

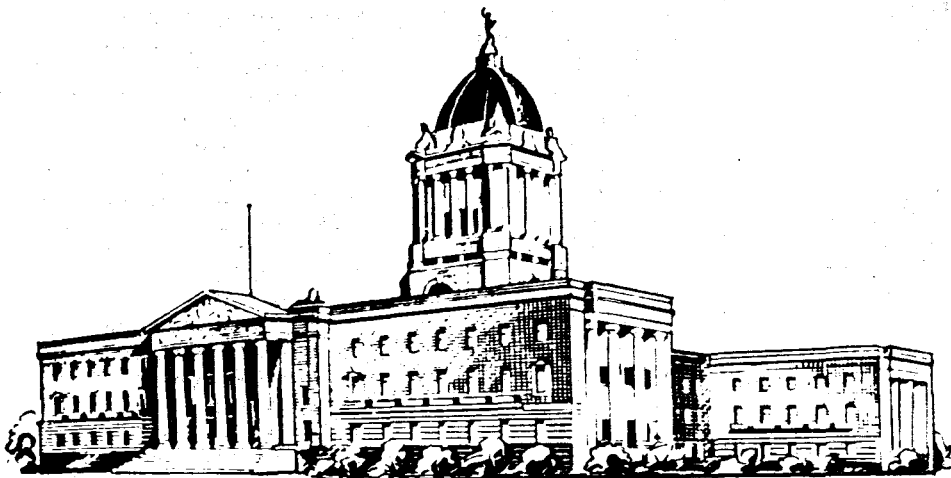


Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

Speaker

The Honourable Ben Hanuschak



Vol. XVII No. 153 2:30 p.m., Saturday, July 18th, 1970. Second Session, 29th Legislature.

ELECTORAL DIVISION	NAME	ADDRESS
ARTHUR	J. Douglas Watt	Reston, Manitoba
ASSINIBOIA	Steve Patrick	10 Red Robin Place, Winnipeg 12
BIRTLE-RUSSELL	Harry E. Graham	Binscarth, Manitoba
BRANDON EAST	Hon. Leonard S. Evans	Legislative Bldg., Winnipeg 1
BRANDON WEST	Edward McGill	2228 Princess Ave., Brandon, Man.
BURROWS	Hon. Ben Hanuschak	11 Aster Ave., Winnipeg 17
CHARLESWOOD	Arthur Moug	29 Willow Ridge Rd., Winnipeg 20
CHURCHILL	Gordon Wilbert Beard	148 Riverside Drive, Thompson, Man.
CRESCENTWOOD	Cy Gonick	115 Kingsway, Winnipeg 9
DAUPHIN	Hon. Peter Burtniak	Legislative Bldg., Winnipeg 1
ELMWOOD	Russell J. Doern	705 - 33 Kennedy St., Winnipeg 1
EMERSON	Gabriel Girard	25 Lomond Blvd., St. Boniface 6
FLIN FLON	Thomas Barrow	Cranberry Portage, Manitoba
FORT GARRY	L. R. (Bud) Sherman	86 Niagara St., Winnipeg 9
FORT ROUGE	Mrs. Inez Trueman	179 Oxford St., Winnipeg 9
GIMLI	John C. Gottfried	44 - 3rd Ave., Gimli, Man.
GLADSTONE	James Robert Ferguson	Gladstone, Manitoba
INKSTER	Hon. Sidney Green, Q.C.	Legislative Bldg., Winnipeg 1
KILDONAN	Peter Fox	627 Prince Rupert Ave., Winnipeg 15
LAC DU BONNET	Hon. Sam Uskiw	Legislative Bldg., Winnipeg 1
LAKESIDE	Harry J. Enns	Woodlands, Manitoba
LA VERENDRYE	Leonard A. Barkman	Box 130, Steinbach, Man.
LOGAN	William Jenkins	1287 Alexander Ave., Winnipeg 3
MINNEDOSA	Walter Weir	Room 250, Legislative Bldg., Winnipeg 1
MORRIS	Warner H. Jorgenson	Box 185, Morris, Man.
OSBORNE	Ian Turnbull	284 Wildwood Park, Winnipeg 19
PEMBINA	George Henderson	Manitou, Manitoba
POINT DOUGLAS	Donald Malinowski	361 Burrows Ave., Winnipeg 4
PORTAGE LA PRAIRIE	Gordon E. Johnston	Room 248, Legislative Bldg., Winnipeg 1
RADISSON	Harry Shafransky	4 Maplehurst Rd., St. Boniface 6
RHINELAND	Jacob M. Froese	Box 40, Winkler, Manitoba
RIEL	Donald W. Craik	2 River Lane, Winnipeg 8
RIVER HEIGHTS	Sidney Spivak, Q.C.	1516 Mathers Bay, West, Winnipeg 9
ROBLIN	J. Wally McKenzie	Inglis, Manitoba
ROCK LAKE	Henry J. Einarson	Glenboro, Manitoba
ROSSMERE	Hon. Ed. Schreyer	Legislative Bldg., Winnipeg 1
RUPERTSLAND	Jean Allard	602 - 245 Provencher Ave., St. Boniface 6
ST. BONIFACE	Laurent L. Desjardins	357 Des Meurons St., St. Boniface 6
ST. GEORGE	William Uruski	Box 629, Arborg, Manitoba
ST. JAMES	Hon. A. H. Mackling, Q.C.	Legislative Bldg., Winnipeg 1
ST. JOHNS	Hon. Saul Charniack, Q.C.	Legislative Bldg., Winnipeg 1
ST. MATTHEWS	Wally Johannson	15 - 500 Burnell St., Winnipeg 10
ST. VITAL	J. A. Hardy	11 Glenlawn Ave., Winnipeg 8
STE. ROSE	Gildas Molgat	463 Kingston Crescent, Winnipeg 8
SELKIRK	Hon. Howard Pawley	Legislative Bldg., Winnipeg 1
SEVEN OAKS	Hon. Saul A. Miller	Legislative Bldg., Winnipeg 1
SOURIS-KILLARNEY	Earl McKellar	Nesbitt, Manitoba
SPRINGFIELD	Hon. Rene E. Toupin	Legislative Bldg., Winnipeg 1
STURGEON CREEK	Frank Johnston	310 Overdale St., Winnipeg 12
SWAN RIVER	James H. Bilton	Swan River, Manitoba
THE PAS	Ron McBryde	531 Greenacres Blvd., Winnipeg 12
THOMPSON	Hon. Joseph P. Borowski	Legislative Bldg., Winnipeg 1
TRANSCONA	Hon. Russell Paulley	Legislative Bldg., Winnipeg 1
VIRDEN	Morris McGregor	Kenton, Manitoba
WELLINGTON	Hon. Philip Petursson	Legislative Bldg., Winnipeg 1
WINNIPEG CENTRE	J. R. (Bud) Boyce	777 Winnipeg Ave., Winnipeg 3
WOLSELEY	Leonard H. Claydon	116½ Sherbrook St., Winnipeg 1

THE LEGISLATIVE ASSEMBLY OF MANITOBA
2:30 o'clock, Saturday, July 18, 1970

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Notices of Motion; Introduction of Bills; Orders of the Day.

ORAL QUESTION PERIOD

HON. RUSSELL PAULLEY (Minister of Government Services) (Transcona): Mr. Speaker, before the Orders of the Day, on July 6th the Honourable Member for Roblin asked a question in respect of Returning Officers for the constituency of Roblin. The question was taken as notice by the First Minister. The question was: "I wonder, could the Minister advise the House as to whether a new Deputy Returning Officer for Roblin had been appointed as of now." The answer is "no".

MR. SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Speaker, a couple of days ago I directed a question to the First Minister, was there any announcement by Hydro relating to the purchase of thermal equipment for power generation. He took the question as notice and I was wondering if he . . .

HON. ED SCHREYER (Premier) (Rossmere): Well, Mr. Speaker, I hope that I'll be able to answer my honourable friend on Monday.

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

MR. GORDON E. JOHNSTON (Leader of the Liberal Party) (Portage la Prairie): Mr. Speaker, my question is for the Minister of Government Services. The question relates to the answer he gave concerning Returning Officers. Does the province at the present time have a Chief Electoral Officer?

MR. PAULLEY: Technically no -- well no, I guess I shouldn't say "technically no". The Clerk of the Assembly was the Chief Electoral Officer. When he retired, he retired as the Chief Electoral Officer and the position has not been filled. May I assure my honourable friend that if certain eventualities take place . . .

MR. G. JOHNSTON: All right.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SIDNEY SPIVAK, Q. C. (River Heights): I wonder if the Honourable Minister of Government Services would inform us whether the Honourable Member for St. Boniface is likely to be the Chief Electoral Officer or not.

MR. PAULLEY: I didn't hear my honourable friend's question. Would he kindly repeat it?

MR. SPIVAK: I was simply asking whether the Honourable Member for St. Boniface is likely to be the Chief Electoral Officer or not.

MR. LAURENT L. DESJARDINS (St. Boniface): I accept, Mr. Speaker.

MR. PAULLEY: . . . a useful function to perform, apart from that, has been the Chief Electoral Officer.

MR. GORDON W. BEARD (Churchill): I asked first.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, my question is for the Minister of Finance. Yesterday I asked him several questions in connection with the possibility of a convention centre being located in an area that would not involve the potential or building of the Skyway Development Plan. I wonder whether he could indicate whether there's been discussion with the members of the City Council with this possible alternative site that may be considered by the province.

HON. SAUL CHERNIACK, Q. C. (Minister of Finance) (St. John's): Mr. Speaker, I assume the honourable member's talking about the skyway. What he must mean is the Graham Avenue overpass, which has some other term. There have been discussions, there are currently certain discussions taking place with Metro. The question of the Centrepoint development, which ties in with the skyway, is a matter that has not been dealt with by the developers for some time now and we are awaiting our own consideration, along with waiting to hear from others who are interested in discussing the suitable location and the proper use and development of a convention centre which would be a stimulus for development of the centre core of Winnipeg, which is a matter of very great interest to this government.

MR. SPIVAK: Well, a supplementary question, Mr. Speaker. I wonder whether the Honourable Minister -- he indicated that there have been discussions with Metro. Have there been discussions with members of the City Council outside of the Mayor on the possibility of a convention centre being located in an area other than in the area which would involve the basic Graham Avenue skyway plan or not?

MR. CHERNIACK: Mr. Speaker, I don't think it is a good precedent to accept this kind of question as to with whom discussions have been held. I will say that in the last year there have been many discussions with many interested people, including certain aldermen.

ORDERS OF THE DAY - MOTIONS FOR PAPERS

MR. SPEAKER: Address for Papers. The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, on the Address for Papers and on the next one, it is my intention to speak on the matter and therefore do I move it now and ask that it be adjourned, or do I wait . . . ?

MR. PAULLEY: You refer it to the Private Members' Day.

HON. SIDNEY GREEN, Q.C. (Minister of Mines and Natural Resources) (Inkster): That's fine. It makes no difference . . .

MR. SPIVAK: It is a question of whether I move it now and then ask for it to be stood over or not.

MR. GREEN: I believe you move it.

MR. SPIVAK: I gather, then, the right procedure would be to move it. Mr. Speaker, I move, seconded by the Honourable Member for Riel, that an Humble Address be voted to His Honour the Lieutenant-Governor praying for copies of all correspondence between the Manitoba Government and Mr. W.F. Hayes since April 8, 1969.

MR. SPEAKER presented the motion.

MR. SPEAKER: Is it agreed to have this stood over to Private Members' Day? (Agreed)

MR. CHAIRMAN: Address for Papers. The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, I move, seconded by the Honourable Member from Riel, that an Humble Address be voted to His Honour the Lieutenant-Governor praying for copies of all correspondence between the Manitoba Government, the Government of Canada and the Freshwater Fish Marketing Board since April 8, 1969.

MR. SPEAKER presented the motion.

MR. SPIVAK: Mr. Speaker, I would like to speak -- I wish to speak on this, Mr. Speaker.

MR. SPEAKER: I believe that this would be stood over to Private Members' Day. The Honourable House Leader.

GOVERNMENT BILLS

MR. GREEN: Mr. Speaker, can we have third readings of Bill No. 115, etc.?

BILL NO. 115 was read a third time and passed.

MR. GREEN: Mr. Speaker, before you call 141, I think I should indicate to honourable members that we intend to stay in the House this afternoon to deal with the bills on the Order Paper and then Committee of the Whole House, that we would go back to the House on Monday but probably be in Law Amendments Committee, but meet at 9:30 on Monday; that Public Utilities committee would be called on Wednesday morning at 9:30.

MR. SPIVAK: Just by way of clarification, in the event that the proceedings are completed -- that is the Order Paper is completed on Monday -- in the event that the Order Paper is completed and the government business was completed on Monday, is it your intention to not call the House on Tuesday?

MR. GREEN: Mr. Speaker, that's some of the best news I've ever heard. We'll deal with that contingency on Monday, but the fact is that we intend to call Public Utilities Committee on Wednesday morning at 9:30.

MR. SPIVAK: One other question to the Honourable Minister. I wonder if he could indicate whether it's the intention to go into the House on Wednesday and then go into Public Utilities or just to call Public Utilities for the day.

MR. GREEN: It's intended that we will go into Public Utilities on Wednesday morning at 9:30. I will be making -- well, I really believe that that's all I can say at this time.

BILLS NO. 141, 67, 88, 89, 90 and 94 were each read a third time and passed.

MR. SPEAKER: The Honourable Attorney-General.

HON. AL MACKLING, Q.C. (Attorney-General) (St. James): Mr. Speaker, I move, seconded by the Honourable Minister of Transportation, that Bill No. 96, an Act to amend The Queen's Bench Act, be now read a third time and passed.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, I just have one comment in connection with this, and it's not my intention to vote against the -- (Interjection) -- I'm sort of being pressured from behind, Mr. Speaker, and it's not my intention to vote against the bill but I would like to again restate the position of the members on this side in connection with this proposal. It is our belief that the law as expressed in the Act is the law, and that it was not necessary to bring the Act in the form that it is before the House, because it can have other ramifications which could be far more serious than the particular gain that's assumed to be achieved by this legislation. Secondly, that in terms of the amendment that was proposed which was not accepted by the House, that that amendment was not to be considered in any way as a position on this side that would be against labour per se, or any branch, but rather as a means to indicate the acceptance, both on the other side and this side, that a legal strike should be capable of being enjoined by the court. Mr. Speaker, we are going to have to wait now and see how this particular section or particular Act is interpreted and I think, based on the presentations that have been made in this House both on the government side and our side, there's reason to believe that it may not be interpreted in the way that it is suspected it will be interpreted because there is a basic issue, and it's a legal issue, in terms of whether this legislation was required or not. Having said that, we will wait and see as to what takes place and whether it achieves the over-all objectives that are desired and I think we'll be in a better position after a short period of time to assume whether the position on this side was right or not.

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

BILLS NO. 97 and 104 were each read a third time and passed.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, would you call the resolution standing in the name of the Honourable the Member for Rhineland on Page 5 of the Order Paper.

MR. SPEAKER: Adjourned debate on the proposed resolution of the Honourable Minister of Mines and Natural Resources. The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I didn't expect the resolution to come forward and therefore I ask the indulgence of the House to have the matter stand.

MR. SCHREYER: Mr. Speaker, I rise not to oppose the honourable member's request but to obtain clarification of the rules whether it would be possible for someone else to speak. I know that's of course possible, but if someone else is going to speak whether it is possible for that person to move an amendment. By leave it could be done.

MR. GREEN: Mr. Speaker, I think maybe I could get us out of the problem. If the honourable member will let the amendment be put and if all of us agree that it will then be picked up by the Member for Rhineland, then we can proceed. So if the honourable member will merely say that he has spoken then somebody can get up, an amendment will be put, and you'll be able to . . .

MR. FROESE: Mr. Speaker, I'm quite prepared to give leave and to have the resolution amended.

MR. GREEN: No, I would like the honourable member to indicate that he -- with the assurance that there is going to be room for him to speak, I would like for him to indicate that he has now spoken on this debate. -- (Interjection) -- Then he will have -- I assure him that the amendment will be put and he will be able to pick up the debate on the amendment, which will give him the right to speak.

MR. FROESE: Well I'll agree to that.

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

MR. PAULLEY: Mr. Speaker, what I want to do is not really to rehash all the comments that have been made during the sittings of the committee of which I was privileged to be a member of and to go over the contributions that have been made on the report of the committee, but what I want to do at this particular time is to introduce an amendment to the resolution that I think will receive general approval of members of this House because of the fact that during

(MR. PAULLEY cont'd.) the consideration of other bills dealing with the Legislative Assembly Act references were made to the amendment which I intend to propose to the resolution introduced by the Honourable the House Leader. I have the permission, or it's generally agreed that the Honourable Member for Rhineland will be able to cover the waterfront or do whatever he likes in respect of the concurrence resolution that is before us, but what I want to do is to amend the resolution proposed by the Honourable the House Leader, which of course he cannot do in accordance with the rules of the House.

The Honourable Member for Riel, speaking the other day on an amendment to the Legislative Assembly Act, suggested that the question of indemnities, remuneration and expenses incurred by members of the Assembly should be a matter that should be properly considered by an independent organization or committee, and if, Mr. Speaker, honourable members have had an opportunity, as I am sure they have had since the introduction of the report of the Rules Committee, if they have taken the opportunity of really reading the recommendation of the committee, they will find that there was a clause in the report that made the suggestion that the question of indemnities, allowances, etc., should be referred to some body outside of the Assembly. And also, Mr. Speaker, in the report itself is the recommendation - and that is of course the purport of the resolution before us - that the committee continue its deliberations of the rules of the House.

Now there may be some criticism, and I think that in some respects this may be justified, that we didn't move at this particular session on some of the recommendations of the committee, and I can think of a few of them - one as the limitation of the length of time that one may take on a resolution. At the present time, Mr. Speaker, you are well aware, as I am sure all members are, of the 40-minute limitation with the exception of the Leaders of the Party or a member moving a motion of non-confidence. There is a recommendation of a 20-minute limit, and when I perused the comments of honourable members I see that there are objections and differences of opinion in this, but the basic concept was that while we haven't reached the ultimate insofar as our rules are concerned, that the committee should be reconstituted to go into these matters. I can appreciate the fact that had some of the rule changes that had been recommended by the committee been adopted early in the session, we might have had a new basis of operation of the Assembly. But they weren't; and the recommendation in the resolution proposed by my colleague the Minister of Mines and Natural Resources, and in accordance with the recommendation of the committee itself which of course is an all-party committee, is that they should continue their deliberations.

Now what I want to do, Mr. Speaker, is to deal with the matter raised by the Honourable Member for Riel and others, that in respect of members' indemnities and the likes of that, that it should be considered - not necessarily to the degree that it would be a precise recommendation that would have to be adopted either by the committee or the House, but in-between this session and the next, when this committee is considering the rules of the House and other aspects of it, that there should be created a body who will give consideration to the financial aspects as they pertain to the members of the House.

Now I know that in speaking now to the main resolution before I propose the amendment I will exhaust my right to speak later to the main resolution, and I want to assure the members of the House, because if there were a number of recommendations dealing with accommodation of members, the provision of recording equipment, the changing of some facilities in the galleries and the likes of that, because of the fact that they come under my jurisdiction as Minister of Government Services I want to assure, Mr. Speaker, the members of the House that these are under active consideration and that we will do our utmost to see whether or not it's feasible to make better accommodations, not only within the Chamber itself but also better provision for the members of the Legislature. I only say that, Mr. Speaker, because these were recommendations, but my main purport at this particular time is to suggest an amendment for the consideration of the House in order to achieve the point really raised in the House by the Honourable the Member for Riel respecting indemnities and the like.

So therefore, Mr. Speaker, I would like to move, seconded by the Honourable the Minister of Finance, that the proposed motion of the Honourable Mr. Green be amended by adding the following at the end thereof:

"And that the committee be instructed to appoint an independent committee of persons other than those directly involved in the public service, to consider the matter of the members' indemnities, the matter of other remuneration and expense allowances to members of the House and the committees thereof;

(MR. PAULLEY cont'd.)

"And that the said independent committee be instructed to report its recommendations to the committee prior to the next regular session of the Assembly;

"And that the Committee on Rules present the recommendations of the independent committee to the House within 10 days of the commencement of the next regular session." And, of course, I'm sure that members will appreciate the fact that I don't know when the next regular session of the House will be, but, Mr. Speaker, I do make this amendment in order to bring about the suggestions of the Member for Riel, and others as well, the committee itself, who feel that this is a matter of consideration.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): Mr. Speaker, before you put the question, as a member of the committee I would like to take this opportunity, if I may, to agree with the Minister of Public Services when he spoke of the work of the committee, and that had some of the recommendations been accepted early in this session that maybe we would have been able to deal with the business of the House in a more expeditious manner. I'm compelled to say, Mr. Speaker, that I fault the government by not bringing forward the recommendations of this committee that met on no less than eight or nine occasions and I feel diligently did a job under your direction, Sir, and it seems sad to me that those recommendations, which in themselves are comprehensive, beneficial to the House, and indicative of better operation of the House, it seems a pity to me that at this late date we should have passed up the opportunity of the Committee of the Whole discussing those recommendations and the possibility of adopting them to do the things that I've just outlined.

The reconstitution of the committee I agree with. It must be a continuing committee for the good of all concerned. But I say to you, Mr. Speaker, with the reconstitution of the committee, if the same attitude is to be taken with what that committee may do in the days that lie ahead with what they've already done in the past, and no recognition being given to it, I see no point in having that committee, because to me, Sir, there is material in this report that should have been dealt with by all members of this House before the House is prorogued, or you were saying, I hear the echoes, and it's customary; it's something we've got used to; and, Mr. Speaker, so far as I'm concerned, the sooner we put a stop to this by way of rules the better it's going to be for us all, and the same applies to the Minister of Transportation who, of all people, who of all people, Mr. Speaker, the sooner he realizes what this is all about and that he recognizes what has gone before and that his very actions may influence those that follow us, it will be better for us all. In principle I think the honourable gentleman understands what I'm saying but I would implore him, as others that have brought words to this House that should never have been said in this House, it would be better for us all - and language I'm talking about.

HON. JOSEPH P. BOROWSKI (Minister of Transportation) (Thompson): You should listen to your own side.

MR. BILTON: I want no comment, as far as I'm concerned, insofar as the Minister of Transportation is concerned. I've listened to him on many occasions and I'm sure in his sober thoughts, or his quieter thoughts, I might say, that he thinks of some of the things that he says in this House, I'm sure he will agree with me that they'd be better left unsaid.

MR. BOROWSKI: Agreed.

MR. BILTON: However, to come back to the report and the reason I stood up, Mr. Speaker, is that I notice that my name is included in the committee and I feel honoured and privileged and I will serve, but I don't want to belong to a committee who has done their job as we have done under your direction, Sir, and the contents of this report insofar as all members of the House are concerned are not going to have the opportunity to discuss and decide as to what should be done. Is it the intention of the House that this report be incorporated with the oncoming report of the committee's work in the days that go ahead?

MR. SPEAKER: The Honourable the First Minister.

MR. SCHREYER: Mr. Speaker, I rise on a point of order simply to advise the Honourable Member for Rhineland that, as he was wishing to speak on the subject matter of the resolution, that I suppose that the best way would be for him to move adjournment now. I take it this is what he has in mind and he didn't appear to be doing so. I just suggest that there was a clear undertaking given that he would be able to speak to this resolution and I think it would be

(MR. SCHREYER cont'd.) necessary for him to adjourn it.

MR. WALTER WEIR (Leader of the Opposition) (Minnedosa): Well, Mr. Speaker, speaking on the same point of order, I think it was very gracious of the government to indicate that notwithstanding the fact that you, Sir, control the House, that as a result of the fact that the Member for Rhineland had given up his right, or indicated that he had spoken I think was the terms of the House Leader, indicated that he had spoken on the motion, that he would be allowed full latitude, then, Mr. Speaker, on the point of order, I would like to point out that it's you, Sir, that has control over what is said on a motion or on an amendment and not my friends opposite. I hadn't intended to interject this until the First Minister got up on his point of order, but on the point of order, Sir, I would remind the House that it's you that indicates what is consistent in terms of the amendment.

MR. SCHREYER: Mr. Speaker, I'm sorry; I don't quite understand what my honourable friend is referring to. I did not suggest that anyone was in a position other than Mr. Speaker to determine whether remarks made by anyone here were in order or whether one was to be given unusually wide latitude or whatever. I made no such reference at all.

MR. WEIR: Mr. Speaker, on the same point of order, I didn't say it was the First Minister; I said it was the House Leader at the time that the discussion was going, and the old House Leader, if you will -- oh well, I won't use the term -- the Minister of Labour.

MR. PAULLEY: You're in a miserable mood right now. Simmer down.

MR. WEIR: The Minister of Labour indicated in his remarks that full latitude would be . . . and it doesn't come as a surprise to me . . .

MR. GREEN: Mr. Speaker, nothing comes as a surprise to me any more after listening to what my honourable friend said. What I was assuring the honourable member is that an amendment would be moved which would give him the same right to speak as he had on the original motion. I said that because I knew what the amendment was. The amendment is an addition to the original motion, so anything that would have been relevant on the original resolution continues to be relevant, in no way limits my honourable friend, and that's all that I was saying; and if my honourable friend can make an issue out of that, it merely is a demonstration that he, as Leader of the Opposition, has got nothing to say to the people of the Province of Manitoba.

MR. WEIR: Mr. Speaker, if I may, on the point of order. We have an indication that the House Leader does not recognize that the discussion on any motion should be pertinent to the question before the House at the time. The amendment that would be before the House would be related purely and simply -- purely and simply, Mr. Speaker -- to the establishment of an independent committee, purely and simply to the independent committee. When that was settled with and disposed of, when that was settled and disposed of, then the motion as amended, assuming it was passed, would come up for discussion -- (Interjection) -- my honourable friend can sit there and mutter and disagree all he likes.

MR. GREEN: That's right. I disagree with you.

MR. WEIR: Mr. Speaker, on the point of order, I think I have a right to express my opinion.

MR. GREEN: Sure.

MR. WEIR: And I think, Mr. Speaker, on the point of order, that the motion that is before the House is not the motion with the amendment; the point of order is the amendment, and the amendment restricts itself to an independent committee which will be the responsibility of the Rules Committee as it is established to come in with recommendations and provide it to the House, and I'm not suggesting, Sir, that I would object to any latitude that was granted by you, Sir. The only point that I'm making is that any latitude that is extended is extended by you, Sir, and not by my friends opposite, and I think that it's a point that is relatively well taken and I gather by the look on the First Minister's face that he agrees with me even though the House Leader doesn't agree with me in any way, shape or form.

MR. GREEN: Mr. Speaker, on the point of order, I still disagree with my honourable friend. I will leave it to the Speaker to decide whether the remarks that are made by the honourable member are within the framework of the resolution. I maintain, and I still maintain, that the resolution as amended -- and when I said it I was honest about it -- permits my honourable friend to speak on everything that was spoken before and on the amendment. I know that we have an amendment on public aid to parochial schools. I know that one word is amended and yet people have been speaking to the entire motion and not limiting themselves -- and not

(MR. GREEN cont'd.) because they have gotten away with it but because it is relevant to the motion as amended, to the motion with the amendment before the House. And if I'm wrong, then I borrow a page from my honourable friend's book. The Speaker will tell me that I'm wrong, not you.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Rhineland. -- (Interjections) The Honourable Member for Riel. Order please.

MR. CRAIK: Mr. Speaker, I feel compelled to speak to the amendment to the resolution because I'm so honoured about the honourable mention which I received about six times from the Minister of Labour. I'm certainly pleased that he's been listening to everything I said in this House including the asides that I've made in the course of debate, but just on a point of clarification, the remarks that I made respecting the review of indemnities were in relation to Bill No. 43, an Act to amend The Legislative Assembly Act, which would have made provision for a number of people on the government side of the House but no provision for the members of the Legislature in general. So, Mr. Speaker, to put the very kind remarks of the Minister of Labour completely in the context, I think we should add on to his remarks the rider that the remarks were made in relation to Bill No. 43 . . .

MR. PAULLEY: That's right.

MR. CRAIK: . . . and that I would assume from this that Bill No. 43 will now be withdrawn from the House since the very kind advice that I have given, and very sound advice I have given, has now adequately solved the problem and the Committee on Rules, which has been so highly endorsed by the Minister of Labour, has now been judged to be the body that should review this rather than having these decisions made by the government. So, Mr. Speaker, if the Minister of Labour wishes to add to his very sound analysis of remarks that I did make which he advised, and further advise that through the House Leader that Bill No. 43 is going to be withdrawn, in light of that I'd be very happy to endorse everything he has said.

MR. PAULLEY: May I ask my honourable friend a question?

MR. CRAIK: Certainly.

MR. PAULLEY: Would he not agree that the decision as to the disposition of Bill 43 is in the possession of the House and not in the Minister of Labour?

MR. WEIR: Mr. Speaker, on a point of order, if it's a matter of granting leave we would grant leave to have the bill withdrawn.

MR. PAULLEY: There's no point of order. I ask my honourable friend the Member for Riel, and I know that he knows something about the rules of the House, I merely ask him, Mr. Speaker, would he not agree that the disposition of Bill 43 is in the possession of the House?

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

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

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

MR. GREEN: Mr. Speaker, I move, seconded by the Minister for Cultural Affairs, that Mr. Speaker do now leave the Chair and the House resolve itself into Committee of the Whole to consider the following bills: No. 43, etc.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House resolved itself into a Committee of the Whole with the Honourable Member for Elmwood in the Chair.

COMMITTEE OF THE WHOLE HOUSE

MR. GREEN: We would like Bill No. 98, Mr. Chairman, to start.

MR. CHAIRMAN: (Bills No. 98, 100, 101, 36 and 64 were each read, page by page, and passed.)

Bill No. 105. Page 1--passed -- The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, if we pass all these shorter bills page by page, we don't even get around to see them before they're passed.

MR. MACKLING: . . . I assume that you'll raise it. What clause are you objecting in?

MR. FROESE: Well the previous bills were passed before I even got to them in my copies.

MR. MACKLING: Well you have the list . . .

MR. CHAIRMAN: (The remainder of Bill 105 was read section by section and passed.)

(MR. CHAIRMAN cont'd.) The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, before we leave this bill, I had notes made in connection with this particular bill. I recall now that I discussed them with the Minister of Education and he gave me the replies to it in Committee and therefore I passed them up.

MR. CHAIRMAN: I'm sorry, I did not understand the honourable member. Is he speaking against . . . ?

MR. FROESE: No, I wasn't opposing it. I was just giving the explanation. I had notes made on the bill and once I got to the bill I recall that I discussed them with the Minister and he gave me the necessary information, and therefore I'm willing to pass it.

MR. CHAIRMAN: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): Does it mean that on other bills, then, the honourable member is agreeing to go page by page?

MR. FROESE: Yes.

MR. CHAIRMAN: (Bill 109, The Dental Mechanics Act, Pages 1 to 5 were read and passed.)

MR. GREEN: Mr. Chairman, we haven't -- we're on 109 now? Have we done any of the sections?

MR. CHAIRMAN: Yes, we're moving along.

MR. GREEN: Well, Mr. Chairman, then I've missed -- I wanted to make an amendment to Section 6. Mr. Chairman, on a previous day in Law Amendments Committee we indicated two propositions, (1) that we wanted the Act to come into effect on proclamation so as to explore certain matters; (2) we wanted the Act to contain a provision to work on the upper and lower jaws separately rather than on a full edentulist mouth. We still want that type of thing to be available to the Act but we don't want it to be available merely upon the proclamation of the Act, and what we propose to do by new amendments is to still have the Act talking about an edentulist mouth but giving the government the opportunity to pass regulations which would permit an upper or a lower jaw. And I have an amendment, Mr. Chairman, to present. I wonder if the page can take copies of it.

The amendment would read: I move that Section 6 of Bill 109 be amended by adding thereto the following subsections:

Subsection (6) (iii) Except as provided in subsection (4) no dental mechanic shall make, produce, reproduce, furnish or supply any prosthetic denture or dental plate for another person who has live teeth in his mouth, or for any of those purposes take impressions of the inside of the mouth of another person who has live teeth in his mouth, unless he does so in accordance with a prescription signed by a dentist or a medical practitioner.

And subsection (6) (iv) Where permitted under the regulations and in accordance with regulations, a dental mechanic may produce, reproduce, furnish or supply (a) an upper prosthetic denture or upper dental plate for another person who has no live teeth in his upper jaw; or (b) a lower prosthetic denture or a lower dental plate for another person who has no live teeth in his lower jaw, or for any of those purposes take impressions of the inside of the mouth of another person, without a prescription signed by a dentist or a medical practitioner.

Now, Mr. Chairman, if this is passed, we would then be moving amendments to the regulations section permitting the Cabinet to make regulations which would permit Section 6 (4) of the Act to apply. Now, Mr. Chairman, let me then try to reiterate and explain. The Act would still come into force upon proclamation. If the Act was proclaimed, it would permit a dental mechanic to work in an edentulist mouth on proclamation, which was what the original Act said with the exception of the provision for proclamation which, as I've indicated, is to be included in order to permit the government to explore things that were said at the Law Amendments Committee towards the end of the hearing.

The Act would also contain a provision which would permit the government to enact regulations which would go further than the Act as proclaimed, by permitting only a dental mechanic to work on an upper or lower jaw, so this would not come into effect merely upon proclamation but only if a regulation was passed to that effect. It's to provide one more area of flexibility in the Act which was not there before.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, the amendment is a lengthy one and will require just a little bit of time on our part. From our point of view, I think there is wisdom in allowing us the opportunity to examine it. We can move into another Act and come back on this.

MR. GREEN: Could we stand this bill, Mr. Chairman, and go back to it?

MR. FROESE: Mr. Chairman, before you stand it, are these the same amendments that were passed in Committee? There were amendments presented by the government. I don't think they were passed out. We haven't got copies of the actual amendment that was passed.

MR. GREEN: These are additional amendments to those that were passed. I'll have the Clerk give the honourable member the previous amendments. And can we then, Mr. Chairman, agree to stand this Act and move on to 111? (Agreed)

MR. CHAIRMAN: (Bill 111 was read page by page and passed.)

Bill 121, The Human Rights Act, Section 1 -- passed. Section 2 -- The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, I have no amendment but I'd like to know whether it's the government's intention to follow the recommendation by the Civil Liberties Association to include in Section 2 (1) that the words "property status, social status or other status be inserted after national origin."

MR. CHAIRMAN: 2 (2)--passed; 2 (3) (a)--passed . . .

MR. SPIVAK: Mr. Chairman, again, I'd like to know whether it's the government's intention to follow the Civil Liberties Association recommendation that the words "sex, property status, social status or other status be inserted after the place of origin."

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: On a point of order, just to expedite proceedings on this bill, I think it's a very unusual procedure for the honourable member to rise each time and ask whether it's our intention. We have been apprised of the submissions by the Association, and if it was our intention we would have drafted an amendment to propose at this time, if not sooner, and I think the honourable member, it would be fair to assume, would be safe in assuming that where we have decided to accept a proposal of the Association we would have had the amendments ready and in place for moving at this time.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, I do recall that there was some discussion about an amendment that was to be prepared. Perhaps the honourable member wasn't present when the amendment was read in, and that was an amendment to Section 9. Maybe that's -- there is an amendment to Section 9 which expands on the function of the commission.

MR. SPIVAK: It is my understanding, Mr. Chairman -- I was not present when the particular section was dealt with, but I understood you were intending to introduce this in the committee. I didn't realize it was going to be introduced in the . . . Was it amended in Law Amendments? That's fine. I don't think it's unusual because, as a matter of fact, Mr. Chairman, I'll be introducing an amendment but I wanted to know in advance what the government's intentions were.

MR. CHAIRMAN: (Sections 3 (a) to 7 (1) of Bill No. 121 were read and passed) Section 7 (2) as amended--passed . . .

MR. SCHREYER: Mr. Chairman, was there not an amendment relative to 7 (2)?

MR. CHAIRMAN: Yes - as amended.

MR. SCHREYER: As amended.

MR. SPIVAK: Mr. Chairman, Section 7 (2) was amended in the Law Amendments.

MR. CHAIRMAN: There is an amendment.

MR. SPIVAK: I would like, Mr. Chairman, for the government now, if they are in a position, to give us some indication of how many persons are expected to form the commission. There are . . . Beg pardon? Well, may I say, Mr. Chairman, that there are rumours that there may only be one appointment and one commissioner appointed, which I believe if this is the case, and of course the government under this section has the right to make such an appointment as one individual, I would -- (Interjection) -- Well, if this is the case, I would have some specific recommendations to make with respect to this. If it's the government's intention to appoint more than one person, then this list becomes irrelevant.

MR. SCHREYER: Mr. Chairman, perhaps it would help my honourable friend if I were to suggest to him that if he has a strong negative feeling with respect to that possibility, that he should take this opportunity to engage in debate to indicate to us why it would be undesirable to proceed in that way.

MR. SPIVAK: Mr. Chairman, one of the very obvious functions of the Human Rights Commission will be its ability to communicate with the public at large and to fulfill the

(MR. SPIVAK cont'd.) educational function that is expected of them in the whole field of human rights, and I'll have some amendments in a few moments which will deal more specifically with this particular matter; and I think this is the intention of the government and certainly this is the intention of those on this side who will be supporting the bill.

Now in view of this, Mr. Chairman, I think it would be a great error if one commissioner is appointed, because I think that the only way in which you are going to achieve the objective of community involvement and the ability to be able to communicate to the general public is to have a commission which would include more than one person and would include representatives from all segments of our society who would be in a position to make the assessments that have to be made and who would be in a position, because of their experience and knowledge and involvement, to be able to add to the knowledge of government and its officials for the proper dissemination of the information that's required, and it would be a great error, and I say this and I would like this on the record, Mr. Chairman, because I think it would be a great error in the event, Mr. Chairman, that a Human Rights Commission was to be formed in which one person was to be appointed as the Commissioner, because I do not think that that would achieve the over-all objective of what's being attempted here, and if the government would indicate that there's an intention, without necessarily giving the number, that there would be enough, that there would be more than one person involved and that there would be a committee involved, and they then as a committee would be in a position to co-opt whoever they want - and this is fine; I accept that - then I have no objection to it. And I would see no objection for trying to, say, five or seven as a figure, and it doesn't restrict itself to that; it could be even more - it could be 15 or 20; I'm not particularly trying to specify this, but I would really like some indication that it will be more than one person.

I believe the Minister of Labour has indicated that it will not be a civil servant, and I am not sure that that's correct; but, Mr. Chairman, I must say that if there is any thought that the Human Rights Commission would have a civil servant as its commissioner, or someone from the Department of Labour as the commissioner, or from another department of the government, I think that that would be a great error, Mr. Chairman, and that would be a mistake, because it would not achieve the objective of the involvement of the other sectors of our community, which involvement is necessary if we are really going to achieve the educational value to be attached to the work of the Human Rights Commission. -- (Interjection) -- I beg your pardon?

MR. SCHREYER: Did the honourable member use the word "deterrent"?

MR. SPIVAK: No, I don't think I used the word "deterrent". I suggested that it would not accomplish the objective of the bill.

MR. PAULLEY: Mr. Chairman, I don't know, as of this moment, which Minister of the Crown may be the Minister responsible for the Human Rights Commission. My honourable friend is aware that the legislation states that the Minister as appointed shall be. But I want to say to my honourable friend that if we carried through the logic of his argument in setting up numbers of commissioners, we would have had to have done the same thing in respect of the Ombudsman. We set up one Ombudsman precisely. Now in this particular legislation it's wide open, and surely my honourable friend, if he would only listen, my honourable friend would agree that the legislation is flexible in that it doesn't say "a commissioner," but does make provision for a number if necessary. I'd suggest to my honourable friend, too, that while it may not be precisely spelled out in the legislation, that there is room for advisory committees at the local level to act as advisors on a community basis to the commissioner or commissioners, and that in the conduct of the commission assuredly that that commission would endeavour to obtain the benefit from the community to an advisory committee or some media such as that. If the legislation was specific in saying "a" commissioner, then my honourable friend might have a point, but we're going into a new venture here and, in the light of experience in the past, I'm sure my honourable friend would on reflection agree that we have, not only in the present administration but in previous administrations as well, tried to have involvement on a broader scale in community endeavours such as the advisory boards and the Department of Health advisory boards and the Department of Education. They're not necessarily spelled out in legislation but they are there, and I would suggest, Mr. Chairman, that any intelligent government - and I would say that over the last 100 years we have had intelligent governments in Manitoba - that they would take into their confidence expertise and knowledge of members of the community in the fields of human endeavours such as that envisioned under The Human Rights Act.

MR. SPIVAK: Mr. Chairman, it's late in the afternoon and it's late in the session, and this happens to be a particularly important bill, and I must say that I become more and more concerned as I listen to the remarks of the Minister of Labour with respect to the intent of this Act, because if this Act is intended to be an Act which will resemble the function of the Ombudsman, I suggest to the Honourable Minister of Labour that insofar as I was concerned, based on the presentation of the First Minister and on reading the sections, this was not my belief of what was really required or what was desired. Now, the concept of The Human Rights Commission is not the concept of the Human Rights Commissioner, and if the government would at this point indicate that it's not our intention to have a commissioner, that it's not our intention to take one of the members from our department and put him in along with other responsibilities as the Human Rights Commissioner who will therefore then be under our wing to fulfill the function that's to be performed here, then I would be very happy and would accept that statement and would be prepared to wait and see what will take place. But the Honourable Minister -- well no, I'll tell you why I'm not happy and I'll tell you why I'm not prepared to let it go at this point, because you haven't given us this assurance. You've asked for great . . . what?

MR. PAULLEY: I did. I thought I did.

MR. SPIVAK: No, you didn't.

MR. PAULLEY: You were talking to the Member for Swan River when I was giving you the . . .

MR. SPIVAK: No, I was listening to you as I was talking to the Member for Swan River.

MR. PAULLEY: Oh. Oh.

MR. SPIVAK: And I can assure the honourable -- you did not indicate . . .

MR. PAULLEY: I wish I had that capability.

MR. SPIVAK: You did not indicate, in fact you left the door wide open to the appointment of one individual as commissioner, the Human Rights Commission could consist of one person. I can interpret that basically on what you said; there may be more but you certainly didn't say it wouldn't be one, and you certainly didn't say it wouldn't be a civil servant; and if you haven't at this point made your mind up as to this, then I'm concerned about this section because it would seem to me that unless you're prepared to accept that there should be more than one person, that it should not be a civil servant, then I question - and I really do at this point - how serious you are in terms of achieving the objectives of this bill. Now, I know many of you are well motivated and many of you will feel that this is a step forward, and I'm going to make some remarks about that in a few minutes, but at the same time it would seem to me sort of ludicrous to suggest that a concept of a Human Rights Commission which would consist of one individual, which would not in fact draw on all sectors of our society so that in fact there can be some achievement in this end, and involvement in direction, is a mistake; and all the Honourable Minister of Labour did was make me a little bit more apprehensive of what the real intention is, and I am concerned because it either means that you really haven't make up your mind or haven't thought about it seriously, and yet this is a particularly important item and it's one of the civil liberty items that I think many people will look to as a step forward, and I at this point, until I know the structure, am quite concerned.

MR. PAULLEY: Oh, I can understand the concern of my honourable friend today, and I wonder whether he was so concerned when he was on this side and I was on that side when I made a proposition for a Human Rights Commission some years ago and nothing was done. But all of a sudden, Mr. Chairman, my honourable friend the Member for River Heights has apprehensions as to how this will operate; and I say, Mr. Chairman, that if my honourable friend had been listening to me when I gave what I thought was a reasonable approach, I didn't say that there would be one commissioner; I did not say that that commissioner of necessity, if it was only one, would be a civil servant, and I made reference to the Ombudsman only in the context that there is one Ombudsman but he's going to be aided and abetted and have the advantages of a staff in order to fulfill the functions of an Ombudsman.

Now, Mr. Chairman, is there anything really basically wrong in saying that at this particular time as we venture into an area that has been long needed in the Province of Manitoba? It's taken us 100 years to venture into this, and my honourable friend is now apprehensive as to the mechanics. And I want to assure my honourable friend that, as I've indicated in the past, we are apprehensive in this particular field, and that if it is necessary to have 100 commissioners in order to achieve the objectives of the bill itself, then this government has enough

(MR. PAULLEY cont'd.) intellect, I would suggest, to appoint 100 commissioners. If the objective can be attained by a lesser number, then it will be that lesser number.

There have been patterns established in other jurisdictions. For instance, it's my understanding in the Province of Ontario, with some seven or eight million people, there's one commissioner. But just simply because of the fact that there's only one commissioner doesn't necessarily mean that he has to and does investigate into all of the complaints or all of the aspects dealing with the matter of human relations.

So I accept the apprehension belatedly of my honourable friend the Member for River Heights. I'm glad to hear, Mr. Chairman, that he now is going to accept the legislation as being proposed. The details he may not agree to without being precisely indicated as to the number of commissioners, whether they're civil servants or not. I do want to say to my honourable friend that I appreciate his present concern and I -- Oh, I was almost going to say something but maybe I shouldn't say it because it might provoke my honourable friend to come back, but I won't do that. I feel very, very benevolent this afternoon to my honourable friend in the knowledge that he does accept the proposition.

MR. SPIVAK: Mr. Chairman, for the information of the Honourable Minister of Labour I would ask that he discuss with his officials how long and at what point I started to discuss with them the possibility of a Human Rights Commission and what investigation I made with them and after having checked with the officials of his department, he then will be in a position to have explained to him my concern. -- (Interjection) -- Well, I was only involved in the Department of Industry and Commerce but I have no fear in saying that my involvement in this particular field dates back farther from the time that I was involved in this House, and in coming to this House my attempt was to try and achieve this Human Rights Commission. I am aware of the experience in Ontario and I know what has happened with respect to the commissioner there, and it never dawned on me until now, Mr. Chairman, that there was any possibility that in effect what was being proposed was a complete duplication of Ontario. There are particular sections that are changed from the Ontario Act and I've made reference to that already, but I now gather from what the Minister says that in effect this is what probably the government has been considering, and I don't think that this -- (Interjection) -- I beg your pardon?

MR. SCHREYER: Would you permit a question?

MR. SPIVAK: Yes.

MR. SCHREYER: I think it would be useful for the honourable member to tell us now why he is of the view, as he apparently is, that the practice in Ontario is undesirable enough that we should want to avoid certain of their provisions there. I gather he is negatively inclined towards the arrangements they have made with respect to the commission, and if so, why?

MR. SPIVAK: Mr. Chairman, let me explain this. I'm not satisfied that Ontario is doing enough and I'm not satisfied that the way in which it's conducted itself has really achieved its aim, and I think, and I do not have the material in front of me, but I think I've read enough to know that there have been evaluations made and criticisms offered as to what it really has accomplished -- and the Minister of Labour is shaking his head in agreement with this. What I expected, Mr. Chairman, was something far more, at least in intent. Now, I do not expect that it can be necessarily framed into the legislation specifically in terms of setting up the Commission. I'm going to talk about function in a few moments and I'm going to then deal -- because I think there's another way in which to deal with this and I'm going to suggest this in a few moments. -- (Interjection) -- Well but what I'm suggesting, though, is that in effect what the Minister of Labour has suggested, and it doesn't follow that you're restricted to this because if the bill passes you'll have the alternative of appointing a commissioner or several, but it's obvious that there really hasn't been too much consideration given to the possibility of someone other than a commissioner, because if there was I think there would be some indication by someone on that side and so far there's been none, and I would say to you that I do not think that if you have a person who is in fact involved in departmental activity of one department and who has, in addition, the work of a commissioner, or who isn't even appointed as a commissioner but subject to the over-all supervision of the Civil Service structure in connection with his activities, that when you attach it to the government structure as it now exists, that you're going to accomplish any more than what has been accomplished in Ontario, and I must say now -- and the Honourable Minister of Finance is not present -- that while I agree that

(MR. SPIVAK cont'd.) this legislation now brings Manitoba into a comparable position with the other provinces, it is not . . .

MR. MACKLING: Better.

MR. SPIVAK: No we're not really better, not really better. Now I, you know, I must tell the Attorney-General, if you want me to go through section by section and compare it with the other Act, if you want me to take section by section and show you where the Fair Accommodation Act and the Fair Employment Act and the other Acts that existed in Manitoba, you know, and really dissect this, I can do this; I'm capable of doing it because I've read this Act and I know it, but I'm saying to you that I do not think that this is a giant step forward. I think it's capable of being advanced, but in terms of what is being presented here I have to express some apprehension, and therefore . . .

MR. CHAIRMAN: . . . if he please stick to the section, I think . . .

MR. SPIVAK: Yes. I'm dealing with the section and I'm going to now introduce an amendment, Mr. Chairman. I move, Mr. Chairman, seconded by the Honourable Member for Swan River, that Section 7 (3) be amended by adding after the word "council" the following: "that the membership of the Commission shall consist of not less than five members". Unfortunately I do not have copies but I . . .

MR. MACKLING: That's all right. It's a very simple amendment.

MR. CHAIRMAN presented the motion.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I haven't any amendments prepared on my own but I listened with great interest to the Member for River Heights and the Minister of Government Services in discussing the point that was raised. What bothers me is the first part of the bill. I'm quite in accord with the other parts of the bill but it seems to me, by passing legislation of this type, rather than confirming our rights we are restricting rights, in effect. This has been bothering me, and I did not move that that whole part of the bill be deleted or be taken out because I am not informed as to how other provinces operate in this connection and how well they have fared with their legislation. Perhaps the Honourable Minister could give us some information in this connection.

As far as the commission itself, it probably certainly wouldn't hurt to spell out the number or the size of the commission. At least, if this amendment was passed, we would know that it would not be a one-man commission although the bill indicates, in my opinion, that there would be more than one member because we are speaking of members in the plural form. So really I did not think that only one man would be appointed to this commission. I'm just wondering; I know the bill is being sponsored by the First Minister. Who will be in charge of administering the Act? Is it the First Minister or will it be the Ministry of Government Services by the Labour Minister, or who will be in charge? Could we have some general information on these points?

MR. SCHREYER: Mr. Chairman, I don't mean to be facetious when I say that some of the comments made by the two last speakers on this bill, the Honourable Members for River Heights and Rhineland, are prompted by what I would best describe, I think, as curiosity. They're very curious gentlemen and they're just dying with curiosity whether it's going to be one Minister in charge of the administration of this Act or another. I don't think that it's that important at this time which particular Minister it is. It has to be administered by some particular department, and administered, more correctly, by some particular Minister, and that shall be done. It would seem logical to me that it be administered, I don't mind telling my honourable friend from Rhineland, either by the Attorney-General or by the Minister of Labour. I really can't think of many options beyond that. So if that helps my honourable friend any, I'm quite happy to indicate to him now that it's likely to be one of those two gentlemen.

MR. FROESE: Mr. Chairman, if I may just interject. Because the Minister of Labour was answering all the time I was wondering whether he was going to be in charge. This prompted me . . .

MR. SCHREYER: Well, the Minister of Labour was speaking on this debate because of his long and known interest in this field, and I don't regard it as unusual at all that he should have been sufficiently moved by the remarks of the Member for River Heights to have interceded in the debate. Now insofar as the Honourable Member for River Heights is concerned, I say to him this, that I am well aware that there are some pretty well-stated arguments both for and against having a one-man commission, whether it be in the realm of human rights or

(MR. SCHREYER cont'd.) whether it be in the administration of a port authority, for example, and we are not closed minded to suggestions and argument as to whether it should be one, three or five, but I really think that his amendment is unnecessary in the sense that it really, I don't think, affects the substance of the legislation before us. What is important is the powers that are given to the Human Rights Commission and the areas in which they shall have the authority to investigate and pursue to see that there is no evidence of discrimination of one kind or another.

Now, I was intrigued to hear the Honourable Member for River Heights suggest that the Ontario Human Rights Commission was functioning in a way that was less than satisfactory. I'm not surprised that there has been criticism of the Ontario Human Rights Commission because, as I said last night and I believe this at all times, that all human institutions function at less than perfection, but the Honourable Member for River Heights, if he's going to tell us that the Ontario Human Rights Commission has been criticized for one reason or another, he should also have told us whether it's his understanding that it is found to be wanting because it is a one-man commission or because of other reasons entirely separate from that particular issue or question. The Honourable Member for River Heights, if he reflects, will recall that he didn't tell us, didn't explain to us at all, whether the criticisms directed to the Ontario Human Rights Commission were somehow relating to the numbers composing the commission itself. Therefore, I must say that I didn't find that much persuasion in the honourable member's argument.

Having said that, I still want to make it clear that we are not closing the door. The honourable member is quite incorrect if he suggests that we are closing the door to the possibility of a three-man or a five-man commission. We are not closing that door; that option remains open. And upon passage of this legislation, the Lieutenant Governor in Council will have an optional responsibility and will be able to make it one, three or five, as the honourable member suggests. Having said that, I don't believe that much more need be said in rebuttal of the honourable member's argument. The numbers on the commission are in my mind not as crucial as the honourable member makes it out to be. Obviously it's something that is far more important to him than it is to me, the numbers that there shall be. I'm more concerned with what authority and responsibilities the commission are given by this bill.

MR. CHAIRMAN put the question and after a voice vote declared the motion lost.

MR. SPIVAK: Yeas and Nays, Mr. Chairman.

MR. CHAIRMAN: Call in the members. Moved by the Honourable Member for River Heights that Section 7(3) be amended by adding after the word "council" the following: "that the membership of the Commission shall consist of not less than five members."

A COUNTED VOTE was taken, the result being as follows: Yeas 16; Nays 26.

MR. CHAIRMAN: Section 7(3) --passed. The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, it perhaps would be of some value and interest to the honourable member if I were to indicate to him in a general way that it is the intention to appoint such numbers in the general area that he was talking about, but we didn't feel that it's really required in the statute here. In all likelihood the probability is that it will be a commission that will not have less than three or more than five, and . . .

MR. PAULLEY: I told him, it could be a hundred.

MR. SPIVAK: Mr. Chairman, frankly, if the First Minister had indicated at the beginning, we would not have had the necessity of a vote.

MR. PAULLEY: I did.

MR. SPIVAK: No, you did not.

MR. CHAIRMAN: (Sections 7(4) to (6) of Bill No. 121 were read and passed). Section 7(9) . . .

MR. SPIVAK: Mr. Chairman . . .

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, I have an amendment and it's rather a lengthy one, and I'd like to if I may -- I have copies, I think, for the members. Mr. Chairman, the amendment is in its proper form. The clauses themselves may not be exactly as I'll be expressing in a minute, but the main is the same.

Mr. Chairman, I move, seconded by the Honourable Member for Wolseley, that clause (a) and (b) of Section 9 be deleted and the following be substituted:

(2) - To forward the principles embodied in the universal declaration of human rights,

(MR. SPIVAK cont'd.) . . . more particularly described as follows:

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this declaration without distinctions of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non self-governing or under any other limitation of sovereignty.

Article 3. . . .

MR. CHAIRMAN: . . . the member. He's free to, I'm sure, read the entire proposed amendment but in view of its extreme length I wonder if he could possibly just speak in general and clarify what . . .

MR. SPIVAK: Mr. Chairman, it's my intention to read the full amendment. I have suspicions that there are many who do not know the full impact of this and it's my intention to read it into the record; I feel that it's necessary so that there'll be some adequate understanding of why this amendment's being proposed.

MR. SCHREYER: Mr. Chairman, on the point of order, I wonder if it wouldn't serve the honourable member's purpose just as well if we were to agree to append, as an annex to Hansard, the United Nations Charter . . .

MR. SPIVAK: No -- Mr. Chairman . . .

MR. SCHREYER: . . . because it is really a restatement of it and it is common - I am not being facetious - it is common procedure that a lengthy document, a declaration of this kind in particular, to agree to have it appended as an annex or an appendices to Hansard.

MR. SPIVAK: Mr. Chairman, to begin with, this is not the United Nations Charter. This is the Universal Declaration of Human Rights which was passed by the General Assembly of the United Nations. -- (Interjections) -- Yes, and I realize that's a technical error, but just because it is a technical error and because there may very well be some who do not understand the specific sections and how they relate to the previous sections that are being repealed; I think it's very necessary and pertinent that I read it, Mr. Chairman. I'll do it with all dispatch, but I think it's within my prerogative and I'd like to proceed if I could.

MR. CHAIRMAN: I think the honourable member has that option if he wishes.

MR. SPIVAK: Article 3. Everyone has a right to life, liberty and the security of person.

Article 4. No one shall be held in slavery or servitude. Slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination and violation of this declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or the law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence under the national or international law at the time when it was committed; nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy,

(MR. SPIVAK cont'd.) . . . family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions generally arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has a right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. -- (Interjections) --

You know, Mr. Chairman, some of the honourable members find this very amusing. This frankly isn't -- (Interjection) -- Well, I wonder how many really read it before, and I wonder really how many find this really amusing. -- (Interjections) -- Yes. Two. If the Honourable Minister of Mines and Natural Resources will allow me to go ahead.

Article 16. (2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group, a unit of society entitled to protection by society in the state.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

MR. BOROWSKI: Did they . . . when you were in office?

MR. SPIVAK: (2) No one shall be arbitrarily deprived of his property -- (Interjections) --

MR. BOROWSKI: No one shall be arbitrarily . . . For the benefit of the Honourable Minister . . .

MR. CHAIRMAN: Order please. I would ask the honourable member to continue his reading and I would ask the honourable members of the Chamber to allow him to finish and then to begin the debate.

MR. SPIVAK: Yes, Mr. Chairman.

MR. BILTON: Mr. Chairman, would you add to that, "without interference."

MR. CHAIRMAN: That was my intention.

MR. SPIVAK: Well, again for the benefit of the Minister of Transportation, Section (2) of Article 17. No one shall be arbitrarily deprived of his property.

Article 18. Everyone has a right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching practice, worship and observance.

Article 19. Everyone has a right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any medium regardless of frontiers.

Article 20. Everyone has a right to freedom of peaceful assembly and association and no one may be compelled to belong to an association.

Article 21. (1) Everyone has a right to take part in the government of his country directly through freely chosen representatives.

(2) Everyone has a right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

(MR. SPIVAK cont'd.)

Article 22. Everyone as a member of society has the right to social security and is entitled to realization through national effort and international co-operation in accordance with the organization and resources of each state of the economic, social and cultural rights indispensable for his dignity in the free development of his personality.

A MEMBER: Hear, hear.

MR. SPIVAK: Well, I'm glad the honourable member -- I'm glad for the support, Mr. Chairman. I'm only hoping that the honourable members opposite are going to support this when they come to vote on it.

Article 23. Everyone has a right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has a right to just and favourable remuneration, insuring for himself and his family an existence worthy of human dignity, and supplemented if necessary by other means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitations . . . -- (Interjections) --

Mr. Chairman, I wish the juvenile antics of the members opposite would at least cease so that I could read this into the record. -- (Interjections) -- Yes, they're quite juvenile. They're particularly juvenile with respect to this particular bill and the whole area of human rights.

Article 24. Everyone has the right to rest and leisure, including reasonable limitations of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, races or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children. -- (Interjection) -- Yes.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has a right to the protection of the moral and material interests resulting from any scientific, literary or artistic productions of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realized.

Article 29. Everyone has duties to the community in which . . . the free and full development of his personality if possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purposes of securing due recognition in respect for the rights and freedoms of others, and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no cases be exercised contrary to the purposes and principles of the United Nations.

(MR. SPIVAK cont'd)

Article 30. Nothing in this declaration may be interpreted as implying for any state, group or person, any right to engage in any activity or to perform any act aimed at destruction of any of the rights and freedoms set forth therein.

Section (b). To promote the understanding - and if you refer back, I said that clause (a) and (b) were to be deleted, and (a) was to forward the principles embodied in the Universal Declaration of Human Rights, which is what I have referred to. Now coming to (b) - To promote the understanding of and acceptance and compliance with this Act in the Universal Declaration of Human Rights, that clause (c) of Section 9 remain unchanged and that clause (d) and (e), which is the amended clause (d) and (e) of Section 9, be deleted and the following substituted:

(d) - To publish annually a report to the Legislative Assembly recording the progress of Manitoba's society toward the achievements of the principles of human rights set forth in this Act. -- (Interjection) --

MR. GREEN: Do you want the Chairman to repeat it?

MR. SPIVAK: No, that's not necessary.

MR. GREEN: . . . I am asking whether he wants the Chairman . . .

MR. BUD SHERMAN (Fort Garry): That's your reaction. You're that kind of a Manitoban.

MR. GREEN: No!

MR. CHAIRMAN: Order. Order, please.

MR. GREEN: Mr. Chairman, on a point of privilege . . .

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, I rise on a point of privilege. The Honourable Member for Fort Garry says that is my reaction to the amendment. That is not my reaction to the amendment, and I want to make that perfectly clear, on the point of privilege. The honourable member insisted on reading the Declaration in its entirety. I asked him whether he wants the Chairman to now repeat it, which is in accordance with the rules.

MR. SHERMAN: No, you asked him very facetiously.

MR. GREEN: Mr. Chairman, I did not ask it facetiously. I asked it because that is in accordance with the rules, and if the member wishes to waive that let him say so.

MR. SPIVAK: Mr. Chairman, the question was asked of me and I certainly would have you dispense with the reading of this. My purpose was to have it at least read so that those who were hearing it for the first time or seeing it for the first time would have an opportunity of hearing it before they vote on it. What did the Honourable Minister of Transportation say?

MR. BOROWSKI: You don't believe a word of that what's in there.

MR. SPIVAK: I don't believe a word of it? I'm introducing it.

MR. BOROWSKI: You were trying to . . .

MR. SPIVAK: You'll agree with it when it becomes part of this Act.

MR. BOROWSKI: You never practiced it.

MR. SPIVAK: Yes we did, as a matter of fact. Mr. Chairman, I would like to . . .

MR. CHAIRMAN: Order, order. Order, please.

MR. SPIVAK: Mr. Chairman, I'd like the opportunity of speaking on this after . . .

MR. SHERMAN: On a point of order, Mr. Chairman. Why should the throwback from Thompson be able to interrupt the Member for River Heights on his speech?

MR. GREEN: Before the honourable member speaks on the question, I wonder whether he would not agree that we do with this amendment similar to what we do with an amendment which I introduced earlier today; that is, give members of the House an opportunity to look at it and go on to the next bill.

MR. SPIVAK: Yes, except Mr. Chairman -- I agree, but I would like just the opportunity of saying a few words at this time. I think this is appropriate because I did introduce it, and if that's agreeable I'd like to make my statement.

MR. CHAIRMAN presented the motion.

MR. CHAIRMAN: The honourable member.

MR. SPIVAK: Mr. Chairman, I introduced this amendment recognizing that this is going to require considerable study before a decision is made. I want to say to the honourable members opposite who criticized and made comments during the presentation, that this is not something that I'm unfamiliar with. I happened to do a thesis on this when I was away out

(MR. SPIVAK cont'd.) of Manitoba, and I happen to have some familiarity with the field of human rights, the covenant of human rights, the Universal Declaration of Human Rights, and I happen to have some knowledge in connection with this particular field.

Now, Mr. Chairman, it was never my intention at the time that the bill was introduced to proceed in the way that I'm proceeding today, because there was indicated in the Speech from the Throne that a Bill of Rights was going to be presented which would give us an opportunity for a discussion in a very real way of what rights were to be included or declared for the people in this province. I recognize the difficulties that exist with respect to the Bill of Rights, but on the other hand, Mr. Speaker, I also recognize that the government took credit in the Speech from the Throne in indicating that this was going to be forthcoming along with other pieces of civil liberty legislation, some of which have been introduced and which they have to be commended for. I believe that this is a good step forward; that is, a Human Rights Commission is a good step forward. I do not believe that it is the great thing that would have been expected of an NDP government by many people, because in effect I believe, and there are those who are going to feel that this is a criticism in a political sense, but I am going to say to those who have some involvement in this field, I would have suspected that they would have believed that there would have been a far greater study and a far greater approach than has been taken in connection with this bill, which appears to have all the elements of window dressing rather than to actually deal in a very concrete and positive way with respect to the human rights field.

Now, Mr. Speaker, the other reason that I'm motivated to introduce it at this time is the fact that we did have the presentation of the Executive Director of the Civil Liberty Association, and I believe, Mr. Speaker, he represented at that time the executive and expressed a consensus of the people involved, and he himself said in his presentation - and we now have another document that was given to us this morning - but in his first presentation before the committee he said that insofar as he's concerned, in order to try and achieve the objectives that were contained in that first brief, that the Universal Declaration of Human Rights contained it, that in effect what he really was trying to say to the members of the committee, that the Universal Declaration of Human Rights would achieve for the Civil Liberty Association, that is in its expression achieve what was desirable, recognizing that the enforcement of it, the attainment of this, is not something that's going to happen over night, but this is an objective that our society should move toward; and he said then as he said in the presentation that we were given today, that insofar as human rights is concerned it should not be considered in its narrow context, and there has been a general tendency on the part of those people who've dealt in this field to have talked about it in a general way.

Now I'm going to quote, if I may, from his presentation today and I believe this may have been handed to the Clerk a few days earlier but it was handed to us today. And I quote from the second paragraph when he says, "We also have expressed concern about the use in this country of such a narrow definition of human rights which recognize discrimination and infringement of rights only on the basis of race, creed, religion, colour, nationality, and the place of origin only in respect to employment and housing. We believe such a definition overly restrictive and outdated in the present context."

Now, Mr. Chairman, I'm suggesting in this amendment that if we saw fit to adopt in the Human Rights Commission the declaration as an expression of opinion as to the objective to be achieved, and if we put an onus on ourselves by having the Human Rights Commission report to the Legislative Assembly year by year as to the attainment in our society of these objectives, we will have achieved a giant step forward, because that report, Mr. Chairman, will deal with what is involved in the private sector as well as in the public sector.

Now there has been a tendency as we've dealt with many items in terms of civil liberties in terms of our legislation for a general reaction to occur on the part of the members opposite who seem to be always concerned that there's a great deal of worry on our part about the involvement of private sector and about private enterprise, and therefore all -- yes, -- (Interjection) -- and the Honourable Minister of Mines and Natural Resources says it's true. Well I want to tell the Honourable Minister of Mines and Natural Resources, and the Honourable Member from St. Matthews who's nodding his head in approval, that now you are going to have an opportunity to put your mouth and your money -- your money and your mouth at least, and my expression -- (Interjection) -- I may have put my foot into it at this point, I agree. But you're going to have an opportunity, Mr. Chairman, you're going to have an opportunity now, to

(MR. SPIVAK cont'd.) indicate really how serious you are because, Mr. Speaker, this proposal and the ability of the Human Rights Commission to make this report - Well, I believe, have its impact on both the private sector and the public sector. And I've indicated before, Mr. Speaker, that there has to be in the '70s in Manitoba, in Canada, in the western world as great a concern for the actions of government as there has to be actions of the private sector; and I also indicate, Mr. Chairman, that there is a necessity for some kind of acknowledgment of the over-all objectives that we are trying to achieve in our society with respect to human rights, and I've indicated already, Mr. Chairman, that human rights are not narrowed to the legal law and order, law and order and political rights that people have normally concerned themselves with. They are concerned with four groups of rights including the general right of economic right, and including the right which would be referred as the social rights, the opportunity, equal opportunity, and the opportunity for the development within our society. And I really believe, Mr. Chairman, and I think I - I've listened to the First Minister enough to know - I really believe that the First Minister and some of the others honestly have this objective in mind and are truly concerned about its attainment. -- (Interjection) -- I beg your pardon? I believe that. Now I'm simply suggesting, Mr. Speaker, that in terms of the Human Rights Commission as its proposed, that in spite of the fact that you would like to take credit and believe that you - and in all sincerity, that this has been an achievement, it is not as great an achievement if we were to do this. Remember there is the enforcement provisions of this section, that is the enforceable sections are not there, this is not an Act in which you're going to be - this portion is not . . . in which you're going to be able to have prosecutions and . . .

MR. PAWLEY: Will the honourable member submit to a question?

MR. SPIVAK: Yes.

MR. PAWLEY: Yes, I'm wondering in respect to article 25, in respect to everyone has the right to a standard of living adequate for a number of things including housing, whether he's obtained the concurrence of the Honourable Member for Sturgeon Creek, in respect to that article.

MR. SPIVAK: Well, Mr. Chairman, I may . . .

MR. FRANK JOHNSTON (Sturgeon Creek): We'll get at you on that. We'll get at you on that. We'll get at your nonsense on that.

MR. SPIVAK: Mr. Chairman, I must say to the Honourable Minister of Municipal Affairs who's grinning like . . .

MR. F. JOHNSTON: . . . complete lack of knowledge of planning. -- (Interjection) --

MR. SPIVAK: . . . I want to say to the Honourable Minister of Municipal Affairs who happens to be grinning like a hyena now, that he should look to Section 2 of Article 17 which says that no one shall be arbitrarily deprived of his property, and then he can at that time - we will discuss that one as long as we discussed the other one. Mr. Chairman, -- (Interjection) -- Mr. Chairman, -- (Interjection) -- I may say, Mr. Chairman, I think I have the . . .

MR. PAWLEY: Is the honourable member prepared to answer my question?

MR. SPIVAK: Mr. Chairman . . .

MR. CHAIRMAN: Order.

MR. F. JOHNSTON: Does the honourable minister want to debate the subject he is speaking of right now? Would he like to debate the public housing in Heritage Park right now?

MR. SPIVAK: Mr. Chairman, the question was asked . . .

MR. F. JOHNSTON: Well then if he doesn't I'd ask him to either do it or put his money where his mouth is.

MR. CHAIRMAN: Order please.

MR. SPIVAK: Well at least we got the money and the mouth part right. Mr. Chairman, let me say this. I was asked a question, and I do not think I have to comment on the question that's asked about another member. The other member is quite capable of speaking for himself and will no doubt.

But, Mr. Chairman, already in the few remarks that have been made, we have a danger that can occur in connection with this debate and I suggest through you and I implore the members on the opposite side, if you want to debate this in the way that the Honourable Minister of Municipal Affairs has suggested; and if we want to get involved in taking this section by section; and if we want to talk about the past, and we want to talk about the present, and we want to start to argue specific issues; and you want to take this into the general debate of the 160 bills

(MR. SPIVAK cont'd) or 150 bills that we have before us, we can, Mr. Chairman. But I say to you Mr. Chairman, we're not going to accomplish very much. The question that the government's going to have to decide on this amendment is whether as a procedure that they're prepared to consider at all or not, whether they agree to it at all or not, and I implore, Mr. Chairman, and I suggest this because it'll come from my side, at least from myself, that there'll be a degree of restraint in connection with this, because this is not related to the issues that are before the House in other matters. I'm going to talk about that in connection with something else. But I'm suggesting, Mr. Chairman, that there is a real opportunity to make an advance in our society in Manitoba by in fact doing something that no other jurisdiction has done which in fact is to put in by legislation the recommendations as attainable objects and at the same time

MR. DESJARDINS: . . . we're members of the United Nations?

MR. SPIVAK: . . . to indicate

MR. DESJARDINS: You say nobody has done that, the United Nations has.

MR. SPIVAK: . . . that no one has put this in legislation. Now if the Honourable Member for St. Boniface would like an explanation of what is the difference between declaration

MR. DESJARDINS: The United Nations has done it and we're members of that.

MR. SPIVAK: All right, Mr. Chairman, for a few moments let me explain, and I wonder if the Honourable Member for St. Boniface would just listen for a few moments.

MR. DESJARDINS: Well you said nobody has that.

MR. SPIVAK: Nobody has put this into practice because this is not a treaty, this is not a covenant.

MR. DESJARDINS: That's right.

MR. SPIVAK: I am suggesting that there is no jurisdiction that has put this in that I am aware of in its legislation.

MR. SCHREYER: Is he meaning to suggest by the last statement that no nations have become signatories to this?

MR. SPIVAK: No. I'm suggesting to you that Canada voted in the General Assembly for this particular declaration; that in effect this declaration is an objective that we are attempting to achieve, but as far as I know, no legislation has put this in, or has been - this has not been put into specific legislation with a provision

MR. SCHREYER: You're quite right.

MR. SPIVAK: . . . with a provision that some independent body would make some evaluation of how our society is moving towards this. Not just in the public area but in the private sector as well, and I'm suggesting that this would be an advance forward. And I'm suggesting by doing this we give ourselves the opportunity of at least stating objectives that have individually been stated by many members inside and outside this House in a variety of debates, and would give ourselves the opportunity for the kind of review that will at least commit us in terms of our objectives towards the achievement of an ideal. Now I'm not suggesting that this is going to happen overnight, but if we want to talk in terms of a Human Rights Commission becoming involved in a - or at least being established as a progressive and an advanced document, then I commend this for your consideration. I recognize as well that this cannot be decided in one moment, and I'm not proposing that it would, and I suggest as well, Mr. Chairman, because I did give an indication to it, that the day or the evening when the Bill 121 was discussed, it was impossible for me to deal with it because I had to leave, and it was impossible for me to introduce it at that time and I indicated at the time that I would be introducing the amendment. Had I had the opportunity I would have done this in advance in Law Amendments to have

MR. BOROWSKI: . . . eleven years to do it.

MR. SPIVAK: Now let me explain to the Honourable Minister of Transportation. We had 11 years to do this. Well we achieved a great deal of legislation towards this. He may disagree but I think that's true. But, Mr. Chairman, whether we had 11 years or not; whether he wants to talk as a politician; whether he wants to say to me that I'm playing dirty pool in politics, I'm saying to him if he believes in this, then let's put it in.

MR. BOROWSKI: I do but you don't.

MR. SPIVAK: . . . there's an opportunity. Oh now, if he wants to appear more righteous than I am; if he wants to suggest

MR. BOROWSKI: Look at your record.

MR. SPIVAK: Yes.

MR. BOROWSKI: Look at your record.

MR. SPIVAK: If he wants to suggest, Mr. Chairman, that he, you know . . .

MR. BOROWSKI: He used to spit on the rights of the people . . .

MR. SPIVAK: . . . he believes in others, then that's fine. Then I want him to get out of the common area that he's in now and to raise his sights and his level and become a little bit more concerned than the superficiality that he's expressed in a variety of different debates in this House, and try to judge this on its merits with respect to a bill that is being introduced in our society that can have great impact in the years to come. And if he does that, Mr. Speaker, and if he's genuinely concerned . . .

MR. BOROWSKI: I've been doing it for years and I'll continue to do it and I don't need to . . .

MR. SPIVAK: . . . he'll vote for this and, Mr. Speaker, I will wait to see what the Honourable Minister of Transportation does.

But, Mr. Chairman, there will be opportunities to debate this further, I recognize that the government requires time; this is perfectly reasonable . . .

MR. BOROWSKI: One of you leaders should camp outside of the House.

MR. SPIVAK: . . . and I say, Mr. Speaker, Mr. Chairman, in closing, that if the Honourable Minister of Transportation continues this harangue that the probability will be that this is going to be lost in the kind of political in-fighting that he would like to deal with, and I suggest, Mr. Chairman, that there is an opportunity to raise ourselves above that and to achieve an objective that really, many of the people on the other side have talked about but now have in a very concrete way the opportunity to put in legislation.

MR. GREEN: Mr. Chairman, I've already suggested, and I would like concurrence of Committee, let this matter stand and proceed to the next bill, 126.

MR. CHAIRMAN: Bill 126 - The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I'd like to indicate my agreement but I wondered whether the Minister would also consider standing the next three bills and proceed from there on, Bills 127, 134 and 138.

MR. GREEN: No, Mr. Speaker, I don't see - would the honourable member indicate a relationship.

MR. FROESE: I certainly would want to have a little more time to prepare some . . .

MR. GREEN: Well then, Mr. Speaker, I have no objection to going to No. 134 because we have work to do and if the honourable member merely has something to think about on those, there's no problem here. -- (Interjection) -- 134 is satisfactory.

MR. FROESE: I asked for 127, 134 and 138 to stand.

MR. GREEN: Well, Mr. Chairman, the reason that we are permitting this bill to stand is because an amendment has been introduced which people want to look at. The other bills have been on the Order Paper for some time; they've been in Law Amendments Committee, and I'm afraid the disposition is that we just proceed with them.

MR. CHAIRMAN: 124

MR. GREEN: 126.

MR. CHAIRMAN: 126. An Act to amend the Real Property Act. By page?

(Bill No. 126 was read page by page and passed.)

Bill 127. The Age of Majority Act. The Honourable Member for Rhineland.

MR. FROESE: I would once more ask the Minister, the House Leader, he has agreed to have the other two stood for reason to give some more thought to it and to make the necessary preparations to bring in further amendments. Why can't we have the same thing on 127?

MR. GREEN: Bill 127. Mr. Chairman, proceed.

MR. CHAIRMAN: (Bill 127, Section 1 to Section 3 (2) were read section by section and passed.) Section 4(1) --passed; 4(2) -- The Honourable Member for Riel.

MR. CRAIK: With reference to Section 4(1), I move that Section 1 of Section 4 of Bill 127 be amended by adding thereto at the end thereof the words "except in the Liquor Control Act in which Act the reference to the age of 21 years shall be read as a reference to the age of 19 years."

MR. CHAIRMAN presented the motion.

MR. CHAIRMAN: The Honourable Member.

MR. CRAIK: Mr. Chairman, I won't waste any words on this. We've gone through the

(MR. CRAIK cont'd.) debate in the Committee stage of it and I propose it again in the hope that members on the government side, many of who I know would like to support this, have seen their way clear to actually do so, and after a given period of digestion will now do exactly that. The age of 19 with respect to drinking is not out of context to any other age that may be imposed for legal purposes. The prime reason for proposing this is that within the public school system I think it would be advantageous that the age of 19 apply so that the vast majority indicated by statistics which have been presented would be out of the high school system by the time they have reached the age of 19 and would relieve the problem that can occur in that instance.

The other portion of the argument I think that is valid is that we're talking here about the effect of alcohol on people of different ages and basically not their abilities to make decisions in a legal sense or in the sense of casting their ballot. There is no direct relationship here and there is no direct need to make these ages the same, and I trust that the honourable members will have been able to see this during the course of debate that has taken place on this bill. So with those few words I ask the support of members of the House to change this section of this Act with respect to the Liquor Control Act.

MR. CHAIRMAN: . . . amendment, motion of the Honourable Member for Riel - are you ready for the question. The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Chairman, in the fall session of the Legislature I was one who argued very bitterly that if you were going to give the young people of this province the opportunity to vote, they should have the opportunity to have all other responsibilities at the age 18, but thank heavens we have a system in this province that demands for Law Amendments and we can have representation from intelligent people on subjects other than the lawmakers of our province. I say to you this, that anybody that would not support the amendment to 19 either does not have any experience or is not a parent that has children in the age group that we are speaking of in regard to liquor in the Province of Manitoba.

It's all very well to say that liquor is served in other area; it's all very well to say that in Europe it's done and what have you, but there is an educational program regarding liquor in this province that we do not have in other areas. So I say honestly, if you have any concern for any boy or girl that is still attending school, that you honestly have to take a look at this amendment and you have to say to yourself that at the age 19 they are out of the school system, at the age 18 they are in the school system and if during the time they are in the school system that they have the opportunity to purchase liquor, go into bars, etc., during the time of school hours, you are going to have a problem. You are only buying problems, you are only saying to yourself this is something I want to do for political reasons or for the reason of age 18 and what have you. I'm sure that none of you have sat down - I shouldn't say that, because I have heard representation from the other side of the House of their experience with young people - but the experience of the young people that come into my home is basically this - you say to an 18 year old or a 20 years old, say to the 20 years old can the 18 year old handle liquor and they'll say No. Say to an 18 years old, can you handle liquor, he'll say no but the guy down the street can't. The guy down the street will say that the guy who said he couldn't can't either and you are only kidding yourself, you are really putting your honest thoughts behind you when you say that an 18 year old that is still attending school should be able to go into bars, purchase liquor during school hours, or even for that matter of fact, during a school month or a school year.

You are also saying to yourself that most of the boys and girls today in the affluent society in the Metro area drive a motorcycle or a car to work - to school. I assure you that Sturgeon Creek has more people than you've ever seen, Honourable Member from St. Matthews. I keep getting sick of that, not in size or stature, but that little man grinning at me; but anyway Mr. Chairman, I say this -- (Interjection) -- well we've got another boy wonder from Osborne too. But anyway Mr. Chairman, I say to you this, if these boys and girls who are handling cars, motor vehicles of any kind, going to school, expected to pass a curriculum and you put the opportunity of this into their hands, at 18, certainly there are boys and girls in school at 19, but the majority have finished school, and you are only asking for problems; you are only looking for trouble. I assure you that if you think that you can control the trouble, you don't really know the 18 year old or the 17 year old or the 19 year old, because you can't control them, they'll outsmart you, and you have to say that this is the law and 19 is a better age than 18 for drinking of liquor. I assure you, you can all grin and smile

(MR. F. JOHNSTON cont'd.) as you like, you'll all stand up and vote as you are told over there, but put your conscience on your side. Thank you.

MR. DESJARDINS: First of all I reject and I object to the last words of the speaker, because I don't think anybody will tell me where to vote or how to vote. I can say that normally I probably would go along with the remarks of the last speaker, but how can he say the things that he has said today and last session he was one of the members that amended the act. If I remember well, there was . . . Just a minute now . . .

MR. F. JOHNSTON: A point of privilege, point of privilege.

MR. DESJARDINS: What is the point of privilege?

MR. F. JOHNSTON: A point of privilege if I may, and I would like the Chairman to decide whether it is or it isn't. Mr. Chairman, if you remember my first comments I clarified my statement of last year and why I changed.

MR. DESJARDINS: I don't know if you think it's a point of privilege, I don't, but he's had a chance to make a second statement . . . have you got another point of privilege, have you got another point of privilege? -- (Interjection) -- Have you got another point of privilege?

MR. F. JOHNSTON: Well point of order then. It's obvious, it's obvious, Mr. Chairman, the Honourable Member from St. Boniface tries to take advantage of people when they're finished, and he hasn't listened in the beginning.

MR. CHAIRMAN: That's not a point of order. Would the honourable member please continue.

MR. DESJARDINS: I didn't know he was so clairvoyant because I haven't even finished saying my sentence, but he knows exactly what I'm going to say and he's objecting, and he's had a point of privilege and a point of order. Now if he just calms down a bit, gives me a chance, I'll finish what I have . . . have you got another point of order?

MR. F. JOHNSTON: No, I said it's hard to calm down.

MR. DESJARDINS: . . . if not, just take it easy. Mr. Chairman, this is a member, I was going to say a member after what he said today, a member that belonged to a party that last year - if you remember right, Mr. Chairman, last year there was a motion or a bill or something that would allow 18 year olds to vote period. This was as far as we went, and the members from that side - I don't know if they wanted to play politics and I think they got trapped into this - but nevertheless the members of that side brought in an amendment that made an 18 year old eligible to run for office. And as I say, after doing that last year how can we believe, how can we believe in either, that the remarks of the honourable friend are correct or how can we believe in the sincerity of the members, one of the two, because the member drew for us a picture of kids in school outsmarting us - well if it's outsmarting us if you say this is the law, they are going to outsmart you twice as much. If they want liquor that bad they'll find it, they're doing it now. As I say, I could discuss this and I'm not trying to joke on this question at all -- (Interjection) -- what's that? -- (Interjection) -- I don't see your connection. Have you a question to ask.

MR. CRAIK: Yes I do, but I don't want to interrupt your argument.

MR. DESJARDINS: Well would you stand up and ask it?

MR. CRAIK: Well with regard to the remarks he's making, he's saying that if a young person in school wants liquor he's going to get it anyway. But does the honourable member recall the very vociferous argument he presented in Law Amendments Committee respecting alcohol in hospitals, and he appealed to the committee, and he won his appeal. He said don't leave it up to the hospital commission or the hospital board to make this decision - don't allow it. Now we've had arguments saying if the school system's got problems the school system should look after it. Now how can you be continuous in your argument and take a diametrically opposed position with respect to liquor in schools when you made an argument that was completely opposite with regard to allowing liquor into hospitals?

MR. DESJARDINS: Oh no, no, Mr. Chairman - just a minute - first of all, when I suggested this, on this amendment that you're talking about hospitals, it certainly wasn't the same thing, there was no connection with that at all, because the amendment was that the visitors and the people themselves, the patient could drink. This is what I objected to because - first of all who was going to determine, the hospital belonged to the province, to the taxpayer, and were they going to subsidize the people or pay for this - this is a different thing. I'm talking about the question of age now and I said . . . what are you moaning about?

MR. GEORGE HENDERSON (Pembina): I'm tired listening to you.

MR. DESJARDINS: Well if you're tired, go to bed. Mr. Chairman, I'm saying that I agree with, I just finished saying that I would agree with some of the things that were said by the honourable member, but I do not follow the reasoning, if you say that a kid is busy, he's got to have his education, he's in school at 18 years old - I don't see the connection, what he's talking about outsmarting, because if they're outsmarting you now they're going to keep on if it's law or if it isn't; it's a known fact that if they want it they are going to try to outsmart you, but, I say that how can you on one hand - that they could not drink until they're 19 years old when you yourself brought in the amendment, the only thing was that 18 year olds could vote, to start him gradually that was the idea. And your leader brought in the amendment that they should be eligible to run for office and as I say, the last speaker said that the kids weren't ready at that age, and I would agree with him; but if I agree with him I certainly agree twice as much that they should not -- (Interjection) -- you didn't say they weren't ready to drink - well what are you worrying about?

MR. F. JOHNSTON: I didn't say they weren't ready to vote at 18.

MR. DESJARDINS: No, no I didn't say that, I said that you said they weren't ready to drink.

MR. F. JOHNSTON: Right.

MR. DESJARDINS: Well if they are not ready to drink and if they are not . . .

MR. GREEN: I wonder if the honourable gentleman would permit a question?

MR. DESJARDINS: Certainly.

MR. GREEN: Mr. Chairman, do I take it the moral of my honourable friend's remarks are that if a man is old enough to sit in the Legislature he should have the right to take a drink?

MR. DESJARDINS: Well I've seen so many examples of members that are maybe not mature enough and if they are not mature enough to have a drink, I don't know what they would be doing in this House; if they can't control themselves and if they are not ready to judge this, I can't see what they would be doing in this House and this is the only thing that I am saying. -- (Interjection) -- Pardon? Well I don't know about the people from the Bible belt but I'm talking about in general.

But Mr. Chairman, the point is this that if this was something new, if the government was trying to make a motion that everybody at 18 we'd go along, but the first one that started that was the leader of the Conservative Party last year.

MR. BILTON: You've told us four times now.

MR. DESJARDINS: You understand now? I know you are quite dense, but seeing that you told me that you understand this is fine. I've told you four times, have you an answer, because I -- what is the answer?

MR. BILTON: If there is anybody dense in this House, you've given us a good example, many, many times.

MR. DESJARDINS: Is that the answer - now I can see how smart you are, because this is not the question I asked you at all.

Mr. Chairman, apparently I've made part of my point or I won't go any further. I don't know if they've - I know they're over 18, maybe they have had something to drink or maybe they're too young, immature, I don't know; but the fact is that I take this amendment very seriously and normally, normally if this was the case that you would say all right, somebody is ready to vote but they're not ready, they're at school, I would consider it, but I would say go a little further then and admit, admit that you were wrong in suggesting that they should be ready to run for office and then I would consider -- (Interjection) -- It certainly has. If somebody is immature for something they're immature for another thing. How can you say that it has nothing to do with it when people are going to make the laws, they have a special set of laws for them, because they are too young, they are too immature and they are going to be, you are asking these people to be the law. I'm not asking the people in the hospitals to be lawmakers. I'm not suggesting that they should but you did. -- (Interjection) -- What's that? Oh no, not at all, but I don't think that you should allow people to turn a hospital into a beer parlour. I don't think you should do that at all.

MR. SHERMAN: But you've said the person in a hospital is a second-class citizen as far as the privilege . . .

MR. DESJARDINS: Beg pardon?

MR. SHERMAN: You've said the person who is ill is a second class citizen as far as that privilege is . . .

MR. DESJARDINS: That, Sir, is a damn lie and he knows it. Did I say that somebody was a second-class citizen because they were sick?

MR. SHERMAN: In the position you took on the amendment you said that the person who was ill is a second-class citizen . . .

MR. DESJARDINS: That is a damn lie, and I repeat that Mr. Chairman. Far from it, because maybe I know a little bit more about hospitals than my honourable friend.

MR. CHAIRMAN: I would ask the honourable member that if he is making a correction to make one and I would ask him not to use the terminology that he did.

MR. DESJARDINS: Well all right I will withdraw those words, Mr. Chairman, and I suggest that you ask the member to withdraw the statement that he's made, because he's certainly imputing something that I haven't said.

MR. SHERMAN: Mr. Chairman, on a point of privilege . . .

MR. DESJARDINS: You keep quite, you're not the speaker any more.

MR. SHERMAN: Mr. Chairman, on a point of privilege. I'm not asking the honourable member to withdraw that term that he used - well I'm not asking him, I'm having an exchange with him. I'm not asking him to withdraw it. I simply say that this was the implication of the position he took on that amendment.

MR. DESJARDINS: Mr. Chairman, you asked me to withdraw, I did; now I'm asking him to withdraw a statement where he impugned that I made a statement or implied that people sick in hospital were second-class citizens. I ask him to withdraw these statements.

MR. CHAIRMAN: I would ask the Honourable Member for Fort Garry, I'm not exactly clear on his exact words, but the Honourable Member for St. Boniface has indicated that he believes he has been inaccurately described and I would ask the Honourable Member for Fort Garry whether he is willing to accept his statement and to withdraw his comments, or if not, whether he would clarify his comments so that I can determine whether he is out of order.

MR. SHERMAN: Well, Mr. Chairman, if you're asking me to withdraw, I'll withdraw. What I said was that in the position that the honourable member for St. Boniface took on the amendment that we were discussing at the moment in the context of the remarks he was making, he said, he in effect classified people who were ill, people who were in hospitals as second-class citizens where the privilege of having access to legalized drinking was concerned. Now if you ask me to withdraw I'll withdraw, but if he asks me to withdraw, I won't.

MR. CHAIRMAN: I take it then that the Honourable Member from Fort Garry is withdrawing his statement.

MR. SHERMAN: Are you asking me to withdraw, Mr. Chairman?

MR. CHAIRMAN: Yes I am.

MR. SHERMAN: Well I'll withdraw.

MR. CHAIRMAN: Thank you. The matter is closed.

MR. DESJARDINS: I thought he was going to take his toys and go home and play, Mr. Chairman. I never said that anybody was a second-class citizen and I never accused these people of saying that somebody 18 year old and under were second-class citizens. I didn't use that word at all.

MR. CHAIRMAN: I would prefer that the honourable members do not reopen the hospital debate. I think it has some slight relevance but I would hope we do not deal with that question. I think we are dealing with the question of the age of drinking as it pertains to society in general. We are not rediscussing thoroughly the question of hospitals and so on.

MR. DESJARDINS: Well you know how obedient I am, Mr. Chairman. Of course if you feel that we should - I'm ready to discuss - if you remember these are the gentlemen from across there who brought in this question. I think if you're asked a question you should have a right to answer, but nevertheless I don't know why all this furor all of a sudden, maybe it's because we sat to two o'clock. The only thing I'm trying to say is this, the only thing I'm trying to say is this, that I believe there is an awful lot of truth, I don't disagree, I believe there is an awful lot of truth in what both the mover and the Honourable Member from Sturgeon Creek said, but I'm also saying that I cannot see the logic and I'm saying that they're the ones that started it and I am accusing them of wanting to play politics in that. I am accusing that, because the motion was very simple. It was something that was passed in many other jurisdictions, and it is that the 18 year old could vote; and last year without advising anybody,

(MR. DESJARDINS cont'd.) all of a sudden there was a motion that they could also run for office at 18 years old. The point I 'm making now is that if you're not allowed to drink for the reason that you're not ready to drink or that you're immature or that it's going to interfere with something else, I'm saying well surely if you believe that, you should be man enough - and it's true, the honourable member said, I'm glad that we have a system of Law Amendments where we have a chance to see representation, where we can correct these mistakes, and I can congratulate him for saying this, but I'm saying, go a little further and I'll support this amendment. Bring in the amendment that they cannot run for office and I'll vote for you; this is all I'm saying.

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MR. CHAIRMAN: The Honourable Member for Osborne.

MR. TURNBULL: Mr. Chairman, the Member from Sturgeon Creek referred to me in his remarks and therefore I think perhaps I should be referred to from now on as the Boy Wonder from Osborne rather than the Member from Osborne.

I note that the Member from Sturgeon Creek is as uninformed about the Human Rights Declaration that came out of the United Nations as I had originally thought he was. In his remarks on this bill, The Age of Majority, he did indicate that - he seemed to think anyway that the Legislature should in some way control the age at which people should be able to drink. I don't think that you can legislate morality, but in our society -- (Interjection) -- Well . . .

MR. F. JOHNSTON: Nobody said a thing about morality. Morality wasn't brought up.

MR. TURNBULL: In our society it would seem that perhaps the control over drinking would best be regulated in the household by the family than by legislation.

Nonetheless the Member from Sturgeon Creek would like to impose limitations on individuals, and I would like to draw his attention to the proposed amendment distributed by his colleague from River Heights, in Article 1 where it says in quite ringing phraseology, all human beings are born free and equal in dignity and rights." -- (Interjection) -- That's right. That's precisely my point, Mr. Chairman. The Member from Sturgeon Creek really doesn't think the Declaration of Human Rights has anything to do with the age of majority or with the rationality of individuals which is implied in any act on the age of majority . . . -- (Interjection) -- We'll get to that in a minute. The article continues to say they, the people, all human beings are endowed with reason and conscience, and that reason and conscience is something that I wouldn't even, not even in my most ugly mood deny to the Member of Sturgeon Creek, even though when he stands in his place he often seems to be void of all reason and without conscience. It would seem, too, that the Member from Sturgeon Creek might apply Article 1 to some other actions that he's taken.

MR. DESJARDINS: Mr. Chairman, if I may on a point of order. If I dare suggest, I think my honourable friend was left behind. We are now on another bill, we're not on the Human Rights any more.

MR. TURNBULL: That's right.

MR. DESJARDINS: Oh, I'm sorry, I misunderstood.

MR. TURNBULL: The other matter that the Member from Sturgeon Creek might recall is that he seems in some way desirous of controlling how people think and what people do, not only through the Age of Majority bill, but in various activities he's undertaken in Sturgeon Creek in relationship to Heritage Park, and it would seem to me that his attitude towards . . .

MR. F. JOHNSTON: . . . would you like to debate Heritage Park right now, Mr. Chairman?

MR. TURNBULL: His attitude towards teenagers . . .

MR. F. JOHNSTON: I'd be very happy to - right now. -- (Interjections) --

MR. TURNBULL: His attitude Mr. Chairman, towards teenagers of the age of 18 and above I think clearly indicates his personality and his bigotry which is only exceeded by his big mouth.

MR. BILTON: I take exception to that work "bigotry". I believe you'll agree with me that that is not parliamentary.

MR. F. JOHNSTON: Thank you. Mr. Chairman, I'd like to thank the Honourable Member for Swan River for taking exception to that but I don't really care, I don't worry about where it comes from.

MR. CHAIRMAN: . . . the honourable member now has the floor.

MR. F. JOHNSTON: Well, I stood up.

MR. CHAIRMAN: Well, I would ask . . .

MR. F. JOHNSTON: Nobody else did.

MR. CHAIRMAN: Just for clarification I would like to know whether the Honourable Member for Osborne has concluded his comments.

MR. TURNBULL: Well, I was trying to be rational, Mr. Chairman, and deal with what I thought was a question.

MR. BILTON: Mr. Chairman, I'm sure the honourable gentleman will withdraw that word "bigotry" as it refers to the Honourable Member . . .

MR. CHAIRMAN: I would like to consult the Clerk because I find myself in a peculiar position of believing . . .

MR. F. JOHNSTON: It's no problem at all - don't worry about it.

MR. CHAIRMAN: . . . that to be unparliamentary, but the honourable member himself does not object to it.

MR. F. JOHNSTON: Not a bit. Not a bit.

MR. TURNBULL: If I may continue then, Mr. Chairman . . .

MR. CHAIRMAN: No, I'm sorry, I would like . . . The Honourable First Minister.

MR. SCHREYER: Perhaps I can be of some assistance to the chair, not presuming to replace any advice you may get from Mr. Clerk, but I would suggest that it is well understood practice that if an expression or statement is made that is, in the opinion of the chair, unparliamentary, then it is of secondary importance whether a particular member to whom the remark may be aimed objects or not, because the chair also has to bear in mind the implications of not challenging or asking for the withdrawal of a phrase or term that is unparliamentary in terms of future parliamentary practice.

MR. CHAIRMAN: I would like to take a moment to consult the Clerk, unless some other member would care to express an opinion on whether such an expression is or is not unparliamentary. The Honourable Leader of the Official Opposition.

MR. WEIR: Mr. Chairman, all I can say is I can hardly believe that there would be any doubt . . . some question as to whether "bigotry" is parliamentary or whether it's not.

MR. CHAIRMAN: I would say that the word itself is not listed in our examples of citations. However, I believe personally that the word is unparliamentary and I would ask the honourable member to withdraw it.

MR. TURNBULL: Well, on that point of order, Mr. Chairman; I did not think that the Member from Sturgeon Creek did object to it, but if you ask me to withdraw the word "bigotry" I shall do that. If I may now continue.

The Age of Majority bill as far as it applies to the regulation of the age at which people can drink is one that I find myself able to support in full, because I do not think that I have any right to impose on other people when they shall or when they shall not drink. I think it's a matter of complete privacy, and so in all conscience then I think in accordance with Article 1 of the Declaration of Human Rights, I can support the bill from now on.

MR. CHAIRMAN: The Honourable Member from Sturgeon Creek.

MR. F. JOHNSTON: Mr. Chairman, the Honourable Member from Osborne has made some statements about the age of majority and drinking. I really can't accept them as saying too much because all through his statements that he made he said that he couldn't control, or he didn't want to control, or tell anybody what they could do as far as drinking was concerned, and with his opinion we'd all be going out and drinking at 12. Really, we're talking about whether - you know, it boils right down to whether an 18 year old has the capacity to handle liquor in the proportions that he will be able to purchase under this Age of Majority Act. Let's not kid ourselves, it doesn't take more than two or three drinks of scotch, rye, rum or three or four bottles of beer to put a boy or a girl at the age of 18 into a very bad state, and we're saying at even 19 I would . . . that it would be a very bad state. I doubt if the member from Osborne could handle a half a bottle of scotch even now.

MR. TURNBULL: That's right.

MR. F. JOHNSTON: But, because it obviously shows -- (Interjection) -- any time, any time. In fact I could really -- (Interjections) -- if you want a graduate in it, I'll be happy to show you sometime. But anyway you're talking about a boy or a girl at the age of 18 who is attending school in most cases, being able to purchase liquor and enjoy it during school hours or even after school hours - if they get up with a hangover in the morning they can't go to school.

The Member from Osborne, Mr. Chairman, talks about people, he doesn't want to control drinking. I think in the school that I attended I was the first boy at 11 years old who didn't attend school because of a hangover. Why? Now, you've got the answer. -- (Interjections) -- But I am thoroughly admitting that we here as legislators have to have some responsibility. You're putting a pressure on the teacher, you're putting a pressure on the parents which they do not deserve. You're not helping the parents. You're not helping the teachers. You're not helping the boy or girl in school. You just can't stand up and say just as point blankly as you do that you won't have any problem, because you will. You're kidding yourselves, they'll create the problem and when the Honourable Member from St. - where is it, where is it, by the way . . .

A MEMBER: St. Boniface.

MR. F. JOHNSTON: Oh, he couldn't remember mine, I couldn't remember his. The Honourable Member from St. Boniface turns around and he says -- (Interjections) -- it's

(MR. F. JOHNSTON cont'd.) perfectly all right -- (Interjections) -- Well, that's fine. I just wasn't sure where he was from. But anyway. . . .

MR. DESJARDINS: It's across the Red River, St. Boniface. If you ever come this way I'll show you around.

MR. F. JOHNSTON: And I disregard the Honourable Member from Osborne's statements because they just don't make sense. He just doesn't have that much experience in it. But I'll tell you this. The Honourable Member from St. Boniface continually talks about the fact that the age of voting was to be 18 and our side of the House said if you can vote you can run. The fact that anybody can run or vote - and we're talking about a voting age. We often hear the argument that if you can fight for your country you can vote and that's not really a relevant argument because if it was used everywhere in Germany and Russia you'd be voting when you were 14 years old, because there were boys fighting for their country at that age. We are talking about the capacity of a boy or a girl 18 to handle liquor, and the boy or girl 18 who you're giving the opportunity to handle this liquor and has not got the capacity to attend school and be in society, drive cars, handle motorcycles, etc. I really, I really don't understand the Honourable Member from St. Boniface's arguments, because I've stood here and I've admitted, absolutely admitted that I was one of the people that said "if they can vote they can run." I also said if you're going to give them that they should have everything. But I say to you that there has been presentation in Law Amendments and the reasoning for 19 in other provinces is very plain with the proof they've had, and they're using it - so I say again, don't kid yourself, you've got good boys and girls, they're terrific. Every one of the kids in this province are terrific kids. But, I tell you this, put two or three drinks of scotch, rye or a couple or three or four bottles of beer in them and they don't have the responsibility - they don't have the responsibility any more than the members on this side or that side of the House have when they've got liquor in them; and you're going to give them the opportunity when in the time of their life -- (Interjection) -- you of all people should hear confession . . . in the time of their life -- (Interjection) -- if I came privately I'd convince you - but it's in the time of their life, the most important time, the most important time of their life when they have to be working in school for the benefit of their future, you're now putting an obstacle in their path. So we're just saying, raise it one year until they're out of school. If they're into university and what have you they can make up their own mind and nobody more than I will agree with you. But at 18 you're not doing that.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, since 1958 when I was first elected to this Assembly, I've heard many debates on proposed changes in the liquor law and I must say that they have all turned out very much like the one that we have before us at the present time. Ironically, perhaps, I have participated very rarely, if ever, in debates on proposed changes in the liquor law; but I recall so well how it was, and it is a fact that many times when liquor law changes were before this Assembly there would be great and firm convictions strongly expressed for and against and it has always rather amused me, because when changes were made, the very changes that many feared in terms of the social consequences, ramifications that they would have; we've lived with them a few years and I don't believe that our society has been any of the worse for it. That is not a strong argument in itself, because I realize that one could put forward the argument that the proposed change that is before us now is significantly different than some of these other changes that we made back in '58 or '60 or '62. I recall so well how strongly feelings were expressed and even division among members of the same party on both sides of the House and we had adjourned for emergency meetings of steering committees representative of all the parties in Mr. Clerk's office across the way in an effort to try and reconcile the differences between the parties and within the parties, and eventually we worked out some modus vivendi.

I want to take this opportunity to say that I really believe, it's a matter of firm conviction with me, not that certain changes in the liquor law are good or bad, but a matter of firm conviction with me that perhaps we in Canada, and maybe especially in western Canada, place far too much importance on the law respecting consumption of alcoholic beverages. I say that after having -- I went to the trouble Mr. Chairman, of asking The Liquor Control Commission to forward me a resume of the liquor law relative to age in other jurisdictions, and so I got the whole works from 80 or 90 countries. I know that honourable members opposite would perhaps smile if I were to try and draw any comparisons at all between this province or this country and many of these 80 or 90 countries, but I believe that some comparisons are valid,

(MR. SCHREYER cont'd.) particularly with those countries that are like Canada part of the industrialized western world with social mores and moral codes and habits that are more or less similar to those that we have here. I think it is worth knowing, I suppose many honourable members do know, but some may not, so I take the time to mention now that in the United Kingdom or Holland or West Germany or Denmark, there is more liberal liquor law than we have here, and I really wonder whether because the liquor law relative to age at which one may legally consume liquor is more liberal and permissive, that it has somehow caused the moral code of that society or even of the young element in that society to be at a lower level, more degenerate or however one wants to put it, than it is here. So I make that point.

In the United Kingdom, for example, the age for legal consumption of hard spirits is 18, for beer and wine it's 16. On the Continent, in some of the western European countries it is 18 and 16 similarly, in some it is 16 and 14; and in one or two they have no legal age minimum whatsoever. I think that the consumption of alcoholic beverages is governable by no law in a perfect way, that the best code of guidance can be expressed in one stirring, perhaps not so stirring, but wise phrase that I recall from the philosophy of Aristotle, "that moderation in all things is important." - and I would add in liquor particularly. So it is not so important what the age limits are; what is important is that no matter if a person is 18 or 16 or 26 or 66, if they consume alcoholic beverage in moderation there is no problem for themselves or for society. But if they consume it in excess then regardless of whether they are 18 or 38 or 58, they are doing no good to themselves nor to society. I don't know why we get hung up on this question of age, ignoring all the while the importance that moderation has for all ages, all ages, particularly in this specific connection.

Now I want to say something else, Mr. Chairman, and that relates to the question that has been bandied back and forth, about what connection, if any, there is between the question before us and that of the age of majority and the age of voting and holding office and the like. I don't think that the debate today, although it's been quite warm at times, has been harmful in any way to anyone. One thing I regret is that the Member for Sturgeon Creek suggested, pretty bluntly and unfairly I might add, that this particular provision we were putting forward out of partisan - correction; he used the expression "out of political consideration." Mr. Chairman, the fact is that this issue really doesn't relate to parties so much. I think it cuts across party lines on both sides of the House.

When the honourable member, my counterpart, the Honourable Leader of the Opposition introduced the amendment last year to the age of voting bill, I don't think - I could be wrong - but I don't think that anyone imputed any motives to him - and I don't now. I want to suggest to my honourable friends opposite that I do draw a connection between the age of voting and the age of majority for all purposes, all purposes, and I'll tell you why. I'm not sure that the Legislature, and I say the Legislature, because all parties voted, I understand it was the unanimous decision of this House at the last session that the age of eligibility for holding office be reduced to 18. I was away at the time, when I returned and I was told about this, my first reaction was that the "die was cast" - those were my words - we are now in all logic impelled to lower the age of majority for all purposes whatsoever, to that same age, because to do otherwise is to stand logic on its ear. There is no escaping that fact. Now I'm not saying that the Honourable Members of this House were wrong in making that decision.

MR. BILTON: I wonder if the honourable First Minister would permit a question. I think he was present at the vote was he not?

MR. SCHREYER: I beg your pardon.

MR. BILTON: He was present at the vote when we dealt with that amendment?

MR. SCHREYER: Yes, correction, Mr. Chairman, I was present for the third and final reading stage. I was not present when it was put forward initially and voted on principle in second reading and the like. -- (Interjection) -- Well wherever. I was present for the last stage of it and I did not oppose it of course, since there was obviously full consensus extending to both sides of the House. But I say this, and I say this with all the emphasis that I can muster, that we can't be absolutely sure that lowering the drinking age to 18 is the right thing; we can't be absolutely sure that lowering the age of office holding to 18 is the right thing. I think the experience in other countries where these changes have been made tend to lead most people, I think, to believe that it has worked quite well and that there have been no deleterious effects to society as a whole; so I think that it is not irresponsible at all on our part to make the same kind of change here, and I say that logic itself demands it now because of the course of action that we took last fall. Surely if an individual is regarded at a certain age to have

(MR. SCHREYER cont'd.) reached that sufficient age of discretion, or maturity, that he is able to become a lawmaker and to make decisions that bear not only on himself but on his fellow man, then surely he should be regarded as having sufficient maturity to make decisions relating to himself personally, or to his family.

We have had many anomalies in the law. The reason we have moved to bring forward the Age of Majority Act - I can put forward a number of reasons, some of which will not impress honourable members opposite perhaps so much, others may. One reason, for example, is that it has been put forward in other jurisdictions, the age of majority has been lowered. A second reason we have brought it forward is because of the decision taken by this assembly, by all parties in this assembly last year, and as I say logic would seem, understating it, logic would seem to require us to bring about consistency now by allowing the same person who can hold office and make law, to be able to sign a contract for himself or sign a will, or decide to consume a glass of wine or beer or a shot of whiskey - and if he takes ten shots of whiskey of course he's harming himself, but so is a 50 year old; so I really don't see the close connection.

MR. CHAIRMAN: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Chairman, would the First Minister permit another question? The First Minister made reference to the fact that when he learned of the outcome of the vote at second reading and committee stage on the amendment to permit Manitobans to hold office at 18, his reaction was that the die is now cast. My question, Mr. Chairman, to the First Minister is would he not concede that at the moment that the House, or that his party, as the government accepted the premise that the vote should be extended to Manitobans of 18, that the die was then cast?

MR. SCHREYER: I'll tell you Mr. Chairman, I did have a somewhat different point of view on that specific question because I am aware, for example, that in some countries at least in the western world, and I'm talking only about the western world, the degree with which a person participates in his responsibilities of citizenship is graduated, is phased over a period of years as he increases in age and presumably in maturity. For example, in the United States, one may vote at 21 and hold office at 21, but he may not be a Senator till he's 30 nor a judge until he's 30. This concept of graduated entry into full participation in the affairs of the State - it's a long held concept of graduated participation over a period of time and I must say that I rather favour that. Lowering the voting age to 18 to me did not present nearly as much difficulty as lowering both the age of voting and the age of office holding.

For example, you know the next - and perhaps I'm becoming too theoretical and hypothetical here - supposing someone were to introduce an amendment to the Judges Act - at the federal level, we don't have jurisdiction here - that one may be eligible to be appointed to the Bench at age 18; you know I would personally have great difficulty, very great difficulty in supporting that kind of a motion, even though in most cases, in most regards I tend to favour a reduction in the age at which one is allowed to formally participate in the running of the affairs of a State. I think it should be started off slowly, you make haste slowly and you graduate these things.

But with respect to liquor law, if I may say in conclusion Mr. Speaker, being one of the few times I've spoken on liquor law, that I really believe that the passing of this measure will not injure Manitoba society and it will not cause any kind of results that we will regret, because - it's a few years now since I was in my teens but I can recall clearly that if somebody was feeling his oats and really hell bent, if I may use that expression, to get a drink, he got it.

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: I wonder if the Member for Sturgeon Creek is desperate to speak because . .

MR. JOHNSTON: I'll be very brief, because I've had an awful lot to say. It's up to the House Leader though.

MR. GREEN: Do honourable members wish to permit the Member for Sturgeon Creek . . No? - sorry. Mr. Speaker, I gather the disposition of the House is that it is not unanimous that we sit tonight. That being the case, I move, -- (Interjection) -- I'll be here all by myself. --(Interjection) -- Did I spoil your weekend Walter?

I move, seconded by the Honourable the Minister for Cultural Affairs that the House do now adjourn -- oh, I move the committee rise.

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

IN SESSION

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

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

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable the Minister for Cultural Affairs that the House do now adjourn.

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