

THE LEGISLATIVE ASSEMBLY OF MANITOBA  
9:30 o'clock, Tuesday, July 20, 1971

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; The Honourable Member for Logan.

REPORTS BY STANDING COMMITTEES

MR. WILLIAM JENKINS (Logan): Mr. Speaker, I beg to present the Eighth Report of the Standing Committee on Law Amendments.

MR. CLERK: Your Standing Committee on Law Amendments begs leave to present the following as their Eighth report.

Your Committee has considered Bills:

No. 90 - An Act to amend The Companies Act.

No. 92 - An Act to amend The Law of Property Act.

No. 100 - An Act to amend The White Cane Act.

and has agreed to report the same without amendment.

Your Committee has considered Bills:

No. 40 - The Statistics Act.

No. 48 - An Act to amend The Snowmobile Act.

No. 52 - An Act to amend The Automobile Insurance Act.

No. 53 - The Health and Social Development Advisory Council Act.

No. 61 - The Dental Association Act.

No. 66 - The Public Trustee Act.

No. 71 - An Act to amend The Public Schools Act (No. 4).

No. 77 - An Act to amend The Mental Health Act.

No. 102 - An Act to amend The Taxicab Act.

and has agreed to report the same with certain amendments, as agreed to by the Committee.

All of which is respectfully submitted.

MR. SPEAKER: Ministerial Statements; Tabling of Reports; Notices of Motion; Introduction of Bills; Oral Questions; Orders of the Day. The Honourable the House Leader.

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management) (Inkster): Mr. Speaker, we did indicate that we were going into Agricultural Committee this morning. I wonder if there would be any objection to before we go in to introduce two bills that have not yet been introduced, one that was being introduced by the Honourable Minister for Municipal Affairs and the other standing in the name of the First Minister, because otherwise I think we have too much time allotted for Agricultural Committee. Call Bill 107.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

GOVERNMENT BILLS

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs) (Selkirk) presented Bill No. 107, an Act respecting the City of Brandon and certain Neighbouring Municipalities, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, this is a bill which includes within it legislation which is intended to rationalize the boundaries of the City of Brandon and the neighbouring municipalities, in respect to the neighbouring municipalities of Cornwallis and Eldon. It arises as a result of a commission established by the Provincial Government under the one-man commission chaired by Dr. Dulmage of Brandon University. The recommendations contained within that commission in the main make up the bulk of the proposals within the legislation itself. In addition, the bill will provide for a better means of public expression in respect to the operation of the affairs of Brandon Council to the extent that there will be included within the bill legislation pertaining to a ward system.

It has been no secret that over the past number of years there has been continued disagreement that has developed between the R.M. of Cornwallis and the City of Brandon due to the very obvious problems that have occurred as a result of usual urban sprawl from the City of Brandon into the surrounding rural area; sprawl which is exemplified by such typical

(MR. PAWLEY cont'd.) . . . . . problems of urban growth as planning difficulties, the problems that are confronted when the urban area, Brandon, has provided the rural area with sewer and water and other facilities insofar as its industrial plant is concerned, when in fact many of the employees of that industrial plant within the R.M. of Cornwallis reside within the City of Brandon. So that you have in fact revenues from industry resulting to the R.M. while at the same time the City is burdened with many of the costs of carrying on the various services that are required as a result of an expanding industrial development within the area surrounding the Brandon area.

In addition, in the past year the Department of Health has condemned a number of wells south of Brandon, in the immediate area south of Brandon in the R.M. of Cornwallis, as being unsanitary and in fact I understand that 50 percent of the — (Interjection) — I wish the Minister of Transportation would desist from heckling. As a result of the Department of Health condemning certain wells, the DREE - Marchand, the Minister involved, has offered to provide DREE assistance in regard to the extension of sewer and water to the areas immediately south of Brandon but subject only to there being a full and a proper rationalization of the boundaries of Brandon. This is a condition of the providing of that assistance to the Brandon area by the Federal Government.

Specifically, the changes will mean that the boundaries of Brandon will be extended to take in an area of the municipalities of Cornwallis and Eldon. In the main, the boundaries proposed will comply with the recommendations of the Commission except where it is considered advisable they will include full sections of land instead of partial sections of land as the Dulmage Report had recommended.

The bill also contains a formula for calculating the mill rate for agricultural land contiguous on new portion of the city. This mill rate will be based upon the experience of six surrounding municipalities and this is in accordance with the recommendations of the Brandon Boundaries Commission itself. The Commission also recommends a uniform commercial and industrial mill rate to be shared among the city, six rural municipalities, two towns and a village on a population basis. As a result of representations by various municipalities the bill applies this formula to the City of Brandon and to the Municipality of Cornwallis. There is also provision for a gradual escalation of the level of taxes on residential property included in the city by this bill over a period of five years. This formula is generally in keeping with the recommendations of the Commission.

The Commission also recommended that the Brandon District Planning area establish an industrial and commercial commission to take the place of the Brandon Industrial Commission. The bill provides for permissive authority for the city and the municipalities involved to enter into an agreement of this nature. The bill also provides for the division of the new City of Brandon into ten wards, rather than the present election of members of council by the city as a whole. This is of course to centre the responsibility of the elected members of council directly to their electorate easily identifiable and it's hoped will generate greater interest and participation in the municipal affairs of the Brandon area by the adoption of the ward system as opposed to the general over-all multi-system that now exists within Brandon. The terms of office of all members of council of the city will terminate in 1972 and those elected for the first time on a ward basis in that year will hold office in accordance with the provisions of the Municipal Act. Certain amendments to the Charter of the City of Brandon and to the Municipal Boundaries Act are also provided in keeping with the bill.

In summary, therefore, the bill provides for an extension of boundaries for the providing of certain equitable measures in respect to the tax situation in regard to residential, agricultural and industrial tax rate in the area brought into the City of Brandon, and also includes provision for the introduction of a ward system — ten wards to the City of Brandon.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Souris-Killarney.

MR. EARL MCKELLAR (Souris-Killarney): Mr. Speaker, I'd just like to ask the Honourable Minister a question. Has the Municipality of Cornwallis agreed to this bill?

MR. SPEAKER: Order please. If the honourable member speaks he'll be closing debate. Are you ready for the question? The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, I beg to move, seconded by the Honourable Member for Pembina, that the debate be adjourned.

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

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Would you call Bill No. 110, Mr. Speaker.

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

HON. EDWARD SCHREYER (Premier) (Rossmere) presented Bill No. 110, an Act to amend the Legislative Assembly Act (2), for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable the First Minister.

MR. SCHREYER: I think it's possible to summarize in a very few words the provisions of this bill. They are threefold.

The first is to make it more clear that a member of this Assembly may have the same kind of contractual relationship with Autopac as it is possible for him to have, or her, with, for example, the Hydro, Telephone System and Crop Insurance Corporation. It is obvious that inasmuch as Autopac has universal coverage and applies to all motorists in the province, that for reason only of being an MLA this is not - correction, Mr. Speaker - for reason only of having an agreement of one kind or another with the Public Auto Insurance Corporation is not reason for disqualification of a member. That is one of the provisions that merely is clarified here.

A second provision of this bill is to remove what I think is an anomaly in the existing Legislative Assembly Act, and that is that if a member should - and this is applied over the years - if a member should have at any time, even inadvertently, accepted a payment, small as it may be, from the Crown, if the payment were made by cheque and it were cashed then under the provisions of the Act as they presently stand, such person would be technically disqualified from continuing to sit as a member of this Assembly. Those members who have been here for some time I think will recall three, four, five and possibly even a few more cases where a member's right to sit was under considerable doubt because of an inadvertent acceptance of payment of as little as 30, 40, 50 dollars, and the cheque was cashed and then even a reimbursement would not have removed the ground of disqualification. To me this is an absurdity in the law and there is in this bill a provision that inadvertence accompanied by reimbursement of the money up to at least the amount of \$500 shall not constitute any ground for disqualification. I think that that section should recommend itself to honourable members.

The balance of the remaining sections of the bill have to do with the adjustment of the indemnity and expense allowance, and here, Mr. Speaker, I rather suspect that most members, if not all, will agree that the adjustment, the change here is generous enough. There may be some who would argue that the full intent and amount recommended by the independent commission that was appointed - what, almost a year ago now - that their recommendation should have been accepted in toto, but, Mr. Speaker, I believe that even though we have scaled down by half the amount of the increase, even though it's been scaled down by half, it's still a relatively generous increase amounting to something in the order of six percent per year since the last change was made.

I suppose one could take the opportunity of debate on second reading of this bill to speak at length as to the relative merits of having a system of emolument checking and adjustment that were completely removed from this Chamber and I believe that at least one province has made legislative changes with respect to the Legislative Assembly Act so that the indemnities are tied to the public service pay scale. Probably it is the Province of Ontario; I notice that the indemnities of members of the Legislature of Ontario is now at the 18,000 mark. I think that we have always been more modest here in western Canada and that we usually divide things that they do there in half, and the amount of salary that is involved here is approximately half of that which is paid in Ontario. One could take a great deal of time, Mr. Speaker, on this. I feel that there has been ample discussion and that the report of the independent three-man commission has been fairly carefully studied. We have seen fit to accept certain of their recommendations and to scale down by half certain of their other recommendations.

In addition then to the main indemnity of adjustment there is also in this bill provision for a change in the per diem of members attending committee work, attending committees of this House interessionally, and that change, too, is in line with per diems paid to members of Boards and Commissions when they attend to the business of the province.

And finally, members will note that there is also in this bill another departure, perhaps a minor one, but I think a helpful one in that it provides for a payment, as the outside

(MR. SCHREYER cont'd.) . . . . independent commission recommended, the payment of an allowance for research assistants to members of respective caucuses; and of course the way in which that money is applied as between caucus secretarial help and research help, is a matter for the internal disposition by caucus.

In the case of members who are part of a group that is not a recognized party, in the case of an independent, the same allowance is payable but if payable in accordance with this Act would be payable directly to the member. I think, Sir, that this will warm the cockles of the heart of the Honourable Member for Rhineland and I'm sure that he will make the maximum use of any such monies available. This would apply to all members opposite.

So with that introduction, Mr. Speaker, I suggest that there is - it's five years now, as I understand it, since the last adjustment was made and that in itself is an indication that there must be a better way to handle this particular problem, in that if it's left for change every fifth or sixth year the magnitude of the change appears to be larger than it really is. I suppose that the best note upon which to conclude is that I don't suppose that this bill will be greatly opposed here or that it will be very favourably received elsewhere.

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

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Mr. Speaker, I'd like to get approval for two changes on committees. On the Agricultural Committee the Honourable Member for Crescentwood is to replace the Honourable Member for Radisson -- (Interjection) -- that's right, that's because of his expertise in farming. On the Industrial Relations Committee the Honourable Member for Osborne is to replace the Honourable Minister of Transportation; the Honourable Member for Flin Flon is to replace the Honourable Member for St. George. Mr. Speaker, I would now . . .

A MEMB ER: Not St. George - Uskiw.

MR. GREEN: Excuse me. The Honourable Minister of Agriculture.

Mr. Speaker, again I would ask whether we could make one change and come back into the House at 12:00 o'clock rather than adjourn for the morning, if that's agreeable to the honourable members; because that should be enough time and it gives us another half hour to deal with matters on the Order Paper.

All right, Mr. Speaker, I would ask you to leave the Chair to return at 12:00 o'clock provided Agricultural Committee is finished, which I assume it will be.

MR. SPEAKER: Accordingly, I am . . .

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#### SITTING RESUMED

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: It was our intention to use this time to proceed with matters on the Order Paper, but if there has been some misunderstanding about that, we will accommodate the members of the opposition. I wonder if we can ask perhaps the Member for Charleswood to find out whether his group knew that we intended to proceed with business on the Order Paper. If they thought that it was otherwise then we will adjourn the House. We can just relax for a moment, Mr. Chairman.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: I had just explained that if the honourable members of the Opposition were not aware that we intended to proceed with the Order Paper at this time, then we will accommodate everybody by adjourning the House. I had intended that we would use the last half hour to deal with matters on the Order Paper that have not been dealt with; but if that's a problem then we'll adjourn the House at this time.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition) (River Heights): Mr. Speaker, I was aware of the fact that this was the House Leader's request but in the discussion with the First Minister I indicated that it would be our desire to be able to caucus, to be able to complete our work so that we would be able to facilitate the matters and I would prefer that that would be the procedure followed.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable the Minister of Labour, that the House do now adjourn.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 this afternoon. (Tuesday)