

THE LEGISLATIVE ASSEMBLY OF MANITOBA

9:30 o'clock, Wednesday, May 15, 1968

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions
 Reading and Receiving Petitions
 Presenting Reports by Standing and Special Committees
 Notices of Motion
 Introduction of Bills

Order please. The Honourable the Attorney-General.

HON. STERLING R. LYON, Q.C. (Attorney-General) (Fort Garry): Mr. Speaker, His Honour recommends this proposed measure to the House. I beg to move, seconded by the Honourable Provincial Treasurer, that leave be given to introduce a Bill No. 114, An act to amend the Attorney-General's Act and that the same be now received and read a first time.

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

HON. CHARLES H. WITNEY (Minister of Health) (Flin Flon): Mr. Speaker, His Honour recommends the proposed measure to the House. I beg to move, seconded by the Honourable the Minister of Education, that leave be given to introduce a Bill No. 102, an Act to amend the Manitoba Medical Services Insurance Act and that the same be now received and read a first time.

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

MR. SPEAKER: The Honourable Member for Russell.

MR. RODNEY S. CLEMENT (Birtle-Russell) introduced Bill No. 111, An Act to incorporate Banner County Racing Club.

MR. SPEAKER: I'd like to direct the attention of the Honourable Members to the gallery on my left - on my right, I should say - where we have 45 students of Grade 11 standing from the Mennonite Brethren Collegiate School. These students are under the direction of Mr. Epp. This school is located in the constituency of the Honourable Member for Elmwood. On behalf of all the honourable members of the Legislative Assembly I welcome you all here today.

Orders of the Day. The Honourable Member for St. George.

MR. ELMAN GUTTORMSON (St. George): Mr. Speaker, I have a question I'd like to direct to the Minister of Industry and Commerce. Is it correct that some members of the Information Services Branch are working on a part-time basis for some of the radio stations in Metro Winnipeg?

HON. SIDNEY SPIVAK, Q.C. (Minister of Industry and Commerce) (River Heights): Mr. Speaker, I'll take the question as notice.

MR. GUTTORMSON: A subsequent question, Mr. Speaker. Is it correct that a member of the Information Services Branch conducted the interview with the Minister of Education following the introduction of his estimates earlier this week?

MR. SPIVAK: Mr. Speaker, I'll take the question as notice.

HON. GEORGE JOHNSON (Minister of Education) (Gimli): . . . that. I was asked to go to the Television room up here and there were two or three reporters there. That's all I can attest to.

MR. GUTTORMSON: Mr. Speaker, my question is, was a member of the Information Services Branch the one who conducted the interview?

MR. JOHNSON: No, Mr. Speaker.

MR. SPEAKER: Orders of the Day. The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I wish to direct a question to the Honourable Minister of Public Works. Are tenders for purchase of government automobiles - is this public information and where can this information be obtained.

HON. STEWART E. McLEAN, Q.C. (Provincial Secretary) (Dauphin): I'm sorry, Mr. Speaker, I couldn't hear.

MR. PATRICK: Are tenders for the purchase of government automobiles, are these tenders public information and where can this information be obtained.

MR. McLEAN: From the Purchasing Branch, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Russell.

MR. CLEMENT: Mr. Speaker, I direct a question once again to the same Minister. Are you sure this information is available to the public? I haven't had an occasion to try to find out recently but over the years as an automobile dealer it's always been very difficult to find out

(MR. CLEMENT cont'd.) why you didn't get a certain deal. I think these tenders should be made public but I rather doubt if they are. If you say they are, then that's all we need.

MR. McLEAN: Mr. Speaker, I'm sorry I misunderstood. The question asked by the Honourable Member for Assiniboia I took to mean if we were purchasing automobiles, was it possible to find out that tenders were being asked. That of course is always available from the Purchasing Bureau. The question of what tenders were received and that type of information, as a matter of policy, has not been made public and there has been no change in that regard.

MR. SPEAKER: Orders of the Day. The Honourable Leader of the Opposition.

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Mr. Speaker, I'd like to address a question to the Premier. On May 9th the Mayor of Winnipeg sent a letter to the Premier regarding the school taxation in the City of Winnipeg, pointing out that in his opinion the Provincial Government owed the city \$6 million on the Foundation Program. Has the Premier replied to that letter yet? And could he advise the House what the reply has been.

HON. WALTER WEIR (Premier) (Minnedosa): Mr. Speaker, no I haven't replied. I don't agree that I owe him \$6 million, or that the government does; and a reply will be going to His Worship in due course.

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

MR. GUTTORMSON: Mr. Speaker, I'd like to direct a question to the Minister of Education. During the course of the interview that subsequently appeared on Channel 7 on the day of the interview, did the Minister say that no member of the Information Services Branch conducted the interview?

MR. JOHNSON: Well, Mr. Speaker, it's possible. I'm not familiar with everyone in the press corps. The interview - there were three members of the press there. I was asked to come there after the House for an interview, and interviewed some people. The questions asked of me on Channel 7 were posed by Mr. Sage.

MR. GUTTORMSON: Mr. Sage is a member of the Information Services Branch?

MR. JOHNSON: I guess so.

MR. GUTTORMSON: So then the interview was conducted by one member of the Information Services Branch?

MR. JOHNSON: Mr. Speaker, I was asked two questions on the television.

MR. MOLGAT: Mr. Speaker, this last information then is contrary to what the Minister said about five minutes ago?

MR. JOHNSON: I misunderstood. I understood the press . . . I wasn't trying to mislead the House in any way, Mr. Speaker. It is true that the chap who interviewed me, it just occurred to me, was Mr. Sage, on Channel 7.

MR. SPEAKER: Committee of the Whole House.

MR. LYON: Mr. Speaker, this morning we would like to proceed to second readings of Bills. If we could begin, Sir, by asking you to call Bill No. 93 and the succeeding three bills and then we'll move back to do the second readings of those that have been adjourned.

MR. SPEAKER: Second readings. Bill No. 93. The Honourable the Provincial Secretary.

MR. McLEAN presented Bill No. 93, The Manitoba Centennial Centre Corporation Act, for second reading.

MR. SPEAKER presented the motion.

MR. McLEAN: Mr. Speaker, some few years ago a Bill was introduced and received the approval of the House providing for the establishment of the Manitoba Centennial Corporation which has had the functions of preparing for the 1967 Centennial of Canada and the 1970 Centennial of Manitoba and the conduct of the functions assigned by that statute were carried out by a board appointed pursuant to the provisions of the statute. Members will be generally familiar with all of the events that have taken place under that arrangement.

Among other things, there was constructed in Winnipeg as the capital city of the province, with financial support from the Government of Canada and the general public, and of course the Province of Manitoba and a large number of municipalities located in the metropolitan area of Winnipeg, what is generally, I believe, often referred to as the Arts Centre, or the term that I really prefer myself, the Manitoba Centennial Centre. There are buildings there now being operated and others in the course of construction, and one, the planetarium, being officially opened this very day. The question arose as to how the management of these facilities was to

(MR. McLEAN cont'd.) be carried out and the Bill before the members at this time represents the recommendation we have for that purpose.

The very simple objective of this Bill is to establish a management corporation whose function it will be to manage and operate the Centennial Centre, and for this purpose there is created a corporation to be known as The Manitoba Centennial Centre Corporation - the name comes perilously close to the name of the Manitoba Centennial Corporation which is a sort of general planning body for centennial observance - but there is a slight distinction both in the words used and of course obviously in the function. It provides for the appointment of a Board which will have a Chairman, a Vice-Chairman and other related officers and in effect gives this corporation the duty and responsibility of managing the Centennial Centre.

It will be noted that the members of the Board will serve without remuneration but will be entitled to their expenses in attending to the duties of the corporation.

I believe that that is the main purport. There are the necessary technical arrangements for an audit by the Comptroller-General and for banking arrangements, rules of procedure. It will be noted that certain functions can only be discharged or certain action can only be taken with the consent of the Lieutenant-Governor-in-Council, giving the Lieutenant-Governor-in-Council, the Executive Council, the necessary supervisory authority, since of course we must accept the responsibility for what is done by the Board and also to ensure the continued operation of the Centennial Centre.

I recommend this measure, Mr. Speaker, on the basis that it provides a workable, I think, concise operating mechanism to ensure that the Centennial Centre on which so much effort has been spent, not to mention money. It will provide an adequate means of seeing that that Centennial Centre is properly and efficiently and adequately operated for the advantage and benefit of the people of the Province of Manitoba.

MR. SPEAKER: The Honourable Member for Hamiota.

MR. EARL DAWSON (Hamiota): Mr. Speaker, our group is certainly in agreement with this Bill but I have a few questions I'd like to pose to the Minister. The first one is the fact that the Board is composed of at least five members it says, and there is no limit to the number that may be placed on this Board. Our feeling is that there should be a limit placed and not necessarily a minimum but a maximum. And then the Chairman is not chosen by the directors; the Chairman is appointed by the Minister. Is that correct? And there's also no definite term of office for any one of the members that are appointed. I thought it was usual that when the Board is appointed that the limit could be three, two and one years, like hospital boards or many of the . . . boards, other type of boards. In this particular case the Board holds office for any length of term; there's no maximum and there's no minimum and it is our feeling that possibly this should be changed. I note that there is authority for MLAs to sit on this Board as well; whether it's necessary I don't know.

The Annual Report, I note, is to be submitted at least four months after the end of their year which is April. My feeling is that this is too lengthy a time because in all probability the first report will not be tabled in the House here for the members until they're in their second year of operation, which in a sense will be, they'll always be one year behind. Do I understand it correctly when it is mentioned in this Bill that any of the employees of the Manitoba Centennial Centre become civil servants? I'm not sure if I understood that properly or not.

And the final question was the fact that the Provincial Government will be advancing \$100,000 as working capital to the Centennial Corporation or Board and they also have the authority to borrow \$100,000, which I think is a good idea because in all probability they'll never be strapped. But, I also note that there is no provisions to ever pay back this \$100,000. The way I read the Bill it says that any of the moneys they make can be invested for them by the government or they may acquire other properties, but there's no provision to repay this \$100,000 and I thought if the Centre was a success, as we all hope it will be, that somehow, some way, this \$100,000 should be paid back.

I think we're going to be faced with the same situation in Brandon where they eventually will have a Centennial Auditorium and it is my hope that the Brandon people will be treated the same as what the Centennial Centre in Winnipeg is treated and the advance of \$100,000 will be there for them as well. But I do think there should be some provision in this Bill to repay that \$100,000. There's no sense, if the thing is a real success and it's making money, the money should be paid back.

MR. SPEAKER: The honourable Member for Kildonan.

MR. PETER FOX (Kildonan): Thank you, Mr. Speaker. Mr. Speaker, our group too has no real objection to the principle of setting up a corporation for the Centennial, but there are a number of points that I too would like to raise in regard to this Bill. In particular we too would like to see that there be a limit of how many are established on the Board and also a limit to the terms of office.

There's one other point, Mr. Speaker, in regard to the members of the board. It says the board will make its own rules of procedure. We would suggest that this should be subject to the approval of the Lieutenant-Governor.

In regard to the fiscal year, Mr. Speaker, we too feel that the way it is set up now the annual report would be coming a year later to us continually. The operations of the Centennial Corporation in regards to the arts, usually has a year that starts about September and we would suggest that the fiscal year be arranged in that manner so that the arrangement would be that commencing on the first day of September instead of April, and on the 31st day of August next following, which in essence would therefore give you the annual report by the 31st of December and tabling of the report 15 days later would be in January, which would be just in time for the session.

In regard to the employees, Mr. Speaker, the principle of putting them into the Civil Service we are not in agreement with. I am informed that at the present time there are already negotiations in regard to some of the employees with the Centennial Corporation and this would deny these people that do wish to have a certain trade union representing them. I think that this principle should be looked at and not just adopted as it is in the proposed bill.

We shall have further comments to make when the bill comes before the Committee. This is all I wish to say at the present time.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN (Inkster): Mr. Speaker, I'd like to expand a few moments on the principle of the bill which seems to say that a group of employees, for no apparent reason to me, are going to become civil servants and therefore going to be members of the Civil Service Association and not have the right to choose their own bargaining agent. In particular it disturbs me because I know that there has been some difficulty in negotiating an agreement with various people who are employed at the Centennial Hall, and it seems to me that the easiest way out of difficulty, as envisioned by some people, is to pass a law saying they can't bargain with us. I regret very much if that's the manner that this proposal has found its way into this Act because I don't see any necessity of having people employed at the Centennial Hall suddenly become civil servants. There's just no identity of interest with anybody else who is working in the Civil Service, nor are their functions in any way related to government in the normal sense.

For years the people who worked for the Winnipeg Auditorium and for the Playhouse Theatre have had normal bargaining relationships and it would seem to me that that situation is going to change, we are likely to see the Centennial taking over much of the theatrical presentations that would normally find their way to the Winnipeg Auditorium and to the Playhouse Theatre, and therefore, to classify these people as civil servants -- and I would take that that's what the Act is doing -- would be to impair normal collective bargaining rights of a group of people. I would certainly think that that is a serious adventure for the Minister to be embarking on.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. EDWARD I. DOW (Turtle Mountain): Mr. Speaker, one section of this particular Act that worries me to some extent is the fact that this bill does give total tax exemption to this corporation. And I'm thinking more of the local improvement tax. This has been a tax that has had some argument in regards to certain cultural activities, particularly schools and churches throughout the province, where they have been given tax exemption but the Municipal Act distinctly states that you have to pay utility and local improvement tax. I'm wondering if this is not starting a precedent that might be hard to change and set up the legislation throughout the province that would change this. I'm wondering if this is an advisable section in the Act to exempt them from all taxes, and particularly I'm thinking of local improvement or utility tax.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. MOLGAT: Mr. Speaker, the bill as set up does not give any indication of what the

(MR. MOLGAT cont'd) plans are in the case that there are any law suits incurred by the corporation in its work, at least I don't see it listed here. I gather therefore, that it's the intention of the government to completely take over the responsibility for the management of the Arts Centre. As it stands now the government will advance, I take it, \$100,000 -- and I would like to know from the Minister whether that is to be at interest bearing rate, and if so at what rate? -- and the board has a further right to borrow an additional \$100,000. But - not that I want to be pessimistic about the operation of the centre - but supposing it was not to be a financial success, that it didn't carry itself? I'd like to know from the Minister what are the arrangements then? Is it the Province of Manitoba who carried the full responsibility for any of the costs of carrying on the centre? I gather from this bill that that is the intention and that in fact the province accepts the total responsibility.

I'm interested, too, Mr. Speaker, to see that it's the intention of the government to have all of the persons on the Board appointed by the Lieutenant-Governor-in-Council and I wonder whether here there shouldn't be provision made for other appointments as well. I can think, for example, of one body in particular, the City of Winnipeg, because the Centennial Centre is located directly in the city of course, and particularly directly across from City Hall, and it seemed to me there might be some useful purpose in having a member appointed or two members appointed to the board, by the City of Winnipeg; because undoubtedly there will be many occasions when there will have to be close co-operation between the board and the city, things like parking where there will be joint use and all the other matters that come up; might be some matters of planning; might consider as well whether the metropolitan corporation should have a member on this board; but I think there would be some advantage in having not strictly appointees of the government itself. I can think, for example, that within the area controlled by the board at the moment there is one monument which I'm particularly interested in, being the monument of the Royal Winnipeg Rifles which was previously on property of the City of Winnipeg, was then moved over to the approaches to the Disraeli Freeway and when the decision came to build the centennial there has now been incorporated as part of the centennial. Yet I know that originally this was a City of Winnipeg controlled monument and that the movements were made as a result of help by the City of Winnipeg and I think that there should therefore be communication there and that there might be better management and better co-operation if the Minister were prepared to have other appointees to the board.

MR. McLEAN: Mr. Speaker, if there are no other members wishing to speak on this matter, perhaps a word or two in closing the debate - dealing in reverse order with the points that have been raised.

Mr. Speaker, the Honourable Leader of the Opposition raised a question about the advance that is provided for and whether or not it would bear interest and I can also deal with that same matter which was raised by the Honourable Member for Hamiota. It would be my understanding and I'm sure the Provincial Treasurer would insist upon the advance being made to be repaid and also to bear interest. I think it would be unwise that the advance would be made on any other terms and I would anticipate that that would be the basis upon which the advance would be made. Of course, if the Centennial Centre is not able to repay it because they don't make enough money naturally that factor would have to be taken into account, but I would say that in the first instance the advance will be made to be repaid and to be repaid with interest.

That leads to the next question raised by the Honourable Leader of the Opposition about what happens if there are losses. Well, we are approaching this optimistically on the basis that it will be a self-sustaining operation and I wouldn't like to encourage anyone to think that we're standing by with some ready cash because I have a view that sometimes people can find ways and means of spending money if they think that there's some handy to be had. I would think that the implication is that the Province of Manitoba will have to see that the Centre operates if it's not making sufficient money. We have reason to believe that they will, but certainly there is only one source to pay any cost that can't be paid from operating revenues and that would be the Province of Manitoba.

With respect to other appointments, there is merit in that suggestion although I would find it difficult to know where one would start and where one would finish, because this Centennial Centre belongs as much to the good people of the constituency of Ste. Rose as to the people of the City of Winnipeg and the proximity perhaps ought not to influence us in the appointment of Directors, that is the proximity of any one interest. And of course if one talked about the City of Winnipeg, one would then also have to consider, perhaps, particular groups that will be using

(MR. McLEAN cont'd) it and I rather think that on balance we would be better advised to leave the matter to the Lieutenant-Governor-in-Council and hopefully in the appointments to ensure that the public interest, the total public interest is recognized.

The Honourable the Member for Turtle Mountain raised the matter about tax exemption and I would have to say to him that my understanding of the provision in the bill is that this simply puts into this bill what is already the existing fact, that agreements have been made on this point in earlier times before I became the responsible Minister and whatever one may think of the precedent that was created it has in fact been created and we have simply put into legislation the actual fact as matters are at this moment.

I enjoyed the comments of the Honourable Member for Inkster but I think he was tilting at something that doesn't exist because I don't interpret this to mean that the people will be civil servants. The provisions that are in the bill are common provisions that are followed in the establishment of the corporations of this general nature. For example, to give an illustration, the Hog Marketing Commission has similar provisions to this with respect to its employees and yet they are not civil servants in the sense that people who work in this building are. These are the standard provisions, and in particular of course, to ensure that they are under the Superannuation Act, to which I presume no one takes any objection and the Public Service Insurance Act which refers to the group insurance. But other than that -- these are procedural matters only and I would be very surprised, I'll check the point, but I'd be very surprised if that is not the limit and they are not civil servants in that sense.

The Honourable Member for Kildonan mentioned, as did also the Member for Hamiota, the limitation on the number of directors. I think I could assure you that as far as I personally am concerned, and the present administration - although I cannot speak for future Ministers or future administrations - it would be our hope not to appoint many more than the minimum number. Because the function of this corporation and the directors is to be a board of management as distinct from any more flighty ideas, I think that the balance of judgment would be to limit them or keep them as few in number as possible. I think perhaps we wouldn't wish to put too great a restriction in the bill, but I can say that we do not intend to appoint any large number of directors, but simply enough to carry out the function of the corporation.

The Honourable Member for Kildonan has also made a useful suggestion about the rules being subject to approval by the Lieutenant-Governor-in-Council - the rules of procedure - and I certainly will be happy to look at that. We may have a suggestion to make in that regard when the bill comes to committee.

About the fiscal year, after a long time I used to argue in another post that I had that there were advantages sometimes in these related groups having fiscal years, -- for example, it might coincide with the calendar year -- but I've been finally persuaded that in those matters where the Province of Manitoba has a financial interest, perhaps a financial responsibility, and certainly here a contingent liability, that we're better advised to have the fiscal year coincide with that of the province itself. I recognize the difficulties that it gives in relation to perhaps a matter such as an annual report but, here again, on balance it is our opinion we would better to maintain the same fiscal year as that of the province itself.

Coming to the Honourable Member for Hamiota. I mentioned the matter of the repayment of the \$100,000 which as far as our present intention would be concerned, would be that that would be repaid assuming that they made funds with which to repay it. That is not contemplated as a gift or anything of that nature. I covered the point about the employees being civil servants. The Honourable Member for Hamiota suggested that the report should be tabled sooner than indicated and here again we'll look at that provision. I'm not really certain that it's necessary to take four months to complete the annual report; we'll have a look at it.

The Honourable Member for Hamiota also referred to the number of Directors and the length of their appointment. I think that perhaps without locking ourselves into a specific procedure, that we might well take his suggestion that the initial members be appointed for varying terms so that it would get a continuing basis for future appointments. I doubt if that would be necessary to alter the legislation on that score. I think I could assure him that we would be very happy to take that suggestion into account in the actual appointments that are made if this bill receives the approval of the House.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: I'd like to pose a question to the Honourable Minister. He mentioned that the employees would not necessarily become civil servants, that this was just for superannuation

(MR. FOX cont'd) purposes and so on. In that case, does this not place these people in limbo because under the Labour Relations Act, section 55, everyone is excluded who is working for the government and is not in the civil service except those that are mentioned and these people would then become in limbo the same as the marketing board employees and a number of other commission employees. I think that this matter should be looked at and carefully described instead of leaving it in this manner.

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

MR. SPEAKER: Bill No. 81. The Honourable the Attorney-General.

MR. LYON presented Bill No. 81 an Act to amend the Real Property Act for second reading.

MR. SPEAKER presented the motion.

MR. LYON: Mr. Speaker, a brief word on this bill I think would be in order. The amendments which are before the House have no single principle, of course, but they do represent the first major renovation so to speak to this bill that has been made since 1933, and while there are no highly substantive matters - indeed quite the opposite, there are a number of procedural matters dealt with in this bill - it is being brought forward at this time in order that the Real Property Act can be renovated just prior to the Revised Statutes of Manitoba coming out in a year's time or so.

I think it would be of interest to the members of the House, Mr. Speaker, to know that the substance of the bill that appears before you arose from two annual meetings of all of the district registrars of Manitoba meeting under the chairmanship of the registrar general and in consultation with the revising officer, Mr. Gerald Rutherford, in order to rehabilitate the bill and have it in shape for the revised statutes. The project was undertaken in 1965. There was a conference in '65 of all the district registrars, at which time they were invited to consider changes that should be made resulting from their long experience over the years in the various land titles districts of Manitoba. And then there was a meeting again in 1967 where each district registrar was provided with a draft of this proposed bill and the amendments and discussions at that time were considered quite thoroughly by the district registrars and the registrar general.

The last general revision was in 1934 and while this is not a general revision of the Act it does take care of a large number of situations which have come to the attention of these experienced gentlemen over the years and it's on this basis that I recommend the bill to the House.

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

MR. GREEN: Mr. Speaker, I beg to move, seconded by the Honourable Member for Elmwood, the debate be adjourned.

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

MR. SPEAKER: Bill No. 100. The Honourable the Provincial Secretary.

MR. McLEAN presented Bill 100 an Act to amend the Civil Service Superannuation Act for second reading.

MR. SPEAKER presented the motion.

MR. McLEAN: Mr. Speaker, we have a standing arrangement with the employees who are covered by the Civil Service Superannuation Act, that we meet with them annually to consider matters pertaining to this Act and I can report to the members of the House that the proposals set out in this bill, in principle, not the legislation itself, but in principle, were all presented to a meeting of that group and they approved of them. So they are here with their knowledge as I say as to the principles involved and with their approval.

There are not any substantial, really substantial items here. Some of the matters are of a technical nature, or legal nature, recommended by the revising officer, Mr. Gerry Rutherford, who is revising the statutes and who is very helpful in pointing out perhaps alterations that make the statutes clearer, and the Legislative Counsel and then also by the Superannuation Board itself.

The recommendations by the Superannuation Board are of a nature which are to the benefit of the employees concerned and I believe are worthwhile. One provision deals with a person who - in regard to the matter of making an election and shortening the time within which that election may be made and also a provision respecting a totally disabled employee who is under the age of 55. At the present time that person may not receive an annuity which would continue to his beneficiary following his death. The totally disabled employee who is over age 55, and therefore eligible for early retirement, may receive such an annuity by retiring under the early retirement provision and in so doing he gives up the full formula pension payable to a totally

(MR. McLEAN cont'd) disabled employee and accepts a pension reduced on account of early retirement and further reduced so that it may continue to his beneficiary. The acceptance of this proposal would cause a slight increase to the pension fund but we believe that it would be worthwhile because it would be a protection to the beneficiary who outlived the retired employee.

There is, as I already indicated, a reduction in the time during which a person may file an application for an annuity which continues to the retired employee's beneficiary following his death. Presently you must give notice of that one year before retirement; that is being reduced to 30 days before retirement, which we believe is of benefit to the employees.

I would recommend the bill to the House as being a good one, clearing up some technical legal matters and is making some extensions which are of benefit to those persons covered by the plan.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. MOLGAT: Mr. Speaker, I want to thank the Minister for his statement. I was hoping, however, that he would tell us something on another item which has been discussed previously here in the House, and that is the position of employees that have been retired to date, people who are now out on pension. This is an issue which we have discussed on a number of occasions. It applies to the Civil Service as well as to all the other government agencies and boards. Some days ago I put on the Order Paper an Order for a Return asking for the figures showing which past employees of the government are on pensions below \$50, between \$50 and \$75 and between \$75 and \$100. Now it's my understanding, Mr. Speaker, that there are a goodly number of employees of the government who retired and who are now barely existing on extremely small pensions. I recognize that this is a difficult question and that there is no simple solution to it, and yet it seems to me that we have an obligation to these people.

I had an occasion in the past year where there was a request made of me for information by a widow of an employee of the Manitoba Telephone Service, for example, and when I went back to the telephone service certainly insofar as their Act and their Pension Fund, they were following the Act, and there was nothing I suppose that they could do within the rules that were set up, but the facts were that the individual concerned was in an extremely difficult circumstance. The situation was that the pension after the death of her husband was to carry on for 10 years and at the end of the 10 years it ceased completely. Well this placed the person in an impossible position. Quite obviously as time went on she was less and less in a position to obtain employment, was a lady at this time of age 76 and suddenly her pension had ended. The Telephone System were very sympathetic but explained to me that they could not do anything about it under their Act. Now in this case we're dealing with the Civil Service itself and I had hoped that the Minister would be able at this time to give us some suggestions and possibly some improvements to the Bill that could do something for those people who have retired in the past.

I think we have many of the civil servants who in past years gave excellent service to the Province of Manitoba, who at that time were under lower salaries because of the circumstances of those days, whose pension was based on their salaries at that time, who now find themselves because of inflation, because of the great increase in the salary structures, completely out of line with present day costs and I would appeal to the Minister for reconsideration of this matter. As I say, we have discussed it on other occasions in this House and I had thought that the Minister was giving consideration to this. When I saw this Bill come to us first I had hoped that it would have provisions for this.

The other matter I wanted to bring up, Mr. Speaker, is that of employees who are not considered to be on the civil service -- and I'm thinking for example those who work in these buildings as tradesmen, either carpenters or painters or various other categories in the buildings here as well as other places within the government service. Now I may be wrong on this, but it is my understanding that those who are on either hourly rates or tradesmen's rates do not qualify for the pension structure. I recognize that they are not civil servants as such; I don't think that they are on the regular establishment, that they are paid on a different basis, but would it not be possible to make provision for these people? Maybe it is in the bill; I'm not an expert on pension matters, but I understand in the past that they have not been.

Would it not be possible to make provisions for these people, if they cannot be part of the civil service to at least be in a position where they can contribute to the pension plan and have some retirement allowance at the end of their service with the government?

MR. GUTTORMSON: Mr. Speaker, I'd like to address a question to the Minister with

(MR. GUTTORMSON cont'd) respect to Section 2 of the Bill. Would he outline who this clause pertains to. For example, will Executive Assistants, will they qualify under this new clause, or people working on Commissions or Boards. Could he indicate that when he closes the debate, who he means by the word "employee".

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: I move, seconded by the Honourable Member for Burrows that debate be adjourned.

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

MR. SPEAKER: Bill No. 104.

The Honourable the Minister of Urban Development and Municipal Affairs.

HON. THELMA FORBES (Minister of Urban Development & Municipal Affairs) (Cypress) presented Bill No. 104 an Act to amend the Municipal Act (2) for second reading.

MR. SPEAKER presented the motion.

MRS. FORBES: Mr. Speaker, some of the amendments - some are amendments to principles in the Municipal Act and some are new provisions which we are offering for the consideration of the honourable members. One of the first ones is an amendment that would provide authority for any municipality including the City of Winnipeg and the City of St. Boniface, by by-law to enter into agreement with the province and within a school district, any school division or any school area, to perform any work or provide any service or utilize any facility on such terms and agreements as set out in the agreement.

Another one is complementary to an amendment in the Provincial Police Act and this would authorize a municipality to enter into an agreement with the Attorney-General under the amendment to the Provincial Police Act and thus obtain policing through the RCMP. Having done so a municipality would be deemed to have complied with the original requirement in our Act which requires specific municipalities to appoint police officers.

An amendment, Mr. Speaker, would remove the necessity of having a by-law establishing a recreation commission to be approved by the Minister of Welfare. At one time, Mr. Speaker, the requirement was that this should be approved by the Minister of Education and we are suggesting now in this new subsection that it is the council itself that decides what the powers and duties of the public recreation commission shall be.

We are proposing in here, too, Mr. Speaker, a number of changes in the wording of various sections of the Municipal Act. For instance, where any reference is made to an indigent person, that reference is struck out and the reference is made to "a person in need." Wherever a reference is made to the relief of the resident poor that reference is struck out and the reference changed to "assistance to persons in need". And wherever the word relief is used, that reference is struck out and the term "assistance" is substituted. There are some 17 of these changes in wording in the entire Act, Mr. Speaker.

We are suggesting for consideration here, a new principle. It would permit any municipality including the City of Winnipeg and the City of St. Boniface to enter into agreements regarding the use of air space above and space below the established grade level of any street or highway under its jurisdiction and a following amendment which would say, "notwithstanding any agreement entered into by the municipality respecting air space above or space below street level of any highway, the liability of the municipality in respect to such a street or highway is not affected."

There is also another suggestion made, a new one, which will permit any municipality including the City of Winnipeg and the City of St. Boniface, to pass by-laws regarding the disposition of any derelict vehicle.

Mr. Speaker, the present rate of interest provided for within the Act when municipalities issued debentures is a maximum rate of 7 percent per annum. Because of the tight money market municipal debentures are required to be sold, now, at a substantial discount and therefore we are proposing to raise this interest rate to 8 percent.

There is another suggestion here which will streamline the procedure whereby a municipality issues and markets its debentures. We are asking that the words after "calling for debentures" be struck out. It's proposed that a municipality not call for tenders until after receiving advice from the Municipal Board on the saleability of the debentures which will streamline the procedure. The by-law could then be amended and the debentures issued at a rate which would make them marketable at the first tender called. Now there are several sections in the Act, Mr. Speaker, which will require a change from seven to eight regarding the proposed new

(MRS. FORBES cont'd) interest rate.

We have one proposal which is aimed at prescribing the standard of safety features which must be observed in the operation of motor race tracks or speedways or any similar courses in the interests of public safety. We are also providing for an increase in the statutory rate of assessment on pipelines.

Mr. Speaker, in the Act the right for appeal from a decision of the Court of Revision on the assessment of a person's property is limited only to the owner of that property. But everyone should have the right of appeal. There are occasions when other people may want to appeal the owner's assessment as being too low in relation to their own and they were previously stopped by the word "his". We are therefore deleting the word "his" so that the right of appeal will be open to all persons.

Also, Mr. Speaker, presently taxes become due and payable as you know on the 31st day of October. We are proposing to change this date to the 31st day of December and this change would make the penalty applicable the first day of January rather than the first day of November. And at the same time we are giving permissive authority to municipalities where by by-law they may impose penalties on unpaid taxes at rates which will not be less than one-half percent and not more than three-quarters of one percent per month.

Mr. Speaker, I believe that I have dealt with all of the proposed changes and I offer them for the consideration of the honourable members.

MR. SPEAKER: The Honourable Member for Seven Oaks.

MR. SAUL MILLER (Seven Oaks): Mr. Speaker, on this particular bill there is a number of questions that I have and perhaps the Minister could answer. But firstly I want to commend the Minister on this new approach to allowing municipalities and the Government of Manitoba or school divisions to enter into agreement for the joint use of facilities, the joint operation of facilities. I assume that this is in line with this other debate that's been going on here most of this Session where it was felt on this side that municipalities and school boards should be able to jointly undertake certain projects whereby they might best utilize their recreational facilities. If I'm wrong in that interpretation I certainly want to be corrected. But this is the way I read it.

There is one question I'd like to pose to the Minister and it's this: would she consider to broaden this to include other municipalities as well? Where you have school divisions which sometimes encompass three or four parts of various municipalities it would be I think advisable and it would work, would be more effective if other municipalities could enter into these agreements. Then you wouldn't have the problem where a school division wanting to get into an agreement with one of the municipalities would find itself prevented from doing so or get into a hassle with a neighbouring municipality because of an expenditure of funds. In a sense it could work very much like regional libraries where two municipalities jointly agree to the use of certain facilities or to the creating of certain facilities, I can't see why this wouldn't be to an advantage to the people concerned. It gives it a flexibility which I think perhaps is now lacking and I would ask the Minister to comment on this.

The other matter of the change in terminology. I want to commend the government on that. I know our own Leader, the Leader of the New Democratic Party is very happy because I know over the years he has been pressing for this sort of new approach in terminology towards describing the "indigent poor" and this certainly is a step in the right direction and I want to commend the government for finally taking it. The other, dealing with the space above and below highways, I assume that this is to permit the underground that was discussed at Portage and Main and perhaps also the so-called graham wafer on Graham Avenue, or the overpass on Graham Avenue. Now it says it includes the City of Winnipeg, it includes the City of St. Boniface but it makes no mention of Metro. Now Metro is not a municipality as far as I know - correct me if I'm wrong - it is not a municipality in the Act so is it excluded or can it be included under the term "agreement of any person?" Is Metro a person? It's not a municipality; is it a person? I'm not sure. And if not, should Metro be excluded from this sort of arrangement since everyone else seems to be included.

The section dealing with the liability of the municipality in respect of the street or highway and I can see the need for it, the liability of the municipality should still be maintained, but I'm wondering whether the Minister has thought in terms of the type of liability that could occur if for example on Graham Avenue, this plan of an overpass, if this is extended for let's say a block or two blocks, and the property, the commercial enterprises on the ground level

(MR. MILLER cont'd) find themselves blotted out from the sun. You have an overpass on the second floor level so to speak. The people down below are then almost in continuous darkness or a tunnel. It's got to be artificially lit because obviously it's -- this reminds me very much of the old subway system or the old el system in New York where those streets where the el was above ground inevitably became ramshackle, became squalid, and I'm wondering whether when we talk in terms of liability as a city, whether an owner or some person who had a business on a ground level affected this way by this type of overpass could hold a municipality liable for loss of business and for loss of what was once a desirable location made into a very secondary business location. Perhaps we should look at that and make sure we're not getting into something that could be very costly for the municipalities involved.

The other item dealing with the prohibiting of leaving derelict cars is a step in the right direction. There, too, I wonder why the liability on the person owning property and I can visualize this situation: If the owner of the property is aware, or is in any way involved in a car being dumped or being left on his property then certainly he should be liable both jointly and separately liable as suggested in the Act. On the other hand if a man owns a few acres of land somewhere in the outskirts of Winnipeg and unbeknownst to him somebody proceeds to dump a car on his property overnight, which is happening all the time in the outskirts of Winnipeg, according to this that owner even though he may not be there, he may not occupy the land, suddenly finds himself liable, financially liable, for the derelict that's lying on his property. Now we want to get rid of these derelicts. There's no question. But is it fair to impose this type of liability on someone who's completely innocent of what occurred, and again I'd like the Minister to make a comment on that if possible.

The last item or second last rather is the extension of the date for penalties on taxation, on unpaid taxes. Is that the unpaid? - the taxes that are due - and you're extending it from October 31st to December 31st. In other words, the date is being extended where people can pay at par and with the money market today what it is and the need for the municipality to collect its taxes as quickly as possible because it has its operations, its cost of operations and it's hopefully going to collect the money and not have to go to the banks to maintain its operation, by extending that date for two months you are discouraging people from paying their taxes. They have no advantage. If they're not going to take advantage of the discount then the par period is being extended, the payment at par, so they have an extra two months in which to pay these taxes at par. There is no inducement on them to pay earlier and I can visualize the situation that anyone who's missed the discounts, the benefits, would simply sit back and not pay the taxes until the point at which penalties are going to be added on. I'm wondering why the extension of this date from October 31st to December 31st, because I say it will slow down payments of taxes to the municipality.

And then last but not least is this item of increasing the interest on taxes, the tax penalties, from one-half to three-quarters. I've said it before, perhaps now it can be said with more emphasis, why are we bothering to amend the City of Brandon, the City of St. Boniface, the City of Winnipeg and I think some other charters, when The Municipal Act is being amended. Under this Act, that is the Municipal Act now, it can simply be applied to any municipality that wants to take advantage of it because you have the minimum of a half to the maximum of three-quarter percent. In that case why go through what I think is a lot of work on the part of the department but a lot of confusion also by having it part of every individual charter; city charter. Since it is permissive can it not simply be at this point eliminated from the various charters which you've dealt with, make it something that's available as a power by the municipality under The Municipal Act; those who want to avail themselves of it do and we needn't go any further. I think it's important not only for this year but for next year because I can see a situation where we're going to continue on this method of everyone acting only on their charter, ignoring The Municipal Act, as Winnipeg has often done, and simply coming up with their own charter amendments. I think it's unnecessary and I think it has a poor effect on The Municipal Act itself.

I'm wondering whether the Minister in view of this particular bill coming in whether she now would not recommend that we eliminate the various sections in the various charters we've dealt with which are basically the same thing as this. Let's consolidate it, let's not do something now which three years from now we'll sit here and say, "we should have consolidated it." If we don't get into this jet bind you won't have to consolidate three years now now.

But again I want to ask the Minister what her attitude is toward safeguarding people who

(MR. MILLER cont'd) are not paying their taxes because they can ill afford to -- and I'm talking now about the individual who let their taxes go into arrears not because they're using the municipality as a bank but because they are in a financial bind and simply increasing the penalty from one-half to three-quarter percent, in other words from six percent per year to nine percent per year, imposes an additional hardship on people who obviously are now suffering a hardship.

Now again I don't think it's too difficult to give these people an exemption. I think it can be done and I think it would be very fair to do it. I don't think the municipalities who are anxious to get this increase in interest rates, I don't think their interest is to hurt those who cannot afford it. As I said earlier their interest is to make sure that -- particularly commercial firms don't, or people in the real estate business don't take advantage of the low interest rate charged by the city to help finance their business operations. As I mentioned in the case of the City of Winnipeg where there's \$3 million in arrears in unpaid taxes, over 75 percent of that is by commercial or real estate interests and a smaller percent, 25 percent only is bonafide, legitimate small homeowners who simply are not in a position to pay. We shouldn't hurt that 25 percent in order to try to prod the 75 percent into paying their taxes on time and not have the city finance their operations.

So I'm wondering whether the Minister could reply to these questions that I've posed.

MRS. FORBES: Mr. Speaker, to reply to his first question I think -- (Interjection) --

No. No, I'm not closing the debate I was just going to -- (Interjection) -- I can't answer? Fine.

MR. DOW: Mr. Speaker, I move, seconded by the Honourable Member for Carillon, the debate be adjourned.

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

MR. LYON: . . . to call the Committee of the Whole House on top of Page 2, please.

MR. SPEAKER: Committee of the Whole House.

MR. McLEAN: Mr. Speaker, I move, seconded by the Honourable Minister of Health, that Mr. Speaker do now leave the Chair and the House resolve itself into Committee of the Whole to consider and report of the following Bills: Nos. 72, 42, 43, 44, 45, 46, 70, 71 and 79 as set out on the Order Paper.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House resolved itself into a Committee of the Whole House, with the Honourable Member for Arthur in the Chair.

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: Committee proceed. (Bills Nos. 72, 42, 43, 44 and 45 were read section by section and passed.)

HON. GURNEY EVANS (Provincial Treasurer) (Fort Rouge): Can the honourable member . . . the translation . . .

MR. CHAIRMAN: Oh, sorry. An Act to amend an Act to Incorporate "Les Chanoinesses Reguliers des Cinq Plaies"?

MR. EVANS: Yes. I wanted to know the translation of it? It didn't sound any more intelligent . . .

MR. CHAIRMAN: I'm sorry. I think the question is out of order.

MR. EVANS: I was wondering if the honourable member can translate the phrase or if . . . Can the honourable member translate the title for me?

MR. LAURENT DESJARDINS (St. Boniface): It's an Act to amend - what do you want? Translate Les Chanoinesses Reguliers des Cinq Plaies? It's just the name of an order of nuns and the Cinq Plaies is five wounds.

MR. EVANS: Five?

MR. DESJARDINS: Wounds.

MR. EVANS: Oh, five wounds.

MR. DESJARDINS: Chanoinesses is - I don't know, I can't . . .

MR. CHAIRMAN: Was that the correct pronunciation that we just got now from the Honourable Member from St. Boniface or was mine correct?

(Bills Nos. 46, 70, 71 and 79 were read section by section and passed.) Committee rise and report. Call in the Speaker. Mr. Speaker, the Committee of the Whole House has passed Bills 72, 42, 43, 44, 45, 46, 70, 71 and 79 and directed me to report the same.

IN SESSION

MR. J. DOUGLAS WATT (Arthur): Mr. Speaker, I beg to move, seconded by the Honourable Member for Springfield the report of the Committee be received.

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

MR. EVANS: Mr. Speaker, under the next order of business would you be good enough to call the second reading of Bill No. 60 -- (Interjection) -- Oh, I beg your pardon, yes. Third readings.

BILLS NOS. 72, 42, 43, 44, 45 were each read a third time and passed.

MR. BEARD presented Bill No. 46, an Act to incorporate Thompson Golf Club, for the third reading.

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

MR. GREEN: I don't intend to spend a great deal of time on this Bill. I'm sorry that I wasn't in the House when it was read the second time because there are some remarks that I would like to make concerning the Bill while not opposing it.

The pattern has been, with regard to recreational facilities, such as golf clubs in Manitoba, and if one drives around the province I think that this can be verified, to have these built and the initiative taken by private individuals, such as is happening with this particular incorporation.

Now, Mr. Speaker, I certainly wouldn't criticize the initiative of the people who are doing this, and they are probably motivated by the fact that Thompson needs a golf course and the traditional way in which this happens is for public spirited citizens to get together and incorporate a private club. The difficulty that I envisage with this type of pattern continuing - and I suspect that if nothing changes, that the pattern will continue - is that once this happens the pressure that creates demand for recreational facilities is much dissipated by the fact that there is a facility which people can join if they are able to satisfy the qualifications of the private club, and the general situation with private clubs, as I have known them, is that the entrance fee is generally fairly expensive, one has to purchase a share, and that the annual participation membership fee is again rather expensive and what has happened in many smaller communities is for the private club to make their facilities available on an admission basis to residents in the general community. I know that I've often golfed myself at the club in Selkirk, which I believe is a private club, but which makes its facilities available on a fairly general basis to people who will pay a green fee. I don't, Mr. Speaker, criticize that situation, but on the other hand I don't regard it as being the type of situation which should continue in any event to be encouraged.

Mr. Speaker, a golf club is perhaps particularly something which I give my attention to, perhaps because I personally am an amateur golfer in both senses of the word: one that I don't get paid for it - and I don't blame anybody for not paying to watch me or to pay me to golf; and secondly, an amateur in the sense of the word that I'm a pretty ordinary - and that I think is complimentary to my own golfing. The member for Seven Oaks says a "duffer" and I suppose that that's a good description.

But I think that golf is becoming an activity which more and more people like to participate in and particularly when we talk about the north and making the northern country attractive to people who are coming to work there I think that facilities of this kind have to be provided on a more sound basis than saying that some private individuals are going to get together and have a club, which you will then be able to join if you pay the membership fee, and/or - and I don't know whether this so, because it's done at the sufferance of the club - that you can pay an admission fee or a green fee to golf at the sufferance of the people who have started the club. One of the real tragedies of going ahead with this type of facility, is that the people who would then exercise the greatest initiative to have a public club built are no longer involved because they've already got their private club and they see no real necessity for having a public course constructed. Now, we in Greater Winnipeg, Mr. Speaker, are fortunate that the Metropolitan Corporation has now three public courses and is going ahead with a fourth so that any citizen in Greater Winnipeg - not at anybody's sufferance - but has the right to go to his own club, pay the green fees and take part in this particular recreation.

The citizens of Thompson, by going ahead with a private club, and because it's a small place, will essentially prevent themselves from getting the proper type of political initiative which is necessary for the construction of a public course, because if it was ever suggested

(MR. GREEN cont'd) I'm sure that the municipal council will say, "Well, there is a course which you can join if you want to". Mr. Speaker, I'm not objecting to the private course but what I think we should look to in the future - and I intend to bring a resolution to this effect next year - what I think that the legislature should ensure is that before a private course is sold land, or given the type of assistance which this course will be given - and I understand that they are getting their land as almost a public gift from one source or another - that there be a course which is under the jurisdiction of the public generally. That is, under municipal jurisdiction of the Town of Thompson, so that everybody will have it on an equitable basis. And then if somebody wishes to go ahead and build a private course which will be exclusive to themselves, or which will obtain the kind of exclusive membership which generally finds itself to a private course, I have no objection whatsoever. Because I don't think that the one precludes the other, if you do it in the way that I've suggested. But if you do it in this way, and again I'm not criticizing the people who are going ahead, but if you do do it in this way, then I suggest that you essentially preclude the public from ever having a course in a limited community. It can be done in Winnipeg but it certainly won't be done in Thompson and as I see it, the municipal council will now regard it is unnecessary to go ahead with a public golf course.

So, I have no objection to the bill, Mr. Speaker, but I'd like to put on the record the pattern that I think that should be commenced with regard to recreational facilities, not only of this kind, but let us say with regard to swimming pools and parks and what have you. That what must be ensured in each of our municipalities is that the public interest is first looked after and thereafter anybody who wishes to go ahead with a private course can go ahead and do so.

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

BILLS NOS. 70, 71 and 79 were each read a third time and passed.

MR. EVANS: Mr. Speaker, would you now be good enough to proceed with second reading of Bill No. 60.

MR. SPEAKER: Second reading Bill No. 60. The Honourable Member for Lakeside.

MR. DOUGLAS CAMPBELL (Lakeside): Mr. Speaker, a few days ago I made what could legitimately be termed introductory remarks in connection with this bill. I had indicated to the House that I consider the subject matter of it to be a very important one. I believe I had mentioned, and I certainly do not intend to review the several things that I said at that time, I believe I had just mentioned that there was a companion piece of legislation put in dealing with The Election Act and to some extent with The Electoral Divisions Act, at the same time that, or coincident with, the legislation of which I was speaking - the predecessor of this legislation. That was that we had discarded the system of election that had obtained for quite a few years with regard to rural constituencies; we had discarded the transferable ballot system. I had been a member of the government that had put that system into operation; I headed the government that took it out, which proves that contrary to the opinion that's held of me in some quarters, that I am capable of changing my mind, if I can be convinced that something is not operating properly.

I was not present in this House when the proportional representation system was put into effect in the Province of Manitoba, applying to the City of Winnipeg. It existed for a long time; it still exists so far as the election of Aldermen are concerned in the City of Winnipeg. But we looking at it when we came in - in 1922 - thought it was advisable to put in what's called the single transferable ballot for single member constituencies. I still say, Mr. Speaker, that as far as the theory is concerned, I still believe that proportional representation in large communities and the single transferable ballot in single member constituencies theoretically are right, and yet I headed the government that discarded them both in favour of single member constituencies, because I had the feeling, first, being practical that they weren't being used to the extent that was possible; but secondly, and more important in my opinion, was the fact that the federal elections have been traditionally carried on with the other method, a single member and voting with an X, and I'm a great believer in uniformity -- not for its own sake but because I think it's usual to have uniformity - but most important of all, Mr. Speaker, I believe in the single member constituency because I think it operates much more effectively toward achieving a majority government position. And having had the opportunity of having sat in a minority government myself for some years and having seen other ones in operation - both provincially and federally - I was convinced then that the advantages of having a majority government outweigh completely any theoretical advantages that some of the other systems may possess. And having since that time seen a series of minority governments in Ottawa, I am more convinced

(MR. CAMPBELL cont'd) than ever that a system, a fair system, but a system, that tends toward giving the electorate the greater opportunity and likelihood of electing a majority government is very much to the advantage of a country or a province. So we discarded both of those in favour of the single member constituencies, and to that extent I think, conditions being as they were at that time, contributed, to some measure, to our own retirement. But I still believe, I still believe, that it was right to do it at that time and certainly I believe that the legislation that is a predecessor of this bill is right.

Now we get to the bill itself. Well, one other thing before I do that. The legislation that we introduced didn't just do away, to some extent, with the disparity that existed between urban and rural constituencies; the disparity that existed at that time, was very, very definite as between rural and rural constituencies and between urban constituencies. There were disparities all the way along the line. As I mentioned the other evening although we didn't cure it completely, we didn't by any means adopt in total the principle of representation by population, still we made a big start along both ways.

And we did another thing that I think was important then and I'm glad to see that the present bill continues it. We held the membership at the number that it was before that time. There have been very few governments, Mr. Speaker, either federal or provincial, that have dealt with the question of redistribution without doing it the easier way of the two, and that is by adding some more members. The Federal Government has done it regularly when they made changes until this recent one. The Province of Ontario did it on more than one occasion. We did it once years ago, but that was to accommodate the men who were coming back from the armed forces. I think that that was one thing that was right, I think we have enough members in this House for the population that exists at the present time and I compliment the government on having resisted any pressure that there may have been -- and I guess there likely was some -- to fill the remaining three seats here, or four after you are in the Chair, Mr. Speaker, and hold the membership at 57. I think it's enough.

And of course an established Commission - and here again I give the present government credit for maintaining the situation as it was. We established a very high level Commission, chaired by the Chief Justice, whoever he should be, of the Province of Manitoba, with the President of the University, and the Chief Electoral Officer as the other two members of that commission, and as you are aware Mr. Speaker, the Government of Manitoba appoints only one of those three members, one of them being appointed by the Federal Government and the other by the Senate or Board, whichever it is, of the University. We did one more thing so far as the Chief Electoral Officer was concerned. We put him in a more independent position than he had been previously, because we put him on the same basis as the Comptroller-General of the Province and the Civil Service Commissioner and made him - added to his independence by making him an officer of the House and dischargeable only by the House rather than an ordinary civil servant.

Now, this bill has followed those main principles and I'm glad that it does. Under both the former Act of course, and under this one, this House has the final authority. You can appoint a commission all you wish, you can have the best commission that you wish, they can make the best report that is possible. The final decision has to be made by this House because their report has to come back to this House and has to be implemented here. But I think the advantage of this type of legislation, Mr. Speaker, is that when you adopt a principle of having an independent commission, it would be almost axiomatic when you proceed according to that system that you would adopt the report of the commission, because once the House would start changing, or in any way tampering with that report, it would be bringing the matter back into the realm that could have partisan politics.

So far as the report was concerned back in 1957, I'm sure it was adopted with no change whatever, except there may have been a change in one or two of the names of the constituencies where some representations were made for hyphenated names rather than single ones.

So, under this bill, the membership remains the same as before, which I approve. The Commission make-up is the same and I certainly approve of that.

As everyone knows, Mr. Speaker, I am a believer in this method of implementing the terms of redistribution but I think there are a couple of areas that even though I am a great believer in the commission method, there are a couple of areas where this Bill even extends the commission's authority. It allows for a greater variation as between the different constituencies and it allows, if I read the Act correctly, it allows the commission itself to define the

(MR. CAMPBELL cont'd) densely populated and sparsely populated areas. It seems to me that the House itself should do this rather than the commission.

I have no fear of the commission, as it is presently constituted, acting in an irresponsible manner, but I think we shouldn't even lay them open to the charge or the suspicion or the possibility that they could so act, because I think that we ourselves here should lay down the basic ground rules and then leave the commission to operate under those rules. Because as I read this Bill, under it the commission could - I'm not suggesting that they would - but they could have one or many strictly urban constituencies with 25 percent more population than the rest. I think that's a bigger variation than necessary. Or they could have one or more strictly rural constituencies with 25 percent fewer people than the rest. Well, I wouldn't object to that being done in the case of far northern and outlying constituencies - just a couple of them perhaps - but I think that in other parts of Manitoba it is not being consistent.

So I would suggest that the method that was employed in the other Act of leaving mainly, in general, just the boundaries themselves and the names of the constituencies to be determined by the commission, would be - always subject, of course, always subject to what this House itself approves later on - would be the better way. Consequently, I think that the committee in its consideration might well consider taking a look at defining densely populated and sparsely populated areas if it's the feeling of the majority of the membership that they don't wish to use the term urban and rural, thinking that there may be some connotation there of a differentiation between city population and country population they might use some other terms, but I still feel that it would be better to more definitely allocate these areas and not leave that particular decision to the commission.

So, Mr. Chairman, with those comparatively minor objections, I again say to the government that I compliment them on the fact that the main principles of the former legislation have been adhered to; the commission itself remains the same; and I think that under those circumstances that any minor adjustments that we might wish to make could well be made in the committee stage.

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

MR. GORDON W. BEARD (Churchill): Mr. Speaker, I agree with the last speaker in respect to this Bill, and particularly in respect to the larger areas and the more sparsely populated areas. What bothers me is the particular problems that we are involved in at present in trying to look after these areas, and of course then I go to the real problem that was brought about through redistribution of our Federal seats, and in that redistribution it made the problem even worse than it was before. I would hope that if the committee set up are going to consider redistribution, and in doing that check over what has been said in Hansard with respect to redistribution, then I would hope that maybe I could put some of my thoughts on record.

In many cases these people, and maybe quite rightly, felt that in redistribution they should try and move a member into an area where the people are earning the same types of livings, that they have continuity between the areas in which they lived themselves, so that -- would we say that if the people of Lynn Lake are going to visit relatives in Flin Flon, then that would be the area that they should perhaps be considering as being the type of people that should be located in one constituency.

But if you move into northern Manitoba you must take into some consideration the fact that there are both urban and rural areas. There are large urban and there are large isolated areas, and you are considering in redistribution probably three-quarters of that province which was dealt with during the redistribution of the Federal seats, that is central and northern Manitoba. Central and northern Manitoba today are being looked after by two members, if you consider Rupertsland and Churchill constituencies, and out of this area itself then you have to reconsider what it is made up of: large isolated Indian communities, large isolated Indian communities that are historically the financial responsibility of Federal Government, but in which there are large groups of Metis people, historically the fiscal responsibility of the province. You must consider that while the Federal responsibility, and quite rightly possibly when you look back to the original treaties, the Federal people felt that they were responsible for Indians, Treaty Indians within that area that was made a Reservation.

But you must remember that at that time, Mr. Speaker, they weren't considering roads; they weren't considering planes; nor were they even considering railroads into that area, so that area was set aside so that there could be some assurance that fishing and trapping and hunting -- as the Indian did in those days. But today I would draw your attention to the fact that

(MR. BEARD cont'd) this is changed altogether. The economics of these reservations call for roads into that area. They are in a no-man's land right now in between their Reservation and the communication lines throughout central and northern Manitoba, and you can see where the provincial government are reluctant to build a highway from a trunk line into a Reservation area which is in effect the responsibility of the Federal Government. On the other hand, the Federal Government are reluctant to spend money on a highway that is in effect the responsibility of the provincial government and provincial property, so there must be some consideration given to some of these thoughts.

Secondly, what did bother me was when I looked at the 1966 statistics which apparently these people will be considering, and lo and behold the two that come to my mind at this time are Flin Flon and Thompson and they both show a population of 9,000 people. Now this is very wrong. We are both wrong, and I don't know how the committee are going to overcome this. But certainly in considering population, then this figure is away out and I don't know what they will do about it; how they will overcome it; whether they can make an exception to it; but I think that some consideration must be given in respect to this.

I think that, thirdly, they would have to consider the space in which the urban areas are spread out throughout the Churchill constituency, taking under consideration the fact that the mining towns themselves are very widely spread, and in many cases you cannot communicate between these areas by road or even by train. If you want to communicate between Churchill and Winnipeg it takes a day and a half - a day and a half by rail. The costs are a lot greater, so I think these are some of the things that the people should be considering in redistribution.

I know that I'm getting off the point as far as the Bill is concerned, but I thought that with a little leeway I would be able to sneak in a little advice, Mr. Chairman, to these people as they consider the Bill.

MR. SPEAKER: Are you ready for the question? The Honourable Member for St. John's.

MR. SAUL M. CHERNIACK, Q. C. (St. John's): Mr. Speaker, I hesitated because I had hoped that someone other than the First Minister would speak on behalf of the government and answer some of the points that have been expressed so that we would be able to debate rather than just to listen. The Honourable the First Minister introduced the Bill; several have spoken on this side; and now the Member for Churchill has spoken, and in order to have an intelligent debate there has to be a certain amount of give and take. I had hoped that there could be replies to some of the points that were raised so that we could have further debate on the replies, but since I saw that you had almost taken the vote and the First Minister was about to get to his feet, I thought I'd better say my piece and hope still that someone other than the First Minister would participate in the debate on the government side so that we could get the reaction of the government to suggestions that have been made and hopefully discuss it further. If, however, the government is going to be adamant about change at this stage, then there is nothing we can accomplish and all then that I can attempt to do is to deal with those few items which I think are of vital importance.

I should say, Mr. Speaker, that I agree wholeheartedly with the statement made by the Honourable Member for Lakeside, and I'm sure everybody else will agree with that too, that this is a most vital piece of legislation. I imagine that one could say it is the most vital piece of legislation in a democracy because it defines the rules in which the people will be represented in a democratic structure, and what could be more important than that? We deal with all the mechanics of living in our discussion of all bills and all legislation, but here basically we redefine the democratic issues and the rights of the individual to be represented fairly in the Parliament which determines the society in which he lives and the rules under which he will play a role in society. So, as I say, I cannot agree more with the Member for Lakeside that this is really the most important piece of legislation that any Legislature can discuss in a democracy, and of course in other than a democracy they don't have an opportunity to discuss it at all.

Well, the principle of the Bill establishes, I believe for the first time in this province, the acceptance of representation by population. Battles have been fought, blood has been spilled on that principle, and it is accepted. And once it is accepted then there are certain erosions that take place in that principle by a pragmatic approach - and I'm not saying that in criticism because I recognize that you can't have a fine line of "rep by pop" in an area such as Manitoba. But we must recognize that they are erosions and we must recognize that any departure from the principle of one man, one vote, is a departure which has to be very carefully assessed and

(MR. CHERNIACK cont'd) very carefully weighed, because no one will say that there is any person in Manitoba that has a greater right than any other person to have his representation in this House, and the only thing that we have to say is that there are certain factors which weigh against the principle of one man, one vote, but I think that those factors have to be very carefully considered, very carefully defined and very cautiously applied.

And I raise the point to question whether that is actually being done in this Bill, because the invitation is there for the commission to sit down and start immediately on the basis of the separations of peoples. The principle is not really enunciated as a principle. There is a mechanic set out in this Bill and the mechanism is that there shall be a quotient established by dividing the total population by 57, and then it does not say that the commission shall then divide the province into 57 electoral divisions based on that quotient, but it then says that it shall proceed to set the constituencies bearing a number of factors in mind. Well, to me, the most important factor is the one which is hinted at in the Bill, and that is one man, one vote. And that's not really stated as a factor, and I don't care -- and I'm not talking about independence of thought of the Commission, I'm just talking about an approach to a problem. I think it's well that when anybody starts to consider a decision he has to make that he has in front of him certain important principles which will guide his thinking, and I say the most important principle is hinted at. It may be taken for granted, but I would have liked to have seen this established as being not just a mechanism of how you start the work by a division formula but rather the first factor is proper representation of each individual on an equal basis in this province.

Then we have to recognize that equality is not necessarily in all cases one man, one vote; equality has to take into account distance, communication media, means whereby one can establish a closer relationship to this centre of government. These are factors that are not principles as much as factors relating and varying the principle. So one will assume that the Commission which we know is made up of intelligent, well-motivated people - and I pause because who knows what our motivations are at any time, but they are presumed to be well-motivated people - should sit down and do it on that basis and then look at the other factors which are mentioned in the Act, which is a community or diversity of interest.

I'm not too sure I understand that fully; I am not too sure that the description given to us by the Honourable Member for Churchill which seems to be that people of certain income groups are in one category. I'm not just sure of what the community or diversity of interest really means. Does it mean that all fishermen ought to have one representative who presumably is a fisherman and not a medical person, or is it that they have to have a special type of representation, or is their community of interest the fact that they are Manitobans? That, to me, is the primary community of interest. The diversity is what often worries me; the diversity between peoples as being accentuated and recognized in government often worries me.

The means of communication - that's very important. The fact is that the means of communication are such that we're pretty close together even in the farthest outposts now with radio and TV coming in and with air flights that are coming back and forth. That's pretty clear.

Physical features - I don't know what that means. I know what it means but I don't know how it applies. Once we settle the question of community and diversity of interest and once we settle the question of means of communication, then I don't know that physical features really means anything. Does it mean those in a mountainous region or those in a water region or those between lakes as compared with those across lakes? I feel as close a neighbour to the Member for Elmwood as I feel a neighbour to the Member for Burrows, although in one case a river separates us. I'm just not sure what it means. But there's already an indication that this is another factor to be looked at, and possibly a member of government will get to speak before the First Minister closes debate so we'll get a clarification of just what is meant, because if we don't know what is meant, how can we be sure that the Commission will know what is meant? And then we have other similar or relevant factors which opens this up completely and says, okay boys, you figure it out; we give up. That's really not quite good enough.

As I read it, the big problem that arises is the discretion, the very very wide discretion that is given to this Commission, and I think that it is too wide.

The Honourable the Member for Lakeside talked about definition of densely populated or - what's the other word - scarcely populated. That definition is only important, as I see it, in one respect, and that is that there is a ceiling on one and a floor on the other, and already we find a distinction being made that may be a hindrance. If these principles and factors that are

(MR. CHERNIACK cont'd) suggested in the preceding portions of the Bill are brought into play, then surely there should be no reason to fix a ceiling or a floor, because then the definition takes place. If one went into Assiniboia not many years ago, one would have said this is a scarcely populated area; and if one goes in certain sections of Assiniboia now, it's densely populated. Other sections of Assiniboia are scarcely populated, but who will say, who will dare to say that in the next few years Assiniboia will be a much more densely populated area than it is now. And what in effect this Bill says to Assiniboia, or to Thompson or to other constituencies, once we call you "densely" you cannot put in a representation of less than 100 percent - that is one man, one vote. If the quotient is 16,000 then you turn to - let us say Assiniboia or Thompson or somewhere else and say - you cannot set up a constituency of less than 16,000.

But we're talking about a large number of years; we're talking about, theoretically, 10 years. Well, I guarantee you that a place like Assiniboia - and I hope for Assiniboia that my forecast is correct - that its population will more than increase by one-quarter in 10 years. It might double, and therefore we are saying to Assiniboia - and this may be a prediction on my part - that if they go by this Bill, Assiniboia in a few years will become the kind of lopsided representation that now takes place in Transcona, in the division of Radisson, because they're way out-of-kilter, and this Act, setting as it does a floor on densely populated, will, I forecast, fill up that constituency out of proportion in the foreseeable number of years before the next change.

And, conversely, we might think that if we had some of the information the government has - and I don't know what that Hedlin-Menzies Report has in it which I've been asking about - it may well be that if it deals, as it may deal with the Interlake area, it may say that that area is now scarcely populated and will be more so. I don't know. We've had these discussions in this House. It may become a less populated area than it is now, and if you accept the fact, you accept it as a scarcely populated area, you may find that it will be even less representative within the 10 years. Therefore, I suggest that there should not be a ceiling and a floor and therefore there should not be required a definition of densely or scarcely.

But more important than that, I want to repeat the argument of my honourable leader to the effect that you are giving too wide a variation. Our present Act reads 7 to 4 with a variation of five percent and a further 2 1/2 percent variation. But let's say 7 to 4 and forget those variations. At this, 125 to 75, that's 5 to 3, and if you carry it up to get a common denominator as we used to do in Grade 4 or 5 - and the reason I mention that is I've forgotten how to do it - but I think that I'm right in saying that the real difference between seven and four and five and three is 21/12ths to 20/12ths, and that to me makes a difference of one in 20 or one in 21 and that's hardly a difference at all.

Therefore, I'm suggesting that although we came out and said when we first read the Bill and as the newspaper reported it, "Rep by pop - one man, one vote", we find there is a very little variation in my estimation in the proposed Bill if, of course, they go to extremes, and I recognize the five to three is an extreme. The 7 to 4 was also not quite the extreme; it could have been slightly worse because of the 7 1/2 permissible variation. I think that it's much too broad; I think five to three is wrong. I don't say that it will be 5 to 3, I recognize that that is the extreme position, but I think it is wrong anyway. It would be healthier, I think, to pick out those areas which are obviously going to be affected by this, as suggested by my honourable Leader, and name them in area or in description or general location than it would be to permit the possibility of a thing like this taking place.

I urge strongly that the government reconsider the position and explain to us why 25 percent either way. Where did that figure come from? What magic figure does it represent? What rational approach was taken that brought them to the 25 percent figure? Is there any reason why it wasn't 30 percent? Is there any reason why it shouldn't be 10 percent or 15 percent, or indeed the same 7 1/2 percent that is considered proper in our present Act? Once we accept the principle of one man, one vote, then the variation need not be any different from that in the present Act which is the 7 1/2 percent variation.

There is of course another variation and that is the passage of time, and the passage of time, as I say, appears to be 10 years. The truth is we know that it is not the 11 or 12 years that we contemplated originally, but it is now 13 years - and my honourable leader mentioned that. There is no explanation for that perpetuation of what we did last year for what I understood was good reason, and as I recall it, Mr. Speaker, the reason given last

(MR. CHERNIACK cont'd) year for the postponement by a year was the inavailability of the - if that's the word - of the Chief Justice of Manitoba. And now I'm being told "no", and possibly then the Honourable Minister - I'm sorry, the Acting Minister of Highways is now telling me that that is not so. I hope he'll get up on his feet and rise in debate and debate this so we'll understand better what he means when he shakes his head. Somebody else has just -- oh, it's somebody who isn't even in the seat in which he has the right to talk standing is now offering his opinion, seated. But again, I see that by making a hypothesis I have at least brought up some interest in members of the Cabinet who may even have the courage to speak rather than just to interject and call out.

So the reason was apparently other than the Chief Justice not being available. Maybe the reason was that we didn't have an Election Act, but whatever the reason was we'll find out. There are enough members of the Cabinet that are willing to tell us so I guess we'll find out soon enough so we can debate it.

But I am not aware that the reason that existed last year will exist again 10 years from now. I think it's wrong to postpone vital decisions of this nature for any length of time, for a month longer than they have to be delayed. Now the census takes place in '65, '75, '85, etc. Surely we don't have to wait three years before we get a redistribution, because now we wait 13 years for the next one, and then an election may not take place for - we don't know at that time, maybe another couple of years - and before we know it by the time we're into an election period we are again out of proportion. Of course if the election takes place shortly after the 13 years we're not so bad, but if an election takes place in the 12th year, then we find that there's a perpetuation of a wrongful proportion.

So that I urge strongly that we reject this three-year period between the time the census was taken and the time that the report be filed; that we reconsider the permissible variation in percentage figures; that we redefine the principles that the Commission is expected to follow in making its decision; and we really remove the need to define the types of areas which are going to have to be defined as densely or scarcely populated.

I hope also, Mr. Speaker, that we will hear from some government spokesman other than the First Minister so that we will get the reaction to the thinking. I won't be able to participate again but certainly other members of the Legislature will be permitted to participate further in this, as I say, most vital bit of legislation that affects any democracy.

MR. SPEAKER: The Honourable the Provincial Secretary.

MR. McLEAN: Mr. Speaker, I'm not certain whether I can answer the desires of the Honourable the Member for St. John's in his invitation for others to participate in the debate, but it did occur to me - and I had not intended to participate - but it occurred to me that the honourable member has just given all the very best reasons why the legislation should be passed in the form that it has been presented. Because while he begins by stating a principle - and I know that he is a man of principle, doesn't really like practical or pragmatic approaches to problems - he begins by stating a principle of rep by pop, which he knows has of course never been actually applied anywhere in any democratic society. And then he begins of course to acknowledge that that principle or that theory couldn't possibly be applied, and he himself gave a few illustrations in acknowledgement that, well of course there might be areas where that wouldn't hardly be fair. He did acknowledge that perhaps certain parts of the province were not as accessible to the seat of government as others and that there were in fact many considerations which had to be taken into account. And that is very true, and that is the purpose of the legislation; namely, that these factors which in the conduct of human affairs have to be taken into account, this is the basis upon which the legislation has been presented.

Now he says that he doesn't like the percentage by which the variation may occur and he suggests that the percentage in the present or the previous legislation ought to continue, but he overlooks the fact that in the previous legislation - or the present legislation I presume would be the correct reference - there are two variables already which are now being replaced by one. That is to say that there was the variation that occurred because there was a definition or a division into urban and rural and the 7 to 4 ratio there, and then on top of that there could be a variation. Now both of those matters are now being replaced by a single variation percentage of 25 percent, and of course if it had been 20 percent or 30 percent, I don't suppose that that would have been any more acceptable. One thing that can be said in favour of the 25 percent is that that is the percentage provided for in the federal legislation on this same topic, and while that doesn't invest it with any sanctity, it at least has the value of having been a good precedent.

(MR. McLEAN cont'd)

Then the honourable member suggests that the areas - that is that we here ought to name the areas that might be considered as having a special status so that they could be presumably given the advantage in terms of reduction in the numbers. That surely would be a violation of the whole principle of this legislation. That would be the government or the Legislature doing the very thing that we have agreed, I assume, by the principle of the legislation that we have, ought not to be done, because we here may have a vested interest. And I'm sure that if that were being done, if we were going to name the areas that ought to be given certain special consideration, obviously I would have to contend for Dauphin constituency as indeed every other member would have to contend for his own constituency. We've done away with any suggestion of that kind by leaving this matter in the hands of the independent commission and giving them the necessary latitude to take these items into account, all the items that the Honourable Member for St. John's was worrying about as he was making his speech, and I believe that under the circumstances that that is the most suitable arrangement.

In other words, it does in fact have what the First Minister said when he introduced the Bill, it has impartiality because the job is going to be done by a group independent of government, independent of the members of the Legislative Assembly, and a sufficient margin for the flexibility which is required to take into account the geography and the circumstances under which the people of the Province of Manitoba live, and to come out with a practical solution to what has well been described as a most important piece of legislation that is adopted in any democratic society.

So, Mr. Speaker, I just wanted to say that I believe that the honourable member has himself, by his address, given substance to the methods that are provided by this Bill and that it ought to be carried out in accordance with those principles.

MR. CHERNIACK: Would the Honourable Minister permit a question: Would you care to comment on the differential, the two years extended to three years after the census?

MR. McLEAN: Yes, I'm sorry, Mr. Speaker, I hadn't noticed what was said. I think that's a guessing game, if I might suggest, because who knows that it will be two or three years. You have to take your chances. You can't have a redistribution, I presume, every time the population changes, but there again one has to be practical as well as operate with a reasonable degree of certainty.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN (Elmwood): Well, Mr. Speaker, there seems to be a difference of opinion here as to what factors should be taken into account when one is considering making any deviation from the basic view that there should be one man, one vote. I think the Member for St. John's has proposed certain points and the Honourable Minister who just spoke seems to be able to twist them and to say that the Honourable Member for St. John's has conceded all the points that he himself has been questioning.

I think that a case can be made for a slight deviation or a slight tolerance based on geographic size. I personally would much prefer to see an equal one man, one vote situation. This is certainly not what we are getting in this Bill. The suggestion that we're dividing up the province by the 57 constituencies and coming out with a figure and therefore this is representation by population is completely inaccurate and misleading, because you read a little further and you find out that there's going to be a considerable tolerance.

So it seems that there is need, or a case can be made for a deviation from a 50-50 situation or a one man, one vote situation. But it's my belief that a concession in that regard should be slight. I ask the members of the government who make a case for the larger areas based on lesser population, how do Members of Parliament handle their constituencies? The average Member of Parliament has a constituency which is about four times the geographic and population size of the average member of a Legislature. How do they do it? And they spend half their time in Ottawa.

I think that we must bear in mind certain changes that occur in our province and in our society as the years go by. This is not the Manitoba of the '50s or the '40s or the '30s that we're talking about, this is not Manitoba in the horse and buggy days; we have basically a modern communications and transportation system. I think that if the problem is how is the member of the Legislature going to deal and communicate with his constituent, I'm not convinced that the solution should be that you give him a so-called smaller size constituency in terms of you keep the geographic limits small. There are surely other possibilities. For example

(MR. DOERN cont'd) maybe by making available to him more -- either giving him a larger expense allowance or giving him certain privileges, perhaps some of these problems can be gotten around. For example maybe he should have more free use of the telephone or telegram. Perhaps he should even have some radio or TV time made available to him. Perhaps he should have free mail privileges all year round. Maybe a transportation allowance could be made, particularly a greater one in the areas where a person might have to fly around. And ultimately perhaps his salary should be increased in some of these areas to allow him to have more time. I think those are possible alternatives.

I don't think that the only solution is you keep the geographic size limited for fear that the man won't be able to travel around in person in his car. It seems to me that's not the only determining factor. It is our job and we are paid an indemnity, a so-called salary plus an expense allowance to get around the constituency to spend time, to take the days off to travel around to see the people, and if a greater amount is required in some areas, in some constituencies, then I for one am willing to consider it seriously. I don't think the solution is to use a wide tolerance.

The present system of 7 to 4 or 7 to 3 ratio, I think, is unfair, and I think a preferable one, if it could not be on a general 5 to 5 basis, perhaps should be 6 to 5, but I think beyond that you're getting into troubled waters. The only two constituencies offhand that should have special consideration due to enormous size, I suppose, are Churchill and Rupertsland, but even there you have a growing population centre, the population centre of Thompson in Churchill. The 25 percent tolerance that is proposed in this Bill is really a facade, because it gives the impression that between the largest and the smallest -- perhaps unintentionally, I'm not saying this is deliberate -- I'm saying it does give the impression to some people that there will be a 25 percent tolerance between the largest and the smallest constituencies, when in fact it will really be a 50 percent difference between the two, if no greater.

I think that the closer we get to an actual rep by pop the fairer and the more logical -- and I don't think we have it in this Bill. The Honourable Minister said that this is the kind of legislation that the Federal Government is putting in, and I agree, but I still don't think that is fair. There are continuous population shifts occurring throughout this country and I think we have to take recognition of them. I might point out to you about the old days, as you may recall, back in England when you had the case of the rotten burrows and the pocket burrows where eventually some of the constituencies got down so far that only a couple of people nominated a Member of Parliament. And in Canada, in 1864, one election was fought on the cry of rep by pop. Well we're still fighting on that basis. It's 104 years later but we're still fighting for rep by pop and this Bill doesn't give it.

The Supreme Court in the United States in 1964 ruled that there should be equal reapportionment in state legislatures. That's still being thrashed out, but that was an actual accomplishment in 1964. And only in April of this year the Supreme Court again ruled that city, town and county reapportionment should also be done on the basis of one man, one vote.

So, Mr. Speaker, I hope that the government will take some care to consider some of the views of the members of the opposition, because I think although their proposal looks fair and reasonable and can be argued to be really a one man, one vote with some slight deviation, I think it still boils down -- as the Member of St. John's has said -- it's really a 5 to 3 proposal. It's a base of a hundred with a possible 25 percent either way, so instead of having the old 7 to 4 we're back to the 5 to 3, and I seriously urge the government to consider an amendment that this Party will propose to keep that tolerance to a more fair limit.

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

MR. NELSON SHOEMAKER (Gladstone): Mr. Speaker, I just want to ask a few questions on the particular Bill. I suppose that Section No. 11 that has to do with the governing factors for consideration by the commission is unchanged in this Bill. And in consideration of the fact that I suppose six or seven rural constituencies will go by the board, I hope that real serious consideration will be given to the factors as outlined, and in particular the one that says, and quote: "And insofar as possible, shall include the whole area of each municipality in the same electoral division." I think that the Commission should pay real heed to that one. I know in my own constituency it's not that bad, but I think that there are about two townships left out in Rosedale municipality and two or three or four left out in Westbourne. And probably in Gladstone constituency, by including those, it might just happen to increase the numbers that would qualify, but that isn't the point I'm trying to stress.

(MR. SHOEMAKER cont'd)

The point is that where you have a member of the Legislative Assembly representing parts of three or four municipalities, it's very difficult for the municipal men to communicate - that's a word that my honourable friends like to use so much - to communicate with three or four different members of the Legislative Assembly. That's happening in at least two municipalities of mine, and so I think that this is a very excellent recommendation. I think that it is most helpful and most desirable to have all of a municipality - as it says in the Act - included in the electoral division, and I just hope that the Commission will make every effort to comply with the recommendation made in this section of the Bill.

MR. SPEAKER: Are you ready for the question?

MR. MILLER: Mr. Speaker, I wouldn't want to close the debate at this point. The answers we heard today from the Minister, I feel, are not really an answer to the whole question of rep by pop. To simply say that rep by pop is a dream and that it isn't in effect in any democratic country or any democratic society doesn't answer the question at all. Sure, it may be a dream in the fact that it isn't entirely practical because you do have to take into account the problems, as pointed out by the Member for Churchill, and certainly areas such as the constituency of Churchill and the constituency of Rupertsland are unique. They're unique in the same sense as in the federal jurisdiction the Yukon Territories and the Northwest Territories are unique, and in those areas the federal jurisdiction recognize the uniqueness of these areas and gave them one seat each, irrespective of the population. They acknowledge that these areas must be represented and gave them arbitrarily one seat, and then the division for the rest of Canada took place. But to use that as the reason to try to justify the Bill we have before us is, I think, unfair to the rest of the people of Manitoba. It may be fair to the people of Churchill and Rupertsland but it certainly isn't fair to the rest of the people of Manitoba. And although I think we should concern ourselves about the people in those areas, we shouldn't do it at the expense of everyone else in Manitoba.

Now when we first heard of this Bill and when it was first reported in the press prior to our even receiving it in this House, we were told that this was a change in ratio; instead of 7 to 4, it was going to be 6 to 4 and so on. In fact, it's nothing of the kind. There's a tolerance of 50 percent, and it's inevitable, in the way this is set up and taking into account the geographic problems and the problems of communication and so on and so forth mentioned in the Bill - I think the terms are the physical features and the geographic, including sparsity and municipal boundaries and so on and so forth - it's obvious what we're going to end up here - and I don't blame the commission, an independent commission is guided by our Bill - I think they're going to end up with a situation where we have a 5-3 ratio in Manitoba.

Now 5-3 isn't really much better than 7-4. It's 1 in 20 to be exact - 20/12ths as against 21/12ths. That's the only difference. I think we're misleading people into believing that we finally have rep by pop if we pass this Bill in the present form, because to suggest that this is a 25 percent leeway, plus or minus, is to ignore the fact that the commission or the committee takes into account the various things we want them to take into account, geographic conditions, then we are going to end up with a 5-3 ratio and we are back where we started from. We are back again with the city voter being inferior to the so-called rural voter. He needs far more votes to elect one man than does the so-called rural area.

And I want to stress again that we are not in the days where communication between towns and villages was difficult. Manitoba has roads - the government claims it has been building them at a great pace and I don't doubt they have - I haven't covered them all but there is a lot of roads now. Thanks to the unitary divisions being created, communication between towns and villages is much better because the buses have to transport the children to the larger schools, so the day when you are isolated from your neighbour because your neighbour is ten miles away no longer exists. Telephones are available throughout all of rural Manitoba, and the distinction between rural and city or urban I don't think is valid any longer. The Urban Association of Manitoba isn't just the City of Winnipeg and the City of Brandon. It includes towns throughout Manitoba and these towns are not rural towns - they are perhaps in a rural area, a rural setting - but these are towns like any other towns and there should be no distinction between people living in the town of Roblin, Manitoba, or in the town of Steinbach, Manitoba, and someone living in the Rural Municipality of Fort Garry - there's a rural municipality as a matter of fact.

Now if we are going to be consistent, if we are going to really attempt to reach the

(MR. MILLER cont'd) objective, the ideal objective of rep by pop, then we've got to eliminate this tolerance of 25 percent plus or minus; in other words, a 50 percent spread between an urban area and a rural area. We have got to recognize once and for all a resident of Manitoba is a resident whether he lives in Winnipeg, south of Winnipeg or north of Winnipeg, that he has the same rights and privileges as anybody else and he shouldn't be handicapped and that his vote counts for less than anyone else's, or of someone a few miles away.

If we are all citizens here, we all pay our taxes here, we all participate in the community, we are all part of the community, then surely we should all be counted as individuals, and if a tolerance has to be granted, it should be because of the fact that there is such obvious geographic boundaries like a river which makes it almost impossible to hit the 16,000 figure dead on. It just can't be done. Then and only then should we consider a deviation from the 100 percent or the 16,000 per constituency basis. To do otherwise is to deny the people living in Manitoba - and this is all people, whether as I say they live in the City of Winnipeg or they live out of the City of Winnipeg - it is to deny them the right to feel that they are equal citizens and share equally in the choice of people to this Legislature and in the voice that they have in this Legislature.

Mr. Speaker, with all due respect, in Manitoba we have suffered - we have suffered because there has been on the whole a rural-oriented Legislature. I'll say this and I'll say this emphatically -- (Interjection) -- All right, now listen to me. -- (Interjection) -- Fine, I opened it up and I'm glad to, because frankly this has been the case throughout the years in Manitoba. Now someone asked if I'm a separatist. If anyone is trying to separate us it is this kind of Bill which tries to create a wall between rural and urban, which tries to impose a 5-3 ratio against urban in favour of rural. Now we have got to get away from that. This is not a rural-urban fight at all. We are all Manitobans, and if we are all Manitobans then we should all be given an equal vote.

MEMBERS: Here, here.

MR. MILLER: They say here, here up until it comes to vote, and as soon as it comes to vote they say no more. They are all in favour until it comes down to the wire.

I'm not interested in denying the rural people a vote. I'm not interested in denying people who live outside of urban areas a vote, but I don't see and I can't for the world of me see why they have to be given a loaded vote; why they have to be given a vote that is out of proportion to their population strength. So that any leeway over and above the 100 percent should not . . .

MR. LYON: Mr. Speaker, I hesitate to interrupt my honourable friend, I judge from his remarks that he isn't finished. Perhaps we could leave this item standing on the Order Paper in his name.

There is one further piece of business we wish to have done before adjournment.

MR. EVANS: Mr. Speaker, I have a message from His Honour.

MR. SPEAKER: The Lieutenant-Governor transmits to the Legislative Assembly of Manitoba estimates of sums required for the services of the Province for capital expenditure, and recommends these estimates to the Legislative Assembly.

MR. EVANS: Mr. Speaker, I beg to move, seconded by the Honourable the Attorney-General, that the message of his Honour, together with the estimates accompanying same, be referred to the Committee of Supply.

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

MR. LYON: Mr. Speaker, I beg to move, seconded by the Honourable the Provincial Treasurer, that the House do now adjourn.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 2.30 Wednesday afternoon.