

THE LEGISLATIVE ASSEMBLY OF MANITOBA

9:30 o'clock, Thursday, July 9, 1970

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.

INTRODUCTION OF GUESTS

MR. SPEAKER: At this point I should like to introduce 40 members of the Young Voyageurs from the Prescott-Kingston area of Ontario. They are under the direction of Mr. and Mrs. Newson. On behalf of the Honourable Members of the Legislative Assembly, I welcome you here this morning.

The Honourable House Leader.

HON. SIDNEY GREEN, Q.C. (Minister of Mines and Natural Resources)(Inkster): I took it that the Member for River Heights wanted to ask a question. I was going to adjourn the House.

ORAL QUESTION PERIOD

MR. SIDNEY SPIVAK, Q.C. (River Heights): Mr. Speaker, just before this is done, I wonder if the honourable -- I was asking yesterday -- just indicate that we will not be sitting again today. Is that correct?

MR. GREEN: My impression is that we will sit all day in Law Amendments Committee and we will meet again tomorrow at 9:30 in the House.

I would move, Mr. Speaker, seconded by the Honourable Minister of Finance, 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 9:30 Friday morning.

THE LEGISLATIVE ASSEMBLY OF MANITOBA
9:30 o'clock, Friday, July 10, 1970

Opening Prayer by Mr. Speaker.

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

REPORTS BY STANDING COMMITTEES

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

MR. CLERK: Your Standing Committee on Law Amendments beg leave to present the following as their Ninth report. Your Committee has considered Bills:

No. 76 - The Fatality Inquiries Act.

No. 80 - An Act to amend The Social Allowances Act (1).

No. 112 - An Act to amend The Social Allowances Act (2).

No. 113 - An Act to amend The Public Schools Act (2).

No. 116 - An Act to amend The Civil Service Superannuation Act.

MR. SPEAKER: Order please. Is it the wish of the House to have the entire report read?

HON. RUSSELL PAULLEY (Minister of Labour)(Transcona): I would appreciate it, Mr. Speaker, I was unable to attend the Committee yesterday and...

MR. CLERK:

No. 120 - An Act to amend The Wives' and Children's Maintenance Act (2).

And has agreed to report the same without amendment.

Your Committee has also considered Bills:

No. 61 - The Private Investigators and Security Guards Act.

No. 68 - The Criminal Injuries Compensation Act.

No. 78 - An Act to amend The Summary Convictions Act.

No. 79 - The Snowmobiles Act.

No. 83 - An Act to amend The Clean Environment Act.

No. 85 - An Act to amend The Consumer Protection Act.

No. 86 - An Act to amend The Corrections Act.

No. 119 - An Act to amend The Teachers' Pensions Act.

No. 132 - An Act to amend The Highway Traffic Act.

And has agreed to report the same with certain amendments.

All of which is respectfully submitted.

MR. SPEAKER: The Honourable Member for Logan.

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

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SIDNEY SPIVAK, Q. C. (River Heights): Mr. Speaker, I do not intend to speak at length on the motion. I intend to support it, but I think at this time I would like to make two or three comments.

First, Mr. Speaker, I think that the Chairman of the Committee is to be congratulated for the manner in which he handled the committee the past few days, the report. Mr. Speaker, in the committee there were at times outbursts - I think that would be the best way of describing it - between several members. The Chairman handled himself in extremely fair fashion, notwithstanding any of the remarks that may have been made by myself or others in the committee. I would suggest that at this time it's appropriate that reference be made to his Chairmanship and to the manner in which he discharged his responsibilities during a difficult session of Law Amendments. Difficult because we dealt with so many presentations and difficult because of the heat, and the general fatigue that exists, or characterizes I think, or describes the members in the Legislature.

Mr. Speaker, having made that point there are two other points that should be made. First, I'm one who has asked for some time - and it's true that this request was made by myself in opposition, but nevertheless whether it was made by myself in opposition and whatever period of time the request came, I think serious consideration should have been given - and the best example for what I'm going to request was apparent yesterday - and that is for some kind of transcribing facilities that will allow those who appear before Law Amendments and will

(MR. SPIVAK cont'd.). . . . allow those who want to examine the witnesses appearing before Law Amendments to have that recording transcribed in writing so that we do have a record of what has taken place.

We had two presentations yesterday, Mr. Speaker, which are worthy of note. One was the presentation by the general council on behalf of the Jehovah Witnesses who happens to be a distinguished lawyer in the civil liberties field, and I think it would have been important as legislators to have had in writing the presentation that was made. His presentation in many respects was no better than other presentations and other pieces of legislation by other members, but on the other hand, the field of civil liberties is a field that we must be continually concerned with and it would appear to me that there was an opportunity for the members to have had on record, in answer to many of the questions that were asked and in the basic presentation, information that would have been valuable to them as they approach their responsibility, in discharging their responsibility to examine fully future legislation.

We also had the presentation yesterday afternoon of the executive director - I believe he's the executive director - of the Civil Liberties Association who also made an excellent presentation, and it's not a question of whether one agrees or disagrees with the various items that were presented; what one must regret is that we do not have on the record the presentation, the answers to questions, the comments that were made which I think would assist us in properly discharging our function as members of the Legislature. Now I realize that it's probably too late at this session to see to it that there will be recording device in Law Amendments, but Mr. Speaker, I implore the government to consider seriously the inclusion of a transcription or recording device so that we in fact are in a position to be able to have the equivalent of a daily Hansard from Law Amendments so that we are going to be in a position to adequately discharge our function and to have on the record those items that we feel are important for ourselves. Secondly, give us the opportunity to be able to deal more effectively in the debate that will take place in Committee of the Whole of the bills that have been referred to it and able to allow all members - not just the opposition - but all members the opportunity to better equip themselves and to be in a better position to enter in the debate. Mr. Speaker, I will not accept, although it may very well be put by some members on the present government, I will not accept the fact that the previous government did not do that as an excuse for not doing it; because if it was wrong - and I think that the procedure was incorrect and I say this now - if it was incorrect not to have it before, it does not follow that it still should remain incorrect simply because of the practice in the past. I think that we had a tremendous example yesterday.

Mr. Speaker, the third point I'd like to make, and I do so now because I think it has to be made, is that we follow the practice and procedure that has been followed in the past of essentially leaving to the end of the session a great number of bills, having presentations made over a period of days, sitting from morning until midnight or late into the next morning, and having done that then deal clause by clause or page by page, as the case may be, of the various bills in an almost marathon to try and get through so that we can get into the Committee of the Whole and we can clean up and wind up the session. This is a practice that's followed, and been followed in the past, and I would suggest - and I think there's some evidence to support that based on what I can see so far - that what we have Mr. Speaker, is bad law being introduced in the rush to try and get things cleaned up at the end of the session and proceeding as we are, where everyone is tired, ill-tempered - not everyone, some are and this is not a reflection on anyone - ill-tempered because of the workload that has to be undertaken and the adequate examination, discussion and explanation for changes that are going to occur when we are dealing with amendments to existing Acts or principles that have to be discussed when we are introducing and talking about new Acts are not taking place.

We had a good example of that last night Mr. Speaker, in connection with one specific bill where the Minister undertook, when questioned by members on this side, in some detail to give explanations - and he had his staff present - on various sections that were covered in the amendments of the particular bill. Mr. Speaker, what took place in that specific bill should be taking place in every bill. And of course the answer to that comment of mine would be - well why don't we? That's right. Well, why don't we? -- (Interjection) -- Who's telling us not to? Well Mr. Speaker, let me say this to you. No one is telling us not to Mr. Speaker, but anyone who believes that in the atmosphere of the last week with the sittings that have taken place from morning until midnight and till one o'clock with the -- I guess it's longer than the last few days, the last couple of weeks, with the great workload that is present, with even a veiled threat by the Premier that there may be an election if there's a filibuster. And what is a filibuster? An adequate discussion of what's taking place

HON. SIDNEY GREEN, Q.C. (Minister of Mines and Natural Resources)(Inkster):
Baloney.

MR. SPIVAK: . . . in connection with legislation. With all of this Mr. Speaker, I suggest to you that the procedures that are being followed are not correct and not conducive to the kind of legislative debate that should occur. Mr. Speaker, the members on the opposite side in the government may again assume that this is a criticism and this is again someone who is standing up to try and take some political advantage because of the particular situation that has taken place. But I suggest Mr. Speaker, that I say this not in that context but simply in the context of one who would like to deal adequately -- (Interjection) -- well, you know, a few days ago Mr. Speaker, we had a discussion in which the Attorney-General was alleged to have imputed motives to me. Now maybe he did and maybe he didn't and I suggested that he did and we had a vote on this. When the Honourable House Leader sits in his Chair and says Baloney to me in a statement, he's imputing motives -- yes, and he acknowledges that.

Well I can only say to the Honourable House Leader, I recognize the workload that you've had to assume, I also recognize the strain that you're under, and I will understand that and accept your statement and leave it at that without getting involved in an argument. But you happen to be incorrect. You really happen to be incorrect in this respect. I as a person who's concerned about legislation want the opportunity for a full discussion, want the opportunity to be able to examine in detail, and want the opportunity to be able to do it in a reasonable atmosphere and I'm suggesting that what we have had in the past few weeks is not a reasonable atmosphere and I'm suggesting that the government is following the procedures that have been followed in years before as we've met towards the tail end of the session, and I don't think that is right, and I don't think this is right. Mr. Speaker, I say that, you know, without the motives that the Honourable House Leader is imputing to me, because there is an obligation -- and we have it, if we want to examine it, in a specific section of The Child Welfare Act which is not before us. -- (Interjection) -- beg your pardon?

MR. GREEN: It had full discussion, better than most.

MR. SPIVAK: Yes, it had full discussion, but Mr. Speaker, if we had not been fortunate to have had a counsel who was fortunate enough to be able to attract a doctor to come here, I don't know whether we on this side would have had any real opportunity or understanding of what motive -- (Interjection) -- Yes we did have in this one particular case, Mr. Speaker. But in a quieter and less rushed atmosphere -- (Interjection) -- in a -- (Interjection) -- It's not even passed and therefore I do not want to deal with this at this time, I'm only suggesting it as an example. But Mr. Speaker, if the session had been planned better, if it had been organized better, if the mornings of the months of April and May had been used for Law Amendments and for an adequate opportunity for presentation on specific bills, to be able to deal specifically with the bills that were at that time before us, we would have had the opportunity for the kind of review that must be taken if we are going to fulfill our function.

So Mr. Speaker, the members on the opposite side may say that this is a criticism of them. They have followed a practice which has been followed in the past, except that I would think that this is probably one of those sessions in which a great deal of legislation has been left at the end and the only conclusion and my real belief is that out of this will come some bad law simply because of the rush, and as a result of this procedure there will not be the kind of review that I think is essential if we are going to really participate. You know it's meaningless for members on the opposite side to say, you know, we operate in a democratic procedure and this is a democracy and the will of the majority is the will of the people and therefore that's good enough. Well our institutions work in a certain way Mr. Speaker, and they work as a result of debate and discussion and an understanding of facts, and I defy anyone Mr. Speaker, to say that they really understand the individual sections of all pieces of legislation that have been presented, because what we do have is a rush to complete a lot of things that we simply accept must be right, and in the more controversial issues, depending on the nature of the debate, the mood of the government and the timing, we will have either adequate, poor, reasonable and maybe possibly very good discussion and explanation. And I do not think that in what I witnessed so far that what has happened in the past and what is being followed now is the way in which it should be conducted. I think there is a far better way of it being conducted and I think that changes should in the future be made.

MR. SPEAKER: The Honourable Member from Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Chairman, I think the motion before us to receive the report needs some comment and I feel that the Member for River Heights did cover

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(MR. FROESE cont'd.). . . . most of the areas. But I think some of them wouldn't hurt to have some underlining. One of the points I wish to raise is that mikes be provided for all the meetings. Even though the proceedings are not recorded I feel that we should have more mikes in the House when we are in Law Amendments. Last night much of the discussion that went on at the head of the table you couldn't hear anything further back at the rear end of the table. I feel that this is not fair, because questions were asked and you couldn't hear the answers. I feel that there should be mikes as we have them in the Utilities Committee even though, as I say, the proceedings need not be recorded.

Then too I think the facilities should be there so that if we wish certain parts to be recorded, such as the presentation made by Mr. Howe, which I feel was a very very good one and which should have been recorded so that we could refer to it in future. I asked his secretary that was present whether I could get a recording of it; they promised it to me, I will most likely get it, but it won't be complete - this is what the secretary told me - and why should I be imposing on these people. I feel that we should have the services for the members there so that when it's called upon that they will be available.

I wish to comment on one other thing. This has to do with the matter of a motion that I placed that a certain section be deleted from the bill and which the Chairman ruled out of order. Yet a few moments later, the Honourable Member for . . .

MR. GREEN: Mr. Chairman, on a point of order. The honourable member is now discussing a controversy which he had with the Chairman. The Chairman ruled on the controversy, the member did not appeal the ruling and I would suggest if the honourable member has a point I'm really not disagreeing - then there is a Committee on the Rules which is reporting to the House in which he could more properly discuss this point, because otherwise he is going to do nothing but one of two things, I see him moving into: Either to reflect on the ruling of the Chairman on that particular point or else reflect on the objectivity of the Chairman as between two different members. In either case it would be wrong. So when we are discussing the Committee on Rules I think he could go into this.

MR. FROESE: Mr. Speaker, did the honourable member rise on a point of order?

MR. GREEN: Yes, I did Mr. Speaker. And Mr. Speaker, I think that the point of order is well taken.

MR. FROESE: Well, Mr. Speaker, I want to point out the inconsistencies that were taking place last night.

MR. GREEN: That's exactly what I thought the honourable member was going to do and I think that that would be improper. If he wants to discuss the matter in a general way, which is a different thing, there will be an opportunity for that to take place.

MR. SPEAKER: I believe the Honourable Minister's point is well taken. The honourable member well knows the procedure that is provided in the rules for appealing from a ruling of a Chairman of a Committee. I think it would be most improper to reflect upon the ruling of a Chairman or upon a decision of a committee of that type at this point.

MR. FROESE: Well, Mr. Chairman, I tried to get in at the time that this incident took place but was unable to do so, so I feel that the matter should be brought to the attention of the House for those members that were not there, that they are knowledgeable of what took place.

MR. SPEAKER: I do not believe that the honourable member could be allowed or should be allowed to raise that particular matter in the House at this time. There was an opportunity for him to do so I'm sure, which he could have availed himself of at the time that it had arisen.

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

MR. SPEAKER: Notices of Motion; Introduction of Bills.

ORDERS OF THE DAY - MOTIONS FOR PAPERS

MR. SPEAKER: The Honourable Minister of Finance.

HON. SAUL CHERNIACK, Q.C. (Minister of Finance)(St. Johns): Mr. Speaker, I ask leave to - I don't need leave to - file a Return to an Order of the House No. 28 requested by the Honourable Member for Ste. Rose.

MR. GREEN: Mr. Speaker, I want to lay on the table a Return to an Order for an Address filed by the Honourable Member for Pembina. Mr. Speaker, in clarification of this Return, there are letters following the date of the Order which have not been filed. The letters up to the date of the Order have been filed. I can tell my honourable friend that the contents of subsequent letters is very similar to what I said when he had his discussion on the non-estimates of my department.

MR. SPEAKER: Orders of the Day.

ORAL QUESTION PERIOD

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, the Minister of Industry and Commerce, either in a written report or verbally, made a report in connection with foreign exports out of Manitoba, that is exports from Manitoba to Canada and exports outside of the country and I'm not sure that the information and the figures were correct. I wonder whether he's in a position to more or less confirm the information that was published in the House. The published survey that I have, or information, is that the exports outside of Canada were 11 percent.

HON. LEONARD S. EVANS (Minister of Industry and Commerce)(Brandon East): You're referring to the newspaper article on the subject and you wish me to confirm various statistics on exports out of Canada from Manitoba? If you like I'll check the newspaper article and have it compared with the original survey report and ascertain that there wasn't any publishing error.

MR. SPIVAK: Mr. Speaker, may I then put the question to the Minister: if the report is correct and as an example the export is 11 percent, then I would ask that he make a comparison -- (Interjection) -- I would ask by way of a question, Mr. Speaker, whether he would report to the House and give the comparison of what the exports were in previous years to the export reported of 11 percent, which would mean that the exports outside of Canada are down for Manitoba by eight percent.

MR. SPEAKER: Order. Orders of the Day.

The Honourable House Leader.

MR. GREEN: Mr. Speaker, I believe that again it is the disposition of the members of the House to go into Law Amendments Committee, particularly today to hear representations from people on the Landlord and Tenant Act. It's also the intention of all of the members of the House to return to this Chamber on Thursday at 9:30.

MR. WALTER WEIR (Leader of the Opposition)(Minnedosa): Mr. Speaker, may I inquire then if the closing time of the committee was to be the same as had previously been established?

MR. GREEN: One o'clock. Somebody asked me - p.m? The Minister of Government Services has an announcement.

MR. PAULLEY: I just want to remind, Mr. Speaker, if I may, honourable members that there will be no parking permitted around the building on July 15th in the morning but members will be able to utilize the parking facility across the street on Kennedy Avenue. Entrance will be from the back lane on Assiniboine Avenue.

MR. WEIR: Mr. Speaker, for the benefit of members, might I refresh my own memory and maybe other members of the House that entrance to the building on Wednesday the 15th be from the west door?

MR. WARNER H. JORGENSEN (Morris): Mr. Speaker, I wonder if the House Leader could advise us what the order of business will be when we meet here again on Thursday?

MR. GREEN: Thursday, Mr. Speaker, we'll come into the House in the morning and we may deal with matters that are then on the Order Paper and then we will arrange for such committee meetings as we are able to hold -- see we are completed with delegations on all material except that which is not before the House, The Landlord and Tenant Act and the Public Utilities Committee. We will come back into this House on Thursday morning; we may then have to go into Law Amendments Committee at some future date but we will be in the House on Thursday. There is enough to do within the House.

MR. FROESE: I would like to ask the Minister of Government Services just what is going to be the procedure on the day that we meet with the Queen at the Legislative Buildings?

MR. PAULLEY: I'm under the impression, Mr. Speaker, that everyone has received a leaflet informing the honourable members. If my honourable friend hasn't I'll see that he gets a copy, but I am under the impression and if memory serves me correctly -- now don't hold me to it if I may be slightly in error, but it's my understanding -- first of all there's no parking, it will be across the street on Kennedy Avenue. Entrance for honourable members and their wives will be from the west side and the guides will be here to conduct -- (Interjection) -- Pardon? I believe the commencement -- we're to be in here no later than 10:30. I believe it was on the cards that were distributed yesterday. And then too -- (Interjection) -- this is the whole bit. I do know, and if the Honourable Member for Rhineland has further questions I'll endeavour to get the answers to them after we go into committee.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: I wonder if the Honourable House Leader could indicate now the likely date for the next meeting of Public Utilities? I think that notice should be given, that would be one consideration. I think it would be wise for those people who intend to appear to at least know what it looks like in terms of probable meeting date, and I wonder if he's in a position to do that.

MR. GREEN: Well, Mr. Speaker, much of this depends on things such as thorough examination of legislation, debate that takes place on that legislation. I am not assuming that we are working in a way as to deal with things so that they are not scrutinized and therefore I can't say just what scrutiny will be given to any section of a bill in Committee of the Whole House, in Law Amendments Committee. I am hoping that we could be back in Public Utility Committees some time at the beginning of the week following next. But I make no assumption that we are not going to have full discussion on all the material before the House.

MR. SPIVAK: I have another question but to the House Leader in connection with Public Utilities. The items before Public Utilities dealing with Manitoba Hydro have not been completed. Now I wonder what the government's intention is in this connection? Is it their intention to deal with this at the end of the 145 briefs or is there going to be an adequate opportunity-- and that may be adequate afterwards we may have time -- but the likelihood is that by then everyone should have been exhausted or expired by the presentations that have been made.

But, Mr. Speaker, I wonder if we in this House are going to be given the opportunity for the completion of our examination of Manitoba Hydro, particularly with the opportunity to examine Mr. Fallis who is the present General Manager of Hydro?

MR. GREEN: Mr. Speaker, the activities of committees and their dates will be announced in due course.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable Minister for Cultural Affairs, 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 9:30 Thursday morning, July 16th, 1970.