

THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Tuesday, June 20, 1972

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions, Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports; Notices of Motion; Introduction of Bills - we've passed that.

ORAL QUESTION PERIOD

MR. SPEAKER: The Honourable Member for Thompson.

MR. JOSEPH P. BOROWSKI (Thompson): Mr. Speaker, now the Attorney-General is back I'd like to ask him a question of whether he's going to take any action as a result of a letter he received from Doctor Merry regarding Mount Carmel Clinic?

MR. SPEAKER: The Honourable Attorney-General.

HON. A. H. MACKLING, Q.C. (Attorney-General)(St. James): Mr. Speaker, I received a copy of a letter from Dr. Merry I suppose coincidental with its having been given to the press and many many other people, and I certainly directed it to my department. However, I observed on television tonight the same complainant talking about the issues involved and it may well be that the case, if there was one, is prejudiced already.

ORDERS OF THE DAY - GOVERNMENT BILLS

MR. SPEAKER: The Honourable House Leader.

HON. RUSSELL PAULLEY (Minister of Labour)(Transcona): I'm sorry, Mr. Speaker, I wonder if you'd mind calling second readings on Government Bills, and I might say that the Honourable the Leader of the Opposition and I had a discussion or two just before we left after the adjournment and I thought we came to an understanding, maybe the Honourable the House Leader would concur, that I thought possibly we could go into the second reading of Government Bills at least for the start of this evening, and I note my colleague the Attorney-General is now here and if he is up to it, maybe, Mr. Speaker, we could start with calling Bill No. 13, a second reading on Government Bills standing in the name of the Honourable the Attorney-General.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSON (Morris): Mr. Speaker, that arrangement is very satisfactory to us, and I might say that we are pleased to see that the Attorney-General has returned, and we hope that he's feeling . . .

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING presented Bill No. 13, an Act to amend The Expropriation Act and to validate Certain Confirming Orders made under The Expropriation Act for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, I trust that the number of this bill won't be held against its contents. I have an assurance from the House Leader of the Conservative Party that it will be. The simple explanation that I could give for this bill, or its necessity, is that there was an administrative or departmental goof. I'm wondering if I could have the Page, please. Under the new Expropriation Act certain expropriations were taken and of course administrative staff weren't as familiar with the techniques involved and there was an error that occurred. There was a difference of opinion as to whether or not it was open to the line department that was taking the land for the purpose of the authority to execute documentation and some persons within the department felt that that was certainly in accordance with common sense and what would be proper practice because how would the Attorney-General who is charged with the procedures under the Land Acquisition Act be knowledgeable about the particular worker undertaking that was involved in the land acquisition by the authority. But it appears that the opinion that held the Land Acquisition Act section had to be strictly followed was correct because when some people affected by a taking went to the Court of Queen's Bench, they successfully had annulled proceedings which had been brought in expropriation. And the section of the Land Acquisition Act to which I refer is Section 7, Subsection 2, which says, and I'm just going to

(MR. MACKLING cont'd) read part of it, Mr. Speaker, that when it refers to the words "the Minister", it means the Minister responsible for the Land Acquisition Act. It says, "the Minister shall be conclusively deemed to be the Minister charged with the construction and maintenance of the work or with carrying out the purpose for which the land, or the interest in land, is required." Now as is often the case, I wasn't asked personally to make an assessment of what the correct procedure was in this case. The appropriate authority had looked at it and had different opinions and they felt that the Minister in charge of the department doing the actual taking, and responsible for the work involved, should sign the final documentation. And thus it was that that occurred. I think though that the Land Acquisition section which I read clearly indicates that it is the Minister responsible for the Land Acquisition Act that must sign these orders.

So accordingly and, Mr. Speaker, I don't think that that's common sense really, because the Minister responsible for the Land Acquisition Act may or may not have some knowledge of the particular work for which the land is --(Interjection)-- yes, the work for which the land is required, and whether it's a responsible taking or an irresponsible taking. And I'm not suggesting that I sign documentation which is wrong, I mean it's checked by various staff departments. But there's a clear implication here that the Minister responsible for the work I think should sign it. So the amendments which we are putting forward to the Expropriation Act makes that quite clear.

And the other thing is to catch up on the other technical aspect that if there is going to be an application to court to attack any technicality in the taking, then it must be taken within a reasonable time. So a time limit is provided within this Act to make it mandatory that if there is going to be a technical legal attack upon the taking of land under the Expropriation Act then it must be brought within a given time. As I say, the only other major item is validating the orders which were found to be null and void through the interpretation of the Act that was taken on a proper and responsible basis by staff but obviously in error.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. The words of the Attorney-General you know, Mr. Speaker, never cease to amaze me. He wants to be on the side of the angels in one case and on the side of the people on the other. And here we find that he is neither on the side of the angels nor is he on the side of the people. The Minister has by his own admission and his own explanation tried to be on both sides of a coin when the thing is flipping in the air. He says he wants to do something, but he's not too sure what he wants to do, and as the result he wants to show activity in this Legislature and in doing so he brings in an Act which in essence shows inactivity, indecision, and leadership which is sadly lacking on the part of the Minister in the Acts that he presents to this Legislature.

Mr. Speaker, I can only say a few words and they are very short at this time but what the Minister is proposing here is really nothing more than an alibi and as such I don't condone, nor do I condemn, the Minister on his alibis, but I think that if he wants to change an Act the retroactivity and the hindsight that the Minister has shows a shortcoming in the foresight that should be evident in any Act that is put forward in this Legislature.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Mr. Speaker, I beg to move, seconded by the Honourable Member for Swan River, that the debate be adjourned.

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

MR. SPEAKER: The Proposed motion of the Honourable Minister of Municipal Affairs, The Honourable Minister.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs)(Selkirk) presented Bill No. 46 an Act to amend The Municipal Act (2), for second reading.

MR. SPEAKER presented the motion.

MR. PAWLEY: Mr. Speaker, this is basically the same bill that was presented to the House in 1971 as Bill No. 78. Members will recall that the bill is designed to bring about changes in the Act as it deals with vacancies in council arising from disqualifications, and particularly in cases where the courts have decided upon the question of disqualification. Members will also recall that from the time the bill was introduced last year, there was an understanding that it would be referred to the Standing Committee on Municipal Affairs for consideration between sessions so that the Committee would have ample opportunity to hear representations thereon and to make representations accordingly.

(MR. PAWLEY cont'd)

In its report the Committee recommended that the bill be reintroduced with the important difference that a person would not be required to forfeit his seat immediately but would be required to absent himself from council meetings until all appeals had been exhausted. The Committee also recommended that there might be some time limit on appeals. The bill before us now endeavours to incorporate the provisions of the 1971 Bill 78 and the recommendations of the Standing Committee on Municipal Affairs. The amendments proposed in the bill support the following propositions.

First, a member of council who is convicted of an offence, or against whom a judgment is obtained under a provision of the Act that provides for disqualification from holding office, forfeits his seat on council and the seat is thereupon vacant but only after all appeals have been exhausted or no appeal has been commenced within 30 days of the date of the conviction or judgment.

The member shall absent himself from council meetings and shall not perform any duties or functions as a member of council between the date of the conviction and the final disposition of any appeal. All references to disqualification of persons convicted from running from office or voting in municipal elections has been removed. This makes it possible for a member of council whose seat has become vacant to run for election, to fill the vacancy, and for the electors to decide whether they wish him to return to office.

The privilege of vacating his seat by disclaimer is restricted to a member of council who does any act or thing for which he vacates his seat but upon which there has been no action before the courts. If he fails to disclaim, action may then be taken against him by petition.

Where the membership of the council is reduced by vacancies, the Minister may in certain circumstances reduce the quorum required in order that the council may conduct business but not below three members.

Where vacancies occur the Minister may appoint a temporary administrator for the municipality and suspend the powers of the remaining members of council until the vacancies are filled at which time those members of council would resume their responsibilities. It is anticipated that this bill when amended will remove a great deal of the uncertainty and concern about vacancies on council, particularly from those arising from decisions in courts.

MR. SPEAKER: The Honourable Member for Charleswood.

MR. ARTHUR MOUG (Charleswood): Mr. Speaker, Bill 46 for the most part was discussed in Municipal Affairs Committee and I am sure as the Minister well knows we went over this, there were several things that we debated at that time, had changed, and for the most part of the bill we on this side agree with it and certainly are ready to let it go to Committee, and we have a few questions at that time.

MR. SPEAKER: Is it the pleasure of the House to adopt the motion? Agreed? So ordered.

The Honourable House Leader.

MR. PAULLEY: 47, Sir.

MR. SPEAKER: The proposed motion of the Honourable Minister of Municipal Affairs. The Honourable Minister.

MR. PAULLEY presented Bill No. 47, an Act to amend the Municipal Act (3), for second reading.

MR. SPEAKER presented the motion.

MR. PAWLEY: Mr. Speaker, there are a number of rather important provisions in this bill. The bill deals extensively with changes in the requirements for, and procedures in dividing a rural municipality into wards. You will recall that when the Municipal Act was a new Act, it was introduced and passed in 1970, there was a provision in that Act dealing with the question of the distribution of population within a municipality and the division of the municipality into wards accordingly.

This provision is dealt with in this bill. Previously rural municipalities have been restricted to either four or six wards and a corresponding number of councillors. This restriction has been substantially removed subject to a minimum of four members of council to a municipality. The number in excess of four is left to the discretion of the council itself. The bill makes it clear that the period during which the ward boundary should be re-examined is that period between the time when each five-year census report is issued in the year in which tri-annual elections would normally be held. Whether or not the council of the municipality takes action to give effect to population quotient by adjusting its ward boundaries is left to the

(MR. PAWLEY cont'd) discretion of the council unless a petition of resident electors is presented, in which case such action becomes mandatory but is subject to the municipal board. I want to mention at this point that the formula that has been developed in respect to the division of municipalities into wards has been thoroughly discussed between the department and myself and the executive of the Union of Manitoba Municipalities in a committee that they had established in order to discuss ward boundaries, and I think I should report to the House that there is total agreement between the Union of Manitoba Municipalities and ourselves in respect to the proposals in this bill, and I have enjoyed excellent co-operation from the executive of the union and we've shared views back and forth and it's from those discussions that we have been able to arrive at the formula that's outlined in the bill before you.

Formerly all by-laws dividing a municipality into wards increasing or decreasing the number of wards, altering the boundaries of wards or abolishing wards were required to be submitted to the municipal board for approval and this bill seeks to amend the Act so that questions of this nature will go to the municipal board only in cases of appeal, not automatically as was the case in the wording of the old Act, but only in the event of appeal.

An equal number of councillors will continue to be required from each ward but rural municipalities are no longer restricted to one councillor from each ward. In cases where there are no wards the present provision whereby an even number of councillors must be elected in each municipality will be repealed. Councils may, as previously, increase or reduce the number of councillors but upon this bill being adopted the by-law will no longer be required to be submitted to the municipal board for approval except on appeal. The only requirement now will be that the by-law is to be filed with the department for record purposes.

A provision has been added to the division of the Municipal Act dealing with community centres making it possible, and I think the Honourable Member for Pembina is interested in this provision, with community centres making it possible for a municipality to enter into a joint use arrangement with an agricultural society and to raise money for the purpose of construction and maintenance of agricultural society buildings and equipment in the same manner as the municipality can do now in connection with its own property. This is done because buildings of this nature lend themselves to joint use and agricultural societies can obtain federal loans and provincial grants that are not available to properties owned by the municipality.

As members know Professor Barber has been appointed as a commission of one to inquire into all aspects of the province's social allowances and municipal assistance programs. His report is expected this fall and depending upon the content of it there may be important changes in the content and administrative procedures involved in those programs. In the meantime it is important that all municipalities be dealt with equitably within the existing financial and administrative structure. It appears that some municipalities have repealed or have refused to pass by-laws providing for municipal assistance to persons in need. While in some cases this may be done with the intent of shifting the administrative responsibility for municipal assistance to the province, it would appear that in other cases it is the intention to withdraw from both financial and administrative responsibility in welfare programs. It is appreciated that there are areas of dissatisfaction and misunderstanding in connection with the program as it presently exists, but it is sincerely hoped that municipalities will work along with the government in continuing with the Municipal Assistance Program as it is now structured until such a time as the Barber Commission report will be received and acted upon.

In order to assure that the existing programs will continue in their present form it has been found necessary to introduce in this bill an amendment to The Municipal Act making it mandatory that a municipality provide by by-law for granting municipal assistance to any person in the municipality who is found to be in need and who is not qualified to receive provincial social allowances. The entire question has been discussed with the leaders of the municipal organizations in the province and positive steps are being taken to assure that the commissioner will have ample opportunity to hear the concerns of municipal officials in respect to the general question of municipal assistance.

Also in the bill is an extension from June 1st to June 15th of the time within which a municipality is required to finally pass its tax levy by-law. This will accommodate the large majority of rural councils that meet once each month, usually in the first or second week of the month.

Finally there is a separate definition for mines and minerals as that term applies to the part of the Act dealing with tax sale lands. This is designed to remove ambiguity in cases

(MR. PAWLEY cont'd) where tax titles issue with respect to properties, the title to which did not previously include mines and minerals.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Speaker. You know, Mr. Speaker, the Minister of Municipal Affairs has presently not completed his tour of the province where he is visiting the various areas of municipal government and I think probably it's ironic that he should be called upon to bring this bill forward at this particular time because the contents of this bill in comparison to the previous bill which was just brought forward is rather significant in that the dulcet tones of the Minister in his introduction of this bill will do nothing to allay the fears of the municipal corporations in Manitoba about the intent of this government, and the manner in which they intend to transfer responsibility, which is probably a legitimate provincial responsibility, but their intention to transfer it to the municipal corporations, and at the same time through other legislation inhibit the municipal corporations from bringing forward proper budgets and authority to levy and assess for the responsibilities that have been thrust upon them by the legislation of the province which is inherent in this bill.

Mr. Speaker, when the Minister says that he has total agreement from the municipalities with the contents of this bill and he said that and I quoted his words . . .

MR. SPEAKER: Order, please. The Honourable Minister on a matter of privilege.

MR. PAWLEY: Mr. Speaker, I think it's very important that I clarify. I did not say I had total agreement. I would not want to leave that impression. I said there was total agreement with the executive of the Union of Manitoba Municipalities in respect to that portion dealing with ward division boundaries. I never indicated at any time that there was agreement in respect to the particular area that the Honourable Member for Birtle-Russell is dealing with now. I indicated that there had been discussions, frank exchange of view, and that they were fully aware of the contents of this bill, as in fact have the various district meetings in which I have been addressing, been informed of the contents of the bill.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Speaker. I thank the Minister for his explanation because the original words of the Minister I was quite sure did not convey to the Legislature, or in fact to the people of Manitoba, the actual feeling of the people in Manitoba.

MR. SPEAKER: Order, please. The Honourable Minister.

MR. PAWLEY: I am not attempting to come to any feud with the honourable member but he is in fact, repeating in different words, that I had in fact led the House to believe there was total agreement. I want no doubt, I want the honourable member to leave no doubt that those were not my original words, and in fact I will read for the record of this House what my original words were.

MR. SPEAKER: Order, please. Order, please. We'll accept the Honourable Minister's words that he did not say that. I think the Honourable Member for Birtle-Russell should take heed of what has been said. We do accept the gentleman's word in this House. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Very well, Mr. Speaker, I'm sure that the record of Hansard will show

. . . . MR. SPEAKER: Order, please. Order, please. Let's not have a debate over whether we will or will not see something in the future. Let us be gentlemen and accept each others words and later on we can make amends if it's necessary. I would hope the honourable member would heed what I am saying. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Speaker. I had already indicated that I accepted the Minister's explanation because, Mr. Speaker, what the intent of this bill is, as I see it, and the words of the Minister in his explanation are in fact two different things. We have found that the Minister has said that those people in the various municipal districts of Manitoba who are not qualified to receive provincial assistance under our social assistance program will now, if this Act is passed, be able to go to any municipality which, via this Act, must by by-law provide for assistance for the residents of that municipality or those people found therein. And, Mr. Speaker, that could include any resident of the Province of Manitoba, any resident of the Dominion of Canada, or any visitor to the Dominion of Canada. There is no qualification in this Act which demands that a person be a Manitoban, that he be a Canadian, or a resident of North America. It says that the municipality has the responsibility, by law imposed by this government, that they shall provide irregardless of whether the province says they are qualified or not, in fact they made that stipulation, they said that this person who is not qualified to

(MR. GRAHAM cont'd) provide or to receive provincial assistance, is now the responsibility of the municipal government in question. Mr. Speaker, that type of legislation is neither consistent with the views of the government, the political party that is in power in this province, nor is it consistent with the views of any political party that I know of in this House, nor is it consistent with the views of any political party existing in the Dominion of Canada, because the responsibilities of a municipal government have been throughout the years spelled out in a manner which is far different than this amendment that the Minister proposes.

Mr. Speaker, as a representative of an area which has several municipal corporations both of a rural farm agricultural nature and the smaller urban nature, I know of no municipal corporation in my area which would support this type of legislation, nor do I know of any municipal corporation within the Province of Manitoba that would support this type of legislation. But at the same time, Mr. Speaker, every municipal corporation in the Province of Manitoba realizes that they have a responsibility and they have a desire to act in the interests of the people which they represent.

Mr. Speaker, in the past I have said that if I had any influence on the party that is in power and the party that has the capacity and the ability - and that's questionable sometimes - to make the laws, I would support the idea that the administration of welfare should be the responsibility of local government. I believe that the bureaucracy that has built and promulgated, and in fact encouraged by the present government, in the field of social assistance has not got the interests of the local people at heart, and I believe that to achieve efficiency in the field of social assistance that it must be administered at the local level but at the same time, Mr. Speaker, if the province, and we understand by the contents of this bill that they have the intention of putting that responsibility at the local level then they also must assume the responsibility for the financial assistance for that type of program.

Mr. Speaker, I find no evidence in this Bill or any other Bill that is before this House at the present time where the formula that has existed in the past will be changed to further assist the local government in the carrying out of their duties. And I say to you, Mr. Speaker, that if you're going to change one aspect of the law you have to change the other aspect of the law, that it is not right to put all the responsibility on the hands of the local people without providing the financial assistance to provide the wherewithal.

Mr. Speaker, I speak as a farmer, I speak as a worker; Mr. Speaker, I speak as a humble citizen of the Province of Manitoba. That not only must justice be done but every indication must be shown that attempts be made to prove beyond all suspicion that justice be done. And I would suggest, Mr. Speaker, that the contents of this Bill do not leave that impression with the people of Manitoba, with the local government authorities who are charged with the every day carrying out of responsibilities within the community. Nor in fact with the members of this Legislature who are charged with the larger responsibility of seeing that equity, justice and honour be carried out in this House.

MR. SPEAKER: The Honourable Member for Charleswood.

MR. MOUG: Mr. Speaker, just one or two brief remarks in regard to the Bill. I feel that some of the very important portions were brought up by the Member for Birtle-Russell and that as far as social assistance is concerned and the administration, be it with the municipality, be it with the government, I think the important part is to leave it in the hands of the municipality at all times and wherever possible. I think if the government is going to step in once more and widen what is happening in today's society and in our province I think that our problem and our budget and costs are going to increase as they have done over the years, that this will only further the problem that we have today. I think that the local authority in every case knows far more about administering and paying out welfare in the localities than does the government who runs it from that much larger an office with the less knowledge of who they're giving it to. In certain areas of this Bill when they refer to "found in", I think you're going to find people moving in, especially with the larger city we have now with half the population living in Winnipeg you'll find from all areas of the province, people come out of Thompson, out of the mines with a few dollars they've put together from the six months stay there, come into the City of Winnipeg, get rattled in with a group where they lose that money, and all of a sudden after simply maybe two weeks or a month they become a ward of the City of Winnipeg. I don't think this is the responsibility of the City of Winnipeg, it's a breeding ground, the larger the city gets, it's a breeding ground for these groups to get together, where the people are into the pockets of those who come in with the few dollars they've put together in a six-month stay up north or in some gold mines in the west and they come in here,

(MR. MOUG cont'd) although their home grounds may be Dauphin or The Pas or Brandon and that area has responsibility for them for the period of six months or a year. They come in here and within a very short time -- and there is Mickey Mouse back over there again, shooting off his face as usual with nobody listening to him, and never able to get up off the bench and speak but simply wants to say that a member from this side of the House is very unimportant. When the Member from Birtle-Russell said that he was a farmer, a hard worker in this province and a humble citizen, he suggests it's very unimportant. Well I would have to say to you, Sir, if there's anybody more unimportant in this Legislature than the Member for St. Matthews, I would have to do some seeking through here. I don't believe I could find it. If there's an absolute nothing in this Legislature, Sir, I would have to say he would be the first, and if he wants to interfere with me when I'm speaking . . .

MR. SPEAKER: Order please, I would hope the honourable member isn't charging another honourable member in this Assembly, I would wish he would reconsider his words. This is not part of the procedure of this Chamber and I'm sure the honourable member is aware of this.

MR. SPEAKER: The Honourable Member for Charleswood.

MR. MOUG: Well, Sir, you put me in a bad spot because if I was to reconsider them I would probably come out, you know a little more emphatic with what I said, but certainly with your say so, I'll withdraw that.

I want to try and say that an area like the City of Winnipeg of course is the area that this is drawn to. Welfare is a far greater problem in the City of Winnipeg and if it is not properly administered or administered it's certainly going to get out of hand far worse than it is in the present day and if the government has the power to deduct from the municipalities the grant that they have coming back, the 80 percent or the 60 percent that they have, the portion of the welfare that they've handed out in the municipality, be it Dauphin or Brandon, as I say, they are going to be suffering in those areas.

We in Charleswood had that problem some time ago but fortunately we weren't administered with the amendments to the Act that are listed in Bill 47 here, and certainly if we had of had those we would have been far worse off. But I say with those few words, Sir, that certainly the problem, not in the City of Winnipeg but outside the City of Winnipeg, in the other urban areas, the other RM's throughout the province are going to be stuck badly with this Bill. I'm going to let it go at that because I think it was well covered by the Member for Birtle-Russell.

MR. SPEAKER: The Honourable Member for Churchill.

MR. GORDON W. BEARD: (Churchill): Mr. Speaker, I'm not going to be very long but I would like to talk about instant towns. There has been some reference made to people from the north becoming welfare recipients in the City of Winnipeg. I can't really see that. For one thing as far as I'm concerned when you get instant towns you must stop and reflect where those people come from in the first place. The communities provide the opportunity for people to get off welfare in large communities such as Winnipeg and I think it is an opportunity for large areas such as Winnipeg to reduce the welfare areas. I think towns and communities such as Thompson and Flin Flon and the other mining groups, Lynn Lake, are good areas which also can administer their own welfare much better than the province can, and I would go along with that. But in no way, in no way, Mr. Speaker, would I want the impression left that the north is responsible to any -- the north is not responsible for the growth in the welfare in Winnipeg or in any other area in the south. As far as I'm concerned the north has done more than its share to lift the load of welfare which the Province of Manitoba is carrying today. --(Interjection)-- I'm positive of that, Mr. Speaker.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Speaker, I beg to move, seconded by the Honourable Member for Assiniboia debate be adjourned --(Interjection)-- I'm sorry.

MR. SPEAKER: The Honourable Minister of Colleges and Universities.

HON. SAUL A. MILLER (Minister of Colleges and Universities) (Seven Oaks): Mr. Speaker, if the honourable member doesn't mind perhaps I might comment on some of the remarks that I've heard in the last few minutes on this Bill, and the remarks particularly from the Member from Birtle-Russell who very piously gets up and tells us about the great concerns of his people for other people, but apparently it doesn't extend to the point where they feel any responsibility toward helping their fellowman, because he's objecting to the provisions whereby

(MR. MILLER cont'd) what we are doing is preventing the erosion which might be taking place - it is taking place - whereby municipalities can rescind by-laws which have been in existence for years, rescind the by-laws and simply opt out, opt out completely from paying welfare where the need is there and where they do not qualify for Social Allowance, and he makes quite a to do about not qualifying for Social Allowance. Perhaps the member doesn't know, but Social Allowance under the Canada Assistance Plan is very selective, it deals with the aged, disabled, blind, deserted women, certain categories. The rest are handled and have always been handled through the municipal welfare set-up administered by the local authority. What is happening, however, is that some municipalities are as I say opting out of this and rescinding by-laws and some municipalities unfortunately have never had by-laws - and a case in point is Thompson. The City of Thompson has never had a by-law dealing with welfare. I suppose they didn't need one up until now. But I think it's completely unfair that there should be this sort of imbalance, the fact that some municipalities will recognize the needs of people and pay welfare and others won't, and all we're trying to do in this Bill is make it equitable across Manitoba.

And he is very concerned about people coming in from outside. The picture he paints of people coming into Winnipeg, and the Member for Charleswood also echoed it, coming into Winnipeg from Dauphin, and from Thompson and from Brandon, these outlandish people who come into Winnipeg and go on welfare. Now maybe if some of these municipalities had by-laws and maintained them then they wouldn't have to leave their municipalities and come into other areas, maybe they could live where they want to live and not be pushed out, because that is in fact what happens to them, they are simply being forced out in order to move into a neighbouring municipality where municipal welfare or allowances will be paid. So all that this Bill is really doing is covering a loophole which exists and which municipalities in some cases have taken advantage of and there is a great danger of great erosion in this entire field and if that erosion takes place and over the next few months more municipalities decide to opt out, and I don't think all of them will because I think most places and most people and most councillors on municipal councils do have a responsibility and recognize it, recognize that they are responsible to themselves, to their community and to the people they serve, but in those instances where they don't they can opt out and this is what we are trying to prevent. So this isn't some Machiavellian plot that we've suddenly cooked up, municipal welfare has been on the role for many years. The provision has always been there. There is cost-sharing with the province, there is cost-sharing through CAP with the Federal Government, it's all very clearly defined and is going to continue to be that way, but what we do have to prevent is municipalities stepping away from the responsibility, forcing people either to move out of the community in which they have always resided or having the local authorities simply turn their back on people who need help, who need the assistance but who are being denied that assistance, and this is all that this does. So that when the Member for Birtle-Russell tried to make a cause Célèbre out of this, I say to him he's really taking a very important but not very - an innocuous piece of legislation and ballooning it completely out of proportion to what it really is.

The fact is the Minister did mention that he had consulted with some municipal people, and I happened to be present at a meeting, I was called into a meeting where the Minister met with an Advisory Committee which consisted of representatives of the Manitoba Association of the rural municipalities, the urban municipalities, and the, I think it was Secretary-Treasurers Association. I explained this to them, the Minister discussed it with them, we explained the whys and the wherefores, why we have to move in this direction, what the problem is. They recognized the need for it, they saw the validity of it, and the Minister is quite right in saying, when he used the words "he spoke to the leadership", because we have to assume that the representatives of the executive of these three organizations are the leadership of the three major organizations representing the local authority. The Minister did meet with them, as I say I was there with him, we explained it and they know and understand the reason for it.

I gather also that at meetings in various regions that have been taking place in the last two weeks, the Minister has discussed this at regional meetings and as a matter of fact, there has been very little questioning of this particular section; they are all aware of it, again they know the reason for it. So when he says we're thrusting - I think that's the word he used, thrusting the responsibility onto the municipal corporations, nonsense, they've always had it, we want to make sure that they don't opt out and try to pass the buck onto some other neighbouring municipality but they face up to their responsibility.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, if the Member for La Verendrye doesn't mind, I wouldn't mind having the opportunity at this point in replying to the Minister of Colleges and University Affairs. We have noticed a somewhat subtle event taking place on the other side of the House. The Minister of Colleges and University Affairs has established for himself in this House a reputation of being a man of some ability and he has demonstrated that ability, but I think that the government are making a mistake if they think that they are now going to use that ability to cover up the inadequacies of other gentlemen opposite on the front benches.

The Minister made a valiant attempt to try and cover up something that is so obvious that I am sure most of the municipalities across this province haven't missed. The Minister of Municipal Affairs himself revealed what is taking place, notwithstanding the fact that - he talked about how he had discussed this matter with the municipal officials and how they had nodded their heads in agreement, that what he was doing is the right thing. The Minister can't resist simply to get up and dot every "i" and cross every "t" --(Interjection)--

MR. SPEAKER: Order, please. Order, please. The Honourable Minister on a matter of privilege. Would he state the matter.

MR. PAWLEY: The honourable member again is incorrectly referring to an original statement suggesting that I had indicated that the leaders of the municipal organizations had nodded their heads in agreement. No such imprint, no such statement was made by myself at any time, I reject any attempt to leave that impression in the Legislature.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: One can't help but be amused at the Minister of Municipal Affairs at the way he wants to dot the "i's" and cross the "t's". What the Minister did say--(Interjection)-- What the Minister did say, that there were frank discussions, and everybody knows the language of the diplomat - that originated with the Russians, when there are frank discussions everybody knows that there are disagreements and that is in effect what the Minister said - frank discussions. And he knows as well as I do that the municipalities are in disagreement with this amendment, and the reason they're in disagreement with this amendment is because of the interference of the Appeal Board. Municipalities if they're going to be given the responsibility of administering welfare in their particular spheres of activity must be given that responsibility to exercise it as they see fit not as some superimposed body sees fit. That is the disagreement that the municipalities have, that is the disagreement that the municipalities have. They have no opportunity to exercise the jurisdiction, exercise the discretion and exercise the responsibility that is theirs in the municipality. What this government does is attempt to saddle them with the financial responsibility and then taking away from them at the same time the decision-making process. That is the objection, that is the objection to the amendment. --(Interjection)-- Yes, I'll permit a question from the Minister if he has one.

MR. SPEAKER: The Honourable Minister of Universities and Colleges.

MR. MILLER: Is the honourable member aware that the Welfare Advisory Board is a requirement of the Federal Government?

MR. JORGENSON: Well, I'm not going to make any distinction. As far as I'm concerned the Federal Government and the Provincial Government, one is as bad as the other. I see no great difference philosophically between your friends in Ottawa and the Provincial Government here. The fact is there is a body that is superimposed on the group that are supposed to be taking that responsibility. They in fact do not have the right to make the kind of decisions that they see fit within the municipalities. That is the objection and it's a valid one. If that can be met then I don't think there's going to be any great objection to this. But you can't simply tell the municipalities that they're going to be responsible for everybody that falls over the boundary of the municipality from a point of view of administering welfare to that person without giving them some opportunity to raise the kind of money that is necessary to administer that responsibility.

The Member for Birtle-Russell put it very clearly. You can't have it both ways. That's what you're expecting the municipalities to do, you're expecting them to take care of everybody that comes into the municipality without giving them the financial resources to do so. There's a valid objection here, the Minister hears it whenever he goes through the province as he has been in the last week or so listening to those frank discussions -- and we all know the language of that terminology, and he's in difficulty. I tell you, Sir, that the municipalities must be given a better deal than they're going to be getting under the proposed amendment that the Minister is suggesting at the present time.

MR. PAWLEY: Will the honourable member submit to a question?

MR. JORGENSEN: . . . even the asinine questions of the Minister of Municipal Affairs are welcome.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Would the honourable member -- I know that he dislikes answering questions -- but would the honourable member advise me of one specific instance that he knows of where there has been objection to this legislation at any of the district municipal meetings in the past ten days - one specific instance - despite what he said in the last five minutes.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: The Minister himself has been attending the municipal conventions. I have not. He talked about "frank discussions", and I repeat again, we all know what frank discussions mean. That means that there are disagreements, and in the areas that I represent, whether or not they have been at municipal conventions, the areas which fall into the boundaries of my constituency, there are disagreements and there are disagreements as well in other areas that have been brought to my attention. If that is the answer that the Minister is looking for then that's the one I will provide him. I have not been at the municipal conventions as he has.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GABRIEL GIRARD (Emerson): Mr. Speaker, I didn't really intend to enter into the debate but I wanted to contribute in the hope that the Honourable Minister of Labour could become one of my students and learn of the wisdoms that might flow from a teacher.

However, I would like to take exception with one of the suggestions made by the Minister of Universities and Colleges when he called this bill an innocuous piece of legislation. And the reason I suggest that, Mr. Speaker, is that there is a very fundamental principle that is changed by this particular piece of legislation. We have in Manitoba for some time respected the autonomous control that was given in previous legislation to municipalities, but in the past few years we have seen measure after measure which disrupts the kind of autonomous relationship that existed and is rather being dictated by the Provincial Government. If we follow the bill, the principle outlined in the bill one step further what we find is the possibility of central control rather than what we have now, a number of municipal governments, and on that basis, Mr. Speaker, I object to the bill very strongly, at least the principle of it, and I certainly would not be prepared to support this kind of measure unless I heard from the municipal people themselves that they somehow applauded for reasons that I don't yet know.

One more item I would like to suggest that did not come out in the discussion this far, Mr. Speaker, is that if we examine the outcome of the bill very carefully it might be to some degree legitimate. I suspect that the reason why this kind of measure would be proposed by the Minister of Municipal Affairs is that he feels at least that an unfair number of welfare recipients migrate to Winnipeg rather than remaining in their own municipality and this creates problems for the City of Winnipeg in terms of finances, which is quite understandable. Now again we find a situation where we are wondering who should pay what. If the objective of the bill is to alleviate the tax burden on Winnipeg, might I say again that the only fair way to analyze this kind of problem and bring about the desired solution is to look at the tax burden that is levied on municipalities outside of Winnipeg and then decide if it is a justifiable measure or not. If that is the basis on which the measure is proposed, I suggest, Mr. Chairman, that many more details should have come out during the introduction of this bill.

In principle I object to the undermining of the autonomy that existed in the past, where municipal governments made up of well-meaning citizens knowing the locality well could make a judgment on whether or not welfare recipients were paid. What we are doing by this bill is telling those people you've done a lousy job and we're going to dictate to you what to do in the future. I object to that kind of principle.

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

MR. EARL MCKELLAR (Souris-Killarney): Mr. Speaker, I should like to say a word and want to thank the Member for La Verendrye giving me permission. I do have to attend a meeting tomorrow in Somerset - tomorrow morning - and I thought I'd just say a word at the present time.

Much has been said already from members of our group on the particular section dealing with welfare and I have had some experience dealing with this particular . . . and there are municipalities in my area who have withdrawn their welfare by-laws. And why did they

(MR McKELLAR cont'd) withdraw their welfare by-laws? For a simple reason. That every time that a person came to them for welfare the person wouldn't accept it because for the reason he could to to Brandon and get a lot more. It's got so bad now, Mr. Speaker, that welfare people are not supposed to live in a house if there isn't a flush toilet, and this is unusual because there's lots of farmers living in houses without flush toilets. But no, if you've got a house in a small town you don't keep the person there, you move them to Brandon where there's a flush toilet in every house. And I don't deny people that privilege but there are lots of lovely homes in the rural parts of Manitoba but they're not good enough for the people who have to have assistance from the municipalities or from the Government of Manitoba.

Much was mentioned last year on our trips around the province in studying local government districts about their financial resources and their ability to look after people who needed help and I think they got a lot of sympathy from the members who were on that particular committee because we all realize that these municipalities and local government districts have very low assessments because much of the land is owned by the municipalities -- or I mean the government, the Crown -- and it creates a real problem, but yet we don't see any assistance coming from these local government districts.

One of the great philosophies of the socialist party, the New Democratic Party, when they were on this side of the House, said land should look after land and the government should look after people. In other words education should not be financed by land - welfare should not be financed by property or land. But what are we getting into? We're back in the same old boat on education and we're back in the same old boat here on welfare where the property is expected to pay for the welfare costs of the Province of Manitoba. We had a wonderful opportunity in education to take off the mill rate and we've got a wonderful opportunity here for the government to pick-up the welfare costs of the Province of Manitoba. And they do pick up a large share of the welfare costs, and I'm told - I don't know whether it's been changed lately - they pick up everything or 80 percent over one mill from the municipality. But the problem is, the problem is in some municipalities - and it doesn't happen in the one I live in because we have very little welfare - but that's not to say we won't because conditions change from time to time. But the problem is that people moving around from area to area where it makes it so that in some cases it's difficult to locate and track down and to bill the other municipalities. This is a problem among some municipalities.

Another problem is, as mentioned by the Honourable Member for Morris and I had some experience in this too, where a person who is in ill health, around 60 years of age, went to the department to get some assistance. He only needed a small amount - less than \$100 - but he was turned down. He appealed the case and what happened when he appealed it? - he got about twice as much as he originally asked. Now I don't say that he can't spend the money and I'm not saying he isn't pleased, but the problem is that it made the social workers that regularly dealt with the case look bad, it made them look really bad because they wouldn't give the individual anything. The municipality had offered to help this man up to a smaller proportion than what he had originally asked for but in any case when it came before the Advisory Board he got a lot more than he originally intended.

Now I don't know whether that's happening all over the province but it does create a problem, it does create a problem as the Honourable Member for Morris mentioned, where an appeal board or an advisory board can come out and hold a hearing and give an individual person financial assistance where he had already been turned down by the municipal government. If the municipality are going to accept responsibility such as stated in Bill 47 I think there's got to be another type of appeal board, one that involves municipal men, not men appointed by the government of the day. I think that's part of the answer to the problem - an appeal board set up by the municipalities within the Province of Manitoba. They in turn understand the financial resources of most municipalities and would deal accordingly with the particular problem.

Mr. Speaker, I know there's many other sections to this particular bill. Being on the Municipal Affairs Committee I'm going to ask many questions dealing with the various sections, sections that have been appealed, sections dealing with Agricultural Societies and other sections in this particular bill. But in closing, Mr. Speaker, I want to say one thing. Mention was made the municipalities have not questioned this particular bill. Well it's quite true, I don't know how many members in this Legislature sent copies of this bill out to their individual municipalities, but I would imagine if you did sent them out, with the council in the rural

(MR. McKELLAR cont'd) municipalities meeting once a month that most of the councils have yet to hear about this Bill 47. Now I'm not saying the Minister didn't explain it but I know how long it takes the council if they have to sit around the table and talk these things over before they really find out. They go to these meetings and they get a lot of information but it's only when they go home and look at the fine print in the particular bill will they understand it. In the second reading of this bill, the explanation being this evening, I think it is impossible for most of the municipal men in the Province of Manitoba to have a knowledge or any interpretation of this particular bill. I imagine that after this bill gets into committee -- and I hope the Union of Municipalities are here, the Urban Association are here in committee to express themselves on the various sections in this particular bill because there are many many changes - and I hope that by having their knowledge and their expression of view that the committee themselves will be better informed how to vote on the particular sections.

So thanks again, Mr. Speaker, for having the privilege of saying these words and also to the Member for La Verendrye for letting me speak.

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MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I just want to put a question to the honourable member if he'll accept one. Is the honourable member aware of any cases where the Provincial Welfare Appeal Board has given a person an award of welfare which is not in accordance with the regulations set out for the Province of Manitoba as to what people are to receive?

MR. McKELLAR: I'd better read - one way to answer this is to read this particular section up here - basic necessities - and this is the problem.

MR. SPEAKER: Order please. Order please. On second reading we are discussing the bill in principle, not any section. The Honourable Member for Souris-Killarney.

MR. McKELLAR: One of the problems, one of the problems of welfare - if you had a hundred different social workers, you are going to have a hundred different policies; and no matter what it says there, this is actually what happens. Your welfare in Winnipeg is a very high standard; your welfare in Brandon is not as good, but when you go out to the rural municipalities you've got lesser standards because it just happens that way. And I often wonder whether the social workers if they think they're getting out of work - now I'm not saying this, but it's quite possible they want to retain their job, and one way to retain their job is to have more people on welfare. But as sure as I'm standing here, Mr. Speaker, it's no different than any other occupation, whether it's teachers, lawyers or insurance agents or whatever it may be - you are going to have as many different standards as you are people employed, and I don't see how you are going to level it off. It's pretty well impossible in my opinion.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, a supplementary question - is the honourable member aware that the Provincial Government has regulations which set out the exact amount that families are entitled to; persons with children are entitled to; the amount for home allowance. And I am asking the honourable member whether he is aware of any decision of the Welfare Appeal Board which has awarded a welfare recipient an amount which isn't provided for in the regulation - is he aware of one?

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

MR. McKELLAR: Yes, I can answer that, yeah. I sat with the Brandon office - and I deal with them quite frequently - and she proved to me in one hour why she couldn't give this individual in my constituency one dollar - and when the Appeal Board 15, 20 minutes - no problem at all. They got a cheque a month later. And I can't figure it out, all I'm saying if the persons that get turned down anywhere, if they want help - and maybe I shouldn't say this because I might hurt somebody's cause; they might tighten up on it - but if you want to get welfare, just go before the Appeal Board, that's all you do - that's all you do - that's no problem.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Is the honourable member aware that the Appeal Board has turned down more cases than they have allowed?

MR. SPEAKER: Order please. Order. We are starting to have a debate through a series of questions. It is not an area that the honourable member spoke on. The Honourable Member for Inkster is opening up a new area of debate by a question. It is not one of our procedures. I would suggest the honourable member rephrase his question if he has one. The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I'm not going to make a long drawn out speech on welfare or the Welfare Appeal Board, but I do want the honourable members to know that it is my impression that the Welfare Appeal Board is designed to see to it that the welfare regulations as provided by the Provincial Government are followed. That's all - they have no power to increase welfare; they have no power to decrease welfare - and I think that if honourable members are aware that the Welfare Appeal Board has done either of those two things, they should make the Provincial Government and the Department of Health aware that the Welfare Appeal Board has not followed Provincial Government regulations.

Well, the honourable member should also be aware that the Welfare Appeal Board - he said, Mr. Speaker, that anybody that needs help, they can't get it - go to the Welfare Appeal Board. I want the honourable member to know that at my last knowledge - and I'll admit that that doesn't go into yesterday - the Welfare Appeal Board has denied more cases than they have allowed. Somebody says "no way". You can go into the Department of Health, walk into the office, ask for the figures and I'm sure that they will be presented to you. You won't be able to get the figures on which person it was that applied, but you'll be able to get the figures

(MR. GREEN cont'd) as to the number of appeals; the number of appeals that were allowed; the number of appeals that were turned down. And I'm sure that the exaggeration, Mr. Speaker, - I know how this supposition arises; I know how this supposition arises - that in many municipalities there are people who have been administering welfare on a very localized basis. I'm not criticising them for this - it's been done on a very informal basis - somebody comes in for help and they are given let us say, \$20, \$30 to carry them over - things of that nature - and they have come to believe that that is the way in which welfare has to be administered. But any citizen of Manitoba by virtue of federal law, which says if you don't do this - and by the way, I'm not going to back away from him. I believe it's also - not only is it Federal Law - but contrary to what the Honourable Member for Morris says, I also think it's right that any citizen of the country who is entitled to apply for assistance, and the rules are set out who are entitled to assistance are set down - and contrary to many other members of this House, I don't believe that every, you know, that the majority of citizens are just dying to live off the dole - that everybody is trying to go at the public trough. I happen to think that the majority of citizens of this province wish to work - that they wish to work not only for the purpose of contributing to society, but fulfilling their own selves as human beings, that they wish to work. And that the conditions - the Honourable Member for Rhineland, you know, he can say what he likes. I am telling you that I believe that every human being is born with a spark of dignity and that that spark of dignity wishes to burst into a flame, and that the only reason that it doesn't is that somehow - not Socialism - Mr. Speaker, Mr. Speaker, let me tell the Honourable Member from Morris that the dole did not start with Socialism. It was created with, created by and it has survived by and it has existed by what he calls the free enterprise system.

The dole is an essential element of the free enterprise system. The free enterprise system philosophically says, philosophically says; the free enterprise system philosophically says that wages must be kept to a minimum; that the minimum must be so low that numerous people will be applying for the same job; that this will result in a whole group of people, a pool of unemployment; and that if we are to make sure that that pool of unemployment does not kill us and rob us and steal from us, we must give them the dole. That is the philosophy of the free enterprise system. You can read it. You can read it in Malsus; you can read it in Ricardo; you can read it in Adam Smith; you can read it in any of the economists who have talked about the free enterprise system - there must be a pool of unemployment, wages must tend to a minimum. And then for those that are unemployed, in order - not because we are humanitarian; not because we want to be nice to them; but to make sure that they will not steal from us, we must give them enough to survive. That is the philosophy of the free enterprise system and the dole started, Mr. Speaker, in its most sophisticated form - well the honourable member should read something, the Member for Sturgeon Creek, because the dole started in one of its most sophisticated forms in England under - I think the Honourable the First Minister would know the name, and if I'm wrong, he'll . . . it's Speedingham Law, Speedingham Land system in England where they said that everybody had to get - listen to this - a guaranteed annual wage - 1795. --(Interjection)-- Well, Mr. Speaker, it started at that date - it started at that date; it has continued at that date, and under the previous Conservative free enterprise administration - you know why - does the Honourable Member for Sturgeon Creek know that the Minister, the former Minister of Welfare, the Honourable Mr. Carroll was removed from his post because welfare was skyrocketing. Those people who are over there know it; they had to change it because they were giving out too much welfare. And the fact is that, Mr. Speaker, under every free enterprise system that we know of, the dole and welfare has increased and increased and increased. And under the so-called socialist system, they haven't had welfare, you know what they've had, they've had full employment or relatively full employment.

Oh, Mr. Speaker, they move out. You know, the honourable member always has an answer. They don't move out particularly out of Sweden; they don't move out particularly out of the western European countries that have adopted a large measure of what the Honourable Member for Morris would call socialism. They lived there, and the fact is that they don't have the welfare problem that is created in the free enterprise system. But you know, you throw me off on a tangent, the fact is that the Federal Government has a law which says as follows. It says that we will pay 50 percent of the cost of social assistance. That social assistance has to be administered in such a way that every citizen of the province that receives it has to know what social assistance is available, and has to have a right to appeal from the authority which refuses him social assistance. And then an Appeal Board is set up, and all they can do, Mr.

(MR. GREEN cont'd) Speaker, - and I repeat, all they can do is apply the Provincial Standards, they can't go less - they can't go over. If the honourable member knows that they have done so, let him indicate that they have done so.

The Honourable Member for Thompson has given me the latest figures that he has on appeals for 1971; Municipal Appeals, 78 allowed, 90 dismissed. Now just to show you that my figures are not exactly right, provincial appeals - and this is the provincial, it has nothing to do with the ones you are talking about - 123 allowed, 109 dismissed, so on the provincial appeals -- it wasn't the way I spoke.

Now the Honourable Member for Souris-Killarney - you know I get up here, and I admit it, I admit it that one of my figures was out by 13. Now the honourable member is trying to say that he wasn't talking about Municipal Appeal. No, Mr. Speaker, he talks about the local municipality or the local guy who gives out local money, and he wasn't talking about those appeals. Well of those appeals 78 were allowed and 90 were dismissed. And, Mr. Speaker, the Federal Government says that if you don't do this - and by the way I agree with them - I don't say with the Honourable Member for Morris, the Provincial Government is bad, the Federal Government is bad; I believe that if we do have a system whereby we are providing social assistance and I don't like the system. I can tell the honourable member that - I'll repeat what I said when I was Minister of Health that it was not my proudest moment when I got up in the House and said that we had to increase the social assistance rates by 15 percent, that I was not happy about that. But on the other hand, I could not continue to exist with what I knew were starve rates on social assistance and they have been that way, they had sort of accumulated that way for many, many years. But I don't believe that our government accomplishes a great deal when it increases social assistance or has more people on social assistance, because I believe that that is a reflection of the failure of our society. But that failure didn't start with us, it started with you and, Mr. Speaker, it is inherent in the philosophy of the system which you keep on advocating. And once you have it, Mr. Speaker, then I agree - I agree that it should not be a measure of social assistance that he who comes in and talks nicely and holds his hat in his hand and says the nice thing to the particular local councillor, that he is treated one way; and that the person who walks in, or the local MLA or anybody else, that if you have to - and we all know what the expressions are - that if you have to come in and lick somebody's hand to get a dollar more, that that's not social assistance such as we want administered or such as I think the Member for Souris-Killarney wants administered. So we have to say that people will be treated equally and that's all the Federal law says, and that's all the Welfare Appeal Board says. And, you know, the Member for Emerson, I believe he was on the Welfare Appeal Board and he knows what that Appeal Board does --(Interjection)-- well, Welfare Advisory Board, I'm sorry.

But, Mr. Speaker, I want any member on the opposite side who knows that the Welfare Advisory Board or the Welfare Appeal Board has given out one more cent than they are required to do, I assure you that the Provincial Government doesn't want to spend that cent; will be glad to take it away. But I don't know of such a case, and I know that there is an intention here to create the impression - I've heard the chairman of the Welfare Appeal Board who is trying to do a job, I have heard her referred to as Lady Bountiful.

Well, Mr. Speaker, we had a man who I could put a name on - Mr. Grandiose - he gave us \$92 million in welfare, to one group of people who didn't need it - who didn't need it, and that was, yeah - so we'll call him Lord Grandiose, Lord Grandiose. That that's what we had, and that was good; that was elegant; that was nice; that was free enterprise. And now we have a few people who are on the verge of starvation, who the Member for Souris-Killarney says that the only way we can prove that they are entitled to welfare if they continue to have outdoor toilets. I don't know what the percentage of farmers are that still have pit toilets in Manitoba - I hope it's going down, but if the honourable member knows that there are a lot of them, then we know that for ten years of Conservative administration that all they left the farmers with in the Province of Manitoba is outdoor pit toilets - and that's something that I hope we can change; and I don't want it for a welfare recipient, and I don't want it for a farmer in Manitoba. I would hope that this society with all the wealth of resources that we have which can send out 200 million dollars worth of nickel resources, can have indoor toilets for its citizens.

I don't think that's something so unusual. And let us accept the fact that - and I wasn't in the House, but I know that the Member for Crescentwood apparently made a speech on this subject - once we start accepting the fact that every citizen who doesn't happen to have that

(MR. GREEN cont'd) spark of dignity in him ignited to the extent where he wants to contribute to society, and to the extent where he wants to contribute to making himself a better human being - that every citizen of that kind is our responsibility, and we lose by it; we lose more than he does - and that we should recognize that it is society's fault that this takes place, and not abdicate our responsibility by referring to them as decent human beings if they had the chance; or if something hadn't happened to them whereby they became sick maybe. And when I say sick, I don't mean sick in body, I mean sick in spirit - that they could have been contributing to making this province a better place to live in. And let's look upon it as each one of these people being a capable contributor to this society, and social assistance as being - yes, a blight that we want to get rid of - but not to people as being low-lives who have to be treated as if they were some type of leper.

I want to know when we are giving too much money, and I want to know specifically when the Welfare Advisory Board gives more than is provided by the regulations, because they are not allowed to. Well the honourable member says he didn't say that - what he did say, what he did say - he said anybody who wants more, go to the Welfare Appeal Board and you're sure to get it. Well of the municipal appeals, more were dismissed than were allowed. And, Mr. Speaker, I repeat, I am not an advocate of the welfare system; I never have been. I would like to see the day that we didn't have any welfare, but I know that the whole existence of the philosophy which is represented by the other side is based on there being a pool of unemployment with the dole to feed them so that they won't cheat and lie and rob from us. And that's the system that's advocated by the other side.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Thank you, Mr. Speaker. After hearing the Honourable Member from Inkster I think a few words need to be said. He blames society, and I certainly don't go along because it's this government that is to blame to a large extent, because he says people should have dignity, they should have pride; yet this very government denies them ownership, they discourage ownership. Look at Leaf Rapids, they're building a new town and they won't sell a single house, not a single piece of property to an individual. They're all to be renters; they're all to be transient people - and who will have pride in a thing like that.

When I take a look at the bill, the bill before us . . .

MR. SPEAKER: Order, please. Order, please. I realize everyone is interested in this most important bill, and we're having a lot of conversation amongst the members - but as your Chairman, I too would like to hear what all the members would have to say. Would they take their turn kindly and speak into the microphone one at a time? Right now the Member for Rhineland has the floor.

MR. FROESE: Yes, Mr. Speaker, the bill before us certainly expresses a complete lack of confidence in our councils in rural Manitoba, a complete lack of confidence and integrity of our councils. Why for the first time that this bill is brought in now, you spell out in detail form what the basic necessities are, the municipal assistance, the persons in need. This was never done before, this wasn't in the former Act. And we had welfare by-laws in rural Manitoba up until now - and many municipalities, people were looked after. Now all of a sudden we find that this is going to be made mandatory, that each municipality must have a welfare by-law. And not only that but you're going to spell out in detail just what you mean and what the municipalities are required to do. Surely those people have had experience for years; they know the situation back home better than you people do, yet you will spell out to them just what is meant by basic necessities. And it's completely spelled out - and I think I should read it out for the matter of the honourable members because . . .

MR. SPEAKER: Order, please. I would suggest to the honourable member the attack he is starting to approach is against our procedures. We discussed the bill in principle, not the details at the present time. The Honourable Member for Rhineland.

MR. FROESE: I think the previous member had a lot of latitude given to him, and certainly that this should be afforded to other members as well. As mentioned by one of the former members, it mentions here the people or person "found" in the municipality. Does this mean that we've got to start looking for welfare people? That's the impression left; it's not only in one section, it appears twice in the bill. Then we also find there is provision here - and it's more than a threat to the municipalities - that either you do this or we will do that and we will bill you for it. And that's exactly what the bill spells out; this is what the bill says -

(MR. FROESE cont'd) that if you people and new councils in rural Manitoba will not do a job and do a job to our liking, we will do this thing; we will make the payments and collect them from you and deduct this amount from your grants. This is what the bill says.

I notice there is another new provision in this bill dealing with land and minerals, and I would like to have an explanation from the Minister on this. He, I think, skipped it; he certainly didn't give an explanation on it. But under the certain section - I don't want to give the number, being overruled - but it says land does not include mines and minerals under the one section. Then under the other section there is mention made of minerals, but it appears that where it's not specifically named in the title that the person loses his rights to minerals. And, Mr. Speaker, if I'm correct and I think this has happened on many occasions; that when transfers are made of titles sometimes this provision was not carried over into the new title, and as a result people have lost their mineral rights if this goes into effect - because of that very fact that it was not included. And I feel that by putting this into the Act that we are depriving many of our people in Manitoba of mineral rights that they actually possess, but are probably not just listed in their titles, but at one time were listed. But because proper care was not taken to have them included that they were dropped, and as a result because of the legislation that we're now bringing in they will have lost it.

I just wonder - another thing, Mr. Chairman, why - and we have another bill - the Sand and Gravel Act - the real purpose is. Is it that this municipality government now intends to assess gravel pits and tax gravel pits and so on. Is that the intention of the legislation that is being brought forward. Certainly I hope I'll get the information and get the answers to it, because people west of where I live - certainly there are gravel pits and people have assets in this respect - but if the tax are going to be of such an amount that if they cannot dispose of minerals just readily, that they might lose their lands because of high taxes. Certainly at some time or other either when the Minister closes debate on this bill or on the next one, that we do get an explanation. Certainly I feel that - as other members have said - councils of the rural municipalities should have been notified of this, they should be aware of this so that they should come in and make themselves heard, because I'm sure that many of them will take very strong exception to this bill.

MR. SPEAKER: The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Mr. Speaker, in my appraisal of this bill, I do see some things that are good in it. I suppose probably the things that are bad is going to overshadow the things that are good, because I'm completely in agreement with some of it where there's sharing agreements with agriculture societies and things like this. However, the part that we have been discussing is a part that also bothers me too, and I'd like to refer to some statements by the Honourable Member from Inkster in which he spoke about CFI - and probably this shouldn't be dragged into it - but I'd like to say that possibly the First Minister is responsible for giving away \$80 million after he said that he had renegotiated the agreement and that he was satisfied to live with it. So if the Honourable Member for Inkster can bring this in. I think probably I should mention this too.

But as regards to this welfare bit, I'm sure . . .

MR. SPEAKER: Order, please. The Honourable First Minister on a matter of privilege.

HON. EDWARD SCHREYER (Premier) (Rossmere): Yes, Mr. Speaker, I believe, I am one who believes that if a member is going to rise in his place and make a statement about a member opposite, he had better know what he is talking about. And my point of privilege is that subsequent to my reference to the possibility of renegotiating certain sections of the agreement, I indicated publicly a matter of weeks later that no renegotiation was in fact possible because the principals did not in fact wish to make the changes after all. I made that statement publicly. The Honourable Member for Pembina should certainly know that.

MR. SPEAKER: The Honourable Member for Morris on a matter of privilege.

MR. JORGENSEN: Mr. Speaker, I should recognize no point of order, and any time that a member in this House has to get up -- the First Minister suggested that a member in this House has got to get up and know what he's talking about before he can speak. If that's the case, honourable friends opposite would be mute in this Chamber.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: The point of order that I persist in is that the Honourable Member for Pembina is referring to a public statement which was subsequently changed by events, and which I did make a public statement on at the time. And I do believe that under the rules of

(MR. SCHREYER cont'd) the House if an honourable member is advised that a public statement that he is referring to was superseded by subsequent events, then he should acknowledge that.

MR. SPEAKER: The Honourable Member for Pembina.

MR. HENDERSON: Well, Mr. Speaker, the First Minister may be right, but I am still of the opinion that after his administration took over that he did dole out \$80 million of it, and that he did have the power not to do it had he so choosed even if he had a . . .

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I don't know if the subject matter is one that you wish to allow, because it is in certain respects sub judice - but if it is permissible to make reference to it, I wonder if the Honourable Member for Pembina is aware that all - every cent of the money that was advanced was advanced pursuant to contracts which bear the signature of at least 13 Conservative Ministers of the Crown. Their signature and not mine.

MR. SPEAKER: The Honourable Member for Pembina. Order, please.

MR. HENDERSON: Mr. Speaker, probably this could be pursued further, but since it isn't relative to our debate . . .

MR. SPEAKER: Order, please. The Honourable Minister states a matter of privilege.

MR. SCHREYER: My matter of privilege is that I have been accused of responsibility for the forwarding of x millions of dollars in the case of CFI, and I say as a matter of honour and of privilege that the money was advanced pursuant to contracts that bear the signature of 13 Conservative Ministers of the Crown - and not mine!

MR. SPEAKER: Order, please. Order, please. Order. Order. I do believe that we should turn our efforts to Bill 47 and leave this matter for another day. The Honourable Member for Pembina. The Honourable Member for Portage on a point of order.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, I wish to speak on the same point of order. It seems to me about two or three days ago the Member for Rhineland attempted to talk about the subject matter that has just been discussed.

MR. SPEAKER: Order, please. The honourable member is reflecting upon a decision that was taken by this House as well as by the Chair. Order. And I cannot allow that. The honourable member's well aware of our rules. The matter was appealed and it was taken and decided upon by the members of this House; consequently it cannot be debated, neither as a point of order or any other way. --(Interjection)-- I thought the honourable member had stated that as his point of order, that the Honourable Member for Rhineland had wanted to discuss that particular issue. Now if that's what he's going to debate I must tell him in advance it's not possible. The Honourable Member for Portage.

MR. G. JOHNSTON: Well, Mr. Speaker, my point of order is simply this, that it would appear that certain members of the House can introduce a subject matter that has been dealt with and ruled out of order, and others cannot. And I would ask respectfully, Sir, that the ruling apply equally to all - and that's my point of order; that if one member - whether it's on this side or that side - can discuss a matter that other members cannot . . .

MR. SPEAKER: Order, please. Order. I am not going to debate the subject with the honourable member. But my interpretation of what took place the other day is altogether different from what the honourable member is mentioning today. And the ruling that was taken at that time, I believe, was adjudicated by this House and it cannot be debated. The Honourable Member for Pembina.

MR. HENDERSON: Well, Mr. Speaker, what I was leading up to was this clause in here in relation to the welfare program and the municipal participation in it. And I know how the municipal people feel about it, and how they feel about the Welfare Appeal Board, and this is where the area of division comes - because I'm sure that people in the municipal level feel that it's not done properly by the Welfare Appeal Board and by officials in the City of Winnipeg. In fact I am sure that many of them are of the opinion that many people are getting welfare which shouldn't be getting it at all, even if they went through the Appeal Board - and in many cases people that go through the Appeal Board do get more - not them all.

And I'd like to refer to an article I have here and which I read into the record earlier in the session - in which there was somebody appealed for work for welfare; and the municipal people offered him work, and he did not show up for work, but he was given some assistance to tide him over for awhile. Later he appealed again and he was offered work and showed up for just a short while, and then he didn't show up again - and as the result of this this man

(MR. HENDERSON cont'd) eventually took it to the Appeal Board. Now the Appeal Board heard his case - and this letter went to the Minister of -- to Mr. Anderson in the Health and Welfare Department. I want to read you a clause out of it: "The Appeal Board heard the case and gave great attention and weight to applicant's statements, but would not permit the Reeve to comment or clarify certain matters." Now this isn't my statement. It says here -- (Interjection)-- Yes, I will table it. And by the way I don't need to table it because it's a -- (Interjection)-- Yes, I do, legally I do-- but he has this letter in his office, because this is a copy of it. It went to the Department of Health and Social Services, and it says here: he would not permit the Reeve to comment or clarify certain matters.

Now this is the reason of this whole argument tonight, because the municipal people are not consulted in the way they should; and there isn't enough consideration given to it, because - as the Honourable Member for Inkster said - they don't give more than what it says in the Act. Maybe that's so, but the whole thing behind it all is that maybe they shouldn't be getting any at all. Maybe they shouldn't be getting any at all. Maybe they should be working, because if an able-bodied person appears for welfare and is offered work, isn't this what he's supposed to take?

So this is where the division comes in and this is the thing in this Act that's causing the whole argument tonight, and as long as it's this way - when you have Appeal Boards and social workers that don't seem to take these things into consideration. Now I've always said that they should go back to the administration of it, into the municipal peoples' hands - and possibly so as they should be even more responsible than they are, there should be some type of a cost sharing. But I would not say that the people on the municipal level should be overruled when they make proper decisions, and I don't believe that the Welfare Appeal Board are as capable of making the right decisions as the municipal people. I really don't think they are; and I think it's really wrong that a person or one person can be on the Appeal Board and make a ruling, when there's a board I think of about 15 members. Sure this may cut down expenses as far as people on the Board are concerned; there is only one person who's got to go, but that's not having an Appeal Board. And people that are on the Appeal Board and people that should be asked to appear are municipal people, and there should be a lot of consideration given to their statements. Now I don't think I'll say any more, so much has been said on this, but this is really the place where the division is - is that we do not feel that people in the city, the social workers are doing a proper job, and we don't believe that the Welfare Advisory Board is doing the proper job.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BARKMAN: Mr. Speaker, if I may change my mind - I think that so much has been said that it isn't necessary for me to adjourn this bill at this time if I may add a few words. I'm glad that the rules of democracy are still in action, that everybody is allowed to say what they wish to say especially if it's fairly close to the topic or to the bill at hand, and I am sorry that - first of all, there are a lot of good points in this bill. I must admit that as far as Bill 47 is concerned, there are some of these things that needed cleaning up, and I believe that are essential that they are in this bill. In fact, for a while tonight I wasn't so sure that one of the principles involved in this bill concerning the publication of notice of certain threats or certain things that are to take place in a municipality are to have a certain length of time, receiving at least two notices or one week after this next one. Perhaps some of these speeches that we heard tonight would have been well if we would have had a week inbetween, I'm not so sure.

However, Mr. Speaker I am very concerned with one of the principles that I am sure the Minister is concerned and all of us in this House are concerned, and I'm not sure but I feel the Minister should know and I feel that most members of this House do know the problem that may be created by asking municipalities after they have, in their own way, call it judgment if you like, but passed a decision that certain people should not have welfare that then these people have a right to apply to a Board, I see nothing wrong with that. But I do see something wrong - if any of the members in this Legislature have followed some of the hearings that have taken place, and unfortunately I have not followed enough and I do say that not all of them turned out that bad - but however, I'm very concerned that when municipalities with councillors or Reeves or mayors have to battle with legal help from the department of - whichever department's concerned - in this case you might say the Department of Welfare although it's not called that any more - then I think we find there are certain problems that they are just not ready to cope with. I'm sorry that with as many good things in this bill that are present, that this particular

(MR. BARKMAN cont'd) principle where the municipalities fail to grant assistance, that they are being scrutinized in this manner or in this way, and you may just about say that in many cases they are overruled before they present their case. Now I realize that this is not the intention of the bill and I realize that this may not be so, but we are dealing with a lot of municipalities that do not want to be pitted against high legal help and other ways of trying to tell them that you should have. I feel I know that members in this House are aware some of the municipalities run up against a lot of different types of problems.

The Member of Emerson's may be a rare one, but I think we could all name a number of cases where I wonder, I wonder if it's really fair to put these people in that position. I think this Act of this Bill could have been worded different as far as the one principle is concerned, and I do wish that when it gets into Committee that some consideration is given because I have no doubt in my mind, and I think all members will agree that in most cases we have very dedicated people heading our municipalities. I fully realize there are people in charge that don't always understand the needs and the cases that exist as far as welfare is concerned but I think in this instance we are putting it too bluntly. We are putting it in a position where it just seems that, well if you don't we may live 100 or 200 miles from where the problem exists but we can tell you better than your own people. Other than that, there are a lot of good principles, a lot of points in this bill that are acceptable, that will help not only housekeep or clean up some of the problems that exist presently, they are good, but when a thing like this appears I think, Mr. Speaker, you have heard enough tonight to realize that after all, these councils should have some authority, we do not wish to tie their hands completely, and where somebody may say like the Minister of the Member for Inkster, but they can appeal, which is so, but they don't always know the ways and means of doing this. So, Mr. Speaker, this is the reason I do not intend to adjourn it tonight to give the Minister a chance, I'm sure he will have something to say.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. FRANK JOHNSTON (Sturgeon Creek): Mr. Speaker, I move, seconded by the Honourable Member from Emerson that debate be adjourned.

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

MR. PAULLEY: Bill 62, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Attorney-General. The Honourable Minister.

MR. MACKLING presented Bill 62, an Act to amend the County Courts Act for second reading.

MR. SPEAKER presented the motion.

MR. MACKLING: Mr. Speaker, at the last session of the Legislature, Part 2 of the County Courts Act was passed which provides for a simplified procedure to adjudicate claims up to \$500.00. With the consent of the parties both county court judges and clerks, that is the clerk or deputy clerk, are now able to hear such claims and expedite decisions. Part 2 of the County Courts Act is presently restricted in its operation to Metropolitan Winnipeg but its jurisdiction is to be extended when suitable personnel have been trained and designated.

Several hundred claims are being processed which it is felt would not have come before the courts due to the expense of litigation, having in mind the amount involved, had it not been for the enactment of part 2. Experience has now dictated, however, that some amendments are necessary to these procedures and these are largely of a procedural nature. I might say that in discussing the volume of activity, the number of claims that have been processed, that the information that I have is that the number of claims that have been heard in the county courts of Winnipeg and St. Boniface up to last November 1st, attracted 1,385 claims; 1,025 have already been settled. This procedure therefore has provided an effective remedy for a substantial number of small claims.

Now the amendments that are proposed in this bill arising out of the experience to date dealing with this legislation, are as follows: A specific reference to forms of claim and counterclaim in the legislation which authorize the making, or rules, including forms by the Board of County Court Judges, is not necessary and is therefore to be deleted.

A further amendment provides for cross claims or counterclaims up to \$500, so consolidation of claims is possible for hearing between the parties. The amendment also makes provision that if a counterclaim exceeds \$500 and the excess is not abandoned, on proper notice a small claim could be discontinued and the dispute between the parties resolved in the ordinary

(MR. MACKLING cont'd) way under Part 1, that is a formal county court proceeding before a judge with court reporters and staff and so on.

Further provisions would permit claims to be filed not only in person but on behalf of a claimant to meet the practical problem experienced by the aged and the infirm. The amendments also provide authority for a clerk of the court or a judge to extend the time for service of documents in proper cases and provide where necessary for a method of substitutional service. At present the Lieutenant-Governor-in-Council appoints the deputy clerks to hear procedures under Part 2; the current amendment provides for a ministerial designation of appropriate clerks in the various parts of the province to hear small claims under Part 2. It is felt that with such an amendment the number of Orders-in-Council can be reduced and the more urgent designation of officials can be efficiently dealt with.

Further amendments recognize that there are not only claims up to \$500 but counterclaims against the claimants. The amendments will provide a whole mechanism in respect of both the claim and the counterclaim. The amendments also allow for the joining of parties with consent where contribution or indemnity is sought. Ordinary court practice provides largely for the joining of third parties, so that the third parties can cross claim and parties enjoined can have the matter dealt with at the same time. At present the Act provides, Mr. Speaker, for an appeal from the decision of a county court clerk to a county court judge by the filing of a statement of claim within ten days. The amendments will provide rather for simple notice of appeal to be filed and also authorize the clerk or the judge to extend the time for appeal in appropriate cases.

A further amendment allows for the making of an Order fixing security for costs where claim, a small claim is filed by a non-resident. The section also clarifies some ambiguity as to the method of awarding costs. The amendment provides that the party responsible for a claim being dealt with -- I'll take another run at that, Mr. Speaker, because the noise level in my immediate vicinity is rather strong.

The amendment provides that the party responsible for a claim being dealt with under the more formalized county court procedure is required to pay the other party's costs in accordance with the more formalized procedure, if he is unsuccessful.

It also provides that if the party responsible for the more formalized procedure is successful, he is limited in his entitlement as to cost, not exceeding ten percent of the amount of the judgment. This award of costs would be his entitlement had he consented to the summary simplified procedure.

You will therefore observe, Mr. Speaker, and honourable members will observe that these amendments are largely administrative in nature, there is no basic change in the principle of the very excellent provisions which we passed in amendment to the county court at the previous session.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, I would like to thank the Attorney-General for his explanation on this bill. It was exceptionally thorough. Our side has had the opportunity to scrutinize Bill 62 and I have had the opportunity to work with people more knowledgeable than I regarding the county courts, etc. and the consensus of opinion is certainly that it is a bill of necessity in streamlining and we have no objection to it on this side, and would like to see it go to committee.

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

MR. PAULLEY: No. 65, Sir.

MR. SPEAKER: The proposed motion of the Honourable Attorney-General. The Minister.

MR. MACKLING presented Bill No. 65, an Act to amend the Landlord and Tenant Act for second reading.

MR. SPEAKER presented the motion.

MR. MACKLING: Mr. Speaker, in 1970 the Landlord and Tenant Act was extensively amended and this bill provides for specific problems that still remain. The Act which was passed in 1970 dealt specifically with residential tenancies. The provisions incorporated into the Statute were highly innovative and revised several old principles of Landlord and Tenant Law that had become both archaic and inappropriate. Because of the nature of the changes we have been alert to the effects of the new provisions and of course, aware that certain technical changes would be necessary from time to time. So it is that the object of this bill is to introduce such changes as are considered necessary to clarify certain provisions and procedures.

(MR. MACKLING cont'd)

From administrative experience it has been found reasonable to extend the period in which a landlord is required to refund the security deposit from seven days to fourteen days. This will allow a more reasonable leeway, particularly since it is an offense for a landlord to fail to account for a security deposit within the stipulated time period. Where a tenant abandons premises the landlord is required to make every reasonable efforts to relet the premises so that his losses will be reduced and his claim against the tenant will be reduced accordingly. If the tenant has abandoned chattels on the premises the landlord must be able to remove them in order to relet. Present subsection of Section 94 of the existing act instruct the landlord as to what his procedures are in removing, storing and selling the chattels. It has been found, however, that in some cases the chattels are worthless and storage would constitute a health and sanitation problem. Accordingly, Mr. Speaker, provisions of this Bill will permit the landlord to junk such chattels and this procedure is particularized in the provisions of this Bill.

Perhaps one notable change is in respect to the giving of notice to vacate by a landlord where the tenant is damaging the property. At present the landlord must give the tenant one or two full month's notice, depending on the nature of the tenancy agreement, and during the period of notice the tenant can cause further extensive damage. An amendment proposed in this Bill will enable the landlord to act quickly to protect his property, but he will still require a court order for possession and he will not be empowered to take unilateral action against the tenant without the tenant having an opportunity for a fair hearing.

One of the gravest problems in landlord-tenant relations and tenant to tenant relations is that of noisy tenants. And I might say sometimes in this Chamber noisy members, Mr. Speaker. Provisions were made in 1971 to deal with these situations -- I'm referring now to the Landlord and Tenant Act, Mr. Speaker. However, some improvement is desirable and this too is incorporated in the provisions of this Bill.

In many tenancy agreements the landlord agrees to provide heat, hydro and water services and the cost is included in the rent. Several instances have arisen where the landlord has neglected or failed to pay the utilities company and the utility supply has been cut-off. A provision to deal with these cases is embodied in this Bill. Mr. Speaker, I have some concern being evidenced by . . .

MR. SPEAKER: Order, please. The Chair is having difficulty hearing the Honourable Minister. I'm sure if the honourable member wishes to make a statement afterwards the Chair will recognize him.

The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I'm concerned to identify to honourable members that I'm following carefully notes dealing with the highly technical but nevertheless very important principles of this Bill.

The present Act, Mr. Speaker, provides under Section 103 in its various subsections a definition of the period notice that is required to be given to terminate any tenancy. In some instances it is being interpreted that regardless of the fact that a tenant has signed a tenancy agreement, he can break the agreement on giving one or two months notice as the case may be. This was certainly not intended and it is not unanimously agreed that this is a proper interpretation, but nevertheless you know lawyers and courts - and members of the Legislative Assembly - have a way of interpreting Acts in words that stray from the common sense intention interpretation originally designed. --(Interjection)-- Well I get a suggestion we should stop at lawyers, but after having sat for now several sessions in this Legislature I can appreciate that the blame should not all be heaped on the lawyers. However, it is deemed advisable to correct any ambiguities, and this is accomplished in a provision of this bill.

The procedure, Mr. Speaker, whereby a landlord applies to the court for an order of possession is set out in Section 108 of the existing Act. This bill makes modest revisions to these procedures without making any great material change in the original intention. As the Act is written now, a landlord can if rent is in arrears seven days, make a demand for payment on the tenant and apply for an order for possession on the same day. Even though the tenant may be able to correct this default, that is by paying up the arrears of rent, he will probably be faced with additional legal fees incurred through commencement of the action for an order for possession. It is suggested therefore that a landlord should be able to make demand in writing three days after rent is due and file an order for possession four days thereafter. That will correct this anomaly. The original seven day period will be preserved but

(MR. MACKLING cont'd) the tenant will have that period between the third and the seventh day in which to make payment of the arrears without incurring additional legal expense.

When applying for an order for possession a landlord may also claim for arrears of rent and for compensation for losses incurred because the tenant has been overholding. It is felt that the landlord should also be able at the same time to apply for order for payment for any damages caused by the tenant during his occupancy, and this is provided for in this Bill.

The Bill also provides that where a landlord is prosecuted and found guilty of refusing to refund a security deposit, illegally evicting a tenant or illegally distraining chattels, a magistrate may order the offender to correct the violation appropriately. In one case, Mr. Speaker, a landlord was prosecuted and found guilty of refusing to refund a security deposit; he paid his fine but still did not surrender the security deposit so it appears that another court action may be necessary. The effect of this provision will be to rectify that . . .

MR. SPEAKER: Order! I wonder if we could have a bit of order. I'm having difficulty hearing the Honourable Minister. The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I will be quite happy if all of the members leave and I address myself to the media if that's what is necessary. I'll have a Press Conference. Well I think the members of the Opposition are reasonably quiet.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Well, Mr. Chairman, you know I could go on at great length talking about landlords and tenants problems and I suppose I could talk the clock out. If honourable members want to incite me I will. I think I'll await some water before I commence my next remarks. Since the noise level has subsided, Mr. Speaker, I'll continue. Mr. Speaker, this bill further makes provisions for the Lieutenant-Governor-in-Council to authorize remuneration and expenses for a Rent Review Board established under Section 121 of the Act.

From all of the forgoing, Mr. Speaker, honourable members will know that there has been really little change in the principle in any of the provisions that are recommended to the House in this Bill. However, the proposed amendments will improve the statutes and I commend them to you for your consideration approval. It may be that some would like to see some more dramatic changes in favour of landlords or tenants, and we know from representations received that others are equally anxious to see changes made in respect to either position, landlord or tenant. It is acknowledged that the Act does not resolve all problems of landlord and tenant relationship; however, insufficient time has elapsed to have experienced the full effect of the changes already made. Accordingly it is deemed advisable to consider most carefully the possible effects of any further extensive changes before incorporating them in law. I do not wish to infer nor suggest, however, that we will not continue to be interested in hearing from landlords and tenants as to their suggestions for improvement in this vital legislation. Neither do I imply that the statute is immutable and incapable of improvement in the future.

Mr. Speaker, I have had the occasion to meet from time to time different individuals concerned about tenancy relationships. Recently I met with a representation from the Winnipeg Tenants Association and I was rather disturbed by the article that occurred in the Press by that Association attacking low rental housing. It is not particularly the ambit of The Landlord and Tenant Act but certainly all tenancy agreements are subject to the review of the Rentalsman and come under the Landlord and Tenant Act. But I certainly disassociate myself from the kind of vitriolic criticism that was evidenced by that group, I found at least some identification with them of many of the problems that they have, and this government is concerned to improve the relationships and the facility for shelter in this province.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, I would like to move, seconded by the Honourable Member from Gladstone debate be adjourned.

MR. SPEAKER: Is it the will of the House to adopt the motion?

MR. DEPUTY SPEAKER: Bill No. 67. The Honourable Minister of Tourism, Recreation and Cultural Affairs.

HON. LAURENT L. DESJARDINS (Minister of Tourism, Recreation and Cultural Affairs) (St. Boniface): Mr. Speaker, I would like to move, seconded by the Honourable Minister of Education that Bill No. 67, Museum of Man and Nature Act be now read a second time.

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

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

MR. DESJARDINS: Mr. Speaker, the Museum of Man and Nature and the Planetarium are two separate corporations under the existing legislation and as it is desirable to combine the operation and objects both under a single administration by legislation, this bill is designed to combine and authorize the operations of the Museum of Man and Nature and the Planetarium under a single unit to be a Crown Corporation. It is proposed that the present board of both corporations will be continued in office under the new combined corporation and that all by-laws passed by either of the original corporations will continue to apply unless contrary to the provisions of the new Act.

The purposes of the proposed corporation are (a) to serve as an educational institution; (b) to establish and maintain a museum and planetarium; (c) to exhibit collections; (d) to conduct research; and (e) to perform all functions normally and usually performed by a museum or planetarium. The corporations will have powers to acquire, dispose of and administer personal and real property and to borrow or raise funds for temporary purpose up to a total of a million dollars. As this Bill was first drafted all funds and securities not immediately required for the purposes of the corporation shall be paid or deposited with the Minister of Finance for investment and safekeeping.

When the Act was drafted provision was made for the Minister of Finance to act as a trustee for securities and monies donated by the corporation, but it has been brought to my attention, Sir, by the boards of the existing corporations that there are many instances when a donor by way of a will or otherwise may wish to donate monies or securities to the corporation through a Trust Company and there is a certain section of this Act now that would prevent the corporation from accepting such a donation. I don't think it is necessary to tell this House how much the boards in the past, and I'm sure this new board will do the same, how they depend upon the volunteer assistance and enthusiasm of those many interested citizens who work for and contribute not only money but the time and effort to our museum and planetarium. So I wish to serve notice that I will introduce an amendment that will allow the corporation to entrust monies or securities or both to one or more trust company when the donor of these monies or securities or both so direct. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Gladstone.

MR. FERGUSON: I beg to move, seconded by the Honourable Member for Brandon West debate be adjourned.

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

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, I beg to move, seconded by the Honourable Minister of Education, the House do now adjourn and stand adjourned until 10 o'clock tomorrow morning.

MR. SPEAKER presented the motion and the House adjourned until 10 a. m. tomorrow morning.