

TIME: 10:00 a.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Honourable Peter Fox (Kildonan): Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 30 students of the Alex Taylor School of Edmonton, Alberta under the direction of Mr. Walters. On behalf of the honourable members, we welcome you here this morning.

Presenting Petitions; Reading and Receiving Petitions.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Minister for Corrections.

HONOURABLE J. R. (Bud) BOYCE (Winnipeg Centre): Mr. Speaker, I beg to present the Fifth Report of the Standing Committee on Law Amendments.

MR. CLERK: Your Committee met on Wednesday, May 18; Wednesday, May 25; Friday, May 27; Saturday, May 28; Monday, May 30; Tuesday, May 31; Thursday, June 9; and Thursday, June 16, 1977. Your Committee heard representation on Bills referred as follows:

(No. 5) - An Act to amend The Expropriation Act. Nick Ternette.

(No. 8) - An Act to amend The Highway Traffic Act. Robert Goodwin, Manitoba Branch, Canadian Bar Association; Lloyd Bartlett, Private Citizen.

(No. 14) - An Act to amend The Landlord and Tenant Act. Don Ayre, HUDAM; Graeme Haig, Manitoba Landlord Association; Sidney Silverman, Private Citizen; Tom Smith, HUDAM.

(No. 15) - An Act to amend The Real Estate Brokers Act. Graeme Haig, Winnipeg Real Estate Board.

No. 18) - The Retail Businesses Holiday Closing Act. Reeh Taylor, Coville Distributors Limited; Allen Freed, Seventh Day Adventist Church; Robert Goodwin, Manitoba Branch, Canadian Bar Association; Jack Bastable, Group of Independent Food Dealers; Ian Jessiman and Ken Regier, Independent Grocers; Neis Thibault, Manitoba Federation of Labour; Dennis Allard, Retail Store Employees Union; W. L. Palk, Seven-Eleven Food Stores; Mrs. Johannson, Church in Society Committee, Winnipeg Presbytery, United Church in Canada; Michael Raber, Association of Retail Grocers of Winnipeg; Lawrence Porhownik, Garson grocer.

(No. 57) - An Act to amend The Manitoba Telephone Act. Ralph Morris and C. K. Lees, Canadian Business Equipment Manufacturers Association.

(No. 62) - An Act to amend The City of Winnipeg Act. Ole Bejzyk, Chairman, Ad Hoc Committee, St. Boniface Community Committee; John Hilgenga, Private Citizen; Phil Wichern, Manitoba Division of the Community Planning Association; Len Vopnfjord; Matthew Kernan; Jae Edie; Maurice Prince, Co-ordinator, St. Boniface Residents Advisory Group; Robert Bockstael, Councillor, City of Winnipeg; David Palubeskie, Private Citizen; D. Perlman, Private Citizen; Robert Nelson, Private Citizen; Pat Wally, Chairperson, East Kildonan Residents Advisory Group; Gloria Queen-Hughes, Private Citizen; Nick Ternette, Private Citizen; Joyce Brazer, Private Citizen; Ken Emberley, Private Citizen; Alf Skowron, Councillor, City of Winnipeg; D. C. Lennox, City Solicitor, City of Winnipeg; Evelyne Reese, Councillor, City of Winnipeg; Maurice Prince, St. Boniface Chamber of Commerce; Magnus Eliason, Councillor, City of Winnipeg; Henry Kozlowski, Councillor, City of Winnipeg; Bill Norrie, Councillor, City of Winnipeg; Jim Ernst, Councillor, City of Winnipeg; Morris Kaufman, Councillor, City of Winnipeg; R. A. Patterson, Private Citizen; C. N. Kushner, Q.C., Urban Development Institute Multi Family Council; E. A. Braid, Manitoba Law School; Mayor S. Juba, City of Winnipeg.

(No. 69) - An Act to amend The Public Schools Act. Leo Claremont, Trustee, Brandon School Division; Jean Jones, Trustee, Brandon School Division.

Your Committee considered Bills:

(No. 9) - An Act to amend The Brandon Charter,

(No. 12) - An Act to amend The Local Authorities Elections Act,

(No. 13) - An Act to amend The Municipal Act,
(No. 19) - An Act respecting the St. James-Assiniboia School Division (No. 2),
(No. 25) - An Act to amend The Buildings and Mobile Homes Act,
(No. 59) - An Act to amend The Human Rights Act,
(No. 73) - An Act to amend An Act to Incorporate the Sinking Fund Trustees of the
Winnipeg School Division No. 1,
(No. 81) - An Act to amend The Employment Standards Act (3). And has agreed to
report the same without amendment.

Your Committee has also considered Bills:

(No. 10) - An Act to amend The County Courts Act,
(No. 22) - An Act to amend The Personal Property Security Act and certain other
Acts relating to Personal Property,
(No. 39) - An Act to amend The Planning Act,
(No. 57) - An Act to amend The Manitoba Telephone Act
(No. 62) - An Act to amend The City of Winnipeg Act,
(No. 64) - An Act to amend The Highway Traffic Act (4),
(No. 67) - The Credit Unions and Caisses Populaires Act,
(No. 69) - An Act to amend The Public Schools Act,
(No. 77) - An Act to amend The Pension Benefits Act,
(No. 82) - The Statute Law Amendment Act (1977),
(No. 85) - An Act to amend The City of Winnipeg Act (2),
(No. 86) - An Act to amend The Election Act. And has agreed to report the same
with certain amendments.

All of which is respectfully submitted.

MR. SPEAKER: The Honourable Minister for Corrections.

MR. BOYCE: Mr. Speaker, I beg to move, seconded by the Member for Radisson,
that the Report of the Committee be Received.

MOTION presented and carried.

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

MR. D. JAMES WALDING: Mr. Speaker, I am pleased to present the Second Report
of the Standing Committee on Statutory Regulations and Orders.

MR. CLERK: Your Committee met on dates as shown to hear public representation
with respect to the following Bills:

(No. 60) - The Family Maintenance Act,
(No. 61) - The Marital Property Act,
(No. 72) - An Act to amend Various Acts relating to Marital Property. June 1, 1977:
Alice Steinbart, Coalition on Family Law; Mrs. Millicent Laird; Mona Brown,
Sperling, Manitoba; Ruth Browne, Private Citizen; Mark Schulman (of Schulman and
Schulman); Linda Taylor, Women's Place, Women's Liberation; Mrs. Evelyn
Wyrzykowski, Catholic Women's League. June 2, 1977:

Jill Oliver; Mrs. Jean Carson; Mrs. Joyce Brazer; Mrs. Ruth Browne, on behalf of
Bernice Sisler; Georgia Cordes, YWCA; Sara Berger, Women in Support of Wages for
Housework; Laurie Allen, Manitoba Association of Women and the Law; Marily
McGonigle, Manitoba Action Committee on the Status of Women; Msgr. Larabee,
Bishops of Manitoba; Mrs. R. B. Goodwin, Manitoba Bar Association; Terry Gray,
Voice of Women; Myrna Bowman, Family Law Section of the Manitoba Bar
Association; Mr. Murray Smith. June 3, 1977:

Mrs. Goodwin, Provincial Council of Women; Mrs. Jean Carson, University
Women's Club of Winnipeg; Mrs. Robert Carr; Aleda Turnbull; Myrna Bowman,
Manitoba Bar Association; Janet Paxton (Berkowski); Sam Malamud. June 4, 1977:

Mr. Ken Houston; Betty Hilton, Manitoba Teachers' Society; Arthur Rich, Q.C.; Jim
Stoffman, Manitoba Trial Lawyers Association. June 7, 1977:

Leigh Halparin; Charles Huband; Mary Jo Quarry, Richard Dearing, Interfaith
Pastoral Institute; Reeh Taylor; Winnifred Havelock; Norma McCormick, Director,
Health Sciences Centre Day Nursery; Ruth Pear; Patricia Layne.

Your Committee has considered the following Bills:

(No. 60) - The Family Maintenance Act,
(No. 61) - The Marital Property Act,
(No. 72) - An Act to amend Various Acts Relating to Marital Property. And has
agreed to report the same with certain amendments.

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

MR. WALDING: Mr. Speaker, I beg to move, seconded by the Honourable Member
for Gimli, that the Report of the Committee be received.

MOTION presented and carried.

MR. SPEAKER: Ministerial Statements and Tabling of Reports; Notices of Motion; Introduction of Bills.

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. STERLING LYON (Souris-Killarney): Mr. Speaker, a question to the First Minister. I wonder if he has yet had an opportunity to provide or make available the figures on the status of the hydro and the fossil-fuel generating plants in Manitoba?

MR. SPEAKER: The Honourable First Minister.

HONOURABLE EDWARD SCHREYER (Premier)(Rossmere): Yes, Mr. Speaker, I did get that information collated. I can provide for the table four copies dealing with the question as to capacity factor for the thermal plants and also I have here the capacity factor for the hydraulic plants.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK: Mr. Speaker, I have a question for the First Minister. Some time ago, approximately now a year, the City of Winnipeg requested the province to get involved in the rehabilitation of the inner-core of the City of Winnipeg and to get involved in residential upgrading. I know quite recently there has been some discussion about a non-profit housing corporation by the City of Winnipeg. Have arrangements been completed or has there been any progress made in this area?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I think that I could best answer that question by dividing it into three parts. The province is encouraging the city and co-operating with the City of Winnipeg with respect to the proposed to be established City of Winnipeg, City Non-Profit Housing Corporation and we have indicated that the province would be quite agreeable to the allocation of \$1 million in forgivable loans or non-repayable loans from within the approximately \$7.5 to \$8 million entitlement that the city has under that fund, for the purpose of rehabilitating the already-owned stock of old single family detached dwellings owned by the City of Winnipeg. So that has been communicated to the city.

The second part would be that the province has indicated, through the Ministry of Public Works, plans — relatively modest, I would have to admit — for the construction of some two or three provincial office-type structures. By office-type I do not mean "office" as such, but for example, the Environmental Laboratory is one example.

Perhaps most important is that the province has, through the Manitoba Housing and Renewal Corporation, proceeded to put in place all of the details, and they are many, in preparing for the expropriation of parcels of land which are either vacant, perhaps more importantly, parcels of land that have fire-gutted houses or or fire-gutted older, smaller apartment blocks. Pursuant to that, the province will be proceeding with about \$20 million financed hopefully in a conventional way through CMHC, for approximately 500 units of residential construction relating to these parcels that have either abandoned, City Health Department condemned or fire-gutted dwellings on them. For the most part these parcels or structures are not being currently occupied, with I think twenty exceptions, so that for the most part we will be dealing with abandoned, vacated or condemned properties.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: A supplementary Mr. Speaker. Can I take it 'from the First Minister's answer that the province will not now pursue on its own on a non-profit housing corporation?

MR. SCHREYER: Well, Mr. Speaker, when the Member for Assiniboia asks that I'm a little puzzled. The province would have been willing to proceed with the renovation of existing old homes that are salvageable, but they are owned by the City of Winnipeg now; and under, I believe it's Section 15(1) of the National Housing Act, it is possible for a municipal corporation to obtain CMHC financing for that purpose, and not possible for the province. So it was mutually beneficial all around for the city to proceed directly with the program to invest — it would also be job creating — in the rehabilitation of existing owned City of Winnipeg stock of salvageable older homes. So we are certainly encouraging that and attempting to co-operate by means of an allocation of \$1 million which is in addition to whatever is available to the city through CMHC.

MR. PATRICK: A supplementary, Mr. Speaker. The \$1 million grant, is that a one-shot grant or will this be considered . . . the \$1 million grant to the city, will that be a

one-shot operation or will it be an annual grant or is this a one-time grant? And perhaps the Minister can also take this . . . is there any arrangement with the city that there may be some assistance to, say, older apartment blocks as well?

MR. SCHREYER: Well, Mr. Speaker, the availability of — I've put it in the order of a million dollars, there's no magic to that figure, it could be somewhat less or somewhat more — is from within the Special Manitoba Municipal Forgivable Loans Fund. The city, of course, has the right under that program to decide to use all of the \$7.5 million or \$8 million for miscellaneous other purposes, but we have indicated that should they see fit to use it for this purpose, that we would certainly look very favourably on that and regard it as a judicious use of funds for a desirable public purpose.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE: Mr. Speaker, I have a question, I guess of the Honourable House Leader. I wonder if he could advise me when I can get the return back that the Minister of Agriculture accepted a year ago.

MR. SPEAKER: The Honourable House Leader.

HONOURABLE SIDNEY GREEN (Minister of Mines)(Inkster): Mr. Speaker, the Order for Return should be returned in due course. I don't know what the particular reason for the delay in this one is. He'd have to ask the Minister of Agriculture.

It is suggested by some members that it be given in exchange for your Hydro bills, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Agriculture.

HONOURABLE SAMUEL USKIW (Lac du Bonnet): Mr. Speaker, I recall the member raising the question about a month ago and I did check into it. I'm told that it was one that didn't have high priority because of the complexity of it and the amount of time that would be required to put it together, and I understand that they hired some student help to try and do the research for them, as I recall it.

But in any event it might be worth while, Mr. Speaker, in order to make things more responsible — I make this suggestion — that whenever an order is accepted we should also provide the cost of putting the Order together. That might make members more responsible.

MR. SPEAKER: The Honourable Member for Roblin.

MR. MCKENZIE: I wonder can the Minister advise if it's going to take another year or more for me to get the Order?

MR. USKIW: Mr. Chairman, I can try to determine that this afternoon just when we might expect that.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. LLOYD AXWORTHY: I have a question for the Minister of Agriculture. I wonder if he would be in a position to report on what the status is of the incidence of Dutch Elm disease in the province, if there has been any areas of severe outbreak or any areas which are highly infected that the province is presently dealing with.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, we are aware of a number of locations that we still have to do quite a bit of work on, but nothing that has not been known to us in the last twelve months.

MR. AXWORTHY: Mr. Speaker, I wonder if the Minister could be a little bit more specific. Has there been any areas of the province or in the city that have experienced particular outbreaks that have been noticed this spring, that their own agricultural officers have noticed, so that residents in those areas could start taking more careful precautionary action?

MR. USKIW: Not that I'm aware of, at least not in the nature of something that we were not expecting, Mr. Speaker. Nothing significant has been brought to my attention by our staff.

MR. AXWORTHY: A further supplementary, Mr. Speaker. Could the Minister indicate presently where are the officials of the Forestry Service or members of his department applying their activity? Could he tell us exactly where they are presently working and the kind of activity that's taking place?

MR. USKIW: Well I remind the Member for Fort Rouge that we have entered into agreements with a number of towns and cities in the province, Mr. Speaker. So they are virtually all over the province now. I could get a detailed response for my honourable friend if he wishes.

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

MR. AXWORTHY: Yes. Mr. Speaker, I would ask the Minister if, under the Summer Employment Program for Students, if the department is utilizing students to provide

for the kind of assessment or survey of areas where Dutch Elm disease might be reported, or are they engaged in that kind of activity?

MR. USKIW: Well, to be specific, I'm not certain. I know that we are involved in the employment of a number of students for the summer months which could be employed within this particular program, I suspect some will be. But I couldn't be more specific than that at the moment.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. LYON: Mr. Speaker, a question which I would direct to the First Minister although it relates to an earlier question that we asked by the Honourable Member for Roblin.

Some two months ago a question was asked about Orders for Return outstanding from 1976. Could the First Minister give an undertaking to the House that these Orders will be reviewed between now and the next session — that is the next sitting this afternoon, in order to ensure that the House be given the information that was passed by this House one year ago, and that we have still been waiting for, for now something like 12 to 15 months? For the Minister's benefit I can read the list which may not be complete. In other words, some may have been filed in the meantime because the Clerk's office can't advise us at this moment. But they would be Orders No. 27, No. 30, No. 31, No. 34, No. 36, No. 39, No. 40, No. 41.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Yes, affirmative, Mr. Speaker.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SIDNEY SPIVAK: A question to the Attorney-General. I wonder if he is in a position to table in the House, the guidelines relating to wiretapping that has been prepared by his department.

MR. SPEAKER: The Honourable Attorney-General.

HONOURABLE HOWARD PAWLEY (Selkirk): Mr. Speaker, . . . will be tabled this afternoon.

MR. SPIVAK: Mr. Speaker, to the First Minister. I wonder if the First Minister is in a position to indicate whether it will be the government's intention to have a Committee of the House deal with the Accident Insurance Program, the White Paper that was tabled in the House.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I believe that that was made quite clear by my colleague, the Minister of Labour. It is the intention to proceed in that fashion. In all probability the Committee on Statutory Orders and Regulations.

MR. SPEAKER: The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Speaker, I have a question to the Honourable Minister of Highways. I wonder can the Minister of Highways advise the House if the appointment of Brian K. Johnston as a Senior Engineer (B) in the Highways Department on the 27th of March, was there a competition held for that position?

MR. SPEAKER: The Honourable Minister for Highways.

HONOURABLE PETER BURTNIAK (Dauphin): Yes, Mr. Speaker, there was.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. ARNOLD BROWN: Thank you, Mr. Speaker. I would like to ask a question of the Minister of Health. I wonder if he can answer today the question that I asked yesterday as to whether a personal care home is going to be slated for Pine Falls?

HONOURABLE LAURENT L. DESJARDINS (St. Boniface): I should have this information this afternoon, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. WARREN STEEN: Mr. Speaker, I would like to direct a question to the Minister of Public Works, if I can catch his attention, ask the Minister of Public Works regarding the closing of the cafeteria located in the government building in Thompson, if the department plans to have that cafeteria reopened?

MR. SPEAKER: The Honourable Minister for Public Works.

HONOURABLE RUSSELL DOERN (Elmwood): Mr. Speaker, I understand that our new caterer has disappeared — (Interjections) — . . . responding to the call of the wild. We have served notice to him and we are now making standby arrangements. If he can assure us with some satisfaction that he can continue to operate, he will be allowed to; if not, we will terminate and replace him. It is our present plan to make some temporary arrangements until we can determine whether or not he will be replaced.

MR. SPEAKER: The Honourable Member for Crescentwood.

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MR. STEEN: Mr. Speaker, on the same subject, to the Minister of Public Works. Does the department take some precautions or do they accept some of the responsibility to pay the wages to the persons that have been working for the caterer who is in default, if these persons have not received wages for hours of work.

And second question is: since it is my understanding that two major catering firms did tender in the original tendering, why did the Minister and his department select the person who was awarded the tender who obviously, as the Minister says, isn't capable of carrying on the job?

MR. DOERN: Well, Mr. Speaker, you win some and you lose some. As you know, in the case of the Woodsworth Building we made a calculated gamble on a smaller operator rather than a larger caterer and we proved to be highly successful.

In the case of Thompson, as I say, the situation will work itself out but there were other large, reputable caterers and we are considering now selecting the second bidder who is a very well-known Canadian firm.

MR. SPEAKER: The Honourable Member for Portage la Prairie.

MR. GORDON E. JOHNSTON: Mr. Speaker, I wish to make a substitution on the Statutory Orders Committee. The name of the Member for Assiniboia replacing the Member for Fort Rouge. I understand there may be an intersessional study of some type.

MR. SPEAKER: Is that agreed? (Agreed) The Honourable Member for Riel.

MR. DONALD W. CRAIK: Mr. Speaker, I direct a question to the Minister of Health. I wonder if he has been able to determine whether there has been a change in the Federal Government policy with regard to Pharmacare provisions to Treaty Indians non-resident on the reserves?

MR. SPEAKER: The Honourable Minister for Health.

MR. DESJARDINS: Mr. Speaker, no, I haven't, but I'll be attending a meeting of the provincial Ministers of Health with the Federal Minister of Health next week and I intend to find out then.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, I wonder, in view of the likelihood of the Legislature not sitting, whether some statement can be made to clarify what the implications are to the Provincial Government of such a move by the Federal Government? Secondly, to presumably advise the people who are being affected who apparently haven't been advised of the withdrawal of this service.

MR. SPEAKER: The Honourable Minister for Health.

MR. DESJARDINS: Mr. Speaker, this will be considered. We would have to determine whose jurisdiction that is, and I don't think that it would be proper for the Province of Manitoba to make a statement regarding the affairs of the Federal Government. It will be up to them. We could ask them to make the statement but I wouldn't presume to make a declaration in the name of the Federal Minister of Health.

MR. CRAIK: Mr. Speaker, the basic question that I am directing to the Minister, is what the effect or impact will be on his own Department's budgeting, the Department of Welfare budgeting in the event that these . . . are withdrawn.

MR. SPEAKER: Hypothetical. If the Honourable Minister wishes, go ahead.

MR. DESJARDINS: Mr. Speaker, the member is now presuming that if the Federal Government should renege on some of their obligations that automatically the Province of Manitoba will feel obligated to step in, and that's not necessarily the case.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I would like to proceed with the Report Stage, Third Readings, Bills No. 14, 30, 55 and 56.

MR. SPEAKER: Report Stage, Bill No. 14. The Honourable Minister of Co-operatives.

HONOURABLE RENE TOUPIN (Springfield): If you'll excuse me, Mr. Speaker, I'm waiting for the Clerk who has the amendment.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker, I wonder, while we're waiting, if the issuance of an Order for Return, a motion of an Order for Return could be introduced at this time?

MR. SPEAKER: The House Leader.

MR. GREEN: We can proceed with calling the Orders for Return. Page 1 of the Order Paper, Mr. Speaker.

MR. SPEAKER: Very well.

ORDER FOR RETURN

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker, I beg to move, seconded by the Member for Portage, THAT an Order for Return be issued showing:

Any report prepared by officials of the Department of Education respecting the conduct and behaviour of Mr. John Murray, teacher, between the dates of February, 1974 to March, 1974.

MR. SPEAKER: The Honourable Minister of Education.

HONOURABLE IAN TURNBULL (Osborne): Mr. Speaker, I have considered this Order for Return and indeed had a review conducted of the report that was prepared. I am advised that this report, a copy of it, would be available to the person in question, namely Mr. John Murray. However, I believe that the revelations of this report or the tabling of this report in the House would be indeed an invasion of privacy of the said John Murray, and therefore I find it impossible to accept the Order for Return because it is, I believe, an invasion of privacy.

MR. SPEAKER: The Order for Return is not accepted. Does the honourable member wish to transfer it for debate. The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker, I would just like to ask the Minister a question, if I might, just for clarification.

MR. SPEAKER: Very well.

MR. AXWORTHY: The purpose of the Order was simply to have a document available to Mr. Murray and I gather if that is the commitment of the Minister, then I would withdraw the Order on those assurances.

MR. SPEAKER: Very well. So ordered. That was indicated by the Minister.

REPORT STAGE - THIRD READINGS

BILL (No. 14) - AN ACT TO AMEND THE LANDLORD AND TENANT ACT

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

MR. TOUPIN: Mr. Speaker, I would like to move, seconded by the Minister of Municipal Affairs, that Bill 14 be amended by adding thereto immediately after section 9 thereof, the following section: 9(1) Section 96 of the Act is repealed and the following section is submitted therefor: Entry for political purposes. 96 No landlord or servant or agent of a landlord shall deny or restrict access to residential premises during all reasonable hours by political candidates or the authorized representatives of the candidates or their political parties for the purpose of canvassing or distributing election material for election to the House of Commons, the Legislative Assembly, Municipal Councils or School Board, or for distributing political material or information at any time.

Do we go on all of them, Mr. Speaker, or only one at a time?

Motion No. 2, Mr. Speaker, that Bill 14 be amended by adding thereto immediately after section 12 thereof the following section: Subsection 101(6) added. 12. 1 Section 101 of the Act is amended by adding thereto immediately after Subsection 5 thereof the following subsection: Notice by tenant. 101(6) Notwithstanding subsection (1) where a tenant gives oral notice to terminate to a landlord, the landlord may at the time the oral notice is given, produce and require the tenant to sign in duplicate a written notice to terminate, which may be in accordance with subsection (4) and immediately upon completion of the notice by the tenant, the landlord shall give one copy to the tenant and where the landlord produces the notice and the tenant fails or refuses to sign the notice, the oral notice shall be deemed not to have been given by the tenant to the landlord.

MR. SPEAKER: Order please. I wonder, in respect to procedure, whether I could get some direction from the House. If these are to be debated, we better take them separately. If they are not to be debated, I'm prepared to take them all at once. Now, I have to have some indication from the House.

The Honourable Member for Morris.

MR. WARNER H. JORGENSON: Mr. Speaker, I was about to raise the same point. I think that they should be disposed of as the Minister reads them and that is one by one. That is the only way to properly conduct the debate and I suspect there will be debate

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on some of these amendments. I intend to speak on the first one myself as a matter of fact.

MR. SPEAKER: Therefore, if the Clerk will give me a copy, then I can follow what the Minister is presenting. We shall now take the first one that the Honourable Minister read.

MOTION presented on first amendment. MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, I cannot accept the amendment that is now being proposed. I feel that the time to be distributing election material or political material is at a time when the election has been called, and since we have Federal, Provincial and Municipal elections, plus school elections, that would seem to me that it would encompass almost the entire year in any case.

In addition to that, Sir, if there is a provincial election being called and federal candidates are distributing literature at the same time, or school board candidates, or municipal candidates, it's going to tend to add to a great deal of confusion on the part of the voter. I don't think that we should permit legislation that would make it even more difficult for the voter to know what is going on, than it already is at present.

What happens is that election material is distributed by, in some cases, a half-dozen candidates in the course of an election campaign. Now, if we are going to add to that election material distributed by school board hopefuls, municipal hopefuls, and members of Parliament, or would-be members of Parliament, it is not going to make it easier for voters to make up their minds as to how they're going to vote. There is enough confusion as it is' and the volume of literature that is being distributed by various candidates during the course of a single election campaign, without mixing it up with three or four other campaigns that could be going on at the same time.

I think we make a mistake in forcing landlords to admit people at all times to enter premises for the purposes of distributing that kind of literature. Good heavens, I would think that the landlords or the owners of these premises could at least have some small respite from time to time from the distribution of political material.

I would think, Sir, that the government are very ill-advised in introducing this kind of an amendment to The Landlord and Tenant Act. There have been enough impositions on people who are attempting to provide shelter for Manitobans without adding another burden onto them. I would hope that the government would think about this particular amendment and withdraw it, because I find that I cannot support it. I think it is ill-advised and I think it will add to a great deal of the confusion that already exists in the minds of a good many voters. This is not going to help that situation at all.

MR. SPEAKER: The Honourable Minister of Labour.

HONOURABLE RUSSELL PAULLEY (Transcona): Mr. Speaker, I can appreciate the viewpoint of the Honourable Member for Morris and there may be some validity in his arguments in respect to the councils, but or school boards the very fact that during the last provincial election, as I recall one or two incidents, where a large number of people who were resident in a high-rise apartment, or two or three of them, that the proprietor absolutely refused to allow even access to the mail boxes in the lobbies of the high-rise apartments for the purpose of informational literature, I feel that that was a denial of the right of the tenants in those particular situations, and the purpose of this amendment as proposed by my colleague is to overcome that denial of a basic right which is to obtain information regarding the political parties and the candidates running therein. —(Interjection)—

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. LYON: Mr. Speaker, would my honourable friend not confirm, however, that the present law permits candidates during election periods to distribute and to canvass, and if any proprietor did try to prohibit he would be in contravention of the present law. Is my honourable friend not misconstruing the comments of the Member for Morris, because what the Member for Morris is saying is that the present law is good. It need not be expanded in order to meet the situation about which my honourable friend speaks.

MR. PAULLEY: My reply to my honourable friend, if such was the case I'm sure that the legal advisers that the Honourable the Minister of Consumer Affairs approached, would not have suggested the amendment that is now being proposed. Surely my honourable friend, the Leader of the Opposition, would give credit to our legal advisers or to the legal adviser to the Minister, that this amendment would not be

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before us if it was a case under the present Act, and of course that's the purpose of it. I want to recap once again, Mr. Speaker, the purpose behind this is because of the denial of a basic right of a resident to receive political literature during an election as contained in this particular amendment being proposed.

There is a general law in the Election Act, as I recall it, dealing with election material that is under the general jurisdiction of the Chief Electoral Officer, there is a stipulation in The Election Act to that degree, but I don't think it covers the substance as contained in this amendment. And while, as I said at the offset, Mr. Speaker, I do have some sympathy for the points raised by the Honourable Member for Morris, having had the experience of a denial of distributing literature during an election in some high-rise apartments and others, I think that the support should be given to the proposal of my colleague.

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

MR. HARRY E. GRAHAM: Mr. Speaker, it was only yesterday that I heard warnings on the radio from the law enforcement officers suggesting and warning all people in, I believe it was in Fort Garry and the southern part of the city, to check and doublecheck for unauthorized people in apartment blocks — I think there was 14 break-ins in one day — and yet here we find an amendment that is going to give to any candidate or their political parties or anybody working on their behalf, or canvassing, or distributing, at any time — at any time — Mr. Speaker. I think I could appreciate an amendment that would allow that to happen during normal business hours. If it was from 8:00 in the morning till 5:00 in the afternoon I could understand that.

Mr. Speaker, when the Member for Transcona talks about "reasonable", that's the part that causes me a little bit of apprehension. The whole intent here as far as I can see, Mr. Speaker, is one that will open the door to many many people who . . . quite frankly, it is almost an invasion of privacy, Mr. Speaker. Many people in apartment blocks do not want unauthorized people in those blocks. The tenants themselves don't want it. And yet here we are saying, "You have to accept it whether you want it or not. We are the people. We are the representatives of the people." Favourite words of the Minister of Mines. "But you are going to accept our election material, our knocking on the door, whether you want to or not, because we insist on it." Mr. Speaker, I think it's all bordering on almost an invasion of privacy.

If 25 people in an apartment building collectively suggest to their caretaker that they do not want any canvassing, then what right have we to override their suggestions in their own home?

If they have put forward a proposal to their block manager that they do not want any canvassing, then what right have we to overrule that decision of theirs, which is their own home? And quite frankly, Sir, if that is their right and we insist on overriding it, I would suggest that they have every right to not only refuse entry, but have a very dim view of the political process in this province.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker, listening to the Member from Birtle-Russell who I know has a lot of high-rise apartments in his riding, I don't think he quite understands the practicality of some of the issues, and I'm not here to defend the bill other than to point out that I think it would solve some of the practical problems that a member who represents a constituency with a number of apartment spaces, not in electioneering but in simply trying to provide information to his own constituents.

I recall one specific case, Mr. Speaker, where last winter I was trying to organize a series of meetings in apartment blocks to discuss the Rent Control measures, which were very important measures, and in fact, Mr. Speaker, upon request of many of the people in the building, they wanted to find out what the Rent Control measures were, wanted some explanation of them, and on two occasions it was the caretaker on the orders of the proprietor which refused entry. They would not allow it. So it had nothing to do with canvassing, campaigning, it was simply a matter of trying to do a job, which I understand an elected representative is supposed to do, which is to be a vehicle — (Interjection) — Yes, Mr. Speaker, the point is the Member from Birtle-Russell doesn't understand that high-rise apartments have an interior walk which oftentimes is not within the control of a tenant, but is under the jurisdiction of the proprietor, who doesn't even live in the building in most cases. It may be a corporation whose headquarters are in Toronto. In fact, many of them are, can I name several of them who are. I am not saying that people have to be electioneering year around, but I am saying that I represent an area where 90 percent of the people live in apartment blocks, that in many cases there is requirement to have information go out, and some owners and

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proprietors are using what presently exists as a pretext for keeping people out, whether they want to for their own political reasons, because they don't like the stripe of the existing member or whatever, but they do keep them out.

I would simply say, Mr. Speaker, for whatever it is worth that I have been prevented from exercising my own responsibility as an elected member, in some instances, not all, most of them are very co-operative, but in one or two instances, I would be very glad to mention them, of providing that kind of information in between elections, simply because of that loophole. I think that this particular amendment would take care of that very practical problem of an elected member trying to do the job that he is elected to do.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, we in the Manitoba Legislature have the privilege of entering apartment blocks or our canvassers during election time. An election is a major thing in any province and when the Premier decides to call an election we take away a privacy to people in apartment blocks by saying during that period our canvassers can enter those apartment blocks. I don't think that they should be at any other time. I don't even think it should be from 8:00 to 5:00. I don't think there should even be a time limit.

Mr. Speaker, in most apartment blocks in the new ones today they have keys on them for the people who live there to go in and out. You press a button to go in and all of a sudden, Mr. Speaker, we are taking away that security also.

Mr. Speaker, when I was Chairman of the St. James-Assiniboia Police Commission our biggest problem was people in apartment blocks, molesting in apartment blocks when people take their garbage down to the incinerator by strangers who have happened to get in that door. Now I assure you that the security measures in apartment blocks have to be more guarded, more guarded, that is what we should be passing in this legislature, instead of opening it up wide open all year around to a group of people who want to go in at any time.

Mr. Speaker, if we really want to help our crime enforcement people don't pass this amendment or you're only asking for trouble. You have problems in apartment blocks, in parkades, every-where, there are definite policing problems.

Mr. Speaker, we have the privilege in this Legislature of having a franking piece once a year to go to every person in our constituency to put out our literature while elections aren't on. We can take advantage of that privilege. If we want to go to the trouble of putting out further literature we can go ahead and probably work among our parties to put out literature through the mails if we so desire and feel it is necessary to do so.

Mr. Speaker, the members of Parliament have franking privileges at all times. During election we take away that privacy and we now want to put through legislation that will let people walk down the halls of where they live and can hide in corners, beatings, rape, everything that can go on in high-rise blocks, which has been proven all over this country and other countries, and we are now not assisting the law enforcers of this province, we are helping the criminal who wants to do wrong things, we are aiding him to get into that building that he hasn't previously been able to get into.

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

MR. SAUL CHERNIACK: Mr. Speaker, I believe in the democratic process and I believe in the opportunity to be given to people to be able to present their points of view, to be able to attempt to persuade others, to support them in their endeavours, as long as they are legal and as long as they are polite and as long as they are reasonable.

May I preface what I want to say, Mr. Speaker, by saying that within the last month, I think about three or four weeks ago, we had a knock at the door of our house at about eight o'clock in the evening by two young men, who asked to come into the house, and they were distributing some material by a person who states that he is the Progressive Conservative candidate for the Legislature of the Province of Manitoba. — (Interjection)— Yes, this person came onto my premises, walked up the steps of my house, mine and my wife's I should say, knocked on the door, and asked for admission. And, Mr. Speaker, you know, we weren't offended one bit by the fact that they came and wanted to give us some information about the value of their position. I think what I found offensive were the distortions of truth that appeared in the material they were distributing, that was offensive to me, but I recognized a legal right for their so doing. The fact is they entered onto my premises, they attempted to gain access to our home, and my wife was reluctant to open the door to someone unless they could identify

themselves. Of course, when she discovered how innocuous they were, there was no real problem.

Since that time, Mr. Speaker, through the devices mentioned by the Member for Sturgeon Creek, we have received other offensive written material delivered by the mail. The fact that it came from Progressive Conservative Headquarters, the fact that it too contained distortions of facts, was something we have to accept because I recognize their right to attempt to intrude on my privacy to the extent of saying something like, "This is not your hydro bill". The reason they said that is to get me to open it up to see what it is. Had I known what it was I'm sure I would not have opened it.

For example, Mr. Speaker, there is intrusions on my privacy when I get letters from a fellow whose name is something like Monnin who keeps asking for money for me to send him on behalf of the Progressive Conservative Party of Canada. I recognize his right to send me that kind of a letter. As a matter of fact, Mr. Speaker — (Interjection)— Well, what he did ask . . . if I would either send money or ask for material. I took advantage of one of his two offers and I asked for material, because I thought if he is going to send out material I would just as soon I receive it as anybody else and thus learn what it is that is wanted to be stated. — (Interjection)— Mr. Speaker, the Member for Sturgeon Creek is a nice friendly fellow. I'm sure that he wants to maintain the equanimity of the House and not arouse anybody to react to the way he might want to speak, the fact that he wants to use adjectives such as he does is something that is only probably attributable to the fact that he would like to close the Legislature.

So now, Mr. Speaker, I would like to deal a little more specifically about the opportunity that should be given to voters to learn something that would help them make a decision as between the candidates who offer their names.

Mr. Speaker, I wonder if the Honourable Member for Sturgeon Creek really didn't sleep all night or just is still having difficulty staying awake now, because he is mumbling and grumbling and I'm finding it a little difficult to sort out my thinking this morning, having spent half the night with the Honourable Member for Sturgeon Creek. One of the problems is that he keeps jabbering from his chair. He is still jabbering from his chair and as soon as he stops jabbering, Mr. Speaker, I would like to continue with my remarks.

Mr. Speaker, there was a moment of quiet when I felt I could go on, and there is a moment again so I'll try to go on to deal with the rights of individuals to be able to learn what information is available to them by candidates in elections.

home, Mr. Speaker, in my which my wife and I share and I share and own, we recognize the right of people to peaceably enter on our premises to disseminate information. If I were living in an apartment block, I should have the same right and therefore I do not want someone else to decide for me whether or not I have that opportunity. I don't want the owner of the premises who may be living miles away from where the location of my home is, to decide for me that I may not receive the information or see the person who would like to suggest himself or herself as a candidate. That is what I object to.

If as a tenant, I don't want to receive that kind of material handed to me in person, or meet the candidate, I have a right to say, "I don't want you to come into my apartment. I don't want you to enter the apartment block where there is a security system. If you phone me on the security system and you say, 'I am the candidate for this or the other party,' and I would like to talk to you'," then I, as the tenant, having control of that door down there at the bottom of the building, have a right to say, "Yes, come up, I'm quite prepared to talk to you."

But not according to the members on the opposite side. Members on the opposite side say, "I don't have that right. My landlord has that right. The owner of my building will decide for me whether or not I would permit the Member for Sturgeon Creek or the Member for Swan River or any other candidate to come into my premises to ask to speak to me."

MR. F. JOHNSTON: Would the honourable member permit a question?

MR. CHERNIACK: Yes.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Would the honourable member think that he was doing the other neighbours of that apartment block any favour by just letting anybody in that said, "I'm a canvasser for a political party."? Do you really think you would be doing your neighbours a favour?

MR. CHERNIACK: Mr. Speaker, I believe that it is the opportunity I should have to see people who come in, and I said peaceably and I said at reasonable hours.

Now, there is some peculiar feeling on the part of the Member for Sturgeon Creek

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that my neighbour in an apartment block is going to be one who has to open his door for any stranger that waiks in. If he shares an apartment block with me, he takes a chance that when some delivery person phones up from some store and says, "I have a delivery for you," or "I brought your groceries," or "I have your whatever it is that people do come to bring," and say, "I am that person," then the responsibility for unlocking the door is the part of the tenant.

MR. F. JOHNSTON: Would the honourable member permit another question?

MR. CHERNIACK: Of course.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Would the honourable member let in a delivery person if he hadn't ordered anything? Would the member really take away the security of his neighbours? Would he not think about them on that particular case, and would he open the door if he hadn't ordered anything?

MR. CHERNIACK: Mr. Speaker, if I hadn't ordered something, I would not open the door, but if somebody said, "I have a telegram for you," and I hadn't ordered the telegram, I would take the trouble to find out who it is and then I would meet him at the door, at the apartment floor, and I would make sure who it is.

But, Mr. Speaker, I would not let him come in at night; I would not let him come in at hours when there could be no protection. And, Mr. Speaker, my neighbours in my single family zoned area also have people that could be lurking in the background and hiding.

The point I am making is that it should not be the landlord, the owner, who decides for me my rights. I want to have that opportunity. And, Mr. Speaker, in this life of ours, we have to recognize the opportunities that should be made available for us to learn what information is available to us.

I heard the Leader of the Opposition say, "Isn't that the law now?" Well, if that's the law now, then why are members opposite objecting to it? The fact is that the decision, I believe, ought to be by the occupants of the premises and I believe enough in co-operation and democracy to say that if the occupants of the premises will agree on a certain procedure, then I would say I would support that. But I don't want the owner, who doesn't even live in that apartment block, to make that decision for the occupants of the premises, and that makes enough sense to me. Just as I have the right to keep the door locked to my home by saying I don't want someone to come in, so do I believe that in a concerted group, that we are able, as a group in the occupation of an apartment block — as tenants — come to an agreement. But when a landlord is given the right, then I say he is usurping my right to information and my right to offer access to my premises to other people.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, I would like to ask the honourable member if the landlord does not have a responsibility to all of the tenants and that the people within that block, maybe it should be put to a vote in that block to see if they want that responsibility taken away.

MR. CHERNIACK: I must say to the Honourable Member for Sturgeon Creek, if he weren't so belligerent in the way he speaks, I would be able to have a conversation with him, but when he starts the morning by referring to stupidity and then yells at me in this belligerent manner. I have to take a moment to relax.

MR. Mr. Speaker, I do believe — and the Honourable Member for Sturgeon Creek didn't listen, he's so busy mumbling and grumbling that he didn't listen — I said I believe that the tenants together should be able to arrive at a decision as to access. I said I don't think the owner should. And now, when it comes to the question of whether or not the owner has the obligation to protect his tenants, the answer is "no."

Mr. Speaker, I don't insult too easily, but I want to point out that the Member for Sturgeon Creek asked me a question and did not deign to listen to a reply. I therefore will stop the reply and I will henceforth . . . And the member for whatever it is, that constituency he himself doesn't remember, he's the Leader of the Opposition and as such is showing the good example of continuing in the insulting manner that he started with probably the first day he came. So there he is again washing his hands because he knows that they need washing.

Mr. Speaker, I will say again that the Member for Sturgeon Creek asked me a question and did not bother to listen, therefore I will stop trying to answer him and in the future, maybe I won't even both to give him the right to ask me a question.

MR. SPEAKER: The Honourable Minister of Mines.

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MR. GREEN: Mr. Speaker, I move, seconded by the Honourable Minister of Co-operative Development, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Minister of Consumer and Corporate Affairs on the second amendment.

MR. TOUPIN: Mr. Speaker, I read it into the record; do you want it read . . .

MR. SPEAKER: That's right; it's been read into the record.

MOTION presented on the second amendment and carried.

MR. SPEAKER: The third amendment.

MR. TOUPIN: Mr. Speaker, I would like to move that subsection 123(2) of the Act as set out in section 22 of Bill 14 (as passed by Law Amendments Committee) be struck out and the following subsection be substituted therefor: Application of subsection (1). 123(2) Notwithstanding subsection (1), Part IV does not apply where an employer is engaged in the construction of logging industry and directly or indirectly provides room and board or room only to an employee; but that Part does not apply where room and board or room only are provided directly or indirectly by any person engaged in the mining industry.

MOTION presented.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. LYON: Mr. Speaker, could I first of all just ask a question of the Minister. Could the Minister explain why there is this restriction merely to construction or logging, because I can think of drilling outfits in northern Manitoba, I can think of many other remote activities that take place, where the section from which he is exempting construction or logging, quite properly, should also apply, could we not say, to remote area camps, mining camps, mining development camps. There are a dozen different

MR. SPEAKER: Order please. On a matter of procedure, I notice that the Honourable Leader of the Opposition wishes to extend his remarks to more than just a question. I thought it would be a brief question.

MR. LYON: It was.

MR. SPEAKER: Well, it wasn't brief. Therefore, I would suggest that he make his contribution in respect to that and the Minister when he's closing debate on this issue, can then reply to all the various questions. The Honourable Leader of the Opposition.

MR. LYON: Mr. Speaker, on the point of order, I think this being the last day, if the Speaker will allow the members certain accommodations, the debate will move rather more rapidly than if we have unwarranted interference.

MR. SPEAKER: Unfortunately the Chair doesn't have the opportunity of amending the Rules in process unless the members are prepared to, by agreement, do whatever they wish to do, the Chair has no option except to follow the procedures. And I do not wish to set precedent at the present time. Therefore, does the Honourable Leader of the Opposition wish to continue the debate? The Honourable shall be closing debate, Minister of Consumer and Corporate Affairs' when he answers.

MR. TOUPIN: Mr. Speaker, it was intended to withdraw the construction camps and leave the mining industry at the request of those involved, the same way as they are now presently in the Act. And I'm informed by legal counsel that this amendment does that. So I feel satisfied that it achieves what we want it to achieve and yet doesn't touch the other segment of society that didn't want to be involved.

QUESTION put on Third Amendment, MOTION carried.

BILL NO. 30 - AN ACT TO AMEND THE HIGHWAY TRAFFIC ACT (2)

MR. SPEAKER: Report Stage - Bill No. 30. The Honourable Minister of Highways.

HONOURABLE PETER BURTON (Dauphin): Mr. Speaker, I'd like to move, seconded by the Honourable, the Minister of Municipal Affairs THAT the proposed new clause 2(29.1) of The Highway Traffic Act, as set out in section 1 of Bill 30 be amended.

(a) by adding thereto at the end of clause (c) thereof, the word "and";

(b) by adding thereto at the end of clause (d) thereof the words and figures "or is not capable of attaining a speed greater than 31 miles or 50 kilometres per hour"; and

(c) by striking out clause (e) thereof as passed in Law Amendments Committee.

MOTION presented and carried.

BILL NO. 55 - AN ACT FOR THE RELIEF OF ANNE MARIE MUMFORD.

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MR. SPEAKER: Bill No. 55. The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker, I beg to move, seconded by the Member for Assiniboia,

THAT section 1 of Bill 55 be amended

(a) by adding thereto, immediately after the word "Act" in the 1st line thereof, the words "or any other Act of the Legislature"; and

(b) by adding thereto, immediately after the word "Act" in the 8th line thereof, the words "or any other limitation provision contained in any other Act of the Legislature".

MOTION presented.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker, this is simply a change in the drafting of the bill, and in no way changes the intent of the bill as passed and reported by the Private Members' Bills Committee. It was just brought to my attention by legal counsel that in order to fully recognize the intent of the bill that this particular amendment would have to be included and incorporated as part of it. So I can tell the members that it would not change the purpose of the bill. It simply gives full intent to it.

QUESTION put, MOTION carried.

MR. SPEAKER: Bill No. 56.

HONOURABLE BILLIE URUSKI (Minister of Municipal Affairs) (St. George): Mr. Speaker, if we could just wait for a moment, the Minister is just coming in.

MR. SPEAKER: All right. The Honourable House Leader.

MR. GREEN: Mr. Speaker, I'm sorry. Is it agreeable that when an amendment is either accepted or not accepted that we proceed to give third reading to the bill? Now I understand that the bill should now be read, that we are at the report stage. After the amendment is dealt with, the bill can be proceeded with.

MR. SPEAKER: Is it agreeable? (Agreed) Very well. We can't go back to Bill 14 because all the amendments weren't accepted on Bill 14. But Bill 30, the Minister of Highways. The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, on that particular point, that of course can be done by unanimous consent. But I think the rule says that the third reading of the bill should be set down for the next sitting of the House. That's what the rule — (Interjection)— Rule 88, subsection (13) says, "The next sitting of the House."

BILL NO. 56 - THE FARM LANDS PROTECTION ACT

MR. SPEAKER: Very well. The Honourable Minister of Agriculture. Amendments to Bill 56 at the report stage.

MR. USKIW: Mr. Speaker, I move, seconded by the Honourable, the House Leader, THAT subsection 1(2) of Bill 56 as passed by the Agriculture Committee, be amended

By striking out therefrom the figure "13" and substituting therefor the figure "15".

MOTION on the amendment presented.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. LYON: Are we working from the amendments, Mr. Speaker, that we passed at the Committee, or which sheet are we working from?

MR. USKIW: Mr. Speaker, the Leader of the Opposition will recall that we had agreed to amend the original bill to provide for the appointment of a board by statute rather than by regulation and for the payment of per diems or whatever expenditures that would be necessitated by the operation of that board. This provides for that to take place.

Members will recall that we also had a message from His Honour to make that possible yesterday. So it's in conformity with our agreement in Committee.

QUESTION put, MOTION carried.

MR. SPEAKER: Order. Before we proceed I wish to indicate that we have in the gallery 28 students, Grade 7 standing of the Ste. Agathe Elementary School, under the direction of Mrs. Denise Bruyere. This school is located in the constituency of the Honourable Member for Springfield, the Minister of Consumer and Corporate Affairs. We welcome you here.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, I move, seconded by the Honourable, the Minister of Co-

operative Development,

THAT clause 13(c) of Bill 56, as passed by the Agriculture Committee, be repealed and the following clause be substituted therefor: 13(c) "Prescribing the powers and duties of the board appointed under Section 15."

MOTION presented and carried.

MR. SPEAKER: The Honourable Minister.

MR. USKIW: Mr. Speaker, I move, seconded by the Honourable, the House Leader,

THAT Bill 56 be further amended by adding thereto immediately after Section 14, the following section: Establishment of Board: 15(1) "There is hereby established a board to be called the Manitoba Farm Lands Protection Board consisting of not more than five (5) members to be appointed by the Lieutenant-Governor-in-Council."

MR. SPEAKER: Is the motion just for the first part?

MR. USKIW: Oh, I'm sorry, yes. No. Appointment of Staff. 15(2) Such officers and employees as may be required for the proper administration of this Act and the regulations and the efficient discharge of the duties of the Board shall be appointed as provided in The Civil Service Act, and every person so appointed shall:

(a) as may be prescribed by the Lieutenant-Governor-in-Council discharge the duties of, and hold, any office authorized by law; and

(b) be paid a salary or other remuneration as provided by law. Duties and powers of board. 15(3) The board has such powers and duties as are specified in this Act and regulations made thereunder and is responsible to the minister for the administration of this Act and the regulations.

MOTION presented.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. LYON: Mr. Speaker, I would make the brief observation to the Minister, which I know he has heard before, that while the concept of a board rather than the Minister is acceptable to this side of the House with respect to determinations to be made under the Act, we would have hoped that some existing board of government could have looked after the obligations under the Act, thereby obviating the necessity of a whole new bureaucratic structure with civil servants, and pay, and everything, all of the panoply and marching orders that we find in Section 15(1), (2) and (3). We suggest quite seriously that had the Minister seen fit to accept the substantive amendment that we put to the Bill, which would have restricted the operation of the Bill to foreign non-residents, persons and corporations, that this kind of bureaucratic structure would not have been necessary. So we make the point that the board is acceptable. Why we have to have a separate board, why an existing board of government such as Agricultural Credit or the Public Utilities Board couldn't carry out this function has really never been answered. We are not going to oppose the amendment, we merely make that observation.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable Minister of Agriculture. Motion 4.

MR. USKIW: I move, seconded by the Honourable Minister of Finance, THAT sections 15 and 16 of Bill 56 be renumbered as sections 16 and 17 respectively.

MOTION presented and carried.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker, I would wonder if the House would give leave for me to have a motion on the Committee Report from Law Amendments last night dealing with The Election Act. It is not on the Order Paper, but if you want to expedite the business of the House, I think the Motion was distributed this morning. I would be prepared to . . .

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I was going to go to a supplementary Order Paper and ask honourable members for leave to go down it. That Bill is there but the First Minister wants to be here when that particular Bill is called. I was going to go when we finished our existing Order Paper to the Bills that we dealt with yesterday, which I have to have leave to deal with. But I will be doing that. In the meantime we could proceed with Bill No. 3, etc., Third Readings Amended Bills.

THIRD READINGS - AMENDED BILLS

BILLS NO. 3, 6, 24, 35, 48, 50 were each read a third time and passed.

BILL (No. 79) - AN ACT TO AMEND THE REAL PROPERTY ACT

MR. SPEAKER: The Honourable Minister of Mines.

MR. G EN presented Bill (No. 79) - An Act to amend The Real Property Act, for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. LYON: Mr. Speaker, with respect to Bill No. 79 there were some outstanding questions that remained unanswered, although the Bill did pass through Committee into the House for Third Reading stage.

I think the main question was with respect to the second section of the Bill having to do with the statutory declaration that is required under the Bill, and the impossibility of some of those questions being answered or of solicitors being able to give advice to their clients to answer those questions.

I was wondering if the Minister had any remarks or elucidation that he could offer to the House on those points.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, I am not sure whether I can recall all of them. I thought the most important one had to do with the assurance provisions. —(Interjection)— That is correct. And the interpretation that we have, Mr. Speaker, is that those provisions apply only with respect to the mistake of the Registrar and therefore would not apply in this instance.

MR. SPEAKER: Is it the pleasure of the House to adopt the Motion?

The Honourable Leader of the Opposition.

MR. LYON: A further question to the Minister. Could he make comment with respect to the statutory declaration section where I think most of the debate took place, and there were some unanswered questions about definition of "farming", "occupation", and other questions that arose in Bill No. 79.

MR. USKIW: Mr. Speaker, I think that we did indicate that we won't be able to properly do that until we have the Regulations. We are not in a position to do that at the moment.

QUESTION put, MOTION carried.

**BILL (No. 65) - AN ACT TO AMEND THE EMPLOYMENT STANDARDS ACT
(2)**

MR. USKIW presented Bill (No. 65) - An Act to Amend The Employment Standards Act (2), for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Pembina.

MR. GEORGE HENDERSON: Mr. Speaker, I move, seconded by the Member for Rhineland, that debate be adjourned.

MOTION presented and carried.

BILL NO. 71 was read and third time and passed.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, with leave of the House I would like to introduce certain Bills on Third Reading which do not appear on the Order Paper, but I understand that some may be adjourned if the members are not prepared to deal with them at this time. These are the Bills that came out of the Standing Committee of Law Amendments yesterday, and I suppose there would be similar Bills coming out of the Committee of Statutory Orders and Regulations. So with leave, Mr. Speaker . . .

MR. SPEAKER: Does the Honourable Member have leave for the procedure? The Honourable Leader of the Opposition.

MR. LYON: I would ask the House Leader, Mr. Speaker, if he could give us a couple of minutes to get our Law Amendments list so that we will be able to follow him.

BILLS NO. 9, 10, 12, 13, 22, 25 and 39 were each read a third time and passed.

BILL (NO. 57) — AN ACT TO AMEND THE MANITOBA TELEPHONE ACT

MR. SPEAKER: The Honourable Minister.

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MR. GREEN presented Bill (No. 57) - An Act to amend The Manitoba Telephone Act for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. R. (Bud) SHERMAN: Mr. Speaker, there have been some improvements made in Bill 57 as a consequence, I would dare to suggest, of the debate on second reading and some suggestions that came from this side of the House and I welcome those. There was an amendment with respect to the position that certain particular retailers of electronic devices and attachment equipment found themselves in that now protects them against unfair legal action and protects them from being put in an untenable position as a consequence of an amendment introduced by the Minister in Law Amendments Committee last night relating to the meaning of "connected." There is an amendment that now provides an access to appeal against decisions taken respecting disconnection of equipment by the System or by the Commission itself and respecting discontinuance of service. There is also an amendment which eliminates the possibility of an innocent third party from being charged with violation of the Act and having his or her telephone service cut off simply because they got involved in a situation involving unauthorized installation of equipment of a prior nature of which they had no knowledge. I want to welcome those amendments. They improve the bill considerably, Sir.

I must though, register a caveat against Section 43(1) of the Bill as it appears in clause (1) of the bill that is immediately before us and relates to connection of equipment to the system. I raised the subject with the Minister on second reading but I wasn't able to allude to it in too much detail because we were concerned, of course, Sir, with speaking to principle. Last night in the Law Amendments Committee, I found out from the Minister of Communications that he wasn't prepared to discuss the Bill on a clause-by-clause basis on the grounds that we discussed it on second reading. Well, I find that inconsistent with the process under which we work in this parliamentary system. We've talked on principle on second reading; we were in a committee last night where we should have been able to examine the clauses in much more comprehensive detail than the Minister seemed to be prepared to do.

Sir, I go back to the point I made at that time in Law Amendments last night and alluded to generally on second reading, and that is that there is no protection under the current system of authorization for connected equipment for those persons or those retailers or distributors or entrepreneurs of any sort who want to get a particular electronic item included in a tariff so that the Manitoba Telephone System or the Commission has to obtain approval of that tariff from the Public Utilities Board. The fact of the matter is that the System or the Commission can simply leave any item out that they wish to, not put it into a tariff and therefore there is never any rate quoted and there is never any possible hope of authorization of that kind of equipment. I think this is a glaring weakness and a glaring loophole in the legislation, both affecting the Manitoba Telephone System and the Public Utilities Board. In effect, it emasculates the Public Utilities Board insofar as one of its most important and critical functions is concerned. Until there is some addition or insertion into the legislation which provides for a procedure by which the Public Utilities Board can order the Manitoba Telephone System to quote a tariff for the connection of a type of equipment — any type of equipment desired — that undemocratic feature will remain. This bill does nothing to remove that undemocratic feature

The other point — and I don't intend to be long on this, Mr. Speaker — but the other point I think bears repeating and that is that the bill as it is before us now goes far too far in terms of its action which is designed to protect the public switch network of MTS. The clause to which I have referred, refers to connection to the telecommunication equipment of the Commission and that can involve almost anything. That can include telecommunication equipment of any kind — leased lines and other services of that kind such as I have suggested. The Minister has made the point since Day One on this bill that what he is interested in protecting is the public switch network and, if that's the case, then why does the clause not call for necessary authorization on connection of other devices to the public switch network of the Commission rather than to the telecommunication equipment of the Commission generally. In years and decades past, the principle has been — both in Manitoba and the rest of North America, Mr. Speaker — that terminal devices have been connected to and can be connected to other telecommunication equipment such as leased lines, such as other communication services in the field generally. This bill eliminates that right and rather than simply

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protecting the public switch network which I assumed was the Minister's intention in this legislation, it now reduces the freedom of choice, the area of choice and the area of operation for everybody in the telecommunications field.

Sir, while I am gratified that the bill has been improved in those three areas to which I have referred, as a result of amendments introduced, I still think that it, in the form in which it is now presented to us for third reading, is arbitrary and autocratic and discriminatory and that it is designed, as I suggested from the outset, not only to protect the Manitoba Telephone System but to ensure that the Manitoba Telephone System will gradually, deliberately and by design be able to establish itself as the sole authority over all telecommunications in the Province of Manitoba. That, Sir, in my view, is a dangerous thing.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker, I just want to rise to register our group's very deep concern about this bill and what it represents in terms of the development and evolution of the Manitoba Telephone System in this province. If there has been any revelation this year, it has been that this is the year that Manitoba Telephone System came out of the closet and said that they are going to be the monster telecommunications empire of Manitoba, without accountability and without control. It is oftentimes difficult to discern these things, Mr. Speaker, because those kinds of actions and initiative can so often be taken without public exposure.

We have seen different steps taken by the government in this area in the past year, that the Manitoba Telephone System has decided to embark on a very major departure in the kind of service and the kind of activity they intend to provide in this province and that they intend to provide those services without recourse to any proper forum where the public can hold them to be accountable.

In specific reference to this bill, Mr. Speaker, it started out with the relatively straightforward — at least we were told straightforward — objective of trying to prevent the illegal attachment of phone devices and other hookups. But as the bill appeared in print and the wording was detailed, we began to see that in fact what was being transferred to the Manitoba Telephone System was an amazing repository of power to undertake a number of initiatives in the field of telecommunications. All of a sudden it began to become clear that this particular bill was part of an overall strategy to move into the field of telecommunications and electronic communication in areas of computerism, broadcast services, cable band services, different kinds of short term services, and that they were not only going to begin to join the equipment and hardware, they were also going to undertake the actual delivery of the service itself in competition with many of the private people. The one basic inequity in this bill, Mr. Speaker, it sets out one set of rules you are in the private sphere; another set of rules if you happen to be the Manitoba Telephone System. If you are a private operator of an answering service, you must account to the Public Utilities Board and be liable to their tariffs. If you are the Manitoba Telephone System, you don't have to be. What has really happened is that the Minister has argued consistently that the Public Utilities Board has the jurisdiction under its own Act. What we have tried to argue with them is that that jurisdiction has never been exercised in relation to that whole area of telephone activity that is so-called competitive because the MTS never refers to them on this and the government has never asked them to be referred.

In fact, Mr. Speaker, in a somewhat jocular vein in the Question Period about two weeks ago, I tried to exercise Section 76 of the Public Utilities Board where a private citizen can bring a grievance before the Board in an area of activity before the Manitoba Telephone System. It was naturally turned down. The fact of the matter is that we are now moving into some very important critical areas of communication in this province. Areas which four or five years ago no one could discern. The Manitoba Telephone System engineers and senior officials have obviously decided it is going to be their exclusive area and that no one else should be in it and that they don't want to have to be answerable to sort of any public forum in their delivery of those kinds of services. So what Bill 57 is — let's not kid ourselves, Mr. Speaker — whatever pretense there is that it is simply a way of controlling the attachment of certain telephone connections, is simply a superficial reason. There is now contained in that bill the opportunity for the Manitoba Telephone System to exercise much wider, broader powers than anyone imagined when this whole debate began.

I believe, Mr. Speaker, as we have seen in the position paper put forward by the Minister about a month ago, that they intend to exercise those and they are going to move into areas of communication and information where governments should tread

very carefully. They are moving into those areas without any assurance or any guarantee that there would be the kind of accountability that has normally, and always been part and parcel of the role of the Public Utilities in this province. So they have simply abandoned a basic principle that I think has been in existence in this province for 40 or 50 years and that is the public utilities must be accountable before a regulatory commission for their activities and their charges. What we are now saying, Mr. Speaker, is that that is no longer the case. That's what the real meaning of this bill is all about.

Mr. Speaker, as a result the implication and import of this bill is very serious indeed and I think that it will occasion certainly a continuing examination and debate in this province about the role of this particular public utility. If members of the public think that they should be concerned about Hydro, I think the Telephone System will be getting equal billing in terms of examination and concern in the years to come because they now have the power to pretty much do what they want to do in this field.

Mr. Speaker, we feel very deeply that this bill contains within it many many powers that were not spelled out or made explicit by the Minister or by the government. We feel that what it should have been accompanied by is some very clear policy guidelines as to what the government does want the Telephone System to do and the kind of authority and jurisdiction that the Public Utilities Board should exercise in it.

We also feel that this Act is discriminatory and that it does sort of set one set of rules for the public utility as opposed to the private operators even though they are in exactly the same field of activity. Therefore, Mr. Speaker, the bill really carried with it some very very difficult measures and I'm afraid, Mr. Speaker, I at least personally would have to vote against it.

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

A MEMBER: Don't close . . .

MR. TOUPIN: I'm not attempting to close anything. I'll try and clarify again, Mr. Speaker, some of the points raised at second reading, in Committee, and again here today.

I don't recall, Mr. Speaker, myself or any member of the New Democratic Government attempting to close or to force closure in Committee yesterday on any of the clauses of this bill. The only indication that I left at Committee stage was that in regard to some of the amendments proposed by the Member for Fort Garry, that those had been discussed on second reading; that I did not want to start justifying some of the amendments that he brought forward, like I wouldn't want to start justifying them now, because I don't believe in them. I believe in the bill as we presented them. I happen to believe, Mr. Speaker, that, yes, by all means, some of the amendments that were accepted by the New Democratic government were because of the contribution of a lot of the members of the Committee and the House, not necessarily only the Member for Fort Garry or the Member for Fort Rouge. We had representation from members of the New Democratic caucus and members of the public. And for those reasons, we felt that some amendments made sense and those amendments were accepted, voted on and accepted by all members of the Committee last evening. And for that I have to thank all members of the Committee for attempting to contribute to the debate on Bill 57.

What I can't accept, Mr. Speaker, is hogwash, and this is what I heard on second reading by the Member for Fort Garry and by the Member for Fort Rouge, especially the Member for Fort Rouge, Mr. Speaker, when he says that we changed the emphasis of the bill in midstream. I refer him to my remarks, Mr. Speaker, on the introduction of this bill on second reading. Now, where could I make other statements? I did not make statements on first reading; I could not make that type of statement in Law Amendments. It was made on second reading and I quote: "The amendments will bring Manitoba's telecommunication legislation. . . " Did I say "interconnect," Mr. Speaker? I said "telecommunication legislation up to date with reference to emerging technologies and policies. How far could I go in allowing possible damage to the network, whether it be switched or not? And we all know, Mr. Speaker, if we understand the complexity of the Manitoba Telephone System, that there can be damage to equipment, whether it be by means of the switched network or not."

And I said this on second reading, Mr. Speaker. I did not only want to address myself to interconnection matters but to telecommunication generally. That's my remarks on second reading. What else does the honourable member want, Mr. Speaker, in regard to my ultimate intent by means of this bill?

The Public Utilities Board — and this is to answer again both honourable members

that contributed to the bill — the Public Utilities Board has total jurisdiction in regard to appeals launched by the public — and that's maybe a mistake that the Honourable Member for Fort Rouge did, he launched his appeal with me and not with the Public Utilities Board so obviously I did not feel that his appeal was warranted. If he would have launched or deposited his appeal with the Public Utilities Board, it would have been heard.

They have jurisdiction, not only on tariffs that are submitted by the Manitoba Telephone System, but on any other matter that they feel that they would like to review, either directly or based on complaints by the consumers. That's in the Act. That's in the Act, Mr. Speaker. What else does the honourable member want? We even included that in an amendment last evening but we didn't have to because the Act of the Public Utilities Board gives them total jurisdiction.

What else can I say, Mr. Speaker, in regard to some of the amendments that we did not want to accept, because I indicated the reasons why section 43(1), as an example, was introduced and is intended to remain the same way as it is now in the bill. I again refer honourable members to my introductory remarks on second reading and some of the comments that were made following.

So obviously not all members are satisfied. I happen to be satisfied that the common carrier of this province will be protected, not only as it pertains to telephones which is a basic service to most Manitobans, but in regard to other telecommunication needs that the public utility, the Manitoba Telephone System, has embarked on in the last many years and will certainly in years to come. I believe that has to be included in legislation in a better fashion than it was under the present Act. That is actually why we had this bill before us, Mr. Speaker. The present Act of the Manitoba Telephone System left to be desired legislative powers that it needed to protect the great investment of the people of Manitoba.

QUESTION put, MOTION carried (on Division).

BILL (NO. 62) - AN ACT TO AMEND THE CITY OF WINNIPEG ACT

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, I beg to move, seconded by the Honourable, the Minister of Labour, that Bill (No. 62) - An Act to amend The City of Winnipeg Act be now read a third time and passed.

MOTION presented.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: I would like to move, seconded by the Member for Rock Lake, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: I wonder if the House Leader would call Bill 19 now, now that I have the Member for Sturgeon Creek in the House.

BILLS NO. 19, 64, 67, 69, 73, 59, 77, 81, 82 and 85 were each read a third time and passed.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN presented Bill (No. 60) - The Family Maintenance Act, for third reading.

MOTION presented.

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

MR. GRAHAM: Mr. Speaker, I beg to move, seconded by the Member for Fort Garry, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN presented Bill (No. 61) - The Marital Property Act, for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I move, seconded by the Honourable Member for Birtle-Russell, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN presented Bill (No. 72) - An Act to amend various Acts relating to Marital Property, for third reading.

MOTION presented.

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

MR. GRAHAM: Mr. Speaker, I beg to move, seconded by the Member for Morris, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable House Leader. Bill No. 86 was missed.

MR. JORGENSON: We have not had report stage on Bill 86 as yet.

MR. GREEN: I am aware of that. The reason that I didn't call that is that I know that the First Minister wishes to be here when the amendment is introduced, so I thought I would hold it off until this afternoon.

Mr. Speaker, there were certain bills that came out of report stage this morning which I will now move, if I have the leave of the House. They are the Farm Lands Protection Act and The Statute Law Amendment Act - Bill No. 82. They may be adjourned but I still propose to move them if it's okay.

A MEMBER: 82 was passed.

MR. GREEN: Well, I don't know why he gave it to me then.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, I wonder if I may ask the House Leader a question? I was wondering what he plans for the disposition of Bill 88?

MR. GREEN: That will be introduced this afternoon, Mr. Speaker. That's The Statute Law Amendment Act. It will be introduced this afternoon.

MR. GREEN presented Bill (No. 56) - The Farm Lands Protection Act, for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. LYON: Mr. Speaker, I move, seconded by the Honourable Member for Swan River that debate be adjourned.

MOTION presented and carried.

BILL NO. 30 was read a third time and passed.

MR. GREEN: Mr. Speaker, Bill No. 55 which was reported . . .

MR. SPEAKER: Order please. The Honourable Member for Morris.

MR. JORGENSON: I presume, Mr. Speaker, that these bills are now being read the third time by leave?

MR. GREEN: That's right, I'm sorry. The honourable member is quite correct. He indicated earlier this morning that it should be dealt with at the next sitting. We have completed the other bills and therefore these can only be done by leave and there is one standing in the name of the Member for Fort Rouge which is Bill No. 55.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY presented Bill No. 55 - An Act for the Relief of Anne Marie Mumford, for third reading.

MOTION presented and lost.

MR. AXWORTHY: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Does the honourable member have support? Yes. Very well. Call in the members.

Order please. The motion before the House is Bill No. 55. Motion is for third reading acceptance.

A STANDING VOTE was taken the result being as follows:

YEAS: Messrs. Adam, Axworthy, Barrow, Boyce, Burtniak, Derewianchuk, Desjardins, Dillen, Doern, Gottfried, Hanuschak, Jenkins, G. Johnston, Miller, Osland, Patrick, Paulley, Pawley, Petursson, Shafransky, Toupin, Uskiw.

NAYS: Messrs. Banman, Bilton, Blake, Brown, Einarson, Evans, Ferguson, Graham, Green, Henderson, Johannson, F. Johnston, Jorgenson, Lyon, McGill, McGregor, McKenzie, Minaker, Sherman, Steen, Uruski, Walding.

MR. CLERK: Yeas 22, Nays 23.

MR. SPEAKER: Yea 22, Nay 23?

MR. CLERK: Yes.

MR. SPEAKER: In my opinion the Nays have it, declare the motion lost.

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REPORT BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: I move, seconded by the Honourable Member for Morris, that the Report of the Standing Committee on the Rules of the House received by the Assembly on Friday, February 25, 1977, be concurred in.

MOTION presented and carried.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: I move, seconded by the Honourable the Attorney-General, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole House to consider the following Bills for Third Reading: Bills No. 40, 84, 87.

MOTION presented and carried and the House resolved itself into a Committee of the Whole House with the Honourable Member for Logan in the Chair.

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Chairman, it has been drawn to my attention, in the vote in the last bill that the tally might not have added up to the number of members in the House. I am wondering if it is possible to have that rechecked before we proceed with Committee of the Whole? I didn't do the count, but other members have suggested it to me and I would just simply ask for . . . It was suggested to me that there were only 44 members in the House, and yet the vote tally amounts to 45.

IN SESSION

MR. SPEAKER: The Clerk now indicates that his tally was not correct the first time, therefore, there will have to be another vote. The Honourable Minister of Mines.

MR. GREEN: I would think, Mr. Speaker, that the proper procedure would be to indicate what the proper tally is. First of all are we agreed that the Mace is back on the table? By consent we are back in the House, we don't want something to be incorrectly done, by mistake or otherwise. If the Clerk will indicate to the Speaker that the tally that he gave him is incorrect, nobody would want to have an incorrect tally, but I don't think that it is a revote, I think, that he gives to the Speaker, what the vote was.

MR. CLERK: The right tally, Mr. Speaker, is Yeas 22, Nays 22.

MR. SPEAKER: That is no particular problem for the Chair, except that my own tally did not indicate that, but if the House is prepared to live with that tally then I will make a decision. The Honourable House Leader.

MR. GREEN: I believe, that legislators proceed reasonably. If you perceived something to be incorrect and would let us know we could try to resolve it.

MR. SPEAKER: Well, my tally was 22 to 21. The 22 was for the nays, that is the way I counted them.

MR. GREEN: Well, can we agree to this, Mr. Speaker, that only the honourable members who were in the House when the vote was taken should be reassembled — the Leader of the Opposition has a suggestion.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. LYON: Mr. Speaker, to help extricate ourselves from this, would it be possible, with your permission, Sir, to have the Clerk of the House indicate who voted yea, who voted nay, and that can be confirmed, and if it ends up as a tie vote we know, regrettably, what the circumstance is that applies then.

MR. SPEAKER: Very well. The names shall be read out.

A check was made of counted votes.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: I would just ask any honourable members if they have not been properly recorded? Well then, Mr. Speaker, the tabulation, as given by the Clerk, is 22-22.

MR. SPEAKER: Very well, the Chair votes in the negative. The motion is lost.

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

MOTION presented and carried and the House adjourned until 2:30 p.m. this afternoon.