

THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 p. m. , Tuesday, April 17, 1973

SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN: Before we start this evening I'd like to draw - I believe they are just coming into the gallery - the attention of the honourable members to the gallery to my left where we have 30 students of the Park River High School, Park River, North Dakota. These students are in Grade 11 and 12 and they are under the direction of Mr. Dennis Grove. The School is guests of Mr. Speaker and Members of the Assembly. On behalf of all the Members of the Manitoba Legislative Assembly I bid you welcome.

The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, just before we adjourned at the hour of adjournment there had been a couple of members who had spoken and I hadn't responded to their remarks. I will do so now very briefly.

In respect to the concerns of the Honourable Member from Gladstone, he was concerned about the allowances available to vendors who operate - I'm sorry, I'm sorry, Virten - my apologies to the Honourable Member from Virten. You see why I confuse the honourable gentlemen is that those two among the caucus on the other side stand out as very very gentle representatives and very kind and considerate and I do from time to time -- (Interjection) -- that's right. If the Honourable Member from Lakeside had been here he would have agreed with me that the contribution of the Honourable Member from Virten was most reasonable. It wasn't full of sound and fury and signifying nothing but was a very reasonable commentary about some of the activities of the department and he expressed concern on behalf of his constituents and I will certainly bear those in mind.

The Honourable Member from Rock Lake was concerned about some of the matters which I had already responded to earlier and I wouldn't like to indulge the patience of the House in reviewing again concerns but I just want to assure honourable members that the arrangements in respect to requirements for licensed premises are dealt with on an individual basis. I'm not at all sure about what the honourable member was alluding to when he indicated that there has been some change in policy in respect to collection of sales tax. That is entirely foreign to me. I'm frankly nonplussed, I really don't have any answer for that. I will make inquiry of it. I assumed that there had been no change of any significant degree or I would be apprised of it. I'm not aware of what change he is referring to, or if in fact there has been a change. I'll certainly make inquiry and respond to the member, and if my Estimates are still on of course I'll respond to the House.

In respect to his concerns about the role of the Ombudsman, honourable members have today received the report of the Ombudsman and on the opening pages, particularly pages 3, 4 and 5, there is full amplification of the cases that have been referred to the Ombudsman and dispositions of them, so I don't think I need to go into that. I think with those few remarks, Mr. Chairman, I conclude my response to those contributions.

MR. CHAIRMAN: The Honourable Member for Gladstone.

MR. JAMES R. FERGUSON (Gladstone): Thank you, Mr. Chairman, Basically, Mr. Chairman, I have two things I want to bring forth in the Attorney-General's Estimates. The first has been taken care of with the long discussion we've had on rustling. The second would again involve the issue of jacklighting of the deer population in my area, and during the supper hour I had a phone call from one of my constituents that this is again taking place, and I'm not altogether placing the blame on any particular segment of our population but the onuses again were on the fact that our Indian population are out in our area jacklighting deer at this time of the year. And prior to this I have written to the Honourable Jean Chretien and received some information as of where the responsibility lies.

I would like to read this into the record, Mr. Chairman. That under the terms of the Natural Resources Transfer Act of 1930 Indians are guaranteed the right to hunt for food on all unoccupied Crown land and other land to which they have right of access. On all other lands the responsibility for control of night-lighting of deer rests solely within the jurisdiction of the Province of Manitoba. Your letter indicates that Indians are hunting on agricultural land. If this is so and no one has given them right of access to private property, charges under the Manitoba Wildlife Act can be brought against the Indians by provincial conservation officers or the RCMP police. Private land owners may also prefer charges for trespassing. In summary,

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(MR. FERGUSON cont'd). . . . the solution to the problems of jacklighting deer is within provincial jurisdiction.

Now this has been brought up several times in the House. It seems to be a football; that the Minister of Mines and Natural Resources says it's something that we won't touch, the Federal Government says it's the responsibility of the Provincial Government, the Provincial Government says they won't touch it.

Now, as far as I'm concerned this is one very major issue in my constituency and I would like to know what the Attorney-General - is he going to back up the Mounted Police, his conservation officers or are they going to sit on the fence? I can assure him that the people of my constituency are not going to stand idly by and see this carried on much longer. When you start jacklighting deer in the spring it's high time that somebody took some action and it's solely on your shoulders, Mr. Attorney-General. Now would you put forth your policy on this. Thank you.

MR. CHAIRMAN: The Honourable Member for Minnedosa.

MR. DAVID R. BLAKE (Minnedosa): Thank you, Mr. Chairman. I hadn't intended to enter the debate but after the words of my colleague from Gladstone which his constituency abuts my constituency, and the same problem is evident in my constituency that he has described to you in the jacklighting of animals, not only in the fall but at this time of the year.

Many of the other points that had troubled me were adequately covered by many of my colleagues earlier and the answers, many of them have been satisfactory and the only other one or two points that I had to mention I covered with the Attorney-General earlier. But I can only state a strong support of the recent communication of my colleague from Gladstone on the jacklighting of our wildlife. It's a serious problem and we realize that you're crossing federal lines but the Riding Mountain National Park being a portion of my constituency, we run into more problems there than many other constituencies would because the federal jurisdiction there abuts the provincial lines and it is difficult to decide where the responsibility lies; we realize they are federal animals and they are trespassing on provincial land and it's difficult to lay a blame on any particular party. But I can only strongly support the plea of my colleague from Gladstone to have the Attorney-General take some strong measures to stop the jacklighting of our wildlife, not only in the fall or out of season but particularly at this time of the year.

MR. CHAIRMAN: The Honourable Member for Emerson.

MR. GEORGE HENDERSON (Pembina): Mr. Chairman, I feel that I shouldn't let this go by without saying something about jacklighting too because this is one of the things that has been a real concern in my area, in fact there has been several meetings held about it. I just believe that it's not good enough saying that it's under the federal people and we can't do anything about it if we're hunting for food and this sort of thing, because I'm sure that even the Indian people themselves, I mean leaders of the Indian people, really don't believe that their people should be allowed to jacklight at night and kill deer the way they do.

In many cases we know that they're going on what you could call the blackmarket and we believe that anybody, whether he's Indian or not should be stopped from doing this. The other thing I think I should make a few remarks on is about the laws about drinking in the beer parlors, where you can't have more than one drink in front of a person. Because I know in one particular instance, and this even involves myself; I sat down at a table where there were some of my own people and I thought I should buy a round before everybody was finished every glass, and do you know that before I was through that a group that was sitting at that table, the waiter had to come three times; and when it gets to that extreme it's just going too far. I'm not saying that every table should be loaded up with beer but I certainly don't believe that the way it is is proper. They're afraid, as they say, the government spies being in the beer parlor. To have to serve a table with five on it three times is just ridiculous and I think there should be something done about this.

The other thing I'd like to say something about is regarding judgments that's held against different people that become involved in traffic accidents of one kind or another. I have one particular case in my constituency where a person lent their car to somebody that they didn't really know was under age and he became involved in an accident that night and he has a \$5,000 judgment against him for just lending his car that night. If he had wanted to lie like some people he probably could have got out of it completely but he didn't lie about it and the result is he has a \$5,000 judgment against him. And yet we can see where what happened in Winnipeg this winter,

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(MR. HENDERSON cont'd) where there was a hit and run driver, who turned himself in somewhat later only had a very small charge laid against him. I think that there is something wrong when somebody that tells the truth and says that he was somewhat to blame will have a judgment against him for \$5,000 and another man that's involved in a hit and run accident can just serve his term on weekends. And I don't think this is right.

I think that's probably all I have to say about this but I think that these sort of things should be looked into very sincerely.

MR. CHAIRMAN: The Honourable Member for Winnipeg Centre.

MR. J. R. (Bud) BOYCE (Winnipeg Centre): Mr. Chairman, I really am rather reluctant to prolong the debate on the Minister's salary but -- I'm sorry the Member for Lakeside wasn't here this afternoon, I wish to thank him for drawing this particular document to my attention some weeks ago. But I think it's too important a point to pass over lightly what is being suggested rather glibly by the Leader of the Liberal Party and perhaps picked up by the press and given some emphasis to. I think it's important that we place on the record some of the inferences made by the Leader of the Liberal Party in his address this afternoon and also in this particular document which I'd be glad to table after I get finished with it. Well -- (Interjection) -- whatever it is.

In all of the squirming this afternoon by the Leader of the Liberal Party he made one point when he was paying brief reference to the speech that I had made on Friday last. He said that I should realize that rights aren't codified, that they spring from our natural sense of justice. This is my paraphrase of what he said. I would draw your attention to Hansard. I think all of us should read it when it is printed - relative to the lack of understanding of the honourable gentleman of parliamentary procedure in the first instance and his demonstration with the Minister of Mines and Natural Resources specifically this afternoon. But ostensibly this document which apparently had some circulation throughout the Province of Manitoba. I can only assume since it has a picture of the Leader of the Liberal Party and he classifies himself as such -- it has no other . . . on it; it has no printing office or anything else -- but since it has a picture of the Leader of the Liberal Party I can only assume that it is therefore a position put forward by the Liberal Party. I made casual reference to it the other day because I didn't have access to it, but I would like to read into the record the forward of this particular document.

"I believe we have reached the stage in human progress where consensus has developed among a great many people, regardless of their political affiliation, on a question of what kind of a society we wish to build. Which fundamental values are common to all people of good will and what protection the individual requires from others and from the state itself in his search for personal fulfillment and the expression of his individuality. It is the cornerstone of my political philosophy that the worth, value and dignity of each individual should be recognized, enhanced and protected by law. That governments exist to serve, not dominate the individual. That public officials are servants, not master of the public, and that . . . an oppression against any individual is no less odious when it is approved by the majority than when it is practiced by a single dictator. I believe in an open and just society where liberty thrives, where basic individual freedoms and human rights are respected, where individuality and diversity are not feared but welcomed, and where social justice ranks equally as important as legal, economic and political justice. These are the basic ingredients of participatory democracy where all citizens have access to the public institutions which influence our destiny. As Manitoba enters its second century we must" - there's one we in this whole thing - "we must all pledge ourselves anew to the task of building the enlightened society, where each individual is assured insofar as it is within the power of government equality of rights and equality of opportunity whether he lives on a farm, in a village, an urban centre or in our remote areas.

"For many years I have watched the power of government grow and the freedom of the individual erode. There are striking examples everywhere. Each year thousands of Manitobans are sent to prison for petty offences simply because they haven't the money to pay a fine. Laws are passed restricting the right of freedom of assembly. Governments make major decisions affecting individual rights without holding public hearings. It is illegal to wiretap but illegally obtained evidence is allowed to be heard in court cases. Legislation is passed giving public officials overwhelming power to control individual economic rights. Some citizens are disenfranchised because of their economic status. Laws are regularly passed with retroactive effect. The right of the individual to privacy and protection from a tax on his honour and his reputation

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(MR. BOYCE cont'd) requires strengthening. For these and many other reasons I am convinced that we must enact in Manitoba a Bill of Rights. We must identify and protect not only the basic and fundamental freedoms that we possess by virtue of our common humanity but we must also create the new rights that have become necessary to protect the citizen. The Canadian Bill of Rights deals only with the Federal level of activity. Under the Canadian constitution it is the Provincial Government which has the authority in this area of civil liberty. It is an authority which remains unexercised in Manitoba.

"If Manitoba is to establish a Bill of Rights it must be broad in scope. It is not enough to limit human rights to those which could be agreed upon in the 18th Century. A modern bill of rights should include the right to receive an education funded by the state; the right to medical services; the right of every person who is disabled or infirm to such assistance as will enable him to live in dignity. It should guarantee and expand traditional rights including the freedom of the press and access by individuals to the communication media. In short a Bill of Rights for Manitoba should guarantee not only legal but also social, political and economic rights and it should be capable of being easily expanded as society agrees to confirm new rights.

"I have prepared a draft Bill of Rights for consideration by the public and its lawmakers. What follows is my view of the starting point for discussion and debate. 'I do not expect this draft Bill of Rights to be free from criticism' - that's for sure - 'I am confident that many suggestions will be made which will strengthen its overall effect. I will welcome any changes which increase the rights of the citizen' (now isn't that noble). 'I hope many Manitobans will study this draft Bill of Rights and express their views. I am satisfied that we ought not to rely on the good grace of any government to protect these individual rights we once held to be inalienable and sacred. For these reasons I believe the enshrinement of our legal social, economic and political rights into a Manitoba Bill of Rights is one of the important challenges of the 1970s.' "

INTRODUCTION OF GUESTS

MR. CHAIRMAN: I wonder if I may interrupt the honourable member for just a moment. Order, please.

I would like to draw the attention of the honourable members to the loge on my left where we have Mr. Edward Dow a former Member of the Legislative Assembly of Manitoba. Mr. Dow was elected in a by-election in 1959, also again in 1966; resigned in 1968. The former Member for the constituency of Turtle Mountain.

The Honourable Member for Winnipeg Centre.

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MR. BOYCE: Mr. Speaker, I appreciate the patience of honourable members and I certainly don't want to divert the Attorney-General's answers to the questions of the Member for Pembina and the Member for Gladstone relative to the important issues that they raise. But nevertheless, Mr. Speaker, in making my point, that in the opinion of many including myself, bills of rights lead to absolute license that you do that which is not protected by a bill of rights, and I would just like to substantiate my point by referring to what this document sets forth as Article 38. As a matter of principle, Article 38, they go on to say "that no one shall be required to perform forced or compulsory labour." Now this is the longest article in this particular document and I don't intend to waste the time of the House by reading the whole thing. But then they set forth as his principle that no one shall be forced to work; And then they go on for one, two, three, with two subs, three, one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one - twenty-one exclusions from this particular principle that no one shall be compelled to work.

But, Mr. Speaker, the reason that the honourable member raises my chagrin is that what he is saying is that everybody in the Province of Manitoba should stop, look and listen until the Liberal Party catches up with the rest of us. Because I intend, I intend, Mr. Chairman, and I mentioned the other day in my other contribution to this particular debate, I intend to go through his particular article or particular bill article by article, and even as a lay person I can substantiate in 700 years of case law how everything that he is suggesting in this ridiculous bill is already covered by both common law and case law.

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A MEMBER: and John Diefenbaker's bill of rights.

MR. BOYCE: Right! The Honourable Member from Lakeside of course he knows how to get at me and he knows what I think of Mr. Diefenbaker, but he also knows what I think of bills of right and of course it does in some instances have a certain amount of utility. When politicians want to win elections they think the way to do it is to put forth a bill of rights perhaps.

But, Mr. Chairman, in every incident and every article that I have read in this particular document I have been able to recoil just from the top of my mind case law. You know the danger in our society is, as the Member for Morris so well pointed out this afternoon, is that if we abdicate our responsibility and let other people do our legislation for us therein lies the danger. Because if we rely on the technocrats we might as well just turn it over to the technocrats. I would say that the same applies to the writing of law and the administration of law. If we leave the administration and the writing of law all to the attorneys then we're standing in the same dangers.

I really don't like to chide my friend the Attorney-General because as I say I support him wholeheartedly, but just let me tell you the mechanics that are available to a member of the Legislature when he thinks that justice is not being done. You may recall about a year and a half ago that the Attorney-General in his wisdom as the person responsible for the administration of the Liquor Control Commission Act thought that by moving in a particular way that he would alleviate a problem, and as I said at the time it was a difference of opinion between the Attorney-General and myself as to whether or not he had authority under this particular Act in this manner. The Attorney-General said he did; I said he did not. So in this particular case I petitioned the Cabinet, and my colleagues weren't too happy with me, the Cabinet actually had to meet, and my colleagues in the Cabinet supported the Attorney-General, so my appeal to the Cabinet failed. The situation was resolved within the next thirty days so that I didn't have any cause for proceeding it, but it was very interesting for me to find out about two months later a case comparable to this had taken place in the Northwest Territories. And I was thinking that perhaps I should counsel some of the people who in my mind were proceeded against not within the concept of natural justice. I had counselled that perhaps they should apply for an injunction but that was the wrong move. I found that this fellow up in the Northwest Territory proceeded by way of a Writ - what it is, Mr. Attorney-General, certiorari, is it? - certiorari, a different type of a thing, and the judge had ruled in favour of the plaintiff saying that in his view natural justice had not been done. But I mention this only in passing, that the Leader of the Liberal Party comes out with things like this bill of rights and holds it before the people of Manitoba and says that, you know, until you've passed this you haven't got these rights. In his speech the other day he said that you had to stop and look and listen and it seemed to me what he had demonstrated to be really a lack of the fundamental principles of what law is all about in our country and parliamentary procedure but he didn't understand his responsibility to his own individual constituents. He said something, that every bill that comes before the House should be a free vote and that before any bill is proceeded with in the House that it should be widely publicized and you should have public hearings.

Mr. Speaker, I have learned a lot in this House and much of it from members opposite. The Member for Morris, for example, has been instrumental in enhancing my education and the Member for Riel in some instances. But, Mr. Speaker, there's a responsibility encumbered upon members when they're elected to this House to tell their constituents about what is going on in this Assembly that is of interest to them or is effecting them, so that really what he is admitting to, in my mind, is that he is not fulfilling his function as a Member of the Legislature and would like somebody else to do it.

But in closing, Mr. Speaker, I wish to have it on the record - of course, I like the Attorney-General am faced with the problem of hoping that the Leader of the Liberal Party will read what I say because he's very seldom in his seat to really enter into a debate, but I hope that he will read to the effect that I challenge him, and I challenge him as a backbencher, as a layman, as a citizen of this province, as a Member of this House, to debate in any forum the efficacy of this ridiculous proposal.

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

MR. ADAM: Thank you very much, Mr. Chairman. It was not my intention to enter the debate at this point; however regarding comments arising from the remarks made by the Member for Minnedosa and the Member for Pembina and I believe the Member from Gladstone,

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(MR. ADAM cont'd) I feel that I should get up and say a few words. They were quite concerned and I think we've heard this argument last year and perhaps the year before - it comes up every year in the House - they were quite concerned and deplored the nightlighting and destruction of our wildlife out of season and particularly at night. And as a conservationist myself, certainly I deplore the use of jack-lighting very much so. In fact, Mr. Chairman, I am such a conservationist that I deplore hunting wildlife in daytime, nighttime and even within season or out of season.

However, Mr. Chairman, I had to get up because I feel that when they get up and express their concern, they immediately try to place a blanket blame on the native people, everytime they get up in this House to condemn nightlighting they place the blame entirely on native people. And I take exception to that, Mr. Chairman. I would like to know whether members opposite have taken the time to get in touch with the Game Branch in other provinces, in the Province of Ontario, in the Province of Saskatchewan and in the Province of Alberta, to ascertain whether or not the native people are the only ones who are nightlighting. I think, Mr. Chairman, if they would take the trouble to do just that they would find out that the native people are not all to blame for nightlighting. In fact, I have taken it upon myself last year to get in touch with the Game Branch in Ontario and Saskatchewan and Alberta, and it's not like what my honourable friends opposite want to convey to this House, that the native people are entirely to blame for nightlighting. And if they will take the trouble to investigate themselves they'll find that it's about a 60-40 ratio, and in some cases it's 50-50. So let them not come here and say that the natives are the people who are doing all the nightlighting. There are almost as many non-native people who are caught nightlighting. I cannot sit down and accept that, Mr. Chairman; that's what I want to say.

MR. CHAIRMAN: A point of order has been raised.

MR. FERGUSON: I think that the Honourable Member from Ste. Rose is imputing the fact that we are strictly accusing the Indian population of nightlighting. This wasn't the fact at all. What I did was read a letter that was written to the Honourable Jean Chretien and the reply we got back. Now at this time of the year - as I said in my address here a few moments ago, I had a phone call at supertime that this was an instance that was taking place and this is why I brought it up at this time.

I think that the Honourable Member from Ste. Rose should realize that this is not something that is taking place normally at this time of the year, he's imputing something to us that doesn't exist. He possibly is in an area - I know very well he's in an area that he thinks he may gain some political mileage. Our statement was simply this, that this is a fact that the Attorney-General of this province is going to have to face up to. This is a place that our Game Conservation Officers, our RCMP officers are giving up, because they're apprehending people, they're giving a treaty number and they're booking off. I can tell you very truthfully Mr. Chairman, and Mr. Attorney-General, and Mr. Member from Ste. Rose, that the people in my constituency will not put up with this any longer. And you can get votes out of it if you like, but if this is going to carry on in my constituency my people one of these days are going to stand up and fight and there's going to be trouble.

MR. CHAIRMAN: I don't know what the point of order was. It seems to be differences of opinion between members. The Honourable Member for Ste. Rose.

MR. ADAM: Mr. Speaker, when I got up it was not to try to hurt the feelings of the Member for Gladstone because I was not here in the House when he made these remarks, but when I did come in this evening I heard the Member from Minnedosa get up and also the Member from Pembina and there was no doubt in my mind that they were imputing that the native people were responsible for all the nightlighting.

MR. HENDERSON: Mr. Speaker, Mr. Speaker, on a point of privilege, I said I don't care whether they are native people or not. I'm sure I said any class of people, because there's more than Indians that are jacklighting and I know that. -- (Interjection) -- That's right. But they all should be stopped.

MR. CHAIRMAN: The Honourable Member from Ste. Rose.

MR. ADAM: I agree. I agree. I agree with that statement. But let's not blame the native people, and that's what you're doing, and that's what you've been doing last year and the year before.

MR. HENDERSON: Mr. Chairman, I didn't just say it was the Indian people.

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MR. CHAIRMAN: The Honourable Member for Pembina. What are you rising on? A point of order?

MR. HENDERSON: On a point of order. I didn't say just the Indian people. I said no matter whether they're white people or not.

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

MR. ADAM: Thank you, Mr. Chairman. I accept the honourable member's explanation. However when the Member from Minnedosa got up I got the impression and I think as most of the members on this side of the House -- (Interjection) -- I believe they got the impression that he was blaming the native people for nightlighting. Now I oppose nightlighting by natives, by white people, by anybody. And I know for a fact because I've taken the trouble to phone the Game Branch in Alberta, Saskatchewan and Ontario, and I would like any member on the opposite side to stand up and say that they've done likewise, and I could tell you, Sir, that there are almost as many white people being caught in the act of nightlighting as native people so don't blame the native people, and I'm not trying to get votes.

MR. CHAIRMAN: The Honourable Member from Rhineland.

MR. WATT: I just wanted to ask a question if the Member for Rhineland is going to make a speech?

MR. CHAIRMAN: Will the honourable member yield the floor? The Honourable Member for Arthur.

MR. WATT: I just have a question. I just wondered if the last two speakers might get together and agree on the statement made in Hansard on Page 1478 when the Honourable Member for Ste. Rose, and I would like to quote him, when he said: "And we've been talking . . ."

POINT OF ORDER

MR. PAULLEY: . . . on a point of order. I understood that the floor was yielded to the Honourable Member for Arthur by the Member for Rhineland to ask a question of the Member for Ste. Rose. Now instead of asking a question he's going on reading excerpts from Hansard of some time ago. Mr. Chairman, . . .

MR. WATT: Well my question arises out of . . .

MR. CHAIRMAN: Order, please.

MR. HARRY J. ENNS (Lakeside): Mr. Chairman . . .

MR. CHAIRMAN: Order, please.

MR. ENNS: On the point of order, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Lakeside on a point of order.

MR. ENNS: Mr. Chairman, it would seem obvious to all that if there was a point of order to be raised, it should indeed be raised by the Member for Rhineland who graciously yielded the floor to my colleague the Member for Arthur.

MR. PAULLEY: Yes, Mr. Speaker, on the point of order. He yielded in order to allow the Member for Arthur to ask a question, and when a question is to be asked it doesn't have to be prologued by a reference to Hansard.

MR. CHAIRMAN: Order. The Honourable Member for Arthur.

A MEMBER: Will you be quiet?

MR. CHAIRMAN: Order, please.

MR. WATT: I want to thank you, Mr. Chairman, for giving me the floor which has been yielded by the Honourable Member for Rhineland, and I may ask the Member for Ste. Rose if he still has the same mind today as he had the day that he read into Hansard and I quote, "I fail to see how we can afford to stop, look and listen, and I think it is time that a lot of people start thinking about this. The province, since 1969 this government has not . . ."

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

MR. WATT: . . . stopped to look and listen . . .

MR. CHAIRMAN: Order.

MR. WATT: My question is . . .

MR. CHAIRMAN: Order, please. Order. Order. Order. That question is not in order. The question -- (Interjection) -- Order, please. Order. The only question that is in order from the Honourable Member for Ste. Rose is dealing with the speech that he made this evening, not a speech that he made before. The Honourable Member for Rhineland.

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MR. FROESE: Mr. Speaker, or Mr. Chairman, I would like to make a few more remarks in addition to what I had to say the other night, and at that time the Minister responded and I think answered most of the questions I had put to him.

Tonight I would briefly like to deal with the matter of the Liquor Commission to some extent. I note from the Estimates that we have, and also from the revenue statement that we received from the Minister of Finance, that they are expecting considerable additional revenues again for the year that we are just approaching, and also that, from the same statement, that we will be making or having additional receipts over what we obtained last year. And when I look at the report that was tabled this year of the year ending March 31st, 1972, I find that we had a profit of \$33.7 million. This is quite a sum of revenue that we obtained through the liquor sales, which include spirits and wines and beer, and when we take a look at the report we find that there is some 15-1/2 million gallons of beer consumed in Manitoba. This is a terrific amount considering that we have so many of our people, our young people, who do not drink, and then we have I think a considerable number of adults that are not drinking, so there must be a certain group that must be drinking an awful lot. I checked the consumption of beer in the other years and the amount for 1972 I just gave you, 15-1/2 million. The amount for 70-71 it was 14.7, so that the increase actually in consumption certainly isn't that sharp that would give you the additional revenue that we are expecting. So somewhere along the line there must be considerable price increases taking place.

A MEMBER: The word is ripoff. Ripoff. Government ripoff.

MR. FROESE: So I would like to hear from the Minister on this. To what extent are they projecting price increases for the ensuing year? There's also mention made in this report that about \$5.3 was collected in sales tax, which is not included apparently in the report. I would just like to know from the Minister how they set up these reports when these amounts are not included. And I find the same -- I take it that the same holds true for the \$28.8 million that the Federal Government is collecting in customs and excise duties and sales tax on liquor sold by the Commission, because I find when I take a look at the financial statement that they show customs and excise duties of 16.3 millions of dollars. Yet we find the revenue that the Federal Government collects is 28.8 million, almost 28.9. So I would like to hear from him how he reconciles the two, or whether the customs and excise duties -- (Interjection) -- Well I take it it must be federal because we don't have those type of taxes in Manitoba. So these are some of the points that I wanted to raise under the Liquor Commission report.

I find then also that when I take a look at the other report that we have a number of suspensions taking place every year, and we have a whole list of hotels that have been suspended during the year of the report, and I find that in most cases it's one, two or three days that the suspensions are levied. I'm just wondering if when we have - what is it - three or four pages of suspensions listed, the number is 29 in all, are these fines heavy enough? Or is it something that they can well absorb and don't mind closing down for a day or two.

MR. DOERN: It hurts.

MR. FROESE: The Minister for Public Works says it hurts. I'm just wondering whether it hurts enough or not, otherwise we might not have the infractions that result in the suspensions. This is on the credit side of the ledger actually, these things that I've mentioned so far. Then when we look at the Alcoholism Foundation and the report that we've also received, we find that those organizations that are trying to help society and help to - try to assist these people that are burdened with this habit of alcoholism, and where they are tried to be brought back, that these organizations have deficits, and I think every one of them had a deficit. I notice that the Alcoholism Foundation had a deficit of 49,000, and that the Salvation Army had a deficit of 4,915, which is not large but their budget isn't as large either. So that are we assisting these organizations sufficiently to do a job when we make the millions that we do? In discussing the matter over the dinner hour with another two people they were of the opinion that we should tax them some more. I don't know whether I would go along because I feel that probably a lot of the people that are drinking heavy today in Manitoba can ill afford it and that the families as a result are suffering. I'm sure this is not the case of a good many other people who go to these balls, and so on, and really live it up and who have the money and who can afford it. But I'm sure that there's also many that can ill afford it, but how are you going to correct -- where are you going to draw the line and how are you going to correct the situation? This is the difficult matter.

SUPPLY - ATTORNEY-GENERAL

(MR. FROESE cont'd)

I had one complaint brought to my attention, and I think it has already been raised by other members of this House -- I don't frequent these places that often but nevertheless you have these people in your constituency and they have the right to approach you and then definitely I'm quite willing to bring these matters to the attention of the Minister -- and that is in connection with the matter of measurement of -- they felt that this was measuring it twice was an unnecessary matter and unnecessary item, and on top of that it meant spending moneys again for additional measuring devices and new glasses and the time consumed in it. So I thought I'd bring that to the Minister's attention. I notice that other members I think already spoke on it and if he has replied so he can forego the item.

I was also very interested in the discussion that took place here later on in the afternoon. I didn't hear the Leader of the Opposition -- or the Liberal Party in his address, except for the concluding remarks, so I can't really comment on what he had to say, but I recall the Member for Morris when he made his speech in connection with parliament and the legislatures and what type of reform should be brought about.

I think there are other things that should as well be considered and one of them is the press. I feel that on so many occasions when a national leader is made, it's the press that makes them; and they can also tear him down very fast, and sometimes I think this has been done very unfairly and that a party can suffer a great deal as a result. Sometimes I just wonder whether, while we do not want to probably put additional controls on the press, but whether some of the actions that are being taken in connection with building up and tearing down the leaders of our political parties, and especially on the federal scene, whether this is in good taste. I question it very much, and I'm sure it's questioned by many more people in this province. I don't know whether this is the time to debate the whole matter; I would have much more to say on the whole thing if it was open for discussion. But I'll suffice to say that at this particular time.

Naturally the matter of research was mentioned, and I think when we compare the facilities that are placed at the disposal of the members of this House compared to those of our sister province in Ontario, I think just puts us to shame. Two years ago when I attended the Parliamentary Conference in Ottawa -- Ottawa was hosting it at that time and I met some of the members from the Ontario Legislature and certainly in our discussion it was very evident that they had much more at their disposal, and as a result I think they could be much more effective in the House and in their work.

Certainly I feel that -- well then there's the rules as well. The rules in this House certainly don't give equal opportunity to all the members and I think this is even unconstitutional -- (Interjection) -- No they don't. Just the other day we found that there was in connection with a Ministerial Statement there was a -- the Minister of Agriculture tried to read a letter into the -- answer to a question, and it wasn't allowed. There was a cry from the Opposition because they were unable to reply to that under the situation. And this is the situation that applies to me as an individual member here all the time, yet when I raise it they don't give heed, and this is just one of the points that I would like to bring out at this time that our rules are to blame and I doubt -- and I don't think our rules are really constitutional under our federal statutes that would set up our provincial legislatures, and I think the next time the Rules Committee is appointed to look at the rules again, I think that these are points that should be taken into consideration. -- (Interjection) -- Well they -- the Member for St. Johns says, provided you're on it. Well we know very well that they avoid putting me on the committee and have for a number of years already, just so that I won't have a voice to make -- (Interjection) -- enable me to make a proposal. I am unable to make a proposal to the committee. -- (Interjection) -- Sure, I can't make any proposals whatever . . .

A MEMBER: They won't be there very long Jake. They won't be there very long.

MR. FROESE: All I can do is probably mention it to another member and hope that he might do something. But that I am sure wouldn't be satisfactory to any of the front bench on that side nor to the front bench on this side, especially the other opposition parties. Therefore I thought I would mention those things at this time, because when we talk of reforming that there are many other things that we should consider as well.

The Member for Rupertsland has asked for three minutes so I'll let him have those three minutes. The other point I think I can raise under the other items in the Estimates.

SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN: The Honourable Member for Rupertsland.

MR. ALLARD: Mr. Speaker, I want to first thank the Member for Rhineland for giving me a chance to make a few comments on the Minister's salary. There's a couple of points that I'd like to touch on. One of them has to do with the Age of Majority and to the laws that pertain thereto.

I'm not sure that I completely agree with the age of 18, perhaps should be 19, but whatever it is, as the case may be, it is now set at 18 and there are some industries in this province to whom this age is very important. Certainly the laws that relate to the entertainment field and to the field of drinking have a great deal to do with the age of the participant, of the client. I would suggest at this time that notwithstanding the hullabaloo that may be raised, that the Minister, both himself and the Minister of Industry and Commerce, be involved in supporting the efforts of those who would like to see ID cards available, effective ones, available to people in their late teens to prove that they are of a certain age.

And while I'm speaking on the subject of drinking I think that the activities of the Minister and the Minister of Industry and Commerce in establishing the joint effort which brought out a productivity audit for one of the service industries in Manitoba - the liquor industries in this case - the hotel industries is one of those efforts that deserves to be highly commended as the kind of joint public and private effort that deserves every praise. Thank you, Mr. Speaker.

MR. CHAIRMAN: The hour being '9 o'clock, the last hour of every day being Private Members' Hour, Committee rise. Call in the Speaker.

Mr. Speaker, the Committee of Supply have directed me to report progress and ask leave to sit again.

IN SESSION

MR. SPEAKER: The Honourable Member for Logan.

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

MOTION presented and passed.

PRIVATE MEMBERS' RESOLUTIONS

MR. SPEAKER: Tuesday night. First item is private bills. Since there are none, we go to public bills for private members. Bill 21. The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, the Honourable Minister of Education is absent from the city and has the adjournment . . .

MR. SPEAKER: Order, please.

MR. PAULLEY: . . . has the adjournment of this debate and I would request that it stand in his name. But, I would suggest that if any member wishes to make a contribution and I - - no, you have spoken, I thought you had. If any other member wishes to speak, Mr. Speaker, I suggest that they proceed and then the debate stand in the name of the Honourable Member, the Minister of Urban Affairs.

MR. SPEAKER: Agreed. I thank the Honourable Minister. Does anyone wish to have the floor? If the honourable member has a contribution I'll recognize it.

MR. PAULLEY: No, he hasn't.

BILL 12

MR. SPEAKER: Order, please. Order, please. Next item is Bill No. 12. The Honourable Member for Radisson.

MR. HARRY SHAFRANSKY (Radisson): Mr. Speaker, I adjourned the debate on behalf of the Minister of Municipal Affairs. He has some comments on it.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, the bill is of such a nature that we do not have any basic objections to it and therefore I would commend it to the House for approval in principle so it can be forwarded to the committee stage.

MOTION presented and passed.

BILL 28

MR. SPEAKER: The Honourable Member for Radisson.

MR. SHAFRANSKY: Mr. Speaker, I made inquiries with a number of people in the

BILL 28

(MR. SHAFRANSKY cont'd) Brandon area and find that the proposed parking structure is within the city's local improvement district downtown and would therefore likely be funded by local merchants within this district. The general feeling of the people that I talked to is that the parkade would be advantageous to the downtown core area and may balance the existing shopping centre's facilities in a good way. There is no objection for the bill to go to committee.

MOTION presented and passed.

BILL 27

MR. SPEAKER: The Honourable Member for Brandon West.

MR. MCGILL: Mr. Speaker, when this bill was introduced on Thursday evening last the Member for Flin Flon introduced the bill in a rather unusual way when he suggested that he was going to give two explanations of the bill itself and one was an explanation from the Mayor of Flin Flon by letter and then he followed this with an explanation of what actually happened. I think those were his words. So, Mr. Speaker, having been given the two alternative explanations we felt that it was rather important then to look a little more carefully at the bill because it seemed to me that there might have been an inference that there was some dispute over the terms of the bill.

Mr. Speaker, we've had an opportunity to examine the bill in somewhat greater detail and to read again the remarks of the Honourable Member for Flin Flon. I find that there is in fact complete agreement between the company, the Hudson Bay Mining and Smelting Company and the Town of Flin Flon, City of Flin Flon, in respect to the inclusion of these lands within the boundaries of the city. Having been assured that this was the case, Mr. Speaker, I see no reason why this bill should not be proceeded with. We have no objection to it; we now understand after rereading the remarks of the member what he intended to do in his explanations. I think we have satisfied ourself that it is not a controversial bill and we would therefore favor its passing.

MOTION presented and passed.

RESOLUTIONS

MR. SPEAKER: We are now down to resolutions. Resolution 19. The Honourable Member for La Verendrye.

MR. PATRICK: Mr. Speaker, may we have No. 19 and 8 stand please.

MR. SPEAKER: They'll go to the bottom.

MR. PATRICK: Drop down to the bottom.

MR. SPEAKER: Very well. No. 11 The Honourable Member for Morris has 14 minutes left; on the proposed motion of the Honourable Member for River Heights, the Leader of the Opposition.

MR. ENNS: Mr. Speaker, in the absence of the Honourable Member for Morris I would ask leave to have this matter stand.

MR. SPEAKER: It will go down to the bottom. Agreed?

No. 12. The Honourable Member for Osborne. -- (Interjection) -- The matter will drop to the bottom. Very well.

Resolution No. 13, of the Honourable Member for Assiniboia. The Honourable Member for St. Johns. The honourable member has 13 minutes to go.

RESOLUTION 13

MR. CHERNIACK: Mr. Speaker, as I recall it, we were discussing the proposal before us and I was raising the question of the extent to which this was really a meaningful proposal. As I recall it, too, I was pointing out that when taxes are levied they are levied on a municipal basis on an assessment base. Any change in the assessment base of course redistributes the taxes amongst other people, and it could well be that if this motion as it is presented now were to pass that you would find that some person with the financial ability to improve his home -- let's say a person who has a home worth \$8,000 improves it to the extent of \$2,500 and does not pay increased tax on it, will just pass the cost or the distribution of the tax base to his neighbours. What we may well find as a result of this general proposal is that those who can afford to improve their homes will do so and the tax levy will still be borne equally with those of the same assessments who are not in a position to improve their homes. So that really

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(MR. CHERNIACK cont'd) since all the assessment is is a measure, a yardstick, on the distribution of the burden of taxation, only a yardstick, then the proposal in simple form of course redistributes it in a wrong way.

Now of course we know that the proposal would have little benefit to persons residing on farms because farm buildings occupied by a farmer are not assessed in any event. But we also must realize that some people are misled and I think misled by this kind of resolution into thinking that if they do simple repairs to their home, if they clean up their homes, if they decorate their homes, if they repair the wiring in their homes, they're misled into thinking that this increases their assessment. I'm sure the proposer of this motion, whom I believe was the Member for Assiniboia - yes - should and probably does know that that kind of repair does not result in increased assessment. If he does know it he should tell people that; if he doesn't know it he should find out so he can tell people so that they do not think that this kind of repair will bring about increased assessment. The fact is that it has to be actual improvements to the home, improvements to the extent of making it a better home, adding a room; that kind of additional improvement to the home is something which I believe goes beyond the preamble of the resolution itself, and really misleads them, the resolution does.

Now what in effect is the accomplishment of this? I have had a calculation made. We know that the Municipal Act provides that two-thirds of cost, or two-thirds of value is what the assessment is. The practice apparently is however that in the various municipalities when all factors are considered the assessment is closer to one-third of the value. If one looks at improvements such as proposed in the resolution up to \$2,500, if you take Winnipeg with a mill rate last year of 74.394 mills, you will find that an improvement of \$500 would produce an increase in taxation of some \$12.42. Is that what the proposer of the resolution is trying to accomplish? Or if it's a thousand dollar repair then the increase in property tax would be \$24.77. Is that what the mover of the motion is really trying to accomplish? Or if you go to the full \$2,500, and you have to be better off to do that, then there is a saving of \$61.97 in property tax. As a result, Mr. Speaker, we find that those who are financially better able to bring about repairs are those who will be the real beneficiaries. They will be the ones who will get the greatest gain. And of course as I pointed out the other time I spoke on this resolution it is so broad that it includes improvements by landlords, it includes improvements for industrial factories, it will include commercial, it will include office buildings.

The intent of this resolution is clear that anybody who owns real property and improves it will be exempt of taxation for five years for \$2,500. We pointed out that an absentee landlord living in Florida in the sun will be able on the basis of this resolution to put \$2,500 into improvements in a home which he rents out, or in his office building, or in his factory and be exempt of taxation. -- (Interjection) -- Well I don't know if the Member for Assiniboia intended it that way or whether he just didn't know how to draw a resolution that shows his true intentions; but either way if we go down to those people who are most affected by low incomes and are afraid of property taxes, the greatest accomplishment at the highest mill rate, \$61.97 for \$2,500 in improvements.

Since the motion was presented this government has done so much more for people in that category. An elimination of the medicare premium, health premium of over \$100 a year goes far beyond this petty minuscule proposal that is made by the Member for Assiniboia. The increase in the property tax credit up to \$200 on income tax rebates goes way beyond the small thinking that promotes this resolution. And I just wonder if the Liberal Party is so poor in their imagination of what could be done if one puts his mind to it and is prepared to face attack and abuse for doing what is done then I think the Liberal Party should look further into what really can be done to help people. This government has had the courage and has done that. We have looked to help the people in need, not everybody as is proposed in this resolution, not the millionaire with his factory that this resolution would help but the people in the greatest need, people in the low and middle income. We've done it in the face of opposition from many members of the community and from members of this House. What we have done far exceeds what is being proposed by the Honourable Member for Assiniboia.

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MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, I would like to just say a few words with respect to the resolution before us. I think that a few basic facts should be outlined as to the present program or policy in respect to assessment and what forms of repairs and maintenance jobs are done without any increase in assessment, and where in fact at the present time there is an increased assessment as a result of alternations or changes.

The list -- and I would like to read the list out for honourable members -- of items in which there is no effect at all towards increasing assessments include interior and exterior painting and decorating, roof repair or renewal, stucco or siding repair or replacement, replacement of wood storm windows and doors with metal, outside stoop and steps replaced with similar materials, repair or renewal of eavestroughs and downspouts, heated equipment repaired or replaced with similar type, repair or renewal of basement steps, beams and posts, repairs to masonry and interior plaster, alteration or renewal of electrical installations with materials of similar standard and utility, repair or replacement of plumbing fixtures, repair and maintenance of garages, sheds, outbuildings, external fire escapes built for that purpose only. Also not assessed are fences, landscaping, trees, shrubbery, as well as fish ponds, foundations and similar ornamentation. So that the list of items that can be done by a homeowner without an influence upon the assessment are quite extensive.

Now there are some items that bring about an increase in assessment. I would like to read those to members of the House, and they include structural changes to multiple family use, new rooms finished in basement or attic, any change resulting in a larger building, extensive remodelling and modernization, added garage or carport, replacement of stove or gravity hot air heating with modern automatic heating system.

So that basically the factors would seem to be that where there is an improvement or repair there is no adverse influence in respect to the assessment. On the other hand where there is a very basic alteration leading towards an increased value, and this must come about as the result of a basic change in the structure of the building, the addition of new rooms for instance in the basement, or extensive remodelization or remodelling which changes the very form of the building, or the addition of new buildings certainly does include assessment.

Now I would like to say to the honourable member that I do not think that this is an area that we should dismiss without serious thought as to whether we would want to proceed to a change in the policy of assessment in this respect. There is no other part of the country that in fact is doing what the honourable member requests, with the exception possibly of Ontario, and I say possibly of Ontario, the honourable member from time to time has mentioned the practice in Ontario, but I would like to read into the record of the House a letter from the Deputy Minister of Municipal Affairs in the Province of Ontario which explains the policy of the Province of Ontario and how their legislation had come into effect and I'll table this letter in the House, letter to the Deputy Minister of Municipal Affairs here in Manitoba.

"Thank you for your letter of August 5th concerning the recent Ontario Legislation which provides that home improvements up to a value of 2,500 may be made without an increase in assessment. As you may be aware real property assessment was a municipal function in Ontario up until January 1st, 1970, when the province assumed responsibility for the function. Our goal in assuming this responsibility is to have all real property in the province reassessed at market values by 1974, by taxation in 1975.

"The particular amendment referred to by the Clerk of the City of Winnipeg," -- this request by the way has come through the province, different times from the city -- "in his letter to your Minister is simply one provision of Bill 127 which amends the Assessment Act. Basically this bill provides that the 1970 assessment roll will continue as a municipal tax base until reassessment is completed, except that the roll will be altered to include the addition in value of the property where existing structures have been altered or new structures have been erected. However additions will only be made to the roll where the market value of such alterations or new structures is at least \$2,500.00. This provision is found in section 13, subsection 93 of Bill 127."

So it would appear that the provision in Ontario is a transitional one brought about by the transition of the function of assessment in that province from one at the local, or the municipal level, to the provincial level with no real indication that it's intended that this practice there be continued after the transition is completed.

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(MR. PAWLEY cont'd)

At the present time we have developed a joint form of discussion with representatives of the Union of Manitoba Municipalities insofar as looking at the entire range of assessment in the province. And the Union of Manitoba Municipalities is presently attempting to enlist the support of farm organizations, and Chamber of Commerce and Labour groups, and whatnot, in co-operation with the Department of Municipal Affairs to examine the entire range of assessment.

We've had so far some fruitful meetings in this respect and it would be the intention of the Department of Municipal Affairs to assist this committee in any way, shape or form. And it would be my intention to refer this item which has been raised by the Honourable Member for Assiniboia to this committee, involving the municipal people to ascertain their thoughts on it and to attempt to at the same time to obtain views and expressions of those that are familiar with assessment practices in other jurisdictions.

I know that the honourable member holds this item as one of top priority. I do have to however repeat what the Honourable Member from St. Johns has indicated that this government through its various programs, whether we look at the Pensioner Home Repair Program, the Property Tax Rebate Program, School Tax Reduction Act, and numerous other programs to assist the homeowner, has gone a long way in attempting to assist those who living in their own homes, owning them, wish to carry on the principle of homeownership in improving their homes and keeping them up at the same time. And in fact this government has moved a long way in making it a real possibility that many many more people on low income can afford a decent living accommodation.

So it is not with apology then that I say to the Honourable Member for Assiniboia that this matter should be dealt with by this committee, receiving municipal co-operation, and with that in mind I would move, Mr. Speaker, seconded by the Honourable Member for St. George, the Honourable Member for St. Matthews, that following the word "because" in the second line of the first "WHEREAS" the words "they are under the impression that" be inserted, and that there be inserted following the second "WHEREAS" the following: "AND WHEREAS this government has already begun to remedy this problem through its highly successful Pensioner Home Repair Program", and that in the third paragraph every word following "THEREFORE BE IT RESOLVED" be deleted and replaced with the following, "that this government continue to consider the advisability of a comprehensive policy to promote the maintenance and rehabilitation of housing in Manitoba, and that as part of this comprehensive policy it continue to study the desirability of implementing exemptions on assessment for the encouragement of improvements to and rehabilitation of homes for periods extending from three to five years."

MR. SPEAKER: Moved by the Honourable Minister of Municipal Affairs, seconded by the Honourable Member for St. Matthews . . . The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, I rarely rise as a rules expert, Mr. Speaker, in this Chamber but I, in the absence of the Honourable Member from Morris who serves that function so capably, I was hoping that perhaps in your perusal of the Amendment just moved by the Minister of Municipal Affairs that you may have had some reservations yourself as to the propriety of that amendment, and as to whether or not such amendment could be acceptable under our rules as being in order.

From the reading of the amendment by the Minister it would certainly appear to me to basically alter the purpose and the purport of the resolution. And my understanding of the rules is that an amendment of this kind, or an amendment to a resolution, can only be considered if it does not basically alter the intent of the resolution. It may alter the timing of the implementation; it may alter some of the conditions of the basic intent of the resolution, but it cannot be so distorted that the original resolution as put forward by, in this case the Honourable Member for Assiniboia, lose completely its meaning, its purported meaning.

Now if the members opposite, if the government wishes to reject the resolution or vote against it, that of course is a matter of their choice. But I would again, Mr. Speaker, humbly suggest to you that you need not take my word as being the last word on the subject matter, it may be one that you may wish to peruse over at some greater length, but we certainly have the feeling, Sir, that the amendment did indeed distort this resolution beyond any identification of the original resolution.

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MR. SPEAKER: I thank the honourable member for bringing the motion to my attention. I did peruse the amendment in order to be certain that what I was reading was correct, and what I had heard was correct. Beauchesne Citation 201 indicates the object of an Amendment may be to effect such an alteration in a question as will obtain the support of those who without such alteration must either vote against it or abstain from voting thereon. Or to present to the House an alternative proposition, either wholly or partially, opposed to the original question. That's entirely what is the case before us so we may proceed. The floor is open. The amendment is in order. The following . . .

MR. WATT: On a point of order. My understanding of the rule is that once you have read the amendment that you have accepted it.

MR. SPEAKER: I did peruse the amendment in order to be certain that it was in order. The Honourable Member for Lakeside questioned it; I read to him the citation which indicates amendments; I think the matter is clear, the amendment is in order. Another honourable member has asked that the amendment be read. I shall do that.

The amendment is that the following words, that following the word "because" in the second line of the first WHEREAS, the words "they are under the impression that" be inserted, and that there be inserted following the second "WHEREAS" the following, "and whereas this government has already begun to remedy this problem through its entirely successful Pensioner Home Repair Program," and that in the third paragraph every word following "THEREFORE BE IT RESOLVED" be deleted and replaced with the following, "that this government continue to consider the advisability of a comprehensive policy to promote the maintenance and rehabilitation of housing in Manitoba, and that as part of this comprehensive policy it continue to study the desirability of implementing exemptions on assessments for the encouragement of improvements to and rehabilitation of homes for periods extending from three to five years." The floor is open. The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, if you would allow, Sir, in order to assuage any remaining doubt on the part of the Honourable Member for Lakeside, I would refer the honourable member to Page 219 of the Journals of 1972 and to Resolution No. 14 as it appeared on the Order Paper of last year, which would show that substantively a motion of a similar kind was amended to a similar effect as this amendment, and this House also proceeds on the basis of precedence having been accepted by previous speakers, etc.

MR. ENNS: Mr. Speaker, I won't prolong this but on the same point of order a mistake made last year doesn't indicate that it can be made this year. -- (Interjection) --

MR. SPEAKER: Order, please. Order, please. I am sorry I allowed the interjection of the Honourable First Minister, it should not have occurred, and now I find that it is out of order and everything else is out of order. I have made a ruling. There is only one other procedure left to the honourable member. He can challenge my ruling or else we proceed. The floor is open for debate. The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, I believe the amendment does change the intent of the resolution but at the same time it still will consider to study how this can be brought about and by that I mean how could improvements to property be exempt from increasing or having the taxes increased on certain homes. And I would like to say a few things.

I listened to the Minister of Municipal Affairs and perhaps he made a worthwhile contribution, and I agree with him that the priority of this resolution maybe is not as great today as it was last year before the tax credit, but on the other hand I was very disappointed by the contribution that was made by the Member for St. Johns. And he considered the resolution stupid, its minuscule, you know, recommendation by this side of the House, or as far as my resolution was concerned, I would say that it perhaps didn't appear minuscule to the Government of Ontario, because the people have accepted that and feel it has been a good recommendation, or a good piece of legislation in respect to having their assessment not increase after improvements to certain properties. Now the Member for St. Johns also did not like that it applied to all property. Well I'll be frank with him, and I'll be sincere, I did not mean to have it apply to all properties. I meant it to apply to residential properties only. I'm sure he realizes this and he knows this because this resolution has been before this Legislature at least on three or four, maybe five occasions and at that time I specifically had mentioned residential property and it was missed this time and the member the other day said well we should bring matters to this House to debate, to concern ourselves with certain validities.

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(MR. PATRICK cont'd) In fact he stated the other day in the House that -- you know, let's debate the validity of home ownership. That was the exact words that he used I believe. And I say there's nothing wrong to debate the validity of this resolution because it may have some merit. In my opinion it has a lot of merit. It was worthwhile in some other provinces, it's worthwhile in Ontario and I'm sure it would be worthwhile here. I know that I have talked to many people and they think it would be a good piece of legislation, that it would encourage people to improve their properties and this is the whole thing that I talked about.

Now the Minister for Municipal Affairs, and I agree with him, that certain items are excluded, but I can tell him from experience, let him purchase a home that's say run down, for \$7,500, and let him improve it, let him put a new roof on and new windows, let him decorate it, it'll increase in value and it'll increase in assessment and the tax will be increased within a year. So he can't say to me that you know all these items are excluded. For instance what does remodeling mean? This is exactly one of the points that was used, that was read by the Minister. Remodeling means naturally fixing the property up; or modernization, putting a new heating system. Well these are the things that I was talking about, that's what I meant. In the greater, or part of Winnipeg we have probably, the majority of homes are older homes, are run down, need rehabilitation, need modernization and these are the homes that I am concerned about. These are the homes, the property owners that we should encourage to improve their homes. And I'm not denying, we're not discussing tax credit now. We debated that issue last year. Today we're talking something different and let's debate the issue that's before us at the present time to see if it has any validity if it has any merit or not. The Member for St. Johns continued to debate and talk about that it would apply to the millionaires and apply to the rich people. Well let me tell him, my association and my conversation and my talking with the people was not with the millionaires. The reason I brought this resolution before this House is because of the people that lived in homes that were not expensive, the people that lived in homes that need modernization, that need rehabilitation. These are the people that I talked to when I brought this resolution to this House and it wasn't because of the millionaires. And the Member for St. Johns said well it would apply to everybody. Well I'm sure that people that are living in new homes, in more expensive homes, I don't doubt very much if they will need that type of modernization or rehabilitation that their assessment would increase. But the people that I talked about or the homes that I was concerned about is the ones that do need rehabilitation, the ones that do need fixing. And it's easy to say that all these things are excluded. They're not excluded. All you have to do is to go and talk to someone that has fixed his home, has rehabilitated his home, has modernized his home, and he'll tell you that the assessment has gone up within a year and his tax has gone up; and I'm sure that there are people in this House from their own experience this has happened to them. So just by reading and putting in the record that the City of Winnipeg has stated that some items are excluded and your assessment will not increase is not totally correct, maybe partially correct but not completely correct.

I know that there's a great debate at the present time and great concern, is it better to own a home or property or is it better to rent, and I may say to the Members of the House that at the present time the attitude of the people is changing and even many young people are deciding to buy their homes either through small residential houses or condominiums because of inflation, because of investment and because they can build up an equity in owning their own property. This is not only happening by married people but even some of the single people today in the young age, in their 25s and 30s, they're buying - professional people - they're buying houses to fight inflation and to build an equity.

I can quote from one of the papers that I just noticed the other day, and I'd like to just put it on record, and it's one of the reasons why people want to buy their property. A woman in her late 30s who owns a two-bedroom duplex, a condominium, ticks off her reasons for buying rather than renting. It's tax saving - I felt I couldn't live in a nice place unless I bought something. Paying rent was just wasting my money. I wanted to make a good investment, something that had a good resale value and I bought a house. So this is the feeling of more and more people today and perhaps we can debate the validity of home ownership.

I know that in B.C. the legislation that prevailed there under the Social Credit government where there were outright grants given to the first time home buyers. It is my information that this same legislation still prevails and the NDP government is continuing in British Columbia

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(MR. PATRICK cont'd) to make it easier for people to buy a home of their own and in fact they're accelerating that program to a very great extent. They're putting a great amount of money into that program to make it easier for people to be able to buy a home of their own.

So the reason I put this resolution before the House, not to allow someone that has a lot of money or the millionaires that the Member for St. Johns mentioned, for them to be able to deduct or not have to pay increased assessment on their property when they improve it; that wasn't the reason at all and I am sure the member knows that. Maybe the resolution was just not drafted exactly the way it should have been but the member could have just as easily got up and amended it and say we will not make it universal, only allow it to the people that need to it, to a certain perhaps class of a home and I think it would have made a much better contribution to this House instead of just dismissing it and call it, it wasn't worthwhile bringing it to this House. I feel that owning a home today is certainly a wise investment for many people with an increase in prices at the present time where lumber costs have gone up over 30 percent in a matter of three months or four months right across Canada and the construction costs have increased as much by 25 to 30 percent in a matter of a year and a half to two years. So surely anything I believe that the government can do to have people be able to improve their property and not be subject to increase in assessment and taxation, I think that we'd be encouraging people to improve their properties and their homes. I don't think we should discourage, Mr. Speaker, I think that we should encourage people to be able to improve their property. On the other hand, I also don't believe this is a very small thinking as was mentioned by the Member for St. Johns. I know in some States in the United States they exempt as much as \$10,000 or first assessment for people who are senior citizens or 65 years of age or over.

So, Mr. Speaker, I have no choice but to support the amendment because the amendment still states it will study to see if there can be exemptions be allowed for improving the property, but I'm somewhat concerned that the government is not really serious about doing anything in this area except just to amend the resolution and to let it die on the Order Paper.

Mr. Speaker, the member from his seat says what have we done. I at least spoke on this matter at least on five times this year. Not on this particular matter, on the Budget, on the Throne Speech, and every time I got up I gave the government credit for bringing in the Tax Credit Plan. And last year I didn't equivocate one bit; when the bill came in, was introduced; I got up and I said I will support it, even before I knew what my party was going to do. So the member cannot say that you know, I haven't said it. I've said it on many occasions and I agree -- (Interjection) -- Well I'm saying that what we should do we should encourage people to be able to improve their property without being subject to increase in taxation; that's my point, and I think that this measure would go a long way. I don't think it's small thinking, I don't think it's stupid. The Province of Ontario has done it and I believe the people have really accepted it. I've had occasion to ask people in this province, in the City of Winnipeg, to ask quite a few people what their attitude would be and every one will agree that they think it's a good measure, it would be a good measure and would go a long way.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: You going to be short, George, I'll let you go.

MR. SPEAKER: The Honourable Member for Pembina.

MR. HENDERSON: Mr. Speaker, I've been looking over this resolution and I don't know how it applies to city people but I know to rural people that the original amendment is really ridiculous, because rural homes are not assessed very high in the first place. When they're talking about a \$2,500 expenditure not being included in consideration of the assessment I think they're all wrong. In fact I've been listening to the Honourable Member from Assiniboia several different times and I think probably he seems to be talking more like a socialist than some of the other fellows on the other side. Yes, I say that with sincerity because I've been listening to him from time to time and he became quite a giveaway man. It's easy to see that he's not going to be in power where he's going to be trying to raise the funds or the necessities that are necessary. -- (Interjection) -- I have no intention of supporting the original motion which you put forward. In fact I'm going to give the government credit in this case because they have helped the senior citizens and -- (Interjection) -- I'm speaking for myself, I'm speaking for myself. I say that we have had -- (Interjection) -- I don't know, I didn't hear the Member from Lakeside support it. I am quite sure there has been help especially for the senior citizens and I don't think that -- we've got to raise the tax money some place. What are you

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(MR. HENDERSON cont'd) going to do? Are you going to tax the working man more and more? Are you going to tax the working man more and more and this is just what you're doing if you're going to give people more and more exemption.

So, Mr. Speaker, all I can say is that the way it appears to me is that the Liberal Party are still grasping for straws and are trying to look for a platform; and the Member for Assiniboia is very guilty of it and I would never support his original amendment at all. In fact I intend to support the amendment.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I just want to add a few words in the debate on this resolution. -- (Interjection) -- Well the Honourable Member from Arthur doesn't know that we're debating Resolution No. 13 here as amended and I am sure that if he's really interested the Clerk will provide him with the information so that he can know what we're talking about. -- (Interjection) -- The honourable member is acting very rudely, Mr. Speaker, but I'll ignore his rudeness and his interjections, his mumbling, because it's not intelligible to me and it certainly wouldn't be intelligible to anyone else. That's not out of keeping at this time of the night I admit for some members but I trust the honourable member will contain himself sufficiently that I can make a few remarks apropos of this resolution as amended.

Mr. Speaker, the Honourable Member from Assiniboia has the facility of introducing resolutions which have some attractiveness to them at first blush but when you think about the principles involved or the equities that may be involved in the policy change that is being advocated, you must have second thoughts about them and I would implore the honourable member to recognize that the kind of resolution that he advocated and which now fortunately is amended really doesn't involve that significant an improvement. When you reflect on the fact, as the Honourable Minister of Municipal Affairs did, that many many improvements in the average dwelling house can be made without any impact on assessment; it's only where there is a substantial change in the structure that there is an assessment change reflected, and by and large it's a simple enough matter with the assessment authority. It's when they issue a building permit, when there's a necessity to issue a building permit for the development of an additional part of a home like a garage or another bedroom or an extension, a second floor on a house, any substantial alteration which occasions the issuance of a building permit would be the kind of thing that would ordinarily involve reassessment after that alteration has been completed.

But I would like the honourable member to reflect on the inequity that could well come to pass in two neighbouring homes. One individual, let us say that he has a two-bedroom home and he has a growing family. He's not in a position to afford to buy a new home, to look for a new area, he is satisfied with the neighbourhood and the schools and so on, so he decides that he's going to have to put another storey on his home, or he's going to have to put a couple of more bedrooms on his home which involves an extension of his house. Now in all likelihood that is going to incur a building reassessment because that's the kind of thing that will involve the issuance of a building permit. So that individual who may be on a relatively restricted salary will be faced with a reassessment of his home property, because that kind of remodeling will not likely be completed for less than \$2,500.00. In all likelihood at today's building standards it's going to be in excess of that.

But on the other hand, next door you could have a neighbour who is comfortably located in his home, his family is relatively well satisfied with the facilities they have and he finishes his recreation room at a price of perhaps \$1,500 or \$2,000 and incurs no additional reassessment under his proposal. Now what greater equity has that system established? I suggest to you it hasn't. If anything it's reversed the equities, because the person who needed more consideration, given his financial circumstances and his growing family and his need to substantially alter his existing residence, is going to be paying more taxes because of reassessment and his neighbour conversely would not be affected under that proposal. So you know you can't look at these things as simple solutions, you have to look further. And you know in looking at ways in which to help the people of Manitoba to find more reasonable living accommodation and to have a higher quality of life, I think the honourable member, I hope that all honourable members will agree that the senior citizen home improvement program has had a significant impact all throughout Manitoba in providing a much more reasonable and attractive accommodation for senior citizens who own their own homes.

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(MR. MACKLING cont'd)

I know in my constituency of innumerable senior citizens who have had their homes redecorated, had new heating facilities put in their homes, had new roofs put on their homes, all sorts of home improvements carried out at either full cost to the Crown or but a small percentage of the cost by the individual pensioner. And this has brought . . . I'm sorry the honourable member wants to interrupt me. Has he got a point of order or do you want to ask a question? Well by all means.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: I'm sorry to interrupt the Honourable Minister, but really he said modern heating equipment and the letter that he's got in his hand, it states specifically in there, remodeling, modernization or modern heating system are reassessed. So from the letter that you're reading it states in there that those items are reassessed and taxable.

MR. MACKLING: Mr. Speaker, the honourable member points out that if there is a variation in the heating system, but in most instances the kind of improvement that I've been referring to is where there has been a heating system that now has reached a stage of disutility. And unfortunately in our society the manufacturers of gas furnaces, electric furnaces, every type of heating accommodation build in absolescence and these furnaces don't last forever and we have people whose furnaces are breaking down and they have to be replaced. And where there is a massive change in the heating system I think the honourable member is right, but I'm not referring to entirely new heating systems. In many instances senior citizens now have a much more cheery atmosphere in which to reside. Fully decorated homes -- and I speak from personal experience about some of the senior citizens in St. James constituency who have shown their appreciation in letters and in words to individuals and myself with no exception about the imaginativeness of this program and its real worth to citizens in the community.

I suggest that it is this kind of program that is meaningful in the lives of our senior citizens. You know, there have been resolutions about exemptions from taxation and so on but here was a specific reform that provided for improvements in the way of life of many people in Manitoba and I think that every member should feel proud that this was a government program, a program in Manitoba that I think shows leadership in Canada for recognizing the need of people on fixed incomes and particularly our senior citizens, to give them the kind of assistance in maintaining their own homes rather than being forced, forced because of the drabness, the monotony of their individual homes and their inability to maintain basic repairs, to have to find some multiple accommodation in a nursing home or some other facility. The longer -- well the honourable member seems to continue to mutter, I don't know now what is troubling him Mr. Speaker; I wouldn't suggest he's being offensive but he's uncomfortable about something. Simply because I am putting on the record the fact that this government has done something significant to help senior citizens maintain their own homes I think should not be a matter of discomfort to any member in this House -- on the contrary.

I was making the point, Mr. Speaker, that it should be the concern of everyone, that senior citizens ought to be able to maintain their own homes rather than being forced to give them up because of the fact that they are not in a position to maintain basic repairs, and then gravitate to multiple dwellings such as nursing homes and care homes and so on. So long as they can, we should endeavour to provide the opportunity for senior citizens to maintain their own homes and thus their own independence in their living habits.

Mr. Speaker, with those few words I suggest that all honourable members should support the amended resolution.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, the remarks I was going to address to this resolution were substantially shortened by the Member for Pembina when he got up and spoke so I'll speak to the few remaining items I was going to speak to on this resolution.

First of all, Mr. Speaker, it would be helpful when we are dealing with these resolutions if we could have the amendments distributed to the House, because under the new rules of the House we have to carry on there's no adjournment, so when an amendment is placed we have to carry on immediately with the adjourned resolution and therefore it makes it difficult unless we get the one and only copy that's floating around the House.

MR. SPEAKER: The point is well taken.

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MR. CRAIK: If we could somehow arrange, Mr. Speaker, for the copies to be distributed it would be helpful.

MR. PAULLEY: On the point raised, Mr. Speaker, I refer to Beauschesne. It says that a written copy of an amendment, it didn't say copies.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Well the ex-House Leader is up to his usual antics, Mr. Speaker. I think that he might recall that I said it would be helpful if those presenting amendments could supply copies. I didn't say that they had to read Beauschesne.

Mr. Speaker, I want to speak to the resolution specifically first of all. The first major change is that it says that "where they are under the impression that" in the first Whereas. Well, Mr. Speaker, if the Minister acknowledges that people are under the wrong impression, why does not the substantive part in his motion correct the misunderstanding that the people have, because the substantive part of the motion that exists here is almost a self-congratulatory statement in total, in total, and in no way addresses itself to the error in the first Whereas that says that people are under the wrong impression regarding the exemptions and what not they may have under improvements they may wish to make to their home. So the resolution is in error to begin with, it . . .

MR. SPEAKER: Order, please. The hour being 10 o'clock the House is adjourned and stands adjourned until 2:30 tomorrow afternoon.