

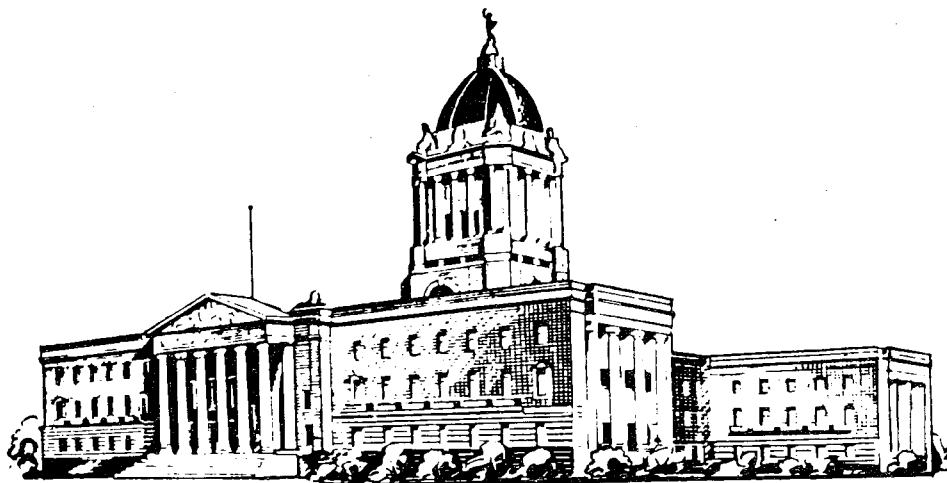


Legislative Assembly of Manitoba

**DEBATES**  
and  
**PROCEEDINGS**

Speaker

The Honourable Peter Fox



Vol. XVIII No. 113 9:30 a.m., Monday, July 12th, 1971. Third Session, 29th Legislature.

ELECTORAL DIVISION	NAME	ADDRESS
ARTHUR	J. Douglas Watt	Reston, Manitoba
ASSINIBOIA	Steve Patrick	10 Red Robin Place, Winnipeg 12
BIRTLE-RUSSELL	Harry E. Graham	Binscarth, Manitoba
BRANDON EAST	Hon. Leonard S. Evans	Legislative Bldg., Winnipeg 1
BRANDON WEST	Edward McGill	2228 Princess Ave., Brandon, Man.
BURROWS	Hon. Ben Hanuschak	Legislative Building, Winnipeg 1
CHARLESWOOD	Arthur Moug	29 Willow Ridge Rd., Winnipeg 20
CHURCHILL	Gordon Wilbert Beard	148 Riverside Drive, Thompson, Man.
CRESCENTWOOD	Cy Gonick	115 Kingsway, Winnipeg 9
DAUPHIN	Hon. Peter Burtniak	Legislative Bldg., Winnipeg 1
ELMWOOD	Hon. Russell J. Doern	Legislative Building, Winnipeg 1
EMERSON	Gabriel Girard	25 Lomond Blvd., St. Boniface 6
FLIN FLON	Thomas Barrow	Cranberry Portage, Manitoba
FORT GARRY	L. R. (Bud) Sherman	86 Niagara St., Winnipeg 9
FORT ROUGE	Mrs. Inez Trueman	179 Oxford St., Winnipeg 9
GIMLI	John C. Gottfried	44 - 3rd Ave., Gimli, Man.
GLADSTONE	James Robert Ferguson	Gladstone, Manitoba
INKSTER	Hon. Sidney Green, Q.C.	Legislative Bldg., Winnipeg 1
KILDONAN	Hon. Peter Fox	627 Prince Rupert Ave., Winnipeg 15
LAC DU BONNET	Hon. Sam Uskiw	Legislative Bldg., Winnipeg 1
LAKESIDE	Harry J. Enns	Woodlands, Manitoba
LA VERENDRYE	Leonard A. Barkman	Box 130, Steinbach, Man.
LOGAN	William Jenkins	1287 Alexander Ave., Winnipeg 3
MINNEDOSA	Walter Weir	Room 250, Legislative Bldg., Winnipeg 1
MORRIS	Warner H. Jorgenson	Box 185, Morris, Man.
OSBORNE	Ian Turnbull	284 Wildwood Park, Winnipeg 19
PEMBINA	George Henderson	Manitou, Manitoba
POINT DOUGLAS	Donald Malinowski	361 Burrows Ave., Winnipeg 4
PORTAGE LA PRAIRIE	Gordon E. Johnston	Room 248, Legislative Bldg., Winnipeg 1
RADISSON	Harry Shafransky	4 Maplehurst Rd., St. Boniface 6
RHINELAND	Jacob M. Froese	Box 40, Winkler, Manitoba
RIEL	Donald W. Craik	2 River Lane, Winnipeg 8
RIVER HEIGHTS	Sidney Spivak, Q.C.	1516 Mathers Bay, West, Winnipeg 9
ROBLIN	J. Wally McKenzie	Inglis, Manitoba
ROCK LAKE	Henry J. Einarson	Glenboro, Manitoba
ROSSMERE	Hon. Ed. Schreyer	Legislative Bldg., Winnipeg 1
RUPERTSLAND	Jean Allard	602 - 245 Provencher Ave., St. Boniface 6
ST. BONIFACE	Laurent L. Desjardins	357 Des Meurons St., St. Boniface 6
ST. GEORGE	William Uruski	Box 580, Arborg, Manitoba
ST. JAMES	Hon. A. H. Mackling, Q.C.	Legislative Bldg., Winnipeg 1
ST. JOHNS	Hon. Saul Cherniack, Q.C.	Legislative Bldg., Winnipeg 1
ST. MATTHEWS	Wally Johannson	23 - 500 Burnell St., Winnipeg 10
ST. VITAL	D. J. Walding	31 Lochinvar Ave., Winnipeg 6
STE. ROSE	A. R. (Pete) Adam	Ste. Rose du Lac, Manitoba
SELKIRK	Hon. Howard Pawley	Legislative Bldg., Winnipeg 1
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SOURIS-KILLARNEY	Earl McKellar	Nesbitt, Manitoba
SPRINGFIELD	Hon. Rene E. Toupin	Legislative Bldg., Winnipeg 1
STURGEON CREEK	Frank Johnston	310 Overdale St., Winnipeg 12
SWAN RIVER	James H. Bilton	Swan River, Manitoba
THE PAS	Ron McBryde	Box 1295, The Pas, Manitoba
THOMPSON	Hon. Joseph P. Borowski	Legislative Bldg., Winnipeg 1
TRANSCONA	Hon. Russell Paulley	Legislative Bldg., Winnipeg 1
VIRDEN	Morris McGregor	Kenton, Manitoba
WELLINGTON	Philip M. Petursson	681 Banning St., Winnipeg 10
WINNIPEG CENTRE	J. R. (Bud) Boyce	777 Winnipeg Ave., Winnipeg 3
WOLSELEY	Leonard H. Claydon	116½ Sherbrook St., Winnipeg 1

THE LEGISLATIVE ASSEMBLY OF MANITOBA  
9:30 o'clock, Monday, July 12, 1971

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees.

STATEMENT

MR. SPEAKER: I wish to make a statement at this time. On Saturday, July 10th, the Honourable Minister of Mines, Resources and Environmental Management raised a point of order in respect to procedure by the Honourable Member for Riel after he presented a statement purporting to be the Report of the Public Utilities Committee. The contribution on the procedural points were centred around our Rules 72 and 73. The Honourable Leader of the Opposition and the Honourable Member for Morris were inclined that any member could present a report. The argument has merit. In fact precedents in this session indicate that the Report of the Standing Committee on Rules was presented by a Member other than the Chairman since the chairman was the Speaker of the House.

Nevertheless, our Rule 73 is explicit and states: "The report of a Committee shall be signed by the Chairman only and must be used in conjunction with Rule 72. The purpose of the signature is authentication. The application of majority rule is traditional in parliamentary practice. Beauchesne Citation 319 in Fourth Edition is cogent to the point before us. The report of the committee must be signed by the Chairman; no other signature should be affixed to a report for the purpose of showing any division of opinion in the committee, nor can it be accompanied by any counter statement from the minority, as such is unknown in British Parliamentary practice. The chairman only signs by way of authentication on behalf of the committee. He should sign even if he dissented with the majority of the committee. No minority report should be made to the House. The statement handed to me by the Clerk given to him by the Honourable Member for Riel contained no signature. I therefore must rule it a nullity.

Ministerial Statements; Tabling of Reports; Notices of Motion; Introduction of Bills.

ORAL QUESTION PERIOD

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition) (River Heights): Mr. Speaker, my question is to the House Leader. I wonder whether the House Leader can inform the House when he is going to allow the Member from Osborne to present the report of the Standing Committee on Public Utilities?

MR. SPEAKER: The Honourable the House Leader.

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management)(Inkster): I want to indicate that I expect that the reports will be coming from several committees that have not yet presented reports before the end of the session.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my question is to the House Leader. I wonder if he can inform the House how many more bills have yet to be introduced this session?

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, there are some bills I would think, and I'm speaking from memory hoping not to mislead, that there would be no more than three, one of which the honourable member is fully acquainted with and two others which will be presented to the House.

ORDERS OF THE DAY - GOVERNMENT RESOLUTIONS

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Call Resolution on Page 2 of the Order Paper standing in the name of the Minister of Labour not yet introduced.

MR. SPEAKER: The proposed motion of the Honourable Minister of Labour. The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Speaker, I beg to move, seconded by the Honourable Minister of Mines and Natural Resources, the following resolution:

WHEREAS consideration is being given to producing a Labour Code for Manitoba; and  
WHEREAS other matters of concern to workers and industry should be reviewed;

(MR. PAULLEY cont'd.)

BE IT RESOLVED that the Committee on Industrial Relations appointed at this Session be authorized to sit during recess or after prorogation to consider such matters and submit its report to the next session of the Legislature.

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

### GOVERNMENT BILLS

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I wonder if it would be satisfactory to the House if I yield to government business for a moment and call Bill No. 100 standing in the name of the Member for Swan River.

MR. SPEAKER: The proposed motion of the Honourable Member for St. Matthews. The Honourable Member for Swan River -- bottom of Page 4.

MR. JAMES H. BILTON (Swan River): Mr. Speaker, I adjourned the debate on behalf of the Honourable Member for Fort Rouge.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. INEZ TRUEMAN (Fort Rouge): Mr. Speaker, I really had a couple of questions that I wished to ask rather than make any comments. I certainly approve the provisions within the bill and I assume that the CNIB is cognizant of the contents of the bill. It provides for guide dogs to accompany a blind person on public modes of transportation. I assume this means that the dog could not only travel on a bus but on a train or an airline as well, and I wanted to make certain that this was known by the railways and the airlines and whether they agreed with this procedure.

There is also the provision that dogs can attend a blind person in public places. I believe there is some protection for damage but it's my impression that that is something like \$100.00, and I have some question as to whether this was an adequate sum. With answers to these queries I think we'd be prepared to see this bill proceed.

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

MR. WALLY JOHANNSON (St. Matthews): Mr. Speaker, I'd just briefly like to explain the answers to the question raised by the honourable member. The CNIB does know of the bill and in fact they were quite pleased that the bill was being brought forward. The bill is intended to allow guide dogs to travel on trains and airlines. Now there is a limitation here insofar as jurisdiction is concerned. This bill can only bind insofar as the province's jurisdiction over different modes of travel, so there are some cases on trains and airlines where the province would not have jurisdiction. The railway companies and the airlines were not contacted so I don't know whether they agree or disagree. However, they'll have full opportunity at the Law Amendments stage to comment on the bill.

In regard to the honourable member's question about damages, I think I caught her correctly, she was of the opinion that the damage was restricted to \$100.00 -- damages could be claimed? -- (Interjection) -- The damage to premises. I don't think there is a restriction as far as I know. However, I can check that out. But the blind people that I contacted were quite willing to have this provision in the bill. They felt that it was a reasonable one and they also felt it was a reasonable provision to give an owner or a manager of some place the option of asking that the dog be muzzled.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. TRUEMAN: Could I ask a question of the honourable member, Mr. Speaker. Will he notify the airlines and railways then of the hearings?

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

MR. JOHANNSON: Mr. Speaker, yes, I'm certainly willing to do that.

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

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Bill No. 50, Page 1 of the Order Paper.

MR. SPEAKER: The proposed motion of the Honourable Minister of Consumer and Corporate Affairs. The Honourable Minister.

HON. BEN HANUSCHAK (Minister of Consumer, Corporate and Internal Services) (Burrows): Mr. Speaker, could I have the matter stand? If by leave I could be allowed to proceed with the bill later during the sitting. -- (Interjection) -- Pardon? Yes.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Well, Mr. Speaker, if you would call Bill No. 44, please, Page 4 of the Order Paper.

MR. SPEAKER: The proposed motion of the Honourable Member for Winnipeg Centre. The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. Having had considerable time to look at this bill, Mr. Speaker, and to look at the definitions that are inherent in the definition of the word "colony" and "member of a colony" this bill does cause some concern I'm sure to each and every member of this Chamber because by the definition term this bill embraces more than just members of the Hutterian sect, in fact I think it could quite conceivably be within the limits of the definition to include Sisters of an Order in a religious grouping, and if this is the intent, which I don't believe it is, but according to the definition it could be included in that way, then it would mean that a sister in an Order who left that Order could according to this Act claim some share in the proportion of the wealth of the Order.

The reason I am interested in this, Mr. Speaker, is at the present time in my constituency we do have some property which has been used for many years as a hospital which is in - as far as title is concerned - lies with a charitable Order, people who do live in a communal way, and according to the definitions in this Act I think they could quite conceivably qualify under this; and I don't believe the intention in the Act was for an all embracing type of piece of legislation. I believe the intention in the Act was to be rather specific and to discriminate against a particular group of people and I think in that respect it could conceivably be against the Human Rights Commission. However, at the present time, Mr. Speaker, I would like to see this bill go to committee where the proper representations can be made and the merits of the bill be assessed at that time.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. J. R. (Bud) BOYCE (Winnipeg Centre): Well, the first thing this morning, Mr. Speaker, I ask the indulgence of the House till I get organized.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I believe the honourable member will yield if I wish to speak at this point.

MR. SPEAKER: I should indicate that the Honourable Member for Winnipeg Centre would have been closing debate, so therefore the Honourable House Leader may proceed.

MR. GREEN: I believe that he is willing to yield, Mr. Speaker, on the basis that I could speak at this moment.

MR. SPEAKER: The Honourable Minister of Mines and Natural Resources.

MR. GREEN: Mr. Speaker, I believe that the Honourable Member for Winnipeg Centre as has been indicated at previous moments during debate, introduced this bill as a private member, and I believe introduced it because of the controversy that was raging as between different groups within the Hutterite colonies, and more particularly because of the case that had gone right through to the Supreme Court of Canada, and particularly Mr. Justice Hall's judgment which appeared to suggest that there was equity on the side of some of the people who had been pursuing the petition.

Mr. Speaker, we've had a lot of speeches about the life of the Hutterites and the desire of legislators not to interfere. I can say, Mr. Speaker, that I'm in complete sympathy with the speeches that have been made with regard to non-interference by the Legislature in the arrangements that are made between Hutterite colonies. However, Mr. Speaker, I think that members should know in adopting this procedure that similar types of arrangements have been recognized as common law for all kinds of other arrangements and I would hope that they could be consistent in their speeches when the time comes, let us say, to discuss whether a national union should be able to break off of international unions where they own all the properties - and I know what the courts have done with respect to those situations. Where other properties are held in common, Mr. Speaker, it used to be the case that you couldn't break up a joint tenancy and the law has now in recent years recognized that a joint tenancy can be divided between husband and wife, the property sold and the proceeds realized.

I am not speaking of these things in such a way as to indicate that this should apply to Hutterite colonies as well. I'm rather intrigued to hear the speeches of members of the House in support of this system of pure socialism which they feel should certainly not be interfered with insofar as Hutterite colonies are concerned. I can say that the economic system, while not the social system, is very similar to the Kibbutzim in Israel where they live in a very similar

(MR. GREEN cont'd.) . . . . way with common property under a philosophy that could be identified with pure socialism. But, Mr. Speaker, they are having their problems too and within the Kibbutzim they have now had to make modifications as to what a person gets when he leaves or whether a person gets anything when he leaves.

I think that the Member for Winnipeg Centre introduced this bill because these problems exist, whether anybody will now say that they don't exist or that there is absolutely no cause for interference is a different question. I want to indicate that I myself would vote against interference, but I would also vote against interference with the assets of a trade union when a member wanted to leave. I hope that honourable members opposite furthering their principle that they have expounded would vote the same way on those questions. And I would generally vote against interfering with contractual arrangements made as between people as to a way in which they are going to deal with their property -- monastic orders and any other property being held in common. The problem is not nearly as simple as has been made by many honourable members. I'm not going to spend further time of the House except to say that I believe that the Honourable Member for Winnipeg Centre would like, and I'd be authorized to speak on his behalf, Mr. Speaker, is saying that having had the debate, having aired the problem, he feels it should be considered by something like the Law Reform Commission and would like leave to withdraw the bill. If unanimous leave is given that the bill be withdrawn at that stage, that will be the end of it and I will sit down; if unanimous leave is not given then I would be intending to make a motion. So I would ask at this stage to members of the House, does the Honourable Member for Winnipeg Centre have the unanimous leave of the House to withdraw the bill? Leave?

MR. SPEAKER: Order, please. The Chair may be of assistance at this time. Can I get an indication on the question posed by the Honourable Minister of Mines and Natural Resources to withdraw the bill at this time. The Honourable Member for Riel, on a point of order.

MR. DONALD W. CRAIK (Riel): On a point of order, when I spoke on this immediately following the Member for Winnipeg Centre which was more or less on behalf of this side of our group, I said that we would support it to go to second reading on the basis that only with presentations from both sides of the argument could we make legitimate judgment on the problem involved. Now since that there's been a lot of debate taken place I know which has polarized the issue before it got out of second reading, but I think before we withdraw the bill, I think we should have the knowledge that the sector of the community who is affected by this, namely the people who have undergone a great deal of suffering - which are several in number - are in fact sufficiently communicated with, that we're not now depriving them unduly of that opportunity to get before the Law Amendments Committee with their case. I, too, read the Supreme Court judgment . . .

MR. SPEAKER: Order, please. The Honourable House Leader.

MR. GREEN: Mr. Speaker, if there is no leave to withdraw the bill -- certainly if the bill is withdrawn it will not go to Law Amendments Committee for people to put different sides on the case. If there is no leave to withdraw the bill then there is no leave and it'll have to be voted on in the House. There is no guarantee to anybody, to anybody on either side, that the bill is going to reach committee. The House could vote the bill down, in which case it won't reach committee; or other things can happen. So the Honourable Member for Riel can't make leave conditional upon the thing getting to committee.

What I can tell the honourable member is that the Attorney-General is certainly willing to have the Law Reform Commission have this matter referred to it, in which case without the debate that has taken place in the House, and I can give that undertaking I believe, that that will be referred to the Law Reform Commission, in which case both sides will be able to present their arguments to Law Reform Commission without a decision in principle on the bill. The only way the bill can get to committee is if the Legislature votes in principle in favour of the bill, and the Honourable Member for Winnipeg Centre is asking what I think would usually be accorded to honourable members and in accommodating the Member for Riel too and anybody else, that the Attorney-General has indicated to me that he will definitely have this matter referred to the Law Reform Commission, both sides will then be notified and a report will be made back to the House.

Now, Mr. Speaker, after some of the really harsh words that were said about the Member for Winnipeg Centre in pursuing this bill, from other sides of the House, it would seem to me that he shouldn't be given a hard time in withdrawing it. I think that he has performed a service

(MR. GREEN cont'd.) . . . . by getting some of the debate going, but I really think for the Member for Riel to ask members to vote in principle for the bill so that it gets to committee is asking for something much -- and nothing that could be guaranteed in any event. So I would once again, Mr. Speaker, request that on the understandings that I have given that the Member for Winnipeg Centre be given leave to withdraw the bill. If that's not forthcoming, of course, that's fine, I will then proceed. Is there no leave given?

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): Mr. Speaker, if the House Leader is not prepared to accept withdrawal of the bill on conditions imposed from this side neither are we prepared to accept conditions posed from that side. If the Honourable House Leader wants the bill withdrawn, we're prepared to let the bill be withdrawn and let it go at that without reference to anybody. And under those circumstances, those circumstances only will we agree.

MR. SPEAKER: The Honourable Minister of Mines and Natural Resources.

MR. GREEN: . . . only the conditions that were imposed on me that -- then leave be given that the bill be withdrawn. (Agreed)

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I'll call now Bill No. -- well the Member for Rhineland is not here. I intend to call No. 27 if somebody can get him, but in the meantime, I'll call Bill No. 50.

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

MR. HANUSCHAK: Mr. Speaker, firstly I wish to apologize to the House for not being prepared to proceed with the bill a few minutes ago. On Saturday afternoon the Honourable Leader of the Official Opposition raised a number of points in speaking to this bill, and many of the points which he had raised had also been referred to by previous honourable members, so if I do not make specific reference to any particular honourable member I feel reasonably certain that I will be covering most of the points raised by them, any criticism that they may have had or questions which they wished to put to me.

One of the first points raised by the Honourable Leader of the Official Opposition was the onus section with respect to the burden of proof related to lost credit cards and in particular the one portion of it -- the one calling for notice of loss in the negative fashion which was expressed. Well I wish to assure the honourable member that we will take a second look at that particular section.

With respect to pyramid selling, the Honourable Leader of the Official Opposition, I believe the Honourable Member from Brandon West also suggested that it may be preferable to introduce a separate piece of legislation to deal with this particular issue; in fact the legislation presently in existence in the Province of Alberta was suggested as a model, as an example. Well the matter -- pyramid selling -- it isn't quite as clear cut and dry as all that. One of the problems that we are faced with is that majority of the problems arising in the area of pyramid selling are predicated on door-to-door selling which is within the jurisdiction of the Consumer Protection Act. That's where they stem from. -- (Interjection) -- No, I appreciate, I agree with the honourable members that there are other aspects which have to be dealt with which no doubt go beyond the ambit of the Consumer Protection Act and that perhaps the entire Sale of Goods Act ought to be reviewed in the light of present day merchandizing practices and so forth.

However, again I come back to what gave rise to the introduction of this amendment and that is the problems that we're faced with now and the seriousness of some of them and the demands on the public calling for some immediate action, and therefore, Mr. Speaker, we feel that the quickest way to bring about at least intermediate relief to the public is via an amendment to the Consumer Protection Act. But we certainly are not unmindful of the broader problem of pyramid selling and franchises and so forth and this will continue to receive our close study and attention. Just before I leave the matter of pyramid selling, if I just may refer back to the Alberta Legislation, I believe that there it's under the jurisdiction of their Securities Commission, and I agree that it is a type of practice that probably lends itself to being administered by a body such as the Securities Commission, but there are also other aspects, other problems that arise within pyramid selling which probably can be more effectively administered by the Consumers Bureau and I wonder whether the Securities Commission is really competent to deal with the field problems which often arise. But may I just repeat again, Mr. Speaker, that our hope is that these amendments will at least deal with some of the immediate problems facing us, but there's certainly need for an over-all review or legislation related to sale of

(MR. HANUSCHAK cont'd.) . . . . goods and as it may simply relate to pyramid selling.

The question was raised whether we had discussed the amendments contained in this bill with the industry. Well I can assure honourable members that we did discuss many, in fact I hope that we discussed all the problems of which we may have been aware of at the present time and of which the industry may have been aware of at the present time which gave rise to the introduction of this bill.

It was suggested by the Honourable Leader of the Official Opposition and by some other members that some of the changes suggested in the Bill may create an unnecessary expense to the industry. Well I hope, Mr. Speaker - I shouldn't say I hope, I feel confident that this can be introduced in such a way that ample lead time could be given the industry to reduce the expense; in other words, if there's any amendment in the Bill that calls for change in the terminology used in any of the forms, well again, working in consultation with the industry, as we have been all along, we could agree on a date when the change can be brought about and thus not creating the problem that honourable members in Opposition fear may arise where a man has printed up, you know, dollars and dollars worth of order forms which he may have to scrap because of a change in legislation calling for a change in the terminology.

With respect to the powers of a director of the Consumer's Bureau, rather than repeat myself on two occasions, you know we're talking about the same individual under this Act as we are under the Personal Investigations Act and I would like to elaborate in greater detail in explaining the real intent of our legislation and of how we envisage the director to exercise his powers, and I would rather do that in dealing with Bill 27 than Bill 50, because I'm afraid, Mr. Speaker, that if I were to do that now I may have to touch upon issues which do not relate to Bill 50, whereas in dealing with powers direct under Bill 27, the Bill is such that whatever may be said with reference to Bill 27 will, of course, also apply to Bill 50, so it'll be easier to tackle it from that end. But I would say this, Mr. Speaker, that certainly it is not our intention to in any way erode civil liberties, to encroach upon the privacy of the individual, the businessman, whoever he may be. It is not our intention to establish a procedure whereby a person will, as some felt, that one portion of the Bill would convict a man of being guilty before really being proven guilty, certainly isn't our intention at all. I can assure honourable members that what I will have to say in speaking to Bill 27 will make that clear.

A number of other questions were raised, the time limit as to -- (Interjection) -

MR. SPIVAK: I wonder if the Honourable Member would just indicate, with respect to investigatory powers in the Consumer Protection Act, that is the amendments that are being proposed, you are not proposing any change or are you going to be proposing a change at Law Amendments? I know you indicated that you were going to present us with an explanation when you discussed Bill 27, but is it your intention to amend that section or not?

MR. SPEAKER: The Honourable Minister.

MR. HANUSCHAK: Yes. With respect to the time limit on criminal offences being a bar to obtaining a direct seller or a vendor's licence, there's a problem either way. If you establish a time limit then it implies that any criminal offence committed or that one may be convicted of within that period of time will be a bar to obtaining a licence, and that isn't desirable in all cases. We have dealt with cases in our department where people may have been convicted of a criminal offence within perhaps four or five years prior to making application for a licence, and if the history of their activities since their release indicates that they have made a real and a sincere attempt to rehabilitate themselves and we feel quite comfortable in granting them a licence, then such a licence is granted. However, we are prepared to take a closer look at this particular section.

With respect to the problem arising out of downstroke financing, you know, where there's the down payment loan and the problems arising therefrom, where the down payment loan, you know, runs for a shorter period of time and then the borrower finds himself in a position five or six months later with having to make greater payments than he had originally bargained for. Just to clarify that for honourable members, this is what arises very frequently in cases where articles are advertised for sale, say automobiles \$100 down \$100 a month type of thing, and you know what happens is that there's a secondary loan that's built into the thing and usually running for a shorter term and this often creates a problem. Now we tried to eliminate that problem, we use the expression "terms at least as favourable," and honourable members question that, you know, what does this really mean, because it can mean a number of things, terms at least as favorable, it may mean the opportunity to pay off my loan in a shorter period



(MR. HANUSCHAK cont'd.) . . . . of time, and naturally payments have to increase; it may mean maintaining the level of payments, principle and interest at the same level, it could be that; it could perhaps mean many other things. This was a good point raised and we will certainly take a second look at the phraseology of that section.

There was also concern expressed about the portion of the bill dealing with advertising claims and the liability of the seller. And I believe the example was offered that where a seller advertises an automobile in his advertisement he may say very little more than the fact that it has four wheels and a steering wheel, a motor and a body; but the manufacturer may run a separate advertisement in which he makes certain claims about the performance of his automobile and a person buys it and finds that it does not perform up to the standards indicated in the manufacturer's advertisement, then he goes back to the seller and says look, this automobile does not give me 50 miles to the gallon as the advertisement said; I'm only getting 20. Now the intent of this section is to make each one liable; as far as the manufacturer's responsibility is concerned that is presently taken care of under the Act, under the Sale of Goods Act. But this is simply to make the seller liable for any representations made specifically by him. This does not imply that he'll be - that we are to in any way increase the degree of liability that will rest upon him but is to make him liable for representations made by him. And if there's cause of action against a manufacturer, well there's a way to proceed against him.

There was also a question raised with respect to what is meant in talking about the conclusion of a sale. As I had mentioned in my introductory remarks that in an attempt to get around the provisions of the Consumer Protection Act, the direct selling operation that's frequently conducted in two stages, you know, where the initial contact may be made in the prospective purchaser's home but the finalization of the contract is made at the vendor's place of business. The question arose, what is meant by personal communication? Well personal communication there - and I think that this was also mentioned, personal communication may mean the sending of a pamphlet; it could mean many things which constitute a personal communication. Well what we mean by personal communication here, and if it is not as clear as it should be, then certainly this could be clarified, but we mean if a personal communication within the terms of the Act, within the terms of the Act as it applies to direct sellers. Then in speaking of direct sellers, we are speaking of a direct personal communication where the seller stands on your doorstep and there is a verbal communication between you and not something by letter, by flyer, by advertisement, that type of thing. Or it may be - it's a verbal communication. It may be in person, or telephone soliciting also falls into this category so it may be an attempt to persuade one to buy via the telephone, but it does not include the mailing of a letter, of an advertisement, or some other form of invitation to buy.

With respect to the section that a number of members are very concerned about because they felt that this is prejudging the vendor, the merchant where he is called to supply an affidavit. I took a close look at this section, at the section in the bill; I took a close look at the Act, and I should offer a couple of words of explanation on this. It is true that the director may ask the merchant against whom a complaint is lodged to provide an affidavit, but I repeat, and I would stress this point, Mr. Speaker, that this is permissive. He may ask for an affidavit, he may ask; it's not that he has a right to demand an affidavit. He may. And it's been found, Mr. Speaker, in the course of administering the Act up until now that this is a very practical way of administering the bill, and it's a way that the industry as a rule does not take exception to. Firstly, we're only talking about factual information. Only about factual information so there - it's not a question of, you know, asking someone to give his opinion as judgment of a certain matter, but strictly factual information related to whatever the business transaction may be.

Another reason why this type of procedure is found to be acceptable, and is accepted by the industry, is frequently we have complaints against merchants outside the City of Winnipeg and rather than send a person from the Consumer's Bureau, a Consumers Services officer out to Brandon, or Thompson, or Flin Flon, or wherever he may be, the information can be obtained by correspondence, and I repeat again that this is permissive and it's not mandatory.

Now - and that brings me I think to the last point that members are most concerned about, and this may answer a lot of questions, even when we talk about the powers of the director, and that's a question of a right of appeal from the director's decision. Perhaps there is need for clarification and we will take a second look at that particular aspect of the bill before it reaches Law Amendments Committee, and if upon re-examination of the bill if it's found that

(MR. HANUSCHAK cont'd.) . . . .the procedure for appeal is not sufficiently clear, then I can assure you, Mr. Speaker, that it will be clarified.

MR. SPEAKER: Are you ready for the question? The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I have a question to the Minister of Consumer Affairs. I wonder if he would not agree that the right of the enforcement officers to in fact ask for a confession in a criminal investigation is not really permissive, it's not mandatory. Is that not permissive as well?

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

MR. HANUSCHAK: Well, Mr. Speaker, the honourable member attempts to relate this to criminal proceedings and this is not a criminal proceeding as such. I have indicated before that even the industry themselves, the people in the industry, favour the provision of information in this way, and we've had information volunteered in this manner for the sake of expediency, for the sake of the elimination of unnecessary consumption of time and money. If one wishes to provide information in this manner he may. But there's nothing mandatory about it.

MR. SPIVAK: Is this not the case without this particular section being introduced? Is this not the case? If one wants to give the information, he can give the information. Why does the government . . .

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

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

#### INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed, I should like to direct the attention of the honourable members to the Gallery where we have 29 students on tour from Montreal. They're under the direction of Mr. Miller and Miss . . . On behalf of all honourable members I welcome you here.

The Honourable House Leader.

#### GOVERNMENT BILLS (cont'd.)

MR. GREEN: Bill No. 27, Mr. Speaker.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs. The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I've had an opportunity to look at Bill 27, The Personal Investigations Act. While I go along with certain principles in the bill, I certainly question others. The bill is brought in by the Minister of Consumer and Corporate Affairs, if I am correct, and maybe after we're through he can give us some answers to some of the questions that I have.

I listened with interest to other participants in the debate prior to me and the points they raised and some of the objections they had, and I certainly would have to join them in the opposition of certain matters in the bill. Especially one that is exempting the government and municipal and Crown corporations from certain aspects of the report. I don't see why we should give the government and the Crown corporation so many special privileges, and I'm just wondering whether these privileges may not be abused at some time or another.

I notice that we're also exempting not just the governments and municipal corporations but also other parties, and I merely refer to one. This is the group that is earning more than \$8,000 a year. I'm just wondering why we're excluding those above the \$8,000 figure, and how did the government arrive at that particular figure of \$8,000? I can't see the justice in this by excluding this particular group. I certainly would like to hear from the Minister on that very point.

In connection with consent required, I notice that in this investigation can be conducted and only reported after the investigation has been made, and I'm wondering whether this applies just to the certain categories named in the bill or whether this has general application or not. Does this only apply to the categories such as credit insurance, employment and tenancy? This has to be with the written consent provision in the bill, the second part.

Another provision that I have some questions on, in connection with the exclusion of information regarding bankruptcies, those of 14 years or older, or previous to that. Again, how did they arrive at the 14 year figure and what about the matter of discharges or rather where discharges have been agreed to or not? Doesn't this play any role in the matter whether

(MR. FROESE cont'd.) . . . discharges have been obtained in the matter of bankruptcies?

Then the following provision after that, immediately after the bankruptcy provision, the matter of statute barred cases. I wish the Minister would give us information on this particular point. I'm not informed as to just what matters are barred and no doubt the Minister knows about this because the bill has been drawn up by his department and he must be fully aware. I certainly would appreciate hearing in connection with this particular matter too.

Again when we come to the matter of not divulging of contents of personal reports, again we are excluding the government agencies again, and also police. I'm wondering do the police not have their own files? Is it necessary that they have access to these files, or will it just be that they have access to them in case where violations are made and in connection with the matters that will come to the attention of the director? If that is the case then it would seem more fair to me.

The matter of a time for appeal by subjects, I know there's a 30 day clause. This might be quite all right but that same provision also says that the user must indicate to the subject the right of protest and appeal, especially protest. What form will this take? Is this a general form that will be provided under the regulations section, or just what onus will be put on the user to indicate to the subject his right of appeal, or his right of a protest? The same provision, or immediately following that, has to do with the 24 hour notice on demand -- I'm just wondering whether this is not going to create a hardship by making it 24 hours. Maybe this refers to information that is already on record and just have to be duplicated, and so on. If that's the case, then certainly it should not be any hardship, but it might be a hardship on some of the users on some occasions, and I just question that part of it.

Mr. Speaker, I do hope that when we set up the Director under this law that it will be strictly in connection with appeals and that it does not eventually graduate into an agency, a government agency itself, and that it need be broadened at some later time so that government will establish an agency of its own.

We have again the provision in here of the access to documents and to the removal of them. I take great exception to this particular part in the provision that provides for removing of documents and so on from the reporting agencies or from the user's place. I feel that this is infringing too much on these businesses, and also there is nothing stated in that same provision that they have to be returned by a certain time. I feel that this can involve a lot of trouble, certainly if they are going to remove books or whatever the case may be from the premises and there is no requirement for them to return them by a specified time, that these could be held indefinitely, and it could work out to be a great hardship on the parties concerned. And I certainly take exception to that as I did on the previous bill where the same provision is incorporated.

Mr. Speaker, other than that I do not have any further comments to make on second reading. If amendments are not being made I might have some to put forward in connection with the bill at a later date.

MR. SPEAKER: Are you ready for the question? The Honourable Minister of Consumer and Corporate Affairs.

MR. HANUSCHAK: Mr. Speaker, if no one else wishes to speak I'll be closing debate. In the debate on this bill, Mr. Speaker, there were a number of points raised, questions asked for clarification purposes, some similar to those raised by the Honourable Member from Rhineland this morning, you know, why at \$18,000, why not at 17 or 16. I believe he used the figure \$8,000 but I think he meant \$18,000 as the figure mentioned in the Act with respect to employment.

Well I don't know just how much time I should take up of the House at this stage to explain the rationale behind some of the various provisions of the bill, I think that perhaps that could be more adequately and appropriately done in Law Amendments Committee, but all I could say is that we're not wedded to the figure of 18,000. Perhaps some other figure may be more -- in fact is more appropriate, and more realistic. You know, taking into the account the -- on whatever basis we want to make our judgment on the basis of what we consider to be the average or the minimum salary paid to those who may be considered . . .

MR. SPEAKER: Order, please. I hesitate to interrupt the Honourable Minister but I am having some real difficulty gathering what he has to say because of the continual hum and buzz of the different caucuses in the Assembly. If they would really tone down I may be able to understand what the Honourable Minister has to say. The Honourable Minister of Consumer and Corporate Affairs.

MR. HANUSHCAK: Thank you, Mr. Speaker. The statute barred information, well that's information that, well it may be barred by statute limitations that perhaps . . . at the time but no longer has effect, it may be barred by other forms of legislation, or Vital Statistics Act is one example which preserves the privacy of certain information. One cannot enter the Office of Vital Statistics and obtain a birth registration for example of any individual who needs proof, that's considered to be private information. Because if that type of information were disclosed it may cause unnecessary damage or injury to an individual. Now as I've indicated earlier, Mr. Speaker, that questions of that type dealing with procedure and so forth perhaps could be more appropriately dealt with in Law Amendments Committee.

However, there were a couple of basic issues raised in the debate of this bill that I'd like to deal with this morning. On the previous matters of administration as I have said, I welcome those comments, and the government is prepared to hear suggestion on administrative detail from the Opposition at any time. When we're talking about policy, well now that's a different kettle of fish entirely. Policy is our baby. I can assure honourable members that as far as the basic underlying policy of any bill that we've introduced, our policy has remained unchanged. It's often been said that when we sat in opposition we made certain criticisms during election campaigns, made certain promises, and where are they now? I say to you, Mr. Speaker, that we haven't deviated not one bit from the positions we have taken while being in opposition, or during the last election campaign, to the position taken by this government now when we're talking about social reform and we're talking about legislation for the benefit of the people of Manitoba.

Now there were two very significant points raised in dealing with this bill. One is the universality of its application and the other the power of the Director under this bill. And in fact there were two, you may recall, Mr. Speaker, that two members in particular, the Honourable the Leader of the Official Opposition and the Honourable Member for Assiniboia did indicate, and I'm speaking from my notes but I think that the reading of Hansard will verify this, that they did indicate that these were the only two objections that they have to the principle of the bill. What they felt was to be the lack of the universality of application and the extent of the powers of the Director. Well insofar as the universality of application of the bill I think that honourable members will agree that at the present time there is information within possession of government which is available to the public, and there is information which is not available to the public. I think that honourable members will agree that the information that is not available to the public should be kept that way. Let me clarify my point, Mr. Speaker. One can go down to the Court House and one can obtain copies of judgments, obtain copies of pleadings, obtain copies of whatever other information is contained therein, one can obtain certificates of judgment, one can go down to the Land Titles Office and one can search the records of property owned by individuals, individuals in the broadest sense, persons and corporations or whatever other legal entities there are who are capable of owning property. That information presently is available. There is also information, Mr. Speaker, as I have indicated a moment ago within, for example the Vital Statistics Branch, I think, is a perfect example, information contained there that would be most unwise to have it become public information, or to put anyone in the position of having to disclose information received by the Vital Statistics Branch. For example I believe that if I -- I'm not an expert in lip reading. I believe there are some in the House of Commons who are better at it than I am -- I think I heard the Honourable Leader of the Official Opposition ask me why not. Let me explain. The Vital Statistics Branch contains birth registration records. Birth registration records show names of the parents and I don't think that it is anybody's business at all to know whether your neighbour down the street is a bastard or not -- and one way that you can find that out is by searching the Vital Statistics Branch records. I think that should be kept confidential. I think that the Juvenile Court records should be confidential, and I think that all of us agree with that. I think that information that's in the best interests of security of the nation or of the province should be confidential. I think that information obtained by police in the course of conducting an investigation ought to be confidential. I think that it would be -- (Interjection) -- We do not employ police in the conduct of the business of the Manitoba Development Corporation. I said specifically information by the police. Now those are some of the areas within which I feel that confidentiality of information ought to be maintained, and that nothing ought to be done whereby information from those government agencies ought to become readily available to the public. But I do agree, and as I've indicated a moment ago, that there presently is much information contained by, or obtained and contained by various government agencies which is public information, and certainly it is

(MR. HANUSCHAK cont'd.) . . . . not the intention of the bill to remove the public's right of access to such information.

Now insofar as the powers of the Director are concerned, Mr. Speaker. Firstly, I wish to indicate that it certainly is not the intention of this government to in any way erode civil liberties to intrude upon the privacy of the individual. In fact the intent of the bill is quite the opposite.

I did not really intend to comment on this, Mr. Speaker, but perhaps I should. In fact I feel compelled to comment on the contribution to this debate by the Honourable Member for Swan River. The Honourable Member for Swan River took the attitude that this bill gives -- will give some government agency the right to march into your bedroom, Mr. Speaker, march into my bedroom -- (Interjection) -- Oh I don't know, he was talking about the intrusion upon the privacy of the individual. I consider my bedroom private, so he's talking about the privacy of the individual, he's probably including the bedroom, I don't know. I really don't know what specific rooms of my home the honourable member was referring to. Anyway the point was that the Honourable Member for Swan River attempted to create an impression that this bill will give government the right to intrude upon the privacy of the people of the Province of Manitoba. And as I said a moment ago the intent of it is quite the opposite because the honourable member is well aware, and if he isn't well aware if I read the parliamentary -- I haven't known him personally before I came into this House -- but from reading the parliamentary guide I understand that at one time he was a police officer. In fact he was a staff sergeant in the RCMP. So he is well aware of the problems of the injustices that often were caused by faulty information contained in credit reports -- and the unfortunate thing about it was, Mr. Speaker, that in so many cases people were adversely affected by such incorrect information, and they weren't even aware of the fact that it was incorrect information contained in some credit report that was doing them harm. That is the type of abuse, the type of injury caused to the public that this bill is designed to correct but not to do what the Honourable Member for Swan River suggests, to give the government the right to pry into persons' private affairs. However, so much for that.

Now if before I come to the second point that I wanted to deal with, the second criticism, that is the powers of the Director, and just in closing I think that really what we're talking about is -- and as I've heard interjections, two or three interjections, and I welcome them, I should say that I don't mind interjections, when honourable members said well why didn't you say that in the bill -- well, perhaps it is a question of phraseology of wording the bill in such a way as to make those intents of ours clear.

Now let me move on to the question of power of the Director. -- (Interjection) -- Yes.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: I wonder if the honourable member would not agree that the Agricultural Credit Corporation and the Manitoba Development Corporation and any government regulatory body should be in the same position as that . . .

MR. SPEAKER: Order, please. Again I must remind honourable members that questions that are debatable should not be placed. They should be placed for clarification. The Honourable Minister.

MR. HANUSCHAK: I believe, Mr. Speaker, you have ruled the question out of order, but if I just may clarify a point that I have made in my remarks earlier. I had indicated some of the exceptions that I feel should probably be exceptions. Now if the honourable member feels that the Agricultural Credit Corporation or the Manitoba Development Fund fall within some of the exceptions, examples of which I had given, well that's his privilege, but I thought that I had made it quite clear as to the type of information that I feel ought to be retained as private and confidential.

Now the powers of the Director have been criticized by I think practically every member of the opposite side who spoke to this bill. I wish to remind you, Mr. Speaker, that, you know, more often than not government is criticized for granting administrative officers of the civil service too little power and if members of the opposition do not criticize us for that, I'm sure that they hear such criticism from the general public, and we on occasion hear it from the general public, where a certain procedure is established for the doing of a certain thing and then, you know, the criticism that comes, well this legislation is fine, the philosophy of it is fine, the intent is fine, but unfortunately it hasn't the necessary teeth to it because the person who is to administer that piece of legislation hasn't the power to do certain things, so the law loses its effectiveness to that extent. But I agree with the speaker, I agree with the speaker

(MR. HANUSCHAK cont'd.) . . . that in granting powers to administrative officers of a government, that consideration has to be borne for the rights of the individual, the democratic rights of the individual, and everything else which distinguishes our way of life from others in other parts of the world that we find offensive and objectionable.

Now, in relating this to my department and relating what I have just said to the office of the director of the Consumers Bureau, I wish to point out to you, Mr. Speaker, that in determining the powers which a director of the Consumers Bureau ought to have, there are a number of factors which we have kept in mind. The most important one, I suppose, is one to provide for a procedure that would guarantee fairness of action, the other swiftness of action, because in problems under the Personal Investigations Act - and here, if I just may, if I just may deviate to this extent, Mr. Speaker, and I promise to return back to this bill very very shortly, we have a similar problem in the administration of the Consumer Protection Act where swiftness of action is necessary, and here very often it is necessary. For example you will recall, Mr. Speaker, that this bill applies to four general areas: application for credit, application for insurance, application for employment, and tenancy. In those four areas. And usually one involved in an application for a job or for credit or for tenancy, time is usually of the essence in those cases. One doesn't have months and months and months of time to make up his mind, and this applies to both sides. The employer doesn't have unlimited time to allow a prospective employee to decide whether he should come to work for him or not. If he is a vendor of an automobile or a home, he doesn't have unlimited time to allow the prospective purchaser to make up his mind whether he's going to buy or not, or to set his affairs in such a way as to make him eligible to buy, and that's where this Act comes into play, where a person makes application for a mortgage, makes application for the purchase of an automobile on some credit plan and his application is turned down because of an adverse credit report and he finds that the report is adverse on the basis of some incorrect information, and it may be very important to him to buy that automobile in a short space of time; it may be important to him to set his credit report straight to enable him to obtain that job for which he has applied or which is available to him at that time and to enable him to put his own house in order, Mr. Speaker, to enable him to put his own house in order, Mr. Speaker, hence the purpose of this legislation, not to allow the government to put his house in order, as the Honourable Member for Swan River seems to feel, not to allow the government to do that, but to allow him, to allow the Honourable Member for Swan River himself, if he is adversely affected by an incorrect credit report, to put his own house in order. That's the purpose of the bill. So there is need, there is need, Mr. Speaker, for a procedure which would provide swiftness of action, and to provide this swiftness of action, Mr. Speaker, there is a need for a procedure that would be simple, that would be as inexpensive as possible. We often hear, we often hear criticisms that our court procedure for some of the disputes, injustices, grievances that our courts are designed to deal with, we often hear complaints - and honourable members opposite have heard them - that very often they're time-consuming, they're cumbersome, they're costly; that the time, the cost of them, there's no relationship to the issue that's at stake. So these are the factors that we have . . .

MR. SPEAKER: The Honourable Member for Swan River.

MR. BILTON: Would he not suggest that it is bills like this that cause all the problems with the court?

MR. SPEAKER: The question is argumentative. The Honourable Minister.

MR. HANUSCHAK: . . . is inviting me to debate issues far beyond the purpose of the Bill, what causes problems in the courts. It's a rather strange interpretation, Mr. Speaker, to say that Bill 27, Bill 27 causes all the problems, or bills like Bill 27, and which ones he identifies as Bill 27 I do not know. Perhaps he identifies the Public Schools Act as Bill 27. It could be that the honourable member is of the opinion that the Public Schools Act creates problems in the court. Perhaps, perhaps he feels that the bill incorporating the town that he lives in - I'd hate to think that because it's a fine town - but that bill creates problems in the courts. I don't know what the honourable member means, but therefore I do not feel that there is much point in spending any more time on that, that it's not worth any more than a couple of seconds.

So I would like, Mr. Speaker, I would like to set the minds of honourable members in Opposition at ease and assure them that that information in possession of government, subject to the restrictions that I have mentioned, or exemptions that I've mentioned, that I've

(MR. HANUSCHAK cont'd.) . . . mentioned them earlier, will be accessible to by the public, and in Law Amendments Committee I intend to bring in a motion to that effect. And also, Mr. Speaker, in Law Amendments Committee we'll bring in a motion to establish a procedure whereby the power to grant a right to remove documents will be more clearly spelled out, and to provide that that right be granted by the judicial and not the administrative branch of justice. And I may also add, Mr. Speaker, that what I have said will generally apply, to whatever extent it may be practical, to other legislation administered by my department.

MR. SPEAKER: Are you ready for the question? The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I have a question for the Minister and it's really for the purpose of clarifying his statement so that we on this side will know how we should vote on this bill. He has indicated that he will be bringing in an amendment, and I realize he can't deal with the specific, but an amendment which I think would make the bill's application to government with the exception of the exclusive matters that he's referred to, or some kind of matters that he's referred to. Does he intend to bring it in by way of a specific general -- or by a general clause which would bring government and government departments within it with an exception, or does he intend to list government agencies that will be included, and if he intends to list government agencies that will be included, is he in a position to tell us what government agencies will be included?

MR. SPEAKER: The Honourable Minister.

MR. HANUSCHAK: Mr. Speaker, the intent of the amendment will be to make the application of this bill on par to everyone, to all entities - and that includes government - with the exceptions that I have mentioned. I just wish to add this one point, that the exceptions that I've mentioned -- I've used examples; I've used examples of the types of exceptions that we have in mind, and our legal draughtsman will come up with the appropriate phraseology to take care of that.

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

MR. SPEAKER: The Honourable House Leader.

#### PUBLIC BILLS

MR. GREEN: The Honourable Member for Virden is not here but I would like to call Bill No. 21 so that debate can be proceeded with.

MR. SPEAKER: Proposed motion of the Honourable Member for Winnipeg Centre. The Honourable Member for Souris-Killarney.

MR. EARL McKELLAR (Souris-Killarney): Mr. Speaker, I'll be very brief on this. This bill has been mentioned before by many members. It's been up before us for about five consecutive years and it's never got back to third reading yet. I think it's pretty well died either in the Professional Committee or Law Amendments Committee, and I am one who has always taken the point of view that if they could be called Doctor in Ontario why can't they be called Doctor in Manitoba, and I realize why this has never been up to now. But the thing that always concerns me about the name "Doctor," the thing that always concerns me about the name doctor, that I can be in the Department of Agriculture and I can write a thesis down somewhere in the United States and I can be called Doctor, and there's a professor in Brandon University, he went to the University of Utah, Professor Curly Tyler, Dr. Tyler now, went down to the University of Utah, took a short course, I think it was six or eight months, and he became a doctor. Now for anyone that's concerned about the name Doctor, these things shouldn't have been allowed up till now if they're really concerned about the medical profession, for a doctorate that's made available through the University of Manitoba. The name Doctor doesn't really mean that much to me because I can go to the United Church and I can listen to a sermon, and the man who is preaching the sermon will be a doctor, and that really doesn't impress me very much. The thing boils down, does the name Doctor mean as much as it should, and if it does, we should have eliminated all these various people that call themselves doctors.

I imagine in every government department there's a man named Doctor and his purpose isn't to perform operations or give medical advice. So what are we discussing? What are we discussing? Does this mean that optometrists will be any better people? I know they won't be any better people. Will they abuse their privileges if they're called Doctor? I don't know. I don't know. That's up to the individual person. But the optometrists in our area, Killarney

(MR. McKELLAR cont'd.) . . . . and Souris and so on, fulfilled a wonderful purpose in the years gone by and I more or less sympathize with them on what they're trying to do here, and that's the very reason I voted with them on the many times we've dealt with this bill over the years. Now if I was to vote against this bill, I'd have to more or less ask that all people who are not members of the medical profession be eliminated from calling themselves Doctor, and I know I can't do that. I know I can't do that because, as I mentioned before, universities in the United States . . .

#### ROYAL ASSENT

DEPUTY SERGEANT-AT-ARMS: His Honour the Lieutenant-Governor.

MR. SPEAKER: We, Her Majesty's dutiful and faithful subjects, the Legislative Assembly of Manitoba in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and Government, and beg for Your Honour the acceptance of this Bill:

No. 89 - An Act for granting to Her Majesty Certain Sums of Money for the Public Service of the Province for the Fiscal Year ending the 31st day of March, 1972.

MR. CLERK: His Honour the Lieutenant-Governor doth thank Her Majesty's dutiful and loyal subjects, accepts their benevolence, and assents to this Bill in Her Majesty's name.

#### PUBLIC BILLS (Cont'd.)

MR. SPEAKER: The Honourable Member for Souris-Killarney.

MR. McKELLAR: Mr. Speaker, I'll just close by saying that I do hope the government don't kick this bill around by sending it to the Professional Committee once again. I think that if we're going to kill it, let's kill it for all time. Let's not give it a half a bounce and then have it lay in the committee's hands for another year. I think this has been one of the failures of governments of the day not to consider this bill as individual men. I think we should consider it right now and if we want to kill it in second reading that's fine with me, but let's not stand up and send it to the committee to deal with it for the next 12 months, because I know what will happen again. I know it will get the same treatment as it got before.

In closing, Mr. Speaker, I'm voting for this bill. As I mentioned before, that if a man working in the Department of Agriculture or a man preaching in the United Church or any other church can be called Doctor, why can't the optometrists be called the same name?

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

MR. PHILIP M. PETURSSON (Wellington): Mr. Speaker, in reference to the remarks just made, I made a listing one time of all the different categories in which a man is entitled to be known as Doctor. I have, I think, eight or ten categories here - there may be an additional eight or ten or more than that, winding up with the grand title of "witch doctor". It's a difficult problem, I know, and I can well understand the honourable member's reasons for not wishing to prolong discussion or consideration of this particular bill. But it is my inclination that inasmuch as there is a committee of the House on Professional Associations that it should be referred to that committee and have that committee bring in a recommendation to the House. I don't recall that the bill, or similar bills have sat in committees before. They have died on the Order Papers, and I think that it is fitting and proper that this particular committee be given a job for which it was originally created and that it deal with the matter and bring in a recommendation at the next sitting of the Legislature. And I therefore move, seconded by the Member for Gimli, that the subject matter of this bill, No. 21, be referred to the Special Committee of the House on Professional Associations, either during recess or after prorogation, for consideration and report to the House at the next session of the Legislature.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I'll make the point I made the other day. This move was anticipated and in many respects is understood by many members in this House. I think it's unfortunate that this particular Act which has been in the House for so many sessions and in turn has been dealt with by the committee, should basically be kicked around and referred once again to the Professional Committee, which so far has not been in a position to resolve this particular Act because it has not been in a position to resolve the matters that were before it with respect to professional associations generally. I think in many respects the people who have asked for this Act to be brought forward, or the optometrists themselves, really are



(MR. SPIVAK cont'd.) . . . .entitled to have some kind of an expression of opinion in this House rather than have the reference made, as it has been made, because I think they are entitled to know whether they should or should not be given the right that has been given to other optometrists in other areas and to other people other than doctors of medicine.

The interesting thing, Mr. Speaker, and I must point out to the members opposite, that the medical evidence that was presented by the medical people who appeared before the committee in the past, was not able to cite one specific case where any confusion had resulted in damage to anyone as a result of being examined by an optometrist rather than a doctor of medicine who can be classified as an eye doctor, an eye specialist. And this was an interesting point, Mr. Speaker, because the question was asked whether there were any particular cases, any case in the United States or Canada, which could be identified. The fact of the matter is that the representative of the Medical Association who was present was not in a position to present such information, and I must say I'm not sure at that time whether he was speaking on behalf of himself or on behalf of the Medical Association, but I believe he was qualified to at least indicate whether such was the situation. I think it's unfortunate again that the attempt is being made to sort of push this under the rug rather than deal with this in the House. I think that the views on this matter have been expressed in the House for some time; they've been expressed in committee, and that we're in a position realistically to deal with it and to see whether we are prepared to give this professional association the right that they ask, and if they're not, then they should know this as well. And if we make that decision and later on the professional association makes a decision or recommends legislation to be introduced with respect to professional associations, the optometrists would have to comply as the lawyers and as every other group, as the chartered accountants, as every other group of professional associations, who are going to then have to conform to the rules and regulations that will be set. But I think it is rather unfair for this procedure to take place at this time.

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

MR. BOYCE: Mr. Speaker, I agree with -- (Interjection) -- I'm not closing debate. I agree with much that the Leader of the Opposition said and I agree wholeheartedly with what the Member from Souris-Killarney said, but just to review the situation, during the debate on this particular bill the Member for Fort Rouge said in a rather derogatory manner that this thing had been, you know, turned down by the House on several occasions, and it has not been turned down by the House on several occasions. First of all, it died on the Order Paper. In the second instance that it was before the House, the bill had passed through Law Amendments, and it came back to the House and then, because of some disagreement, it was referred back to the Professional Associations Committee and this particular clause that is being considered by the House is once more before you. It would be my personal opinion that this matter will be before the House until the matter is resolved, because I think, in my personal view, the optometrists are being discriminated against. But be that as it may, Mr. Speaker, I would accept the referring of this particular bill to the Professional Associations Committee for one reason, that I understand at the last Canadian Medical Association meeting, I don't know what the Manitoba Medical Association's position is at the present time nor the ophthalmologists in the province, but I know that the Canadian Medical Association has shifted their position relative to the eye care team, as it were. And just while I'm on my feet during the debate, several people said that optometrists were comparable to denturists. I think it's a fallacious analogy. I would suggest that opticians are analogous to denturists, that optometrists are analogous to dentists, and ophthalmologists are analogous to oral surgeons, and each person within the team of any medical care unit has professional responsibilities. If I just might cite as an example, professional attitude, professional decorum, there is no finer example than the optometrists within this province, because once again they agree with me that this, if it is to be considered, then it should be considered on the merit of the case and they themselves accept that this matter be referred to the Professional Associations Committee.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I do not intend to vote for the amendment. The Professional Associations Committee has been set up time and again and they have never come to the point yet where they have been able to process any of the bills that were before them and to have them passed, so I don't see that this particular bill should be referred to this committee at this time. I feel that we should take action on the bill itself and have it passed, or reject it if

(MR. FROESE cont'd.) . . . . certain people don't feel that they can support it. I certainly would support it and therefore will not support the amendment.

MR. SPEAKER: The Honourable Member for Churchill.

MR. GORDON W. BEARD (Churchill): Thank you, Mr. Speaker. I again am on my feet to say that I don't agree with the bill as it now stands. Referring it to the Professional Committee is the right direction in which to point it. Granted, the Professional Committee have not come up with an answer for these type of professions or the type of bills that are before us, but there is always in these bills a built-in feature for that association which presents the bill, and that built-in feature is something they want as their own so that nobody else can have it, and I don't believe this is the right of this government to give a group of people the sole right of any one thing. I believe that the optometrists, if they look at themselves, turn and look at themselves, they will find that they're asking the privilege for themselves which is not being granted to many other associations. Now right off the bat you'll say that this has been given to the - I can't think of it - the chiropractors, and this wasn't really right as far as I'm concerned. I don't believe that they fall -- I think they fall within the same orbit as the optometrists. I think that the name of Doctor is going to be so watered down that there will be confusion within the professionals and within the lay people as to where they should go. I think the optometrists want to have the cake and eat it too. The doctors, as I understand it, are not allowed to manufacture or dispense that which they suggest the patient should do, but here, here the optometrists are saying, "We want to be doctors but we also want to make a profit on what we are going to prescribe for the patient," and this is all wrong. If all doctors could do this, then there would be no control over drugs or any other thing that we came to the doctor for. So the optometrists have got to look at it and say, "What do we want to be? Do we want to try to be called doctors or do we want to still continue on to make this profit out of the manufacture of glasses?" And I don't think this is right at all. I don't think it's right. Neither do I think it is right for the optometrists to be able to skip years of training, medical training, and come up with the same name "Doctor". This is not right. If they want to become optometrists, then why don't they become doctors and then practice optometry, and that way they can be called Doctor?

There are a group of people within this Legislature that are certainly campaigning for this because they're from the country and they feel that the optometrists have done them a service in the country, and I agree that they have done, because there's been more of them. And why has there been more of them? Because it's the easy way to the end of the road, and I think that they've got to look at themselves and say, "We shouldn't be coming to the Legislature asking for a title of Doctor. The proper place is the universities." And while I realize the universities are taking probably a stand against this, it certainly isn't the time for us to introduce this along with the old grandfather clause that anybody in the past who has been called an optometrist can become a doctor automatically. This is just as if it's going through a mill and I think it's a stupid type of bill to bring before the House. I really do. I think that it should be one that is left for the medical profession to look at.

I believe these optometrists are doing a job but they'll have to be satisfied with what they have as far as I'm concerned and as far as my vote is concerned. Granted, many of them - and I've had a fair amount of correspondence with them - are saying, well, you've got to be careful; you won't have any eye doctors left if the optometrists move out. And this is right. But we haven't got any eye doctors with them in. Secondly, they say so many graduated and so many left the province. Well, if they left the province, I daresay, Mr. Speaker, that the majority of those that left the province left it for greener fields, not for the case of being called a doctor, and if the greener fields are more attractive to them, you can call them a doctor twice and they still won't stay. While there are those that are graduating -- there's one university down east that is graduating and giving them the title, but I've heard a great deal about this too, and we don't necessarily have to agree with a university down east that's giving the title of Doctor. If they want to stay in that province, then stay in that province and they can be called doctors, because why would they want to move out of that province? Here we say there are people that are graduating and going to move to Ontario because they can be called a doctor, but then Ontario is going to have an awful lot of optometrists and they're going to find they're not making the money that they do today.

I am concerned about the disease part of it. I think that there should be something done about that. People can go to an optometrist and continue going to an optometrist for most of their life, and perhaps in not stopping to have a check for eye disease they may be hurting

(MR. BEARD cont'd.) . . . themselves. So I think, Mr. Speaker, that it would be well to continue to either send this to the Professional Committee until they have -- Professional Committee, yes -- and wait for them to come up with some action on this, or in fact let's get down to it and vote for it, and if we vote for it for each year in this House and it is turned down, well then it will show that people are not ready to support it. If they support it, well then, we've got nothing to worry about, the bill won't come forward any more. But I think that as long as the bill continues to come forward, I would be against voting for it. Thank you.

MR. SPEAKER: The Honourable Member for Winnipeg Centre on a question?

MR. BOYCE: The Member said that doctors weren't allowed to sell corrective devices. I wonder if he could tell us whether the doctor is allowed to own stock and shares that sell therapeutic or corrective devices.

MR. SPEAKER: The Honourable Member for Churchill.

MR. BEARD: I'm not an expert on this, Mr. Speaker, but as I understand it, they are not allowed to have shares in things such as pharmacy and other different devices for medical assistance.

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

MR. JAMES WALDING (St. Vital): Yes, Mr. Speaker, I don't intend to take a lot of time on this. I'm not speaking on the content of the bill itself. I've already spoken on that and I think my views are well-known. The matter before us is that of referral to the Professional Associations Committee, and I did mention this too when I spoke before. As has been pointed out, the Professional Associations Committee has been in effect for something like five or six years and it's indicative of the breadth and the depth of the problem that they haven't been able to come up with any definite report or guidelines for future registration and procedures.

The subject matter of this bill was one of the matters before the committee and this bill was specifically referred to that committee last year, and in the report of the Professional Associations Committee makes mention of a McRuer Report which the committee agreed to study and to review its recommendations. I know that it hasn't made any report of its findings or its conclusions from its studies of this committee.

The other clause I wanted to mention from the committee's report is that a special sub-committee was set up composed of the presidents of the universities of Manitoba, Brandon and Winnipeg and also the Dean of the Law School. I understand that this committee has worked over the last year and has now produced a report which is ready to be presented to the Professional Associations Committee. I don't know what's in the report. I understand that the matter of titles is one of the items that was under discussion, and it could be that if this matter is referred back to the Professional Associations it could have the support of this report, or of course the opposite could happen.

Since the Professional Associations Committee did not make any specific recommendations on this, it seems that the matter was still under review. It does seem somewhat presumptuous, Mr. Speaker, that this bill should be brought once more into the House before a definite report should come from that Professional Associations Committee. This was appointed . . . when I spoke before and I feel that it is just a very small part of the whole problem of Professional Associations Committee and it needs much more study.

MR. SPEAKER put the question.

MR. SPEAKER: The Chair is undecided. I wonder if I could get an indication.

MR. JORGENSEN: Ayes and nays, Mr. Speaker.

MR. SPEAKER: Call in the members. The motion before the House is the referral by the Honourable Member for Wellington in respect to Bill 21.

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

YEAS: Messrs. Adam, Allard, Barrow, Beard, Borowski, Boyce, Burtiniak, Desjardins, Doern, Evans, Girard, Gonick, Gottfried, Green, Hanuschak, Jenkins, Johannson, McBryde, Mackling, Malinowski, Miller, Paulley, Pawley, Petursson, Schreyer, Shafransky, Toupin, Walding and Mrs. Trueman.

NAYS: Messrs. Bilton, Ferguson, Froese, Graham, Henderson, F. Johnston, Jorgenson, McGill, McKellar, Moug, Patrick, Spivak and Turnbull.

MR. CLERK: Yeas 29; Nays 13.

MR. SPEAKER: In my opinion the ayes have it; I declare the motion carried.

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Bill No. 10, Mr. Speaker.

MR. SPEAKER: The proposed motion -- the honourable -- Order, please. Order, please. In my interpretation, a motion of referral, once it's referred it's complete; it leaves the House. There is no further motion before the House. Is that correct? Thank you.

On the proposed motion of the Honourable Member for Assinibola. The Honourable Minister of Mines and Natural Resources.

MR. GREEN: Mr. Speaker, there are various sounds from different parts of the House indicating that really there isn't any debate required on this resolution and urging that nothing take place, and I sympathize with what is being said. Nevertheless, since the absent Leader of the Liberal Party has made some issue out of this and has had it moved to one of the members of the Assembly, I suppose there should be a few words said regarding the history of it. There was, if not identical in wording at least similar in meaning, a bill presented to the Legislative Assembly last year by the now Senator Molgat, the previous Member for Ste. Rose, which was referred to the Rules Committee. I believe at the Rules Committee, Mr. Speaker, that it was unanimously -- I hope I'm being accurate -- unanimously, without a great deal of argument, suggested that this bill or the subject matter of the bill be not concurred with and that the principles that were stated in that particular measure be not reported back with positive recommendation to the Assembly.

But, Mr. Speaker, it's back before us now and I really believe that it's back before us because there appears to be some fundamental misunderstanding as to the nature of parliamentary democracy in this country as inherited from the British Isles. The fact is, Mr. Speaker, that most of what is in this bill, the large part of it, is already the law or is permissible within present practices. There is nothing that requires the Executive Council or the members of the executive to ask for a dissolution of the House if a measure is defeated and honourable members may recall that the Prime Minister of this country, the Right Honourable Lester Pearson, did not ask for dissolution of the Legislature when one of his important measures was defeated. It was always, prior to that time, thought that no Prime Minister would dare continue to conduct parliament if he did not have a majority of the members supporting his administration, and it was also thought that any Prime Minister who attempted to do that would feel the political effects of doing it and it is significant that the Pearson administration didn't go back to the people for a vote after they decided to continue in office, after finding that, on a particular measure, a majority of the people did not support their administration; so nobody has yet found, I guess, prior to the -- except after 1926 when a Prime Minister attempted to govern the country knowing that there wasn't a majority in favour of his administration, nobody has ever found the political effects of this, but it certainly is not required to be done.

It is also not a requirement, as perhaps the Honourable Member for Assinibola seems to think it is, and I really can't believe that that's his position because he's been a parliamentarian for many years -- not as his leader -- that every member of a group vote in favour of a group position, and this has been demonstrated on numerous times. It's probably most recent in the minds of people with the votes that have been made by Mr. Hellyer of the Liberal Party and other people who have voted against administration positions from time to time, and as members of this House have voted from time to time, so there is no law which is required which says that we are free people, free to vote as we choose, and as the honourable member seems to think that there is, then I want to disabuse him of it, every member in the Legislature is, on every single vote, free to vote as he chooses. Now "as he chooses" is a complicated concept and I will admit, Mr. Speaker, that every vote on every measure is a combination of (1) A vote on the issue itself; and (2), a vote on whether one feels that the administration that is proposing a particular resolution is competent and capable of carrying it out, and in this we are to think from the congressional system where the Legislature can vote on the measure itself without in any way regarding as to who is carrying it out because the Legislature is distinct from the administration; but in Canada and in the British Isles the Legislature and the administration are merged and a parliamentarian must make a choice. He has to decide whether on a particular measure . . .

MR. SPEAKER: Order, please. I wonder -- the undertones that are being carried on here is making it very difficult for me to hear the speaker. Will you quieten it down, please.

MR. GREEN: Thank you, Mr. Speaker. In this administration a parliamentarian must make a choice, and I for one am not inclined to take away that responsibility from him. He

(MR. GREEN cont'd) . . . . . must decide whether because he is in favour of the Executive Branch carrying out certain measures and formulating a program, that on issues he is going to support the continuation of that Executive Branch, and if he has to do so in such a way as to eventually be supporting the Branch for the Branch's sake and not for its policies, that's when a government falls apart and breaks down, and I say that that's a good thing. Once a government is kept in power merely because people feel that they have to support the government and not because of what that government is saying, and people intend to keep it in power on that basis, then I say that our parliamentary democracy is very well nurtured in seeing to it that a government that depends on that kind of adherence will fall apart, and that's what does happen. And it is also the case, Mr. Speaker, that members of the opposite side sometimes may agree with a government measure but they don't agree that the administration can carry that measure out, and their vote will always be a combination of both their opinion on the measure itself and on the capacity of the administration to carry forward that measure. And, Mr. Speaker, I say that it may be complicated; it may involve people in being required from time to time to measure very carefully what they are doing, both when they are voting for or against. It is a system which has its imperfections, but I like to quote Winston Churchill - so far as I know it may be imperfect but it's the best system there is, the best system I know, and nothing that is proposed in this measure, in my opinion, would improve the system. It would merely mean that you have one organization that says that it's going to the people on a particular program, but then it also says to the people none of our members may vote for that program when we get into the Legislature, and how are the people to know when they are electing a group of people who ostensibly have a program, that that program can in fact be implemented, that they will in fact support the program when they get to the Legislature? And I rather think that this is a position of being defeated before one starts because we would have examples of a party saying that this is what it proposes to do but of course our members are not permitted to vote for this program nor do we know how they are going to vote when we get there. I welcome the continued running in elections by the Liberal Party on that particular platform. I welcome it for my sake, not for their sake, because I don't believe that that is a credible position nor do I believe that the public would sustain it, and I note that it really has received its latest endorsement from a person who has never participated in parliamentary politics, which is expectable.

So, Mr. Speaker, I know that what we are doing, most of what we are doing is permissible under the legislation as it now exists. I don't intend, I don't think that we should be codifying something which exists as a matter of common sense, nor do I think that what is suggested here should be made mandatory. I think that parliament, despite its faults, has worked fairly effectively and I suggest, Mr. Speaker, as supported by the Committee on Rules during the summer and fall recess of last year, that this bill not receive the endorsement of the Legislature.

MR. DEPUTY SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, we dealt with this particular bill in the Committee of the Rules and, if I remember correctly, I think it was a pretty unanimous decision of that committee that the suggestion contained in the proposal be rejected. Now, I think there's a very fundamental reason for my objection to this bill, because it strikes at the very heart of responsible government. Responsible government assumes that somebody is going to be responsible - and the First Minister is sitting there; he is the person, the buck stops there, and if he can't command the support of his Cabinet and his party members for that legislative program, then it's impossible for him to carry on as a government. If a member of the Cabinet feels strongly enough about a particular measure that he cannot in all conscience support it, he has one alternative and that is to get out of the Cabinet, and that has always been the principle upon which responsible government has been based.

One of the features of our system - and when I say "our system" I mean the British Parliamentary System which we use in this country - one of the outstanding features is not so much what is written in our parliamentary laws as the unwritten part of it, the thing that has been carried on through centuries of usage by honourable men, and that is the reason that they're referred to as honourable men, because you presume that in carrying on the tradition of a parliamentary system you act in an honourable fashion, and to now try and change that, and what the bill suggests, of course, is that we start to bring in something of the American system into the British Parliamentary System, and Mr. Speaker, that just won't work. Their whole concept of government is based on an entirely different principle than the parliamentary

(MR. JORGENSON cont'd) . . . . system, and if we're going to start bringing in bits and pieces of the American system into our practices here, then it will be necessary to adopt the whole thing rather than just parts of it, because it won't work if you're going to have part of the British system and part of the American system incorporated into our legislative practices.

Now in theory, as many theories are, this thing may sound quite practical. But let's look at an example of how it will work in practice, and I know it will work in practice because I've seen it. There was occasion, and it happened to be on a Private Members' Bill, but there was an occasion when one other member in the House of Commons undertook to organize a lobby against a particular Private Members' Bill, and that lobby was successful in delaying the passage of that bill for months.

A MEMBER: What year?

MR. JORGENSON: I forget the year. It was in the early 60's, 1960 to 1964 - my honourable friend wasn't in the House at that time. But the effect of that was that when the person who organized the lobby tried to get a bill through the House, there was no chance that he could do it because there was a counter lobby organized, and for sheer spite, because they opposed something that the original mover of a motion proposed, he was not permitted to get anything through the House after that and it was sheer nonsense for anybody to ask either one of those two men to propose a motion because there was going to be a lobby against it, and this is what happened here. When a government brings in a legislative program, they must have reasonable assurance that that program is going to receive passage by the supporters of a government, and if they haven't got that reasonable assurance then they shouldn't bring it in; then they know that they're wrong in attempting to bring that piece of legislation into the Chamber. And when they know that it's wrong to bring it in, they know that they're erring some way and that sort of keeps a government on the right track. But to attempt to suggest that it isn't very important if you defeat a government program, all you've got to do is to bring a motion of confidence later on and that'll straighten it all out, is to me bringing a dimension into parliamentary government that was never intended and could never work. It's only possible for it to work if members on the government side know that they must support legislation and that presumably they'll support that legislation if they understand what it is and if it's agreed to by caucus. And the threat of an election is the thing that deters them from voting against it, and that threat should never be lost.

I suggest, Sir, that despite the good intentions of this legislation - and I understand what the mover is intending when he brings it in - but the bill itself is, I suspect, proposed by someone who has never sat in the Legislature or never sat in a parliamentary institution and, Sir, once in a while it might do a lot of people a lot of good who stand on the outside and try to make laws for us to come in here and learn a little bit about the procedures and the things that make a parliamentary system work and make it what has been the greatest system in the world. For 700 years it survived and it survived because of the flexibilities that are built in, and to start nailing down rules such as this will do more to destroy the system than anything that I can think of. It must always be depended that honourable men will act in an honourable fashion in this Chamber.

MR. DEPUTY SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier)(Rossmere): I'd like to ask the Honourable Member from Morris whether he would not admit that the sort of fundamental principle that lies at the basis of the operation of parliament has already been modified in the sense of the precedent set in 1967, in the fall of '67, at the time of the government defeat on a money bill, which was subsequently put to a House in the form of a pure confidence motion which was carried. Is this not a modification of that fundamental principle which the honourable member refers to?

MR. DEPUTY SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Well, Sir, the First Minister brings up a rather interesting point, because during the occasion when this particular incident occurred there was quite a debate in the House of Commons on that particular point, and I could never really determine, in listening to the debate, and it seems to me that the protagonists in this particular debate were using the same evidence to prove different points - it's not unusual when you get a group of lawyers and at that time I think there was something like 68 of them in the House of Commons - it was very difficult to determine whether or not a precedent was a new one or whether it was one that had been in use for many many years. It seems to me that those who argued that the government was right could do so with the kind of justification that sounded very convincing as well as

(MR. JORGENSEN cont'd) . . . . those who argued in the opposite direction, and the only thing that settled the argument in that particular instance was the fact that the government had more members.

But the most interesting argument that was posed of all that came before that committee, or came before the House at that time, was that posed by the present Prime Minister, the then Minister of Justice, when he undertook to give his rationalization and his explanation of what was right and what was wrong. The question was asked as to whether or not the government makes the decision as to whether or not they would seek a vote of confidence if they were defeated on a motion. I think the tradition has always been that if a government is defeated on a money bill, on a major piece of legislation, that government resigns if they're honourable. And I add that for the benefit of my honourable friend because it might bring up some interesting speculation on that particular point. But the present Prime Minister replied with this argument: that the government would make the decision as to whether or not the bill was important enough to warrant the resignation of a government and the seeking of a further mandate. And someone asked him if that decision would be made before the bill came to a vote, during the time that the vote was taken, or after, and his reply was that it didn't matter - before, during or after; which places a government in a pretty advantageous position. I simply repeat, Sir, that the whole intent of a parliamentary system is that it's based on the assumption that honourable men will act in an honourable fashion. I'll leave it at that, because we presume that in this Legislature we'll continue to act in an honourable fashion.

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

MR. GORDON W. BEARD (Churchill): Thank you, Mr. Speaker. I rise on this bill just as I did on the one in the last session, and the Member from Morris made quite a to-do today about the bill probably being conceived by somebody that has never been in this House - and this was wrong. I think that first of all he should be told that it was a parliamentarian that brought it back here last year, a far better one than most of us in this House, one with a great deal of responsibility in the party and political system in this province, and a good man whether it was in opposition or whether it was in government - and he was in government - but my friend wasn't in politics at that time so he wouldn't remember. But I believe that Mr. Molgat will be remembered for many years on many things and I think this is one of the things that particularly I hold high because I am for this type of legislation.

He mentioned that there would be no responsibility or no way that the people could be assured that election platforms would be introduced by a winning party if this type of new look came into the Legislature here. Well, Mr. Speaker, I think there are many cases, you can look back and find that there are many many platforms of political parties that have never been brought in, and I would go to the Liberal Party and I think it was somewhere around '63 - now I may be wrong in what election - that they supported the two-price wheat system. I believe it was '63. A few days after they had taken power, then they announced that this was not possible, that they could not entertain this idea. They had while they were in opposition but they couldn't when they became the party in power because they found, I suppose, through the bureaucracy that this just wasn't a system that would assist the farmers as they thought they had or could be brought about. I don't know what the reasons were but they just said that they couldn't. -- (Interjection) -- Well, it may be still a good idea but apparently there's a lot of lobbying against it. I believe that there's no wrong in having an election called at a specific date set by parliament so that we would know that every four years or every five years on whatever date it is, the first of June or 15th of June, there would be an election, and this would stop a lot of pork-barreling prior to the election because you would know when it's going to take place. The government would have to go forward as a government up until that date and not be stuffing dollars in pigeonholes hoping that it would be there when they had won the election, or it would be used just prior to using that money for an election material. Granted you may say, well, why wouldn't they, because they know exactly what day the election is being called? But I think there's a lot more to do with government than just a few programs to get a few votes, so I can't agree with that point.

I think responsible government is not in principle as the honourable member said that all members of one party must vote as a block; that's not responsible government. I don't see where anyone can conceive of the fact that it's responsible government if a party member has to vote the same as his colleagues. Manitoba is a diversified type of industrial province. There are things being carried out that are never conceived of before. Certainly we have one

(MR. BEARD cont'd) . . . . thing in which - as in the past - we were an agricultural province and today agriculture in many ways does not have the same type of hold on the economy of the province as it did in the past. In fact we have to turn around and make sure that we assist the farmer so that he can continue.

I think the members live in the past when they say that this was the parliamentary rule set up for 700 years and served the country for 700 years. Well, for one thing we aren't 700 years old in parliamentary systems. The British are and it is a system, in a different country, and it doesn't necessarily hold true for here. They don't have provincial elections and provincial governments; we do. There's the first difference. Secondly, I don't want to live 700 years ago. They didn't have the amenities that we have today. How would you build roads in those days to hold up to the roads that we have today or the command of the roads? Romans built good roads - they were too narrow and they weren't used by the large motoring traffic that we have today; and in fact even as good as they were they are now tearing them apart and putting in new modern roads. Certainly I think that we should look into the new types of thought that is being given to our government; I think it would be a lot easier for governing parties to know that they are going to go ahead for four years and carry out their wishes and that if their wishes didn't command the respect of the backbenchers then it would not be passed; and maybe that would be well that it would not be passed, because there is a great deal of time I am sure in their caucuses that maybe something only passes by 50 percent of the vote or by 60 percent of the vote, and that means that 40 percent of the backbenchers don't like it on the government side; and if there is enough on this side of the House that agree with them then the bill wouldn't pass. And on the other hand there wouldn't be the abrasive type of arguments in this House if people could get up and vote as they please when the time came. I don't think it would induce any more lobbying than is being done now. I think that it's a system that would be good. We don't have to go all the way and grab everything the United States has done in their government system, just as we didn't taking over from the British government system. We didn't take that and say that's what we're going to do. We had division and we added to or took away from their type of program. So we're different and we can't refer back to the British government and say well this is the parliamentary rules that have stood up for so long, because it didn't stand up for Canada, they changed it, and they're going to change continuously whether we like it or not.

So, Mr. Speaker, I think that -- I'll say that most of the time I believe in party politics but I would 100 percent if those backbenchers were allowed to think as they wish and to carry out the votes in here as they wished. I think you'd find a new approach to government and a new approach to a new Manitoba if the backbenchers, if the people outside the executive committee could vote as they wished. Thank you.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I participated in the debate last year when a bill similar in substance was introduced by the former Member for Ste. Rose. I indicated at the time a certain feeling of sympathy for the problem that the honourable member was trying to cope with in the subject or the body of the bill which he had proposed. I still express a certain measure of sympathy for the objective although I think that what was said earlier today by the Member for Morris and my colleague the Minister of Mines and Resources certainly cannot be simply put aside as though there isn't very great validity to their description of the reality of parliamentary government. I think it's necessary to make some exploratory rules, Mr. Speaker, as to the kinds of circumstances in which a measure such as this ought to be followed; whether or not it's enacted into law is beside the point. It's the understanding that guides successive governments in a parliamentary system that is important. And the Member for Morris of course is quite right. There are certain fundamental assumptions, certain fundamental principles that attach to the operation of a parliamentary system which you can't easily move away from.

On the other hand I insist that parliamentary system is not to be described as in the closing lines of the Complin's prayer that young college students are requested to, expected to recite, as I was years back: "What is now, what was, is now, and ever shall be, world without end." I think that even the parliamentary system can't claim - can't claim to deserve that kind of perpetual - well, simply perpetual claim on rules; fundamental rules always stay the same. Because we know in the past few years alone that some of the most basic premises of the operation of parliament has already been moved away from and left in a kind of doubt. For example, the understanding that the majority will would prevail in a Legislative Assembly was



(MR. SCHREYER cont'd) . . . . . almost as equally accepted and fundamental - that if a government treasury benches had a motion of theirs that was money bill, defeated, they had lost the confidence of the House and were to resign forthwith. It was a century long assumption, inherent assumption of a parliamentary system that in 1967 we moved away from and if parliament is capable of moving away from that assumption it is capable of moving away from practically any assumption except that the majority shall prevail. -- (Interjection) -- And that - yes, of course, Mr. Speaker, was done without any kind of bill being brought in; it was simply a decision taken by the treasury benches, and then of course they were gambling that their course of action would subsequently have the support of the majority, which it did; and if it didn't they would have been obliged to go to the people, unless they would presume that instead of a cabinet they were a football team and they were going to make three bucks at the line, having failed once, twice, that perhaps on the third try they might make it. Well, even the Liberal Government of 1965 - '68 didn't regard itself as a football team offensive squad and after the second down they were content to leave it there.

Mr. Speaker, I have often said, and I say again, that one of the disadvantages of a parliamentary system, as long as we are candid enough to want to look at both advantages and disadvantages, relatively, of a parliamentary system and a congressional system, I've often said that there are many advantages that the parliamentary system has over the congressional, many, but there is one, and there is no point in closing one's eyes to it, that in a parliamentary system there is simply inadequate provision and opportunity for private members to exercise as meaningful a role in the legislative process as is the case in a congressional system, and that is one of the real disadvantages of the system such as we have had here for many years. Now as to what can be done about it, I really can't claim that I have the answers. Experiments were started in Ottawa back in the late '50s which my honourable friend the Member for Morris knows about, but it wasn't that helpful.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: . . . question. He mentioned the advantages of the congressional system in that the private member has much more opportunity for playing a meaningful role. Would he not agree that that advantage -- and I'm not sure that it's that great an advantage -- is offset by the fact under our system the influence of special interest groups, or lobbies, is minimized because of our system and that may be a better advantage than they have . . .

MR. SPEAKER: The question is argumentative. The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I would agree with the Honourable Member for Morris that the role and efficacy of pressure groups is considerably different in a parliamentary system than in a congressional. That is not to say that pressure groups do not make an effort; they do under both systems; it's just that their method and technique of operation, the source to which they concentrate is different, but in the end they still make their positions and information known. On balance, however, I would concede that in a parliamentary system pressure groups tend to be if anything somewhat less effective in the success that they achieve.

I go on very quickly, very briefly, Mr. Speaker, to say that I think any member of this Assembly if he wants to reflect back a few years will, if not in this province, at the federal level perhaps, in other provincial jurisdictions, will be able to find examples where the sort of uninhibited right of the treasury bench to ask for the dissolution of the House and call an election has been abused. It has on, I wouldn't say frequent occasions, but it has on occasions over past years and past decades. But there is no easy solution to that because any kind of attempted solution necessarily has to be an impingement on the prerogative of the cabinet or treasury bench that it be able to obtain a dissolution of the House either upon the passage of the normal period of time, four years - or the custom is changing, in some provinces the tradition is becoming three years - or if a major bill that has been introduced fails to receive a majority. I think that it is legitimate in every respect for a government to call for dissolution of the House and election if a major legislative program or item, major item, is defeated. Fortunately, in order to protect that which I really believe is a practical necessity, in order to protect that practical necessity then sometimes we may see a situation where the government of the day may ask for dissolution and election because of defeat on a measure which cannot be construed as being major or important but which may well be convenient, very convenient for the government of the day to seize upon as a pretext for calling an election; and that happens on one or two occasions.

In the end, Mr. Speaker, I would say that while the spirit that should motivate

(MR. SCHREYER cont'd) . . . . governments in respect to the use of power, of constitutional power to ask for dissolution and a writ for an election, — the spirit is more or less in line with what is meant here in Bill 10, I really do see dangers in enacting this into a rigid statutory kind of provision. There is no way that we can by legislative means make complete and adequate provision for constitutional procedure.

There has been a really fundamental modification in this respect which took place in the Federal House of Commons three years ago which I think will on many occasions in the next few years will enable governments perhaps in a wrong way to decide whether or not to treat a defeat on a particular bill as a sufficient reason to call an election; if not then the government will use that precedent of 1967 to come back and say well, although we were defeated we think that there should be an indication from the Legislature as to whether or not we have the confidence of the House and to submit a motion that would be a pure and formal motion of confidence or non-confidence.

I therefore say to the sponsor of the bill, the Member for Assiniboia, that while I do not quarrel so much with the intent that he is expressing here, while I do not quarrel so much with his analysis, the implied analysis here as to what has to be guarded against, namely the occasions when governments do abuse the prerogative in order to call an election at a time that it would not be justified on any other basis other than tactical convenience, nevertheless, despite that, I see greater problems in trying to codify it into statute.

MR. SPEAKER: The Honourable Member for Assiniboia will be closing debate.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, in closing the debate I still say that there was merit in presenting it to the House. I certainly appreciate the debate that has taken place, and thank the members for participating; and again I cannot speak with the same experience probably as the First Minister who has been in the opposition and now on the government side, and the same thing with the Member for Morris who has had the experience on the government side and probably knows maybe a little more of the implications, but be that as it may, I still feel that throughout the years we have been changing rules of the House, of the Legislature, we've been changing rules of the House of Commons and every time you change rules to some extent it's a revolution, the parliament changes. So I think if the parliament is talking reform and the House Leader has said this already exists in the House of Commons because of the 1967 issue when the government was defeated and went back for a confidence motion and the government was stayed at that time, so this is already in effect and he said there's no need for it at the present time. So I feel if he feels that this is already in effect, then he should have no reason for not supporting it if it already exists because of that occasion. — (Interjection) — I've only got a few minutes and I'll try and finish within a short time. So the point— it already exists — I don't think that we're really treading on such shaky ground.

The other point, Mr. Speaker, is I had some people do a considerable amount of research on this and I understand this is the practice in the British Parliamentary system in the House of Commons, that this takes place very very often where a member can on the government side propose amendments to a bill or to many things, or even much more often there than here the members will vote against the government than happens in here, so I see that it exists much more in the British House of Commons, in Great Britain than it does in here; so it's not something that is completely new, I understand it's existed there for many years. — (Interjection) — Well, I couldn't tell you if it's written into Law or not, this is the point, that I can't.

The other point is — I know somebody said it has been introduced by the Leader of the former Opposition, Mr. Molgat, and I respect his knowledge of the parliamentary system to a great extent, and I understand Mr. Lougheed, Leader of the Opposition in Alberta, has done likewise, and surely perhaps these people have not considered all points but they may have have considered some of the points and don't see too many dangers in it.

The other point, Mr. Speaker, at the Federal Constitutional Conference, were not the Premiers and the Federal people discussing the change in parliamentary system with having specific dates for elections, be it a five-year term, and that the elections be called in a certain specific, so there in itself is a great reform taking place, so it's not to say that, you know, we shouldn't even talk about reform in parliament because it is taking place in respect, as far as repatriating the constitution is concerned; so that is taking place at the present time.

I know that the members talked about two-price wheat system and I agree wholeheartedly with the two-price wheat system myself, as little as I know about the agricultural

(MR. PATRICK cont'd) . . . . business, but I feel if the members were probably free in the House of Commons on the government side at the time to stand up and vote as they saw fit I'm sure probably this would have maybe passed the House and the government would have been forced to bring it in, because I think then you see democracy in practice when this takes place.

Now the danger that the Member from Morris saw, perhaps too many lobbying, and he said it took place in the House of Commons, and I would like to advise him that it took place right here in this House, a few years ago when a bill for Sunday Sports, and I agreed, was defeated, was defeated; the Member for St. Boniface got up and said the report of the Committee should not be received now but should be sent back to Committee, back for further consideration, and it gave the former Member for River Heights enough time, the late member I should say, enough time to lobby amongst his backbenchers at the time on the Conservative side who were against Sunday sports, and I think he changed three or four perhaps five of them, and as a result we had in one day complete reversal of the legislation through considerable amount of lobbying -- (Interjection) -- it was, it was and I say better legislation took place right here and I see nothing wrong with it. So I'm just saying that there is precedence in this House that this has taken place, the point is that there should be a threat of an election hanging over the backbenchers all the time and they should not be able to sort of do what their mind dictates a thing is wrong, I think that they should be able to speak their mind. I think the MLA would mean much more than just an apology to his constituents saying that well I tried to convince the Cabinet but I couldn't. I think if the backbenchers would have the right to get up and make amendments on certain bills and so on, I think it would be worthwhile.

Now I would only in closing raise one more point. When, during the former administration, when the first original Pension Bill was brought in, and the Pension Bill was to the effect that the day that the member was, say, to resign or not run for the Legislature here any more, he could have got his pension irrespective of age, he could have been thirty-five or forty he could have started on a pension, that was the first Pension Bill; and if you had one that would have had considerable amount of years in here, for instance, like the First Minister, or at that time it was the Member for Fort Garry, he could have started with a very high pension plan; he could have started with \$380 to \$400 pension for the rest of his life starting at very early age. Now I'm certain, I'm certain if the backbenchers would have debated or discussed this bill in caucus with the former government this bill would have never got before this legislature, never, but even since that time I've heard that the backbenchers never seen the bill or discussed it. So I feel that to have more meaningful legislature I think that the backbenchers should have a little more, the MLA should have a little more elbow room and I think it was worthwhile presenting it to the House.

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

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, the Committee to consider Private Bills is called this afternoon at 2:30. I am proposing with general agreement that we come back into the House at 2:30 and have the regular routine proceedings and then go to Committee so that the House will be in Session this afternoon, so that if Private Members' Bills are dealt with expeditiously we can come back and then deal with them insofar as the House is concerned. I don't think it would be really useful to do that this evening because Industrial Relations Committee will be sitting this evening considering their bills. I think that it might be better if we just say that Industrial Relations Committee meets this evening and leave it at that, don't have a sitting of the House this evening and have a sitting again tomorrow morning for the routine proceedings and then go into Law Amendments Committee.

Now if that's generally agreeable then we can proceed on that basis that there would be a sitting this afternoon, the House would remain here pending the report of the Private Bills Committee; that Industrial Relations Committee will sit this evening, that there will be no House sitting this evening, but that we will sit tomorrow at 9:30 prior to Law Amendments Committee. (Agreed)

MR. SPEAKER: The Hour being 12:30, the House is adjourned until 2:30 (Monday) afternoon.