

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Tuesday, February 7, 1967

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions

Reading and Receiving Petitions

MR. CLERK: The Petition of Douglas Crichton Hildebrand and Others, praying for the passing of An Act to incorporate The Certified General Accountants Association of Manitoba.

MR. SPEAKER: Presenting Reports by Standing and Special Committees

Notices of Motion

Introduction of Bills

Before we proceed, I would like to direct the attention of the Members of the House to the gallery and inform them that on my right we have 60 Grade 8 students from the Stonewall High School under the direction of Mr. Moroz and Mr. Mathewson. This school is situated in the constituency of the Honourable Minister of Agriculture.

I would also like to introduce to the House 42 students of Grade 11 standing from the Carberry School under the direction of Mr. Tunningly and Mrs. McLennan. This school is situated in the constituency of the Honourable Minister of Urban Development and Municipal Affairs. On behalf of all the members of the Legislative Assembly, I welcome you all here today.

Orders of the Day.

HON. HARRY J. ENNS (Minister of Agriculture and Conservation) (Rockwood-Iberville): Before the Orders of the Day, Mr. Speaker, I would like to table for the House the Annual Report for the ARDA Program in Manitoba.

HON. WALTER WEIR (Minister of Highways) (Minnedosa): Mr. Speaker, before the Orders of the Day, may I lay on the table the Sixth Annual Report of the Manitoba Water Supply Board.

HON. STEWART E. McLEAN, Q. C. (Provincial Secretary) (Dauphin): Mr. Speaker, before the Orders of the Day, I place on the table the 49th Annual Report of the Civil Service Commission for the year ending December 31, 1966.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party) (Radisson): in connection with these reports, whether copies will be submitted to all the members of the House.

MR. McLEAN: Yes, in my case.

MR. WEIR: Yes, Mr. Speaker.

MR. ENNS: In my case too, Mr. Speaker.

HON. GEORGE JOHNSON (Minister of Education) (Gimli): Before the Orders of the Day, I would like to lay on the table of the House a Return to an Order of the House No. 26 on the motion of the Honourable Member for Elmwood. And while I'm on my feet, if I may answer two questions directed to me from the Leader of the Opposition recently, one concerning the Grade 10 French correspondence courses. The introduction of new textbooks in September, 1966 made it necessary to rewrite the reading sections of both the Grade 10 and 11 French courses. The reading section of these courses constitutes about 50 percent of the year's work and this is proceeding as rapidly as it can be handled, but because of the time to write the courses and have them printed there have been some delays in the Grade 11 French outlines. However, the second group of 12 lessons went out on January 31st and the third group is being rewritten and we hope will cause no further delay.

Also with respect to the reading report, I'm advised that this cleared the Queen's Printer where it was typed last week and is in the hands of the printers. Apparently, the Queen's Printer couldn't carry out the actual printing; he had to send it out for printing; and I hope to have it and table it just as soon as it's received.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, I'd like to direct a question to the Honourable the Minister of Industry and Commerce. In yesterday's paper there was an article regarding a speech he gave to the Realtors Association and he says that the details of the Manitoba Development Fund loans are to stay secret and there will be no change in policy, so my question is: Does the government intend to answer the Order for Return which they accepted regarding the Monoca details?

HON. DUFF ROBLIN (Premier) (Wolseley): Insofar as the information is available to us or is known to us, we will reply to the question.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I would like to ask the Minister concerned - I'm not sure just what department - are we going to get a copy of the Manitoba Economic Consultative Board's report for this year? Is there a new report coming out? And when can we expect it?

MR. ROBLIN: The tabling of the report is covered by statute and it will be made available at the time that it is intended to be produced.

MR. FROESE: Mr. Speaker

MR. SPEAKER: Is this a supplementary question?

MR. FROESE: Yes -- no, this is another question that I have. I'd like to ask the Honourable Minister of Agriculture when can we expect the report of the Manitoba Vegetable Marketing Commission for the current year?

MR. ENNS: Is the question referred to a report of the Commission or of the present enquiry that's under

MR. FROESE: The report on the Commission; not the enquiry commission.

MR. ENNS: I'll accept that as notice. I'm not aware of just at what time of year that report is normally printed.

HON. STERLING R. LYON, Q.C. (Attorney-General) (Fort Garry): Mr. Speaker, the Honourable Member for St. George was good enough to remind me yesterday of a question he had asked me some weeks ago concerning, I believe, a report or statistics from the Probation Branch with respect to their activities in the department. I can tell my honourable friend that there is no requirement, no statutory requirement for such a report and such a report is not prepared. I do however on the beginning of my estimates hope to give my honourable friend all of the statistical information that will be of help to him and all of the other members of the House when they come to consider these estimates.

MR. SIDNEY GREEN (Inkster): Mr. Speaker, since Honourable Ministers have been so generous with providing copies of their speeches made outside the House, I wonder whether the Minister of Industry and Commerce would be good enough to provide a copy of the speech that he made to the Realtors Association since we didn't have the benefit of his views on that subject when the debate was taking place in the House.

HON. SIDNEY SPIVAK, Q.C. (Minister of Industry and Commerce) (River Heights): Mr. Speaker, I suspect you will have the benefit of my views when my estimates come up, and I will be delighted to give the honourable member a copy of the address.

MR. PAULLEY: A supplemental question, if I may, Mr. Speaker, is have we got to await the estimates of my honourable friend before we have the opportunity of hearing this very very profound statement, because if I recall correctly, last year only by leave of the House that we looked into the estimates of the Department of Industry and Commerce, and goodness knows whether we are going to reach that this year. Can we not have the statement irrespective of whether we reach my honourable friend's estimates or not.

MR. FROESE: Mr. Speaker, I'd like to ask the Minister concerned, when can we expect a copy of the one man Gilson Commission report on gas tax exemptions since we now have an action taken in connection with this on the budget. Is the report available?

MR. ROBLIN: I'll see whether copies of that report can be provided for my honourable friend.

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Mr. Speaker, my question was a subsequent question to the Minister of Industry and Commerce. Did I understand correctly that he would supply the member who asked for a copy, or all the members of the House?

MR. SPIVAK: Do you want a copy?

MR. T.P. HILLHOUSE, Q.C. (Selkirk): speech, we all should have a copy.

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, I'd like to direct a question to the Minister of Education. Yesterday, a number of school divisions or districts held a day of in-service training and apparently there was quite a bit of confusion on the part of parents. They were not really informed. Some didn't know where their children were going. Does the Minister or does the department send out additional instructions or is this simply based on a note going home with the child? Is this a good policy?

MR. JOHNSON: Mr. Speaker, I can look into this. I understood the inspectors and teachers thought the best thing to do would be to send a note home with each child, but apparently in some instances the parents didn't receive the note. It's a matter we can take under advisement and see how we can streamline.

MR. DOUGLAS CAMPBELL (Lakeside): Mr. Speaker, I think there will be 53 or 54 to follow me because I too would like a copy of the speech of the Honourable Minister of Industry and Commerce. This is the first time that we've had to have individual requests.

MR. SPIVAK: Mr. Speaker, I'm delighted and I'm flattered and I will see that all the members receive the address.

MR. ELMAN GUTTORMSON (St. George): Mr. Chairman, I'd like to address a question to the Provincial Treasurer. Is it correct that the contents of the Budget, including the tax changes announced last night, were mailed out yesterday afternoon to the media throughout the province?

HON. GURNEY EVANS (Provincial Treasurer) (Fort Rouge): No, Mr. Speaker.

MR. MOLGAT: I wonder if we might have a subsequent question. Can the Minister indicate when it was mailed out?

MR. EVANS: As far as I'm aware it was not mailed out.

MR. SPEAKER: The adjourned debate

MR. NELSON SHOEMAKER (Gladstone): Mr. Speaker, I was going to ask a question on the Orders of the Day if I may. In every member's box, and this incidentally is to my honourable friend the Minister of Health, there has been placed a reprint of a Readers Digest on cancer and smoking, the connection between the two. I suppose it has been placed there as a result of the statement that the Minister of Health made the other day in this regard, or who authorized the distribution of the article?

HON. CHARLES H. WITNEY (Minister of Health) (Flin Flon): Mr. Chairman, I have no idea.

MR. PHILIP PETURSSON (Wellington): Mr. Speaker, I wasn't aware that the placing of this pamphlet, which is a reprint from the Readers Digest, in the members' boxes would cause any confusion or opposition. I don't imagine -- I don't believe it is their being opposed to it. I happened to have some of these reprints on hand, and when the motion that I have on the Order Paper comes up, I had planned to speak on it. I didn't know that members would be quite as prompt in pulling out the things that are in their boxes and I was going to have it there in preparation for them when they left the Chamber.

MR. PAULLEY: Mr. Speaker, if I may, before the Orders of the Day, direct a question to the Honourable the Minister of Health, and this has a bearing on the budget for the Province of Manitoba and consideration of the same. Can my honourable friend indicate now when we might be getting the proposition of the government in respect of Medicare revealed, so we can consider this in the light of the presentation of the budget of the Honourable the Provincial Treasurer.

MR. WITNEY: Mr. Speaker, the legislation is being drafted at the present time, and as I mentioned during the discussion of my estimates, we anticipated having it down before the end of this month.

MR. PAULLEY: Did my honourable friend say before the end of this month?

MR. WITNEY: That is right, Mr. Speaker.

MR. PAULLEY: Mr. Speaker, we will not be able to consider the same during the debate on the budget.

MR. FROESE: Mr. Speaker, I would like to direct a question to the Minister concerned, and again I'm not sure who the proper Minister is for this. When can we expect a copy of the regulations that were tabled the other day in the House? When will they be distributed?

MR. LYON: Mr. Speaker, there is no general distribution of the regulations that are filed. The members of the Statutory Orders and Regulations Committee each receive one copy, which is bound, for the purposes of their review. I believe the honourable member is a member of that committee and he will therefore be receiving a copy in due course.

MR. GUTTORMSON: Mr. Speaker, a moment ago I asked the Provincial Treasurer if he had sent out copies of the budget speech and the contents yesterday and he advised me "no". Mr. Speaker, I have in my hand a release from the government dated February 6th which reads: "A 5 percent provincial sales tax will go into effect June 1st throughout Manitoba, Provincial Treasurer, Gurney Evans, told the Legislature Monday." I checked the postmark of the document it arrived in, and it was postmarked around 5 o'clock or before yesterday afternoon.

MR. EVANS: I'll look into the matter my honourable friend raises. He asked me the question as to whether the budget address and its schedules had been mailed out and I answered the question "no". That is the correct answer. You raise another question about this press

(MR. EVANS cont'd.) release. I'll look into the matter and see what the situation is.

MR. GUTTORMSON: I didn't say the tables, I said the contents including the tax changes.

ORDERS OF THE DAY

MR. SPEAKER: Adjourned debate of the proposed motion of the Honourable Member for Lakeside. The Honourable Leader of the New Democratic Party.

MR. PAULLEY: Mr. Speaker, the other day I took part in the debate on the resolution that was proposed by my honourable friend the member for Lakeside, and I indicated at that time that I was quite prepared for this resolution to be given the consideration of the Standing Committee on Privileges and Elections, and I still of course am of that opinion.

In discussing this important matter I pointed out certain parts of the resolution which I found, in my opinion at least, were not in strict accordance of my interpretation of the situation regarding a permanent Speaker such as in the United Kingdom. Reference was made in the resolution that at all times has there been demonstrated that the Speaker of the House has not been opposed. I pointed out that this is perfectly true, providing, however, the Speaker is re-elected in the political arena that the Parliament of Great Britain has not seen fit to set him aside. However, it is not true that Speakers have automatically been granted an "Open Sesame" to the House of Commons. On a number of occasions, one just a few years ago, the presumably permanent Speaker of the House was defeated at the polls by the electorate. However, I also suggested, Mr. Speaker, that if we are going to bring about any semblance of permanency as far as the Speaker is concerned, we should take a look at whether or not this particular individual should be a civil servant or some person who is definitely appointed for life. I pointed out, and I think accurately so, that if we are going to have a person who is elected as Speaker of the House by the members of the Assembly, say from the constituency of Legislature, then that particular individual will be the appointee or the elected representative of the majority in any case of a political party who happens to be in power in the Province of Manitoba. After all, Mr. Speaker, and I mean nothing derogatory of you the individual, but rather - and really nothing derogatory of your position - but would we not have the same situation under the proposition that my honourable friend the Member from Lakeside, this year as indeed any other year, in that the majority will of the Assembly would decide who that individual would be, and this would continue.

The only alternative is, if it is desirable, and it may be desirable, that the person who occupies the position as the guiding counsel of the Assembly should be one who is strictly impartial, that he or she should be a person who is well versed in the rules of the Legislature or of the Assembly and who is not required to be elected by anybody and can be displaced only by a two-thirds majority of the members of the Assembly. Now, we've had propositions of this insofar as ombudsmen are concerned; we have the situation at the present time in respect of the Comptroller-General of the Province of Manitoba who is charged with the responsibility of looking into the financial aspects of the operation of government here in Manitoba. It's true that the government of the day appoints that particular individual, but it's also equally true, Mr. Speaker, that he or she can not be replaced or displaced without a two-thirds majority of this Assembly.

So I suggest again, Mr. Speaker, without belabouring the point, that I'm perfectly prepared - incidentally I happen to be a member of that committee which has been set up - I'm perfectly prepared to look at the proposition raised by the Honourable Member for Lakeside insofar as the so-called permanent Speaker is concerned in the committee. I know that my friend has many logical arguments in support of his contention, but basically when one really thoroughly analyzes the situation one becomes more or less confused as to how the operation can actually be brought about, because no matter how we look at it, if we decide on an impartial basis in this House by the members being voters in a constituency of the Legislature, it will still, no matter how we look at it, the Speaker will be the choice of a political majority. But I am prepared however, Mr. Speaker, for the matter to be referred to a committee to see if we can have an alternative suggestion of a political or an elective member to the Speakership divorced entirely from politics, and I suggest the only way this can be done is by having a representative of the civil service, and even indeed in that, Mr. Speaker, we run the risk of criticism because some folk even think that our civil service, particularly our civil service, are just the pawns in the game in the hands of the great masters, the great masters being the majority party in power.

So anyway, Mr. Speaker, as far as I'm personally concerned, and I'm sure that I am

(MR. PAULLEY cont'd.) speaking for my group, we're prepared to take a look at it in deference or in support of my honourable friend the Member for Lakeside. Maybe inside of the committee he will be able to convince me that the position that I take in this respect is not quite in line with what he has in mind, but on surface though, Mr. Speaker, I would suggest that it appears that the only way that we can have a Speaker who is divorced from politics would be have a civil servant or even possibly the Mayor of the capital City of Winnipeg, or somebody who is not charged with the responsibility of being within this House.

MR. DOUGLAS M. STANES (St. James): Mr. Speaker, I beg to move, seconded by the Honourable Member for Brandon, that the debate be adjourned.

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

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member for Russell and the proposed motion of the Honourable Member of Souris-Lansdowne in amendment thereto. The Honourable Member of Virden.

MR. D. MORRIS MCGREGOR (Virden): Thank you. May I have the indulgence of this House to have this matter stand?

MR. SPEAKER: The proposed resolution of the Honourable Member for Emerson.

MR. JOHN P. TANCHAK (Emerson): Could I have this matter stand?

MR. SPEAKER: The proposed resolution of the Honourable Leader of the Opposition.

MR. MOLGAT: I think I will follow the good example and ask that it be allowed to stand.

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member for St. George. The Honourable the Minister of Highways.

MR. WEIR: Mr. Speaker, I'm pleased to have an opportunity to take part in this debate. The debate that we've had so far has ranged fairly far and wide, from No. 6 and its extension north to areas of planning of the entire Highways Department, which is quite all right I guess, but I don't think that I'll allow my comments to wander that far afield.

The Honourable Member for St. George has really what is a very good resolution here, a very difficult resolution for anybody to oppose because it deals with, relatively speaking, an under-developed part of the Province of Manitoba, and who in the Province of Manitoba is not in favour of the development of the province. It doesn't contemplate, as well it might, the variety of conditions that we find in northern Manitoba. Certainly it indicated the potential that there is in northern Manitoba, which is not disputed. I think we might also recognize the fact, Mr. Speaker, that in northern Manitoba we also, along with the vast potential, have some of the other elements that aren't as easy to get along with when it comes to road construction and transportation in the north - rock, muskeg, permafrost, water - that type of physical disability, you might say, as far as development is concerned. Nevertheless, development is required in these areas.

One of the implications of the resolution seems to be that there would be without any doubt a saving of the transportation of goods and materials to the development of Hydro Electric projects on the Nelson. I think, Mr. Speaker, that while this might be so to a very limited extent in the first development, I don't think it can be assumed that this would necessarily be the case, because the road that is in question in the resolution would only go part way. An integral part of the movement of goods and materials would be from the end of the existing road to Kettle Rapids as well, and the development site at Kettle Rapids is quite close to railway and the load-on and load-off complications that there would be would offset very drastically any advantages that there would be in a shorter truck haul north as far as the Kettle Rapids site is concerned.

Then we've got I think to be the first to recognize that the Kettle Rapids isn't the only development that is foreseen on the Nelson River and the only development that is in sight in the northern part of our province. There are other projects, quite substantial projects, that are to be located by Hydro in as yet untouched areas of Manitoba as far as transportation is concerned. Starting now are the areas where diversions of the Churchill River are contemplated and where structures for this purpose will be required. Road facilities at the time of capital construction would probably be of even more benefit to the development of the north in the areas that are some distance away from any forms of transportation than they would be in the original Kettle Rapids development.

I think that another thing that has to be kept in mind with the extensive costs that there is of roads in northern Manitoba is that there is not just the original use during capital construction that need to be taken into consideration but the use that can be made of the facility as a result after it's finished. I'm not satisfied, I think I might as well admit, with the fact that the

(MR. WEIR cont'd.) best use is being made of all of the -- well, I guess I can say public investments that there are in roads in that area. The reason I refer to public is because there the CNR is the railway that serves this part of Manitoba and in these areas of isolation - I'm thinking now of Churchill as well as Lynn Lake - I wonder, and some of the people in my department have been doing some thinking along this line, I wonder if there aren't areas of using the investment that we have in rail service to better advantage than we do at the moment, if there isn't a means of using that rail line at times when it is unemployed by the railway itself. The number of trains that use the line leave many many hours of vacant use, and whether or not a good use of despatchers; a good use of some invention that might be used for rail travel either self-propelled by -- as the automobile driver himself; or whether the use of a less expensive unit than a locomotive as we know it today, the adoption of a school bus type of mechanism that could tow cars at more frequent intervals at less cost, to use the physical facilities that are available. I'm not satisfied that we have given all of the consideration that we could to making use of these kind of facilities, although hopefully the amount of thinking that is going on now we will be able to prove or disprove any of these theories that may be lurking in the background.

I think that in looking at road development in the north that one must also look, Mr. Speaker, at areas that could have improved transportation as opposed to those that have no transportation. I refer now to the town of Lynn Lake in particular - that is one community - there's others. There's many of our Indian settlements that have no access to the outside and the town of Churchill, which is much further north, has no access. But in Lynn Lake the company is recognizing the lack of advantage of no access roads by providing extra benefits to the employees of the company in lieu of access until such a time as access can be provided to Lynn Lake.

I might also say that with the studies that have been going on for the possibilities of a road to Lynn Lake, it seems that it may well be thoughtful to provide access to Lynn Lake, and if timing can be worked out it may well be possible to plan this so that a road from Lynn Lake into connection with the Thompson-Simonhouse Road or Provincial Road No. 391, I believe it is, might well be developed in stages which would be of some considerable benefit to Hydro. A road in this area would not just provide the access during the capital construction and reduce the length of the winter haul to the construction sites but it would provide the very necessary means of continuing transportation to use the physical facility that would be there afterwards, and would also take the advantage of any reduction of route that there would be by the extension of the road that is contained within the resolution. This would be looking after the multi-purpose use which, in my opinion, has one of the first priorities in the development of roads in these undeveloped and underdeveloped areas.

I think, Mr. Speaker, that I must add that I regret very much that under the circumstances that it will probably be necessary to look at these roads from the standpoint of Manitoba having to foot the bill themselves, to have a look closely not only at the scheduling but at the standards that can be built, and unless we are able to convince Ottawa otherwise, it will probably be necessary to go it alone. I'm not satisfied that Ottawa may not change its mind if we keep on suggesting to them the potential that's there and that it is in the national interest for them to come along and give us a hand on some of these projects.

So, Mr. Speaker, while agreeing in principle with many of the thoughts that lie behind the resolution as it was presented by the Honourable Member for St. George, I might say, Sir, that my recollection of what happened to the resolution last year and his recollections appear to be two different things. I believe that he indicated that the resolution was defeated. My recollection is that the resolution was passed as amended. If I recall, we had some little difficulty in getting the resolution amended, but amended it was at the last session of the Legislature. But I don't want to get into that argument at the moment. I do though, Sir, would like to move the following amendment

MR. MOLGAT: Well, well, that's a surprise.

MR. WEIR: I think it will be. Seconded by the Honourable the Minister of Welfare, That the resolution be amended by deleting all those words after "whereas" in the third line of the resolution and substituting therefor the following:

The site of the first project, Kettle Rapids, is serviced by rail for transportation of materials; and

Whereas the diversion of waters from the Churchill River is an important phase of power development on the Nelson River located in an area of Manitoba that is neither serviced by road

(MR. WEIR cont'd.) nor railway and where it would be an advantage to have a road; and

Whereas a road from Lynn Lake, which has no access at the present time, to an appropriate intersection with Provincial Road No. 391 would provide access to some of Manitoba's best mineral potential and vast tourist areas and to distribution points from where material could be distributed to the Churchill River diversion projects; and

Whereas a connection of Provincial Trunk Highway No. 6 from Grand Rapids to Provincial Road No. 391 would reduce travel distance between northern points and Winnipeg; and

Whereas the province must now assume the entire cost of resource development roads it may be necessary to build such roads to a much lower standard than would otherwise be possible;

Therefore Be It Resolved that the Government of Manitoba consider the advisability of constructing a road to connect Lynn Lake with Provincial Road No. 391 and to construct a road from Provincial Trunk Highway No. 6 at Grand Rapids to intersect Provincial Road No. 391; and

Be It Further Resolved that scheduling of the proposed construction be co-ordinated to provide for movement of materials and equipment to distribution points in the area of Manitoba Hydro projects where this is physically and economically practical; and

Be It Further Resolved that the Federal Government be asked to participate in constructing this road.

MR. SPEAKER presented the motion.

MR. MOLGAT: Mr. Speaker, if no one else wishes to speak, I would move, seconded by the Honourable the Member for Lakeside, that the debate be adjourned.

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

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member for St. Boniface and the proposed motion of the Honourable Member for Burrows as amended thereto. The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I'm pleased to take part in this debate and add some small contributions in any way that I can on this resolution. This resolution has appeared in this House for the past four or five sessions, and on each occasion everybody on this side of the House has supported it while the members on the government side, they take a very strong stand and opposed the resolution, not because of the uniformity of legislation throughout the rest of the country but on the principle that an 18 year old should not receive or have the franchise to exercise his vote. At this session, up to this time, we have not heard anyone on the opposite side take part in this debate, and I just wondered - with the exception of the First Minister who did say that he was supporting the amendment - but I wonder what is the attitude of the speakers that took part in this debate last year and the year before and two or three years before that, because they all took a very strong stand opposing it on condition that this would not be a good idea, that all we have to do is look back into history and look what happened in Germany during Hitler's time and what happened in some of the Communist countries of the world and this would be the worst thing that could ever happen to Manitoba if we would allow the 18 year olds to vote.

Mr. Speaker, I also listened to the speech that was made by the Honourable Member for Elmwood and he made a statement that today the students in high school know very little about the government policies, the governments or political -- any fiscal policies of any political party and so on. Well, I would probably have to agree with him to some extent, but on the other hand I don't think that the general public as a whole is much more informed than the students in high school, be it Grade 11 or 12, because the surveys that have been conducted in eastern Canada and the United States, the surveys that have been conducted in the polling booths, show very little significant difference as far as the knowledge was concerned of those that were 18 years old and the ones that were 21 years old. So there was very little difference between those two groups as far as knowledge as to fiscal policies of different candidates or the government.

Now we must also realize that in 1911 the census showed that the average 18 year-old had a Grade 7 education and in 1961 the census have indicated that this level today for the census in 1961 is Grade 11. So this in itself is a good indication that we should take into consideration. Mr. Speaker, the figures speak for themselves. Half the population of Canada is under 25 years of age and 67 percent are under 40. It would seem to indicate that Canada is made up,

(MR. PATRICK cont'd.) generally speaking, of young people and I see no reason why we cannot allow these people to vote at age 18.

There are presently some 32 countries in the world that do allow young people at age 18 to vote and exercise their franchise. These include many of the states in the United States, Mexico, Brazil, Israel, and many other countries as well. I know in 1964 there had been some surveys conducted in eastern Canada and the result was, as I just mentioned, that there was no difference from the 18 year-old and the adult as well in way of knowledge of the government's fiscal policies. I know a commission had been appointed by the late President Kennedy of the United States and the result was that the commission had recommended that the 18 year-olds be allowed to exercise their franchise.

I know every year for the last few years the University of Manitoba Students Union has also suggested and petitioned the government to allow the 18 year-olds to be able to exercise their franchise. I know the Winnipeg City Council has also asked the Provincial Government to amend the City Charter so that the voting age would be lowered to 18 for civic elections.

Presently there are five provinces in Canada which have reduced their voting age and these are: Alberta, B. C., Newfoundland, Quebec and Saskatchewan. I know they are not all at 18 but they're between 18 and 19.

I think if our democratic system of government is to survive, it will require not only the participation of the dedicated, informed and competent people to seek and hold public office, but also interested electorate at large.

Mr. Speaker, I don't feel that we can afford to discourage citizens from evaluating government policies, from actively embracing the philosophy of the political party of a candidate by not allowing these people to exercise their franchise. I think we effectively promote conditions of disinterest when we do exclude the 18 to 21 age group. In the three years from 18 to 21, young men and women are ready to assume their duties as citizens and take an active part in the world of business, important jobs, be it teaching or any profession you want to name. At 18 a person is beginning to undertake his rightful role in the business community and is given some measure of responsibility that I feel education has prepared him to a great extent to do so.

Mr. Speaker, at this time, I will advise the members of this House that I do intend to support the amendment.

MR. SPEAKER: Are you ready for the question?

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

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

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member for Assiniboia. The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, with the indulgence of the House, unless somebody else wishes to speak at the present time, I beg leave to have this matter stand.

MR. SPEAKER: Proposed resolution of the Honourable the Leader of the Opposition.

MR. MOLGAT: Mr. Speaker, I would ask that this be allowed to stand.

MR. SPEAKER: Proposed resolution of the Honourable Member for La Verendrye.

MR. ALBERT VIELFAURE (La Verendrye): Could I have this matter stand please, Mr. Speaker?

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member for Brokenhead and the proposed motion of the Honourable Member for Arthur in amendment thereto. The Honourable Member for Springfield.

MR. FRED T. KLYM (Springfield): Mr. Speaker, this is quite a pleasure to get up and speak on a resolution and an amendment thereto after so much has been said for the last few years in this Assembly. I believe we have heard a great deal said in this Assembly formerly by our friends to the right here about Saskatchewan and what was done in Saskatchewan, how well it was done. However, not much is being said today by the senior members of that group, but all that was said was by about two young men who are ambitious and good members become in this House.

However, this idea of machinery testing has come from the neighbouring Province of Saskatchewan. Probably the former government of Saskatchewan used that as probably their long-range program or some such policy or something like that. However, they had the pleasure of guiding the destiny of that province for almost two decades and not much more had emanated from that except little fringe benefits of that type.

(MR. KLYM cont'd.)

I think one of the members has mentioned the fact that probably if it is a bit too expensive a program for the Province of Manitoba to handle, probably it would be all right to talk to the two western provinces to the west of us and probably they'd share in the expenses. Now I'll tell you, Mr. Speaker, right now that Saskatchewan, insofar as they are concerned, they are out on that because they rejected the whole program once the new government took over.

I believe the Honourable Member for Ethelbert Plains had mentioned the fact that why shouldn't we have a machinery testing program in Manitoba if the government could afford to spend money hiring engineers to count trees in the northern part of Manitoba. Well, what a statement to make! What an argument! This applies here just about as much as if I were to say that Columbus discovered America and I have a sore finger. Mr. Speaker, the machinery companies and the manufacturers, as such, are responsible people today. I have had plenty of experience with the companies and they all treated me very well. Those are companies who are working, and manufacturers who are working under a great deal of competition that they have to face throughout the world, not only in Manitoba but throughout the continent and other parts of the world where they are serving the public.

This is something, as the Honourable Member for La Verendrye I believe mentioned the other day, would be just a bit of an extra expense of the government today when we are all holding the line. I do not see where it is necessary to have a program of that type when the machine companies will themselves serve the public well. They will come out with their mechanics. They themselves, when they find certain flaws in a machine, will come and tell you about it, and whenever you're ready and not working, to bring the machine in or they'll take it in and send you a machine to help you work on your fields during the meantime. This is something that I think is wonderful. They know the soil conditions of the province; they know the soil conditions of every part where they are dealing with any machine that they have to sell.

Probably, as I believe the Honourable Member for Ethelbert Plains has mentioned, the fact that he had been selling certain machines and it was a machine made in Manitoba, probably it wasn't a line that is being carried any too well or wasn't expected to be for any length of time, but probably it was a certain outfit who were just a fly-by-night or something like that. Well, probably they had their difficulties, but the present days are not too bad.

However, Mr. Speaker, I do not think I shall be talking for any length of time on that. I'm fully in agreement with the amendment to this resolution and I shall support it.

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

MR. SAMUEL USKIW (Brokenhead): Mr. Speaker, I think perhaps it's about time that I had risen to rebuttal some of the wild remarks which were made during the discussion in Private Members Day with regard to this particular subject.

To recap some of it, I think it was the Honourable Member for Arthur who made reference to the fact that I had a number of "whereases" which weren't quite palatable to his side of the House and no doubt I expected that this would be the case. I certainly didn't expect that they would go for some of these "whereases" but I had thought that I must provide something in my resolution which members on the government side would wish to delete so they wouldn't have to, in fact, accept my real proposition. So in that light I made a proviso in the resolution that they would somewhat - if you put it this way - save face, by saying we don't accept your proposition; we're going to delete some of it. So I don't object to that deletion whatsoever.

But I do want to point out, Mr. Speaker, that when I talk about vested interest groups applying pressure on various governments, whether they be provincial, whether they be federal or what have you, or municipal for that matter, I don't think it's unrealistic because this happens every day. We have it here in this Legislature all the time. There are always pressure groups of one sort or another trying to persuade government that what they are proposing is good for the province or good for their industry or what have you, so in that light I don't think I was suggesting that the government of Saskatchewan was indeed as corrupt as what has been indicated by the Honourable Member for Arthur. This was not my implication at all. My implication was, and I repeat it, it's here today with us, that there are always pressure groups hoping that governments follow their advice on certain issues.

We had an incident here in this very Legislature a year ago, of course I might add I wasn't here, but I am told by my colleagues that the insurance companies of this province lobbied in this Legislature against the idea of establishing an auto insurance program in Manitoba.

(MR. USKIW cont'd.) And I'm also told by my colleagues here that the members of the New Democratic Party did not receive the brochure from the insurance companies, which in essence means that they were lobbying on one side of the House, and if this isn't an outright pressure group I don't know what it is. This type of thing goes on in all Legislatures and in all governments, not only in Canada or in Manitoba but throughout the world.

So I hope that my honourable members in this Chamber will accept in the light of these remarks my proposition, not that the government of Saskatchewan was corrupt but that they had bowed to pressure, and to back some of these remarks up I suggest that they must have bowed to some pressure and that I have a clipping here - not a clipping, it's a reprint of a page out of Family Herald, January 21, 1965 - and before I read this reprint I want to mention to this Chamber that the Honourable Member for Arthur, which I am sorry that he isn't here today to hear what I have to say, that had he, you might say done his homework, he would have found this clipping in last year's Committee on Farm Machinery in this Legislature. This is where I got it from. This information was available to that committee in this Legislature last year; it isn't anything new. It has been discussed in committee, so I suggest either my honourable friend should do his homework or he should recognize a good idea when it's presented to him.

I wish to quote a part of this reprint dealing with the opposition to the abandonment of this program in Saskatchewan. "Reports were sent only to those persons interested enough to request" - this is referring to the pamphlet incidentally - I'll repeat this section. "Reports were sent only to those persons interested enough to request them, and in 1964 there were 16,000 names on the mailing list." Sixteen thousand farmers had subscribed to this particular pamphlet which was put out by the Agricultural Machinery Administration which was the body responsible for the testing of farm machinery in Saskatchewan - 16,000 farmers had subscribed to this particular pamphlet. "Test results were submitted to the manufacturers and reports going out to farmers presented all available data obtained from the tests. Protests about the move by the government were quickly coming from farm organizations and others. Roy Atkinson, President of the Saskatchewan Farmers Union and the National Farmers Union said the move would be viewed with grave concern by farmers who had come to value the testing program of AMA. Criticism by Liberals while in opposition was that AMA reports were used by too few farmers to justify cost of \$165,000 per year, but other supporters of the AMA point out that although Saskatchewan was first in Canada to test machinery for farmers, many other countries have provided similar services for many years. They contend that these reports are shared around among neighbours, are available at ag rep offices, and often at local implement dealers, therefore reaching a wider public than the figures would indicate. In other words, 16,000 farmers received the publication by subscription, but besides that your various Agricultural Representatives had these in their offices throughout the Province of Saskatchewan as well as implement dealers." So therefore it does indicate that there was a great deal of interest in the program.

"Approximately \$70 million a year on farm implements and repairs" - I'm sorry, Mr. Speaker, I just lost my quotation here. "They note that Saskatchewan agricultural industries spend approximately \$70 million a year on farm implements and repairs, and that if AMA saved farmers just three-tenths of one percent of that figure it would be more than justified in its annual budget. However, come what protest made, the government is probably going to hold steadfast and on April 1, 1965 the only provincially-operated machinery testing operation in Canada will come to an end."

Now this indicates to the members in this Chamber the amount of protests coming from farm organizations and farmers with regard to the abandonment of this program in the Province of Saskatchewan, and I don't think I can over-emphasize that point. The farming community of Saskatchewan was indeed extremely disappointed. One hundred and sixty-five thousand dollars was the cost of that program per year, and if you take a look at some of the reports in this publication, and incidentally I may point out that I have copies here, and if anyone is interested I will give them a number of copies. I have five or six copies that I might be able to provide for some members that are interested.

Just to illustrate as did my colleague from Ethelbert last week - very briefly - just to illustrate the importance of farm machinery testing, I would beg the indulgence of this House to pay some heed to the recommendations that this publication presents. This particular publication deals with a McCoy-Renn Grain Pickup - the scope of test, ease of operation, quality of work, picking up stones, grain loss and so forth. These are the various items that this

(MR. USKIW cont'd.) machine was tested for, Table No 1 - Mechanical History. This might be boring to our urban members but I think it's important to make this point. The roll pin in the drive shaft sprocket was lost and replaced at eight hours of operation. A good example of the type of testing they're doing. In eight hours they had a fault in this machine. The drive belt tightener bracket bent and was straightened at ten hours. This occurred several times during the test. The pickup pulley and drive shaft bent by striking a "blow-dirt" ridge and was straightened at 29 hours. The locking clamp on the drive chain was lost and replaced at 73 hours. Larger drive pulleys were installed by the manufacturer in an attempt to alleviate belt slippage. This necessitated the insulation of spacers beneath the pickup at 87 hours. This is the way they documented their reports, showing the various weaknesses of every particular machine that they put under or put through the test, and this is why I say it's important to farmers that they have this knowledge so that when they go out to buy machinery they know precisely what to expect from the machine which they buy.

And here are the recommendations. No. (1) It is recommended that the manufacturer consider modifying the stripper or drum assembly to prevent plugging in buckwheat and to prevent plugging in tough straw. No. (2) Adopting the modified caster wheel assemblies, the windguard support clamps, and the support chain tension springs as used during the latter part of the test. No. (3) Modifying the pickup support mounts to prevent possible damage to the combine table and supplying a universal joint in the drive shaft extension. No. (4) Modifying the pickup mounts so that the pickup may be attached to a combine without removing the guards or sickle. No. (5) Supplying only the one-quarter inch nylon rod teeth.

Now here's what the manufacturer states in reply: With regard to Recommendation No. (1) The stripper and drum assembly have been modified to prevent buckwheat wrapping and/or plugging in tough straw, by shortening the stripper and making the surface of the drum assembly smooth. No. (2) The caster wheel bracket has been modified to the proper angle for better castoring. Also, positioning the spring tension at the top of the shaft prevents it from wrapping around and applies a revolving action to always maintain wheel in the forward operating position. No. (3) The stiff coupler is replaced with a universal joint in the drive shaft, as shown, for greater flexibility and alignment. No. (4) The pickup support mounts have been re-angled and positioned to prevent damage to the combine table, and to eliminate the problem of removing the guards and sickle, other than the necessary guards for fastening the Pickup Attachment to the table. No. (5) The quarter inch nylon plastic tine in a square rubber base is supplied as standard equipment as the most suitable tine for this Pickup Attachment due to its functions and durability. Additional comment by the manufacturer: A conversion kit is available at factory cost to the owners of 1963 McCoy-Renn Pickups who have had difficulty with wrapping.

Now obviously we can recognize that those recommendations which were provided by this program were indeed accepted by the manufacturer, and surely we agree that because they were accepted this was in the best interests of the farming community. Rather than having the various or individual farmers making these tests or putting up with the inadequacy of any particular machine, there's nothing wrong with having this machine put through the mill, if you want to put it that way, and find out the weaknesses and correct them before the machine is sold.

So I say to this Chamber that it's not ill-advised to spend \$100,000 or \$150,000 for this province on such a program, or if you like to negotiate with the other two provinces and each spend about \$50,000 in the development of this type of program. I'm very happy that we are referring this to a committee on farm machinery, and being a member of that committee I hope to pursue it, but I only hope that it isn't referred to committee as a means of getting it out of the way, as a means of deleting it entirely for more consideration. I think it's very important. I also agree with my honourable friends that tell me that perhaps it might be just an extra expense to government. Let them examine it, and if they come to that conclusion that it is of no value and it is indeed just an extra expense, then I'll go along with them, let's not have it, but I'm sure that if we give it the consideration that it deserves, that we will not come to that conclusion. So I'm happy to say, and I agree that it should go to committee, and let's take a good look at it before we decide what we're going to do with it.

MR. GUTTORMSON: Mr. Chairman, one of the things that is causing a great deal of concern to the farmer with regard to his machinery is the failure of the companies who sell the machinery to live up to their contract. As I understand it, on these contracts the company which sells the machine will undertake to provide parts for a period of ten years. I know of farmers

(MR. GUTTORMSON cont'd.) who have bought a machine and within perhaps a period of three or four months they have been unable to buy the necessary parts that are either faulty or break.

Now I'm not suggesting for a moment that the small dealers should have all these parts, what I am suggesting is that the main depots such as Winnipeg should at least have these parts. On one particular case that I know of, not only did they not have it in Winnipeg or in eastern Canada, they had to ship to the United States to find the part for a machine that had been purchased only four months earlier. It seems wrong that these companies expect the farmer to live up to his end of the bargain and pay for the machine but they don't live up to their end of the bargain by keeping the necessary parts for these machines.

Unfortunately, what happens is that these farmers lose sometimes many days of valuable time as a result of the breakdown and consequently they lose their hay or their crop is damaged severely because of the delay if rain happens to set in during the interval. I know of one particular farmer who bought a machine and they had sold it to him with the wrong rims on it, and when he tried to get the correct rims for the machine the dealer in the main depot in Winnipeg didn't have it, they didn't have it in eastern Canada and they had to order the part from the United States.

Not only does it cost the farmer a great deal of loss of time, it costs them a lot of money in phone calls and perhaps travelling expenses to the city in an effort to try and get substitute parts for these machines. We all know that if a farmer fails to live up to his end of the bargain to pay for the machine that is required, he loses the machine to the company, and I suggest that this should be a two-way street, that the company should also live up to their end of the bargain. They have the great resources and they certainly make the farmer do so and it doesn't seem fair to me that these companies are not living up to their end of the bargain with regard to these parts. So when this matter goes to the committee, I would certainly hope that the matter of parts would be considered by the committee because it's certainly a problem to the farmer under the present circumstances.

MR. SPEAKER: Are you ready for the question? That is we are voting on the amendment.

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

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member -- I would bring your attention to an error on my part. It seems that we should vote on the main motion as amended.

MR. SPEAKER: Are you ready for the question?

MR. SPEAKER: The Honourable Member for Brokenhead.

MR. USKIW: Mr. Speaker, before we get on with this motion I think I should answer one criticism that has been made to this proposition, and that was the fact that I may have implied that the manufacturers of farm implements are either dishonest or what have you, and I certainly don't intend to make that implication. I think we can take a lesson from what has been going on in the automobile industry.

MR. SPEAKER: I wonder if the honourable member has not exhausted his

MR. USKIW: Not on the main motion.

MR. SPEAKER: You want to speak on the main motion?

MR. USKIW: This is my point.

MR. SPEAKER: Yes, okay.

MR. USKIW: We can all recall only a short time ago the controversy which was generated as a result of the findings of Ralph Nader in the automobile industry and certainly nobody is accusing the manufacturers of automobiles of being dishonest, but certainly we recognize that the automobile industry, the farm implement industry have one motivation and that is to make a profit, and sometimes perhaps they minimize the importance of quality, so -- yes, my fellow colleagues say, "Say it to you as well" - this could be a point - but sometimes they minimize quality in trying to cut costs and trying to compete and so forth.

But my point here is that if we had a proper testing program that we would have a better machine put on the market in the first place and that the net result would be that farmers wouldn't have to go back and purchase repairs too frequently or make modifications to those implements themselves. So without adding too much more to this resolution, I suggest, let's take a good look at it. Thank you.

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

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member for Inkster. The Honourable the Leader of the New Democratic Party.

MR. PAULLEY: Mr. Speaker, the other day I thought that my colleague from Inkster covered this subject very very well and established, what we consider to be a basic principle in common law and also what we love to hold dear to us, that no person is guilty of an offence until he has had ample opportunity to be heard, I guess basically by his peers or by a member of society who has been delegated to hear complaints. My colleague suggested that in the present labour legislation, or in ex parte injunctions, that this principle is violated in that a person, figuratively speaking at least, is condemned or obligated to take a course of action by the imposition of an edict by an individual without a fair and proper hearing both between the accused and the accuser.

But my main purpose at that particular time, that after having listened to the presentation of my colleague - and I thought he did a very good job and I'm not trying to butter him up, Mr. Speaker, simply because he happens to be a colleague of mine, I think that in this House on a number of occasions I have complimented other members as well for able presentations of facts, or in some cases if I don't agree with their facts, I compliment them for their presentation, and I think that this was the case - but I was rather disappointed, Mr. Speaker, that it did appear at that particular time that, notwithstanding the able presentation of my colleague, that the matter was going to be passed by without consideration of others within this Assembly, and particularly the Minister of Labour or some member of government.

In saying this, Mr. Speaker, I must say in tribute to my colleague, or to my friend the Member for Selkirk, that after I had moved the adjournment my eye caught him rising, either to speak or to adjourn the debate, so I mean no aspersion to my honourable friend the Member for Selkirk, but it did seem to me that the presentation of my colleague from Inkster warranted more than the apparent cold treatment that the resolution was receiving from the government side, and in particular my friend the Honourable Minister of Labour. I do not think that it's necessary for me to prolong the debate insofar as the facts are concerned, the effect of ex parte decisions of the magistrates or the judges, I think this is well known to my honourable friend.

But one thing that I do recall, Mr. Speaker, was a phrase that I believe the Honourable Member for Lakeside used in reference to another debate some years ago when he said that our Courts listened to what happens in this Assembly. I believe it was in connection with the reference of a matter to the Courts dealing with the strike vote or some similar piece of legislation that was before us at that particular time. Now I want to suggest to this Assembly that they must seriously consider the proposition which has been raised by my colleague the Member for Inkster. I agree with what the Honourable Member for Lakeside said on that occasion in dealing with the question as to whether or not a matter should be referred to the Courts, that they listened to us in this Assembly. Now it might be -- and also my honourable friend the Member for Lakeside said to my colleague, if I recall correctly the other day, "why didn't you bring in a Bill to change the Act, or some other approach rather than a resolution." I appreciate the concern of my friend the Member for Lakeside in this and I think properly my colleague said at that time, "It really doesn't matter, does it, whether it's done by a Bill or done by a resolution as long as the job is done."

Now I respectfully suggest, Mr. Speaker, that while we can bring in a Bill, a Bill can be defeated and the Courts will listen to the defeat of that particular Bill, and I suggest that if we're going to remedy this injustice to labour, that the government of the day can give just as firm a directive to the Courts by the acceptance of this resolution than it could be by the acceptance of a Bill. So therefore, Mr. Speaker, may I suggest to the Minister of Labour and those who take part in this discussion, it doesn't have to be done actually by changes in legislation; we can imply to the magistrates of our Courts by the support of this resolution that ex parte injunctions against trade unions should no longer hold sway in the Province of Manitoba.

I do hope, Mr. Speaker, that the Minister of Labour or some other authority in the government circles will take part in this debate, or indicate to the Courts by Bill or by resolution that they too agree with the contention of my colleague the Member for Inkster, that let's get back to the basic principles of British justice and express our disapproval of ex parte injunctions insofar as labour matters are concerned.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. HILLHOUSE: Mr. Speaker, I congratulate the Honourable Member for Inkster for his learned, masterly and timely dissertation on the subject - the subject upon which he spoke -

(MR. HILLHOUSE cont'd.) and the importance of the resolution that he has brought to this House. I realize that this is a resolution with which we must deal. We must not treat it lightly and we must deal with it sooner or later in a courageous manner without any ambiguity and give a categorical answer to the questions that the honourable member has raised. Now for these reasons, Mr. Speaker, and for my own edification and understanding, I hope that I have clearly understood the point being made by the honourable member and the exact change which he suggests should be made in our law and the manner by which such a change should be effected.

Now dealing first with my understanding of the point at issue, I hope that in my recapitulation he will correct me if I'm wrong. Briefly, it is my understanding that he is taking issue with the judgment of Mr. Justice Bastin confirmed by the Manitoba Court of Appeal in the case of the Winnipeg Builders' Exchange et al versus Operative Plasterers and Cement Masons International Association reported in 1965 W.W.R., Volume 50, at page 72, the judgment of which Court was delivered by Monin J.A. Am I correct in so assuming?

Now if the honourable member is referring to that judgment, I think that it is only right and proper and in the interests of clarity in the presentation that I am about to make to read to this court some excerpts from that judgment. On page 74 of the particular report, Mr. Justice Monin, in delivering the judgment of the Court of Appeal stated: "By an undated collective agreement the union and the plastering contractors section settled the terms of employment of journeymen plasterers for a period commencing May 1st, 1962, and ending April 30th, 1963. By an appendix to the collective agreement the termination date was extended to April 30th, 1964. The amended agreement contains inter alia the following provisions: Section 1. Terms of Agreement and Negotiation for Renewal. (c) Both parties hereto agree to enforce and see that its members enforce all provisions of this agreement and also any decisions of an arbitration board under Section (4). Section (5) - Strikes and Lockouts. It is agreed by the Union that there shall be no strike or slowdown, either complete or partial, or other collective action which will stop or interfere with production during the life of this agreement or while negotiations for renewal of this agreement are in progress. (b) It is agreed by the employers that there shall be no lockouts during the life of this agreement or while negotiations for renewal of this agreement are in progress. Section 16 (b) It is agreed that the Union will not allow its members to contract for any work on a labour basis. Further, the Union will not allow its members to work for an employer not signatory to this agreement for less wages than set forth in the agreement."

Now the learned judge went on and says: "The agreement contains provisions for re-negotiation and stipulates that once notice of re-negotiation has been given, it has the effect of continuing the agreement in full force during the period of negotiation. In February, 1964, the Union gave written notice of its intention to negotiate a new agreement and thereafter negotiations took place. On June 12, 1964, at the request of the Union, the Honourable the Minister of Labour instructed a conciliation officer to confer with the parties. With the assistance of this officer, negotiations were continued up to and including July 21, 1964, and had definitely not terminated on that date. On the morning of July 21st all the journeymen plasterers reported to work at their various places of employment and later during the day, without notification of any kind to their employers, and without authorization from them, ceased work. Later the same evening telegrams in identical language were caused to be forwarded by Mr. Charles W. Irvine, the International Vice-President of the Union and one of the defendants herein, which telegrams were addressed to the employers in the following language and I quote: 'Agreements for 1964-66 awaits your signature at 919 Notre Dame Avenue tonight. Plasterers can and will return to work when this agreement is signed. Office will be open until 11 o'clock. Charles W. Irvine, International Vice-President, OPCMIA.' Plaintiffs contend that on July 21st, 1964, the collective agreement was in force due to the notice of the negotiation and that negotiations were actively carried on. The agreement was current and they contend that it was unlawful for the Union to authorize the stoppage of work."

Now the learned judge goes on to say, "For the purpose of the argument only before the learned trial judge, defendants accept the plaintiff's allegation of the facts as set forth." Then he says further, "There can be no doubt that there was a stoppage of work."

Further on on Page 76 he said as follows: "The only point that needs consideration is whether an injunction is the proper remedy under the circumstances. Counsel for the Union strongly urge that the Court cannot order an injunction because it purports to require people to positively perform work for other persons and that such an injunction is contrary to legal

(MR. HILLHOUSE cont'd.) precedent and undesirable from a social standpoint. He further submitted that courts have always refused to entertain injunctions in the case of agreements for personal services and in support of his contention cited certain cases." The learned judge went on further and he said, "Fullerton, J. A., in a Manitoba case, held as follows: 'The contract in question here is one relating exclusively to personal services and the principle is clear that in the case of such contracts, except in a case such for example as Lumley vs Wagner above, where the contract contains an expressed negative covenant, the Court will not interfere by way of injunction'."

Now there was a distinction made there by the learned appeal judge in respect of a contract where there was a negative covenant. He goes on to say further, "The Union, acting on behalf of its membership and its duly authorized officers, covenanted that during the lifetime of the agreement, or while negotiations for its renewal were in progress, there would be no strike or slowdown and no collective action which would stop or interfere with the work."

Now further on the learned appeal judge cites with approval the principles applicable to this case as set out in "Kerr on Injunctions," 6th Edition, and he quotes verbatim from Page 42 of that work as follows: "If parties for valuable consideration, with their eyes open, contract that a particular thing shall not be done, all that a court of equity has to do is to say by way of injunction that the thing shall not be done. In such a case the injunction does nothing more than give the sanction of the process of the court to that which already is the contract between the parties. It is not then a question of the balance of convenience or inconvenience or of the amount of damages or injury, it is the specific performance by the court of that negative bargain which the parties had made with their eyes open, between themselves, unless the covenantee has, by his conduct or omission, put himself in such an altered relation to the covenantor as to make it manifestly unjust for him to ask the court to enforce the covenant by injunction, or the covenantee has suffered no damage by the breach of the covenant and has offered an undertaking that will prevent any future damage by the continuing breach, and the granting of an injunction would inflict damage on the covenantor out of all proportion to the relief given to the covenantee."

Now the learned judge also cites with approval Halsbury's "Laws of England", and certain cases therein referred to which to his mind made it amply clear, to him at least, that he could enforce by injunction a negative covenant in a contract.

Now he goes on to say that "the defendants have oddly broke their agreement." Then he says: "The underlying principle behind the granting of an injunction in cases of this nature is that the court will not suffer people to depart from their agreement at their whim, leaving the party with whom they contracted to the chance of collecting damages if and when they can. The main effect of the order granted by Bastin, J., is to enjoin the defendants, each of them and their officers and members, from declaring, authorizing, counselling, aiding and engaging in or conspiring with other to continue this unlawful stoppage of work. This is the main purpose of the order, the stoppage of this concerted effort as displayed by the show of telegrams, and is certainly warranted in view of the breach of the covenant."

Now I believe that this is the paragraph to which the Honourable Member for Inkster does take exception, a strong exception; "That the injunction may have the additional and incidental effect of causing those members of a Union who have ceased to work to return to work for their former employers is possible and even probably, but it is only an incidental effect of the injunction and not the main one, and in my view it is not of sufficient consequence to disentitle plaintiffs from the receipt of an injunction which they are absolutely entitled to obtain."

Now I have quoted that case with great length because I felt that in the interest of clarity and in the interest of a better understanding on the part of all members in this Chamber, we should really know what the facts were in this case.

Now there are certain questions that I would like to ask the Honourable Member for Inkster when he rises to close this debate. The first question that I would like to ask him is this: Is it your submission that the judgment of Mr. Justice Bastin, as confirmed on appeal, is wrong because the injunction order in effect and essence tells these men that they must not strike and must return to work, and that such an order in essence is doing indirectly that which cannot be done directly, namely, order specific performance of a contract for personal services. The Honourable Member nods his head, so I presume.

Number (2) Is it true that the above principle is at present before the Supreme Court of Canada and that a decision from that Court would, subject to legislative change, definitely establish the law on that point? And (3) Is it your opinion that an injunction should not be

(MR. HILLHOUSE cont'd.) ordered or granted in respect of the breach of a negative covenant? -- (Interjection) -- Well, I just read what a negative covenant is - "Thou shalt not" and they say that you shall not.

Now I have dealt with this matter at great length because I believe that this is a very important principle and I think it's something with which this Legislature must come to terms, but at the same time I feel this way, that if the principle to which the honourable member is objecting is at present before the Supreme Court of Canada, well it would appear to me that we're sort of whipping a dead horse. Why not wait until the Supreme Court of Canada brings down its decision then we will know whether or no the law should be changed, or at least my honourable friend will have an opportunity of stating definitely that is the law and it should be changed. And this Chamber will know whether or no that is the law, because as I say, if the Supreme Court of Canada does reverse the decision of the Manitoba Court of Appeal by holding that in this particular case such as is before them that this principle is wrong, then after all we don't have to change the law here at all; they're changing it for us, or at least they are properly reciting the law for our future guidance.

Now I think we should wait until we get that decision from the Supreme Court of Canada. I appreciate the honourable member bringing this resolution into the House. I think it is a timely resolution and I think it's a resolution in respect of which we must reach a decision sooner or later, but at the same time if the highest court in our country is now dealing with this particular problem, I think we should give them an opportunity to do so and wait and see what their decision really is.

MR. SPEAKER: Are you ready for the question? The Honourable Minister of Labour.

HON. OBIE BAIZLEY (Minister of Labour) (Osborne): Do you want to answer the questions? I'd be interested.

MR. GREEN: Does the Honourable Minister wish to speak, because I will answer the questions in due course, but perhaps

MR. SPEAKER: I wonder if the Honourable Member for Inkster would consider answering the questions when he closes the debate?

MR. GREEN: Yes.

MR. SPEAKER: The Honourable Minister of Labour.

MR. BAIZLEY: Mr. Speaker, I beg to move, seconded by the Attorney-General, that the debate be adjourned.

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

MR. SPEAKER: The proposed resolution of the Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I beg leave to let this matter stand.

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MR. SPEAKER: The proposed resolution of the Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable from Elmwood that WHEREAS it is the underlying principle of The Labour Relations Act that every employee has the right to belong to a trade union and to join with his fellow employees for the purpose of collective bargaining; and WHEREAS it is the intention of the said Act that employers have no effective interest in the question of whether or not their employees belong to a trade union; THEREFORE BE IT RESOLVED that the present legislation giving an employer the right to appear in opposition to applications for certification and the right to apply for revocation of the certification of a trade union, be repealed.

MR. SPEAKER presented the motion.

MR. GREEN: Mr. Speaker, I think that one of the features of labour law industrial relations, as it may indeed be the feature of many other aspects of our law, is that things develop imperceptibly and sometimes if a very small infringement of tradition is allowed it grows into a very great infringement and then becomes in fact the established way when it was never intended to be. I think that something that my honourable friend the Member for Selkirk said today would perhaps be clarified when I do speak further on the debate that he just concluded; it will become more clear to my honourable friend as to just why the resolution was put and why I think indeed, as he affirmed, it is a timely one and that we shouldn't wait for what other people do.

Now with regard to the present resolution before the House, I think that this is an area where the purposes and intention of the Labour Relations Act have somehow by a period of attrition - of unrecognizable attrition perhaps - been dissolved. That is, the original purpose has been dissolved and we now have an animal which doesn't look at all what the Labour Relations Act was supposed to look like when it was enacted. Now may I explain, Mr. Speaker, that before the Labour Relations Act the question of union recognition wasn't established by what we call now a certification. Prior to that, if a group of employees wished to bargain with their employer, a committee of their number or else a trade union that had gained status in other areas, approached the employer and said, "We come here as representatives of your employees," and the employer could do one of two things. He could say, "I'll speak to you as their representative," or he would say, "I don't recognize you as being their representative." And if he took the latter course, if he said, "I don't recognize you as the representative of your employees," then you had an industrial conflict. If the employees in fact wanted representation and they wanted it badly enough, they took the position that either the employer recognized the union or else they wouldn't work, and we had a whole series, Mr. Speaker, of recognition strikes. I believe that the strike of 1919 was in effect a recognition strike. The employees wanted the employer to recognize them through their bargaining agents; they wanted to engage in collective bargaining.

And so in fact trade union organization developed in many, many countries and in Canada. Most of the collective agreements that were established - well, all of the collective agreements and there were many, that were established prior to the enactment of the Labour Relations Act - were established by voluntary recognition of the employer of his employees. When I say "voluntary" I don't think that it didn't involve work sometimes to have this voluntary acceptance, but in any event the parties came together as a result of the economic forces which pressed on both of them to bargain collectively in that way. And this, of course, was considered by society generally to be a state of affairs which was undesirable, where there were continual strikes for recognition, and the Legislature sought a way out of recognition strikes. And the answer that was provided, Mr. Speaker, was that if a labour union could demonstrate to an impartial labour board that over 50 percent or a majority of the employees wanted a trade union to represent them and they were able to satisfy the labour board that that was the case, then the labour board would give to that trade union a certificate. They would certify that trade union as the bargaining agent of the employees and then the employer was bound to speak to them. That's all. He was bound to make every reasonable effort to negotiate a collective agreement.

Now that only means, Mr. Speaker, that the employer had to meet with his employees through their bargaining agent and he had to discuss terms and conditions of employment. It didn't require that employer to enter into an agreement with his employees, and as a matter of fact after a certain period of bargaining which is mentioned in the Act, the employer was put into a position where he no longer had to recognize the employees, and of course the employees were put into a position where they no longer had to merely talk and conciliate with their employer, they could take what they called economic action.

(MR. GREEN cont'd)....

Now, Mr. Speaker, it's my contention that the original Labour Relations Acts were never intended to provide the only means of obtaining recognition from an employer, and as a matter of fact the Act now provides that a bargaining agent can be either certified or he can be merely a bargaining agent; that is, he can have entered into a collective agreement with his employer without certification, and the rights of one are no different than the rights of the other so that the Labour Relations Acts didn't intend that the voluntary recognition of employers of their employee unions would be removed. What it did was to provide another means of obtaining recognition.

But one of the main features of the Labour Relations Act, in my submission, is, Mr. Speaker, that it was recognized that the employer had nothing to do with the question of whether his employees belonged to a trade union or didn't belong to a trade union. He was to have no say whatsoever as to how his employees chose to bargain, and I think, Mr. Speaker, that this is well underlined in Section 4 of the Labour Relations Act which says that no employer - and I'm missing words - shall participate in or interfere with the formation, selection or administration of a trade union; that the question of who would bargain on behalf of the employees in the unit was, in my submission, something over which the employer was, by law, prohibited from having any say or control.

Now, Mr. Speaker, this -- it wasn't felt and I don't feel that it places the employer in any difficult position at all. It merely means that the question of who will represent the employees in bargaining with their employer is something that will be chosen by the employees. And it's also recognized that an employer should have no effective means of determining who that representative will be or have any effective means of interfering with whom that representative would be.

But, Mr. Speaker, I suggest that there developed over the years - and I don't know how it started but I know that it did start - there developed before the Labour Board an atmosphere of applications for certifications becoming litigation procedures; that is, the employees were applying for certification on the one hand and the employer was opposing the certification on the other hand. Now, Mr. Speaker, prior to the enactment of the legislation I think it's clear that the employees decided by their will who their bargaining agent would be. If their will wasn't strong enough they didn't get bargaining rights and it may interest the House to know, Mr. Speaker, that I'm not a lover of the Labour Relations Act. Some of my trade union friends would disagree very strongly with my opinion in this regard. I say that the recognition that employees received before the Labour Relations Act was far more effective recognition than they received by getting a what they call a collective bargaining certificate, because, Mr. Speaker, if they don't have strength within the area in which they're employed or if they don't have strength to bargain with the employer by whom they are employed, then the certificate doesn't mean anything; and if they have strength, Mr. Speaker, then they don't need a certificate. So I'm suggesting that the certification of trade unions -- and I know that there is a great deal of argument and it's an irrelevance on this particular debate as to whether the certification does them any good. I know that trade unionism has grown in England far stronger than it has grown in this continent and they have no certificates in England. They gain recognition by virtue of their bargaining position and that recognition entitles them to bargain collectively without the Legislature giving them a certificate, but nevertheless it was always recognized, Mr. Speaker, that the employees were the only ones who should have any say about whether they were to be certified or not. This was a question that would be decided by those employees who wished to bargain through a union as against those employees who did not wish to bargain through a union, and I suggest to you that the employer was to have nothing to do with that procedure.

Now at the present time, Mr. Speaker - and I admit that I'm much more acquainted with the present Act than I am with the history of the legislation - but at the present time the Labour Relations Act permits an employer to (1) - and I'm reading 4 (d) - "appear on an application for certification of a bargaining agent for any of his employees," and when they appear, Mr. Speaker, they appear to contest the application; and next, "make or appear on an application for revocation of the certificate of a bargaining agent for any of his employees or for termination of the bargaining rights of a bargaining agent for any of his employees." So we have injected the employer's participation in the recognition procedure.

Mr. Speaker, I acknowledged a few moments ago that I'm much more acquainted with the present Act and I'm not expertly acquainted with it but I'm fairly well acquainted with it.

(M R. GREEN cont'd). . . . I'm not entirely acquainted with the 1954 statute but I took it out today and noticed that Sections 4 (d) and (e), the sections which I am now reading, which give the employer that right, did not exist in the 1954 statute. They may be found somewhere else in the Act. I haven't had the opportunity to go through it but I suspect, Mr. Speaker, that they weren't because I suspect that the people who enacted the current Labour Relations Act did not feel that the employee was a party to proceedings in which the recognition of a bargaining agent was taking place. And there is very good reason, Mr. Speaker, for an employer not being permitted to appear on such an application. Mr. Speaker, the proceeding that is taking place before the Labour Board is in substance a group of employees saying to the Labour Board, "Let us choose a bargaining agent to bargain with our employer."

I submit, Mr. Speaker, that in such a proceeding the employer has no voice to speak against it. He is by law, in effect, prohibited from having anything to do with who that bargaining agent will be. And I suggest that the employer was never envisaged as being a party to certification proceedings, and the corollary of course flows very easily, that if he can't say who the bargaining agent should be then he should not be permitted to revoke the bargaining privileges of a trade union. I say that employees who don't want the union to be certified certainly have a role to play in both proceedings, both to revoke certificates or to apply for a certificate, but I suggest to you that the employer should not; and my objection, Mr. Speaker, goes deeper than mere form, because an employer participation in a recognition proceeding is one which has very damaging effect on the ability of employees to freely select a bargaining agent.

Mr. Speaker, two years ago I believe it was, this Legislature passed a law which said - and I'm trying to remember it exactly - every strike vote should be conducted by the board, and the rules regarding certification application shall apply. Now Mr. Speaker, I don't think that there's a single member of this Legislature that didn't envisage that when a trade union wanted to conduct a strike vote they would go to the board and say, "Our members are considering the question of whether or not they should go on strike and we want you to conduct the vote." That's exactly, I'm sure, what was intended by every member of this Legislature. Mr. Speaker, shortly after that legislation was passed, I appeared for a trade union before the Labour Board on another question, and I was horrified to see before me a proceeding which I wasn't party to - I was just waiting for it to be concluded - a proceeding which was called an application for a strike vote. The employees applied for the right to take a strike vote, a copy of that application was then sent to the employer, the employer appeared before the board opposing the application for the union to take a strike vote, so the board had made the taking of a strike vote by employees a subject of litigation, in effect, between the employees on the one hand who were applying and the employer who said he didn't want them to take the strike vote - for one reason or another; the strike vote was to have had no effect. Shortly after that, Mr. Speaker, I was consulted by a union who was applying for a strike vote, and they appeared before the board and the employer appeared opposite and said that they shouldn't be permitted to take the vote, and I made it plain to the board at that time that I would not be party to a union applying for a strike vote where the employer had anything to say about how, when, who or where that vote will be taken, because that's not what the Legislature intended. The Legislature intended that the board, in compliance with the union request, would conduct the vote to see whether it would be fairly taken, but it was only by completely rejecting the notion that he would even be there that the board subsequently changed its procedure, and of course the Act was subsequently changed also. So that the employer had nothing to do with how his employees voted, whether they voted, when they voted, in what place they voted, which is what was developing before the Manitoba Labour Board.

The same type of procedure has developed with regard to applications for certifications. What happens when an application for certification is made? The application is made and it is sent to the employer, posted on the wall. On it you have number of employees - and the union projects that there are 90 employees; number of members claimed by the union - and your union projects that it claims 60 members. The employer is invited, if he wishes, to contest the proceedings, and some employers, enlightened employers, don't contest it if they feel that their members want this bargaining agent. Some employers then become involved in the question as to who will represent his employees in collective bargaining, and they appear and they have contestation.

Now, Mr. Speaker, I have been in certification proceedings where the employer has said his members don't want a union, and has asked for a hearing, and has had members take the

(MR. GREEN cont'd)... witness stand, and has cross-examined members as to whether or not they want the union or not. I have appeared where the employer has taken the position that the people can't belong to the union because they are prohibited by the constitution from being members of the union. I have been before the Labour Board where the employer has said that the member who has supposedly applied to the union has not paid a dollar, or other such things, and this, Mr. Speaker, has a very depressing effect on a group of employees who have been told that they have the right to belong to a trade union and that they have a right to apply for certification, and that their employer will not know who they are or which people are in favour of the union or which people are against the union. This just doesn't happen when the employer becomes involved in certification proceedings, and Mr. Speaker, I don't think that the people who framed Labour Relations Act intended that the employer would have anything to do with recognition or non-recognition of the union.

I concede that the employer has a role to play; that is, that the board can't get by without receiving information from the employer. They have to know how many people are in the shop; they have to find out things about the bargaining unit; but I don't think that the employer should participate in a hearing where the question is: do the members wish to belong to a union or not? That's a question which is between the union and the Labour Board, and the Labour Board has three employer representatives; the Labour Board has an extensive staff which is supposed to screen applications to make sure that they are bona fide, but the requirements for certification are something which the union should have to certify with the Labour Board and not with the employer.

Mr. Speaker, it's analogous, may I suggest, to a company applying for a charter from the Provincial Secretary's office, and the employees saying that that company shouldn't get the charter because they haven't fulfilled the requirements of getting a charter. I suggest that the Provincial Secretary would properly say, "The question of whether they have complied with the charter is not something that I will have a hearing on. That is something between myself or my department and this particular company.

Now Mr. Speaker, it's the principle that I think that we should come back to. The principle is as follows: that everybody has a right to bargain collectively through a trade union - that's No. 1. I don't think that there's a member of this House that disagrees with that. Secondly, that the question of whether or not a group of employees want a union to bargain for them or not, is not something over which the employer should have any control and is not a matter in which he should participate. And if we agree with those two things - and I suggest that these two principles should find acceptance generally by the members of this House - that if we agree with those two things then these additional clauses which I suggest for the moment - and if someone will correct me I welcome their corrections - have crept into the Labour Relations Act, which are contrary to the spirit of the Labour Relations Act, should be removed.

Now Mr. Speaker, we've heard a great deal, or we used to hear a great deal by the trade unions on the subject of lawyers appearing before the Labour Relations Board, and I can understand their feelings, Mr. Speaker. I think that when somebody finds that something is wrong the usual place to blame is the lawyer, and maybe 99 times out of 100 they're right. In this particular case they happened to be wrong. It's not the lawyers appearing before the Labour Relations Board that causes the trouble, it's the employers. If the employers were not given status before the Labour Relations Board, I submit to you, Mr. Speaker, that the right of the employer would be protected by the board, the right of the employees would be protected by the board, and the true principles underlying the recognition of trade unions and collective bargaining, as believed in, I submit, by the great majority of people in this House, would be implemented.

MR. SPEAKER: Are you ready for the question?

MR. HILLHOUSE: Mr. Speaker, I wish to move, seconded by the Honourable Member for Lakeside, that the debate be adjourned.

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

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member for Inkster. The Honourable the Minister of Labour.

MR. BAIZLEY: Mr. Speaker, in speaking to this resolution I would first like to take this opportunity to commend the Honourable Member from Inkster for his interest in the work of the Department of Labour. It is well-known that he has considerable knowledge and experience in Labour-Management affairs, and certainly he is displaying this knowledge to us with the resolutions that he has on the Order Paper, and I realize of course and appreciate that the

(MR. BAIZLEY cont'd)...honourable member is really just trying to help me out. It's my honourable friend's resolution in dealing with Section 14 of the Labour Relations Act which provides that during the period of negotiations an employer shall not, without the consent by, or on behalf of the employees affected, increase or decrease wages for the purpose of impairing a bargaining position of a certified bargaining agent. He seems to feel that the section as it is presently worded is ineffective in prohibiting what he has termed to members of this House, shenanigans on the part of employers during the negotiating period. Perhaps, Mr. Speaker, his argument commends itself to some in this House; it may indicate that it should have consideration; but to me the important consideration is the effectiveness of this section in practice, and Mr. Speaker, I wish to inform you and through you the members of this House, that to the best of my knowledge this particular section is working quite well in practice. I think that we must keep in mind that the separate purpose and the basic intent of the Labour Relations Act, is that there shall be effective collective bargaining, and I think the Act generally, and particularly the section that my honourable friend's resolution is based on, is being complied with and the intent lived up to by the employer.

In the few short years since I have been Minister of Labour, I've found that both labour and management in the Province of Manitoba have shown considerable respect, and I have been greatly impressed with the respect and maturity that labour and management in this province shows for the Labour Relations Act. We've had very few allegedly illegal strikes, and in fact we've had very few strikes of any kind in the Province of Manitoba and I think this is to the credit of the negotiating parties. And we have had very few alleged violations of the Act by management, so that there has been in fact a high degree of compliance with the Act and with Section 14 particularly. It's possible for anyone to criticize legislation because it does not take care of every eventuality that might possibly arise. It's always possible to think of some situation which a particular statute can't meet, but I don't think, Mr. Speaker, that that means that the legislation is either weak or bad. I think all that it means is that the legislation in general is designed to meet the real needs. So I say, as I listened to the Honourable Member from Inkster, while I admired and appreciated his presentation, I could only conclude that what he said, that he was speaking not of what is happening but of what might happen. He did not convince me that there's a need at this time for any change in the Labour Relations Act concerning this particular section. However, Mr. Speaker, I wish to assure members of this House and the Honourable Member for Inkster if it should appear there is any -- if it is warranted, that certainly consideration will be given to effecting whatever changes are necessary.

MR. SAUL M. CHERNIACK, Q. C. (St. John's): Mr. Speaker, I enjoyed listening to the Honourable the Minister of Labour, as I always do. I enjoyed hearing what he had to say, as I always do. I appreciated the fact that he stated that he listened to what the Honourable Member for Inkster said on this resolution, and I believe he listened, but I doubt if he heard, Mr. Speaker, and I doubt if he read what was said in Hansard by the Honourable Member for Inkster, because he did not in any way answer the arguments stated by the honourable member; but what he did do was assure us that he believes in the Labour Relations Act, that he believes in his administration, and indeed, I imagine that he has faith in the present Minister of Labour's knowledge and judgment and concern for the matters which come within his orbit. And he has, in I think a rather fatherly fashion, which was nice of him, assured the Honourable Member for Inkster, who of course is relatively new here and may not know, that the Honourable the Minister of Labour is quite prepared to listen to what honourable members have to say about these matters which come within his department. And he assured the Honourable Member for Inkster lest he is unsure, that if it should appear to the Honourable Minister of Labour that there needs some improvements - which he doubts - to the Labour Relations Act, then he would of course be happy to consider it.

Well, I assure, I assure the Honourable the Minister of Labour that it is not enough to say that when it becomes apparent that there is something wrong that something will then be done, because then it will be too late, and I am somewhat surprised that the Honourable Minister is not aware of what goes on in respect to the charges under Section 14. The fact is that there are occasions when there are changes in the standards of pay or conditions of work during the time when a collective agreement is in the process of being negotiated, when there is an effect on negotiation and when it becomes a problem for the negotiators - and I mean usually the representatives of the union - to bargain effectively when their own membership is being won over by the conditions of employment being changed in the process. And if he doesn't know it

(MR. CHERNIACK cont'd)... I don't know whether my telling him will make it any firmer in his mind, but I am aware of it, that there are occasions when negotiations are taking place and when the union involved finds that it is about to, or has indeed lost the support of the people within the bargaining unit because the employer, in his benevolence, or apparent benevolence, has raised their rates of pay during that time. And if it can be proven that the employer did this for the purpose of improving his bargaining position, then of course he has offended against the Act. But this is a difficult thing. It is always difficult to prove what is in the mind of the person who carries out a certain act, and I think that the Honourable Member for Inkster developed this when he spoke on it and indicated so clearly that to prove an intent is a very difficult task and there may be many other excuses given, many other reasons, but the onus of proof remains on the person making the allegation.

Now I wouldn't mind so much if the Honourable Minister of Labour had dealt with the arguments presented by the Honourable Member for Inkster (and I hope soon the Honourable Minister of Labour), dealt with his arguments, answered them, refuted them, accepted them, in any way indicated to us that he was aware of them, but I think that in the way he handled his speech today he did not deal with the issues as they were presented by the honourable member but did actually give us certain standard expressions about how well the Act operates, how the central purpose of effective collective bargaining is carried out through the Act and, that there being few illegal strikes, that is an indication that all goes well in the province. Well, I don't know. I suppose he needs more legal strikes to prove to him that all does not go well in this province. Certainly, I don't think there is any intention of riots here, and the Honourable Minister has indicated to us on many occasions his warm regard for all who hear his words, and certainly I think the Honourable Member for Inkster feels greatly complimented by what was said of his speech by the Honourable Minister. I will, of course, expect that the Honourable Member for Inkster will himself have some comments to make when he closes the debate on what has been said, but I couldn't help but rise at the moment to indicate to the Honourable Minister of Labour that I for one enjoyed what he said, enjoyed the way in which he said it, but am a little unhappy about the fact that he said so little on this subject.

MR. SPEAKER: Are you ready for the question?

MR. PETER FOX (Kildonan): Mr. Speaker, I beg to move, seconded by the Honourable Member for Burrows, that the debate be adjourned.

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

MR. SPEAKER: The proposed resolution; the Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, when I made these resolutions I didn't know that they come up each occasion in this way, and I have in mind to facilitate the Order Paper and change the resolution. If I'm given leave of the House I'd like to withdraw this resolution.

MR. SPEAKER: Does the honourable member have leave? The proposed resolution of the Honourable Member for Inkster again.

MR. GREEN: The same procedure with this resolution, Mr. Speaker. I'd like the members to know that I intend bringing them but not in the way they have been brought at the present time.

MR. SPEAKER: Does the honourable member have leave? Adjourned debate on the proposed resolution of the Honourable Member for Logan. The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I'm surprised, or I was surprised during the debate on this resolution, at some of the comments made by some of the members because I thought that this resolution would have considerable support in this House and I think it probably does, and I was glad to note, for example, that one of the honourable members, for Hamiota, spoke in favour of it as have others. I was rather struck at some of the language used by the Honourable Member for Churchill, for example, and his comments on these nurseries which he refers to as socialist nurseries.

I would like to, in commenting on this resolution, look at the resolution itself because it is there, of course, that we find exactly what was asked for. We did not ask for a compulsory place where children are taken away from their parents and stuck into jails for children. We suggested, and this is the resolution - or he suggested, the Honourable Member for Logan - that in view of certain conditions in our modern society that there was actual need for a place for children to be sent by their mothers who either wanted to go to work or had to go to work. Well, I don't think this is a very radical proposal. Perhaps it's radical if you seize children and throw them into compulsory nursery schools; that would be radical and I would be very

(MR. DOERN cont'd). . . much opposed to it; but to suggest that the government should in effect provide a place that is controlled and properly run for young children of a pre-school age, I think is a perfectly reasonable and rational proposal.

For example, the resolution points out that many mothers in low income families must work in order to supplement their husband's income. I don't see how anyone could challenge that; I think it states an actual fact. It is, I think, mainly the mothers in low income areas, in low income families, that are forced to go to work. Naturally if a mother in a high income family goes to work it's her prerogative. Perhaps she's tired of staying at home and so on. I'm not going to tell her she can't work. We might say to her, "We don't think you should work; it might be preferable for you to stay at home with your family and you'd give your children a better home." But I don't think we can order her not to work. She may want to do it for psychological reasons or social reasons because she would not ordinarily be doing it for economic reasons in the case of high income.

Then the resolution refers to many mothers who are forced to work to support their families because their families lack another provider. Of course this is true as well. This refers to widows, divorcees, separated women, and even unwed mothers, and if it applies to women it equally applies to men. There are also widowers, divorced men, separated men and so on. And then there are people who are actually not parents but they are relatives and they are responsible for bringing up children. Perhaps an old unmarried aunt, for example, might be given the charge of some children, perhaps due to death in the family. So this also occurs.

And then, of course, another factor in the resolution, another clause is that many women trained in professions now suffering shortages of personnel, like teaching and nursing and so on, would once again make their services available to society could their children be properly cared for at a cost within their means. And that of course again is true. There are shortages, serious shortages, and the nursing profession is appealing to women to come back into the fold; the teaching profession is very short of people and they are looking at such methods as bringing people back into the profession, offering them part time work, etc., so that they can even just teach a part of the day.

And of course there's a very important phrase in there - the idea "at a cost within their means." It's all very nice to have a little dandy nursery school that's very expensive, but what working mother can afford to pay the cost of a nursery school and then go and work? If you speak to people who have this problem they will tell you that sometimes it's better for them to stay at home. By the time they hire the cost of a baby-sitter, as it's often put, for so many hours a day and then go to work and go through all the inconvenience, they find it's hardly worth their effort; it's too expensive.

Then, of course, another point in this resolution is: "It is anticipated that increasing numbers of mothers will find full and part-time employment outside the home," and that is true too. We have what is called the so-called emancipation of women. Women no longer are bound by economic problems to remain married. Some of them in the old days did; they had no choice. I think in the old days, if I may use a nasty or a naughty word, women had the choice of something like prostitution or taking in laundry or going on the stage - that was about it. The thing is, nowadays women are in effect free to go into almost any occupation that they see fit, and some women, as a matter of fact, do better than men economically. Some women who are well educated and in fields like teaching and so on, or even the law, they make very good salaries. That may be a problem why some of them don't get married; they earn more than their husbands, or their potential husbands.

And then another point here is that it is to the benefit of all society that proper care for their children is available. Now the phrase there is "proper care." I mean, if you look at a baby-sitter and so on you have to decide whether this person is capable of being entrusted with your children. If you put an ad in the paper one of the problems you have is to screen people to see if they're qualified, to see if they're responsible and so on. I remember a story in the newspaper which I never forgot, a few years ago. These people had a young baby-sitter and every time the baby-sitter left, for the next day or so their child suffered from gas, and the problem they eventually found out was that the baby-sitter was taking the gas oven, turning it up and knocking the child out and then inviting over a couple of dozen characters and having a party while the kid was unconscious. Now it's a very interesting technique but it, in effect, endangers the life of a child, and this was an actual story, an actual fact. So the point is, what about proper care? Well in some cases a properly-run nursery could provide care as good as,

(MR. DOERN cont'd). . . and in some cases better than, acquaintances or even relatives and in some cases even the family. I'm sure that some children are saved in society by being sent to school. Some are ruined there but many are saved because the school is a better, a healthier environment than their own home.

Now I'd like to point out a couple of general things. As I said, the Honourable Member for Churchill talked about the government being asked to provide diapers. Well we haven't heard anything like that yet and I doubt if we ever will. He talks about nurseries grabbing children away from their mothers. That's utter nonsense, utter nonsense. Nobody's talking about taking children. We're talking about the option of having the right to send your child to a proper day nursery. We're not saying the government will come into your home and forcibly evict your children and put them in paddy wagons and cart them off to the nursery. We're not talking about that. It's utter rubbish. And then he talks about too much dependence on the government and so on and so on. Well we can comment on that later on.

I think that if you look at this whole question you also come to the conclusion that what we're asking for is something very similar to kindergartens or grade one. The public school system, the public, provides this right now. At one time -- well we're getting to kindergartens, aren't we? We're a little behind time there but we now have what's called, in effect, public education and we're now moving into the kindergartens so that all of us can send our children to kindergartens, and I think this nursery school is simply a logical step. People don't scream blue murder and say, "They're dragging my children out of the house, forcing them to kindergarten." People want their children to go to kindergarten; at least 99 percent do. So I think the nursery school is simply a parallel to the kindergarten and to such things as grade one.

Now the Honourable Member for Hamiota pointed out that there is something like only four licenced kindergartens, I believe, in the Metro area for 165 children, so that indicates that there are roughly 40 children being handled in each kindergarten -- or pardon me, in each nursery school; these are nursery schools. Then he also pointed out that somebody made a study and came to the conclusion that 4,000 children -- there were mothers and parents and so on of 4,000 children who could need or would use the facilities of a nursery school. Therefore, if we take that ratio, this indicates there could be as many as 100 licenced or publicly-run day nurseries, and we have four, four licenced ones and several of the other variety.

So I think the point is that what we are really asking for is something that the public wants. I don't think we're setting up an idea and trying to ram it down the throats of the public. I suggest to some of the honourable members who think this is a bad proposition and a case of the government in a bureaucracy and all sorts of gigantic monsters creeping around, I think they should go and talk to their constituents and talk to people who are faced with this particular problem. Of course when we get right down to it I think that we can see here this is where we get a certain clash between some of the political philosophies in this Chamber, and we have various degrees of that. I think our Party generally believes that there are minimum standards of health and welfare and education that the government should provide, and I think many of the men in this Chamber agree to that and the women as well. We disagree often on the degree; how much, how far should we go in this particular provision?

So when some of the members like the Honourable Member for Churchill talks about rights and about snatching children and so on, I think he's using the old bogey about a deprivation of a citizen's rights, and I would like to read for him a paragraph from an article that appeared in the paper I believe last night, by Russell Baker of The Observer. He writes in the Winnipeg Tribune; he's from the New York Times. And I think that he's knocking the kind of thinking that this member I think sort of subscribes to. He naturally wouldn't agree with me, but he's always talking about rights and about how the New Democratic Party is trying to erode the right and crush the liberties and so on, of people. That's absolute nonsense and of course some of the members of the Liberal Party -- that's their view as well. Whenever the government does something it's always -- you know, nasty socialism; crushing of individual liberty; You know, the old stand-bys. Well I would like to suggest to them that Russell Baker has a word for them, and he says, "Is there no one in this country with the courage to stand up and defend air pollution?" Because you know it's a -- I think we have a right based on that kind of logic -- I use the word loosely -- to, you know, breathe in polluted air. And he says, "We shouldn't deprive a citizen of his right to breathe carbon and sulfur compounds. The right that he has." And he says he thinks it's doubtful that this argument would serve as attested law but it would ruffle a great many feathers before the Courts got around to ruling, particularly feathers on the right wing where any argument supported by civil libertarians tends to set off

(MR. DOERN cont'd)...an equal and opposite reaction. I think that's true. Because we propose this, because this is our resolution, some members say, "It's got to be bad." "It's got to be bad. This is the old cockeyed thinking.

The Communists often talk about peace and peace drives and so on, so does this logically mean we should therefore be for war? Because they suggest, they try to pretend that they're for peace, so we should always be opposite? Well let's not get driven into all sorts of silly positions. Let's look at the merits of an idea. Let's not just discard it. If the Honourable Member for Churchill will discard every idea put forward by this side of the Chamber and by this party, he would be in a peculiar position, because we've stood for things like kindergartens, for free education or the extension of free education opportunities, for medicare and his government proposes to bring in a kind of medicare and so on. He would be in a very embarrassing position. In fact he might even conclude, and I'm sure he does, that half his Cabinet is Red. They must be half Red because they're taking so-called progressive measures and therefore this is you know, this is very dangerous - so-called Red Tories. And here's what Russell Baker says as a final sentence from him; he says, "Based on this kind of logic that since Communists are against air pollution," -- you know they could take that stand....

MR. SPEAKER: I've given the honourable member considerable latitude. I believe he's going a little too far now, don't you think?

MR. DOERN: Well, may I read this sentence and then I will wind up.

MR. SPEAKER: You're getting away from the principle of the resolution and giving us a political speech I'm afraid. Proceed with the sentence if you please. Proceed.

MR. DOERN: I'll just read my final sentence, the punch line. He argues in this - in this particular -- he says in a concluding point, he says that "since the Communists are against air pollution anyone who does not like breathing good old American garbage with his oxygen ought to be kicked out of the country." That's the kind of logic I'm attacking. Well -- (Interjection)--I'll explain it to you later.

MR. LAURENT DESJARDINS (St. Boniface): Much later.

MR. DOERN: Now there is a Royal Commission on the status of women; I believe it is either in effect or is being formed; and one of the better members in the House of Commons, Grace McInnis, who is the New Democratic Party member of parliament for Vancouver Kingsway, and I believe a daughter of J. S. Woodsworth, one of the great men of Canadian history, told a news conference that automation has changed life for women and the family, and social machinery must be developed to handle this change. Isn't this really what we're talking about? Women are freed from many menial tasks in the kitchen. They don't have to spend all their time preparing meals - although I must say some of the TV dinners are not as tasty as some of the food we used to eat years ago - but the point is that women do have more freedom, in a sense, as homemakers and many of them are now going out to work; and many of them have to work and many of them want to work and so on. And who are we to deny them this right? In fact I'm sure some of you must have tremendous arguments with your wives. I'm a bachelor and I don't know about such difficulties. I am now....

MR. SPEAKER: Order please. I am sure the honourable member is anxious to conclude his.....

MR. DOERN: I am not anxious to get married but I'm anxious to conclude. And so the point is that since these women are going out into the world to work, and since there is need for someone to take care of their children, I urge the members of this House to support this resolution and, in particular, to read it carefully.

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

MR. HENRY J. EINARSON (Rock Lake): Mr. Speaker, as a newcomer to this House I have listened for quite some time with a great deal of interest to the comments that have been made in this House. I rise at this time for just a few moments to reply to the Honourable Member for Elmwood. He stated a few moments ago that he was quite shocked with the comments or some of the comments made by the Honourable Member for Churchill. He used the word socialism; it sort of shocked him. I might say that a word that the Honourable Member for Elmwood used rather shocked me when he brought in the term 'prostitution'. This matter of nurseries, as we are discussing in this resolution, possibly holds a great deal of importance to some of the members on that side of the House. I wondered while sitting here listening to this commentation how much support the honourable member would have if he was to actually go out to his constituency and discuss matters with them. I represent a rural constituency and

(MR. EINARSON cont'd)... I feel quite certain that if I was to bring this matter up to my people they would tell me that "we have a lot more matters that are of greater importance than this one." And in so saying, with the few words I said I wanted to say here this afternoon, I think we would all do well to consider this matter and in view of what the resolution has to offer be very careful when we come to make this decision. Thank you.

MR. DOERN: Would the honourable member submit to a question?

MR. EINARSON: Yes, providing I can answer it.

MR. DOERN: Would you care to comment on the fact that there are differences for women working, say, on farms in rural areas and women whose husbands have jobs in the city and so on. For instance, there aren't really jobs available in some instances. Do you see any difference there?

MR. SPEAKER: Are you ready for the question on the motion?

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

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

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member for Logan and the proposed motion of the Honourable Member for St. Matthews in amendment thereto. The Honourable Member for Portage la Prairie.

MR. JOHNSTON: Mr. Speaker, I note the resolution as proposed originally had called for a committee to be set up to study the problems and make recommendations regarding automation in our society today, and this would include of course people from government, management, labour and agriculture; and I take and examine the amendment that has been made, and with all due deference to the honourable member who proposed the amendment, he seems to think that by convening a conference, which to me is a temporary meeting that may last one or two or three days - we don't know, but it is only a temporary meeting - and this matter is of such importance I submit that it should be the work of either a permanent or a semi-permanent body such as suggested in the resolution.

There are so many items to be examined and studied. For example in other jurisdictions, Ottawa for one, there has been a recently concluded study on this matter of automation as it affects the people in Canada. There have been several studies carried out in the past in the United States, so that I would think that this committee would have its work cut out to study what has happened elsewhere, where people whose society has progressed further in technology and in size of population, that it would be the work of a committee rather than a conference.

So I suggest that we should support the original motion, and although on first glance the idea of a conference isn't a bad idea, I don't think it can solve the problem of automation. For instance, some of the things that would have to be gone over - there has been some progress made in the matter of helping automation when workers can go from province to province with security in a pension plan, and after next year they will be able to go from province to province with security in Medicare --(Interjection)--Well, I believe it's been enacted, has it not? Also, the use of industry, labour and management and government councils which provide a forum for discussion in education and research, and to co-ordinate with national economic policies - I don't think these important matters can be resolved in one conference. There have been some steps made in the matter of provision for adequate facilities for adult training and re-training which have allowances to go with them to help the people re-establish who have been phased out of other jobs. There has been progress made -- in one of the studies that have been made it has been decided that employers had some obligation, if they have to close down or relocate, that they have an obligation to provide due notice for workers and also to assist them in re-training and relocating.

So government provision for relocation expenses displaced through automation, displaced through technological changes and other instances, these are all matters that we have to be concerned with and I don't think that we can solve this in a conference. I doubt that they could be solved in a series of conferences. This is a continuing problem that we have in Canada, in particular where we find that one in five Canadians move every year. We have a large country, it is diverse in complexion, and I think that the problem would best be handled by either a permanent or a semi-permanent committee that had the problems under consideration at all times.

MR. SPEAKER: Are you ready for the question?

MR. PAULLEY: Mr. Speaker, I beg to move, seconded by the Honourable Member for Ethelbert Plains, that the debate be adjourned.

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

MR. SPEAKER: The proposed resolution of the Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I ask leave of the House to let this matter stand.

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member for Burrows. The Honourable Member for Roblin.

MR. DONALD W. CRAIK (St. Vital): Mr. Speaker, I would ask on behalf of the Honourable Member for Roblin, that this matter be allowed to stand.

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member for St. Boniface. The Honourable Member for Wellington.

MR. PETURSSON: Mr. Speaker, I would ask that this resolution be allowed to stand.

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable Member for Gladstone. The Honourable Member for St. Vital.

MR. CRAIK: Mr. Speaker, in the interest of productivity I think I will comment on this and try and squeeze it into the available five minutes. I rise on this motion for the same reason I think that the Member for Seven Oaks rose on it at the close of the last day's debate, and this was really a reaction largely of indignation. In looking it over and having read the motion and what the Honourable Member for Gladstone is proposing, I would like to make a few comments on some of the comments which he made in the Hansard here.

First of all, the motion deals with primarily removing authority from the Boundaries Commission for the establishment of the vocational schools in Manitoba. As we know, the Honourable Minister of Education has pointed out that three of these are planned -- in long-range point of view, ten are planned, and there are provisions in the estimates for the beginning of work in 1967. In his comments, the Honourable Member for Gladstone has stated that we're waiting on a five-year decision from the Boundaries Commission, and I would like to point out that this is really not so, that since there is provision in the estimates for a beginning, that these will be under way long before the time which he has stated.

Now, one of the important points that the Honourable Member for Gladstone has made is that when we're offered 75 percent support from the Federal Government for the construction of these vocational and technical schools that we should be building them as fast as we can, and as a matter of fact he's made the analogy here that if we were going to buy a hat and the hat was being paid 75 percent of the cost by someone else, that we would be much more inclined to buy the hat. I'm sure he isn't implying here that we should establish vocational schools in the same manner that we or our wives may decide to buy a hat, and I am sure that if he does mean this though that we're in for a great deal of trouble.

The Boundaries Commission set up by Bill 16 in 1966 was presented to this Legislature, and at that time, having looked it up, I find that the Honourable Member for Gladstone-Neepawa had voted for that bill at that time. I would like to suggest that the common sense which he displayed when Bill 16 was up should be adhered to and that this resolution which he has presented here is really not continuous with his thinking of that time. He's proposing further that the vocation of the vocational schools be made a political matter of the House, or the Assembly, rather than the decision for a commission which has been set up for this purpose ... Now

MR. SHOEMAKER: Mr. Speaker, on a point of order, I never said that it be made a political issue at all. Show me where I said that.

MR. CRAIK: Well, I don't know if you want me to take the time to look it up in Hansard right now, but the implication is there, that it should be a matter for the Assembly rather than for this commission.

Now I'd like to suggest that there is a lot of work has to go into the establishing of one of these schools, and I think we realize the problem in rural Manitoba that was imposed by the condition that Ottawa suggested that there be a minimum of 750 eligible students in total. Now there aren't that many students in some divisions, so naturally you're overlapping several divisions in making these decisions, so it has to be essentially a Boundaries' decision in establishing them. The problem is quite massive, it requires a lot of study, a lot of concentration and a lot of figuring. It is one that requires a lot of specialty type of work too.

Now, in conclusion, I would simply like to say that I don't feel that the motion provides anything constructive at this point. The research that the Boundaries Commission I understand is doing is well under way, and that very likely there will be some sort of answer given in 1967 as to the beginning of these schools at least. With that, Mr. Speaker, I'll conclude my comments.

MR. SPEAKER: Are you ready for the question?

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

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

MR. SPEAKER: It is now 5:30 and I am vacating the Chair to return at 8:00 o'clock tonight.