

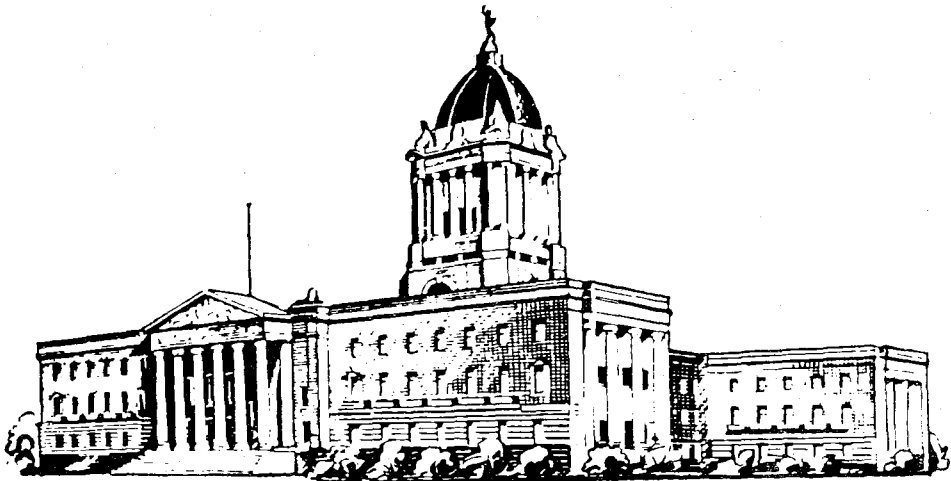


Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

Speaker

The Honourable Peter Fox



Vol. XIX No. 144 2:30 p.m., Tuesday, July 4th, 1972. Fourth Session, 29th Legislature.

Electoral Division	Name	Political Affiliation	Address
ARTHUR	J. Douglas Watt	P.C.	Reston, Manitoba
ASSINIBOIA	Steve Patrick	Lib.	10 Red Robin Place, Winnipeg 12
BIRTLE-RUSSELL	Harry E. Graham	P.C.	Binscarth, Manitoba
BRANDON EAST	Hon. Leonard S. Evans	N.D.P.	Legislative Bldg., Winnipeg 1
BRANDON WEST	Edward McGill	P.C.	2228 Princess Ave., Brandon, Man.
BURROWS	Hon. Ben Hanuschak	N.D.P.	Legislative Bldg., Winnipeg 1
CHARLESWOOD	Arthur Moug	P.C.	29 Willow Ridge Rd., Winnipeg 20
CHURCHILL	Gordon Wilbert Beard	Ind.	148 Riverside Drive, Thompson, Man.
CRESCENTWOOD	Cy Gonick	N.D.P.	1 - 174 Nassau Street, Winnipeg 13
DAUPHIN	Hon. Peter Burtniak	N.D.P.	Legislative Bldg., Winnipeg 1
ELMWOOD	Hon. Russell J. Doern	N.D.P.	Legislative Bldg., Winnipeg 1
EMERSON	Gabriel Girard	P.C.	25 Lomond Blvd., St. Boniface 6
FLIN FLON	Thomas Barrow	N.D.P.	Cranberry Portage, Manitoba
FORT GARRY	L. R. (Bud) Sherman	P.C.	86 Niagara St., Winnipeg 9
FORT ROUGE	Mrs. Inez Trueman	P.C.	179 Oxford St., Winnipeg 9
GIMLI	John C. Gottfried	N.D.P.	44 - 3rd Ave., Gimli Man.
GLADSTONE	James Robert Ferguson	P.C.	Gladstone, Manitoba
INKSTER	Sidney Green, Q.C.	N.D.P.	Legislative Bldg., Winnipeg 1
KILDONAN	Hon. Peter Fox	N.D.P.	244 Legislative Bldg., Winnipeg 1
LAC DU BONNET	Hon. Sam Uskiw	N.D.P.	Legislative Bldg., Winnipeg 1
LAKESIDE	Harry J. Enns	P.C.	Woodlands, Manitoba
LA VERENDRYE	Leonard A. Barkman	Lib.	Box 130, Steinbach, Man.
LOGAN	William Jenkins	N.D.P.	1294 Erin St., Winnipeg 3
MINNEDOSA	David Blake	P.C.	Minnedosa, Manitoba
MORRIS	Warner H. Jorgenson	P.C.	Box 185, Morris, Man.
OSBORNE	Ian Turnbull	N.D.P.	284 Wildwood Park, Winnipeg 19
PEMBINA	George Henderson	P.C.	Manitou, Manitoba
POINT DOUGLAS	Donald Malinowski	N.D.P.	361 Burrows Ave., Winnipeg 4
PORTAGE LA PRAIRIE	Gordon E. Johnston	Lib.	Room 248, Legislative Bldg., Winnipeg
RADISSON	Harry Shafransky	N.D.P.	4 Maplehurst Rd., St. Boniface 6
RHINELAND	Jacob M. Froese	Soc. Cr.	Box 40, Winkler, Manitoba
RIEL	Donald W. Craik	P.C.	2 River Lane, Winnipeg 8
RIVER HEIGHTS	Sidney Spivak, Q.C.	P.C.	250 Legislative Bldg., Winnipeg 1
ROBLIN	J. Wally McKenzie	P.C.	Inglis, Manitoba
ROCK LAKE	Henry J. Einarson	P.C.	Glenboro, Manitoba
ROSSMERE	Hon. Ed. Schreyer	N.D.P.	Legislative Bldg., Winnipeg 1
RUPERTSLAND	Jean Allard	N.D.P.	602 - 245 Provencher Ave., St. Boniface
ST. BONIFACE	Hon. Laurent L. Desjardins	N.D.P.	357 Des Meurons St., St. Boniface 6
ST. GEORGE	William Uruski	N.D.P.	Box 580, Arborg, Manitoba
ST. JAMES	Hon. A.H. Mackling, Q.C.	N.D.P.	Legislative Bldg., Winnipeg 1
ST. JOHNS	Hon. Saul Cherniack, Q.C.	N.D.P.	Legislative Bldg., Winnipeg 1
ST. MATTHEWS	Wally Johannson	N.D.P.	23 - 500 Burnell St., Winnipeg 10
ST. VITAL	D. J. Walding	N.D.P.	31 Lochinvar Ave., St. Boniface 6
STE. ROSE	A.R. (Pete) Adam	N.D.P.	Ste. Rose du Lac, Manitoba
SELKIRK	Hon. Howard Pawley	N.D.P.	Legislative Bldg., Winnipeg 1
SEVEN OAKS	Hon. Saul A. Miller	N.D.P.	Legislative Bldg., Winnipeg 1
SOURIS-KILLARNEY	Earl McKellar	P.C.	Nesbitt, Manitoba
SPRINGFIELD	Hon. Rene E. Toupin	N.D.P.	Legislative Bldg., Winnipeg 1
STURGEON CREEK	Frank Johnston	P.C.	310 Overdale St., Winnipeg 12
SWAN RIVER	James H. Bilton	P.C.	Swan River, Manitoba
THE PAS	Hon. Ron McBryde	N.D.P.	228 Legislative Bldg., Winnipeg 1
THOMPSON	Joseph P. Borowski	N.D.P.	La Salle, Manitoba
TRANSCONA	Hon. Russell Paulley	N.D.P.	Legislative Bldg., Winnipeg 1
VIRDEN	Morris McGregor	P.C.	Kenton, Manitoba
WELLINGTON	Philip M. Petursson	N.D.P.	681 Banning St., Winnipeg 10
WINNIPEG CENTRE	J. R. (Bud) Boyce	N.D.P.	777 Winnipeg Ave., Winnipeg 3
WOLSELEY			

THE LEGISLATIVE ASSEMBLY OF MANITOBA
2:30 o'clock, Tuesday, July 4, 1972

Opening Prayer by Mr. Speaker.

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

REPORT BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for Logan,

MR. W. JENKINS (Logan): Mr. Speaker, I beg to present the fourth report of the Standing Committee on Law Amendments,

MR. CLERK: The Standing Committee on Law Amendments beg me to present the following as their fourth report.

Your Committee has considered Bills:

No. 13 - An Act to amend The Expropriation Act and to validate Certain Confirming Orders made under The Expropriation Act,

No. 28 - An Act to amend The Lord's Day (Manitoba) Act,

No. 32 - An Act to amend The Court of Appeal Act,

No. 34 - An Act to amend The Northern Manitoba Affairs Act,

No. 42 - An Act to amend The Amusements Act (1),

No. 48 - An Act to amend The Hearing Aid Act,

No. 61 - An Act to amend An Act to incorporate Association for Retarded Children in Manitoba,

No. 62 - An Act to amend The County Courts Act,

No. 65 - An Act to amend The Landlord and Tenant Act,

And has agreed to report the same without amendment,

Your Committee has also considered the following Bills and has agreed to report the same with certain amendments:

No. 12 - An Act to amend The Pharmaceutical Act,

No. 29 - An Act to amend The Unsatisfied Judgment Fund Act,

No. 39 - The Sand and Gravel Act,

No. 51 - An Act to amend The Real Property Act,

All of which is respectfully submitted,

MR. SPEAKER: The Honourable Member for Logan,

MR. JENKINS: Mr. Speaker, I move, seconded by the Honourable Member for Ste. Rose that the Report of the Committee be received,

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

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

The Honourable Leader of the Opposition,

ORAL QUESTION PERIOD

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition) (River Heights): Mr. Speaker, my question is for the Minister of Industry and Commerce. I wonder if he can indicate to the House whether there has been any recent consultation with the Federal Government with respect to the bilateral agreement between Canada and the United States with respect to air traffic lines?

MR. SPEAKER: The Honourable Minister of Industry and Commerce,

HON. LEONARD S. EVANS (Minister of Industry and Commerce) (Brandon East): Yes, Mr. Speaker, there's been some contact today, but just prior to today we wrote to the Honourable Mitchell Sharpe and to Honourable Donald Jamieson pointing out the need for improved air services, particularly between Winnipeg and the Twin Cities, and to the south of us. So there has been communication in effect in the matter of the past several weeks.

MR. SPIVAK: I have another question for the Minister. I wonder if he can indicate whether in the consultation with the Federal Government the Manitoba Government has indicated its preference for the airline to cover such routes?

MR. EVANS: Mr. Speaker, we are concerned with maximizing employment in the Province and we would favour that airline that provides the greatest number of jobs and greatest economic benefits to the province.

MR. SPIVAK: A supplementary question, Mr. Speaker. I wonder if the Minister of

(MR. SPIVAK cont'd) Industry and Commerce can inform the House whether there has been consultation with the Federal Government with respect to any other major city in the mid-western area of the United States as being part of the Winnipeg direct route with respect to airlines now presently serviced that are not available in Winnipeg today ?

MR. EVANS: I don't know whether I caught the whole question, Mr. Speaker, because of some noise in the Chamber, but I would say that the, as the honourable member should understand, the matter of bilaterals is a matter of essentially negotiating between Washington and Ottawa. We try to be privy as much as possible of the state of negotiations, but we are handicapped in this respect. We do make representation all the time and we do try to encourage as much of the kind of air traffic and air routes availability as we possibly can. There are other cities, of course, and there are other airlines, and we are aware of the problems that Ottawa faces with Washington in this respect.

MR. SPIVAK: Mr. Speaker, a supplementary question. I wonder then if the Minister could . . .

MR. SPEAKER: The Honourable House Leader.

HON. RUSSELL PAULLEY (House Leader) (Transcona): He's already had two supplementary questions.

MR. SPIVAK: I'll ask the Minister of Industry and Commerce another question. I wonder if he could indicate, Mr. Speaker, whether a request has been made for a direct route from Winnipeg to Chicago, Winnipeg to Kansas City, Winnipeg to Omaha, Winnipeg to Milwaukee, Winnipeg to Denver.

MR. EVANS: Mr. Speaker, we have indicated on several occasions while I have been Minister of Industry and Commerce at least --(Interjection)-- okay, thank you - the necessity for service between Winnipeg and selected American cities, and I, for example, am looking at my letter to the Honourable Mitchell Sharpe where we mention many cities including Chicago, Denver, Minneapolis, and some other cities so we are aware of the total picture, and the need to connect in an optimum way so that we provide the people of this Province with good air transport service.

MR. SPEAKER: The Honourable Leader of the Liberal Party.

MR. I. H. (IZZY) ASPER (Leader of the Liberal Party) (Wolseley): Mr. Speaker, my question is for the Minister of Industry and Commerce. Is it not true that the Flyer Coach Industries plant in Transcona that construction is not half completed as stated by the Minister of Labour and concurred in by you? --(Interjection)-- But that construction has barely started, no concrete report . . .

MR. SPEAKER: Order please. The question is argumentative.
The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): Yesterday in response to a question and in this Chamber when replies are received from Ministers, it is generally understood that the answers that are given to this House are to be accepted as facts. The Minister of Labour said yesterday that that plant was half completed, and if the Minister is going to come into this House and deliberately lie to the members of this Chamber about statements, then that is a . . .

MR. SPEAKER: Order please. Order please. Order. Would the honourable member sit down. I do believe the honourable member has enough courtesy to realize what . . . Order please . . . Order please. I would like to indicate to the honourable member that I am sure he has enough knowledge about the rules that when the Speaker rises the honourable member should take his seat. If he is not aware of that I can indicate to him where it is listed in Beauschene. I should also like to indicate to him that when I rise I usually do with just cause. I wanted to indicate that the honourable member was debating the point, he was not any more on in matter of privilege. His privilege had expired when he stated his reason why he was rising. He was debating yesterday's issue and not debating what the matter of privilege was. Order please.

I have every intention of listening to all honourable members, to listening to all the proceedings, providing they conduct themselves courteously. If they do not I have no alternative, the rules are clear for all. If the Honourable Member for Morris wishes to state his point of privilege I'll listen to it, but I do not wish to have a dissertation of what he thinks should be right or wrong in respect to the rules. The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, I have stated and I'll state again that there is a very firm rule in this House, that when questions are asked of the Minister they reply in a truthful manner. The Minister lied to the House yesterday and I ask him to withdraw that. If the

(MR. JORGENSON cont'd) construction of that plant is not half completed then he has an obligation to tell the House at what stage construction is completed, or at what stage construction is at that particular facility in Transcona.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, I think that if anyone has a point of privilege the Minister of Labour has. I am not given to lying. I wonder if my honourable friend would give me the courtesy of replying to his allegations of lying. I am sure my honourable friend has been around long enough to at least recognize the rights and privileges of a member, and I sometimes wonder and I doubt that he will be, that if my honourable friend is a member of a legislative assembly for a few years that he will come to a point in his education where he recognizes . . .

MR. SPEAKER: Order please. Would the Honourable Minister state his matter of privilege please?

MR. PAULLEY: My point of privilege, Mr. Speaker - I wonder, Mr. Speaker, whether the former Speaker, or the mimic of John Diefenbaker has the right to superseding the manner in which you are conducting this House and I doubt it. --(Interjection)-- I did not make a statement as a member of this House on my feet. I was seated in my seat and I doubt very much whether Hansard recorded that I said that the building was half complete. I said it - I wonder if the trivial comments of the honourable members opposite would just cease for a moment or two? --(Interjection)-- I'm not trying to extradite myself at all. I've got the floor except for the rabble opposite and damn it all I've been around here long enough that I don't have to put up with the guff of the Honourable Member for Swan River or the poppycock from Morris, or anyone else. I have my privileges in this House, Mr. Speaker, without the rabble from opposite. I've had that for a number of years and I intend to adhere to it.

MR. SPEAKER: Order please. I would suggest to all honourable members - order. I would like to request of all honourable members if they are really intent seriously to proceed because if they're not I can quite easily adjourn this Assembly, it is no problem. I do intend to have order and decorum in this Assembly, it's for your benefit because it's your Assembly. Every bit of decorum reflects upon you, every one of you including myself. If you have no intention of proceeding seriously there's no point in staying here.

The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, when the question arose yesterday insofar as construction at Transcona you once occupied a Chair around here I believe, so keep your trap shut for the time being. Mr. Speaker, you don't have to, but you're damn well going to as far as I am concerned. Mr. Speaker, yesterday when the Honourable Member for Wolseley raised the question insofar as construction in Transcona was concerned, I, not on my feet but in my seat --(Interjection)-- what is the Member for River Heights babbling about, because if there's anybody who is ignorant of the rules of the House it's that individual. But, Mr. Speaker, I suggested to my honourable friend, the Member for Wolseley, that it might be advisable for him to go out to Transcona and see what has happened. And I did say, I frankly confessed I did say that the building was halfway on its way or halfway completed. What is Riel saying? Another nincompoop from the opposite side of the House. But, Mr. Speaker, that was done in jest because --(Interjection)-- of course it was done in jest, Mr. Speaker. When the day comes that a House Leader - yes, and a responsible one, far more responsible than any of the rest of you guys on that side of the House. But, Mr. Speaker, Mr. Speaker, when the day comes that a member of this House cannot in jest make a statement, then I suggest democracy has failed entirely.

I suggested in effect to my honourable friend, the Member for Wolseley, that he should journey to Transcona to see what is going on. And, Mr. Speaker, on the point of privilege, on the point of privilege raised by the Member for Morris, I am saying that if there is any differences of opinion as to the amount of construction that is going on with Flyer Industries in Transcona, that I shouldn't have said "half" but I should have said that the foundation was half done.

A MEMBER: Ho ho.

MR. PAULLEY: Ho ho ho - I ask the ho ho hoer has he been to Transcona to see what is going on, and I doubt it and I doubt it very very much. I am sure that there is enough responsibility with the Honourable Member for Wolseley to accept the position that I am now taking. I did say half completed. My honourable friend from Wolseley has given me the courtesy, again as I did yesterday, from his seat, to say that he has now journeyed to Transcona to see what is going on. I accept the statement of the Member for Wolseley, but after that rabble I cannot accept it because I doubt very much whether Morris, River Heights or even Swan River have

(MR. PAULLEY cont'd) journeyed out to Transcona to see what is going on in respect of Flyer Industries. So I say, Mr. Speaker, if my honourable friend, the Member for Morris wishes to rise on a point of privilege, accuse me of lying as he did, he is violating the rules of the House when he says that I lied. --(Interjection)-- Yes he did, He said that I lied to this House, and Hansard does not record as I understand it, what I said while I was seated. And when the day of kibitz ceases, even from the poppycock from Swan River, when it ceases then damn it all, Mr. Speaker there is nothing worthwhile for any of us, male or female, to be participants in this House.

MR. SPEAKER: The Honourable Member for Morris,

MR. JORGENSEN: . . . liberal attitude in the time to extradite himself from the position that he placed himself in from his seat. When questions are asked from this side of the House, Sir, it is an understanding rule in this Chamber that the replies that comes from the Ministry - and they're the only ones that can give it answers insofar as the administration of government are concerned - when those answers come we've got to accept them as facts, and we find out that they are not facts that, Sir, is a question of privilege of this House. --(Interjection)-- I don't care whether the Minister gave that reply in jest from the seat of his pants or from wherever, he lied to this Chamber, Sir, and that is a breach of the privilege of this House.

MR. SPEAKER: Order please.

MR. JORGENSEN: When answers are sought from the Ministry, Sir, we have the right to expect that those answers are going to be truthful ones, and that, Sir, is my question of privilege.

MR. SPEAKER: The Honourable Member for Rhineland,

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, on a point of order, the Honourable Member for Morris has raised a point of privilege. I think he has a very valid point and I think it is up to you to adjudicate at this time.

MR. SPEAKER: The Honourable Member for Inkster,

MR. SIDNEY GREEN, Q.C. (Inkster): Mr. Speaker, I rise on the point of privilege. Mr. Speaker, the Honourable Member for Morris has truly taken something out of all perspective and I think he knows he has done so. The fact is, Mr. Speaker, that a question was raised yesterday with regard to the location of a particular plant; remarks were made, as indicated by the Minister of Labour, one flew out from this side "it's half finished". The Honourable Member for Morris knows, so does everybody in this House, that is not the kind of a statement in which one expects the sole exclusive knowledge to be in the mind of the Minister. The plant, Mr. Speaker, Mr. Speaker, I know that the Honourable Member for Morris who has raised a charge against a member of the government benches will want to hear what another member has to say about the charge. It is as if a member of this House from his seat said that the Royal Bank Building is on Garry and Portage instead of on Fort and Portage. Mr. Speaker, the building is there for - well let the honourable members listen for a change. The building is there for everyone to see, nobody can lie about it, the building is in existence --(Interjection) -- Mr. Speaker, I wish the Honourable Member for Morris who is attempting to continue to keep this thing out of its perspective, that he should refrain from doing so.

The building is there for anyone to see, there is no way in which the Minister could have or wanted to mislead the House, the honourable member knows this. The expression, Mr. Speaker, "half finished", even if taken literally - and I notice the Member for Morris is laughing because it is a laughable matter what he's done. The statement "half finished", Mr. Speaker, in relation to a building has no meaning whatsoever. I don't know when a building is half begun or half finished; the purchase of the land, the drawing of the plan, the laying of the foundation. What the Minister was saying, as everybody in this House knew, is that we cannot change the location of that building because it is already underway insofar as construction is concerned. Mr. Speaker, I don't think that there is a member of the House who didn't understand and knew that the Minister could not lie on that question. And therefore this whole, Mr. Speaker, this whole episode which has taken up 25 minutes of time in the House has been designed to provoke; it has provoked, we've seen the results of that provocation. It hasn't done any good in terms of our legislative program which is the responsibility of all of us. And certainly, Mr. Speaker, it does not make out what the point of privilege suggests, that a Minister of the Crown got up and intended to mislead the House as to the state of a construction of a building which everybody in Manitoba including the Member for Wolseley is able to see for himself. And for the Honourable Member for Morris to translate that into a lie is surely, Mr. Speaker, an opposition

(MR. GREEN cont'd) searching for straws because they don't have anything intelligent to raise in the House.

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

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, I wish to speak on the same point of order, I believe the question how it was arrived at was not from what the Minister of Labour said from his seat, but the real question that has infuriated certain members of the House is the way the Minister of Industry and Commerce used that statement. --(Interjection)--

MR. SPEAKER: I can't have two points of order, Order please.

MR. G. JOHNSTON: Mr. Speaker, I am speaking on a point of privilege. On a point of privilege.

MR. SPEAKER: Order please, Order please, Let us all get together, I do think we've ventilated this matter enough. --(Interjection)-- ORDER! Let me assure you honourable members that you cannot have a point of order on a point of order, You can't all have a matter of privilege which is a matter of the House unless it's of a personal nature to yourself. You can't all be incensed over one little issue that has already been aired by half a dozen points of order and privileges, I do think we are interested in getting on with the work of Manitoba, If anyone has anything specific which I have missed I'll be happy to entertain it privately, Let's get on with the order of the business, Oral questions, The Honourable Leader of the Opposition,

MR. SPIVAK: Mr. Speaker, I have a question for the Minister of Industry and Commerce, I wonder if he could indicate to the House what termination costs would be if the plant now under construction at Transcona for Flyer Industries was cancelled and terminated so that the plant in Morris could be utilized.

MR. SPEAKER: Hypothetical, Out of order, The Honourable Leader of the Liberal Party.

MR. ASPER: Mr. Speaker, my question is the question I originally tried to ask, and that is to the Minister of Industry and Commerce.

MR. SPEAKER: And I indicated that question was argumentative, The honourable member will have to rephrase it.

MR. ASPER: I am rephrasing the question, In view of the fact that construction at Transcona has barely begun --(Interjection)--

MR. SPEAKER: Order.

MR. ASPER: In view of the fact that construction contrary to what we were led to believe has barely begun, will the government now in the interests of regional development in Manitoba reconsider the location of the plant?

MR. SPEAKER: The Honourable Minister of Industry and Commerce.

MR. EVANS: Well, Mr. Speaker, long before the honourable member was in the House I gave something of a lengthy explanation of how considerable effort went into this as I have been advised both by the MDC and the Board of Directors of Flyer Industries Limited - which incidently is the correct name, Flyer Industries Limited - and they have given this considerable thought and have made the decision which is in the best interests, I believe, of the taxpayers who eventually are putting the money into this thing. As I explained the product of this particular plant is going to be sold on an extremely competitive market and the prices have to be right in order for us to sell them, Furthermore, we have evidence that it costs more to operate a facility out of Morris. And I'd like to remind the Honourable Member from Wolseley and all honourable members that it was this government, not the previous government, it was this government that not only put the school bus operation but also the Canadian Transit operation into Morris, We built the plant at Morris, not you, so don't talk to us about regional development, We put it there.

MR. SPEAKER: The Honourable Member for Fort Garry, Order, Order, I recognize the Honourable Member for Fort Garry.

MR. L. R. (BUD) SHERMAN (Fort Garry): Mr. Speaker, my question is for the Honourable the Minister of Industry and Commerce, It's related to earlier questions asked in connection with bilateral agreements, Is the government of this province able to undertake any initiatives and if so, are they undertaking any initiatives to aid Transair in its request for an opportunity to fill in on service routes to the U.S. midwest while the Northwest lines' pilots are on strike?

MR. SPEAKER: The Honourable Minister of Industry and Commerce.

MR. EVANS: Well, to answer the last part of the question, Mr. Speaker, as I indicated it's a complicated matter because it's an international matter, it's a matter of negotiations

(MR. EVANS cont'd) between two governments. Whether we would desire to want to try to break a strike or not is another point, but the fact is that it is not in our jurisdiction, it's a federal, it's an international matter. With regard to the question of being in communication with Ottawa, I can advise that my staff have been in communication very recently with Ottawa.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, my question is directed to the Minister of Industry and Commerce, based on his statement that it was the government that put Flyer Coach Industries in Morris, and I want to remind him that that plant was there long before his government got into power . . .

MR. SPEAKER: Order please. Order. Order. The Honourable Member for Morris sit down, I'm going to remind the Honourable Member for Morris once more, if he does not adhere to the rules of this House, I shall have to name him. When I ask for order, I ask for order, that's what it means and it applies to every member of this House. Order please! --(Interjection)-- Order please. --(Interjection)-- Order please. Order please. Order please. I would like to indicate that the honourable member will get recognition as soon as I have finished what I intend to do, and that is I intend to have control and maintain decorum in this House, and if members rise while I am on my feet they shall not be recognized. There is no two ways two of us can be speaking at the same time, or any two other members at the same time. It just doesn't work. The Honourable Member for Morris.

MR. JORGENSEN: If the Minister is allowed to make an extended answer that is completely out of order then I am going to be asking him questions. He made the statement and I am rising on a question of privilege. I am rising on a question of privilege. The Minister made the statement that that plant was put there by this government and that, Sir, is an outright lie because it was there long before this government came to power.

MR. SPEAKER: Order please. It was not a matter of privilege, it was a matter of a difference of opinion that the Honourable Member for Morris stated. The Honourable Member for Rupertsland.

MR. JEAN ALLARD (Rupertsland): Mr. Speaker, I have a question for the Minister of Mines and Resources and Airports in the North, etc. Could the Minister advise the House whether the 600,000 dollar offer from the Federal Government some months ago for the Norway House Airport is being jeopardized by the lack of \$14,000 for land acquisition on the part of the province which is its contribution. Could he advise us whether . . .

MR. SPEAKER: Order please. The question is complicated and seems argumentative to me, I haven't understood it. The Honourable Minister of Health.

HON. RENE E. TOUPIN (Minister of Health and Social Development) (Springfield): Mr. Speaker, on the . . .

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. ALLARD: Is the government going to put in \$14,000 for land acquisition for the Norway House Airport?

MR. SPEAKER: The Honourable Minister of Industry and Commerce.

MR. EVANS: Well, Mr. Speaker, this is a detailed question and I'll look into the matter.

MR. SPEAKER: The Honourable Minister of Health.

MATTER OF PRIVILEGE

MR. TOUPIN: Mr. Speaker, on a matter of personal privilege, I would like to make a correction in Hansard that appeared in the edition that we got yesterday on Page 3489 at the bottom of the page, the eleventh line where I mentioned the acute care beds that we do need in the province. It should have read: "do not need in the province".

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. ALLARD: Did I hear the Minister correctly to say that he took it as notice?

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOUGLAS WATT (Arthur): Mr. Speaker, I'd like to direct a question to the Minister of Agriculture. In view of extensive additions to the rapeseed processing plant at Saskatoon, I'd like to ask the Minister is there any addition to processing in the Province of Manitoba?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): Mr. Speaker, I think the honourable member knows that there have been discussions underway with a number of groups interested in doing just that.

MR. WATT: Can the Minister not say that there is again, that there is nothing being done but discussions, that there is no extension or no supplementary extension to our processing of rapeseed in the Province of Manitoba or oil seeds ...

MR. USKIW: Mr. Speaker, the honourable member seems to assume that the government has the will and the power to go into some sort of a venture and I'm not sure whether that's a recommendation or a question. If we were doing it, I think I could answer him quite specifically that yes or no we are building a new plant, but since private enterprise is involved in these discussions I'm not in a position to tell him whether or not they are proceeding with the extension of the plant's capacity in Manitoba.

MR. WATT: A second supplementary question, then. Does the Minister not know what is going on in the Province of Manitoba then as far as development of oil seed is concerned,

MR. SPEAKER: Order please. The question is facetious, out of order. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my question is to the Minister of Industry and Commerce and it relates to the Northwest strike. I wonder if he could indicate whether any requests have been made with Ottawa to try and negotiate a transborder crossing for Transair from Winnipeg to Grand Forks for connecting airlines in Grand Forks.

MR. SPEAKER: The Honourable Minister of Industry and Commerce.

MR. EVANS: Mr. Speaker, as I tried to indicate to the members of the House that this, including transborder operations, is not a very easy thing; it's not something you do over the phone or in a matter of days or hours. To answer your question specifically, no.

MR. SPEAKER: The Honourable First Minister. Order please. I've indicated time and time again that no member can ask a supplementary to another member's - he can ask a question of his own - otherwise you're going to cut yourself down to three questions per subject. The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Mr. Speaker, I wonder if I might have leave of the House to table a Return to Order of the House No. 7 in response to the Honourable Member for Swan River. The information, as the honourable and gallant member for Swan River should be interested to know that it did take a considerable number of man-hours.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my question is to the First Minister. I wonder if he could indicate to the House in view of the statement that he made with respect to the possibility that a Manpower report in connection with Flyer Industries in Morris may not have been correct; whether he considered the possibility of terminating the contract for building the plant in Transcona and leaving it in Morris.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, the identical question was asked yesterday, to which a reply was given.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, a related question then to one just asked by my Leader to the Minister of Industry and Commerce. Is the Minister in a position to advise the House whether Transair has received any response either affirmative or negative from the Canadian Transport Commission as to its request in connection with the Northwest strike?

MR. SPEAKER: The Honourable Minister of Industry and Commerce.

MR. EVANS: Mr. Speaker, I don't even know whether that question is in order. If I heard the member correctly I was asked whether I knew whether Transair had received a reply from Ottawa? Transair did give me the courtesy of sending me a copy of their wire to Ottawa but I'm not sure whether Ottawa - I haven't received any wire. I don't know whether Ottawa will do me the courtesy of sending me a copy of their reply should it come to Transair.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. PETE ADAM (Ste. Rose): My question's for the First Minister. I wonder if he could advise the House what the Order for Return has cost the people of this province?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I didn't want the Honourable Member for Swan River to in any way feel that he had no right to ask for this information so I didn't give the price on that. The honourable member as he well knows, it is perfectly within the rights of an honourable member to file an Order for Return which if accepted, the information is then available without any sort of adverse comment as to what it might cost. Nevertheless it does cost some money.

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): Mr. Speaker, I direct a question to the Minister of Agriculture. I directed the same question a number of days ago, Mr. Speaker, and I'd like to direct to him again. Could the Minister confirm whether or not an official or officials of his department have been in Ontario or about to go into Ontario to purchase dairy cows?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: No, Mr. Speaker, I'm not in a position to confirm or deny or otherwise. I have no knowledge of it at this point. It might be a good idea because I have a hunch we're going to be short of them.

MR. EINARSON: Mr. Speaker, could the Minister undertake to find out whether this is correct or not?

MR. USKIW: Mr. Speaker, that has already been done.

MR. SPEAKER: The Honourable Leader of the Liberal Party.

MR. ASPER: Mr. Speaker, my question is directed to the Minister of Industry and Commerce. In view of the fact that Unity Bank of Canada - Canada's newest bank - has been incorporated and is publicly declared that it is seeking to locate its head office in western Canada, will he describe what overtures or approaches his department has made, if any, to the Unity Bank to induce them to locate their head office here in Manitoba?

MR. SPEAKER: The Honourable Minister of Industry and Commerce.

MR. EVANS: Well, Mr. Speaker, I can assure the honourable member that the Department of Industry and Commerce is always looking for opportunities to create jobs and expand the economy of the province. I'm not aware of this particular bank now seeking a head office, I'll look into the matter.

MR. ASPER: A supplementary. Will the Minister also inquire as to what incentives the Province of Alberta has offered Unity Bank in locating there so that his negotiating position if any will be improved?

MR. EVANS: Well, Mr. Speaker, I don't know whether this is an appropriate matter for me to pursue with the Province of Alberta directly, but I can answer the honourable member in this respect that I do have a letter on record from the Minister of Industry of Alberta saying that this business of give aways to private enterprise is a useless endeavour, and that it's one that only the people of the Prairie Provinces - because he was concerned about the Prairie Provinces in this particular letter - it's a give away on the part of the people of the Prairie Provinces, the system of so-called industrial incentives that have been developed has not been in keeping with the interests of the people involved so I would be very surprised if the Government of Alberta was prepared to offer such an incentive. But I'm not aware whether they are or not but it is not in keeping with the intent expressed by the responsible Minister of Alberta.

MR. ASPER: A final supplementary. Do I take it then that this House has an assurance from the Minister that he will attempt to attract this bank to Manitoba?

MR. EVANS: Mr. Speaker, I don't know whether I have to give the assurance any more than I have given already to the honourable member.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my question is to the First Minister. I wonder if he can indicate whether in the recent meetings of the Prairie Economic Council a discussion has taken place about locating a new chartered bank in Western Canada?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, there have been some informal discussions of it but to the best of my recollection it has not been an item of the formal agenda of the prairie premiers either in the last three years or to the best of my knowledge in the years prior to my membership on that council.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed to Orders of the Day, I would like to indicate to the honourable members that we have 120 students from the University of Manitoba in our gallery. They are from Grade 12 and up. They are under the direction of Miss Gisele Prefontaine. On behalf of all the honourable members I welcome you here today.

The Honourable House Leader.

ORDERS OF THE DAY

MR. PAULLEY: Mr. Speaker, we have now reached the Orders of the Day. I trust that I do not mislead the House but I'm wondering whether or not --(Interjection)-- I'll push you, as young as you are and as old as I am - I wonder, Mr. Speaker - the rules of the House have been suspended by and large, and that government business takes precedence over all other business, and as such, of course, as House Leader I am able to call measures as deemed advisable by the government. But there are on the Order Paper a number of bills dealing - Private Members bills that is - dealing with municipalities or villages, and I would like to have agreement - I doubt whether I need the agreement or not - but I would like an understanding by members of the House that if at the end of the orders dealing with second readings of government bills, that if I call the Private Member Public Bills dealing with municipalities that this will not be construed as being a precedent for the future.

We have on the Order Paper Bill No. 76, an Act respecting The Town of Grandview proposed by the Honourable Member for Roblin; we have a Bill 78, an Act respecting The Village of Minitonas, sponsored by the Member for Swan River; we have Bill 101 dealing with the Town of Steinbach, sponsored by the Honourable Member for La Verendrye; and Bill 105, an act dealing with the Town of Neepawa sponsored by the Member for Néepawa - and I'm wondering whether or not that following the going through the government bills on second reading it would meet with the convenience of the House, and also as a gesture of goodwill to the municipalities concerned, if members would be prepared to consider those bills in order that they may be furthered. I hear no dissonance.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: In the time that it took the Minister to ask for that request we could have passed them all.

MR. PAULLEY: I didn't quite hear my dear friend from Morris. I understand he is in agreement, so therefore, Mr. Speaker, I wonder now if we would start out with second reading of government bills on page 1 and start out with Bill 98 standing in the name of the Honourable Minister of Agriculture.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. ASPER: So that the record is clear, there is a third political party represented in the House which concurs.

MR. PAULLEY: Well we don't need concurrence, it's just information. We control the ...

MR. SPEAKER: The proposed motion of the Honourable Minister of Agriculture. The Honourable Minister of Agriculture. Bill 98.

Order, please. Does the Honourable Member for Rhineland have a point of order?

MR. FROESE: Yeah, on a point of order, when the House Leader got up and asked for concurrence from the official opposition certainly that would indicate that another Party would have the same right to give concurrence.

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: If I may, Mr. Speaker, all I did, all I did when I rose to speak was to indicate to honourable members - I do not need leave or concurrence because the control of the Order Paper is within the government hands. It was by virtue of my cordial spirit that I indicated to honourable members that they should prepare themselves for other bills as well as government bills in this instance. I don't need concurrence from the Liberals, the Social Creditors or even the Official Opposition. Bill 98.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW presented Bill No. 98, an Act to amend The Natural Products Marketing Act for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, the Natural Products Marketing Act has been with us for many many years, in fact decades, and from time to time amendments have been brought forward to improve the workings of Marketing Acts and Marketing Boards, Marketing Commissions to allow for greater degrees of flexibility and so on. This particular bill is following very much in that direction. We are bringing or introducing further amendments which will provide us with greater flexibility within the Marketing Boards or Commissions set up within the Province of Manitoba, but as well, Mr. Speaker, we recognize in some of the sections that are being

(MR. USKIW cont'd) amended the importance of the Province of Manitoba participating in any possible or eventual national marketing system with respect to any commodity. Most of the amendments relate to that particular aspect of it. The Government of Canada has asked the provinces across Canada to try and bring their legislation into some conformity so that when references are made to provincial acts that there is a great deal of conformity from one province to another so that we don't get into possible legal entanglements and confusion as to what a certain term or provision of any given act within any province means.

So that one of the important changes in this act then, Mr. Speaker, is for the purpose of conformity across Canada and of a purpose - or rather for the purpose of working very closely with the new Federal Marketing Act that was passed some time ago, Bill C-176, under which it's expected that we will have probably one or maybe two National Marketing Boards set up fairly soon. Eggs is probably going to be the first one - or the egg producers will be the first probably to set up such a national system of marketing, and without some of these changes they would not be in a position to do so. This was all arrived at, Mr. Speaker, by consultation as between our legal people here in Manitoba and the Federal Department of Agriculture legal counsel, so there has been a continuing dialogue as to the requirements within the various acts across Canada in order to allow this to happen.

One of the other areas of importance of course, is the need to bring about greater flexibility within the province for the purpose of giving marketing boards greater control if you like of their operations, and to simplify some of the methods of policing and so on. One of the provisions allows a marketing board to bring under inspection for example, the books if you like, and to bring under regulation not only the producer but the buyers and the general lines of his trade that may be involved. So that we bring in a great deal of simplicity into the enforcement sections.

I think these are the two main points. Some change in the penalty provisions are contained as you will notice, and I think that pretty well sums it up, Mr. Speaker. Thank you very much.

MR. SPEAKER: The Honourable Member for Rock Lake.

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

MR. SPEAKER: Order, please. Does the Honourable Member for Rhineland wish to speak? The Honourable Member for Rhineland.

MR. FROESE: Yes, Mr. Chairman, I might not be here on another occasion and therefore I would like to make a few comments on the . . .

MR. WATT: . . . honourable member a question. How has the turkey and . . .

MR. SPEAKER: Order, please. Does the Member for Arthur wish to speak on the question? The Honourable Member for Arthur.

MR. WATT: Could he tell the House how the Turkey and Poultry Marketing Boards have operated since they were put into existence prior to his authority?

MR. SPEAKER: Order, please. As I indicated time and again, I must again - questions should be of clarification to the speech that was made, not to open further debate. If the honourable member wishes to have the floor, he's entitled to debate the particular issue he's raising the question on. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, the bill before us is an act to amend the Natural Products Marketing Act. This particular bill before us has been amended I think several times that I can recall, and I'm not surprised to see the bill before us for further amendments because of the federal legislation that was passed last year. As I understand it under that legislation we can bring marketing boards into being in conjunction with them with the federal authorities, but I take great exception to this because of some of the boards that we have operating in Manitoba today and in western Canada for that matter. Last year or was it a year ago or two years ago, we passed the Freshwater Fish Marketing Board. Here again we have a board that is now no longer under the jurisdiction of the Provincial Government, but we have placed it subject to the Federal jurisdiction and that we only have representatives on that particular Board. And therefore we are no longer in control of the product as the Province of Manitoba.

The same holds true for the Canadian Wheat Board which is a national marketing board and to which we are subject to as well. And here again, I have taken exception quite often to some of the things that are going on and the way the farmers are allowed to market their grain. Especially bringing it under the quota system, that when prices are high farmers are unable to deliver and therefore cannot take advantage of the better prices when they do arise or when they are in existence.

(MR. FROESE cont'd)

What I'm afraid here is that we are going to again bring in marketing boards subject to federal authorities, so that we will not control the situations; and I certainly take great exception to that, and don't subscribe to that philosophy at all or that way of doing business. And I certainly would like to hear from the Minister just what he has in mind when he says that we are bringing this legislation in line with Bill C176, I think it was, that was passed by the Federal Government, and just what lines of commodities that we're going to bring in under such legislation. We've heard of - this government - and I think they've passed regulations where they set up marketing boards to administer and give them greater power to act, and maybe in some cases this may be to advantage. On the other hand it can also work out to the farmers' or the producers' disadvantage, and that in itself doesn't say that it will be to the good of the community as such.

I would have liked to study the bill much closer before speaking, but I'm not sure whether I'll be here at another occasion when the bill will come up, and most likely they'll want it passed as soon as possible so it can be considered by the Agricultural Committee when the other bills are being considered. So I didn't want to delay proceeding it to Committee of the Whole or to Committee of Agriculture so that it can be processed. On the other hand I take exception, I don't go along with certain provisions, and I just want to place it on the record.

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. EINARSON: Mr. Speaker, I beg to move, seconded by the Honourable Member from Birtle-Russell that debate be adjourned.

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

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, just proceed in sequence, 103.

MR. SPEAKER: Very well. Proposed motion of the Honourable Minister of Health and Social Development. The Honourable Minister.

MR. TOUPIN presented Bill No. 103, an Act to amend the Health Services Insurance Act for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Health.

MR. TOUPIN: Mr. Speaker, this bill makes a number of housecleaning amendments to the Health Services Insurance Act. This act came into force in October of 1970 establishing the Manitoba Health Services Commission, thereby bringing the Health Insurance Services of Manitoba under one administration.

At present the commission must deposit all amounts credited to the Manitoba Health Services Fund in chartered banks. The amendment in this bill provides that these deposits may also be made in a credit union and/or Caisse Populaire. This is consistent with similar provisions in the Financial Administration Act.

At present the commission is not permitted to cover costs incurred by Manitoba residents admitted to mental hospitals outside of the Province of Manitoba. An amendment in this bill extends coverage to include limited hospitalization in private mental hospitals outside of the province.

Regulations will be written under this new section naming the private mental hospitals to which the commission will be permitted to make payments and establishing the maximum number days of care for which the commission will pay.

The Manitoba Health Services Insurance Plan has always covered certain services performed in hospitals by registered dental or oral surgeons as provided in regulations under the act. A legal counsel has advised that authorization for this should be included in the act itself and the omission is corrected by an amendment in the bill.

The act presently provides that doctors may be paid on fee per service or on a basis other than fee for service. There are a number of situations where an organization may employ a doctor on a sessional basis such as in a hospital emergency department. An amendment to Section 100 of the act makes it clear that the commission may make payments to these organizations who then pay doctors.

Mr. Speaker, perhaps the most important of the amendments made to this bill is contained in a number of sections that pertain to the working of the Medical Review Committee. This is a committee that carries out one of the most important of the audit and control programs of the insurance plan. Experience over the last year and one half or so has shown that the Medical

(MR. TOUPIN cont'd) Review Committee has not been adequately equipped by provisions in the act for it to go about in much needed work as successfully as we had hoped it could. This is a seven-member committee with three members nominated by the Manitoba Medical Association, three by the Manitoba Health Services Commission and one by the College of Physicians and Surgeons of Manitoba. At present, five of the seven members are doctors. The committee reviews the pattern of practice of a doctor and makes comparison with patterns established by other doctors with similar practices. Speaking simply, the function of the Medical Review Committee is to help control overservicing and experience has now shown that if the committee's work is to be meaningful, then its powers to enforce its findings need to be better defined.

Mr. Speaker, the intent of the amendment of this bill that pertain to the Medical Review Committee is to establish a committee more definitely as an independent peer review of payments to doctors. One amendment clarifies and strengthens the power of the Medical Review Committee to obtain information on matters relevant to its work. Another amendment gives the committee power to order doctors to repay amounts paid by reason of a departure from patterns of practice established by the committee. Previously the committee could only make recommendations to the commission on revised appeal mechanism for doctors against whom orders had been made. The intent here is to reinforce the appeal mechanism as a further peer review of medical practice. We feel that it is most important that this control against overservicing be a peer review both at the committee level and at the appeal level, and I can say that we are supported in this regard by the Manitoba Medical Association and by the College of Physicians and Surgeons of Manitoba. At the committee level, it is peer review by doctors aided by a minimum of laymen. At the appeal level the intent is that this will be a peer review by doctors only.

Mr. Speaker, the last amendment of this bill pertains to medical services received by Manitoba residents when outside of the province. The high cost of medical services outside of Manitoba, particularly in the United States, has in many cases created a financial hardship for residents of Manitoba who while absent from the province suddenly found themselves in need of medical attention and faced with a bill much in excess of the fee the commission is now permitted to pay. An amendment in this bill provides authority in the act for the commission in clearly demonstrative cases of need to pay an amount greater than its benefit schedule for similar services rendered in Manitoba. Also the commission is permitted to pay directly to an out-of-province doctor as it now has the authority to pay for an out-of-province hospital if the injured person has not paid for the services rendered.

Mr. Speaker, I invite comments from members of the House, and I commend this bill to all members of the House.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. INEZ TRUEMAN (Fort Rouge): Mr. Speaker, I move, seconded by the Member for Rock Lake, that debate be adjourned.

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

MR. SPEAKER: Second reading - government bills. Proposed motion of the Honourable Minister of Tourism and Recreation, The Honourable Member for Rhineland, Bill No. 67.

MR. FROESE: Mr. Speaker, I adjourned the bill yesterday in order to examine it more closely, and especially some of the provisions in the bill. I don't take exception to the bill, if the Minister will listen, he'll know. I notice that they're combining the two, the former Museum of Man and Nature and the Planetarium, and I see no reason why it shouldn't be done. I also agree with the purposes except the research, and I would like to hear from the Minister just what do they have in mind when they speak of conducting research and to what extent the research is to be carried on. I notice there's provision in the bill to borrow money up to a million dollars, this seems quite high to me. It may not seem that much to the parties concerned. I tried to check out who the parties are, the present Board of Directors, and I'm unable to find out at this time who the parties are. I just got the tabling of the report by the First Minister and I think some of the names are mentioned in that return. If I am correct Justice Monnin is one of the people. If not I stand to be corrected and the Minister certainly can correct me and also probably inform the House as to who the people are on the former board because we are given to understand that under the bill the previous board will continue for the time being under the present setup.

I also note that any surplus moneys will be invested by the Minister of Finance, and in this regard I would like to ask the Minister whether as trust funds, whether there is a limit on

(MR. FROESE cont'd) the amount of return that we can get from these trust funds so invested with the Minister of Finance. If I recollect correctly, in some of the funds or some of the trusts, there's a limitation and that some of them don't have a high yield of return if they are invested under the Financial Administration Act.

The membership here has different classifications. I would like to have an explanation from the Minister on this because it mentions that there can be - was it three different types of memberships, and which ones have voting rights, which have not. Are those that have voting rights all appointed by the Crown or just what is the case in this respect?

Under the by-laws section, I think there must be an error in the bill on Page 4. The way I read it on By-law Section 14 (2) it mentions: "Until repealed or amended by the board of directors of the corporation and except insofar as they are inconsistent", I thought it should read "not inconsistent". Maybe I'm wrong again, but I'd like the Minister to check that out because it seems to me that there must be an error in the particular section. I also note that two-thirds of the members have to vote in favour of changing of by-laws. This seems rather high, and maybe there's a purpose behind it. If so, maybe we could have an explanation on that as well. All in all, Mr. Speaker, I will support the bill and would like to see it go to committee so that we could have some of the questions answered at that time if we can't get them answered when the Minister closes debate.

MR. SPEAKER: The Honourable Minister shall be closing debate. The Honourable Minister.

HON. LAURENT L. DESJARDINS (Minister of Tourism, Recreation and Cultural Affairs) (St. Boniface): Mr. Chairman, this is quite a simple bill. We've already had the Planetarium incorporated and also the Museum and this bill is only marrying the two boards. In fact the members, the same members were on both boards. Unfortunately I can't give the names of all the members to my honourable friend at this time, but I'm sure that this is public knowledge and I'm sure that the annual report of the Museum and Planetarium would give the names of the members. I know that Dr. Matheson was the chairman of both boards and he would remain as far as we're concerned as the chairman of the board. It would be exactly the same board, there's no - I was telling my honourable friend that the same members are members of two different boards now. Actually all we're asking, the request here is that the two boards would be married. There's no additional rights, additional powers to any of these people. In fact, I think that we've looked at this quite carefully and we discussed this with them, and they would agree that the money would be returned to the Minister of Finance with a request for money for them and then whenever is needed they would have it.

Now the Member from Churchill has mentioned also, why should we have these museums here only in the Winnipeg area. I can assure him that this is only for the - the building is up now, the Planetarium is up now and the Museum is up now, and somebody has to administer these and this is what the board is doing, and this is all we're requesting at this time. So his remarks are certainly valid but I wonder if they would apply here on this bill. But due to the fact that these questions were allowed, his comments were allowed, I would like to assure him that whenever we discuss with the Planetarium and with the Museum the grant that they will receive from the Provincial Government, this is one of the conditions that we put in that as many of the children and as many of the people from outside the Winnipeg area should be tried to induce to visit these buildings, and besides that we are asking them not to be satisfied to sit back in their offices here and just wait until people come to them. I think they are in the process now of this -- it should be practically finished. There is a coach. I think with the co-operation of the CNR there is a car that is set up as a museum that will be travelling up north. And then they're ready to assist -- my honourable friend from Rhineland was talking about the research and we are ready to assist any other worthwhile people that are busy across the province, and archaeologists and so on, that are making any survey. We're trying to make sure that they would be the leaders with the university in this field, and this is powers that they've had before, so I can't see that -- I might repeat again that all this bill is asking that we marry. We had two different boards, two different acts, and for the sake of better administration we are here suggesting that we marry these boards and this is upon that request.

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

MR. SPEAKER: The proposed motion the Honourable Minister of Tourism and Recreation. The Honourable Member for Portage la Prairie. Bill 70.

MR. G. JOHNSTON: Well, Mr. Speaker, usually once or twice during a session a seemingly innocuous bill will come before us and all of a sudden it is found to have generated a great deal of passion and heat and sometimes light, I guess. But I think there has been a very good discussion on Bill 70 which, very simply, the main point of the bill is that the censor board for films be done away with and be replaced by a classification board. While I listened with interest to the Member for Thompson and his outspoken views, I couldn't help but think that he was somewhat extreme in his presentation; I don't know really.

But as much as I enjoy the Member for Inkster and the way he presents an argument, I did feel that he made some statements the other day that could stand some questioning if we were to accept his line of reasoning. To begin with, I see nothing wrong with 57 lawmakers here making the decision on behalf of some other people. In this case we're talking about whether or not there should be a screening process before people are allowed to see films in the province. The Member for Inkster said, well, it doesn't bother him if the language is quite free and all sorts of words that we consider bad or obscene are used; he said that's a matter of choice for those who wish to go providing the classification board has done its job and providing the theatres properly advertise what they are purveying. But I would ask him if that rule would apply to the language in this House. Perhaps sometimes we do break our rules in the heat of the moment but by and large there is a feeling that the members of this House, we should conduct ourselves in a certain manner, that we can explain ourselves properly but we do not have to or do not feel called upon to use just any type of language or any word that some people consider vile or obscene.

The same applies to the schools of the nation, the schools of the province. We have a standard by which we hope the children will adhere to and the instructional staff will adhere to when they're imparting their knowledge in the classroom. We have the same unofficial standard in business, in the shops of the province, so I see nothing wrong that someone acting on my behalf or someone else's behalf should be able to, and I say again, in acting upon our behalf. Not a group of moralists or a group of do-gooders who in their inward thinking process believe a certain thing is not to be seen by someone because they think so. I believe the Member for Inkster yesterday quoted from a book and he named a person who was on the Censor Board and he said, well, isn't this rather ridiculous or rather odd that Mr. Scott would make this sort of a judgment - I think that was the person's name. Now any time a board or a commission is set up and it starts to perform a duty, there's no question about it that they're going to make mistakes. No question about it at all. But Mr. Speaker, I would sooner have a group of people who are appointed by government, who are in touch and in tune with today, who represent all points of view, to act upon my behalf, and as I look at some of the movies that have been shown in the last year, I can't see that they're that narrow-minded or that prudish. We look at the violence of *The Godfather* and the sex in *The Stewardesses* and what not. The Censor Board that has been performing in the province of late are not that narrow-minded and they are not that prudish in my opinion, so what I'm suggesting is that before the fact, before the movie comes in, whatever it is, that the people's representatives should have a chance to judge that as to whether or not they consider it suitable.

Now I do not like the idea, and it's been advocated by the Attorney-General, where he says well, we have the Criminal Code of Canada and if there's an obscenity or a particularly filthy film and somebody takes objection to that, they can lay a complaint; under the Criminal Code of Canada they can lay a complaint. Well this is so, but I suggest to you, Mr. Speaker, that this is after the fact. While the delay for a court injunction, while the court case is going on or while the appeals are going on, this can still, until there's a final court order to instruct, to desist showing the movie, the movie's still being shown so really there's no sensible safeguard in that approach in my opinion. So I think that the Censor Board of recent years has been performing a useful function. The very fact that they did pass *The Stewardesses* and there was a court case and it was found that they were acting without their authority, that doesn't bother me that much but at least there is someone there who with some common sense applied can look at the situation on behalf of all the people of the province. If we were to take the extreme liberal point of view that everyone should judge for themselves as to what they should do or what they should see providing they don't break any of the really serious laws, we would have a very odd situation.

(MR. G. JOHNSTON cont'd)

I think I remember that the Member for Inkster said, well, if he had his way there would be no laws with respect to the usage of alcoholic beverages. I understood him to say that and the Member nods his head. Could I tell the member a little bit about the way it was in the early days in Manitoba? This is where there were no laws of restraint on prostitution, on drinking or gambling or whatever. For about a mile around the CPR Station here in Winnipeg there was a whole industry built up on the three businesses that I mentioned. The immigrants coming in who couldn't speak the language, who had a few dollars on them, were importuned by shills and sharks who were down to the station to grab them. The miner or the logger or the forester or whatever coming in, the farmer coming in to buy supplies, he had to practically fight his way through these people who were down there to try by any method to get his money away, and I can hardly believe that the Member for Inkster would want this type of a permissive society. In a little town like Portage la Prairie with a population of less than 1,000 people in the early days between 1880 and 1900, had 13 bars. There was no law whatsoever about drinking; there were ten year old kids lying in the street drunk; there were workmen who would send a boy in for a pail of beer at noon hour to one of the saloons and maybe the boy came back and perhaps he didn't. This was the law where the able and the fit and the strong-willed survived; there's no question about it, not everybody was like that.

But when the prohibition came in in the early 20's why did it come in the harsh form that it came? I would suggest to you that there had been a public revulsion over the state of affairs in our province at that time with respect to lack of restraint within the law with respect to the use of alcohol. The revulsion was so severe amongst the populous that counter groups set up and went too far the other way - anti-alcoholic groups, temperance groups. They put so much pressure on the legislators that the legislators in haste enacted very harsh laws that tried to outlaw something that really you couldn't outlaw. But they were so harsh, they put in so many tough laws, that the laws didn't work. The people wouldn't stand for them. So what happened? Over the years and over the processes, the Legislature loosened the laws, loosened the restraints, and today we have something in between. We don't have prohibition and we don't have the wide open usage of alcohol.

So I'm suggesting to you, Sir, that the same thing could apply in the case that is before us now. It's true that we will offend those who call themselves the true liberal who wants everybody to decide on what they want. On the other hand, there are those who want such a strict moral code that it's unrealistic with the way people are. So I'm suggesting to you, Mr. Speaker, that somewhere in-between lies the answer and the answer to me is an enlightened board that on behalf of the people, not because they know better than the people, but on behalf of the people have a chance to censor in some form what is put into our movie houses. -- (Interjection) -- My friend the Member for Assiniboia behind me wants me to repeat to you a war story that has to do with the moralities of a middle eastern country, and I don't think I should; I don't think I should, but it relates to animals and people and if this law were to go through and I'm sure -- well, it could happen here. It's something that is so despicable and so horrible that one doesn't want to talk about it. But if there was no censorship of film it could happen here and I'm sure those who think like the Member for Inkster would say, well, it's up to them whether they see it or not. But I believe that when a law is passed it's a restraint on someone. Someone is being restrained, otherwise that law wouldn't be put there. When a law is loosened a little bit, well then it's found that through education or through some other process that the situation doesn't now hold true, so that law is loosened a little bit.

Now what is wrong with this? What is wrong with that? That the legislators are sent here by the people, what is wrong with them exercising some judgment instead of playing it by ear completely as to what everybody wants or which pressure group says what? Mr. Speaker, I do not want my children or my friends or myself to be placed in the position where when they go to a movie, a few, not all, but a very few unscrupulous movie theatre owners are going to decide what is going to be shown in that theatre to the people of this province. I do not want some moviemaker, whether he's in Algeria or England or United States or Canada, to roll up his sleeves and bring out every possible type of pornographic display and say, well, we have markets for it in certain parts of the world therefore I'm going to make money out of it. And I don't want to be placed in the position where that filth is being forced upon us and I think our lawmakers make that sort of a decision. They don't allow someone else in another country to make that decision for us.

(MR. G. JOHNSTON cont'd)

I could quote to you, and I don't believe this person is really an expert but he has made a statement that I think bears repeating to this House and it's talking about abolishing all censorship. The gentleman's name is Irvin Crystal and he says: "Research in Italy, Australia and United States suggests that heavy exposure to media violence increases the possibility of violent behaviour in the post exposure situation. Further experiments in England and the United States have tended to confirm the common sense view that repeated exposure to scenes of violence increases the likelihood of a violent reaction in the viewer. The abolition of the censorship tends to drive out the good in art and literature for the bad." As the author puts it, "How much has literature lost from the fact that practically anything can be published today in America?" He argues that in a free market Gresham's law can work for books or theatres as efficiently as it does for coinage, driving out the good, establishing the debased. "The cultural market of the United States today is being pre-empted by dirty books, dirty movies, dirty theatre. The pornographic novel has a far better chance of being published today than an unpornographic one, and quite a few pretty good novels are not being published at all simply because they are not pornographic and are therefore less likely to sell. Our cultural condition has not improved as a result of the new freedom."

So, Mr. Speaker, I suppose I will be looked upon as a sort of a square and a do-gooder but it doesn't bother me. It doesn't bother me a bit. But I think that the people of this province have the right to have someone who is knowledgeable and who is broad-minded to act upon their behalf and if the name of that group is the Censor Board with that distasteful connotation, well then that's the way I would accept it. Thank you.

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. EINARSON: Mr. Speaker, it's been interesting to listen to the comments of the various members from both sides of this House. Some of the comments just made by the Member for Portage la Prairie were in my mind, and while I don't want to be too repetitious, I think some of the things he said were worth repeating.

Mr. Speaker, I think first of all we ask ourselves this question: why do we have this bill before us, namely, to amend The Amusements Act of this province? From the comments I have heard from the Member from Thompson, the Attorney-General and the Member for Inkster, and some of the experiences that we have seen in the way this government has operated other departments, it doesn't surprise me as to why we have an amendment in regard to amending the Amusement Act. And I want to say, Mr. Speaker, I'm going to use just a little different means of approaching this bill than what I've heard expressed in the House so far. The Member for Inkster made mention of Mr. Hank Scott and he wondered how many knew him and were familiar with Mr. Scott and his position so far as the Censorship Board was concerned.

I have wondered why all this commotion and why all the repercussions that have been forthcoming in the past few years over this particular matter, namely the Censor Board. I can recall when I was a member of the government on that side of the House and I say this, Mr. Speaker, because of the comments coming from the Member for Inkster. Just about every year, the three years that I was in this House Mr. Scott invited all members or any of those who wished to go over to Notre Dame in the building there where films were shown, where they were censored. And Mr. Scott was of the type of mind who I think not only wanted to make a decision for himself, for those members who were on that board or the Censor Board of that time, but he was interested in getting the views of all members of this Legislature. And I thought that we were doing the right thing, Mr. Speaker, insofar as the confines of this legislation that we had before us at that time. And it seemed to me, Mr. Speaker, that the years that we were doing this we weren't getting any repercussions from the people. I don't recall hearing any problems of films being shown by the theatres of this province as being the kind that were of the pornographic type, or the kind that were not suited for anyone or everyone to see.

And Mr. Speaker, I don't know, I don't recall any problems that we had. But I do recall, Mr. Speaker, one day last winter, it was late in the winter, I was visiting in a home, we were watching the television and a gentleman was interviewing two members of the present Censorship Board. And if my memory serves me correctly, Sir, these people were rather concerned about their job and their responsibility insofar as the Censorship Board was concerned under this present government. If I remember correctly, they were not aware of what their responsibilities were; and as a result I don't think from what I could gather they were given proper guidance from the very beginning, the first year this government took office. And I

(MR. EINARSON cont'd) . . . think really, Mr. Speaker, if you really want to know why we have this amusement bill is because that the Board that was appointed were not continuing the operations as they were when we were in government. I think this is one aspect of it. And I think, Mr. Speaker, that in dealing with it in this light, one has to wonder.

The other think, Mr. Speaker, and I speak as a Conservative now, and I think that it's only right that I be consistent in my thinking with this matter as with all other matters or at least most other matters that we have to deal with in this Legislature. And while I've heard so many varied views from members of the government side which indicate to me utter confusion -- and I think that they can't help but agree with that, Mr. Speaker, because we've had so different views on this. This bill, Mr. Speaker, it does create quite a problem, because on the one hand we talk about whether we're going to eliminate the Censorship Board and bring in a Board to classify films, and on the other hand -- and I was concerned when the Attorney-General spoke, when he said: Well, we have a Board to classify a film, but if this film gets out into say a theatre operated by someone in the rural areas or even in the city, people attend that show and maybe they might find something in that show that they don't like and they're going to lay complaints. And if I understood the Attorney-General correctly, Mr. Speaker, he said: Then if we get complaints, then we can look into this matter, and if we find that the theatre operator is not abiding -- as the Member for Portage, as I understood his comments -- violating the Criminal Code, then we can prosecute. Well now, Mr. Speaker, what kind of responsible government is that? I think this is the other area, Mr. Speaker, that we have to be concerned about and so we do have some real problems in this bill when we talk about amending the Amusement Act.

You know, Mr. Speaker, I have some magazines here that I've had in my possession now for some time. Some of my colleagues have been allowed to witness them, to look at them -- and I want to explain, Mr. Speaker, so that no one in this Chamber or even the people of Manitoba get any ideas that I was going around looking for this kind of material to read -- Mr. Speaker, these were given to me by a constituent of mine who has a store, sells different products, confectionery and what have you. They have a liquor licence. They also have a news stand whereby they have a contract to purchase different magazines, but they're also sent this kind a a magazine or these kind of magazines without request, Mr. Speaker. And I want to just convey to the members of this House that the constituent of mine did lay a complaint, the fact that these magazines were not requested and they had to pay the freight on these magazines coming out, whether it be 50 miles, 100 miles and there is added expense. And so they have that liberty to take the front page off and return it to them, indicating that they don't want these magazines. Now I have one here, they call it "The Bachelor". One can probably be serious in a sense; and also you can take another approach, a little humour doesn't do any harm. But I suppose, Mr. Speaker, there are those gentlemen who are not attracted to the opposite sex and whether the idea of whoever drafted the magazine called "The Bachelor" was doing something for those, would give some encouragement, I don't know.

But as I said to my wife you know I said, you see in films the opposite sex in probably their natural form or almost, and I said, you know there's nothing more beautiful and --(Interjection) -- No I'm not going to get myself in the trap the Minister for Inkster got making his closing remarks. While I thought it was - it all goes for interest in debate but I think, Mr. Speaker, that when we talk about classification of films and as it relates to whether you have a Censor Board or whether you don't I think the Member for Inkster does have a point in that he says, who am I to decide what I should see or what I should not see and also what my children should see. I feel that, and I agree to some degree that I think the parents should have some jurisdiction.

But the comment I want to make, Sir, is the conciseness of one argument, and I want to say that I was thinking the same as the Member for Fort Garry when he rose to speak immediately after the Member for Inkster made his speech. And it amazed me to think that the Honourable Member for Inkster should make the comments he did when we have dealt so much other legislation in this House pertaining to the rights of individuals and what have you, and I think they are as valid and as important as what we're dealing with right now. Mainly, it seems to me that with this government, Mr. Speaker, when it deals with money matters, the economic rights of an individual, that's one thing. But I couldn't help but wonder when I listened to the Member for Inkster whether he was concerned about his friends invading the boudoir of his own home. I don't know, Mr. Speaker. I couldn't help but wonder, Mr. Speaker,

(MR. EINARSON cont'd) . . . because you know, when you try to place yourself in a position -- and here I think it's strictly political on this issue. Mr. Speaker, and a number of others, that the members opposite are playing their role and, Mr. Speaker, it's like saying you can have your cake and you want to eat it as well. I say, Sir, this just does not work. It just does not work. And so, Sir, I think what we have to be concerned about here is whether or not we're going to maintain a Censorship Board. And the other matter is, what is the responsibility of those theatre operators or anyone selling magazines, anyone related to -- and come under the jurisdiction of this act.

Mr. Speaker, I've indicated my position insofar as the rights of an individual are concerned, I think they should be preserved. I'm going to be interested in knowing because there are a number of questions that I want to ask when it comes to committee stage and in dealing with the bill section by section. Because we have two points here, Mr. Speaker, one that is the freedom of the individual insofar as the Censorship Board is concerned; and the other is who has the responsibility, or who is responsible -- the government insofar as the application of the law of this act is concerned, or those people who are in the entertaining business of showing moving pictures and those selling magazines. I think those are two important fundamental things that they've got to discuss, Mr. Speaker, and I anxiously look forward to seeing this bill go to committee and question on the different sections of the bill, and I will then make my decision.

MR. SPEAKER: The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Mr. Speaker, on commenting on Bill 70 I'd like to say that I take exception to some of the parts of the bill. The parts that I take exception to can be discussed in committee, because they have to do with the theatre owner being responsible for people under age and how he can be fined, and we know that this isn't very easy to control in a country where they have young people taking tickets and working at the gate and where they can swap registration cards and so forth. So we realize this is very difficult, this is one section I think will have to come out.

But I think the main principle of the bill is whether we should continue with a Censor Board or whether we should have just a Classification Board. And I've tried to be open minded about it and give it consideration, I've thought a lot of the speeches that have been made. But in true soul-searching I think that Legislatures have a responsibility when it comes down to classifying or regulating some of the things that are exposed to the public in general. And I do believe that we go along with discipline whether it's in connection with drugs, whether it's drinking or whether it's in the type of films that can be shown to people. And I think possibly this is the right stand too.

The Honourable Member from Inkster put up a very strong argument stating that because we have these things that they are more abused. And he made a very strong argument on it, and well, I was inclined to think maybe he might be right. But we aren't in that type of society now, we're in one that things are controlled, and to say that one can run fancy free and just do everything it can, you know, I don't think that we can do it. And I would -- just being at the age and thinking of people that have teenaged children that are going to shows, and I know that parents are supposed to exercise their responsibility as parents. But when their young children go -- their children, not even young -- when they start going out to shows, you know they're going to a show and you know they're going in another town or in some other area, but you don't really say, now what type of a show is this and so forth. And I think that the shows that are shown should be censored in some form and then classified as they are now.

Now we -- the people say that we've got into trouble with the present Censorship Board. Well maybe we have, but possibly the reason is because we didn't, shall we say -- the way I feel about it, possibly some of the people on that Censor Board were exchanged and the ones that went in weren't doing their job right. I think possibly we should have a Censor Board that does it's job and that then we wouldn't have this trouble. So in thinking it over -- I appreciate the arguments of the other individuals, but I cannot see my way clear to support it, not even in principle, so I won't even vote for it to go into committee.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. FRANK JOHNSTON (Sturgeon Creek): Thank you, -- (Interjection) -- That's right. We'll tell it as it is. And I think, Mr. Speaker, it was Mr. Harry Truman, the President of the United States who had a sign in his office - "The Buck stops Here". And here we are members of Legislature trying to pass off upon the public of Manitoba, upon the people who own

(MR. F. JOHNSTON cont'd) theatres in this province, to decide by classification what the people of this province will see as far as movies are concerned.

In this Legislature, Mr. Speaker, I think we have a place for responsibility and I don't think that we should shirk it on this particular issue. What bothers me is that we have gone through the "Go Go" situation in Manitoba; we have had some bad films or what I would call not nice films or films that aren't good entertainment -- and for some reason or other if you take a look at the statistics at the present time which were gathered by a television survey in the United States -- and George McCloy of the radio station CJOB has the statistics, he announced it one morning, he said the young people of today are staying up late watching the old movies. They like a good story, they like a good plot, they like to have a movie with some imagination, and so they are watching them. Strangely enough a group of young people that I spoke to on this particular subject -- and George's young daughter was one of them who is 18, and my son 16 and a few of the gang that hang around with them say, we walk out of them half-way through. We don't like them. They're poor entertainment. Why would people want to go and watch that? And the one thing they do say is, why don't the people we elect do something about this?

You know, the young people of today are expecting leadership from this government or from any government. And right at the present time we're saying, no, no we're going to leave it up to the Censor Board, or we're going to leave it -- not the Censor Board -- we're going to have classification. So while we start to see a bit of daylight in Manitoba, where we start to see people moving away from what we have had to make things, well really the way they should have, good plots, good movies, good magazines, educational stuff, what do we do? We pass a bill, Mr. Speaker, that says now we're going to have it by classification. And if you think "The Stewardesses" was bad it was a fairy tale compared to the dirt and garbage you'll get in here -- and we'll all say, well it'll pass over again.

So we're going backwards, Mr. Speaker. Why do we pass laws to have it go backwards? You can have little theatres that will open up for a dime or fifteen cents in the tourist season that'll show junk that you wouldn't even - if it is smut, lousy, that you'd walk out of. But they'll do it. And the Attorney-General says we can prosecute. Miss one and you're going to have a precedent. You'll be running around with more court cases and dirty movies and smut stuff than you've got on court cases and car accidents and you won't keep up with it. And all because you've decided to take a step backwards in the province on the basis that you should be free to see what you want. You know, Mr. Speaker, people stand and watch murder in different parts of this country. They walk along and they don't go carrying signs -- the older they get they say, no we're not going to demonstrate, we've got elected people, we've got elected people that have a responsibility to do something for us. And really, to really say that now we're going to go and open it up again. Quite frankly -- (Interjection) -- Oh, Mr. Speaker, the Honourable Minister over there who compares the great artists you know, like the Golden Boy, or statues and what have you, with the centre section of Playboy, doesn't really go down with me because I can look at masters and art and different things of that nature and it doesn't compare to that kind of thing; and anybody that puts the masters and great art into that class is definitely thinking the wrong way. And the distinction that we have as far as this is concerned, books are a little bit different, books can be taken away, but it doesn't really go down very well with me when I'm sitting watching television with my family or with my 13-year-old daughter or my young son as it used to be and you have to get up and turn it off because all of a sudden you've got a bedroom scene that you don't want your family to watch. -- (Interjection) -- Why? Why don't I want them to watch it? Because they're my children, they're my decision and I don't particularly want to see that kind of nonsense. Why anybody really wants to see that kind of nonsense is really something. You know it was never designed as a spectator sport as one of my colleague says and it really isn't very good on television.

So, Mr. Speaker, let's not move back -- and that's what you are going to do. You are going to have a flood of lousy, dirty, rotten movies and literature hit this province so fast that you won't know whether you're coming or going. What you've got now will be a kindergarten to what you'll get and I will tell you frankly that you won't be able to control it and everybody will stand around and say "it'll pass". So while we're on, we're way out. Mr. Speaker, it will happen just as sure as anything because those guys that are selling this stuff and making this stuff will say there's one of our best markets -- Manitoba; and this Legislature will have been the guys that gave them the opportunity to do it. Some say censorship

(MR. F. JOHNSTON cont'd) gives them the opportunity but I don't agree with that, that could be argued all night. But you're going to go backwards with this legislation. You are now going to give it the chance to be twice as bad as it ever was -- and whose choice? Not yours, not yours because you've said everybody should have the right to look at what they want to look at and what have you.

You know, Mr. Speaker, many years ago laws were formed to protect us from ourselves, you know, as the Member for Portage la Prairie has stated they were formed to protect us from ourselves. And when you let things go too far your measures have to be drastic, and that's what they were. This thing will go so far that it will be drastic so why do it. Why not just say, well we're on our way into things getting a little better. Younger people thinking a little differently. Why shove it right back at them. And that's what you'll do. If you really think that, you know -- men used to carry guns at their side, now we have laws against that. People, you know, down in Halifax in a riot after the war was over, windows were broken, you know, people that you knew, neighbours walked in and stole things out of the window. You know people have a funny feeling within them, there's a human nature part of this thing and I tell you, open it up and you'll have your problems and it's only a backwards step because what you get will be worse.

Mr. Speaker, I can't vote for this on second reading. In my opinion the Censor Board should have a terms of reference to say, you know, the Legislature has given us the power because they are legislators, to have a different terms of reference and to try to have some semblance of what should be shown on the screen and what shouldn't. Which is what I would call right and proper. I don't think the people of Manitoba want more smut, want more of this junk passed upon them. I don't think they want to go to movies and have them open up and see nothing but nudity. The people of Manitoba don't want it and they'll depend on us to help see that they don't get it. So, Mr. Speaker, there's no way I can support legislation that will just do nothing but send us backwards and give us far more problems than we have now.

MR. DEPUTY SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I'd like to make a few comments in connection with the bill before us, an Act to amend The Amusements Act. And talking of an Amusements Act, it is rather amusing the way the contributions are coming forward and to listen to some of them, the arguments that they propose. I, like the last speaker, I certainly cannot support the bill because I too take exception from changing it from a censorship to one of classification only.

In looking at the report that was tabled today, Mr. Speaker, I find the names of the present censorship board and the number of films that have been viewed by them. I didn't know until today who the people were on this Board and -- (Interjection) -- Pardon? -- (Interjection) -- Well, if honourable members don't want to hear the names, I'll certainly not read them. -- (Interjection) -- I realize that. I just got it today, but until now I didn't know who the people were that were doing the censoring. I notice that in 1971 354 films were viewed, each one by two members of the Board on a rotating basis. So that this indicates that there was still a large amount of work being done and from the discussions that have been taking place the last few years in the House, it seemed as though hardly anything was done and at least a fair number was done. -- (Interjection) -- Yes.

MR. SPEAKER: The Honourable Attorney-General.

HON. A. H. MACKLING, Q.C. (Attorney-General) (St. James): Mr. Speaker, the honourable member indicated he -- (Interjection) -- I am wondering if the Member from Rhineland will clarify his indication that he didn't know about who the members of the board were? Was he aware of the fact that a Review Board was setup some time ago and reported I think about a year ago, and a report was tabled in the House as to their findings and in that report it indicated the members of the present Censor Review Board and all of the particulars in connection with the operation that had been reviewed by that Review Committee. Did he not get a copy of that report -- tabled in the House?

MR. DEPUTY SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: I don't recall the particular report that the Minister is referring to. I certainly will make it a point to check up on it and see just what was reported. I feel that a censorship board is needed in this province and while we may disagree -- and I'm sure that we do disagree -- because hearing the Honourable Member for Inkster the other day on freedom of the individual and making his claim that other people should not necessarily determine what pictures he had the right to see or other people had the right to see or view and

(MR. FROESE cont'd) certainly I am for a maximum freedom as give the people as much freedom as possible.

But at the same time, Mr. Speaker, we have an obligation and especially as parents of children, we definitely have an obligation to guide them, to train them and to rear them properly. Not only that, I think we have an obligation to set an example. I think this is where probably many people fall short, that they will take the opportunity of viewing films that probably they don't want their children to see. I think this is where a lot of the trouble may arise from that where parents allow themselves certain things that they don't want their children to follow. I think adults should discipline themselves not only their children, so that they will follow in their footsteps and be guided in this way. I notice from the bill that if the bill should go into effect that films will be classified only as "Restricted" and therefore those that will be classified as Restricted will not apply to minors or minors will not be able to view. I think if there is censorship or even classification that it should go much further so that when people want to go to a film, view a film, that they know ahead of time what really is shown and so that the classification would be more meaningful. I certainly feel that the bill is really inadequate as far as just classifying films in this way.

I note the Member for Sturgeon Creek mentioned something of a motto that former President Truman had. I know that we in the Credit Union movement in our international office had a motto when we came into the building which said, "Keep purpose constant here". I think this should apply in the censorship of films; that there should be constant purpose here and that we should not be swayed from it. Certainly in my opinion rather than loosen up we should be more restrictive; I would go the other way. But then at the same time I don't think that I should determine for someone else as to what they should do and maybe we should have more than one classification board so that people could determine more readily. Certainly not being one that attends a theatre very often, and probably very seldom, I think even some of the films that come over TV are certainly not conducive to good training of our youngsters. I think they leave much to be desired and I very often feel that even in the previews that they give of some of the films that are being shown are not a credit to what is taking place on our TV shows that are being shown.

So, Mr. Speaker, these are just a few comments that I would like to make and certainly while I am for a maximum of freedom, and this certainly applies not only to the matter that we're discussing right now. I believe in social freedom, I believe in economic freedom, which we do not have; I believe in political freedom and also religious freedom. I think all these are very important and I think it's a matter of the way in which we will provide the best service and the best means in which to arrive at these freedoms and that they can be maintained.

I received a note here from someone else, I don't know whether I should be mentioning it, so I'll let someone else bring that in. I just notice that the Honourable Minister sponsoring the bill, whether he should be the one to bring in a bill of this nature. This is the note that I got. I note he's not in his seat, he's not here; I think he should be here to listen to what we have to say. I'll be interested to hear further debate in committee and most likely we will also have outside representation at that time so that more light can be thrown on the whole subject matter; and whether we'll be in better shape to determine the future course or whether we'll be more confused at that time, that's a matter for members to decide.

MR. DEPUTY SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Speaker, there is a common thread in all the addresses or speeches that have been given on this particular issue and it seems to be that all are opposed to the concept of having lewd and generally subjectively unacceptable movies and pornography imposed upon the population of Manitoba and I think there's general agreement on that.

But, Mr. Speaker, if I could convince myself that some way through strict censorship we were going to be able to cure the problem, I would very hastily and without any hesitation vote against the bill that's before us. However that's not the case, Mr. Speaker, at least not on the basis of what I've been able to determine in this particular issue. The imposition of strict censorship rules does not have the history of having been successful and one might look to our own province here in Manitoba in this regard. So to a certain extent, Mr. Speaker, the legislation that is proposed I think does not a great deal more than make it fit the actual facts of life and I think as a general rule -- I realize this is an emotional topic -- but as a general rule whether you like it or not you shouldn't pass legislation which cannot be effective legislation and the legislation with respect to censorship has to a certain degree been ineffective

(MR. CRAIK cont'd) because the censorship board has been essentially powerless to control the amount and quality of the movies coming into the Province of Manitoba. I think without actually eliminating a very large number of the movies coming in that the problem can't really be overcome. And then of course when you have done that you do very little more but encourage the underground market for these things and of course there are examples and case histories outside of Manitoba where you read of the Mafia and other such underground organizations running a very profitable business in the production of pornographic materials. So that I am more inclined, Mr. Speaker, to follow the proposition that we know from experience that legislation in the field of pornography and obscenity has not effectively overcome what is basically a problem that stems from the current attitudes and morals and the ups and downs that a society goes through in searching out what is acceptable and what is unacceptable, and my own belief is that although I find a great deal of concern to me, particularly since I do have children that I'm concerned about going to these movies, I do, on the other hand, have the feeling that society has to run its own natural course in these things, and they are going to have to get a belly full of the junk before they reject it themselves out of hand, and in the meantime that we can pass the legislation to control it but it's doubtful that it will be any more effective than it has in the past. Therefore I'll support this bill to go to Second Reading and there will be a few comments at that stage, and we'll make them then.

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

MR. EARL McKELLAR (Souris-Killarney): Mr. Speaker, I beg to move, seconded by the Honourable Member for Riel, debate be adjourned.

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

MR. MACKLING: Mr. Speaker would you now call the debate on the motion of the Honourable Member from Portage la Prairie on Bill 79.

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Attorney-General and on the proposed motion of the Honourable Member for Rhineland in amendment thereto. Bill No. 79. The Honourable Member for Portage la Prairie

MR. G. JOHNSTON: Mr. Speaker, Bill 79 as we know is designed to allow the Law Society Act to be changed in such a manner that moneys from trust accounts and funds across the province, the interest of which will be legally channelled into paying for legal aid for those who cannot afford to avail themselves of a lawyer. The Member for Rhineland has attached an amendment that the Bill be not now read a second time but be read six months hence. Well of course if that should happen the bill is effectively killed for this session; and I rise to support the Member for Rhineland in his contention. I shall be brief, however, because I did state my position last week on the original bill.

Mr. Speaker, it seems to me that if the Law Society with the help of the government can find the -- and the figure of \$500,000 in interest has been used in this Chamber and I have been told that that isn't all of it, it actually could be more, a figure has been mentioned of over \$600,000 I believe. Mr. Speaker, my contention if this money can be found to be given over to the Law Society for legal aid use, then it can be found to give back to the people to whom it rightfully belongs, because surely -- one of the arguments was that well some trust accounts interest wasn't charged, otheres interest was charged. The Member for Inkster when he spoke in support of the bill said that in his personal experience in his firm that his firm took into account the amount of interest that had accrued to the firm and lowered the client's bill accordingly.

Now, Mr. Speaker, we're going to have the clients, and these are people who have modest amounts waiting in trust whether it be for a few days, a few weeks or a month or two, we're going to have these people now by process of law and with no say and with no consultation whatsoever, they are going to finance the legal aid program of the Law Society in this province. I say to you, Mr. Speaker, this is a bad law. It's a bad law when you take money from one group and give it to another no matter how worthy, how worthy that cause is. Government has no right to take money from one group without their agreement or without their knowledge and give it over to another group for a specific use, and I'm very pleased, Mr. Speaker, to support the motion made by the Member for Rhineland.

What will happen? What will be the first thing that happens when this bill becomes law and the practice begins? The first thing that will happen is lawyers who acted in the fair-minded way that the Member for Inkster says his firm have acted will be forced to put up their

(MR. G. JOHNSTON cont'd) charges for handling estates. That will be the first thing that will happen. Because we have been told that any interest that is acquired from an estate by the fair-minded firm such as mentioned by the Member for Inkster has been used to lower that cost to the client by some amount, whether it be small or a fairly good sum of money. So the very first thing that is going to happen is the lawyers who have been doing the best thing possible by their clients, either returning to them the interest or reducing their fees, will be forced, if they are going to charge the tariff to raise their fees to the clients. So what have we got? We've got the situation where a widow or a spouse, one or the other, who is inheriting a small modest amount of money will be paying this bill. The people who can afford, who have large amounts of money and have lawyers giving them the right advice will say, oh no you're not putting my 10, 20, or 100 thousand dollars into that interest free trust account; I'm giving you a certificate; I am collecting the interest. So we're going to have the people of the province who can least afford to pay, to finance this form of legal aid. And I say to you again, Mr. Speaker, if this program should be gone forward with, it should be paid for out of the public purse at large. It shouldn't be paid by a special or a specific group -- especially when they have no right in the matter, no say in the matter, nor were they consulted. So I say to you, Mr. Speaker, and to the government, that this is a bad law that they're trying to pass.

MR. SPEAKER: The Honourable Member from Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, I wish to comment only briefly on one or two principles involved in the bill that give me some difficulty and in the first one I think I'm in sympathy with the position of the Honourable Member from Portage la Prairie.

The bill contains a number of changes in the Law Society Act, but the one that of course has produced the most comment and the most debate is that which would provide for the interest on trust funds to be transferred to the Province of Manitoba for the purpose of legal aid.

Mr. Speaker, I feel that if money does accrue on trust funds that it belongs not to the lawyer, not to the province, but to the persons for whom that trust is being held; and while there are technical difficulties in crediting the interest to the trust fund, or the people for whom the money is being held, a technicality should not be a reason for changing a principle. No matter how difficult it may be to pro rate the amount of interest gained, or the interest earned, I can't set aside a principle that money or interest accruing on an estate which I have entrusted to a lawyer should be given to someone else. This might be considered as a kind of voluntary tax payable to the Province of Manitoba.

The bill as I read it would take the position that failing any statement to the contrary by the person entrusting these funds to the lawyer, that the interest on his money would go to the Province of Manitoba. I would think that the opposite should be the case; that silence on the part of the person depositing moneys in trust should indicate non-compliance rather than compliance. I would think that the bill should read, if it is to proceed and if it goes to committee, that it should be amended so that the statement in words from the person in whose name the trust is being held should be required specifically agreeing to the interest on his funds being turned over to the Province of Manitoba. And if the bill does reach the committee stage then I would feel it would reasonable and I would hope to submit an amendment to that effect.

The other point about the bill concerns the lawyers themselves, and I really don't know that they need my sympathy in this case, they're quite able to speak for themselves, but is there not a conflict of interest here where the bill would provide that not only is the lawyer a trustee for his client, but he is also expected to act as a trustee for the Province of Manitoba. I think this places the lawyer in a difficult position, and I would not want, as a client of the lawyer, to employ him as my trustee if I knew he was also a trustee for someone else. So I think, Mr. Speaker, this point should be clearly set out and if there is to be a trustee for the Province of Manitoba surely it should be the recipient of that account. The bank then should be the trustee for the Province of Manitoba and not the lawyer who deposited my funds.

Mr. Speaker, these are the two points about the bill that I feel are difficult to accept. The use for which the money is to be put is an admirable one, there is no question about that, but I think that a principle is being compromised for expediency if you say that we will use the money, the interest for this purpose because technically it's very difficult, if not impossible, to separate it and to credit it to the various accounts involved. I think that we have to feel that principles are of the utmost importance here, and I think that amendments should be submitted that would change the Act as it is now written to make it clearly understood that an estate owner must opt into this plan and it must not be understood that by his silence he is consenting to the giving of the interest on his account to the province. Thank you.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I believe I am speaking on the amendment, I'm not closing the debate. I'll have an opportunity to speak again I understand, Mr. Speaker, to the . . .

Mr. Speaker, I listened with amazement to some of the remarks that have been made showing concern in respect to the development of this plan. The Honourable Member from Rhineland whenever there is some good thing happening in the Province of British Columbia generally is the one who is most alert to draw this to our attention; and he always comes replete with brochures and colored photographs of the great things which are being done in British Columbia. But the honourable member just does not want to take heed of my remarks earlier introduction on second reading of what is being done in British Columbia in respect to interest on trust funds.

I indicated that members of the Law Society in Manitoba weren't the only reasonable and enlightened people in Canada, although I believe that many many, the vast majority of the members of the Law Society of Manitoba are such people. I don't have to defend them, they'll defend themselves before Law Amendments Committee. But I had a number of discussions with the benchers of Manitoba, and I would like again, Mr. Speaker, to indicate to the Honourable Member from Rhineland who makes this motion that this Bill be given a six months hoist, to reflect on the fact that there has been utilization of interest from lawyer's trust accounts in British Columbia for sometime. I would like to quote from an annual report of the Law Foundation of British Columbia, 1972, and it goes at some length to indicate the nature of the returns that have been received on interest from trust funds held by lawyers in the Province of British Columbia. And as I indicated in my opening and introductory remarks this was a voluntary system. But what do we find in this report, Mr. Speaker? And I alluded to it in my opening remarks. I want to quote from Page 4 of this annual report: "At the recent session of the Legislature," referring to the Province of British Columbia where as I understand it in 1972 a Social Credit Government was in power, "At a recent session of the Legislature, the provisions of the Legal Professions Act relating to the Law Foundation were amended and will come into force on June 1st, 1972. The benchers of the Law Society are now empowered to enact rules to require that every member of the society place a portion of his general client's trust account at interest, the interest to accrue for the benefit of the Foundation. This provision arose through pressures from various segments of the profession itself." Now, Mr. Speaker, this was a decision of the Legislature of the Province of British Columbia, and I'm sure that some reasonably enlightened members of the Social Credit Party in the Province of British Columbia agreed with the legal profession in the Province of British Columbia, that if moneys that are held in general trust accounts could earn interest, interest that cannot fairly and reasonably and economically be credited to individual clients, and that collective money can be put to good use for public purposes, that it should be so utilized. Now it seems to me that that basic essential thinking is very reasonable.

The Honourable Member from Sturgeon Creek laboured in vain to try and convince I think some of the members of this House what essentially is involved. We have many many countless thousands of dollars that are held for a period of days, in some cases weeks, fractional amounts of money, hundreds of dollars in some cases thousands in others, and if the Honourable Member from Portage is so exorcised about this matter, and he's concerned that people everywhere throughout Canada are not getting interest they should get, then their quarrel is with his colleagues in Ottawa who can amend the Bank Act to order the banks to credit to individual clients interest on fractional accounts that are held from day to day, because that's the problem -- (Interjection) -- Certainly I'll permit a question.

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

MR. G. JOHNSTON: The way the law stands now, does not the lawyer have discretion in whether he puts the money in an interest-bearing account, or a non-interest bearing account?

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: No, Mr. Speaker, today the Law Society of Manitoba has issued a directive to all members of the Bar indicating that they may not place their general trust moneys at interest and obtain the interest therefrom to their benefit. Now, if an individual lawyer is requested by a client because of the magnitude of the money to apportion it or entrust it separately, he will do that. But otherwise, otherwise I am sure that the Law Society would be concerned that placing trust moneys in interest-bearing accounts and then the

(MR. MACKLING cont'd) lawyer making a determination of what interest might be attributable to that client would not be in accordance with the directive.

But the practice has been -- and the Honourable Member from Inkster pointed that out, and I think every lawyer in Manitoba followed the same practice -- if there was an estate involved where there was some thousands of dollars, it could even be three or four or five thousands of dollars, that limited amount -- where there's an estate involved and it may well be that there'll be a period of months before the heirs of beneficiaries receive those moneys, then a separate estate account is taken out, in the bank, and it's an interest-bearing account, because the only ones who are interested in that money are the heirs, the ones who are entitled. And of course any creditors and so on. And then the executor draws down the payments that are necessary, to the funeral parlour, to any doctors, accounts that are outstanding, hospital bills if there be such -- there isn't of course now. And then finally after distribution has been made to those who were entitled to the money, the account is wound up. That's been the system, any reasonable lawyer in Manitoba has been doing that for decades so that there's no jeopardy to estates of individuals. It's the \$500, the \$1000 the \$5000, the \$10,000 that is brought into a lawyer's account and held for a matter of days until it has to be referred by cheque to another lawyer; but because of the delay in the banking system, even though the cheque is drawn the moneys may not leave that account for another period of three days while the cheque and the paper goes through the Clearing House.

So in fact, an amount of \$10,000 or \$15,000 has in fact been with the banking system for a period of days. It may amount to weeks. When should interest be payable to the individual? When the cheque was drawn? Should interest then cease on that account? And after all it was the person to whom the moneys were entitled that should have got cash on that date, he accepted paper instead. But the cash wasn't actually withdrawn from the bank till several days later. How does the banking system sort out all these niceties? The banking system has said, we don't pay interest on fractional amounts of money for fractional periods of time; we pay on the undistributed balances at the end of a six months period. That is the technique of the banking system. I don't have any personal quarrel with that. I agree that there may be some concerns with the government in Ottawa as to a better refinement of the Bank Act and the right of individuals to get proportionate amounts of interest for fractional periods of time. Because we are living in a much more sophisticated and technical age. Maybe that can be done. But to quarrel with what makes sense here and say that because you're tampering with a principle and someone is going to be getting advantage of it, well no one got any advantage of this interest before except the banking system at large. There were some lawyers, and it wasn't all lawyers by any means. Many lawyers in Manitoba have long considered it unethical to have anything to do with the interest on general trust accounts and they refuse to put money in interest-bearing accounts. Many many lawyers. I don't know whether it was 50/50, 75/25 but I know that there has been a running debate among the lawyers of Manitoba for many, many years on this issue. Until finally it was resolved, and I indicated that earlier, after several votes back and forth by members of the Law Society that it would now be unethical for a lawyer to obtain any benefit, direct benefit from the interest on trust accounts. Now surely if what has been accepted as good common sense and in the interests of the people of British Columbia to put moneys to work that are otherwise wasting away and not becoming to the public benefit, wasting into the banking system, then surely what's advocated here is not unreasonable.

The Honourable Member from Brandon is concerned about the lawyer now being a trustee. I want to assure the honourable member it is not anticipated there's going to be any more onus, any more burden to the individual member of the Bar than is absolutely necessary. But the wording of this section was specifically designed to avoid the problems in respect to the constitutionality of requiring the banks to remit interest, because you know we're dealing with the banks whose legislation and the administration is covered by federal legislation. So in order to deal with that problem it's at the direction of the lawyer that the banks pay the money to the Provincial Treasurer, because the lawyer is the only one that's in a position to direct the banks. The government is not, the Government of Manitoba is not. The Government of Manitoba is not in a position to tell the banks that they're going to be trustees because there may be -- there may be some encroachment on the federal prerogative of legislating in that field.

The section that is the subject matter of concern was designed to overcome any difficulties in the constitutional question that could be raised in that area and I can't see any burden

(MR. MACKLING cont'd) at all to the individual solicitor in the provisions of this act. The payment would be made after the reasonable deduction of banking charges that are involved in the handling of those accounts.

Now I don't know how many have indicated this is bad law. Bad law nonsense! It's excellent law. It's at last putting into the hands of people money that was diverted, not by any mischievous ill will on the part of solicitors or the banking system but that's how the system has worked for decades. -- (Interjection) -- Oh, surely.

MR. SPEAKER: The Honourable Member for Churchill.

MR. GORDON W. BEARD (Churchill): Did the Minister say the money would go into the hands of the people or to the hands of the lawyers?

MR. MACKLING: I indicated that the money would go into the work, into the hands of the people in the sense that now it will be going into purposes for which the public benefit most. And I think that the honourable member will agree that they benefit a great deal more than if the interest goes just into the banking system and the honourable member or some honourable members shares might have larger dividends if they happen to hold shares in banking stock. The interest that's earned will be utilized for legal aid purposes, a legal aid program which as I've indicated is designed to be as comprehensive as possible, to provide legal aid not only to the indigent but also to the working poor. -- (Interjection) -- I don't know about smuggling, there may be more expert people in this House on smuggling than I. I know that smugglers in the past have become very wealthy men and I wonder, you know, whether or not there are others still trying to make a lot of money in that area.

But surely, Mr. Speaker, what's involved here is not any incursion into any fundamental principle. It's just impossible for the banking system, it's not required of them, it's not reasonable to expect them to be able to compute the fractional interest that's involved to be attributed to the fractional amounts of money that is within the banking system for extremely short periods of time; but collectively amounts to many hundreds of hundreds of thousands of dollars. And if honourable members read the bill, all the sections of the bill, they will see that there is provision for the individual client to instruct the solicitor that his funds are to be separately maintained. And that makes good sense where the funds are going to be with the solicitor for a fair period of time or are going to be of such an amount that daily they would accrue substantial interest if they were put into an interest-bearing account. But it just doesn't make sense from any point of view to ask the system to suffer the costs of accounting, reporting and everything else that's necessary if the costs of that are not equal to the interest earned.

Now, if that doesn't make sense to the Honourable Member from Portage then I can't help him.

MR. SPEAKER: The Honourable Member for Portage have a question?

MR. G. JOHNSTON: The Minister invited a question so I shall ask him. Would he speak about the argument I presented that the Member for Inkster first mentioned, that for those law firms who do take into account the interest they have earned they reduce the amount of their bill by that amount. Would he care to comment on that?

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Well, Mr. Speaker, you know the practices of Attorneys, Barristers and Solicitors varies from individual to individual. The Law Society operates on the basis of rules, of regulations. They suggest to their individual members a tariff and it's called a minimum tariff of fees, but the individual solicitor can charge more than the minimum if in his opinion the undertakings, the obligations and the work involved and his degree of success warrants that charge; or he can charge less if the reverse is true. And there is a flexibility in the charging of fees that I think everyone should be aware of. Now if it has been or had been the practice of some firms -- and I can quite believe that -- to say that by virtue of being able to take this money and putting it out to interest we are getting certain income so we are thus never going to charge more than the minimum tariff, we're going to charge five percent less or 10 percent less than the minimum tariff, that's a decision that an individual firm can make. But I really don't think that that has any application to the principle that's involved here.

Solicitors ought to charge in accordance with not just the tariff which is a guideline, but in accordance with the amount of time, the amount of energy, the amount of responsibility and the benefit that they've been able to bring to the client in accordance with their work. And that has no relationship to the trust moneys that they hold from day to day which may be for fairly

(MR. MACKLING cont'd) . . . insignificant legal work. They may be a conduit kind of a system for transferring funds in some situation and there's really not too much legal responsibility involved. And I can think of situations where that occurs. Where a solicitor may more or less be an agent for a principal or he acts by way of designation as the principal of a corporation that otherwise may not have any place of residence within the Province of Manitoba.

But there are many situations, Mr. Speaker, where a vast sum of money would be available through the putting out to interest of moneys which otherwise would not bring interest to the individual client or even the -- well to the individual client. I am appalled at the lack of understanding on the part of some members as to what this bill is designed to do and I reject categorically their suggestion that it's bad law, it's an encroachment on fundamental principles. That's nonsense!

MR. SPEAKER: The Honourable Member for Pembina. The Honourable Member for Brandon West.

MR. MCGILL: Did I understand the Minister to say that the Law Society of Manitoba is in favour of the principle involved here with respect to interest accruals being turned over to the government?

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I corrected a report in the press which indicated that I had said that. I have had meetings with the Law Society and I certainly had a meeting with the banking fraternity, if I can use that term -- I hope I don't offend any banker, he's not here -- but the benchers of the Law Society were fully briefed. I did not receive from them any formal objection to the provisions of the bill and I took the liberty of sending a very close approximation of what was the final draft bill to the benchers of the Law Society so that they would be able to consider the matter in a collective body, and I have received neither enthusiastic approval nor vehement disapproval in respect to the provisions of this bill.

MR. SPEAKER: The Honourable Member for Pembina -- The Honourable Member for Morris.

MR. JORGENSON: Is he taking that then as the approval by the Law Society for this particular bill?

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: No, Mr. Speaker. That's why I was very concerned to rise in my place at the first opportunity and correct what was a misinterpretation of my remarks by the media when they had quoted me as saying that the members of the Law Society were anxious that the application of interest on trust funds be mandatory in favour of this plan. There has been no interpretation by me placed upon the silence of the benchers either for or against this plan.

MR. SPEAKER: The Honourable Member for Pembina -- The Honourable Member for Rhineland.

MR. FROESE: Would the Honourable Minister please table the brochure that he made reference to from British Columbia?

MR. SPEAKER: The Honourable Member for Pembina.

MR. HENDERSON: Thanks, Mr. Speaker. Mr. Speaker, I rise to speak on this bill and I rise to speak against the amendment. The amendment that's proposed by the Honourable Member for Rhineland. Not because I'm in 100 percent agreement with the bill but it's because for too long the lawyers and the bankers have been the fat cats. And there's no way -- I don't care about my honourable friend from Minnedosa. Anybody that's had any experience with estates or sales or other deals know that the lawyers and the bankers are the fat cats in this case. And we hear now in this last while that the lawyers are supposed to inform the people and then I notice in a lot of cases it goes into where there's interest-bearing accounts, you know, that accrue to the estate. But we know this hasn't been happening in a lot of cases, we know it hasn't been happening. And when the lawyers are dealing in a number of estates they have a floating account that's fairly high and whether they get all the interest or whether they get a low rate on their own borrowings or whatever it is we know that the people aren't benefiting from this, it's either the lawyers or the bankers. And this is why I'm in favour of the act. But the part that I don't think is right about it is in these days when we talk about consumer protection in so many different ways, I still feel there will be a lot of abuses if we don't put in something else, because you'll find that there will be nothing said in many cases as is now, there'll be nothing said and there'll be a slush fund going in there for lawyers.

(MR. HENDERSON cont'd) This is another thing, there'll be a slush fund there for lawyers advocating more free legal aid. Now I'm not saying that in all cases that free legal aid is wrong but I hate to see a slush fund created there which is going to be more or less used. This is why I think there should be something in this act when it goes to committee to the effect that the lawyers must inform the people of their different options on trust funds and I think that this should be a part of the act because these days we talk about dealers when they sell things how they must talk about the interest, how they must talk about the payments. If you're talking about consumer protection you should talk about the same thing in this act and there should be something go into this act in committee that the member has a chance to know that he could allocate his interest to his own account or to the estate. It should be in there. -- (Interjection) -- It's in there now as you said, but it hasn't been happening and this is why you're talking about it. It hasn't been happening and it won't happen. It should be a case of more where the onus is on the lawyer to explain this just like it's on dealers selling on time to lay out the time payments and the interest and the cost. This is what I'm saying. And if this could happen I think it's all right.

So outside of that I think the act's good, but there should be some responsibility put in there that the client must be made aware of his options, and failing that, failing that it should be that he's let know that the interest will accrue to the estate or else to the government but not stay in the fund for himself where he's accruing interest to his own benefit.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. Dealing with the amendment, and I don't want to get too involved with the bill although I have to refer to it at times, but the Member for Rhineland has asked us to give this a hoist in essence, or really what he's saying is we shouldn't deal with this matter at this time. And I suggest to you, Mr. Speaker, that if there has been some criticism of the present practices to just push it under the rug and let it continue does not solve anything and I would rather have the subject aired and dealt with at this present time, so I would have to say that I cannot support the amendment.

Now the principle involved in the bill is the question of whether or not there should be free legal aid in the province and that question has already been established because in the Attorney-General's Estimates we have a 50 percent this year in the amount of money set aside from the general treasury to provide for legal aid in the province. Now we find he's bringing in through the side door what he considers to be another \$500,000 to add to the \$750,000 that is being provided by the estimates for the free legal aid in the Province of Manitoba; and I would suggest that if he requires that amount of money for legal aid that he is failing in his duties in presenting his estimates because he should have had an extra \$500,000 in that amount at the time. If he requires a million and a quarter dollars for legal aid why didn't he have it in the estimates? But he's trying to take \$500,000 out of client's money to pay a portion of the cost of legal aid in this province. And if this happens in this department I just begin to wonder if there are other departments and other instances where the government is trying to take money through the side door to pay for some of their expenditures as well.

So for that reason, Mr. Speaker, when this comes to committee I would urge that the suggestions of the Member for Portage and the remarks of the Member for Brandon West be seriously considered. I certainly think there's validity to them and I would sincerely hope that the Attorney-General will give it serious consideration when it comes to committee and the final decision at committee may very well determine the position that I would take on final reading or third reading of the bill. At the present time I'm willing to support the bill to committee stage so that we can hear amendments and consideration at that time.

MR. SPEAKER put the question on the amendment and after a voice vote declared the amendment lost.

MR. SPEAKER: On the main motion. The Honourable Attorney . . .

MR. MACKLING: I want ayes and nays on this.

MR. SPEAKER: The honourable member have support?

MR. MACKLING: I hope so.

MR. SPEAKER: Call in the members. Order, please. The motion before the House is the amendment proposed by the Honourable Member for Rhineland.

A STANDING VOTE was taken the result being as follows:

YEAS: Messrs. Asper, Barkman, Froese, Patrick.

NAYS: Messrs. Adam, Barrow, Bilton, Blake, Borowski, Boyce, Burtniak, Craik, Desjardins, Doern, Einarson, Evans, Girard, Gonick, Gottfried, Graham, Green, Hanuschak, Henderson, Jenkins, Johannson, F. Johnston, Jorgenson, McBryde, McGill, McGregor, McKellar, McKenzie, Mackling, Malinowski, Miller, Moug, Paulley, Pawley, Schreyer, Shafransky, Sherman, Spivak, Toupin, Turnbull, Uruski, Walding, Watt.

MR. DEPUTY CLERK: Ayes 4; Nays 43.

MR. SPEAKER: In my opinion the nays have it. Declare the motion lost.

MR. SPEAKER: The main motion. The Honourable Member for Wolseley, Leader of the Liberal Party.

MR. ASPER: Mr. Speaker, in view of the hour, I suggest that I move, seconded by the Honourable Member for Assiniboia, that debate now be adjourned.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Mr. Speaker, I beg to move seconded by the Honourable the Attorney-General that the House do now adjourn until 8:00 o'clock this evening.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 8:00 p. m.