

**THE LEGISLATIVE ASSEMBLY of MANITOBA**  
**Tuesday, May 17, 1977**

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**TIME: 2:30 p.m.**

**OPENING PRAYER by Mr. Speaker.**

**MR. SPEAKER, Honourable Peter Fox (Kildonan):** Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 60 students of Grade 4 standing of the George Fitton School. These students are under the direction of Mr. Stan Vickers. This school is located in the constituency of the Honourable Member for Brandon East and the Minister of Industry and Commerce.

We have 60 students of Grade 8 standing of the Virден Collegiate, under the direction of Mr. Erickson. This school is located in the constituency of the Honourable Member for Virden.

And 30 students of Grade 5 standing of the Eastwood Elementary School, under the direction of Mrs. Hamilton from the constituency of the Honourable Member for Thompson.

On behalf of the honourable members we 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.

**ORAL QUESTIONS**

**MR. SPEAKER:** The Honourable Member for Roblin.

**MR. J. WALLY McKENZIE:** I have a question to the Honourable Highways Minister. I wonder if the Minister of Highways is prepared to go up that PR No. 270 and take a look at the deplorable conditions that are 100 percent responsibility of the government; where it's reported that cars and trucks are stuck on the road and the school bus has been in the ditch.

**MR. SPEAKER:** The Honourable Minister for Highways.

**HONOURABLE PETER BURTNIAK (Dauphin):** Well, Mr. Speaker, I certainly will take a look at it, yes.

**MR. McKENZIE:** Mr. Speaker, I wonder will the Minister advise the House when this road is brought up to the standard that those citizens deserve.

**MR. BURTNIAK:** Mr. Speaker, if upon investigation and of course I wouldn't say that I don't believe what the honourable member is suggesting in the House, but if any improvement is necessary and once it's done I think the people in the community will be well aware that there have been improvements made.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MR. LLOYD AXWORTHY:** Mr. Speaker, I have a question for the Minister of Mines and Natural Resources. I wonder if the Minister can confirm that his department has prepared a document or report investigating the health and safety hazards of high voltage transmission lines and if his department refused to provide that report to the National Energy Board hearings that are presently being held in the city concerning transmission lines?

**MR. SPEAKER:** The Honourable Minister of Mines.

**HONOURABLE SIDNEY GREEN (Inkster):** Mr. Speaker, there have been internal documents back and forth between the department and Hydro. The document is available to Hydro. Hydro is before the Board and they will deal with it.

**MR. AXWORTHY:** Mr. Speaker, a supplementary. Can the Minister indicate whether these internal reports that have been prepared indicate that there are any particular damages or potential hazards related to high voltage transmission lines and does he not believe that such reports should be made public to the National Energy Board considering their deliberations concerning transmission line applications.

**MR. GREEN:** Mr. Speaker, I've indicated that the department will have been dealing with Manitoba Hydro. Manitoba Hydro is before the National Energy Board. Our department is not before the National Energy Board. The Hydro will have to also deal with the Department of Environmental Management through our own process at which time whatever concerns are expressed will have to be taken account of. But at the present time, Hydro is before the National Energy Board. It's not my opinion that either Hydro or this government has ever recognized that the National Energy Board is the proper form in which environmental concerns of the Province of Manitoba are taken into account.

**MR. AXWORTHY:** A supplementary, Mr. Speaker. Can the Minister confirm, however, that either on his orders or on the orders of the Attorney-General, that the government exercised what it calls a Crown privilege when it was requested by counsel before that board to produce such documents and that they thereby refused on the basis of Crown privilege?

**MR. GREEN:** Mr. Speaker, my impression is that the matter was left with Hydro who've copies of the reports, and whatever positions were taken it is my impression that they were taken by Manitoba Hydro. But the department didn't exercise privilege although I could be corrected if I'm wrong. My

understanding is that whatever positions were taken were taken by Manitoba Hydro.

**MR. SPEAKER:** The Honourable Member for Fort Rouge. A final question.

**MR. AXWORTHY:** Well, Mr. Speaker, perhaps I can address a question then to the Minister responsible for Hydro. Is he prepared to request that Hydro produce these reports concerning the potential hazards of high voltage lines before the hearings of the National Energy Board, or divulge them to any other interested party that would like to see such reports?

**MR. SPEAKER:** The Honourable First Minister.

**HONOURABLE EDWARD SCHREYER, Premier (Rossmere):** Mr. Speaker, unlike the Honourable Member for Fort Rouge, I do not assume that the National Energy Board is a *tabula rasa*, that it is ignorant of these kinds of contentions, and that other agencies of the Crown on the right of Canada, such as the National Research Council, are in a position to provide whatever information the National Energy Board may want with respect to alleged environmental hazards, or lack of them, of high voltage transmission lines.

**MR. SPEAKER:** The Honourable Member for River Heights.

**MR. SIDNEY SPIVAK:** Mr. Speaker, to the First Minister, further to the questioning that is taking place. I wonder then if he would indicate whether Manitoba Hydro has no restraint imposed on it by the Executive Council to release the information to the National Energy Board, if requested, and if it deems advisable.

**MR. SPEAKER:** The latter part is hypothetical. The Honourable First Minister.

**MR. SCHREYER:** Mr. Speaker, that certainly would be not a correct assumption. I am not aware that there has been any wilful effort to withhold information. Nevertheless, my reply still stands that if it is contended there is a serious and/or significant problem that this phenomenon must have been studied and researched by agencies of the Federal Government as well. There is no attempt here to withhold information. The National Energy Board has access to this information from federal research agencies as well.

**MR. SPIVAK:** Mr. Speaker, to the First Minister, further to the questioning. The decision as to whether that information will be furnished to the National Energy Board then is entirely Hydro's own decision; not in any way a decision of the Manitoba government, that is of the Executive Council.

**MR. SCHREYER:** If my honourable friend is putting that in an interim sense, that may be correct. But I am not going to confirm that because, Sir, I am not aware that there has been any deliberate decision taken in that specific regard by anyone, much less the Executive Council. The matter has not been to Cabinet.

**MR. SPEAKER:** The Honourable Member for Wolseley.

**MR. ROBERT G. WILSON:** A question to the Minister of Consumer Affairs. Would the Minister confirm that he is knocking the accommodation-type companies out of business and setting up a government rental accommodation agency, as reported in the paper, a central registry?

**MR. SPEAKER:** The Honourable Minister for Consumer and Corporate Affairs.

**HONOURABLE RENE TOUPIN (Springfield):** Well, Mr. Speaker, I wasn't aware that I was knocking any one. The concept as expressed in the Winnipeg Free Press of today is a concept that has been discussed in this House during my Estimates. It is a concept that has been discussed with the industry, with tenants, so it's nothing new. I think it is time that we did it.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MR. AXWORTHY:** Mr. Speaker, a question to the Minister of Consumer Affairs then concerning the interview that he gave concerning the proposed rent control program. We can gather from this, Mr. Speaker, that the announcement has not been made officially in the House but seeing that he has now made these remarks public, can the Minister indicate what percentage or rate or guideline is he proposing to establish for Phase III in the rent control program?

**MR. TOUPIN:** Mr. Speaker, the comment or the answer that I gave to the Member for Wolseley was a comment that I made during the Estimates of the Department of Consumer and Corporate Affairs. I only said it again that that policy had been reviewed, a desire had been expressed. In regard to Phase III, they reported that what he received printed was mainly on speculation. The subject matter will be discussed by Cabinet tomorrow.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MR. AXWORTHY:** Mr. Speaker, it's confusing. Can the Minister indicate that he has not divulged or held an interview with this report and that this report is pure speculation, or has the fact the Minister made, given some indication of what the rent control program will be and what the particular percentages will be?

**MR. TOUPIN:** Well, surely, Mr. Speaker, it has to be speculation in the sense that I or Cabinet, and/or Cabinet, has not decided in regard to Phase III, in regard to continuation or not of Phase III, and the percentage.

**MR. SPEAKER:** The Honourable Member for Swan River.

**MR. JAMES H. BILTON:** Mr. Speaker, I have a question for the Minister of Highways. Is the Minister receiving complaints as to the deplorable conditions of Provincial Highway 277, Mafeking to

Westgate and on to Saskatchewan?

**MR. SPEAKER:** The Honourable Minister for Highways.

**MR. BURTONIAK:** Mr. Speaker, offhand I can't say that I have received any complaints about that road in recent times. If something arrived on my desk yesterday or this morning, I certainly haven't seen it as yet. There has been nothing prior to that.

**MR. BILTON:** I wonder if I may ask a question, Mr. Speaker. Does the Minister's statement during Estimates that nothing will be done on 277, does he still feel that way in view of the fact that it's almost impossible?

**MR. BURTONIAK:** Mr. Speaker, I want to point out to my honourable friend from Swan River that certainly as far as a construction program is concerned, and I was referring to the construction program, that nothing will be done as far as construction is concerned in this fiscal year; but when it comes to maintenance, that is a different matter. And if whatever has to be done to improve the road or any road, that is a part of maintenance, and maintenance of course will be carried out in its usual manner.

**MR. BILTON:** May I, through you, Mr. Speaker, ask the Minister if he would be good enough to institute immediately an inquiry as to the condition of that road, through the local engineer, in order to afford proper transportation for the people that live in that area?

**MR. BURTONIAK:** Mr. Speaker, for the benefit of my honourable friend again, I would like to point out that I am sure that the local engineer and the local staff are well aware of all the roads within their district, and they take necessary steps to do whatever is necessary . . .

**MR. SPEAKER:** The Honourable First Minister.

**MR. SCHREYER:** Mr. Speaker, in further reply to the Honourable Member for Fort Rouge when he asked about studies on probable effects or alleged effects of high voltage transmission lines, may I indicate to him that the highest voltage transmission line in Canada, indeed in North America, to date, has been built under the auspices of Canada under Atomic Energy Commission. One assumes that having built the highest voltage transmission line of all, that the Government of Canada or one of its agencies must be in possession of as much information as is possible to have on that phenomenon, and therefore, any suggestion that they must have further information from the provincial agencies seems rather strange, to say the least.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MR. AXWORTHY:** A supplementary, Mr. Speaker. Would the Minister now also indicate, considering his last statement, it's also exceedingly strange why, if he is so anxious for the federal authorities to release their information, why the Provincial Government will not also release its information for public disclosure.

**MR. SCHREYER:** Mr. Speaker, that is not what is at issue. What has been requested is apparently information with respect to the alleged effect of high voltage transmission line on environmental aspects of one kind or another, and I just finished saying that the highest voltage transmission line built to date has been built by a federal agency, namely, Atomic Energy, and therefore, they must have a plenitude of information on file already. **MR. AXWORTHY:** A supplementary then, Mr. Speaker. If that is the First Minister's position would he undertake to examine the transcript of the hearings of the National Energy Board to determine whether representatives of the Provincial Government, Manitoba Hydro or the Department of Mines and Environmental Management have refused to provide for those documents which contain studies of the hazardous effects of high voltage transmission lines and if the transcripts prove that such refusal is given, is he then prepared to rescind that order?

**MR. SCHREYER:** Mr. Speaker, as I have indicated before the matter has not been to Cabinet, this is not a government decision. I will undertake to ascertain the basis, if any, for that kind of a procedure before the board, assuming that procedure has in fact taken place. But on the substance, at the risk of boring you, Sir, I repeat that it cannot be contended that the Government of Canada does not have information on file already inasmuch as they have caused to be built the highest voltage transmission line on the continent.

#### ORDERS OF THE DAY

**MR. SPEAKER:** The Honourable House Leader.

**MR. GREEN:** Mr. Speaker, could we please proceed to the Adjourned Debates on Second Reading.

**MR. SPEAKER:** Thank you.

#### ADJOURNED DEBATES — SECOND ADING

**MR. SPEAKER:** Adjourned Debates. No. 5. The Honourable Minister of Public Works.

**HONOURABLE RUSSELL DOERN (Elmwood):** Mr. Speaker, a couple of days ago the Member for Birtle-Russell provided us with a detailed account of a problem of one of his constituents and this was headlined in the Winnipeg Tribune as "Land Grab Under Fire" and sub-headed as "MLAs Hear Tale of

Woe" and we waited in effect on this bill, I've waited two months for the honourable member to speak on the bill. He adjourned the bill approximately 60 days ago and then only towards the end of last week actually commenced his remarks and they were of course really not so much on the principle of the bill as to provide a detailed account of the problems of one of his constituents.

I would like to respond to his remarks by pointing out that in 1975 our department was asked by the Highways Department to negotiate the purchase of the Tetrault property in St. Lazare which was near PTH No. 41 and the property had suffered considerable damage by hillside slippage. I am going to go on and explain this but I think I have to make this one particular point now as well as later, that what we are talking about here is primarily the question of responsibility. If the government is responsible for the damage to the property then, of course, the government is responsible for compensation. If it is not the responsibility of the government, then the government has in effect no obligation to compensate the family in question. So as I say there had been considerable damage by hillside slippage.

St. Lazare is in the valley of the Assiniboine River and much of the town is built on the side of the hill. Our property appraiser went out to inspect the property three years ago and ascertained that the value of the property was approximately \$1,800 for the land and only a couple of hundred dollars for the building or house because of the absolutely devastated or decayed condition of the residence.

Now the debate is on the question of whether or not the government is responsible for the slippage on the side of the hill or not. If so, it is possible that Mr. Tetrault in fact does have a claim for a compensation of \$27,000 which is the figure that he has used. If not, then our figure of \$2,000 is the correct one.

We have acted for the Department of Highways and they have maintained all along that there is absolutely no proof that highway activities were responsible for the slippage. The relevant date of assessment by our department is December 30, 1975. Mr. Tetrault is now represented by Winnipeg solicitors and those expropriation notices which are required to be issued have been forwarded. There has been no hearing of the Land Value Appraisal Commission to date but this will be taken care of in due course.

Mr. Speaker, on that particular question, although we can debate at considerable length the issue before us really is whether or not it is, in effect, an act of God like a flood, or whether it was the actions of the employees of the Department of Highways. Until that is ascertained, and the position of the government is that it is not the Department of Highway's fault, unless that can be ascertained, then the couple is eligible for only a \$2,000 reimbursement. If it can be demonstrated that it is the action of the government that caused this, then they may be eligible for considerably more.

In the meantime, the Premier, at the urging of the Member for Birtle-Russell, has sent out Elswood Bole to make an examination, a one-man commission in effect, to study the situation and make recommendations to the province.

I address those remarks to the Member for Birtle-Russell. The Member for Fort Rouge also made a number of comments when he spoke and this is now almost ancient history — about some ten weeks ago. He raised a number of objections and gave some illustrations. For instance, he said at one point that some of the people that we are dealing with have language problems. Well, Mr. Speaker, I don't think that that is unique to the Land Acquisition Branch or to the Department of Public Works. We encounter those difficulties, I guess in communicating with the public from time to time as is done in the courts. We do, in fact, hire interpreters when we find that there is some particular problem. But I would also be very quick to add that although some people may have problems with speaking English in a flawless manner, they may be very shrewd and very advanced indeed when it comes to dealing with matters of real estate. They may not know which is the correct adjective but they may know whether or not so many square feet is worth so many hundred dollars or whether a house of such-and-such a condition in such a part of the city is worth so many thousand dollars and they may be very advanced in that department.

There is, in fact, a procedure that we follow. First, there is verbal notification given to people; secondly, they receive a letter and a booklet which explains their rights under expropriation and third, we do reimburse people for legal and appraisal fees when there is agreement as to compensation.

The Member for Fort Rouge also said that tenants don't have the right of appearance and he was concerned about this particular feature. We would simply respond by saying that it is a matter of courtesy or moral obligation on the part of the landlord to notify the tenant in the event of an expropriation, and it is also a matter of courtesy or moral obligation on the part of the government, to notify the tenants where there are registered leases. This is in fact being done by the Land Acquisition Branch and has been carried on for the past number of years. My colleague, the Member for St. Johns, also pointed out when he spoke on this bill, that a tenant who does in fact hold the lease, can register a caveat during an expropriation hearing.

The Member for Fort Rouge also raised the point that replacement value can sometimes cost

more than the original home, and I would argue, Mr. Speaker, that in effect, the province does have a policy of a home for a home, that that is the workable concept today. Now there are some problems associated with this. If a person who is expropriated asks that the government run around and find equivalent homes, in the sense that homes that would please them, I see some particular problems here, because you may deal with someone who is extremely fussy, and you might get yourself into a situation where the person who is expropriated is sitting in their living room, and the government employees are running hither and yon, bringing photographs and information, and the person simply says, "No, that doesn't please me, that doesn't please me," etc., etc. I think that that might not be a good situation, and that it would be far better to provide the money, and let the people do the selection.

The present Act does, in fact, provide "a home for a home" concept. We provide due compensation, which consists of: (1) market value; (2) disturbance and moving costs; (3) legal and appraisal fees; (4) we sometimes give additional amounts of money equivalent to the next best house price.

So those are the general comments to the Member for Fort Rouge. I find his position shot full of contradictions, because he has spoken on two of my bills — on one bill he says one thing, on another bill he says the exact opposite. In the case of compensation on Bill 4, he made a great point about us paying too much money, and on Bill 5, he argued we weren't paying enough. On Bill 4, he said he wanted the government to take the direct responsibility in matters of expropriation and compensation, rather than the Land Value Appraisal Commission, wants the government on the firing line. In Bill 5, he wants an inquiry officer to make the decision, doesn't want the government to be involved. So he wants it both ways in effect.

Finally, Mr. Speaker, I would like to deal with the comments of the Member for Crescentwood. When we commenced this debate some three months ago, he raised a number of concerns: (1) about inquiry officers, (2) about compensation, and (3) about notification procedures to landowners. He said that he felt that we were tying the hands of inquiry officers, and we were eliminating and restricting his role, or eliminating and restricting the role of a third party influence. Well, Mr. Speaker, I cannot dispute that comment too much, because I do not believe that it is, in fact, the role of an inquiry officer to determine compensation. This is not his concern. It is the concern of the Land Value Appraisal Commission and the courts.

Secondly, he cannot question the objectives of the expropriating authority, and we have found that in some inquiry officers' reports a number of years ago, that the inquiry officer was really ranging rather widely or broadly, and getting far beyond the proper terms of reference. The inquiry officer can decide on a particular property in relation to already established objectives, and I could quote at length but I won't quote from the McRuer Report in Ontario, concerning the role of the inquiry officer or from Professor Todd of the University of British Columbia.

In terms of the second point that the member raised concerning compensation, he wanted to know whether section 8(c) was necessary, and this deals with relocation of improvements on a right-of-way. There are a number of points that I could make there. I think I will just read a couple of them.

First of all, the proposed amendments have to do with the matter of compensation. No. 1, in only three areas advance payment without prejudice to a landowner where improvements are required to be relocated, and where there is no agreement as to overall compensation. The Act as it now stands works a hardship on an owner under those circumstances, and although the problem does not arise that often, it is our feeling that there is no reason why such an owner should be placed in an unduly awkward position just because his case happens to be less frequently encountered. The amendment is designed to assist the property owner when he is the subject of expropriation proceedings.

Secondly, on compensation, clarifying the kind of compensation that is available to an owner when only part of his homesite is being taken and where the residence itself is not in the taking. We have had in the past a few problems where there were claims for compensation put forward on the basis that we were taking part of a parcel of land on which there was a residence, and the present Act was interpreted to the advantage of the owner. It is our view that the intent under this section of the Act was to cover such items as ramps and extra wide hallways and so on, for people in wheelchairs and other improvements which were not normally found in the market, and the value of which may not be adequately reflected in the market. Other items of value to an owner which might not be reflected in the market include ornamental stonework, presumably on a house, special kind of basement wall, a wine cellar, storage closets, workshops, etc., all of which have to do with the residential building itself. The purpose of the amendment we propose is to ensure that such improvements are to be considered only when it is the residential building itself which is being expropriated, and not merely a portion on which the building is situated.

And the third point, the third section in the Act which is proposed for amendment, has to do with the situation where land is required for a highway, either a new road or the widening of an existing road. It is proposed there be a deletion as to the reference to Metro Winnipeg, and that the words, equivalent, physical character, etc. be substituted for the present wording. The proposed

amendment does not change the meaning or intent of the existing section, but hopefully will offer some clarification. The whole purpose behind this particular section is to ensure that when land is taken for a highway, there is no claim for loss of frontage, that the evaluation of such land will be on the basis of its agricultural use, excluding of course, the value of any buildings or other improvements.

And the final point, Mr. Speaker, is in regard to notification. The member gave an example regarding a zoning change, and he pointed out that in Charleswood some 3,400 people signed a petition and received registered letters, which he said was an expensive and time-consuming operation. But, of course, the danger is that someone may not be informed or may not be aware of the particular hearings. So, in effect, we agree that when it comes to an expropriation, which is I think perhaps a much more weighty matter than a zoning change, that this is now in practice, and that this legislation will make it law.

So, Mr. Speaker, those are the comments that I wanted to make in response to comments from three members of this House, and I would recommend this bill to the honourable members.

**QUESTION put, MOTION carried.**

**BILL NO.(NO. 39) — AN ACT TO AMEND THE PLANNING ACT D2**

**MR. SPEAKER:** Bill No. 39. The Honourable Minister for Municipal Affairs.

**HONOURABLE BILLIE URUSKI (St. George):** Thank you, Mr. Speaker. In closing debate on second reading, I'd like to relate to some of the comments made by the members who spoke: the Member for Fort Rouge, the Member for Gladstone, the Member for Morris and the Member for La Verendrye.

**A MEMBER:** Louder please.

**MR. URUSKI:** You can't hear me?

**MR. SPEAKER:** Order please.

**MR. URUSKI:** It is kind of difficult, Mr. Speaker, to deal with some of the points raised with respect to The Planning Act. In some areas we hear that there is too much of subdivision and in others we hear that there is too little; too much control here, but inaction or not enough controls elsewhere. I'll try and provide an understanding of the situation as we see it and attempt to answer both arguments.

In 1975, it was felt that The Planning Act, as proposed, would go far to make sound planning possible in this province. I don't think there has been anything to date that would lead us to believe otherwise. We are still convinced that this legislation is suitable for our provincial-municipal situation and will be of great assistance, in a very practical way, to both levels of government. It was never anticipated that The Planning Act by itself would make good planning. It is just a legislative tool which people can use to do the planning they want. It is not make-land-use policy; it allows for them to be made.

If you recall, Mr. Speaker, the new Act was introduced to rectify problems that existed with the previous Act, and that there were too main principles of the new Act. One was to encourage the preparation and adoption of development plans or land-use policy plans with approval by elected people. Second was to allow for increased autonomy at the local level within a general framework to be established by the province. Those were the two objectives.

There certainly were alternatives to the position of the government in providing incentives to encourage planning at the local level while at the same time allowing municipalities a choice of whether to plan and with whom to plan. It is true that a planning district *per se* has not been established, but you know, had the province forced the issue it would have been perceived at the local level as dictatorial and not at all the way the councils and the municipal leaders had been led to believe the districts would be established. Do not think for a moment that it would not have been easier to push hard for a district or two to satisfy the critics here, but we had an obligation to the local councils which, I believe, we have met. I think I indicated during my Estimates the way that municipalities have responded to the new legislation about planning districts, and I'd like to indicate once again, for the honourable members' knowledge, that several districts are in the process of being formed in the Selkirk, St. Andrews, St. Clements, north and south Cypress, and Carberry and Glenboro. Orders-in-Council are being prepared establishing those two districts at the present time. They have appeared before the Municipal Board and they are proceeding well on their way.

Also Beausejour, Brokenhead and Garson are before — in fact, the Municipal Board has held the public hearing and is in the process of reporting those three. To go down the list, there is a hearing to be held on June 8 on the Morden-Winkler and Thompson area, for June 8 where they have discussed the formation of planning districts. Coldwell, Siglunes and St. Laurent, budgets have been prepared and resolutions have been received from

these three districts and the R.M. of Eriksdale is reconsidering their position in this whole area. They had second thoughts about joining and they are reconsidering their position. Arborg, Gimli R.M. and town and Riverton, they've had long discussions, budgets have been prepared and resolutions from these four areas have been received with the R.M. of Bifrost considering whether they will in fact stay out or join or what their position may be in this area.

I could go down the list, Mr. Speaker. There have been meetings, there have been open discussions with another about 10 or 15 where they have already prepared budgets and they are well on the way to the beginning of forming districts and about 20 municipalities and districts have requested meetings to continue discussions and there have been other meetings of a preliminary nature to discuss with probably another 20 or more. I would say that in total there is interest being expressed by, I would venture to say, close to one-half of the municipalities within the province in some area or another for the formation of planning districts.

On the provincial side, while interdepartmental co-ordination for land-use matters is continuing and improving through the machinery established under the new Act, it must be admitted that provincial land-use policies have not, as yet, been finalized, not been established. This is not to say that the matter has been disregarded but rather that the development of these policies really must proceed with care and the implications must be fully understood and appreciated by the elected representatives whose responsibility it is to establish them, and so to influence local or provincial decision-making. I can assure the House, Mr. Speaker, that because neither a district nor a provincial land-use policy has been formally established, does not indicate inaction, but rather prudence on the part of both local and provincial governments. Let me also say that these are really not very simple matters; the opinions do differ. But I would venture to predict that by the end of this year the mechanisms as proposed under The Planning Act, these will be dealt with and both districts and policies will be established — not all the districts that I have indicated but I am sure those that are proceeding to the Order-in-Council stage will be proceeded with.

Some of the comments made by the Member for Fort Rouge dealt with the corridor area between Winnipeg and Selkirk. I have to say that it certainly is an example of where planning is needed and one could say that the horses have gotten out of the barn as the saying goes, over the years. Attempts are being made to have some limitation on future openings and closings of that barn door, but this is being done I would have to say in recognition of the council of that municipality with considerable acceptance on the part of residents. Now this involves the establishment of a planning district and the preparation of land-use policy plans. Interestingly, of applications received under the new Act, there were just 13 lots approved in 1976 in all in that municipality. But of course, there was a large number of vacant lots already in existence. While it is true that the land area involved in rural residential housing is far greater than in urban housing, this has been recognized as an alternative to urban living, I think the concern must therefore be more with the appropriate location of such housing, which is not transitional, than with the question of whether it ought or it ought not be permitted.

There was mention made about the Greater Winnipeg planning district. I would hope that this Act will encourage municipalities to form districts of their own volition and on their own choosing and we'd like to see if it can work in the matter of the Greater Winnipeg region. I certainly cannot see disenfranchisement anywhere. The amendment would allow a municipality, now partly within the additional zone, to remain so while allowing the balance of the municipality not in the additional zone to join a planning district if it so desires.

It is interesting, Mr. Speaker, that at a public hearing into the formation of the Selkirk District Planning area, the councils who were forming that district stated that one of the first actions of the new district board would be to meet with the City of Winnipeg's Committee on Environment dealing with matters of planning and influence on the City of Winnipeg. There is also the matter of provincial review of development plans which will ensure that outright conflict between any district and the City of Winnipeg will be resolved.

The Member for Fort Rouge may also be assured that the development plans being adopted under the new Act and prepared by a municipality or district, will be reviewed by a provincial department and such matters as highways capacity, if not discussed in the preparation of the plan, will certainly be considered in the process of final approval.

As I said, some of the comments made by the Member for Gladstone, I am certainly pleased that he agrees that the bill is mostly housekeeping and therefore involves clarification and hopefully simplification. The matters that he raised about Northern Affairs, the amendments dealing with the Northern Affairs Department, really is a continuation of the direction that the Minister of Northern Affairs has taken in providing leadership in local government in the North and the amendments contained in the Act will provide a delegation of authority in a transition period to the locally elected councils that are now in the Northern Affairs area. That is in line with the general philosophy of the direction that his department has taken over the years in dealing with municipal matters in the Northern Affairs territories.

We will make every effort to streamline the procedures for subdivision. As I indicated, we have

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already; during my Estimates, taken steps in this regard and the shorter application form mentioned by the Honourable Member for La Verendrye. You know, I think one has to view subdivision approval — subdivision but not lot splits — subdivision approval as it pertains in other areas.

You know, in the Province of Ontario, the minimum of time that it takes to approve a subdivision is anywhere around the two year time limit and our average of last year, for 1976, indicated that an average total time for approval for subdivisions was around 71 days and for lot splits 57 days. Now, I have to say that these averages, of course, mean that some were dealt with more quickly and some took a heck of a lot longer and so there are specific cases that have taken quite some time. The approval does take time and we will continue to try to improve and precedent will help here. For example, the splitting of a farmstead as mentioned by the Member for La Verendrye, that is generally accepted, if there is a split-off from father to son or daughter, immediate family. But barring any unforeseen problems with flooding or matters of right-of-way and the like, they are generally approved without any great difficulty unless there is, of course, configuration problems dealing with other development in the area. But the basic policy statement is accepted and is approved.

I want to say that staff spends a considerable amount of time assisting people in making applications and I suggest that while it does take time, an applicant can usually anticipate no further trouble when he is given a certificate of approval because of the procedure now, all the relevant departments have been canvassed and all the concerns, if any, have been raised so that once the approval mechanism goes through, there is no further chasing around on behalf of the applicant to the various departmental agencies.

The honourable member asked about an apparent discrepancy, the Member for Gladstone, in requirements between cottages and trailer parks. Firstly, the 15,000 square foot requirement in legislation has been changed to a general requirement of two acres. In its place, discretion has been introduced and different sized parcels can be created with the approval of the council and staff. In effect, I am informed that most cottage lots are of the half-acre size. Secondly, summer trailer parks are licensed by the Department of Tourism, Recreation and Cultural Affairs and subject only to these requirements if: (1) the plan is not registered; (2) the leases are not registered against the survey; (3) there is no zoning or inadequate zoning in the municipality. So if the trailer park is not registered, not a prepared subdivision but it is just a trailer park, it is licensed through the Department of Tourism and the Planning Branch would have really no input into that establishment.

Now, if there is an intention to register the leases, then we would have to have a look at that. I would have to say from the Department's point of view, it is a difficult situation and we are looking at it. The informal rental of a piece of land for private use does not normally constitute the grant of an interest in land and therefore is not governed under Part VI of the Act. Only if leases are to be registered, does the survey become necessary, then subject to subdivision control. But the situation is not one of total clarity and it's one, as problems arise, we will have to deal with them as cases arise. If the honourable member has specific areas of conflict that he sees, I would like him to bring them to my attention.

The Member for Morris in his comments, I would have to say that both my predecessor and I have made it clear in numerous meetings that there is no attempt to impose regional government — in fact, as he said, through the back door. In my reply to the comments of the — (Interjection) — Mr. Speaker, that gibber-jabber across the way, the Member for Lakeside, if he wanted to speak on the bill, he could have got up and spoken on it.

Mr. Speaker, we were trying not to even impose a planning district in the Greater Winnipeg area even though we realize the amount and the severity of the problems that exist in the vicinity of the additional zone area of Winnipeg. I would say that nothing could be further from the fact that we are trying to encourage municipal councils on a voluntary basis to plan and, in fact, the intent of the legislation is to have the subdivisions and the approval mechanism, once a district is formed, to be handled by the local district board so that any comments made by the Member for Morris or any other members to that situation just don't wash.

Mr. Speaker, dealing with last year, I would like to indicate to the Member for Morris that 1,172 applications were processed by the staff and 37 applications were, in effect, rejected, which means about a 3 percent rejection rate. Any application that have been, of course, rejected by the staff of the Municipal Affairs Branch, the applicant has the right to appeal to the Municipal Board from staff decision, unlike the decision of council. Council's decision is final; the department, if it is an overriding factor, that decision is appealable to the Municipal Board.

Now, it is true that councils may have to spend more time on planning but that would not be so if the government was trying to take the authority away from the councils. Planning can be complicated for councils and I would say if councils want to see development in their municipality, they should be prepared to spend time on that development. As I mentioned before, there is more to look at in subdivision approval and surely, I think councils want to be in a position to approve where development takes place in their municipalities. They don't want to have development take place as



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in prior years after the fact and then they were scrambling, trying to provide services for development that they didn't even know was going to take place. —(Interjection)— I must agree with the member that the time needed to deal with the planning problems has increased because the time to deal with them is before there is a problem to deal with. It's not surprising that rural councils in municipalities subject to and encouraging non-farm development no longer can spend most of their time dealing with drainage and road projects because if they want that development they will have to deal with it. I can assure the honourable member that the director — and he spoke about the Director of Municipal Planning and I am informed by him that he at no time stated that the problem in planning is that the government doesn't own all the land. He has indicated to me that he has never mentioned that. I think this matter was brought forward previously and with firsthand knowledge I would have to say that I have full confidence in the job being done by the Municipal Planning Branch staff.

I don't agree that the housekeeping type of amendments are made because an Act is not working, however I would concur with the member's comments with respect to the necessity for provincial policies made by elected people and I would refer him to remarks that I made to the Honourable Member for Fort Rouge that the land-use policies are in the process of being formulated and by the end of the year we hope to have a statement on provincial land use policy.

It is my hope that not the bureaucrats but the elected representatives of the people will make the decisions and that districts will be formed and policies established and authority to approve subdivision given to the Planning District Board in place of the staff as it is at the present time.

I mentioned in comments to the Member from La Verendrye, there is no problem in splitting off of a farmstead for a farm. If a rural municipality wants to encourage non-farm development then I think it should be prepared to plan for it and accept the costs that always arise from that. In the same way, if an individual wants to subdivide land, he should plan for it ahead of time and be prepared to pay the costs involved for protecting future residents and the public from any possible effects of his venture. I would think that anything can be approved but it must be appreciated that any time over one day in approval on a lot split is longer than, as I've indicated, longer than was needed a couple of years ago because there was no approval mechanism. Councils were, in effect, faced with development in their areas that they had no control over and the Honourable Member from Swan River should really remember what the approval mechanism was. They were running around, coming saying, "Look, look, pull us out of this problem in our area because we didn't know it was coming. We had no input in this area."

The Member from La Verendrye raised the specific matter of land prices going up as a result of subdivision approval. I would like to say that prices really have escalated many times even before the new Act came into effect and this increase, I think, would really seem to be more closely related to the lot prices in the urban centres, the high lot prices, higher disposable incomes and a desire of people who want to move out of the urban environment into a more rural setting and they are prepared to pay these types of prices for land regardless of the length of time of approvals on lot splits. I can tell you there are numbers of acreages that have been approved; the lots are still not sold but the prices are way up there, per acre, per lot prices.

The Member from La Verendrye spoke specifically about subdivisions being held up in Mitchell and Kleefeld. I would like to only say that in Mitchell there were two subdivisions proposed totalling some 300 lots and there are now about 100 homes in Mitchell only. The applications were originally made in 1975 under the old system and new applications were made in 1976 under the new Act. There were indeed concerns. The size of the proposals in relation to the existing settlement, the intent to develop on both sides of the highway and the lack of any policy within the municipality for any of this kind of development. However, in one case, tentative approval was given in June of 1976 and final approval in March of this year. Now the other subdivision was approved nine months later or in October of 1976 and they are subject to having certain agreements finalized with the municipality such as the provision of drainage, re-zoning and that is an agreement that the developer will have to take into account with the municipality.

In Kleefeld subdivision was applied for for some 150 lots proposed in a settlement with some 50 homes which would, in effect, quadruple the size of the community. This application was received in August of 1976 and this month it was referred to council with all the information. I'd like to explain here what happened. In October of 1976 the staff contacted the agent for the developer and told him that an engineering report on drainage was necessary and Highways was concerned as it was proposed to discharge surface water somehow into a highway ditch. As no action was taken staff wrote to the agent again in November again bringing this to his attention and an engineering report was submitted in April of this year. Staff reviewed the report and submitted it to council within one month and it is before council now to be dealt with.

I would like to indicate to the honourable members that if there are any enquiries from any honourable members that are concerned, and I know some of them have brought individual concerns to me, about enquiries, I and the staff of the Planning Branch would be most pleased to check into and to check out the various complaints and try to explain to members what has been

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happening in each individual case that they may have. I can't suggest or make the statement that every council and every member of council is happy with what has taken place, but I say on the whole our experience with most councils certainly indicates that they are prepared to and want some legislative mechanism in which they can have some input and say in the development of their municipal areas and this Act by and large has given them that vehicle. As I've indicated before since the Honourable Member from Sturgeon Creek doesn't like to acknowledge that there is no say he should encourage the districts to be formed and the final approval authority will rest with the councils. There is just no doubt about it.

I have indicated before, Mr. Speaker, the amendments are of a housekeeping nature just to facilitate minor changes within the Act and the comments made by the Member for Morris, although he hinted at regional government, could not be farther from the fact of the matter because it is a voluntary concern, a voluntary aspect of the Act and councils by and large in fact are on their own volition as to whether or not they wish to go into a planning district and I recommend this to go to committee.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** The Honourable Member for Gladstone.

**MR. JAMES R. FERGUSON:** As I understood the explanation that the Minister gave that you have the established area with cottages and they are now changed from two acres down to a half an acre, but that a trailer issue could set up in the immediate surrounding area without coming under municipal planning?

**MR. SPEAKER:** The Honourable Minister.

**MR. URUSKI:** Mr. Speaker, I have indicated in my remarks about the trailer subdivision depending on the specifics of the type of development that takes place. But if it is a commercial camping unit for trailer park, for summer recreation trailer park, those requirements fall under the Department of Tourism. Now he would be subject to the development plan and the zoning of the municipality; he still should apply. I want to say that the specific requirement of two acres has been taken out of the Act to allow some flexibility for the trailer park areas. Now I think in order to deal with it specifically, there is some grey area and I think every application or every inquiry should be dealt with through council and if there are some concerns, they should be raised through my office and we will try and deal with them whether there is any involvement or not in that area.

**MR. SPEAKER:** Bill No. 51. The Honourable House Leader.

**MR. GREEN:** Mr. Speaker, I wonder if you would proceed with Bill No. 56 first, merely because the Minister of Labour wanted to hear the Member for Assiniboia and he's out of the House for the present. So on the chance that he comes back, I would like to call the others first.

**MR. SPEAKER:** Bill No. 56. The Honourable Member for Birtle-Russell.

**MR. HARRY E. GRAHAM:** Stand, Mr. Speaker.

**MR. SPEAKER:** Bill No. 59. The Honourable Member for Flin Flon.

**MR. THOMAS BARROW:** Stand, Mr. Speaker.

**MR. SPEAKER:** Bill No. 60. The Honourable Member for Birtle-Russell.

**MR. GRAHAM:** Stand, Mr. Speaker.

**MR. SPEAKER:** Bill No. 61. The Honourable Member for Gladstone.

**MR. FERGUSON:** Stand, Mr. Speaker.

### **BILL (NO. 62) — AN ACT TO AMEND THE CITY OF WINNIPEG ACT**

**MR. SPEAKER:** Bill No. 62. The Honourable Member for St. James.

**MR. GEORGE MINAKER:** Thank you very much, Mr. Speaker. I hope that I will be able to contribute to the debate on this particular bill, Mr. Speaker, having had the opportunity to sit on the Unicity Council for a couple of years in its initial stages. I was somewhat disappointed with the Honourable Minister of Public Works and his comments that he had to make with regards to the City Council and, in particular, the Mayor and the Deputy Mayor and as usual, it seems that the Honourable Minister seems to lack communication with his fellow colleagues in the Cabinet. I know he was involved, I think, in the big lie about the \$50 million worth of public buildings that the government was supposed to build that the First Minister wasn't aware of. Now the table is reversed and the Honourable Minister of Public Works obviously isn't in tune or in communication with the Honourable Minister of Urban Affairs who introduced the bill and it is unfortunate the Honourable Minister of Public Works is not here because I would like to read back to the Honourable Minister exactly what the Honourable Minister of Urban Affairs said when he introduced this bill for second reading.

I quote the Honourable Minister from Page 2869 of Hansard, and he said, "I know that there has been considerable criticism periodically in the newspapers, in the media, about the Mayor and the councillors, about the City Council and, Mr. Speaker, I want to commend the Mayor and the Council and the administrative staff of the City because it is through their efforts that the challenge of

unification was made into a reality during the past five years. They had to start from a totally different system into a unified system; had to move from that one day on January 1st, move it to something else. It was not easy to do; the fact that it was done at all as smoothly as it was done is a credit to these people, the fact that they try to work within the Act and requirements of the Act."

It is unfortunate that the Honourable Minister of Public Works was not present or if he was present, did not hear the words of his colleague when he introduced the bill. I would have to say then, if the Honourable Minister of Public Works still has the opinion that he stated when he took part in this debate, it is unfortunate that the Minister's personal feelings are affecting his judgment because that's the only assumption that I can come to. When he makes a statement that he made with regards to the Mayor as far as leadership and so forth, he is also, in my opinion, he's debating the intelligence of the 200,000-some voters that voted for the Mayor. He's debating the intelligence of these voters and questioning them. Mr. Speaker, for the life of me, I cannot understand why the Minister took this approach. He's trying to pick a fight with somebody for some reason and it is somewhat like that elephant story that we've heard about the mosquito crawling up the elephant's rear end and I won't go any further. That's what it looks like with regards to the Minister when he tries to take on the Mayor of the City of Winnipeg.

Mr. Speaker, I remember very well that one night some six or seven years ago when the Honourable Member for St. Johns came to our community to explain the White Paper and I might say with pride — with pride he came to explain the objectives of the new City of Winnipeg. I remember them well, in fact, I wonder if the honourable member remembers what he was promoting at that time. If he looks at the bill that is before us at the present time, I would imagine that he must cringe a little bit now and then and have to again refer to the White Paper. I have it here; I decided that I would keep this document in case what was being said to us at that hour would not necessarily be the objective of the government and it would appear that the objectives of that day when they sold the Unicity concept to the people of Manitoba are rapidly changing because I can read excerpts from it.

I would refer to Page 11; it says, "The Problems — The Three Roots. There are other purely internal problems as well, many of which the citizen of Greater Winnipeg can only too readily identify. It is safe to say, however, that internally, almost all of the urban areas' difficulties stem in whole or in part from three main roots: fragmented authority, segmental financing capacity and lack of citizen involvement." Today, we are now debating amendments to this Act that will affect the very things that they were trying to achieve when they initially proposed this Unicity.

The other area that they talked about was the grass-roots representation that they stressed and in quotations, "that they would want to have that grass-roots representation." Then they have one section of this White Paper, Mr. Speaker, that under the new concept — and it had off in one side in asterisks — "The absolute imperative" — this is what this government said six years ago — "The absolute imperative is this: We wish to make it completely clear, however, that it is the absolute conviction of this government that no attempt at urban reform can succeed unless it succeeds in strengthening the sense of identification and intensify the communication between the citizen and his local government." We have in this Act before us today, I would stress very clearly to you people, that it will be the loss of identification of many things and I will go into that later on.

Mr. Speaker, the final item in the White Paper I want to comment on was strengthening community identities. This was a real selling point, particularly for, I believe, the Honourable Member of St. James at that time and also the Honourable Member for St. Johns who were very concerned about the Unicity Act, would be strengthening the community identities. It said, "The object of the adherence to the familiar is obviously to strengthen local character and identity rather than have them obliterated in the process of unification."

Those were some of the main objectives. It will be six years ago, Mr. Speaker, six or seven years ago, and what have we got today? What the government is proposing to change with regards to identification, community involvement, they are amending the Act with regard to eliminating any supervision of services now by the community committees. They are out to completely reduce the identity.

But before I go into the details of the principles of the Act, Mr. Speaker, I can also recite the history of Unicity with regards to St. James, the effect that it has had on St. James. We are all aware of it. The taxes have gone up and the Honourable Member for St. Johns at that time said it would cost more. He said that it would probably cost more; would not be as efficient. Mr. Speaker, he's proved it all right. The first five years of the Unicity Bill and the existence of Unicity, the taxes in the area that I represent have gone up over some 230 percent in the first five years. I would suggest to you, Mr. Speaker, the council at that time were trying to keep the costs down; there was no doubt about it. As a result of this objectiveness of the council, regardless of what the Honourable Minister of Public Works thinks with regard to Council and the Mayor, that there has been objective attempts by the council to keep costs down and, as a result, services have fallen off in areas of our city and the Taraska Report tried to imply that services had improved. Yet I talked to councillors that sit on the Council today, I talked to citizens in our communities, I've talked to representatives from Fort Garry and these other areas, and they will

tell you that the services have fallen off. We've talked to the councillors and say, "Why are they falling off?" And it's very simple, Mr. Speaker, they are trying to keep the cost down, and when you're dealing with municipal types of government — what is your major cost? It's wages. This is one of the things that did happen with Unicity and the government is quite aware of it.

There were two major items that were achieved in the unification of the City of Winnipeg. One was the common tax base that they wanted. The other was major labour legislation for those employees working for the city. There was no doubt about that. It meant the unification of associations and unions, and too in, I would say the majority of cases, to the highest salary level. As a result all of their costs have improved or at least have increased. And with regard to the services falling off, I can cite an example, Mr. Speaker, that in our own area of St. James, prior to amalgamation, we have 96 policemen serving our area, we now have something like 71. —(Interjection)— "More efficient" the Honourable Minister of Mines says. I would suggest, Mr. Speaker, that the services have fallen off, and they have fallen off in the major portion of the areas. This, Mr. Speaker, happens because of the fact that it's maintenance type of government, primarily that municipal government is.

Mr. Speaker, the other thing that happened in St. James-Assiniboia — we all know it out there quite clearly — is that \$9.2 million was taken away and absorbed and used. —(Interjection)— Mr. Speaker, we got City Hydro, the Honourable Member for St. Johns said, and also the equalization of hydro rates that increased.

Mr. Speaker, one of the things that was so strongly stressed in the White Paper was that unification would not cause the loss of identity. Mr. Speaker, I suggest to you the principle right now of cutting down the representation on Council, and giving St. Boniface we'll say one vote out of four or five, how do you expect to retain the identity of we'll say, St. Boniface? How do you expect to retain the identity of a community when prior to amalgamation into one city, when you had 100 percent of the decision-making power at the local level, and then in the case of St. James you reduce it to 12 percent with the Act, and now you reduce it to something like 4 percent when they vote in the new Council. How do you expect to retain this responsibility and identity when they are all mixed up into one big pot down at City Council?

Mr. Speaker, I listened with interest to the Honourable Member for Logan when he spoke during the Throne Speech, and he indicated his pride of being part of the government and its involvement in Unicity and what it had done for his community. Yet it is this very government that turned down the repaving of Logan Avenue when the city thought that it was fit to do this work. I think it voted something like 33 in favour and four against. It was the province that decided it would not contribute its percentage because it happened to be a metro street. Here again is that overdomineering hand of the government. Mr. Speaker, the government isn't even happy with that, that they have a little bit of control over the spending of the shared costs with regard to what they call common streets or metropolitan streets. I know that's a dirty word to the government on that side, but in Council they are always known as metropolitan streets or metro streets. Now they want to impose the control of the Finance Minister, that he and Cabinet will decide just how far the City of Winnipeg can go with regard to capital spending. Mr. Speaker, I would much rather see the Municipal Board retained. At least you're dealing with appointed bodies. You're dealing with three people rather than one person. You're dealing with three appointed people that presumably have the overall background to look at the situation, and make the decisions with regard to the interests of the province and the people of the province.

Maybe, Mr. Speaker, the Minister of Public Works has a little say in the Cabinet and is influential to the point where he has convinced them that the Minister of Finance should be the "All-being" and the "Almighty" because in his comments during the debate, he indicated very strongly that nobody on Council, the mayor or deputy mayor had any economic abilities, no financial knowledge. Maybe the Minister of Public Works has some say in the Cabinet and has convinced the government that they should make the Minister of Finance the "All-being" with regard to the operation of capital financing of the City of Winnipeg.

Mr. Speaker, what it starts to boil down to when one looks at these amendments to the City of Winnipeg Act, is to what extent does this government of the day want the strength of municipal governments to be? Just how strong do they want them to be? Do they want them to be a caretaker government or do they want them to be an arm in a department of the government? The Minister of Public Works said that he wasn't afraid of a strong city government or a strong municipal government but I suggest that the government is. He might not be but I would suggest that this government is, because the amendments are making the mayor's position much weaker. I have always firmly believed that if you want a strong municipal government — if you believe in municipal governments which I do — then I believe the answer is to have the mayor elected at large, and to have him have some say and power in the operation of the city. He is the person that the people turn to. But obviously this government doesn't believe in this philosophy and has decided to weaken the position of the Mayor of the City of Winnipeg and I would presume that when Mayor Juba decides not to run again they will eliminate the running at large by the mayor. This can be done by very few amendments

to the Act, and everything will fall nicely in place as far as the operation down at City Hall.

The other thing is, Mr. Speaker, how can we expect to get good representatives for municipal government for the City of Winnipeg when they will become caretakers? That's basically what the councillors will become if this law becomes factual and becomes law. They will become caretakers, because with regard to the overall planning of this city, the Minister of Urban Affairs can be the ultimate decider.

Mr. Speaker, also with regards to capital spending, the Minister of Finance will decide just how much they can go and how far they can go. But not only that, at the local level, which they were stressing so strongly in this White Paper, they won't even have the opportunity to supervise services — it's being removed from the Act. Not only that, they're reducing Council, Mr. Speaker. So you can imagine one representative in Fort Garry — if he happens to be away sick or on holidays, who is going to look after that? The bureaucrats, that's who will end up looking after it, and you'll find that more and more involvement will evolve where the bureaucrat will be making the decision and doing the services that are now presently being looked after by the councillor. So how can you get people interested at the local level when the decision-making is being taken away. They will become complaint takers, they will become tea-party people, and that's about it. This government, Mr. Speaker, appears to want that. It appears that they want this type of municipal government.

Mr. Speaker, I have to again mention that by these reductions and incorporations of present boundaries, when I served on the Unicity Council, we found out in Works and Operations that dealing with the problem of trying to service different areas that we couldn't follow the electoral boundaries because you were dealing with cleaning streets and picking up garbage etc., that one had to ignore the political boundaries and set up new divisions that would be as efficient as they could in terms of providing the physical services. The government has seemed to follow that type of approach to it with the idea of the political boundaries now corresponding to the boundaries that were set up for the physical services. But again by throwing in all these Councils together and having one representative, that will reduce the service as far as the communication link between the political decisionmaker and the electorate. Where are they going to go when the person as I say is sick or away on holidays, etc.? Again the bureaucracy will start to take over, and do a lot of this communication that this government was trying to achieve with the new Act when they put it through some six years ago.

Again, what have they done to the general authority of Council, the central Council itself with regards to financing and planning? Mr. Speaker, I would suggest that with the amendments that are before us, the principle behind them, I would presume they are trying to streamline the approval of various things in planning. Maybe with their attempt to streamline they are in actual fact building in a longer time element. What I'm suggesting is the fact that the elimination say of applicants being referred to the Minister — now I understand that something like 60 percent are referred to the Minister — and that these would be eliminated. But the implementation of a second hearing that is now required at the designated committee, depending on the scheduling of Council and so forth could result in additional time. I understand that the majority of the appeals or references to the Minister are handled within a month's time, but there is no guarantee in my understanding that the meetings that would have to be called, the additional meeting, could be held within the month period. So in actual fact, the attempt to streamline might in actual fact lengthen the time for getting approvals through with regard to planning.

Mr. Speaker, the other conflict that we can see taking place is the fact that by making the designated committee involved in subdivisions and rezonings but not on the large scale planning, and then have the reverse in terms of the Executive Policy Committee role, that in actual fact there is a danger of divorcing in fact, crucially inter-related planning activities. You've got one person dealing with the hearings and another one making the overall planning. You've got the responsibility split in our interpretation on this particular principle that you are putting forward.

Mr. Speaker, the other area that I feel is a wrong approach is the fact that the Minister of Urban Affairs can direct the Council to change the Winnipeg Development Plan. Mr. Speaker, why I say that is how can you overcome certain things that will happen or could happen? Say the Minister decides that because the government has a plot of land here that it would like to put in housing or subdivision, etc., and it demands that Council change its overall Winnipeg Development Plan. The Council refuses — they still can proceed — they are forced by law to proceed. Then the question comes up, "Who looks after the financing of the costly services." Mr. Speaker, I'm not a lawyer but I would think that if the land is zoned properly for development and development is proceeded with, that the city would not legally be able to restrain from supplying the sewer and water hookups. The city is involved at the present time with the piggyback yards in Tuxedo and the same problem. They they have suggested to the CN that they will not connect sewer and water to them. Well now they are threatening to take them to court, and the question comes up — legally can a city not go ahead with something like this when the land is properly zoned? So here again is that overpowering hand of the Provincial Government.

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Mr. Speaker, I would suggest to you — and I heard the Honourable Minister of Municipal Affairs say that there was no regional governments, etc. — but with this Act, with the amendments to the City of Winnipeg Act making the Minister of Urban Affairs being the “Almighty” on the control of the Winnipeg Development Plan, with the Minister of Municipal Affairs in control on the Planning Act, with the Minister of Northern Affairs controlling the development in Northern Manitoba, we have a nice little *troika* going here. So we have a *troika* that will operate and develop the Province of Manitoba regardless of what the municipal governments want to do. Not only that, they want to keep it a *troika* because it just so happens that the other individual or the “All Powerful” with regards to financing is the Minister of Finance, who happens to be Minister of Urban Affairs. So here’s your *troika* sitting over top of the municipal governments deciding what land will be zoned what, what development plan will be what and how much money they can spend on capital. Now you tell me that isn’t a *troika*? I can’t see a better one than this government is setting up, so they can control the regional governments to the degree that they want to control them. Mr. Speaker, it’s there — it’s done beautifully, and I suggest that the government is trying to use the amendments to politically please the people of Winnipeg, because right now it’s politically acceptable and desirable to reduce the Council and by reducing the Council then to try and streamline the planning. But by streamlining planning, giving the power to the Minister of Urban Affairs, they now all of a sudden have that *troika* to govern the development of Manitoba everywhere, everywhere now. They chewed off a little bit of the rural area two years ago with the Planning Act, now they’ve chopped off the big bite with these amendments to the City of Winnipeg. They have now put the City of Winnipeg right in the corner where they want them with regards to development planning. And, Mr. Speaker, I can see the Minister of Public Works very happy that they are doing this because he will now be able to build his Woodsworth Buildings wherever he wants, as high as he wants, another washroom wherever he wants, etc. If he doesn’t want to have the 12 foot setback on Broadway, he can have it immediately right on top of it and so forth. But really, Mr. Speaker, is this what we want? Is this what we want? Or do we want a strong municipal government that works with the provincial government, not for the provincial government because Mr. Speaker, we will have a much better operated city, a much better operated province and a much better operated municipalities. If the councillors and the mayors that are elected by the people understand that they do have responsibility, understand that they do have leadership and do have the decision making power and are working with the government, not for the government but, unfortunately, Mr. Speaker, I feel and believe that this government wants municipal governments to work for them not with them.

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

**MR. SAUL CHE . . . the IACK:** honourable member would permit a question, or a couple. I am not clear and would he clarify for me how many wards and how many community committees he suggests would be advisable and whether or not that is in accord with his party’s program?

**MR. MINAKER:** Wait and see.

**MR. CHERNIACK:** I didn’t think that the Honourable Member for St. James would have the courage to admit that they are not prepared to tell us what it is that the government, that . . .

**MR. SPEAKER:** Order please.

**MR. CHERNIACK:** . . . of the Conservative Party would do. Now, Mr. Speaker, it is peculiar that the Leader of the Opposition has not yet informed his caucus as to what it is that he has decided they would have to say.

**MR. SPEAKER:** Order please.

**MR. CHERNIACK:** Mr. Speaker, do honourable members not know that I rose to speak and do they think that I’m asking a question? Now, Mr. Speaker, that honourable members are aware of the fact that I am speaking on this bill and hope that it may even be that they will listen and it may even be that part of what I accomplish will be, Mr. Speaker, that they will tell us what they have in mind would be good. And I still say it is up to the gentleman who leads them to tell them because he has been telling them so far but not in sufficient time and they apparently run out of time and so they get up and they say things.

Now the Member for Sturgeon Creek has been calling out all along that he told me. Well, Mr. Speaker, I did listen to him and I do think I was called out for a short period of time and missed something, so this morning when we got Hansard I read it again and, Mr. Speaker, you know, I’ve come to the conclusion that the Member for Sturgeon Creek either doesn’t know what his party wants or is not sure what he wants is acceptable to his party and I do intend to deal with it. I want to assure the Member for Sturgeon Creek that I have made an effort to try and understand what he proposes and I don’t yet know if he is the spokesman for his party. And that’s why I appeal to the Leader of the Opposition, whom I welcome into this House because I don’t think we see anywhere near enough of him in this House but he is here now and I hope he will inform his caucus as to what it is that they are supposed to be supporting.

The Member for Sturgeon Creek is somewhat concerned about the fact that I am being sarcastic.

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At least he recognizes that I am being sarcastic and maybe that, too, will provoke some kind of a development in the minds of the caucus as to what they would think should take place in the City of Winnipeg.

Mr. Speaker, the Member for St. James reminded us and certainly reminded me of the occasion when I visited the City of St. James in connection with our presentation of program. I remember that, I remember it very well. I remember many things that took place at that time, but you know, Mr. Speaker, the one matter that I remember I think strongest of all, is a statement made by the Member for Lakeside, who said, "At least you fellows have the guts to do something about the City of Winnipeg mess." And that I remember because that was an honest statement from the Member for Lakeside because the Conservative Government of its day did not have the guts to deal with the problem. It is true that when Roblin brought in the . . . —(Interjection)— The Member for Souris-Lansdowne, I gather they are not sure that he is their member, did he want to ask a question?

**MR. STERLING R. LYON (Souris-Killarney):** . . . until his government started tinkering.

**MR. CHERNIACK:** Mr. Speaker, I'm glad that the Leader of the Opposition did get up to say something that is not even smart and usually he says things that are smart and cute. But Mr. Speaker, I want the Leader of the Opposition to know that he got a real rise out of me the first time he referred to me as Uriah Heep, mainly to the extent that I did not think that he would want to heap insults on me and I was proven wrong. When I pointed out what I believed it was meant when he accused me of being Uriah Heep, I thought that at least he would have the courtesy and the friendship to stop using that kind of pretty rotten kind of accusation. So now that the Leader of the Opposition insists that he cannot speak —(Interjection)— Mr. Speaker, as soon as the Leader of the Opposition is through, I will continue.

**MR. DEPUTY SPEAKER:** Order please. Order please.

**MR. CHEIACK:** The Member for Sturgeon Creek doesn't recall that he has already spoken.

**MR. DEPUTY SPEAKER:** Order please. The Honourable Member for Sturgeon Creek has already taken part in this debate. There is no way he can take part again in a debate. The Honourable Member for St. Johns.

**MR. CHEIACK:** Mr. Speaker, I would have to tell the Member for Sturgeon Creek that like him I'm inclined to forget that he did speak on this bill because he didn't say very much.

Mr. Speaker, I have no criticism of anyone being sarcastic. The fact is, the Leader of the Opposition says I can dish it out but I can't take it. He may be right. He may be right but the fact is that if he insists on interrupting then I have to tell him that I did take offence at being compared with that Dickensian character and I suppose I would again but at least I'm going to try and keep my cool and no matter how many times he calls it, he may get a rise out of me, I hope he won't.

But I want to tell him that he is blind completely if he pretends there was no mess in the organization of Greater Winnipeg after Metro was created. I want to tell him something else. That when Metro was created by the Roblin government of which he was part, I was rather pleased and even proud to be a member of the first council of the Corporation of Greater Winnipeg, Metropolitan Winnipeg and I was because I considered then that that was a step towards a recognition of a serious problem. I still have framed the cartoon of the first birthday of Metro which shows Roblin leaving a baby at the doorstep of Winnipeg, Greater Winnipeg and tiptoeing away and that's exactly what happened. The Roblin government brought in a structure which — I remember Darwin Chase and I discussed at some length because Darwin Chase was a member of council the same time as I was and he was an opponent to amalgamation and I was in favour of amalgamation. Darwin Chase said to me, "In five years time we will have a revived, revamped City of Winnipeg that will bring about greater unification." And I said, "No, it would be ten years." Well, I guess I proved right, but Darwin Chase was right in the sense that he felt it was coming and the only reason it didn't come is because the Conservative Government did not — I was going to say did not recognize there was a problem or there was a mess, but I think it's the Leader of the Opposition in his smart way who wanted to throw out the thought that there was not a mess. The fact is, there was but they did not face up to it. That's why I remember best of all, as I mentioned to the Member for St. James, when the Member for Lakeside said, "At least you had the guts to deal with the problem."

Mr. Speaker, I naively, I guess, never did think that the manner of organizing the Greater Winnipeg administration was a political issue. Naively because I should have remembered that Charlie Huband left the Conservative Party because, he declared, they were not prepared to deal properly with the unification. —(Interjection)— Oh, the Member for Sturgeon Creek informs me that I am wrong and I really thought I was right. He said some day he will tell me. I hope it will be very soon because I really had the recollection and I guess it's really Charlie Huband who should tell us why he left the Conservatives. I thought that he had declared himself for amalgamation, that the Conservatives were not prepared to do it and that he left them and I thought he joined the Liberal Party when it was, I believe it was Molgat who spoke in favour of unification. If I'm wrong, okay I'm wrong.

Nevertheless I do recall that in our party, some of us, took the position in favour of amalgamation

and then when we formed the government we went through a pretty difficult assessment review and consideration of what ought to be done. Although I took pride in the fact that our government was prepared to deal with the issue of settling the problems of Greater Winnipeg or attempting to settle the problems, I really did not think it was an NDP program. Nevertheless I do agree that we did take a position and I suppose it would be more of an urban oriented party at that time, we were more inclined to deal with problems of the City of Winnipeg, that we did have a definite intent to do something about it, so we did.

We brought in the City of Winnipeg Act but at no time did we claim it was perfect but we said we had certain things we wanted to accomplish. One of them, we said, was to equalize the tax base. We wanted to have a more equitable sharing of the costs of management of Greater Winnipeg. This we accomplished, Mr. Speaker. We accomplished it. And when I was in St. James, as when I was in Tuxedo, I said that in the equalization process there would be no doubt in the world that certain municipalities would have to pay a greater share which I then said was a more fair share or a fair share compared with what was an unfair share prior to that time. I know I pointed out in St. James that they had the benefit of a tremendous industrial tax base which was not related to St. James alone but served all of Greater Winnipeg; that they did not have the burden of the cost of central Winnipeg costs such as protection, slum clearance, various problems of that nature and that they would be called upon to assume responsibility for their fair share. And, you know, I remember vividly, Mr. Speaker, that at that meeting, that violent meeting that we had, I said "After all we are our brother's keeper." And I remember the call came from back of the hall saying, "Not me. I look after me, buddy and let my brother look after himself." And that was an attitude that I heard expressed in St. James more than any other of the 16 meetings I attended.

**A MEMBER:** Everybody there said the same thing.

**MR. CHEIACK:** Mr. Speaker, the Member for Sturgeon Creek said, "Everybody there said the same thing." I don't know if he's asking it or asserting it. No, I don't think they all said that. I know that one person responded and said, "Not me buddy, I am not my brother's keeper." And therefore I am pointing this out to say that the Member for St. James points out that their taxes went up. We had charts to show that with no change, no increase in cost, St. James taxes would go up anyway. We had charts to show that we were adopting a form of adjustment over three years to make easier the adjustment for the increased cost that they would have to pay based on no increase in cost and we never promised there would be no increase in cost.

We said it would now be up to the new council to determine the level of improving the quality of service, upgrading the service and taking over staff at the different levels. He pointed out that they were all increased to the top level immediately. I never agreed with that but he was a member of council, they did that, I don't know if he was a member of council at the time, but it doesn't matter. Council did that and that was their decision and frankly I didn't agree that they should because I thought there were great levels, different levels of qualifications of the different people from the various municipalities doing what was not the same job because the size of the former responsibilities differed. Nevertheless they did that. But Mr. Speaker, in spite of what the Member for St. James said, I believe that the quality of service throughout Greater Winnipeg has improved and substantially. That's my belief and I believe that there are enough people who think so to support that.

Well we also decided that we had to create an administrative organization that through the transition period from the former thirteen administrations to the one administration would be able to do it capably and we would want to do this and spell it out as to how that transition would take place so that when the council was mature enough to the extent that they knew how they could deal with it once they had adapted to the transitional change that was necessary, they would then be able to indicate what would be a better arrangement than was proposed in the Act.

Well, Mr. Speaker, we accomplished that. We had a fairly smooth transition from thirteen administrations to one. Fairly smooth and it's been done. Now the next step, to me, is the logical one that is in this bill and that is to enable council to start establishing its own committees, its number of committees, the personnel on the committees and to take away the restraints imposed in the present Act which are now proposed to be changed. It allows a greater discretion to council to order its own affairs but, Mr. Speaker, we have two things. We have members opposite saying, Oh yes, but this makes the city nothing but — I think a caretaker government was the term used. At the same time we have the Member for Crescentwood saying, "Why we the government of Manitoba, the Province of Manitoba, is the superior body over municipalities and therefore it should assume its responsibility and it should, for example, set the salaries, the remuneration to be paid to elected people, "which to me is completely unacceptable. We did it the last time and members may recall that there was a debate right in the committee as to how much it should be. As I recall it, the amount of \$5,700 was settled because somebody was proposing \$5,400, that is \$450 a month, and somebody else was saying, "Let it be \$500 a month," that is \$6,000, and somebody said, "Let's split it and make it \$5,700," because we thought that setting up the new council, people running for council should know at least a minimum, a floor, which they would expect to receive as remuneration, and know also that they



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would be given the authority and responsibility to vary that remuneration which they did. Now, for the Member for Crescentwood to say, "Oh, but they should not have that responsibility; it's too" — I forget the term he used whether it's embarrassing or — I forgot the term. In any event, he said, "Don't put that burden on them." Well, Mr. Speaker, we have that burden on ourselves in this House. We are the ones who are presumed to be the most responsible in deciding how much it should be. In my experience — and I have sat on a number of elected bodies where the decision as to the amount of remuneration was settled — in my opinion, it was always set lower than others thought it ought to be. I think that is because we knew that we would have to go back to the people and be responsible for what we did. So I would say that probably once this bill passes, the council should determine what the fair remuneration would be and then they would know in advance what they were running for.

Mr. Speaker, one of the other concepts we had was to form a system which — I didn't think of that term — but which the Taraska Commission considered to be a parliamentary system, where it would be possible for parties to vie for support within the municipal arena. Mr. Speaker, I am certain as I think most people are certain, that there is the party system taking place in the City of Winnipeg and has been since I recall, and I do recall the earlier thirties and I do know, Mr. Speaker, that we always had a party system. Maybe they were the ins and the outs or maybe they were the Independent Labour Party and the Anti-Independent Labour Party, which later became known as the Civic Election Committee. —(Interjection)— The Member for Wolseley, no doubt, wants to make a contribution but that would be his opportunity later.

The party position was pretty clear, but it was an amalgamation of Liberal Conservatives on one side and Labour or CCF or NDP on the other. It was pretty clear in the central city. And you know outside of the central city there were people of different political motivations who were able to work together on a non-party system because they were small, suburban areas. That is why I know that Al Mackling and the Member for Sturgeon Creek — I don't know, I believe — that they found it quite possible to work together for the benefit of St. James. I believe they were on that council at the same time. —(Interjection)— And the Member for Sturgeon Creek is now entering into personalities which I don't think is necessary because it was clear that Al Mackling is one of the more partisan people I know, a dedicated member of our party, and always has been and never pretended otherwise. But still, at a small level he was able to work just as the present Minister of Finance who is known to be a member of our party could work with the mayor who preceded him who was a well-known Liberal. That's possible on the a small suburban level. But on the larger level, it became very clear that there had to be party system. And there is, there was and there is. Somebody on this side pointed out that the three ex-city councillors who sit in this Chamber, all turned out to be Conservatives. I didn't know they were Conservatives and I don't know when they discovered they were Conservatives, but the fact is that they are Conservatives and they were Conservatives at the time they decided to run for the Legislature. But what we did in our original bill was to create the possibility of a party system.

Mr. Speaker, if the people who ran for election and the people who voted for them had accepted that a party system carries with it the responsibility of presenting a program, presenting a platform, saying what they stand for, then indeed, we would have had a much better organization within the city, not the splitting up that is taking place where now out of 50 councillors, I think 26 are ICEC, a number of others are Independents who are really people who broke away. —(Interjection)— The Member for Swan River floors me. I am sure Hansard won't show this pause that took place when he asked me how many NDPs there are. I am not sure how many there are. Eight to ten, I think. —(Interjection)— I don't know how many there are, but the fact is that there is a large number of Independents.

Mr. Speaker, we made it possible that there could be one that would be responsive to people's needs and I must say that we created 50 wards, and let's make that clear, that when we created 50 wards we did it on the basis of attempting to get some sort of equality of representation, but not to destroy the then existing municipal boundaries. And that is why 50 was a number which to me was too large. Other people seem to have liked it. I believe the Member for Sturgeon Creek — I must tell him; he is here — that on re-reading Hansard, I don't know what he believes in because at one stage he said that he thinks 50 is enough and on the other hand he said he thinks it should be reduced. And rereading Hansard, I don't know how many he thinks there ought to be. So I am stuck on that one. But the 50 wards were created on the basis of existing municipal boundaries and therefore, we had the anomaly of Transcona being represented by one person for a much smaller number of electors than the centre core of the City of Winnipeg. And that I remember saying at many of these meetings that we mentioned before, would have to be changed in due course and that boundaries would have to be shifted around so that there would be a better equalized representation.

Well, Mr. Speaker, I expected the 50 wards to be reduced. I remember saying at meetings that instead of 10,000 to 12,000 population per ward, I could see 15,000, 18,000 per ward. I do believe that the 28 proposed in the present bill — I would like to see more. I frankly would like to see six community committees with six wards in each but I would like to see those committees equal in population. If one looks at the bill and sees the way it is proposed, it would be that the centre core of

Winnipeg would have one committee of six wards whereas St. James-Assiniboia would have only three wards. I would think it would be better for them to have more than three, and there have been objections there. I would think that it might make good sense to move the boundary of the St. James-Assiniboia Community Committee eastwards so as to absorb a larger community so that it could be represented by six so that the problems posed would not continue. But that is something for possibly more discussion. I have certainly accepted the bill as being the best solution of a compromise nature because again these aren't deep principles of a party nature that we have to agree on in advance. But the Member for Sturgeon Creek, I thought wanted to maintain 50 wards. On rereading it, I no longer know, maybe he doesn't know how many he would recommend. The Member for Crescentwood said 28 to 30 wards. The Member for St. James, I think was satisfied . . . no, he said there should be less. But they both disagree with a three-member community committee and I have thrown out my suggestion for consideration.

Mr. Speaker, in spite of the fact that in the original Act we designed a possibility for a party system, I do not believe that we could then have, nor do I believe that now, we should try to impose a party system. I think it is desirable. I want to commend the Taraska Commission for making that recommendation. I think it is feasible, I think it's practical, but it is not time. I would say that it will never be time until the people involved in both electing and being elected see that that is the way to do it. And then you would get leadership and then you would get responsiveness, and then you would get a party platform and then you would know in advance what a person stands for before he is elected.

I do not know, Mr. Speaker, I do not know what the Conservatives would propose to do. I hear their criticisms; I do not yet know. I thought that they wanted a reconstituted metro government. I thought that the Member for Sturgeon Creek was saying that but I reread it and no, he does not say it. He says, "It could be good but I don't think it is necessarily good." Something like that. As a matter of fact, I think he said that the proposal which was made to the Policy Study Group of the Conservative Party, that it was rejected. So I don't know what it is, they don't say, and when I asked earlier when I started my comments, I asked what it was. Somebody said, "You'll see." I think it was the Member for St. James, ably supported by his leader, "You'll see." I don't know when we'll see, Mr. Speaker, but we are now debating a change in The City of Winnipeg Act and if we don't know now, then when will we know in a way that will be helpful to us? And this is a party that says that it is ready to govern. It wants an election right away that it will govern. But Mr. Speaker, the least they can do is tell us how they would order this bill, how they have would have this City of Winnipeg structured, and they haven't told us that.

Mr. Speaker, I wonder —(Interjection)— Oh yes, I see from the newspaper clipping of the speech made by the Member for Sturgeon Creek, that the caucus had rejected the party policy on urban affairs revealed at the party's policy conference last month according to the Member for Sturgeon Creek. He said the policy called for the local community councillors with authority to raise their own taxes and a small central council which would deal only with city-wide issues. That is the way I understood it to mean. But now I gather that has been rejected, and I think sensibly, because if this were done, then it would mean that each community committee would have its own budget, would set its own mill rate and its tax bill would be sent out on a different level from all the others, and that would be the seeds for the dislocation and the problems, the mess that was created, when we had the Metro situation with one tax, one mill rate and all the other 12 municipalities with different mill rates. —(Interjection)—

Mr. Speaker, I don't know whether the Member for Sturgeon Creek is frustrated that he cannot make a speech again, or whether he just feels that it's better for him to make his comments from his seat, but I'll try to pay no attention to him unless he wishes to ask a question. Mr. Speaker, may I ask how much time I have left?

**MR. SPEAKER:** Fourteen minutes.

**MR. CHERNIACK:** Thank you, Mr. Speaker. I want to deal with the Taraska Report. These are three gentlemen who, I believe, had a great deal of experience together. They have had a tremendous amount of experience, too, in elective office, one within Winnipeg, one outside of Winnipeg. Mr. O'Brien was mayor of Halifax for a number of years and was then Chairman of the National Council of Mayors of Municipalities. Mr. Levin is a planner who has had a great deal of experience in Winnipeg, and I think that their recommendations are of great value to us.

And I read just a summary of their report where they state that despite dissatisfactions expressed over some aspects of the unified city, the principle of unification has been accepted to an extent that would have seemed scarcely credible five years ago. They said that they had received more than 100 submissions, none of which rejected the principle nor recommended abandonment of unified city concept. They found no evidence of dissatisfaction with the principle of an equalized tax base aimed at equalizing services and overcoming disparities throughout Unicity. They said that perhaps the single most noteworthy accomplishment since the Act was passed was the general acceptance of unification.

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But they say, among other achievements were, a single council for all of the Greater Winnipeg area, a unified administration, a single tax base, unified municipal services and a formal mechanism for citizen participation in the process of government.

They talked about the amenities being improved with a uniform tax base, that services have been improved, that capital expenditures have increased, that additional recreational facilities have been provided, and they report that in their opinion the increase of taxation was not due to unification but came about because of greater opportunity to provide services, and of course due to inflation and other enlargements of programs.

The Taraska Report did deplore the lack of responsible government and the lack of leadership. They complained about narrow parochialism. They, then proposed the parliamentary system as being desirable but, as I said earlier, both the elected and the electors are clearly not ready. So now, we find that the majority of city council does not run on a policy nor on a platform, and the mayor does not automatically have the confidence of the majority.

Now I just want to state that in my opinion, Mayor Juba — and it's not important who is the mayor in relation to the bill itself — but I just want to say that Mayor Juba has been as good a mayor as we've ever had, and possibly as good a mayor as we need to have in the a sense of a non-party system. Well, he's certainly the best mayor we have had in the last 20 years. There's no argument about that. But Mr. Speaker, his predecessors, George Sharpe and Garnet Coulter and Ralph Webb and John Queen — I think the latter two were stronger people — but nevertheless, I think that Mayor Juba stands up well with them and that they were a credit to the city. But I think that the most effective mayor is that mayor who has the support, not only of the people, but of the council itself. And when there is scrapping going on, then it is not helpful to the orderly development of program within the city council.

And I'd still believe that a mayor elected from council would be more responsive and more representative of the majority of council, would be more effective. But you know the majority of people don't agree with me, Mr. Speaker, and I do not believe on imposing my will on the majority. I believe that with an election at large for the mayor, there is no need, nor need there be an effort to be responsible, and no indication of a check and balance because the program is not known. So therefore, I don't really see the need for the mayor to be the chairman of a working committee; the chairman would be politically appointed and the committee would be politically constituted, and that is fact, that has proven to be history. I believe that a mayor who is elected at large can lead or cannot lead, depending on his capacity and his willingness to undertake those tasks. And if he is effective, it is because he has the desire and he has the will and he has the respect. And if he is not effective, it is because he does not have the support of the people whom he is expected to lead. But I think that making the mayor *ex officio* on every committee, giving him the right to speak and to vote, gives him the opportunity for an overall view on what is going on so that he can make an overall contribution unrelated to any particular segments of the group. And I think that that does not weaken the mayor's support but actually makes him a greater participant.

Councillor Corrin did a fairly lengthy article reviewing the Taraska Report and he is making suggestions — I think there was validity in much of what he said. One of the points he made' and he supports the idea that is proposed in the bill, a member being able to run for both a ward and the mayoralty although I think maybe that needs a little more rethinking; maybe if a member is elected to both he should be expected to resign as a ward councillor and create a vacancy but I think the principle is a good one. I think, too, that Councillor Corrin recommends veto power; I think a limited veto power can make some sense, a pause to reflect, a pause to consider. But other than that, I think that the structure that is proposed is a good one.

I want to deal briefly — and I only have a few minutes, Mr. Speaker, I know — with the community committees. I note the Member for St. James quoted me and quoted the policy paper in relation to community committee and the opportunity for citizens to express their views. I must admit to indifferent success in that field. I believe that there was a possibility to strengthen the effectiveness of the community committees if they had been given support of advisors, of funds to do some research and if they were supported in their work by the politicians that were supposed to serve them. Now, I know it's difficult to conceive of that, I also know it is difficult to conceive of giving an independent expertise to a community committee to enable it to evaluate more carefully the work that the politicians are doing. They are elected to do the job but having been elected to do the job, I still think that there should be a continuing response capability during their term rather than waiting for the next election.

I have some concern that with larger areas for the committees as is now proposed, both in the Taraska Report and in this bill, there is less likelihood of input by the members of the community committee because of the larger area and they may feel a little more remote from it. But, Mr. Speaker, the concept is not destroyed. If the Member for St. James believes that it is so important, I would urge him to study and make suggestions for improvement. He hasn't made any yet.

He did speak, however, that the bill makes for the council a caretaker government and I have to dwell on that for a moment because I do think that's nonsense, Mr. Speaker. I do think that the capital

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financing is now being reviewed by the Municipal Board; I think that it has to be reviewed in the context of all of Manitoba's needs for borrowing. The members may not know it, but the Securities Exchange Commission, SEC of the United States, and other bodies of a similar nature, are requiring more and more information of the total commitment within the community and they mean within Manitoba. They now want to know information as to what it is that is being planned for municipalities and that means that with the whole problem of financing and borrowing becoming more acute, there has to be an overview. Just as in planning, Mr. Speaker, I, when I was on Metro Council, was one of those that argued that we should not have to go to an appointed body, remote from the electorate, to make the final decision on planning or I believe on financing, so do I believe that the decision must be made, reviewed and confirmed by people who are elected to rule because the Municipal Board is responsible only to the Government of Manitoba which appoints them but they are two or three steps removed from the people who are affected. When the Minister for Urban Affairs, has to make a decision, it is a decision made in the clear light of day, made in public, made in such a way that he could be exposed for errors that he makes, criticized openly and, in the end, he has to go back to the electorate for a new mandate to justify his decisions.

I have read today's newspapers where Roy Darke who is a good person, who is also known to speak his mind, where he is very concerned about the planning problems that would be created. I want to listen to Roy Darke, I want to listen to all other people who have positive contributions to make when we go into committee to hear what they're saying. I don't want to streamline things so that they happen automatically. I have seen what happened with the 'Trizec deal with our present system; I don't care to make it go smoother or faster just to facilitate developers. Therefore, I want to hear whether the planner is looking to see an easier time or a more clear review of the functions that are being dealt with.

A few more points, Mr. Speaker, and then I am through. The present Act provides that there shall be an environmental impact review. The Court of Appeal, Mr. Justice O'Sullivan, I think, gave the judgment, said that this means that the courts have the right to review the effectiveness or the validity of an environmental impact review. I do not agree with that. I'm not giving a legal opinion although I don't agree with his legal opinion. I really don't agree that it should be that way. I think that the council should be responsible for evaluating the value, the effectiveness of the environmental impact review. Nevertheless, I think there should be one required. Our present bill makes it optional. I think it should be required, but I do believe that the extent to which council pays attention to it, should be entirely left to council's decision and not to review by outside bodies. Council, in the end, has to be responsible to its electorate.

The next point, Mr. Speaker, I am sorry that this government has felt that it has been blocked so much by the City Council in the past on its own programs, mainly its housing endeavours, that it wants to revert to what I recognize is the law throughout Canada and that is that the Crown is not bound by zoning by-laws or planning of the municipal body. That is the way it is everywhere and we changed it in the City of Winnipeg Act. I was rather proud that we were prepared to work within that but I do have to admit that there have been a number of instances shown where there has been a deliberate frustration of government plans and I bow to the experience in having to accept the proposed change in this bill. I deplore it but I feel that apparently it is necessary.

But, Mr. Speaker, I have mentioned some slight disagreements. We are going to discuss it more. Mr. Speaker, the important thing for all of us, I believe, is not to make the City of Winnipeg a political football for the next provincial election. I believe we should and I really have difficulty understanding how one can make an issue of a political nature and a policy nature on how the City of Winnipeg should be structured, because we all speak that we want the city to be effective, to do its job, to be responsive to the people. On that basis, I think the Law Amendments Committee Review could be very useful. Changes could be made providing we are not jockeying for position in order to win, to woo or to attract electors to one political point of view or the other. I really don't see the need for it although I admit it is taking place and I don't know how to avoid it. I nevertheless think we should make the effort because, in the end, what we have to have is a City that deals with the problems, the day-to-day problems of its citizens, that is able to respond to their needs, know their needs and be continually available to have their policy decisions reviewed on an ongoing basis. I still have hopes for the community committee structure to make that possible.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Fort Rouge.

**MR. AXWORTHY:** Mr. Speaker, I beg to move, seconded by the Member for Roblin, that debate be adjourned.

**MOTION presented and carried.**

**MR. SPEAKER:** Bill No. 68. The Honourable Member for Fort Rouge.

**MR. AXWORTHY:** Stand.

Tuesday, May 17, 1977

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**BILL (NO. 51) — AN ACT TO AMEND THE CIVIL SERVICE SUPERANNUATION ACT**

**MR. SPEAKER:** And then there's Bill 51 which we missed. The Honourable Member for Assiniboia.

**MR. STEVE PATRICK:** Mr. Speaker, I will be very brief on this bill. I rise to support Bill 51, an Act to amend The Civil Service Superannuation Act. It probably involves three areas; it's in the nature of housekeeping; it also brings the legislation in compliance with the present Pension Benefits Act and there are several principles involved that are different. One is, and I have talked, on occasion, in the Estimates and I believe last year under Civil Service Estimates requirement, and that's for providing the indexing of COLA for the retired people, Mr. Speaker, or provide a cost of living adjustments each year and I think it is a good principle and I have no arguments against it.

As well, it will comply with the Pension Benefits Act regarding the funding and when an employee reaches age 45, he cannot opt out after having ten years of service and I think it is a good principle because if we allow them to opt out, then they will end up with no pension and there are many people who would like to opt out in case they run into requiring extra funds. These are perhaps the two principles also with a reduction of interest charged to pensioners who apply to purchase war service and I think they're all good principles and I support the bill and let it go to committee, Mr. Speaker.

**QUESTION put.**

**MR. SPEAKER:** The Honourable Member for Flin Flon.

**MR. BARROW:** I move, seconded by the Member for Wellington, that the debate be adjourned.

**MOTION presented and carried.**

**MR. SPEAKER:** One more bill on the Order Paper.

**MR. GREEN:** Mr. Speaker, I move, seconded by the Honourable the Attorney-General, that Mr. Speaker do now leave the Chair and that the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

**MOTION presented and carried** and the House resolved itself into a Committee of Supply with the Honourable Member for Logan in the Chair for Attorney-General.

ESTIMATES — ATTORNEY-GENERAL

**MR. CHAIRMAN, Mr. William Jenkins (Logan):** Order please. I refer honourable members to Page 12 of their Estimates Book. Resolution 28 Legal Aid. (a) Salaries \$1,212,300.00. The Honourable Member for Wolseley.

**MR. WILSON:** Well, when we left off yesterday, my colleague from Birtle-Russell was talking about — and really covered what I consider were many important parts—except that I wanted to review the massive growth of legal aid and express the continuing concern which I have expressed. I guess you have to ask yourself a number of questions. Before doing that and going on to legal aid, yesterday I attempted under very difficult circumstances to get the Minister and his staff and the Minister of Mines to listen to my suggestions and pleas regarding a better dedication by members of the Minister's staff and I felt with such a large budget I was concerned about the image of the department. It just seemed that there was a sort of a Hughie Milk-toast kind of image and I wanted the Minister to change that image. I wanted him to have a "get tough" image, a firmness and get some action and this is all I was asking. The Minister yesterday, after he hears my legal aid thing, could also maybe answer the question that I asked yesterday. I asked for the number of convictions under the commercial fraud section and I didn't get an answer. Because if the answer is what I think it is, then this would certainly not go along with what the news service indicated and the press releases that were made.

The Minister, regarding legal aid in the 1975 Hansard, called the Legal Aid program one of the best programs in North America and I am just wondering why the Minister has to be what he considers the best with taxpayers' money. Is Manitoba the richest province in Canada, the richest government in North America that we have to have the best free legal aid system that's going around? — (Interjection)— Well, when you talk about who is eligible for legal aid I believe the ceiling is now \$10,000 to \$12,000 but when you look at that, that includes most people. In fact, upon checking and inquiring, it seems that legal aid is available to almost everybody in the province with the exception of a few people that wouldn't have the nerve to go and try to apply for it.

The question is asked, what will it cost, and I am referring again to a pamphlet put out by the Legal Aid, a three-colored pamphlet, a very fancy pamphlet which indicates every year they put this out they are going to have to get two pages because they're opening up offices all over the place, and I would suggest that Legal Aid now has reached every corner of the Province of Manitoba. When you talk about what will it cost, well, it is supposed to cost money if you win, especially in civil actions, but it seems you highly unlikely because when you refer to the Annual Report of the Legal Aid, you find that they only recovered approximately \$29,084, so the emphasis on recovering taxpayers' money is rather a weak effort. At least that is my observation.

So, when one has the observation that legal aid is supposed to be on need, one thinks of need pertaining to social assistance. The need of the poor. But this government, because of pressures either from the large number of lawyers graduating from the university, for the need to supply work for the graduating lawyers of the province, has turned around and taken that very vague term "need" and has turned it around to "legal need." I would suggest that practically every person in this province has a legal need at one time or other, so therefore, if it is a legal need, practically everybody in the province is going to need legal aid eventually. When they talk about all the information being confidential, it seems to me from looking at the public accounts that when other people get a government grant, it is hardly confidential. It seems it has become extremely morally acceptable to take legal aid and it seems that cases are no longer settled. I remember the old days, somebody would always get together and they would say, you know, from the point of public relations and the fact that maybe it was a community lawyer, say, we'll pick St. Vital. I think of years ago when Harold Huppe was out there and people would go with a dispute, whether it was over an apple tree growing in their yard or something and they would go to the lawyer and they would sit down and they would solve the problem. But, you see, the problem today is they are no longer interested in settling cases because there is a great big trough of floating dollars sitting there and they want to feed on those dollars, so guess what? They no longer saw off these disputes; they carry them into the courthouse. We even know for a fact that since — I'm talking about the increase and we can go back, I refer if I may to a report in 1971 put out by the Law Society in which they say, "In the year 1971 was not a hold-the-line year for Legal Aid," and the total number of cases was 15,027, today it's over 47,000, I believe.

**A MEMBER:** 47,000?

**MR. WILSON:** That's what I've been told, 47,000 people received the benefits of legal advice under the legal aid system. I may be wrong. If the figure is conservative and not great enough, then I stand to be corrected. And, you know, nowadays they hide everything because, you know, well, nowadays they hide everything because they broke it down in the old days under Civil Action. Now they have it 309 cases and they call it Other because when you start to examine the 1971 report you find out that there is some real interesting things which they give legal aid for; landlord and tenant disputes and so

on, maintenance problems, labour relation problems, immigration problems, problems with the welfare, driving privileges and so on and so forth. They break it down for you. But now they just put it under the term "Other" and that's because maybe, if it wasn't confidential, if we could have a window into Legal Aid and a breakdown of those cases, we would be able to judge for ourselves the merit as to the number of people that are getting legal aid and feeding at the taxpayers' trough that don't require it.

I can recall on City Council where one particular lawyer made a terrific amount of money and the Minister of Public Works referred to him as an ambulance chaser. What he would do is, everytime one of his friends would go into the city and find out the city was going to expropriate some land, he would go out and get all these people to get a Legal Aid Certificate, and one of these days I'll find out what that gentleman has made because he has come a long way from a closet to his fancy third floor office on River and Osborne. So what we have, what we have, is we have an expanding program of salesmen. They advertise on T.V. and radio, they've got increased three-coloured brochures, they are on a real situation. You know, most lawyers in this province can't afford a storefront operation on Portage Avenue but guess what, when you've got taxpayers' money you can have a big fancy office right on Portage Avenue, right across from Eaton's. What I'm suggesting is that the public defender system and the image of legal aid is somebody to help people in need has turned to wall-to-wall carpeting and the need has been the staff lawyers and the working conditions that those people have. You know they've even got vans. I understand, I stand to be corrected, they have trucks or vans in which they go out into the rural communities looking for business. Well, that reminds me of the old medicine sideshow where people go out and they try to drum up business.

**MR. CHAIRMAN:** Order please. Could we just have a little less levity and can we have the honourable member who is making the speech here available to be heard. The Honourable Member for Wolseley.

**MR. WILSON:** Thank you, Mr. Chairman. I'm trying in my own way to point out that the expanding legal aid system is going right out of sight. You can turn around and in their own report, Exhibit B, Page 29 in which they say their receipts, Grants from the Province of Manitoba 1976 are \$2,863,567 and in 1975 they were \$1,046,000.00. What that means is we have more than doubled, more than doubled the grants from the province. That is an incredible increase for a program. Does that mean to say that people in 1975 had a need and all of a sudden that need doubled in 1976?

**A MEMBER:** With this government it's possible.

**A MEMBER:** Just Autopac alone.

**MR. WILSON:** But you have to add to that the fact that in 1975 they showed a \$92,000 — if I can use the expression — profit, but even with that doubling — in fact it's more than doubled — they show a \$15,903 loss. So what happens? It's a proven fact that if you give legal aid \$1 million, they'll spend \$1 million. If you give them \$3 million, they'll spend \$3 million and I can suggest to this government if they are going to make it \$4 million the members of the Legal Aid will find a way and the graduating lawyers will find a way to spend it. So it obviously has been turned around to one of need for the poor people to need for a very interesting situation.

They've got Outreach meetings, when they can't use up the money they are getting towards the end of the year they have all these Outreach meetings. They hold meetings in schools, they advertise on radio, they hold evening classes in the core area, they go out and rabble-rouse and create political situations. When I was at the Preston fire I was the only politician there but there was at least six to ten Legal Aid lawyers there drumming up business.

Well, in the area of civil, I think there is another very important area in the area of civil proceedings. I think this is an area that I am pleading with the government to re-examine. I don't think in civil proceedings they should continue. I don't think legal aid was ever designed to be into the civil courts to the extent that this government is expanding and I urge the government to re-examine its situation. In their brochure that I put down it says that they are to deal with important civil proceedings. That's the words that they say — important civil proceedings. But you see, because of all this money they have to spend, they have taken that word — important civil proceedings — and they now have it important to who. Because what they do, anybody that's in debt goes to them. It's amazing the amount of case histories you can look at. If a fellow hasn't paid for his car he can get Legal Aid, he can fight Master Charge, he can fight Chargex, he can fight all these big corporate people that are taking, so-called taking advantage of him, and that's the kind of concern that I have. That was not my envision of what, and I'm sure many people, of what Legal Aid was.

And I have an application here from Legal Aid which talks about The Canada Evidence Act. If that Minister is correct when he says 47,000 people out of a province this size receives some form of legal aid and they had to qualify under a need. I hope that they sleep nights, because under The Canada Evidence Act it said that they were needy people that needed legal aid and they fell within the financial criteria. Otherwise we wouldn't only be recovering \$29,000.

It says here also on Page — maybe there's been some amendments — but August 12, 1972 in the Manitoba Gazette, it says, "Legal Aid by a Resident of Manitoba." I would like to ask the Minister, has

this been changed? Because I have heard cases where people from different parts of Canada, United States have been able to receive legal aid I understand that possibly the Director has this power — an individual has this power to be able to okay applications for non-residents. It says here that legal aid should not be made for frivolous vexatious and abuse of the court system. And I say that really sincerely when I say abuse of the court system and I certainly was subjected to it myself. While I was speaking in the House I had several large articles appear in the paper about some charges that were drummed up. I was even taken to court by some student they were able to drum up business from from the University of Winnipeg. They didn't take me, they took a company to court, all of a sudden the company was mentioned in small print and Bob Wilson was in headlines. — (Interjection)— Well, the thing that I'm saying is it's an abuse of the court system because not only did Mr. Buchwold say I never received the money, never cashed the cheque, but the point is that it's the kind of thing that they do. But guess what, the steel workers were never taken to court, just the company. The steel workers — mysteriously the whole thing died.

But I understand, and I may stand to be corrected, that somehow or other Mr. Ternette and his law students and all the rest of them qualified for legal aid, and Mr. Ternette lives in, has better furniture than I do and he's the kind of person that I am after who can continually, for political purposes, use legal aid. Well, that's the kind of thing that I'm talking about. The incredible thing is, as you stand here as an individual, as a person in Manitoba and you say to yourself why are no members of the legal profession standing up and be counted. Why are they buying a full page ad like the independent grocery stores are? Or the employees of a certain company, or Griffin Steel. Why are they buying a full page ad? Why are they fighting this Legal Aid lava that's costing us now almost \$3 million and, as I say, if you give them \$4 million, they'll spend \$4 million.

**A MEMBER:** They're doing it for them.

**MR. WILSON:** Well, because I found out something. They're sharing in the windfall. Sure they are. Well, I'm not talking about the three lawyers that make \$100,000 apiece, that is their concern, I am talking about the fact that taxpayers' money . . . . It says here — (Interjection)— No, I'm not because what it says here is that in 1975 — now I don't know what the grant is this year but in 1975 the government members on the opposite side held a tag day for the legal profession. They gave them a grant of \$338,447.05. What other society gets that kind of a grant? And then — (Interjection)— Well, it's right here in the Law Society financial statements where it says "Government grants received \$338,387.00."

**MR. CHAIRMAN:** Order please. The Honourable Attorney-General state his point of . . . .

**MR. PAWLEY:** The honourable member must be aware that that money belongs to the Law Society members. It is their own money; it is interest that they receive on trust funds.

**MR. WILSON:** Now, that is exactly the point I am making because I believe in 1972 the former Attorney-General said, "It is not your money; it is unearned money; you did nothing to earn it. You had no talent; you simply put the money in the bank and it was interest." And, so what happened is, that money, the balance in trust and this here is my figures from March 31, 1975 — wouldn't it be nice to have current figures? You always have to dig these out a year or two later— but \$1,353,546.22 was from the lawyers' trust account which went into the government coffers. You add that to the \$750,000 grant that they get from the Federal Government and you have \$2.1 million, which the government didn't do anything for, that is now going to be able to be given out under their free Legal Aid Program.

What is the NDP government doing for everybody? Well, I'm facing it when I knock on — (Interjection)— I'm simply saying that that money . . . no, but what you're doing is, you have what is called "phony socialism." You're standing up and saying, we're giving free legal aid to everybody. You're not giving free legal aid to everybody because part of the money came from the lawyers' trust accounts, \$750,000 came from the Federal Government, so therefore, when I knock on a door and somebody says, "I'm voting for the NDP because they took a case to court for me," the NDP never took a case to court. Here's the facts, the money from the lawyers' trust account, the money from the Federal Government, almost equals the budget. — (Interjections)— Oh, but there's magic in that, there's magic.

The Law Society is equally guilty for not standing up and being counted because they're fooling themselves. If they would stand up and reflect and look at the 1971 report where they were very concerned because they couldn't stop 1,500 cases. This is a year of expansion for Legal Aid; we've got to watch it. But now, all of a sudden, there's some problems. And get into their own yearly statements these things are very hard to come by. You get into it and you look at it and you find out that they've got something called a reimbursement fund. Besides having a balance sheet of \$1.5 million in the bank, that's of 1975, you turn around and find out they've got something called a reimbursement fund of which they have got \$255,000 which they are going to protect all the citizens of Manitoba. But guess what? They don't pay off or they very seldom pay off and when they do, you go in front of a board of inquisition. In 1971, the reimbursement fund paid out, according to this, nil. In 1972, they paid out nothing; in 1974-75, they paid out \$82,000; in 1976, they only paid out \$2,200.00.

**MR. CHAIRMAN:** The Honourable Minister of Mines.



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**MR. GREEN:** Am I incorrect that the proceedings of the Society of which I am a fraternal member are not the administrative responsibility of the Attorney-General? Is the Law Society under this Departmental Estimates? Because the honourable member is now dealing with the balance sheet and the reimbursement fund and the statement of the Law Society. Now, surely that is not the responsibility of the Attorney-General. I haven't looked at the Estimate Book; I am guessing. Is the Law Society under the departmental responsibility of the government?

**MR. CHAIRMAN:** Order please. The item is headed up Legal Aid, provides a comprehensive Legal Aid program of legal service and advice to criminal and civil matters to those unable to afford to pay for legal help from their own resources.

**MR. GREEN:** Well, Mr. Chairman, I really think that the honourable member in discussing the internal affairs of the Manitoba Law Society is not sticking to the point. Now, I know an objection on relevance can easily be avoided, and I'm sure the honourable member can probably make the remarks he wants to make if he pursues them, but is it reasonable for him to do so? I put the question to him. This is the Law Society and the Attorney-General has nothing to do with the balance sheet or the receipts or expenditures of the Law Society.

**MR. CHAIRMAN:** The Honourable Member for Wolseley.

**MR. WILSON:** The reason I raised it, Mr. Chairman, is because in the items under this Minister's budget, there appeared a grant of a certain amount of money and certainly in Public Accounts, and I just felt that anybody that is getting a \$338,000 grant from the Provincial Government should finally, for the first time in history, have somebody stand up in the House and raise some questions as to their financing and why should we, as taxpayers of the province, be holding a tag day for the Law Society of over \$300,000.00?

I just wanted to carry on, if I could, under the Legal Aid system of which the expanding cost per case . . . I notice that back in 1971 the average cost was \$11.13 a case and today, according to this 1973 statement here, it says that the total completed case is \$442.00 with an average cost of \$119.05. So what I am basically saying is, in one hand you have the government giving double the amount of money to the Legal Aid fund but you find that the lawyers have found out that if they can't work for \$11.00 a case and now it's up to \$120.00 on the average, and I talk about a phone call. So, I know we're not going backwards but we shouldn't be making it so lucrative that people want to drag out cases.

So basically I'm saying that if you hold the line, if you hold the line on the budget, you will find out that all of a sudden, this created need — now, I'm sure that need was intended for the poor people, for the people that were in need — and what you have got here is, you've got — (Interjection) — well, there seems to be a problem here. What you have is the government Crown prosecutors with words, you have Legal Aid staff lawyers with words, and those two words together equal taxpayers' dollars. There must be a way of being able to cut out this theatrics in the name of saving taxpayers' money.

So I would suggest that in sitting down, and I've covered quite a bit, but I may rise again because I know I have missed a lot because I know for a fact that . . . well, I'll tell you what. I talked about articles that appear in the paper which the increase in crime and the clogging of the courts is directed to Legal Aid. Prior to Legal Aid a lot of people plead guilty right off; now with free lawyers, they all feel they might as well go the whole route because it isn't costing them anything. This is out of the Winnipeg Free Press on January 28th.

Then there's an article here from January 17th in which the director, Mr. Meyers, a very capable man, said he is going to probe the Legal Aid fees and he talked about suspension and disbarment if found guilty. Well, now he's a judge and somebody else is going to have to start investigating. — (Interjection) — Well, I've always found Mr. Meyers to be a very fair man and I know he wonders sometimes why I'm so critical of Legal Aid but I just know it's wrong and whether it's the Squash Club or on the street, the lawyers say, "I'm against Legal Aid," but they won't stand up and tell you why. I'm telling you why I feel it is it's wasting taxpayers' money. Here's one here: "Law students face difficulty in finding work. The expansion of Legal Aid very conveniently comes along with the difficulty . . . finding work" "Legal Aid seen is a factor in growing court backlog." Every newspaper across western Canada certainly indicates that there is the clogging of the courts, the problems and the waste of money. And guess what they are doing? They are opening more and more offices. The Minister may stand me corrected. Could he tell me how many vans they've got? Do they lease them? Do they have any type of vehicle that go on a roadshow and go around? — (Interjection) — (Interjections) —

Mr. Gage wrote in an article of January 31, 1975, that there is games being played. Two senior court officials said that a lot of games were being played in the system and thereby causing public money to be wasted. Here is a very large article in the papers which Mr. Gage, a reporter in the court system, has talked about senior Crown attorneys and other people, talking about the games in the system and how people don't show up for hearings, don't show up for remands and just don't show up, or when they do show up, they all of a sudden plead guilty, the case is over in three minutes, the judge is booked the whole morning, and what does he do? That's another question. Maybe we should get into the system where we have a stand-by like you do when you go and get an airline ticket. They

should maybe have a stand-by of three or four cases out in the hall, that if they are going to have these people changing the pleas, we've got to maximize the use of some of our judges. When you go to board a plane they have a stand-by feature and maybe it's time we had a stand-by feature for some of these cases where a guy changes his mind and pleads guilty and the judge has the whole morning off.

I know last year it said that, "Wilson Raps Legal Aid." I haven't changed my presentation; I have just come up with more facts. I regret that I had to include the Law Society, but when they are getting a government grant it's time that the public had a window into their affairs.

**MR. CHAIRMAN:** The Honourable Member for Assiniboia.

**MR. STEVE PATRICK:** Mr. Chairman, I wish to raise a couple of questions with the Attorney-General, a couple of questions perhaps he can give me some answers. I would like to know how many lawyers at the present time are full-time employees of Legal Aid. Is that number increasing to what we had before? My second question is: To what extent are we still using lawyers from the Law Society who are not on full-time payroll of the Legal Aid? Who does most of the work? Is it the full-time employees of the Legal Aid or is it we're still using the Law Society lawyers as well, and to what extent, what is the portion of the cases that they take? Is it 50-50 or most of the work is done by the lawyers that are not full-time employees? Or are we moving to the public defender system? I believe in Ontario, in their Legal Aid, at least at one time, they had full-time lawyers handling the legal cases that were in salaries. I wonder if that is the area that we are moving to in Manitoba. What is the case?

The other one that I would really be interested — I haven't got the report in front of me — but how many cases that the Legal Aid handled last year? Is this 47,000 number, is that an accurate number? I would like to hear from the Minister.

**MR. CHAIRMAN:** The Honourable Member for Lakeside.

**MR. HARRY J. ENNS:** I wonder, Mr. Chairman, just prior to the Attorney-General's answering some of the questions posed to him, I could be permitted to put on the public record an undertaking that I had made with myself some time ago, a month or so ago, in the course of another debate with another Minister, another department, I had attributed to the Legal Aid Society certain advertising which since then, as a result of information coming to me, I acknowledged it was falsely done so, or incorrectly done so. I simply wish to correct the public record to that extent. I recognize that the Legal Society Aid, as such or as a society, was not in fact, involved in the particular advertising program that I had attributed to Legal Aid, in fact was merely a part of, or a service to another agency that was, in fact, involved in the placing of the said ad. Thank you, Mr. Chairman.

**MR. SPEAKER CHAIRMAN:** The Honourable Attorney-General.

**MR. PAWLEY:** Mr. Chairman, in answer to the questions from the Honourable Member for Assiniboia, 32 staff lawyers, 65 percent of the cases, Legal Aid cases, are handled by the private bar, and 35 percent by staff lawyers. And in Ontario, they're just now going into staff lawyers, some seven lawyers in Ontario. They're just beginning to proceed towards staff lawyers.

Last year, approximately 9,500 cases were handled in Manitoba. Now I am not sure, there were a lot of questions that were raised earlier by the Honourable Member for Birtle-Russell, it's near 5:30 p.m., whether I should commence to deal with that now or —(Interjection)— Call it 5:30? Okay.

**MR. CHAIRMAN:** Committee rise and report. Call in the Speaker.

*The Chairman reported on the Committee's deliberations to Mr. Speaker and requested leave to sit again.*

### IN SESSION

**MR. SPEAKER:** The Honourable Member for Logan.

**MR. WILLIAM JENKINS:** Mr. Speaker, I beg to move, seconded by the Honourable Member for St. Johns, that the Report of the Committee be received.

**MOTION presented and carried.**

### BUSINESS OF THE HOUSE

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**HONOURABLE MR. SAMUEL USKIW:** (Lac du Bonnet): Mr. Speaker, I wish to draw to your attention something that occurred earlier in the day. It had to do with the comments of the Member for Morris who had indicated a willingness to table a document, and I gather it has not been tabled, perhaps there has been some misunderstanding. Had I known it wouldn't be I would have asked that it be tabled. I am wondering whether the member is prepared to table it?

**MR. SPEAKER:** The Honourable Member for Morris.

**MR. WARNER H. JORGENSON:** I suggested that I would table but my understanding is that a document was tabled only if somebody asked for it to be tabled. Nobody asked at that time so I kept the document in my pocket, but I have it here and I'll be happy to table it right now.

**MR. SPEAKER:** Thank you. The Honourable Member for Flin Flon.

**MR. THOMAS BARROW:** Mr. Speaker, with leave, I would like to make a change on the Law

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Amendments Committee.

**MR. SPEAKER:** Very well.

**MR. BARROW:** The Member for Radisson will replace the Member for Point Douglas.

**MR. SPEAKER:** Thank you. The Member for Radisson replaced the Member for Point Douglas.

The hour being 5:30, the House is now adjourned and stands adjourned until 10:00 a.m. tomorrow morning.