in order to do so.

Secondly, there was a problem insofar as the sums of moneys allocated in each particular year. As honourable members know we are under strict budgeting process. It was the view of government that only so much money ought to be allocated in any particular year towards the development of this system. The result of that, there was need to limit the amount of funds expended in any particular year so that the process of development has taken a little longer than had been originally intended. But I think that we now do have an end in view and that we will be able to proceed now towards the date set within The Statute Law Amendments bill before us for the commencement of that system.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, will you call Bills 91 and 94, please.

MR. SPEAKER: The proposed motion of the Honourable Attorney-General. The Honourable Member for Birtle-Russell. Bill No. 91.

MR. GRAHAM: Stand, please, Mr. Speaker. (Agreed)

BILL 94 - AN ACT TO AMEND THE QUEEN'S BENCH ACT

MR. SPEAKER: Bill 94, also in his name.

MR. GRAHAM: Mr. Speaker, if you'll give me just a minute to get the bill out here.

MR. SPEAKER: Very well.

MR. GRAHAM: Mr. Speaker, this bill has been given to us only a few hours ago. We have had no chance really to examine the bill in detail and get outside advice. But even if we left it until this evening, until the next sitting, we still wouldn't have any chance to get outside advice on it. So, Mr. Speaker, I'll just make a few cursory comments now and hope that maybe somebody else will be able to pick up the ball after I have finished with it.

The proposal that the Attorney-General is making here is one that has been under discussion for quite some time, not only in this province but in others, for an attempt to be made to consolidate all aspects of Family Law under one common court. And this will be done in the St. Boniface Family Law Division, as the Minister stated this morning.

Now there are some concerns that I have regarding the establishment of such a court. We know this is a pilot project, we know that the additional costs are going to be funded 50-50 with the Federal Government, but I think it's only fair, Sir, when we go into a pilot project that we know when we start how long that project is going to run. Whether it's going to be a two year pilot project, a one year pilot project, or a three year pilot project, I think it's only fair that when we set up by specific legislation, an attempt of this nature, that we put in that legislation the time frame that this pilot project will operate under. So I hope that the Attorney-General will take that into consideration and probably when it goes to committee, we can talk about some amendments in that respect.

The second concern that I have about the legislation, Mr. Speaker, is something that I think should also be considered and that is while this is a pilot project and there's going to be assessments made, we do know that under this, I believe it is proposed anyway, that all aspects of Family Law in that particular division will be handled in this way. I'm not too sure, Sir, that it is necessary that all be handled in this particular way or not. I think that the people concerned should have a right to express their opinion on whether or not they want it to go before the normal courts or have it transferred to the pilot Family Court Centre. So I make that suggestion, that I think if we change the word "shall" to "may", I think it would be far more appropriate and maybe the individuals concerned would then have a greater say in how they want their affairs to be handled. I think that would be good in two ways, Sir, because when you're doing a pilot project you want to assess the value of it and the results. And if all of the cases go there, in that one area, the only assessment you can make after that is comparing that area to another area. But if there are some cases, if people show their preference, or have the option of showing their preference in that specified area, I think that you will get a greater assessment, not only of how the court operates, but of what people think of it as well. If people have the option of taking their case before the integrated Family Court or taking it in the normal manner, then you will get, I think, a better viewpoint of what the public reaction would be. If you compel everyone in the one area to use it, I don't think that you would be able to make that assessment. So I make that as a suggestion to the Minister, that there maybe should be the option for the people involved, those who are vitally involved, to perhaps have an option of whether or not they want to try the new system.

I haven't had the opportunity to look at the appeal procedure, whether there's any difference there or not, that I don't know yet. But there is another aspect that does concern me, Sir, and this is the support services that will be part and parcel of the integrated package. Mr. Speaker, when we start to set up a pilot project I think there is an extra effort put into it. There is certainly zeal and ambition by those concerned to make sure that the project succeeds and there may very well be, because of the fact that the Federal Government is putting half of the money into it, there may very well be a greater tendency on the part of those charged with the responsibility to allow a very elaborate support system to be built into the pilot project. After all it's only a trial;

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(MR. GRAHAM cont'd). . . . we're going to make sure that every effort is made to make this a success.

So I say, Sir, there is a very grave danger that a massive support structure could be built into this - after all the Feds are paying half. That's a very good argument that I hear from the members on the opposite side very often. This is the justification, the Federal Government is paying half. Well, Sir, I don't buy that. I think every effort has to be made to keep the support services at a level that we can live with in the future, if the pilot project proves a success. Because, Mr. Speaker, if the pilot project does become a success and we have used a very elaborate support service system to make it a success, you can rest assured, Sir, that when the change is made to make it an all-encompassing effort, then that very elaborate support system will become part and parcel of the Family Court that we are setting up. And when that occurs, we will not then have the support, the 50 percent support that the Federal Government would put into it.

So I suggest to the Attorney-General that he look very carefully at that aspect of it because what happens now, we may very well have to live with later. I hope that he deals with this and the comments that we're making right now are given in a manner that lends support to the principle, because, Sir, I have to tell you that I am very much in favour of trying new court proceedings in this province, of trying to increase the utilization of the sheer mechanical aspect of the courts. I think it's a well-known fact that I have been critical when dealing with the Attorney-General's Estimates, and on other occasions, of the fact that we have not fully utilized the machinery of our courts and if this is a means that will improve that utilization then we have to consider it very seriously.

I think I've pointed it out previously that some of our courts are operating at a fairly low percentage of total utilization, although I understand studies have been made of I believe of the Provincial Judge's Court which indicate almost a 60 percent maximization. I'm not sure that that same percentage is true of the County Court and the Queen's Bench Court. I don't know if studies have been made of them. But I know that all the intricate moves that have to be made in bringing a case to court can, even with the best of intentions, cause trouble from time to time and our courtrooms are not utilized because of some misunderstanding some place along the line, even though the case has been on the docket, when it comes time to hear it, it's not, or the judge is not able to hear it for some reason or another.

So if this new court system does anything to improve the utilization of our courts, if it does anything to cut down on the 60, 80, 90 day and even longer, sometimes it's even as much as six months, remand in cases, then I say we must, we must move forward and try because there's many areas in the field of justice which leave room for improvement, and so I say let's make an effort and try in this respect, but at the same time bearing in mind some of the comments I have already made on it.

I don't know if anyone else wants to speak on this at the present time, but those are the comments that I would like to make without having really had the opportunity to study the detailed contents of the bill.

MR. SPEAKER: The Honourable Member for Assiniboia.

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

MOTION presented and carried.

BILL 83 - THE WORKPLACE SAFETY AND HEALTH ACT - REPORT STAGE

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, we would wish now to proceed with Report Stage of Bill 83. I understand there's an amendment.

MR. SPEAKER: The Honourable Member for Fort Garry on Report Stage of Bill 83.

MR. SHERMAN: Mr. Speaker, I have two amendments to propose to Bill 83, Sir.

I would like to move, seconded by the Honourable Member for Morris,

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(MR. SHERMAN cont'd). . . .

THAT section 1 of Bill 83 be amended by adding thereto, immediately after subsection (m) thereof, the following:

"(m.1) 'occupational health nurse' means a registered nurse as defined by The Registered Nurses Act."

My second proposed amendment, Sir, is moved and seconded by the Honourable Member for Morris,

THAT section 17 of Bill 83 be amended by adding thereto, immediately after subsection (2), the following:

"Authorization for occupational health nurse

(3) The chief occupational medical officer may provide written authority to a person who is an occupational health nurse to enter a workplace for the purpose of enforcing provisions of this Act, and a person so authorized shall have such duties and powers as are prescribed for the person by the chief occupational medical officer, but the duties and powers prescribed shall not include any duties and powers that are not prescribed for a person who is appointed as a safety and health officer under this Act."

MR. SPEAKER: Is the House prepared to take both Motions at once or separately Take them both.

MOTIONS presented.

MR. SPEAKER: Does the honourable member wish to speak to the amendment?

MR. SHERMAN: Mr. Speaker, I would like to speak just briefly to say the reasons I think for moving the two motions together like that are obvious, to define the term occupational health nurse because it's subsequently later used in the Act, if the amendment is accepted. The reasons I think would commend themselves to most members of the House. There is a role for the occupational health nurse in industrial health and safety and we would like to see the government and the province recognize that role and take advantage of it and provide the benefits on onsite work areas that can be provided in the preventive health and safety field as much as in any other by persons trained in occupational health nursing.

QUESTION put on the amendments MOTION carried.

MR. SPEAKER: Is it the pleasure of the House to receive and concur in the Report Stage of Bill 83? Agreed, so ordered. The Honourable Minister of Agriculture.

MR. USKIW presented Bill 83, The Workplace Safety and Health Act, for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Roblin, speaking to the Motion.

MR. McKENZIE: Mr. Speaker, I have some comments that I would like to put in the record regarding this legislation after listening to the hearings of the last several days on this very important piece of legislation, The Workplace Safety and Health Act, Bill No. 83.

And, Mr. Speaker, again, as my sentiments were expressed this afternoon on another matter, expressed of those witnesses and delegates that came to Law Amendments or the Committee of Industrial Relations not only expressed my anxiety and concern but theirs as well, the way that this Minister has handled this legislation. There were many people, Mr. Speaker, that complained time after time in the committee because they hadn't had access to the legislation, nor did they have time to prepare themselves, and they were not pleased, like myself, Mr. Speaker. So I, Mr. Speaker, want to put into the record, expressing not only my own concern, but the concerns of many of those that did appear, and I'm sure there are many people that were not allowed to come here because they didn't have the legislation nor time to prepare themselves, and I'm sure that they would be hoping that one of us in the opposition would at least express those concerns.

Mr. Speaker, I support the Safety Bill and the Health Act, the principle of it; I think it's an excellent bill and it's one that we should have given more time to and it should have had more in-depth study not only by the opposition but the people of this province, and I hope this government will learn once and for all that you just cannot get the message of legislation out to the man on the street in a matter of a week. It generally takes three



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(MR. McKENZIE cont'd). . . . to four weeks for people out - the outlying areas especially of Manitoba to find out what's going on in this Chamber. The manner in which they handle a lot of this important legislation leaves a lot of anxiety in my mind.

Mr. Speaker, surely one of the amazing concepts of this Bill 83 is the establishment of the Manitoba Labour Board as the jurisdictional body who will now issue stop-work orders under this Act. And, Mr. Speaker, I've been of the impression for a long time that the Manitoba Labour Board was a Board that was neutral, it was away, as far away from an arm of government as it could possibly be, and in all likelihood any disputes that went to the Manitoba Labour Board would likely get a fair hearing. But Mr. Speaker, that day is gone. This Manitoba Labour Board that we have in this province today is one of the most political ones that I've seen in my time in this Legislature. The Chairman is a political appointment, the Chairman was a candidate for the NDP; so I just wonder how, under this legislation, or under other legislation that's going to deal in another Act, that board being granted all these powers can stand up and say that they can make a fair and an honest judgment on a matter that deals with certain individuals in this province. And maybe they can, Mr. Speaker, maybe the board can. I'm sure their record in the past has been a good one, and I congratulated them for the work they have done, but now, Mr. Speaker, with the power that's being granted to the board, I hope the Minister will take a real good look at this and see if in fact with some of the powers that's extended, if in fact that the Labour Board can handle it, especially the sections now, Mr. Speaker, where on appeals the appeal goes back to the Labour Board, the same Labour Board. Now, if I was having a complaint lodged with the Labour Board, naturally I would expect a fair hearing, but in this section, Mr. Speaker, where in case I don't get my way or my appeal is not considered by the board, then on my appeal, do I have to go back to the same board, the same people? I would think the Minister in this legislation should look at that point again, Mr. Speaker.

The other one that I was wanting to speak on, Mr. Speaker, is the expenses that are incurred for the administration of this Act. Mr. Speaker, we can certainly put back into the record the comments that were brought to the committee the other day by the gentleman from the Canadian National Railways, who read into the record the statement of the Minister in 1972, where he said. . . when the provision of the Act at that time, where a million dollars of input was provided into the Workmen's Compensation Board by the government, because, Mr. Speaker, we're not only going to deal with matters that concern the industry and the workmen, there's matters here that are provision for the safety of all the province. And I just wonder, Mr. Speaker, it seems to me to be reasonable to have at least some of the administration costs of the Act paid from the general revenue of the province, because safety as I said is not only a matter of prime interest to employers, it's also of prime interest to employees and to the province, and to many other people as well.

My only other concern again in this bill, Mr. Speaker, is the one related to the onus principle and we have expressed our sentiments and we've drafted resolutions expressing our concern, where in this legislation a man is guilty and he has to prove himself innocent, and I think that the Minister and the Department should take another look at that again. The fact that the appeal must go to the Manitoba Labour Board again is one principle that we in the opposition have a very difficult time agreeing with, Mr. Speaker.

So those few remarks I hope the Minister will take them as ones that deserve attention and maybe we can, before the bill is proclaimed, we can get some answers to those concerns that we're expressing, Mr. Speaker.

MR. SPEAKER: Is it the pleasure of the House to adopt the motion? The Honourable Minister of Labour.

MR. PAULLEY: Mr. Chairman, I said the other day, that when the achievements, and I believe it to be an achievement that I am most proud of since I was first elected to this House in 1953, is that at long last we have a consolidation within the statutes of the Province of Manitoba of practically all methods and operations dealing with the most important item of industrial safety and industrial hygiene.

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(MR. PAULLEY cont'd)

I can appreciate my honourable friend mentioning that it seems a long time to get down to a discussion of a bill of this nature, that it's something new to him, apparently - well I want to assure my honourable friend it isn't something new to me. Having been born and brought up and educated in the industrial field of the Canadian National Railway, to which my honourable friend alluded, I've always had as an immediate concern, safety at the workplace.

We talk of safety and the cost of safety as alluded to by my honourable friend as something new, because in his remarks he mentioned the fact that under the Workers Compensation administration the cost is assessed against the employer for the field of safety, but safety is not just safety pertaining to those areas of the activity under the Workers Compensation Board. As a matter of fact, Mr. Speaker, it was not this government that changed the operation of the Workers Safety Act to the control of the Workers Compensation Board, but it was a Conservative government of Manitoba that did it. And as the leader of my party in opposition at that time, I complimented the Conservative Government of the day in doing so because I felt that in the area of safety in industry that there was a relationship between the provision and inspection of safety devices on machines and the total cost of compensation, which was a direct and first charge on the employer.

My honourable friend referred to a statement that I had made and repeated the other day by Mr. Nerbas, solicitor for the CNR, of what I had said about the cost and the ever-increasing cost of the incident of accident on the employer and for the reasons of the increases that we're going to be considering in section by section consideration in the Workers Compensation Act. My objective back in the days that my honourable friend referred to of a greater input and inspection into all aspects of safety was to reduce the incident of accident to the individual and the resulting side effects of troubles and trials and tribulations to the family of the injured as a result of loss of income and on occasion, loss of wife or mother, and that was the approach in the field of safety.

But I found, and I'm sure my honourable friend has found it too, that in various areas of government, there are various approaches to the incident of accident, and just as my desire at that time was to reduce the cost to the employer financially, I did so because I realized that the less amount that the employer paid, at his own expense so-called, because there is no such thing as real at own expense because somebody pays for it, and it is we collectively, the cost of the incident of accident could be reduced. And so Mr. Speaker, this was the objective I had; today is the culmination of a consolidation of a joint straight approach to try and overcome that so that the financial cost of accident can be reduced.

Now my honourable friend made reference to the Labour Board, and in this connection with hearing cases, and cease and desist orders insofar as construction is concerned - and referred to them in a political sense. I wonder, Mr. Speaker, if my honourable friend is aware that according to my memory, which I believe is correct, that of the six members of the Labour Board, three were appointees of the previous government of Manitoba. It is true that the present Chairman of the Board did take a flyer in the field of politics and wasn't successful; I haven't heard any criticism however as to his abilities in the job that he is doing. But in the field, in the field of Workers Compensation and related matters, even to the degree of the Labour Board, it has been my desire to consolidate the efforts. My honourable friend the Member for Fort Garry has helped me out, me, no, not to me, has helped Manitoba out today by, at the report stage of this bill, to indicate the need for an input of occupational nurses. And this is the type of approach Mr. Speaker, that I've always felt desirable for Manitoba. Oh, somebody today said that the possibility is that I've now reached that magical 70 percent level of contributions for pensions under our pension schemes, and by God, I came down pretty close to the wire, didn't I, to the 75 percent achievement.

But all kidding aside, Mr. Speaker, and colleagues, I earnestly ask each and every member of this Assembly to join with me and the bureaucracy, to use that term, that is going to have to be set up to make this work. Sure, the costs to industry which are being obtained at the present time insofar as the workers' safety aspect under Workers

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(MR. PAULLEY cont'd), . . . . Compensation, that contribution may continue but there is provision in the bill for the financial contributions that we're now paying in the Department of Labour and the Department of Health and other departments, and charged for out of consolidated revenue, will still be used to assist us in our endeavours as a government of Manitoba to reduce the incident and the suffering of accident.

I cannot help but close on that note, Mr. Speaker, because I'm sure my honourable friend really didn't mean to indicate that it was just a sort of a teepee we were building in this area, but I want to assure him in all sincerity that this isn't an overnight pipe dream that has just occurred because of a relatively few years of involvement in the House, but my involvement started as a kid on the work benches of the Canadian National Railway.

QUESTION put MOTION carried.

MR. SPEAKER: The Honourable Minister of Agriculture.

BILLS 85, 14 and 15 were each read a third time and passed.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, I suggest that Mr. Speaker do now leave the Chair to return at 8:00 p.m.

MR. SPEAKER: I am now going to adjourn the House since that's the desire of the Assembly. Accordingly the House is adjourned and stands adjourned until 8:00 p.m. this evening.