

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Friday, July 16, 1971

Opening Prayer by Mr. Speaker.

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

INTRODUCTION OF BILLS

HON. SAMUEL USKIW (Minister of Agriculture)(Lac du Bonnet) introduced Bill No. 120, an Act to amend The Animal Husbandry Act.

HON. RUSSELL PAULLEY (Minister of Labour)(Transcona) on behalf of the Honourable Minister of Finance introduced Bill No. 119, an Act to amend the Insurance Act.

ORAL QUESTION PERIOD

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition )(River Heights): Mr. Speaker, my question is to the First Minister and it relates to the Leaf Rapids Corporation, which I gather has been incorporated in part to the Manitoba Development Corporation Act. I wonder if the First Minister can indicate whether this corporation and its incorporation comes as a result of action by the Manitoba Development Corporation directors?

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier)(Rossmere): Mr. Speaker, there's been some discussion between the chairman of the board and the government and the action is taken as a result of the decision of government, but it is not taken unbeknownst to the corporation.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Then I take it that there was no action undertaken or required by the Board of Directors . . . ?

MR. SPEAKER: Order, please. Would the honourable member place his question instead of stating it.

MR. SPIVAK: Well, I wonder then if the First Minister can indicate whether the government directed the Manitoba Development Corporation Board of Directors to take whatever action was necessary for this corporation to come into existence?

MR. SCHREYER: Mr. Speaker, if it's helpful to the Honourable Leader of the Opposition I can tell him that the sequence was something as follows: that the proposal came to the government in the form of a suggestion from the chairman of the corporation, the concept was discussed, agreement was reached, a decision was taken by the government and the corporation is now in the process of carrying it out.

MR. SPIVAK: When was the Manitoba Development Corporation Board informed of the discussions that had taken place between the government and the chairman?

MR. SCHREYER: Yes, Mr. Chairman, one presumes so and to the best of my knowledge such discussion did take place.

MR. SPIVAK: My question to the First Minister is "when" was the board informed of the discussion between the government and the chairman of the corporation?

MR. SCHREYER: Mr. Speaker, approximately two to three weeks ago, my colleague informs me that the matter was discussed by the board, and the board's position was a unanimous one.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Mr. Speaker, I direct a question to the Honourable the First Minister. I wonder whether the First Minister could confirm or deny whether or no he is in receipt of a letter of resignation from the Chairman of Manitoba Hydro, Mr. Cass-Beggs.

MR. SPEAKER: The Honourable Minister of Agriculture. The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I'm really at a loss to know whether it is better to reply to a question such as the one just asked in order to prevent any unnecessary rumouring or whether to simply not answer the question because it's so far-fetched. The point of it is, Mr. Speaker, that I'm telling my honourable friend indirectly that there is absolutely no foundation for such a question.

MR. ENNS: A supplementary question, Mr. Speaker. Then I ask a question of the First Minister. Are we to believe in the same way as we can believe the question is asked of Messrs. Morrison and Blackburn?

MR. SPEAKER: Order, please. I think that's imputing -- I do believe that is out of order. The Honourable Member should know better. The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, I think it is appropriate to rise on a question of privilege in this context because the implicit . . . (Interjection) --

MR. PAULLEY: . . . just wait until the privilege is dealt with, eh?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: I was rising on a point of privilege, not attempting to answer the question which was ruled out of order. The point of privilege is this, Mr. Speaker, that implicit in the question that the honourable member tried to formulate -- it was ruled out of order -- is the implication that someone on this side had answered a previous question in such a way that was inaccurate and that constitutes my point of privilege.

In respect to Mr. Blackburn the questions were was he being displaced, was he being dismissed. The answer was no, and he hadn't.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: On the same point of privilege, I was imputing no motives to the First Minister. I'm pleased to note, Sir, that you allow him the privilege of rising on a point of privilege, which I really don't find a point of privilege. You ruled a question out of order, and the Premier of his own volition chose to rise and explain what he considered to be a point of privilege. I would now gather that I would have the same point of privilege to reply in like manner, a question . . .

MR. SPEAKER: Order, please. Order, please. Before I could find out whether there was a matter of privilege or not I had to hear it. I do not believe that there should be debate because I, as your chairman, have to listen to see whether there's a matter of privilege. I did not rule the fact that the Honourable Member for Lakeside started to debate is out of order. The Honourable House Leader.

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management) (Inkster): Mr. Speaker, is it a fact that you have received through two members of the Legislature the resignation of the Honourable Member for Lakeside?

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Could I ask you for a ruling as to whether or not the First Minister's point of privilege was in fact a point of privilege?

#### INTRODUCTION OF BILLS

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Inadvertently I didn't introduce a second bill that was available for this evening. I'm wondering whether by leave I can do so at this moment?

MR. SPEAKER: (Agreed) The Honourable Minister of Agriculture.

MR. USKIW introduced Bill No. 108, an Act to amend the Milk and Dairy Products Control Act.

MR. SPEAKER: The Honourable Member for Roblin on the question.

#### ORAL QUESTION PERIOD (CONT'D)

MR. J. WALLY MCKENZIE (Roblin): Mr. Speaker, I have a question for the First Minister. I wonder if the First Minister can indicate to the House the policy regarding the farmers that are flooded in Gladstone, McCreary, Pine River, those areas, what is the policy of the government in regard to their losses?

MR. SCHREYER: Mr. Speaker, there is no change in policy. Flood damage of the kind referred to would have to be dealt with under application for PFAA in the normal way and through the standing provincial policy on flood damage. The formula that would be used is the same formula that has been applied in years gone by.

MR. MCKENZIE: A supplementary question, Mr. Speaker. I wonder can the First Minister give me the new regulations under PFAA.

MR. SCHREYER: As the honourable member knows, that is a federal statute and the regulations therefore would be federal regulations. But if my honourable friend wishes I would -- co-operative as he is -- I would undertake to get a copy of those regulations for him

(MR. SCHREYER cont'd) . . . . and send them forward.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: . . . First Minister. I wonder if he can indicate whether the Leaf Rapids Corporation were maintaining separate financial records and a separate financial statement from that of the Manitoba Development Corporation?

MR. SCHREYER: Yes, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOUGLAS WATT (Arthur): Mr. Speaker, I direct a question to the Minister of Agriculture. Would the Minister of Agriculture tell us if he finds some distinction between the present flooding conditions in the Province of Manitoba insofar as our grain condition is concerned as of that of two years ago when I was Minister of Agriculture and as a result of . . .

MR. SPEAKER: Order, please. Order, please. The question is argumentative. Would the honourable member rephrase his question?

MR. WATT: I'll rephrase the question, Mr. Speaker. Can the Minister tell us if there's any difference now in respect of excessive moisture than there was two years ago in respect to excessive moisture then in the case of tough and damp grain.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Well, I think the difference is, Mr. Speaker, that at the present time all the damages that have occurred have been insurable under the Crop Insurance program.

MR. SPEAKER: The Honourable Member for Arthur.

MR. WATT: The Minister said that all the grains that were subject to excessive moisture were now covered, all grains, under Crop Insurance. Is this correct?

MR. USKIW: Mr. Speaker, I said that those damages that have occurred are insurable damages under the Crop Insurance Program which is quite different with respect to the threshing of damp grain.

MR. SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Speaker, my question is to the First Minister I think; perhaps the Minister of Mines and Natural Resources. Can he indicate under the Leaf Rapids Development Corporation that if a private individual or private corporation wishes to pursue a business opportunity who he should apply to.

MR. SPEAKER: The Honourable Minister of Mines and Natural Resources.

MR. GREEN: Mr. Speaker, he would apply to the development authority, the same way as he would apply to the development authority if it was a private development.

MR. CRAIK: If I might ask clarification. Does the development authority mean the Leaf Rapids Development Corporation?

MR. GREEN: I've already advised that it's the Leaf Rapids Development Corporation.

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Mr. Speaker, we wish to proceed with the third readings of bills. This is the first time that we'll be doing it under the new rules. I understand that there is one bill upon which an amendment has been received; I wonder whether copies of the amendment can be distributed and then you can proceed. Which bill is the one with the amendment? Well, we won't deal with that one; I just want to know which one it is that's amended. If we can proceed with everything except Bill 51, Mr. Speaker, I think we can move along very nicely.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSON (Morris): Mr. Speaker, I do have copies of the amendment and if the Honourable House Leader wishes I could distribute those copies right now.

MR. GREEN: Yes, that's being done right now.

### THIRD READINGS

BILLS Nos. 57, 86, 25, 38, 63, 84, 85, 32, 42, 46, 59, 67, 72, 76, 80, 82, 91 and 101 were each read a third time and passed.

### GOVERNMENT BILLS (Cont'd)

MR. GREEN: Call Bill 103, Mr. Speaker, and then the rest of the bills standing for introduction of second reading.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs) (Selkirk): Mr. Speaker, I beg to move, seconded by the Honourable Minister of Agriculture, that Bill 103, An Act to amend The Municipal Assessment Act, be now read a second time.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister.

MR. PAWLEY: Mr. Speaker, the provisions contained in this bill are the provisions that relate to the recommendations referred to the House by the Municipal Affairs Committee that sat between sessions and that had heard a number of representations in regard to matters relating to assessment. I would like to deal with some of those items.

First is a provision which exempts from assessment the owner of a leasehold interest in land that is being used for agricultural purposes on an Indian reservation. The experience had been frequently reported to us at the hearing and elsewhere by municipal groups, that this provision that had earlier existed in the Municipal Act for the collecting of such taxes was more a nuisance to the municipality than it was of any value so that the committee after consideration decided that they would recommend that this provision be deleted. It also, of course, grew out of a change which is presently being determined between the R. M. of Harrison in which this very matter was involved of the assessment of such land.

Secondly, there had been a number of representations made to the committee in regard to some inequity that exists insofar as the sharing of fees obtained from mobile homes. The provision in this bill will simply ensure that taxation that is raised from such mobile homes, that is produced from same, will be made available in the same way that, for instance, grants in lieu of taxes are made available, in other words that the school divisions will share some benefit from such fees in the same manner as the grants in lieu of taxes. I think that this recommendation therefore will remove some of the concern that is expressed by some people, especially those in the school division areas, insofar as the locating and the development of such mobile home parks, it removes an inequity.

In regard to farm buildings, frequently in the hearings and briefs presented it was pointed out to us that certain inequities presently existed in regard to assessment of farm buildings. We heard repeated comparisons of inequities existing such as the examples of where you have a farmer with slightly less than 40 acres one side of a road and the farmer across the road, his neighbour, slightly more than 40 acres and at the same time the assessment of the buildings being treated in a different manner despite the fact that both farmers would receive their primary source of income from agricultural pursuits. The provision proposed here is to reduce the number of acres from 40 to 4 that would permit the exemption to be allowed for assessment purposes in regard to agricultural buildings. The "4" is used because this is the same, the equivalent figure that is used in regard to the exemption in regard to market garden farmers and some of the other smaller farmers that have had a 4-acre exemption up to the present time.

Farm corporations. There was considerable debate in Committee in regard to the assessment of non-family farm corporate entity, as to the method by which such buildings should be assessed. The debate, I believe, to a major extent indicated a consensus within that committee that such building used by corporate industry should be assessed in the same manner that any other commercial operation is assessed; and I can recall in particular the very very strong words in this respect by the Honourable Member from Pembina. So that in fact the bill here is proposing this exemption be removed insofar as these farm buildings are concerned - non-family farm buildings.

There also is a provision in the Act which will make it possible that there be established by agreement of two municipalities a joint Court of Revision. This arose as a result of numerous requests by municipalities that Council should be enabled to enter into agreements with other municipalities to hear the appeals from tax assessments. Complaints were registered or have been registered that in many instances councillors do not feel that they can do a proper job in regard to the hearing of such appeals; they often find themselves confronted with the fact of ruling insofar as a neighbour or relative is concerned, makes it quite difficult and there has been indication in some areas of the province that joint courts of revision would be welcomed. Certainly this will not be a universal situation but it certainly will occur in parts of the province.

The Committee also decided that Cable TV should be taxed - those that are conducting such business within a municipality should be assessed and should pay business tax in the same manner as do other commercial enterprises within municipalities. This also is a result of a number of municipal submissions. I would point to the resolutions passed by the Manitoba Urban Association, the Municipality of Fort Garry and the Municipality of West Kildonan all indicating a desire that this change be undertaken.

(MR. PAWLEY cont'd)

That in the main comprises the changes recommended in this bill, Mr. Speaker.

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

MR. McKENZIE: Mr. Speaker, I regret very much to find the Honourable Minister bringing in legislation which was passed by the Union of Municipalities many months ago, in the dying days of the Session, and expecting the members of the Opposition to really scrutinize it and give it the serious thought that this type of legislation deserves. There's many other bills that are before us today and I think it's very unfair. The Minister's had these recommendations for months and it takes him this long to bring the legislation before the House and I quarrel with that type of administration for, not only the municipalities, for the people of this province.

I'm only going to speak briefly on the bill. I quarrel with the taxation regarding cable television service. I live in a jurisdiction that our only television services as of today are from the Province of Saskatchewan; the only television that we can look at in Roblin constituency, or where my honourable colleague from Swan River comes from, is out of another province, and here the Honourable Minister is already taxing people. I'd love to have a cable television come into my area and give us a choice of another television station. We haven't got a television station that's from a Manitoba-beamed tower as of now, and already the Honourable Minister is standing up and saying those that are providing it - if some cable people would come in there I'm sure we at the early stages would at least meet them with open arms; but to stand up now and say that anybody's going to provide us with a medium of Manitoba news, we don't get Manitoba news. Our news is all basically through Saskatchewan communication. But now we're going to tax the cable people who are providing some communities, and we haven't got to that stage yet, where the CBC through a Manitoba-based communication system can provide Swan River, or Roblin constituency, or Dauphin, with anything that's based off this province. -- (Interjection) -- Well, that's one of the problems, that we haven't. Our news comes from Saskatchewan and there's many, many, many of us up there and yet we have legislation before us who are all ready for taxing the cable people who maybe -- I understand they're looking at Brandon, and Brandon needs another television station.

We need some form of communication from this great big city of Manitoba or whatever you want to call it, this one city bill I guess, it's likely all going to change, but I do quarrel with this type of legislation coming in at this time and those of us that live in those jurisdictions haven't yet received CBC news based right out of this city of Winnipeg, our news comes from Calgary, I think it's one of the quarrels of legislation coming in late in a session.

We should have had this bill months ago and I'm sure the debate back and forth that we could have maybe come up with some solutions to the problem and I think resolve and help government to resolve a problem, which is not my problem, maybe not the problem of this government, it's basically a federal problem. But surely we would communicate - it's July now, everybody wants to go on holidays, August is next month and to bring in legislation which we should have been studying for months at this time I quarrel with it very much, Mr. Speaker.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Birtle-Russell. The Honourable Minister of Municipal Affairs.

MR. PAWLEY: I wonder if the honourable member would indicate to the House if he agrees with the position that was taken by his colleagues on the Municipal Affairs Committee in regard to this very item, the taxation of cable television?

MR. SPEAKER: The Honourable Member for Roblin.

MR. McKENZIE: Mr. Speaker, I thank the Honourable Minister for talking of one of my colleagues. I'm not a municipal councillor, I'm not a member of town council, I'm just an MLA so where you get the colleague thing I -- (Interjection) -- No, I wasn't on the committee - Oh, I'm sorry you're talking about the - I wasn't on the committee, I say I wasn't on the committee, I apologize for that, Mr. Speaker, maybe there are people who have more wisdom in my group and I don't quarrel with that.

Mr. Speaker, this subject matter was not discussed in my constituency nor I doubt very much if it was discussed in the constituency of the Honourable Member for Swan River, where the problem really exists. And it doesn't exist, you know - the cable comes up through and covers the Interlake area, Flin Flon and the northern parts of this province are covered by television from the Greater Winnipeg area base but we get our television from Calgary,

(MR. McKENZIE cont'd) . . . . it's canned back. The only thing I can say to the Honourable Minister, Mr. Speaker, no hearings were held in Roblin constituency to my knowledge, none were held at Swan River to the best of my knowledge where the problem - and I'm not sure about Dauphin - but this is where the problem really exists.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Speaker, I beg to move, seconded by the Honourable Member for Sturgeon Creek that debate be adjourned.

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

MR. SPEAKER: The Honourable the Attorney-General.

HON. A. H. MACKLING, Q. C. (Attorney-General)(St. James) presented Bill No. 104, The Legal Services Society Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable the Attorney-General.

MR. MACKLING: Mr. Speaker, Members of the House, this bill I don't think is too involved and too complex. It deals with a very weighty matter so far as the citizens of Manitoba are concerned, however, and that is the provision of an adequate system of legal aid in the province.

As honourable members recall, shortly after we came in office we established a Fact Finding Committee who were authorized to investigate all systems of legal aid that had been considered in the province and other systems of legal aid that were extant in other parts of the country, other parts of North America and in fact even in the Commonwealth overseas. The Fact Finding Committee reported to me and the report has been made public. Their report is very extensive, it sets out specific recommendations for a comprehensive program for legal assistance to persons in Manitoba who are both without the capacity to pay for legal services themselves and also for those persons who although they have some means do not have adequate means to provide for legal aid.

As most honourable members will know, this government not only set up a Fact Finding Committee but more than doubled the contribution that was being made out of public funds for legal aid services that were being administered by the Law Society of Manitoba. Notwithstanding the substantial increase, the more than doubling of the amount of money to \$300,000, it still, Mr. Speaker, did not provide, at least from a point of view that I held and shared by my colleagues, a comprehensive service. The present legal aid system provides only legal services to those unfortunates who are charged with criminal offences where they are likely, if convicted, to place their jobs, their employment in jeopardy or whether they would stand a chance of being incarcerated for a period of time. It doesn't deal with summary conviction offences, there is no provision for a compensation to solicitors who provide legal services for the civil field. In the considerations the Fact Finding Committee made, they looked particularly at the Ontario system and much of what they recommend could be found in the Ontario system, but with substantial variations.

The Fact Finding Committee recommended, among other things, that the programming of legal aid should be administered by a corporation at arms length from the legal profession. As you will note from a reading of the bill, a corporate vehicle is provided for which will have full authority to accept funds from any source, including, of course, from the Consolidated Fund of consolidated revenues of the Province of Manitoba such monies as are necessary to administer a full and comprehensive legal aid program. In addition, the corporation is given authority to provide for duty counsel, full-time counsel, clinics of the store front variety that have been successful in other parts of North America, in Canada in particular, and there is wide scope given under the administrative vehicle that is provided for under this bill.

The bill, as you will note, provides for the administration of the corporation by a board of nine persons, four of whom would be selected out of a list of seven solicitors recommended by the Law Society of Manitoba. All of the directors, however, would be appointed by the Lieutenant-Governor-in-Council. In effect, therefore, Mr. Speaker, this will provide for a Board of Directors, the majority of whom will not be members of the Law Society of Manitoba. This, in effect, will mean that the public funds that are administered by the Corporation will have the kind of multi-discipline scrutiny and overview that is recommended in the Fact Finding Committee. I think, Mr. Speaker, as such it will be unique in Canada.

Mr. Speaker, I don't think I need dwell at length on the particular ramifications, the exact provisions of the bill; in essence, it provides for the corporate vehicle which I have

(MR. MACKLING cont'd) . . . . . described, I think, Mr. Speaker, the need for a comprehensive legal aid program in Manitoba is well-known and although I could speak at length about the anachronisms that exist in a society where fundamental freedoms are cherished but where we pay passing lip service to the protection of those freedoms, I will not carry on at great length.

Now the Honourable Member from Lakeside has some very important question, I'm sure, to ask, Mr. Speaker, so I'll certainly entertain it.

MR. SPEAKER: Order, please. The Honourable Member for . . . Order, please. The Honourable Attorney-General.

MR. MACKLING: Well, Mr. Speaker, notwithstanding that very pleasant interruption, I was very close to a conclusion of my very brief remarks, even though I might well have risen to some great flight of oratory on the whole question of the adequacy of legal aid in Canada.

However, I would like to close on a rather optimistic note, Mr. Speaker, and indicate to you and honourable members of the House that as a result of the pressures that have been exerted on the Federal Government, there is now some recognition that the Federal Government will consider very seriously a position of assistance in a cost-sharing program in respect to legal aid. Honourable members will recall my criticism from time to time of the anachronisms that exist in respect to the distribution of powers and the rights vis-a-vis the Federal Government and the Provincial Government in respect to the whole question of the administration of justice and the fact that even though there is a fairly clear distinction between the authorities and powers, the funding of programs is far from clear and far from equitable. As a result, Mr. Speaker, I welcome the suggestion that the Federal Government will be assuming responsibility in respect to the providing of legal aid, legal services, and it is my expectation that that will come within the next year or so; hopefully it will come more quickly.

What we have involved in this bill is the first step in the establishment of the comprehensive program. There should be no question in the minds of the honourable members of this House, including my colleagues in the caucus, the rising tones of whose voices is somewhat disconcerting to me, that in introducing this bill we are locking ourselves into a critical path for the furnishing of adequate legal aid in this province. There can be no question but the magnitude of the dollar input can very well approach the amounts that are recommended in the report, if not be exceeded by it. So I am being quite frank, Mr. Speaker, with both you, my colleagues on this side of the House and honourable members of the Opposition in indicating to you that this will be a comprehensive program. It will cost the provincial purse a substantial sum but I believe that you will agree with the fundamental principles involved in this report that the rights and privileges of the individuals in our society that are brought before the courts is a fundamental concern to all people in Manitoba. As of necessity then, Mr. Speaker, this will be a rather expensive program. However, I am hopeful that there may be a utilization of funds as forecast, as suggested by the Fact Finding Committee from other sources than strictly from contributions from the public purse.

One of the recommendations, or one of the ideas that I suggested to the Fact Finding Committee, was a consideration of the proposal that perhaps interest from trust funds maintained by lawyers in Manitoba might be appropriated to the funding of legal aid. As perhaps a number of the honourable members may know, lawyers are required pursuant to the Law Society Act to maintain separate trust funds of clients whose monies are held by lawyers pending either the completion of contractual negotiation, purchase of land and so on, and during the time that these monies are held, of course, they may accrue interest. The interest from time to time has been appropriated under arrangements that some solicitors have with their banking institution, whether it be a near bank or a bank, and although the Law Society has indicated a disinclination to accept the technique of lawyers appropriating the interest on these funds, it has nevertheless been a matter of practice with a substantial number of firms. I take the position, Mr. Speaker, that the interest that arises from the general trust funds of a large number of small amounts held by lawyers ought to go to the people of Manitoba toward the funding of legal aid, and that is the recommendation that the Fact Finding Committee made in their report. Mr. Speaker, I think there may be, and I certainly am alive to the possibility, many other instances where interest on trust funds of various natures held by professional groups and others may well be appropriated for public purposes rather than enriching the coffers of the chartered banks or individual professionals.

(MR. MACKLING cont'd)

Mr. Speaker, with those few brief remarks I warmly commend the principles of this bill to all members of the House.

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

MR. ENNS: Mr. Chairman, let me say at the outset that the Honourable Member from Brandon-West, who unfortunately isn't here this evening, is the person from our side who has given this particular bill considerable study and will be making some further comment on it. It's not my intention to discuss the matters contained in this bill at any great length, but during the presentation by the Attorney-General there were a few thoughts that crossed my mind that if not for their benefit, Mr. Speaker, then surely yours, I will espouse them.

I support naturally the essence of the bill; I would like to say a few things that to my mind this bill has an opportunity of clearing up something that has been relatively current or vogue in our discussions about law and justice in our society today, and that is the hackneyed phrase that we often hear that there's a law for the rich and a law for the poor. Of course, that's utter garbage, nonsense that is propagated by those who choose to invite a class war among ourselves, but it is nonsense because the truth of the matter is that there is a law. The fact, the fact that economics bars one's access to it is acknowledged by all and has always been thus; and therefore, and therefore, how the laws applies is quite unjust and quite unfair. But to simply say that there's a law for the rich and a law for the poor is not correct. It's a kind of semantic game that is being used far too frequently and it does an injustice to our judicial system to abuse it in such a way. -- (Interjection) -- Well, Mr. Speaker, it's unfortunate that we have a Minister sitting in the House that has difficulty in understanding that. You see, I'm not arguing with the same matter that he's proclaiming. I acknowledge; I acknowledge -- and this is the reason why I support the bill that the Attorney-General has brought in, that as a result of our economic inequity among our people, that the law is certainly applied in very many instances unfairly between our citizens, but that is an entirely different matter than simply making the statement that there's a law for the rich and a law for the poor. Certainly the rich man and the wealthy person, the person of resources, has access to availing himself to all possible means when he confronts or faces the law, and the poor man hasn't; and certainly under those circumstances the rich man, or the man with resources, gets, in simple lay terms, a better deal when he confronts the justices and the courts of our land.

But let us not make the mistake, let us not abuse our judiciary by saying that that necessarily follows that there is a law for the rich and a law for the poor. What we have to do and what the Attorney-General is doing with the introduction of this bill, at least taking a step towards that, is making equal access to the one law that prevails in this land, and that principle I support.

I'm also glad, Mr. Speaker, that the Attorney-General was not that prejudiced in his political point of view, that he acknowledged the fact that it was a Progressive-Conservative government of some age of Ontario that perhaps leads to some extent in this particular area; in other words, this is not a domain of any particular or specific political party. Quite frankly, Mr. Speaker, what it is, it is a natural development of our ever-growing complex society. Fifty, sixty, one hundred years ago it wasn't all that important, albeit that there were miscarriages of justices carried out for the same reason; but the average individual didn't confront law every day as he does now. The average individual did not have a five or six thousand dollar, three or four thousand dollar vehicle that can create a kind of a legal situation as we witnessed this afternoon at the south end of the steps of the Legislature, or many other situations. The fact of the matter, Sir, is that the confrontation of the average citizen with law or with justice is becoming a daily occurrence and all the more reason for us as a society to develop a system of aid to see that access to that law is reasonable and is assured by all.

Mr. Speaker, these were the few thoughts that ran through my mind during the presentation of this bill. . . Thank you.

MR. SPEAKER: The Honourable Member for Morris.

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

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

MR. SPEAKER: The Honourable the Attorney-General.

MR. MACKLING: Mr. Speaker, I move, seconded by the Honourable the Minister of



(MR. MACKLING cont'd) . . . . Municipal Affairs, that Bill 105, An Act to amend The County Courts Act (3), be now read a second time.

MR. SPEAKER presented the motion.

MR. MACKLING: Mr. Speaker, I'm delighted to have the opportunity at this very auspicious occasion to say but a few words about another Act which I consider to be of very real significance for not only the members in this House, for all the citizens of Manitoba.

There have been many loud cries of anguish, not just from the backbenchers, Mr. Speaker, that the courts of this province have become increasingly further removed from the needs of the people, particularly in respect to small claims, and frankly, I have to agree that the jurisdiction that once provided for a very expeditious handling and economical handling of claims, has apparently become more and more difficult for people of moderate and low means to utilize.

Mr. Speaker, it's commonplace in the practice of law to be confronted with a claim on the part of a prospective litigant that is nominal in nature, nominal from the point of view of the dollars involved. It can be a matter of very great consequence from the point of view of principle and, in accordance with the means of the individual, it can be a substantial sum of money; it can be in the range of two or three or four hundred dollars. But the fact of the matter is, Mr. Speaker, that most solicitors today, when approached in respect to a very small claim such as I've indicated, have to frankly advise the prospective litigant that the costs of their taking that claim and processing it, processing it through the courts, will result in very little return to the claimant.

Now that doesn't mean to say that a great many of these claims are still processed by lawyers in Manitoba, and they endeavour, I think, to take a reasonable account of the demands for these services, but it's simply just not possible for a lawyer to spend the kind of time, particularly when it's a contested case, and not charge the claimant a fee which will in most cases remove entirely from the claimant any return on the claim, and it's therefore a source of deep regret on the part of not only many in the legal profession, but many in society, that they are unable to effectively enforce their rights because of the terrific costs involved.

Now we have had for many years, and the previous administration introduced this legislation, a very effective and workable remedy in respect to some small claims. But these claims, as I indicated when I introduced the bill which provides an amendment to the Small Debts Recovery Act, must be liquidated claims; that is, they must be for particular sums of money, for debt that some person owes to another and is due and payable. And the remedy is exercised in Manitoba in Magistrates' courts and Justice of the Peace hear these claims and process them.

But again, there are many many claims that are considered far too small for a lawyer to take into the County Court but the jurisdiction doesn't exist under the Small Debts Recovery Act. So earlier I introduced an amendment to the Small Debts Recovery Act, Mr. Speaker, which has the effect of increasing the jurisdiction under that Act to a total of \$500.00. And my legal experts - and I'm not practicing law now; I take the advice of my experts and my staff do the work and they counsel me, and I make no interventions in the law; I administer the law through these experts - advise me that notwithstanding the problems of the Constitution, that Small Debts Courts and Small Claims Courts have been recognized as within the legislative competence of the Legislatures. As a result I am advised that we can increase the jurisdiction of the Small Debts Court without any fear that there will be a challenge to its constitutionality.

However, the present bill, Bill No. 105, which I have just introduced, will provide a remedy for small claims, claims where there may be a claim for damages for personal injury, damages for trespass of property, damages arising out of a breach of contract, claims of various kinds. Not for liquidated sums of money, not for debt necessarily, because those claims can be processed either under the Small Debts Court or now under this process as well. But whereas in other parts of Canada there has been a concern on the part of the County Court, judges and others, for an equation of their status with the Courts of Queen's Bench or the superior courts across the country, I have considered - and my colleagues agree - that what we ought to be trying to do is making court facilities much more available to the people and, rather than escalating the jurisdiction of the County Court, what this bill seeks to do is provide within the mechanism of the County Court a system for the processing in a very economic and efficient way of small claims.

(MR. MACKLING cont'd)

So, as you can see, there is a new part provided to the County Court Act which will provide for a very summary, efficient disposition of small claims. And there are inducements, inducements to ensure or to hopefully provide that, instead a person exercising their right to go into the County Court under Part I of the Act and that right is not removed, that they will utilize the summary procedure because it'll be cheaper and much more efficient and responsive to the needs in respect to small claims. Under the Small Claims provision, the Part II as proposed, not only will a County Court judge be able to hear a claim but also a deputy, a County Court clerk and a deputy Court Clerk, and of course the bill provides that the Lieutenant-Governor-in-Council may appoint such deputy clerks as is necessary for the purposes of the Act, and they will be able to hear the claims without formality, no gowning, no taking of evidence, no formality of court - really a summary procedure, provided that the parties consent. If they don't consent, then they go the ordinary way through Part I of the County Court Act; but where they consent, the claim can be handled in that way and avoid the expensive, time-delaying procedures that are involved in the ordinary process under the County Court Act. And as honourable members will note as they peruse the bill, there are inducements by way of the costs that are recoverable and the extra costs that may be charged to ensure that people will endeavour to use the summary claims provisions of the County Court Act as indicated.

Now, as you will note also, it will be possible under this Act to introduce the provisions of Part II of the County Court Act in a pragmatic way; that is, it's my expectation that after Royal Assent to this bill, that the bill will be proclaimed for a part only of Manitoba, and will cover only one of the judicial districts which are set out in Manitoba, so that we'll be able to try out the mechanism in one area and see whether or not it does work. If there are problems, perhaps we'll be able to amend them and make it work. If the structure is one that is not acceptable to the needs, well then, we'll have an opportunity to withdraw it and reform it without having created a great cost by implementing over the province as a whole. Not only, Mr. Speaker, will it facilitate the adjudication of claims that have ordinarily been extant with the business life and the social life of the province by previous legislation, but new legislation which modern society has brought into being, including such legislation as the Consumer Protection Act and others, where small claims arise and there's a need for a forum to adjudicate these claims in an ever-increasing amount, that there will be a vehicle to meet the needs.

I think, Mr. Speaker, that with those remarks I will commend the principles of this bill to the members of the Legislature.

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

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, I listened to the explanations of the Minister and I've had an opportunity to look at this bill in a rather general way. We have no difficulty in accepting the intent here. There are one or two points in respect to the bill that we would have a reservation to express on. The matter of the summary method of hearing claims of a smaller nature that is suggested, in general seems to be acceptable. I would just ask the Minister to perhaps consider the authority which is now being granted, admittedly with agreement of both parties, to the deputy County Clerk, or to the County Court Clerk. Now, while these people usually have a fair amount of experience in law, I'm informed that they don't have any special qualification, that there is no standard or kind of licencing procedure that would require that these people have some minimum experience in this kind of legal procedure. So I'm wondering if there might not be some danger here of providing authority to a person who might not be completely experienced nor qualified to make a judgment in this matter. If it could be said that we had established minimum standards for County Court clerks or for deputy clerks, then I think we would have a basis upon which to provide general acceptance, but I do feel that this is a matter that perhaps bears some further scrutiny.

We again say in general we accept and applaud the intent of the bill. We would reserve the right to bring to your attention, not only this particular comment, but others which may come from time to time. We note again in another part of the bill that it says, "Where a party to an action under this Part refuses to consent under Section 85, and the matter is tried pursuant to Section 87, the County Court judge shall, before proceeding to hear the matter, require the party to pay into the court security for costs in such amount as the judge may order." Perhaps, Mr. Speaker, I would suggest the word might be rather the permissive

(MR. MCGILL cont'd) . . . . "may require" than the present one. This, however, is not an important matter.

With these comments, Mr. Speaker, we're prepared to see this bill move along.

MR. SPEAKER: Are you ready for the question? The Honourable the Attorney-General will be closing debate.

MR. MACKLING: Mr. Speaker, I appreciate the comments of the Member from Brandon West. His concern about the qualifications is not a trivial one. Naturally, we will look very closely at the competence of both County Court clerks and deputy clerks to adjudicate questions under the summary provisions provided; but really in essence what is involved when there is consent, is an arbitration of a dispute, and where the parties consent, then the parties recognize and they have a choice of selecting from the going to the County Court itself where they know that there's going to be greater costs - and there's nothing to prevent an individual claimant from utilizing the County Court itself without the use of a solicitor and entering a defence, and defending his case in the County Court in a formal way without the use of a solicitor, and that's done today. So that there is an alternative for the individual, and if he feels that although his claim is under \$500 it's a complex one involving problems in the law, then he may well elect to go before, to utilize the County Court system, notwithstanding that he could utilize the summary provisions. So those options will be open.

And, Mr. Speaker, the category of officer that's employed generally is a person that certainly must have reasonably good common sense and I'm satisfied that the calibre of the clerks and county court clerks that we have will be able amply to fulfill the roles that are provided for under this act. I might say also, Mr. Speaker, that I'm given to understand that other jurisdictions utilize the services of clerks and deputy clerks for this sort of process and have done so quite successfully.

In respect to the question of whether or not it should be discretionary on the part of the county court judge as to requiring security for costs, no, I disagree; it must be mandatory because we want an inducement on the party not to abuse the requirements of formal court if an individual can utilize the summary procedure because it's a relatively simple claim and so on, and the plaintiff who is the one who after all selects the form initially, if he considers that he is willing to risk the adjudication of his claim on a summary arbitration then it's the defendant who says no; and in some cases it might be just a delaying tactic you see because if he says no I want to go before a judge and in a formal court, that may involve expense, it may involve the plaintiff in hiring a lawyer and then the plaintiff is entitled to have the defendant pay security for the costs the pursuer is going to be put to in going into the formal court. So that is one of the inducements that is purposely built into the Act to provide for a greater use of the summary proceeding section.

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

MR. SPEAKER: The Honourable Minister of Transportation.

HON. JOSEPH P. BOROWSKI (Minister of Public Works and Highways)(Thompson):

Mr. Speaker, I move, seconded by the Attorney-General, that Bill No. 99, an Act to amend The Highway Traffic Act (2), be now read a second time.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Transportation.

MR. BOROWSKI: Mr. Speaker, I'm not going to take the usual time to explain the bill. It's a very long one and the press has done a fairly good job of printing the various sections, particularly the important sections of the bill so the members of the Opposition have a fairly good idea of what's in it, but I would like to apologize to the House for the lateness of the bill. I don't know what happened, I have to take responsibility, but I recall distinctly having this bill in front of the caucus back in February, in fact it was one of the first bills passed by caucus. I had bragged at that time it would be the number one bill in the House and I guess, as the Member for River Heights says, the bureaucrats pigeon-holed it some place and it just surfaced here this week. So I have no explanation except to say that it's not my fault and I'm sorry that an important bill like that should come in at the dying weeks of the Session.

I would like to touch on three items in there that I think are important and later on we can deal with the other ones in Law Amendments. The first item has to do with the section dealing with the farmers, that's one that I've had a couple of questions already, where kids under sixteen will be prohibited from operating farm tractors and self-propelled farm implements under sixteen. This applies only on a highway, this will not prohibit the driving

(MR. BOROWSKI cont'd) . . . . . of tractors or working the machinery on the land, simply applies to highways.

The other section that's important deals with doctors. As members know, we passed an amendment last year protecting the doctors against being sued if they should give the registrar or the police information about their patient, that he is unfit to drive, they were worried they may be sued. The legislation was drafted in such a way that they could not be sued. Unfortunately we made it voluntary and I think in the whole, not in the whole year, since last summer when we passed it only two doctors have bothered to report that their patient was so sick, whether he had fits or blackouts or a bad heart condition, only two doctors have chosen to report it; obviously they're not prepared to cooperate, not interested enough, I don't know what the reason is. We have had reports from various jurisdictions that people are driving that should not be driving because of their heart conditions, because of other conditions, and because of that we are taking out the "may" word and substituting the word "shall" and this will compel the doctors and other medical practitioners to report to the registrar or the police that the person should not be operating a vehicle.

The last item that I think is important has to do with bumpers, energy-absorbing bumpers. I think we've all seen the ads put out by Allstate in certain magazines and papers where they will give a 20 percent discount on their insurance if you drive a car that's got a bumper that'll withstand a collision of five miles an hour. That doesn't seem like asking for very much but at that time there was no such vehicle built. We have met with the Big Four and discussed the various safety aspects and of course their argument has been the same argument as the snowmobile people in respect to the mufflers, "we just can't do it, you've gotta give us time." We pointed out to them that Governor Reagan in California didn't take that answer very lightly, or their excuse is they said you must produce a vehicle with a muffler device that'll clean the pollutants out of it or you will not sell cars in California. The Big Four built a car that met the health requirements of that legislation and they sell cars in California today, the only state of the fifty states which meets the health requirements not to put pollutants into the air.

We took the same position with the companies and said that we believe you can - if we can send a man to the moon and bring him back surely to God you can build a bumper that will withstand an impact at five miles, and to give you an incentive we're going to pass legislation or you won't sell cars in Manitoba. I suppose that was more of a bluff than anything because the amount of cars that all of Manitoba buys is insignificant, I don't know if it's one percent; I think Western Canada, the four western provinces purchase 15 percent of the total vehicle production in Canada, so Manitoba making that kind of a threat to the Big Four does not seem very important. This discussion took place last fall and I found out just this morning from my registrar that the companies had indeed agreed to come out with the 1973 models with an energy-absorbing bumper that will withstand the shock or a collision of five miles an hour, so our legislation is going to go ahead and become effective with the 1973 models; and the other part of the section that they must have an energy-absorbing bumper to withstand ten miles an hour by 1975. I consider that a breakthrough although at this stage I really hesitate to take credit for it because of the fact that we don't really buy that many cars and I find it difficult to believe that it was our threats that have compelled the companies to go ahead and build cars with these bumpers. Nevertheless, it is going to take place; I think it's a great step forward, it'll be reflected in premiums I'm sure, not only in Manitoba but across Canada.

Mr. Speaker, I think those are the three most important sections I want to deal with and I'm sure there'll be more discussion on the other ones which are equally important. Thank you.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, Bill 99 is a bill that, as the Minister has said, has come into the House with less than usual amount of time to look at most of the bills, some bills which may be important and others which may be quite innocuous; but a quick review of Bill 99 indicates that it is not an innocuous piece of legislation, it's a fairly important piece of legislation, there are a lot of good items in it, there are a lot of items which are controversial as well, there are a lot of items in it, nearly all of them of which affect individuals, all the drivers in Manitoba; the regulations, restrictions, there's penalties, there's fines, there are moves which are designed to cut down accidents, there are parts of it that come into effect in 1973. The problem is of bringing in any legislation of any major importance after the government has invoked the speed-up in the House, is that justice may not be done to it.

(MR. CRAIK cont'd)

Now the Minister of Highways isn't usually regarded as one who is under the very strong influence of the Civil Service or the people who by and large design and influence legislation that comes before the House. However, he has indicated that the reason for the late entry of Bill 99 into the House is primarily because it didn't surface until this stage of the session; and there is a very serious question as to whether or not in the remaining period of time, even if it's one week, two weeks or three weeks, that we're going to do justice to it, because reading through it it's very clear that there are quite a few hours of consultation required in the bill let alone quite a few hours of debate if the items are going to be treated properly.

So in conclusion, Mr. Speaker, this is a major bill and without trying to raise a controversy over it, I would like to ask since parts of it do not come into effect until another year in some cases, most parts of it affect all the drivers of Manitoba, justice is not going to be done to this in the very short time that we're going to be allowed, I would like to call upon the wisdom of some of the senior statesmen opposite, such as the Member for Transcona, and solicit his support and ask that we do treat this as a white paper on the Minister's intentions to bring in these changes; again, again, all of which are people legislation, they're not just technicalities and therefore I would like to seriously solicit their support to move this ahead, to give this more thought. Therefore, Mr. Speaker, I'd like to move, seconded by the Member for Roblin, that the proposed motion be amended by removing therefrom all the words after the word "that" and substituting therefor the following words "the bill be not read now but be read three months or more hence."

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: I rise on a point of order at the offset wondering whether or not the motion is in proper form when it first of all refers to three months and then says or some other time. Now to me, Mr. Speaker -- "or more," well, yes, in essence though, it means the same as I'm trying to point out on a point of order. To me the normal delaying motion reads "not now read a second time but six months hence." It is a precise directive to the House, Mr. Speaker, and I raise the question for your consideration, Sir, whether the effect is the same when you have a motion which refers to a time period or some other time. Now it is conceivable that we will still be in the House in three months and then at that particular time three months from today, and I believe today is July the 16th, so three months hence on the 16th of that particular month and this bill would become a subject matter for debate. -- (Interjection) -- My honourable friend from Roblin says "or more," Mr. Speaker, that's just the precise point of order that I am raising. The normal motion for a hoist is specific and precise and I question whether or not, as much as I understand what my friend is desiring to achieve, whether or not the motion is in order and I would like, Mr. Speaker, for you to give us the benefit of your wisdom.

MR. SPEAKER: The Honourable Member for Lakeside, same point.

MR. ENNS: Mr. Speaker, I would defer to your ruling. If the motion is in order, I would hope to speak briefly to the motion, -- (Interjection) --

MR. SPEAKER: Since the matter has been raised as a point of order. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Speaker, on the same point of order that the Minister of Labour has raised, I believe that the Member for Riel has taken the term "three months or more" and I believe that he has done this to give the government the latitude and the time that is probably necessary; he is not putting a specific time on for the very good reason that if we are still in session in three months' time then members of the House will have had time to study this bill. We are quite willing to proceed with it in three months' time but it's a very valid point. We are not trying to give it a very definite time, we're just asking for some time, Mr. Speaker, to study a bill of this large a measure. I think we were very generous in giving this option of three months or more and that was why it was specifically worded that way.

MR. SPEAKER: Order, please. I have listened to the honourable gentlemen's contribution and I do not wish to rule at the moment. I shall take the matter under advisement.

The Honourable Member for Emerson.

MR. GABRIEL GIRARD (Emerson): On a point of order, I'd just like a matter of clarification because I'm confused as to our regulations, or our rule. When a motion is . . .

MR. SPEAKER: Order, please. First of all, I'd like to indicate to the Honourable

(MR. SPEAKER cont'd) Minister of Labour that on a point of order he can't raise a point of order. To the Honourable Member for Emerson, I'd like to say, which I indicated some time ago in this Chamber, if there are questions of procedure, you do not ask them in the Chamber. You may see the Speaker in private. Next item - the Honourable the Attorney-General, Bill 109.

MR. MACKLING presented Bill No. 109, an Act to amend the Expropriation Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, this bill is what I would term largely a housekeeping bill. It does rectify some problems in respect to administration of the Act. As honourable members will recall, this was a completely new Act; it was introduced and passed at the last session of the Legislature and provides really a new codification, a new outline of determinants in respect to expropriation, and it is a very comprehensive Act. However, in the practical application of the Act there have been problems that have been brought to light and the amendments seek to clarify some sections of the Act where there has been some doubt as to the intent and, as honourable members know, no legislation which particularly is new and unique, is exempt from this sort of thing.

I don't think that I need go into a very careful elucidation of the provisions of the bill except to point out that there is one particular area of the bill which rectifies what I consider to be a fairly serious omission in the bill as passed in the last session, and that dealt with the transitional provisions regarding expropriations then in being at the time of the passage of the previous bill; and one of the omissions was a requirement that anyone, any public authority that was in the process of expropriating land for public purposes, would be required to tender the monies as confirmed by the Land Appraisal Commission as provided in the new Expropriation Act. So one important section of the bill which I think ought to be drawn to your attention is that that error has been rectified and now it will be incumbent on any public authority who has had an expropriation proceeding in the work prior to the introduction and the inauguration of the new Act as of January 1, 1971, that any expropriation proceeding that was then in being will be affected by that section so that they will be required to make a tender of monies in accordance with the Expropriation Act itself.

With those few remarks, Mr. Speaker, I commend to honourable members the passage of this bill.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. MCGILL: I beg to move, seconded by the Honourable Member for Fort Rouge, that the debate be adjourned.

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

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Could you call Bill No. 111 and stand 110? Call 111.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. PAWLEY presented Bill No. 111, an Act to amend The Municipal Act (3), for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister.

MR. PAWLEY: Mr. Speaker, this bill is in the main a bill which deals with a number of technical and legal changes that are required, largely due to the passage last session of the Expropriation Act. Between last session and this session, municipal solicitors have discovered considerable difficulty in regard to the filing of bylaws pertaining to road openings and drainage openings in the Land Titles Office due to the changes involved brought about by the Expropriation Act last session. This bill, among other things, makes it clear from any doubt that a member of council is not disqualified from holding a seat on the Municipal Council only due to the fact that some of his property has been expropriated. The legal advisers indicate that at the present time there is some question as to whether or not, according to the wording of the various provisions, a member could be disqualified from holding office due to such disqualification.

Other amendments clearly provide the mechanism required for filing the highways plans under the Expropriation Act. The mechanism has not been clearly set out in the law under the present Municipal Act, at least to the extent that it doesn't accord with the provisions that were

(MR. PAWLEY cont'd) . . . . passed in regard to the Expropriation Act.

Another change will make it clear that, without being declared legally opened immediately upon registration, there has been ambiguity and confusion up to now in regard to when a road is in fact declared legally open. This will make it quite clear that the road in fact can be declared open and avoids any of the problems which could occur as to openings even prior to the highway having been constructed.

A municipality can also enter into lands being expropriated for a highway upon taking the required steps under the Expropriation Act, and one of the items here is the elimination of the requirement for advertising of the intention to so open a road. Under the present Municipal Act there is a provision for advertising in most cases, except where the land which is being taken for the road is owned by the municipality; or, secondly, when consents have been obtained from the various owners of that land being taken for a road. This provision amendment makes it clear that no advertising at all will be required in regard to the opening of a road.

The provisions requiring advertising in regard to the closing of a road remain as they have been up until the present time. Approval will be required from the Minister of Mines and Natural Resources in order to approve bylaws involving the transfer of the mineral rights in regard to those roads closed or lands that were road allowances.

The mines and minerals provision as presently contained in the legislation — the procedure is very cumbersome at the present time. The bill also provides for mines and minerals on a road to remain with the Crown when such a road is closed.

Drainage plans also, provision that those plans are to be filed in the Winnipeg Land Titles Office in order to open the drainage ditches on the part of the municipality.

Also in this Act is the very important provision dealing with the adoption of the National Building Code in all urban centres within the Province of Manitoba 5,000 and over. This is in accord with the recommendations from the Municipal Affairs Committee that the mandatory adoption of the Building Code should be undertaken. I believe this was a unanimous view.

There is provision that the Lieutenant-Governor-in-Council may permit or establish mechanisms in order to permit variations insofar as the National Building Code is concerned in regard to certain circumstances that might warrant a variation.

Also, provision for the establishment of a committee, a Building Standards Board. This board or Committee will be made up of representatives of the various professional groups that are most concerned about the passage of legislation pertaining to the Code, such as the Architects Association and the building officials' group, building inspectors, and others that have indicated interest in this subject will, along with representatives from the Department of Labour and from the Municipal Affairs Department, will be part of that committee responsible for the drafting and the preparation of the technical detail required for the regulations under which the adoption of the Building Code will take place.

I think that this is one of the — I think we should be proud of the fact that Manitoba has taken a pretty major step here; I think it'll become much clearer as time goes on that it's an important step insofar as the improvement of building standards in the province, and also to some extent contribute to lessening of building costs; it will be made much more important and meaningful as other provinces join in the adoption of the National Building Code. Indications are that a number of other provinces are doing this, are considering the same. It's expected that Ontario, for instance, will be doing this very shortly and I would anticipate that it'll be only a matter of a few years until all the provinces in Canada will have taken this important step.

One other small provision in the bill provides for the exceeding of the statutory maximum limit of 15 percent for business tax, which presently is contained within the Municipal Act. In cases where the City Charter provides a rate for that category of business in excess of 15 percent, it seems only fair and equitable that business tax levels being charged, for instance, in the City of Winnipeg to a certain business could also be charged against a competing business of the same class, whether it be in East St. Paul or Minnedosa or Swan River, that in the interests of uniformity and equity and fairness, these two provisions, first that in the Municipal Act and that in the City Charter, need to conform rather than what is the present situation.

So, with these comments, I commend this bill to the House.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Birtle-Russell.

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

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

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Mr. Speaker, the members of the Assembly are, I understand, ready now to proceed to Law Amendments Committee until the committee decides to adjourn tonight, and then to meet again in Law Amendments Committee starting tomorrow at 9:30 and ending around noon, not to continue tomorrow afternoon; so that the Assembly itself would, by consent, not meet again until Monday at 9:30, if I've correctly stated that, Mr. Speaker. Then Monday at 9:30, we would again deal with any business that can be dealt with on the Order Paper, following which we would go into complete the work of Law Amendments Committee and, when that is completed, to go into Municipal Affairs Committee to complete the work which is before that committee.

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

MR. SPEAKER presented the motion and after a voice vote declared the motion carried, and the House adjourned until 9:30 Monday morning.