

THE LEGISLATIVE ASSEMBLY OF MANITOBA
10 a.m., Tuesday, June 8, 1976

Opening Prayer by Mr. Speaker.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 48 students, Grade 8 standing of the McKenzie Public School at Thunder Bay, Ontario, under the direction of Mr. Larry Warwick. We also have 25 students, Grades 5 and 6 standing, of the Sandy Lake School, under the direction of Mr. Shindruk, from the constituency of the Honourable Member for Minnedosa.

On behalf of all the honourable members I welcome you here this morning.

Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports. The Honourable Minister of Mines.

REPORT ON HOUSE PROCEDURE

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management) (Inkster): Mr. Speaker, the order of procedure that I'm going to suggest is that we meet in Industrial Relations Committee this evening at 8 p.m.; that we meet in Industrial Relations Committee if and when we terminate in the House prior to the normal adjournment hour to deal with those bills on which representations have been completed; and that we schedule Law Amendments Committee tomorrow night at 8 p.m. to deal with those bills which reach Law Amendments Committee by tomorrow night at 8 p.m. There are some who will be there, there are others that may get there between now and that time, but this will give some advance notice to people with respect to when Law Amendments Committee is meeting. So tomorrow night at 8 p.m. for Law Amendments and tonight at 8 p.m. for Industrial Relations Committee.

MR. SPEAKER: Any other Ministerial Statements or Tabling of Reports? Notices of Motion; Introduction of Bills; Questions. The Honourable Leader of the Opposition.

ORAL QUESTIONS

MR. DONALD W. CRAIK (Leader of the Official Opposition) (Riel): Mr. Speaker, I direct the question to the First Minister. It's in relation to a statement made by the Prime Minister indicating that the Anti-Inflation Board activities would likely continue for three years. I wonder if the First Minister can indicate whether there has been any communication and what the Provincial Government's own position is with regard to this.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Mr. Speaker, it's difficult to answer in the context of something likely to continue, which applies by direct converse that on the other hand may not and under that context we can only maintain a watching brief. In the meantime of course, between now and next April, we are committed. I would just simply also relate in this context, that two years ago, all of the Premiers of the provinces assembled sent a telegram to the Government of Canada asking for a major effort to combat inflation and pledging co-operation in advance. It seems to me that in that context we are not about to join those other provinces that are now protesting to challenge the action which they asked for.

MR. CRAIK: Mr. Speaker, a further question to the First Minister. The Prime Minister has indicated that the measurement determining whether it would be continued or not would be if the inflation rate were reduced to four percent they would be discontinued. I wonder if the First Minister can indicate whether it's this government's intention to tailor its activities and its program and its advice to parties affected to bring the inflation rate down to a number such as four percent, or does this government have a number in mind that they're aiming at in terms of guiding their actions.

MR. SCHREYER: Mr. Speaker, I believe it is the consensus of those that are watching the economy closely, that if inflation can be reduced to a level in the 8 percent range, that it will be relative success in comparison to the past two or three years.

ORAL QUESTIONS

MR. SPEAKER: Any other questions? The Honourable Member for Roblin.

MR. WALLY J. MCKENZIE (Roblin): A question of the Honourable Minister of Agriculture. I wonder if the Minister would advise the House when the province will implement the metric system, like for milk containers.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): I'm not aware of any decision in that respect, Mr. Speaker. I don't believe it would come under my jurisdiction in any event.

ORDERS FOR RETURN

MR. SPEAKER: Orders for Return. The Honourable Leader of the Opposition.

MR. CRAIK: Mr. Speaker, I move, seconded by the Member for Arthur, that an Order of the House do issue for a Return showing the size of the individual estates and succession duty amounts collected under the Manitoba Succession Duty and Gift Tax Act during the fiscal years ended March 31, 1976 and March 31, 1975, as well as the total amounts collected for each fiscal year ending March 31 from 1966.

MOTION presented.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, there is no problem in acceding to this Order for Return, except to make the obvious point that it cannot be in a form which would depart from anonymity with respect to the individual estates.

QUESTION put, MOTION carried.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Speaker, I beg to move, seconded by the Member for Minnedosa, that an Order of the House do issue for a Return showing the following information.

MR. SPEAKER: Order please. The Honourable First Minister on a matter of procedure.

MR. SCHREYER: Yes, just on a point of procedure, Sir, could we take the eight-point Order for Return as printed and accepted.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable House Leader.

GOVERNMENT BILLS - ADJOURNED DEBATES - SECOND READINGS

MR. GREEN: Mr. Speaker, I wish to deal with the adjourned debates on second readings on Page 3 of the Order Paper as the first order of business.

MR. SPEAKER: Thank you. Bill 20, proposed by the Honourable Minister of Consumer Affairs. The Honourable Member for La Verendrye.

MR. BOB BANMAN (La Verendrye): Stand please, Mr. Speaker.

BILL 69 - AN ACT TO AMEND THE LEGISLATIVE ASSEMBLY ACT

MR. SPEAKER: Bill 69, proposed by the Honourable First Minister. The Honourable Leader of the Opposition.

MR. CRAIK: Mr. Speaker, I think we can move on with this particular bill. I'll have it in my hands here briefly. There are some items in the bill that will require some special comment. In general we will support the bill at second reading into committee stage, and at committee stage we would want to talk and probably vote against the first section of the bill which provides for an exemption by MLAs from the benefits of government programs and so on providing an individual doesn't represent more than one percent of the value of the total government program.

Mr. Speaker, we've looked at this, and this traditional sort of arm's length relationship between an MLA and government has caused hardship to members of the House in an individual sense but even in those cases where, say, a grocery store operation has accepted welfare receipts and so on and then subsequently had to refund the money because they could not accept welfare money; and there are other cases where individuals in our party have been affected directly by this sort of thing, but still think

BILL 69

(MR. CRAIK cont'd)that it's more than worthwhile to keep that arrangement there even though there are cases which would make it appear that there should be changes made in the Act. Because, Mr. Speaker, to change it is to really go 180 degrees out from where we were a year ago when we were talking about Disclosure of Interest Act. We were talking at that time about bringing in a Disclosure of Interest Act where all members elected to this Assembly and to municipal councils, so on and so forth, would all have to disclose their interest. We were sort of taking the opposite attack to what this does. This says that there is now going to be an area where, say, a government announced a grant program, say, it's the beef promotion program where money is made as a direct grant from government to beef producers. Now we have a number of people who have already had to forego acceptance of support under this program, so that's a pretty good example of where this sort of thing can happen. But again, our members are quite willing to forego that sort of a provision in the Act that would allow them to avail themselves of the program because this particular clause would allow them to do that, they could receive a subsidy under a government program such as that without violating the Act. But, Mr. Speaker, as soon as that happens you get into this grey area of when are you a vested interest and when are you not when you're making decisions about whether you carry on these programs, and that's where the difficulty comes in. So again, in discussion on this matter I can name quite a number of our people that either have or conceivably could be affected by this legislation but would prefer to keep it the way it was, that is to not be able to avail themselves of the government programs and be able to stand at arm's length from it and be able to pass judgment on those programs. So, Mr. Speaker, our intention at Committee stage would be to isolate that particular clause and vote against it.

Now as far as the other aspects of the bill are concerned, we're in general agreement with it. There was no particular good reason why people who were former members of the Legislature and became judges or went into some other sort of government service, why they should not have received their pension, when going into any other occupation they would have received it. That was one of the anomalies that occurred at the time the legislation was passed, and shouldn't have happened, so it's a good move to now remove that from the Act and treat judges that may be outside of Manitoba in other jurisdictions the same as they would have been treated had they been in any other particular occupation either inside or outside Manitoba.

As far as some of the other parts of the Act are concerned, we don't take exception to the provisions that are in it. The eligible survivor portion of the Act that allows the estate or the pension to continue to a child until the child is either 18 or until 25, in the event that the child is at University or at post-secondary education, or still taking their education, that all makes good sense, Mr. Speaker, and is similar to the provisions that may be in many other pension Acts.

There was one point which I mentioned to some members opposite, and that is with regards to the calculation of pension. This is not a change in the Act as proposed in this bill, but under the existing Act the pensions are averaged over the last seven years of a person being a member in this Chamber, and in the event, unlikely as it may be, of there being a special session during that last seven years it would substantially change the average that occurred in that seven-year period. If the special session fell out of the seven-year period you would get a sort of a normal thing that is intended by the Act, that is using seven normal indemnities and averaging them over the last seven years, which is fine. But the catch comes in, that in the case where there has been a special session and it would appear that it occurs about once every 10 years - there was one in 1969 and there was one in, I understand, about 1963 or '64, somewhere in there, and there may have been one previous to that . . .

MR. PAULLEY: 1958, '59 I believe we had . . .

MR. CRAIK: Somewhere in that order. But, Mr. Speaker, in those cases the contributions that are made by the member to the Pension Plan bring no benefit at all as far as the member is concerned because the multiplier is the number of years and not the number of sessions, so it wouldn't matter if you had two sessions every year your multiplier would still be the number of years and not the number of sessions. So as a result

BILL 69

(MR. CRAIK cont'd) of that, any contribution a member makes to the pension plan during a special session is just a straight gratuitous contribution to the pension plan and there's no mathematical way that it can affect the calculation of the member's ultimate pension. It might be worth considering at committee stage whether the special session should not be considered, whether the wording should not be changed to the number of sessions rather than the number of years as a multiplier, and take it out of the averaging, because if it falls into this averaging period it has quite a significant effect. It will have some effect if it's used as a multiplier, number of sessions instead of number of years.

I suggest this because perhaps the government can have their mathematicians or actuaries do a calculation and see what it does to the plan and see if it's feasible. Anyway, --(Interjection)-- Well I expect from what the most senior member of the House, the Minister of Labour, who has 20-odd years' service can in that period of time probably have three special sessions perhaps in that entire period. So it appears to work out that perhaps there's one about every eight years on average. It's not something that happens regularly, but it does mean that when it happens at the present time all the contributions are essentially just a gratuitous donation to the Pension Plan without any mathematical way of getting it back.

Mr. Speaker, apart from that, as I say, we'll support the bill. We are opposed to this one section which changes the arm's length relationship of MLAs to receiving any sort of remuneration from government through special programs, special services, selling goods, selling products, selling services to government - we're still opposed and wish to retain the original and traditional --(Interjection)-- Mr. Speaker, I don't know what would happen in the case of something like flood compensation. There may have to be some special provision, maybe some of these things have to happen, but I know that we've had a number of our members that have received something unknowingly and have paid it back, and still wish to keep it that way because they appreciate and respect as much as possible keeping this thing as far at arm's length as possible. So, with those comments, Mr. Speaker, we'll support it as second reading and talk about it at the committee stage.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BANMAN: Mr. Speaker, I just have a few brief comments with regards to the bill, and specifically the reference made to the members being able to take advantage of certain government programs. I think with the image that the public has with the politicians right now this is one section that I cannot support. I was looking at a survey done just recently, they took 20 professions and out of those 20 professions they rated them from 1 to 20, as far as the public was concerned I noted that at the bottom of the list, well below anything else, was the politician, so our . . .

A MEMBER: Car dealers.

MR. BANMAN: Somebody mentions car dealers on the other side. I wasn't too proud of that either, that was number 19, so that leaves me at number 19 and number 20, which isn't too encouraging.

But I think, Mr. Speaker, that when we pass a bill which could possibly be of benefit to the members that are sitting here, I think we are under suspect, and this is probably one of these cases where honesty shouldn't only be done, it should seem to be done, and I think this is one of those cases where we can maybe enhance our image to a certain extent - when we do get elected there's a certain amount of sacrifice involved in it and I think that this particular section doesn't exactly point that out.

As I mentioned to some of my colleagues before, conceivably somebody could twist it around and say well, you're only allowed one percent of whatever that particular program is, but we're 57 members here so we could pass a program where 57 percent of it could go to the members that are involved. That's just a real hypothetical case but I think it could be made. So once again, Mr. Speaker, with the Sky Shops, Watergate, Hayes cases, and all kinds of other things going on, I think that the public's image of the politician isn't exactly as high as I would like it to be and doesn't reflect a dedication of members on both sides of the House to the job that they're trying to do for their constituents and for the general public of Manitoba. So with those few words, Mr. Speaker,

BILL 69

(MR. BANMAN cont'd) I'd just like to say that if that particular section makes us suspect in the eyes of the general public I think it'd be better to delete that particular part of the Act and that I'll be voting against that section.

MR. SPEAKER: Pleasure of the House to adopt the motion? The Honourable First Minister wish to close debate? The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I will be as brief as the Honourable the Leader of the Opposition or the Member for La Verendrye. It is a case of, I take it, where honourable gentlemen are looking very specifically at the section which seems to be raising the greatest doubt in their minds, and that is the section which attempts to draw some kind of guideline and formula with respect to dealing with those cases which have always been bothersome up to now. Specifically I'm referring to those cases where the Crown and the right of the province is providing a program that is intended to be of universal application. Now it may be a program that although universal in nature has relevance only in a given region or area because of flood disaster or because of crop disaster, and I think that honourable members although they have raised valid doubts will have to concede the fact that we have had a very unsatisfactory way of coping with that up until now. I am not presuming to say that this section if enacted will indeed solve the problem for all time, but it does provide a guideline. And in the event that there is even with the guideline lack of clarity in a given case or cases, members will note that there is provision in the bill for this to be referred to the Standing Committee on Privileges and Elections, which means in effect that the House is master of its own determination as to what is within the realm of ethical conduct on the part of a member relative to availing oneself of a program intended to be of universal application and what is not. But in the absence of such a guideline, there is always this lingering nagging doubt as to whether it is or whether it is not proper for a member to participate, for example, in a, let us say, milk price support program. And if not that, then why is it on the other hand permissible to enroll in crop insurance. And lest anyone think that crop insurance is a cut and dried situation, it is far from that, Mr. Speaker, because crop insurance is assessed on the basis of degrees of damage anywhere from zero to 100 percent. So you know, the precedent having been set with crop insurance, I would like to think that we could agree on a quantifiable guideline which by definition cannot be the last word but which will be a relevant and a true guideline in the majority of cases, and where it is not, reference to the Committee on Privileges and Elections should help to keep that clear and above board. In the absence of that, we can only proceed, Mr. Speaker, with the kind of ad hoc guidance of the law as presently embodied in the Legislative Assembly Act.

The Member for Riel has I think perhaps too pristine pure an understanding of just what the present provisions of the Legislative Assembly Act in that regard are. If he will look, I think it's Section 19, I've forgotten offhand, we enumerate a number of specific exemptions which is rather an unsatisfactory way to proceed.

I, if pressed, could give examples where the law, frankly, in the words of Charles Dickens in *Oliver Twist*, has been an ass, the law has been an ass in the sense that for example a couple of years ago one honourable gentleman opposite under the strict interpretation of the Act really was disqualified as a member because of the acceptance of \$40 direct payment from the Crown with respect to a payment by the Department of Health and Social Welfare with respect to a tenant who was living in premises owned by an honourable gentleman. That had to be dealt with by a specific ad hoc amendment to the statute, and there have been two or three other cases like that. There's no question about the ethical conduct of the honourable gentleman in that regard and so a specific amendment of exemption had to be done post facto. Now I'm not claiming for this proposed amendment that it has all the necessary sophistication, but it is an improvement, and I am putting personally a lot of store, a lot of importance in the subsection and the other part of that section in the proposed bill which does provide for the right of any honourable member to raise a valid doubt or concern or question and it can be dealt with then in the Committee of Privileges and Election.

In the final analysis, however, I make this point, that programs as opposed to

BILL 69

(MR. SCHREYER cont'd) contracts of a commercial nature are not to be interpreted or construed as being programs of intended universal application and availability. We're not talking about commercial contracts here, and I would for one join with the Honourable the Leader of the Opposition in arguing that it is really expecting too much for an honourable member of a Parliament or an Assembly to be in a position to enter into commercial contract with the Crown. But with respect to Wheat Board Permit Books, with respect to general programs of livestock price support stabilization, with respect to milk price stabilization, with respect to flood assistance, with respect to crop insurance, with respect to agricultural credit, with respect to telephone service, medical and hospital service, programs of a general nature, Mr. Speaker, it is silly. To put it in the kindest way, it is silly to have any kind of lingering doubts as to whether it is ethically proper for a member in his capacity as a citizen to avail himself of a program that is intended for universal application to all citizens.

MR. SPEAKER: The Honourable Minister closes the debate. The honourable member have a question? The Honourable Member for Arthur.

MR. J. DOUGLAS WATT (Arthur): Mr. Speaker, in the light of the remarks that the Minister has made in respect to crop damage as a result of flooding, is he suggesting now that under this program and under this bill that there would be compensation for crop loss as a result of flooding? This would apply to me and a lot of my constituents.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I would like to make clear this, that under the Legislative Assembly Act now it is permissible for a member of this Assembly who is farming to enroll or avail himself of the program of crop insurance.--(Interjection)-- Yes, through the Crop Insurance Board. On the other hand, if there is a complete flood disaster of a kind in which crop insurance is not relevant, then according to interpretation of the present law an honourable member would not be eligible, and it is drawing a line which I believe to be an invalid or spurious one. Insofar as whether the honourable member would be eligible or not, I would say that the purpose of this section if passed would be that if flood assistance were being extended on the basis of criteria universally applicable in the district of Reston or Melita there is no good reason whatsoever that my honourable friend should be treated any differently than his 15 or 30 neighbours.

MR. WATT: I wonder, could the Minister indicate then, since flooding and loss of crop is not covered by crop insurance, would the farmers in the Province of Manitoba who were unable to seed their land and who will have lost this year's crop as a result of floods, will they come under the program?

MR. SCHREYER: There is a rather specific answer for that, Mr. Speaker, I will try and articulate it in just 60 seconds. Flood Disaster Assistance is available with respect to such damage to crops as was not insurable against under crop insurance.

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): Yes, Mr. Speaker, I wonder if I could be permitted to ask a question of the First Minister.

MR. SCHREYER: Yes.

MR. EINARSON: I was wondering if the Minister makes a similar comparison between a member who takes out crop insurance and pays a premium as opposed to receiving an outright grant under such as the big promotion program they had. Are those two similar situations?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, just to show how impossible it is to draw any pristine pure lines of differentiation, if any honourable member thinks that it is okay to have crop insurance available to a member because premiums are paid, but it's not okay to be eligible like any other citizen under Flood Disaster Assistance because there are no premiums paid, I would simply remind my honourable friends that crop insurance is heavily subsidized by public funds of both the province and Canada.

QUESTION put MOTION carried.

MR. SPEAKER: Bill No. 79. The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Mr. Speaker, I request the pleasure of the House to have this matter stand.

MR. SPEAKER: Bill No. 80, the Honourable Member for Birtle-Russell.

MR. GRAHAM: Stand please, Mr. Speaker.

MR. SPEAKER: Bill No. 81, the Honourable Member for Rock Lake.

MR. ENNS: Stand, Mr. Speaker.

MR. SPEAKER: Bill No. 82, the Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Stand, Mr. Speaker.

MR. SPEAKER: Bill No. 84, The Honourable Member for Wolseley.

MR. On behalf of the Honourable Member for Wolseley, I would ask to have this stand, please.

MR. SPEAKER: Bill No. 86, the Honourable Leader of the Opposition.

MR. CRAIK: Stand, Mr. Speaker.

MR. SPEAKER: Bill No. 87, the Honourable Leader of the Opposition.

MR. CRAIK: Stand, Mr. Speaker.

BILL NO. 88 - THE CORPORATION CAPITAL TAX ACT

MR. SPEAKER: Bill No. 88, the Honourable Leader of the Opposition.

MR. CRAIK: Mr. Speaker, I'll speak on this one at the present time.

On the Corporation Capital Tax Act the comments basically that I want to make were stated pretty accurately and completely by the Member for River Heights yesterday when he spoke, so anything that I add to it, Mr. Speaker, will not be of a substantive nature at this time.

Mr. Speaker, it's a new tax, this tax on corporations, and the major point that I think has to be reiterated is that you can't justify bringing in a new tax under the guise of it being an anti-inflation program, because basically what it is is that the taxes that are brought into the government are completely spent at any rate, we have essentially a balanced budget this year, all the money that has come in is going back out again very closely, at least based on the estimates of spending and the estimates of revenue.

So, Mr. Speaker, what it probably is in actual fact, rather than being an anti-inflation measure it is in fact the reverse, it would be if anything an inflationary measure. The only way that it would be otherwise would be if you could assume that the corporations that kept the tax in fact were going to spend it all in the same manner as the government is spending it all. So in that case that would be inflationary as well, but only on the assumption can you say that it's inflationary as it stands, is if the corporations did not spend the money. Anyway that's a technicality. The point of it is, that any tax on people or on companies can't be considered as an anti-inflation program, it ends up being spent by the government who this year when we get finished adding it all up, will be adding about another 16 percent to the spending that occurred the year before.

Mr. Speaker, there are a few other items that come under this Act that still remain in question. As was pointed out, if you take bank loan money and consider it as capital and tax it, you could have a situation where you had, say, a small contractor who had very low capitalization, as a matter of fact perhaps only a few pieces of equipment worth maybe \$20,000 or \$30,000, who undertook to build a couple of houses, and who built those houses which nowadays with his equipment and two houses could be up over the \$100,000 assets pretty rapidly; when he went to the bank to get his interim financing, built his houses and then sold them at the end of it, received his payments for the houses, took out his costs, added that to his capital, he may have increased his capital by some percentage of that amount but certainly his capital value is nowhere near what would be indicated by the loans that he had taken out for interim financing. If that is the intent of the Act, and it would appear that it may be, to consider that as being capital, then this will apply to an awful lot of small people who you would think would be exempted when you say that it applies only to those having in excess of \$100,000 of capital assets.

BILL 88

(MR. CRAIK cont'd) His actual assets may be something like \$20,000 or \$30,000 but with his interim financing to do a project he may end up way in excess of \$100,000 at any given time depending on when this thing was to take effect and at what time he was taxed. And of course this can apply to a whole host of different small companies, it doesn't necessarily have to be in construction, it can be in other areas as well where there are temporary amounts of capital involved.

Mr. Speaker, the other point I want to make is that taxes on corporations, taxes on companies, are still taxes on people. One way or another it simply works its way through the corporation and ends up on the consumers' doorstep as a cost, so the government, regardless of whether they call this a corporation tax, basically are levying a consumer tax, it just takes a little longer for it to arrive on the grocery store shelves.

Mr. Speaker, I don't want us to get into the position here of assuming that anybody's going to get uproariously happy about this, as suggested by the Member for St. Johns. I think you'll have some difficulty finding any company that's taxed by this laughing his way all the way down to the bank to pay his tax bill, even if he can pass it on to the consumer. It's simply one more tax, it adds to the whole host of new taxes, new methods of taxation that were introduced this year by the government, the surtax that was introduced, the taxes on licenses on heavier cars, add all of these up and they amount to the largest package of new taxes that has been levied since this government came to power. And if you look at all of them, the \$40 million worth in the total package of new taxes, they all end up back on the consumers' doorstep one way or another. To a certain extent they may hit, not necessarily, but may hit the higher income group a little more so than the lower income group, but basically everybody is going to get hit by this whole package of new taxes, this one included, Mr. Speaker. So needless to say on Bill 88 we intend, Mr. Speaker, at second reading to vote against it. It's a new tax, and small as it may be, it's going to have an impact on John Doe citizen and we don't intend to support it.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, essentially the position that has been taken by the Honourable the Member for River Heights and the Member for Riel well expounds the position that we're taking with respect to this bill, but I'm afraid that this is the kind of a bill that perhaps we're not paying enough attention to, we're missing something obviously that the Member for St. Johns sees in the bill that we haven't been fully apprised of. And I would just like to dwell a moment or two on that aspect of it - it was already raised by the Honourable Member for Riel - that is, that this taxing measure would be greeted with uproarious laughter and happiness by the taxpayers. That, Sir, is intriguing, because just for a moment and recognizing that there is no free vote on this kind of a bill, but as legislators all, we are in the business of imposing taxes on people from time to time, it would be of tremendous interest to all of us, at one stage or another, to find the method or the means or indeed to find that taxpayer who greets any imposition of any tax with uproarious gales of laughter.

Mr. Speaker, I can find a taxpayer that will accept the tax with a degree of resigned responsibility, I can see a taxpayer accepting an imposition of tax in times of crisis as a patriotic duty, but the Honourable Member for St. Johns feels that he has found in this particular measure a means of imposing taxes on some citizens of Manitoba that will be greeted with uproarious gales of laughter.

Well, Mr. Chairman, I suggest that a search should be made for that taxpayer, an inquiry should be made for the make-up of that taxpayer. Sir, if we could propagate that species here in Manitoba, we as active politicians on both sides of the House - it would solve a lot of our problems and we'd have a gay old time from here on in. So I suspect, Mr. Speaker, that more effort should be made to find that particular taxpayer, if he can be found, to examine him genetically, if this can be done, and to even suggest perhaps some genetic engineering be entertained so that in time a majority of Manitoba citizens could have that make-up within him that would greet a new tax, any tax, with uproarious laughter.

MR. SPEAKER: The Honourable Member for Assiniboia.

BILL 88

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I beg to move, seconded by the Honourable Member for Virden, that the debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: Bill No. 89. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Stand, Mr. Speaker.

MR. SPEAKER: Bill No. 91. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Stand Mr. Speaker.

MR. SPEAKER: The Honourable House Leader.

BILL NO. 93AN ACT TO AMEND THE PRESCRIPTION DRUGS COST ASSISTANCE ACT

HON. SIDNEY GREEN (Minister of Mines, Resources and Environmental Management) in the absence of the Minister of Health and Social Development presented Bill No. 93, An Act to amend The Prescription Drugs Cost Assistance Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable . . .

MR. GREEN: Mr. Speaker, the Minister of Health is not here, but I believe that I am sufficiently acquainted with this bill to be able to introduce it to the House. It is required, I assure the honourable members, for administration reasons. It asks for some latitude to the Lieutenant-Governor-in-Council to be able to deal with the situation which frankly arises as a result of pre-existing plans and some coverage now in effect prior to the enactment of our legislation. And we have had some problems, Mr. Speaker, as to how these plans are dealt with by the individuals who get them. For instance in Flin Flon people have had first dollar coverage for many years, it's been paid for by an insurance fund, other plans are available where there is a very small portion paid for by the insurance fund. The person who buys the drug doesn't pay, there has to be a refund after \$50. If we try to merely bring the government plan in after the \$50, there'd be a problem of knowing when he spent \$50. We are searching for a manner of dealing with it and we think we are close to arriving at it, but we need a power by regulation to be able to institute that type of plan. I assure honourable members that it in no way changes the benefits under the plan, it in no way changes the basic of the plan, but it's intended to deal with pre-existing situations. We don't want it to proliferate, we don't want to permit new plans to come into being which will cause the same problems, but we do feel that we should make some accommodation for the ones that were in existence before.

In essence, Mr. Speaker, it is an attempt to do what we did under the Medicare Act. When we enacted the plan for Medicare and had premiums in effect, if premiums were then paid by the company, we said that the company would pay the overage of the premium to the men as part of their wage. That was done by the previous administration, and it was done by this administration.

It's not that simple with the Pharmacare because it's not a reduction in premium that is involved here, it's a refund of money. And the refund of moneys, if it goes strictly to the gentleman who buys the drugs and pays no fee for them, is really making money every time he buys a drug, not because of something that he's done but because of something that the collectivity of men have done. We are working this out. The desire that has been worked out is both by the men who are involved - they want something worked out, the companies want something worked out, and the insurers want something worked out. This bill seeks a power of the Lieutenant-Governor-in-Council to pass a regulation, and normally members are reluctant to give that power. I want to assure honourable members that in this case it's needed for the purposes that I have stated and will be used for those purposes and those purposes only.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. ARNOLD BROWN (Rhineland): I'd like to move, seconded by the Member for Pembina, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable House Leader.

THIRD READING - REPORT STAGE - BILL NO. 56
THE FOREIGN CULTURAL OBJECTS IMMUNITY FROM SEIZURE ACT

MR. GREEN: Mr. Speaker, can we try again calling whether the report can now be received on Bill No. 56?

MR. SPEAKER: Yes. Shall the report from the various bills received, first of all Bill 56, be adopted from committee? The Honourable Member for Morris I believe has an amendment.

MR. WARNER H. JORGENSEN (Morris): Mr. Speaker, I move, seconded by the Honourable Member for Brandon, that Section 1 of Bill 56 be amended by adding thereto, immediately after the word "Council" in the 11th line thereof, the words "where the agreement is with the Government of Manitoba, on the recommendation of the member of the Executive Council who executed the agreement for and on behalf of the Government of Manitoba and where the agreement is with a cultural or educational institution, on the application of the institution."

AMENDMENT presented.

MR. SPEAKER: Does the Honourable Member for Morris wish to speak to the amendment?

MR. JORGENSEN: Yes, Mr. Speaker. Before I speak on this particular amendment, I wonder, Sir - I think that one recognizes the circumstances under which this matter came up yesterday, and the amendment from the Legislative Council came just in time for me to pass it on to the Clerk to have it permitted - I would like to have one further amendment proposed if I may, by leave of the House, suggested. And that is just before the second last sentence, "where the agreement is with a cultural or educational institution." I would like to have "where the agreement is with a recognized cultural or educational institution."

I suppose that the Minister of Mines and Resources could pose a question with regard to that particular word, but I would suggest that a recognized institution would be one that is set up according to the laws of this province and recognized, such as the Art Gallery, such as other institutions. There may be others that are not recognized as such, maybe ad hoc organizations, and I don't think that that kind of an organization would be one that would be classed as a recognized organization; there are a number of antique shops around the country and I wouldn't think that they would be qualified to submit an application for that kind of consideration. So if the word "recognized" can be included just preceding "cultural and educational" then I would be satisfied . . . or at least I hope the House would accept that kind of an amendment.

MR. SPEAKER: The Honourable House Leader. First of all, let me ask you is it agreeable to include the word "recognized"? Any objections? The Honourable House Leader.

MR. GREEN: Mr. Speaker, the point of order that I would like to make, is that I think people wish to be accommodated. The problem is that the wording that previously was there was checked and will result in the intended immediate accomplishment being done; the existing wording, I do not know whether it was checked and therefore I do not know whether it would result in the accomplishment being done. Perhaps we could extend this over to this afternoon. Do you follow? Because it would be horrendous, if we had a bill then, to find out because of a new word, we would not be able to get this exhibition for which the whole argument is taking place. So I think that the Attorney-General should be permitted to check to see whether the wording will have any effect on the problem that is immediately before us, and perhaps the matter could be brought up this afternoon.

MR. SPEAKER: Is that agreeable? We'll leave the matter in abeyance.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed let me indicate that we have some 40 students of Grades 7 to 9 standing from the St. Andrew's Lutheran Church from Mahnomen, Minnesota, U.S.A. - the spelling isn't very clear - under the direction of Mr. Isenfeld. On behalf of all the honourable members we welcome you here this morning.

THIRD READING - REPORT STAGE
BILL NO. 62 - AN ACT TO AMEND THE HUMAN RIGHTS ACT

MR. SPEAKER: Bill 62, on the report stage. The Honourable Member for River Heights.

MR. SIDNEY SPIVAK, Q.C. (River Heights): Mr. Speaker, I move, seconded by the Honourable Member for Arthur, that Section 16 of Bill 62 as amended be struck out and the following sections be substituted therefor:

16 - Section 23 of the Act is repealed and the following section be substituted therefor:

"Access to premises and documents 23(1) For the purpose of investigating a specific complaint under this Act, the executive director, any person with the written authorization of the executive director, or the board of adjudication, (a) shall have access during normal business hours to any land, residence or business premises of any person with respect to whom there is reasonable and probable grounds to believe that such access will assist the investigation of the complaint; and (b) may inspect such specific documents, correspondence and records relevant to the complaint and may make copies thereof or take extracts therefrom.

Court order for access. 23(2) Where a person refuses to grant access or to produce documents, correspondence or records as required under subsection (1) the executive director of a board of adjudication may on an ex parte application to a judge of the County Court."

And here, Mr. Speaker, I'd like leave to add to the amendment that was proposed, the following which has been agreed to by the government: "the County Court or Provincial Court" --(Interjection)-- Well, it says: "application to a judge of the County Court or Provincial Court, apply for an order . . ." --(Interjection)-- No, I didn't the wording is: "to a judge of the County Court or Provincial Court."

MR. SPEAKER: Well, could we again, in the same manner, place this over till this afternoon until it's checked out.

MR. SPIVAK: Well, Mr. Speaker, then in that case let me introduce it if I may and complete that, if that would be agreeable, so that it will not have to be reread on the record. Then I'll check with the Legislative Council on this, if this is agreeable.

MR. SPEAKER: Procedurely I can't take it any further than this anyway this morning. So therefore the best thing is if the honourable member would check it out with the House Leader and the Legislative Council and bring it back this afternoon. Is it agreed? (Agreed) The Honourable House Leader.

MR. GREEN: Mr. Speaker, I wonder if the Member for St. James is going to be here, whether I could be advised - I'm holding Bill No. 30, because I have something to say on it - is he going to be back?

Bill No. 58 was read a third time and passed.

MR. GREEN: Mr. Speaker, I wonder if the Clerk would give me the motion to go into Committee for Bill No. 90.

Mr. Speaker, I move, seconded by the Honourable the Attorney-General, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider and report on the following Bill: No. 90, the Provincial-Municipal Tax Sharing Act.

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

COMMITTEE OF THE WHOLE

MR. CHAIRMAN: The bill before Committee of the Whole is Bill No. 90 - The Provincial-Municipal Tax Sharing Act.

BILL NO. 90 was read section by section and passed.

MR. CHAIRMAN: Committee rise and report. Call in the Speaker.

MR. Speaker, Committee of the Whole has adopted Bill 90, has instructed me to report same and asks leave to sit again.

IN SESSION

MR. SPEAKER: The Honourable Member for Logan.

MR. WILLIAM JENKINS (Logan): Mr. Speaker, I beg to move, seconded by the Honourable Member for Ste. Rose, that the report of the committee be received.

MOTION presented and carried.

MR. SPEAKER: The Honourable House Leader.

THIRD READING - ADJOURNED DEBATES
BILL NO. 30 - THE CONSERVATION DISTRICTS ACT

MR. GREEN: Mr. Speaker, I wanted to rise on Bill No. 30.

MR. SPEAKER: Very well.

MR. GREEN: Mr. Speaker. I adjourned this debate because the Member for St. James had raised a point vis-a-vis a section of the bill which indicated that the Lieutenant-Governor-in-Council will decide when there is a conflict between this Act and any other Act, and that the decision of the Lieutenant-Governor-in-Council shall be final. I explained to the Member for St. James that the administrative reason for the section was that if there was conflict as between two schemes under provincial jurisdiction, that the Lieutenant-Governor-in-Council would have to be the one to decide which scheme would supersede the other. For instance, if there was something which could be done under the Planning Act, and something which could also be done under the Conservation Districts Act, the Lieutenant-Governor-in-Council would have to say which Act governed. And I indicated that in my opinion that that is the sole reason for the Act, that is the sole reason why we want to use it; and that it was not intended to interfere with the legal rights of any citizen in the Province of Manitoba who might have a claim and that by us deciding one way or the other it would affect that person's claim. That is my opinion. I went to check it with the solicitor to see whether that in fact was the case, because the wording appears somewhat broader. He assured me that that was the case, but I have to tell the honourable member that what the solicitor is saying would not stand up in a court as interpreting the Act. I can give my honourable member the following undertaking, that that's the way we intend to use it, that if it does preclude with some citizens' rights that I will do everything I can to undo that. And that, thirdly, and this was a suggestion of the Legislative Counsel, that we will consider proclaiming the entire Act except that section, and not proclaim that section until it has to be used in the method which I have indicated. But I recognize this problem. I went back and read the section myself, and when you read it, it appears to have a very broad scope, that's not the intention.

QUESTION put motion carried.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: No. 67, Mr. Speaker.

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Stand, Mr. Speaker.

BILL NO. 90 was read a third time and passed.

MR. GREEN: Mr. Speaker, I am now proposing to adjourn the House, since the material on the Order Paper has been substantially exhausted. I understand that the Minister of Labour is away for a few minutes so I would suggest that we convene Industrial Relations Committee at 11:15. It is now 11:05, so I would say in about 10 minutes, 11:15, and there are bills to be dealt with clause by clause.

MR. SPEAKER: The Hour of adjournment for this morning having arrived the House is accordingly adjourned and stands adjourned until 2:30 this afternoon.