



Third Session — Thirty-First Legislature
of the
Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

28 Elizabeth II

*Published under the
authority of
The Honourable Harry E. Graham
Speaker*



VOL. XXVII No. 42

2:30 P.M. Wednesday, April 18, 1979

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, April 18, 1979

Time: 2:30 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Before we proceed, I should like to draw the attention of the honourable members to the gallery on my left, where we have 30 students of Grade 11 Standing of the Garden Valley Collegiate. These students are from the constituency of the Honourable Member for Rhineland.

We also have six students of Grade 9 Standing from River Heights School under the direction of Mrs. Deslauriers.

On behalf of the honourable members, we welcome you here today.

Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees.

COMMITTEE REPORTS

MR. SPEAKER: The Honourable Member for Radisson.

MR. ABE KOVNATS: Mr. Speaker, the Committee of Supply has adopted a certain resolution, directed me to report same, and asks leave to sit again. I move, seconded by the Honourable Member for Crescentwood that Report of Committee be received.

MOTION presented and carried.

MR. SPEAKER: Ministerial Statements and Tabling of Reports . . . Notices of Motion.

INTRODUCTION OF BILLS

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. WARREN STEEN introduced Bill No. 40, An Act to Grant Additional Powers to Rossmere Golf and Country Club Limited.

BUSINESS OF THE HOUSE

MR. SPEAKER: The Honourable Member for Kildonan.

MR. PETER FOX: Mr. Speaker, before the Oral Questions, I would like to announce a number of changes on Standing Committees.

The Economic Development Committee, would you please exchange the name of the Honourable Member for Flin Flon with that of the Honourable Member for Fort Rouge, or the past Member for Fort Rouge.

In respect to Law Amendments, include the name of the Honourable Member for St. Johns instead of that of the Honourable Member for Fort Rouge; and Public Utilities, the Honourable Member for Churchill instead of the Honourable Member for Fort Rouge. (Agreed)

MR. SPEAKER: The Honourable Member for Gladstone.

MR. JAMES R. FERGUSON: Yes, thank you, Mr. Speaker. I have one change also: the name of Mr. Johnston for Mr. Spivak on Economic Development. (Agreed)

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, a question to the Attorney-General. In view of the Attorney-General's earlier answers pertaining to the availability of legal counsel to accused during periods of interrogation by the police, and the statement by the President of the Manitoba Bar Association rapping the Attorney-General for his earlier comments, and pointing out, that in fact, the present Commission hearings are not restricting themselves to the present proceedings of the Manitoba Police Commission, are only one part of the total picture and that this particular practice is not restricted to the Commission hearings. Is the Attorney-General in a position at this time to concur with the statements of concern by the President of the Manitoba Bar Association and to deal with this matter now rather than to wait for a period of time which may be quite extensive in order to deal with this particular matter of police interrogation and availability of legal counsel?

MR. SPEAKER: The Honourable Attorney-General.

HON. GERALD W.J. MERCIER (Osborne): Mr. Speaker, I thank the Honourable Leader of the Opposition for raising this matter. I discussed this matter with counsel to the Manitoba Police Commission, who advised me that to date the Manitoba Police Commission have not yet made any findings in regard to the accessibility of counsel to accused persons. In fact, counsel to the Commission advised me that the reports in the media are either inaccurate or have misinterpreted the remarks of Detective Sergeant Bird. Counsel advised me that there of course will be further evidence before the Commission, at least five days more evidence later this month, at which time Chief Norman Stewart will be a witness. And I requested and obtained from Chief Stewart, Mr. Speaker, a statement of policy contained in Police Notice No. 104, and I think because of the importance of the subject, it should be read.

The Notice by Chief Stewart states that: "Recent news media coverage indicates there may be some misunderstanding of the right of legal counsel to see persons in police custody. I want to make it clear that the policy of this department has not changed in any way. When an individual is detained or brought to a police station for any purpose, he has the right to legal counsel at any time. If a request is made, the counsel of choice will be notified. If a person cannot identify a choice, he will be handed a telephone directory and he must make the selection without assistance. If a person being interviewed states he wishes to retain counsel but cannot afford one, he should be advised of the availability of free legal aid. When a person is being interviewed by police and has not requested counsel, then a lawyer appears on the scene with a request to see the individual by name, the person will be asked: 1) Does he wish counsel? 2) Does he wish to see this particular lawyer? If the answers are either affirmative or negative, the individual's wishes will be complied with and the lawyer informed accordingly."

That, I think, Mr. Speaker, is a fairly broad policy granting accessibility of counsel to accused or detained persons, and even goes further because it states: "When an individual is detained or brought to a police station for any purpose," so that's a very broad policy of allowing accessibility of counsel to accused persons or any persons brought into a police station, Mr. Speaker. And I think that covers the concerns raised by the Manitoba Bar Association and the Honourable Leader of the Opposition.

And of course, as I've said, the Manitoba Police Commission will be hearing further evidence later this month with Chief Stewart giving testimony.

MR. PAWLEY: A further supplementary to the Attorney-General. Is he then in a position to personally assure us in fact that an accused can have legal counsel available to him upon that accused's request, going beyond the fact that he's received a statement from Chief Stewart, is he totally and completely satisfied and able to assure this House that the earlier reports are false, and that the practise which he has just outlined is, in fact, in its entirety the case, despite the reports from various legal counsel that, in fact, they had been denied access to their clients during periods of interrogation?

MR. MERCIER: Mr. Speaker, as I've said, the counsel to the Commission has advised me that he believes the statement of Detective-Sergeant Bird before the Police Commission, as reported in the media, are either inaccurate, or have been misinterpreted. The general policy statement by Chief Stewart to members of the department would appear to guarantee access of counsel to accused or any person brought into a police station, at any time upon request, or even if a lawyer comes to a police station at the request of some one outside of the police station — a wife, a relative, etc. So that, Mr. Speaker, I believe this broad policy statement is sufficient instruction to members of the police department with regard to this matter. I cannot assure that in every case counsel will be granted accessibility, because I can't guarantee that members of the police department are in every case going to follow the policy. I certainly would hope that they would,

and there would be no breaches, but I am in no position to guarantee that.

MR. SPEAKER: The Honourable Member for St. Johns.

MR. SAUL CHERNIACK (St. Johns): Mr. Speaker, thank you. The Honourable the Minister, the Attorney-General, referred to free legal aid in reading the statement. Would he confirm or correct my impression that, since his government came into power, legal aid now carries with it a basic charge to the client, and it is not free, except to people, maybe, on welfare.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, there is a basic user-fee of \$35, whether that is waived, and is discretionary where people are on social assistance, or unemployed, or in circumstances like that, Legal Aid does have the discretion to waive the user-fee.

MR. CHERNIACK: Well then, Mr. Speaker, do I assume that if that fee is not waived, then, that it is certainly not free, and that the person cannot have legal aid unless he indicates that he is on welfare?

MR. MERCIER: Mr. Speaker, I think I have explained the situation, and I can affirm that I've been advised by the Chairman of Legal Aid that they are not aware of any cases of hardship having been brought to their attention with the existence of the present policy.

MR. SPEAKER: The Honourable Member for St. Johns with a final supplementary.

MR. CHERNIACK: Yes, Mr. Speaker, then we can agree that Legal Aid is not free to the many users of it, and that indeed they must pay a fee of \$35 in most cases.

MR. MERCIER: Mr. Speaker, I'm not aware of any service that comes from the public that is free — they're all paid for by the taxpayers.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN (Inkster): Mr. Speaker, I'd like to direct a question to the Honourable the Minister of Education. Is it correct, as I have read reported, that the Minister is going to give the universities the option as to whether they will increase or not increase tuition fees?

MR. SPEAKER: The Honourable Minister of Education.

HON. KEITH A. COSENS (Gimli): Mr. Speaker, I am not aware of what the newspapers have said in this regard. My statement was that this government had given the universities no direction in regard to tuition fee increases this year.

MR. GREEN: Well then, Mr. Speaker, am I correct in interpreting the government's policy, that the Minister is going to give the universities the option as to whether or not they increase tuition fees this year?

MR. COSENS: Mr. Speaker, I have some problem understanding what the Member for Inkster infers from the word option. I have stated that we have given them no direction, that any decision to increase fees will be the universities' decision.

MR. GREEN: Mr. Speaker, in view of the fact that the Minister says it will be the universities' decision as to whether they wish to or do not wish to increase tuition fees, will the Minister, in order to have this a completely free decision on the part of the university, which the First Minister apparently wants me to give them, will he give them the amount of money that they would otherwise get if they increased tuition fees, in order that that they have the option not to do so?

MR. COSENS: Mr. Speaker, when we get into my Estimates on the University Grants Commission and the amount of moneys that have gone to the universities this year, we can discuss this at greater length. We feel that we have funded the universities quite adequately this year.

MR. SPEAKER: The Honourable Member for Inkster with a final supplementary.

MR. GREEN: Yes, Mr. Speaker. I want my question to be direct and understandable to the Minister. In view of the fact that the Minister wants to give the university the freedom to either raise or not raise tuition fees, in order that this freedom be meaningful, will he give them the amount of money that they could raise by raising tuition fees, so that they will be free not to do so?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY (Arthur): Mr. Speaker, I took as notice a question the other day in regard to the regulations which would allow the insuring of crops under the all-purpose crop insurance contract. There has been a change in the regulation from 10 to a 40 mile distance.

Also, there was another question, was in fact there a discount on the larger acre farm units. There has been, and there is continuing a 5 percent discount on premiums of any insured acreages of over 300 acres or more.

Also, Mr. Speaker, I would like to at this time clarify for the House a question which was asked of me by the Member for St. George, and it came to light in reviewing some of the material in the Estimates process, that I was asked a question some time ago, if I had received a letter from the Canadian Wheat Board in regard to quota review. I had indicated that I had received a letter from the Wheat Board, in fact, which was incorrect, not totally correct. I had in fact received a letter which I indicated was a form letter from a Mr. Dobson Lee of the Quota Review Committee. In follow-up to that, Mr. Speaker, I indicated to the House, after a question from the Member for St. George, whether in fact I had sent a reply to the Canadian Wheat Board. I want to clarify, Mr. Speaker, for the committee, that there was not a position reply given to the Review Committee, but in fact an acknowledgment of the form letter that was titled "Dear Sir", so I just want to clarify that for the House that in fact there was a reply to the Quota Review Committee, not to the Canadian Wheat Board.

MR. SPEAKER: The Honourable Member for St. George.

MR. BILLIE URUSKI: Thank you, Mr. Speaker. Following up on the answers given by the Minister with respect to his answer on the crop insurance matter that I raised, in terms of the discount, that is a normal discount, as I understand it, that is offered to farmers. Was there a further premium reduction as a result of the increasing mileage distance . . . area distance of farms from the 10 to the 40 mile radius?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Not to my knowledge, Mr. Speaker, but I could take that part of the question again as notice, and check that out as far as the distance is concerned. I think he's well aware of the fact that there has been a discount program with Manitoba Crop Insurance for long-time participation, that the longer the individual was a participant in that program, that in fact there was a reduction in the premiums that the farmer paid — which I believe is a good program.

MR. URUSKI: Thank you, Mr. Speaker. Could the Minister indicate to me in his reply to the Review Committee of the Canadian Wheat Board on quotas, he did not indicate whether the province made a submission to that committee. Is that, in fact, the case, that the province did not make a submission?

MR. DOWNEY: Mr. Speaker, I would just like to clarify again for the member, because of the form in which the letter was received by the department without being directed to any one individual, directed to a "dear sir" type of approach, it was brought to my attention somewhat too late to put a position paper together to present to the committee and the reply indicated that at the present time we would not be indicating to them our position, but would be reserving that type of input to a future date.

MR. SPEAKER: The Honourable Member for St. George with a final supplementary.

MR. URUSKI: Thank you, Mr. Speaker. Could the Minister indicate whether some work has been done, even though the Minister indicates that the letter was received too late, has some work been done in the department for him with respect to any submission that the government might have made, had there been enough time, according to the Minister?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, it appears that after the recommendation had been made to the organization, to the Canadian Wheat Board, they themselves had changed their mind on one of the recommendations that they had put out, in fact, and it hasn't been a total final position from what I am reading as far as the handling of feed grain and the applying of quotas to that, in fact they have clarified some of the things that have taken place.

So, we haven't finalized any position but are working on that particular aspect.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, I'd like to direct a question to the Minister responsible for MHRC. In view of a couple of ads in the newspapers on April 14th for the sale of land in government services and MHRC in the Assiniboine Park community, is this evidence of a further reduction in government plans to construct public housing and senior citizens' homes in Winnipeg?

MR. SPEAKER: The Honourable Minister of Economic Development.

HON. J. FRANK JOHNSTON (Sturgeon Creek): No, Mr. Speaker.

MR. DOERN: Could the Minister then indicate why these properties are being sold?

MR. JOHNSTON: Mr. Speaker, the properties that are in question are being sold because they are not suitable for public housing. The plans to decide not to continue with public housing on those two pieces of property were originally decided by the previous government.

MR. SPEAKER: The Honourable Member for Elmwood with a final supplementary.

MR. DOERN: Mr. Speaker, I'll decline to debate that, but I will then ask the Minister this question: Were those properties recently appraised in terms of market value and is there a minimum or reserve bid on those lands?

MR. JOHNSTON: Yes, Mr. Speaker, the properties are appraised, there is a reserve bid. Those two pieces of property, by the way Mr. Speaker, had a plan registered on them so that the greatest protection possible could be to the people who lived in the area, and it is single family dwellings.

MR. SPEAKER: The Honourable Member for Flin Flon.

MR. THOMAS BARROW: Well, my question is to the Minister of Labour, Mr. Speaker. —(Interjections)— I'm glad to see the Honourable Leader's happy today — he wasn't so happy yesterday.

The Honourable Minister is well aware of the jurisdictional problem in Flin Flon; the former Minister of Labour is well aware of that problem; the Minister of Mines has promised action on that problem; and all I want to know, Mr. Speaker, can the Minister inform the House if any action has been taken in that regard?

MR. SPEAKER: The Honourable Minister of Labour.

HON. KEN MacMASTER (Thompson): Mr. Speaker, there's been a potential problem in that area since — I'm guessing, but I think it's 1947 — and we have established a group now that are talking to the province of Saskatchewan and they'll be talking to the federal government, and I've informed the Steel Workers' Union in Flin Flon that along the way we are going to be talking to them, and we'll be talking to HBM and S to see if we can't reach some satisfactory conclusion to that particular jurisdictional problem.

MR. BARROW: Mr. Speaker, the answer "observed" is absurd, he knows the problem. It's been there, as he said, for many years, and why he needs a committee is beyond me. The steel rep in Flin Flon informs me he's just sloughing them off, and that's what we want — we want some action on this problem and we want it as soon as possible.

MR. MacMASTER: Well, Mr. Speaker, I would think that the Member for Flin Flon would be well versed on the particular problem that really brought it to light. It was a jurisdictional problem, and again I'm guessing, I think it was in 1977 where there were some court cases involved, some legal people involved, and because of the mine site sitting partially in Manitoba and partially in Saskatchewan and being under federal jurisdiction, that conclusions I don't believe were reached in that particular case. Now, I don't think Manitoba can just take the thing over, over night. It takes a great deal of discussion, there's a lot of legalities involved in it, I would hope that the Member for Flin Flon would appreciate that.

MR. BARROW: Mr. Speaker, the problem is recognized by Manitoba, by Saskatchewan, they're willing to solve it, the federal people are willing to solve it, and when he speaks of Flin Flon he also has to refer to Snow Lake, which is 140 miles from the border and it comes under this same jurisdiction. We don't want to hear speeches, we want some action.

MR. SPEAKER: Order please, order please. Has the honourable member a question?
The Honourable Minister of Labour.

MR. MacMASTER: Mr. Speaker, if it was that simple I don't know why the previous administration didn't resolve it within the eight years they were in office. I'd like to assure the member again that we are going to —(Interjection)— no Snow Lake has been there a lot longer. The Member for Inkster says that the problem was only there in 1977.

The Member for Flin Flon is correct, it is 140 miles from the border, it did not move there in 1977, it's been there for a long time blatantly sitting there in the constituency of the Member for Flin Flon, and if he was that concerned about it, he was sitting on the government's side here for a few years, he might have done something about it. I've assured him that we're endeavouring to do something about it; I've assured all the parties responsible that we are endeavouring to do something about it.

MR. BARROW: Mr. Speaker, when the NDP were the former government, they weren't worried about this problem. They knew they were in good hands. It's only recently that this has come up.

MR. SPEAKER: Orders of the day. The Honourable Member for St. Vital.

MR. D. JAMES WALDING: Thank you, Mr. Speaker. My question is to the Honourable Minister reporting for Manitoba Hydro. In view of the recent definitive statement made by the Provincial Auditor regarding the propriety of Crown corporations purchasing memberships in clubs such as the Manitoba Club, has the Minister had a meeting with the Provincial Auditor since that time to discuss the matter?

MR. SPEAKER: The Honourable Minister of Finance.

HON. DONALD W. CRAIK (Riel): No, Mr. Speaker.

MR. WALDING: A supplementary, Mr. Speaker. Is it the Minister's intention to meet with the Provincial Auditor on this matter?

MR. CRAIK: Mr. Speaker, I would have to say I doubt it. I would think that the Provincial Auditor in these cases and other cases should have the full latitude to make the comments that he wishes to make, and I'm sure he will make, and we appreciate his views and I haven't any particular reason to want to have a special meeting with him on this particular matter.

MR. WALDING: A supplementary question, Mr. Speaker. In view of the fact that the Provincial Auditor has called upon the government to issue a clear policy on Crown corporation memberships in elite social clubs, is it the intention of the government to issue such a clear policy?

MR. CRAIK: Mr. Speaker, the regulations are very clear with regard to the operations of the government. The government does not pay for memberships in clubs, whether they're elite or otherwise, and this issue has been fully discussed here. The matter as to whether or not the Crown corporations have the latitude to make those kinds of decisions has been dealt with directly, and as a matter of fact, the government's policy was stated very, very clearly, I thought, on the very first day that I attempted to answer the member's question. I don't think there's any doubt about

what the government's policy is. If that policy is to be reviewed, that will be a matter for further consideration, but at the present time, the indications I gave to the member on the first day are in fact the policy of the government. That has been to a certain degree, of course, verified from the legal point of view. Now, to repeat, you know, I welcome the comments of the Provincial Auditor on these and other matters and I'm sure that all members of the House will support that position, but I think that the government's policy was pretty clearly stated in this matter, and perhaps if there's some doubt in some people's minds, the best thing to do would be for them to refer to the Hansard.

MR. SPEAKER: The Honourable Member for St. Vital with a final supplementary.

MR. WALDING: Mr. Speaker, it's a new question to the Honourable First Minister. In view of the fact that the Provincial Auditor says that the government has a duty to rule on the propriety of memberships in the Manitoba Club and other social enclaves, is it the intention of the First Minister and his government to fulfill that duty and make a definitive ruling?

MR. SPEAKER: The Honourable First Minister.

HON. STERLING R. LYON (Charleswood): Mr. Speaker, along with the Minister of Finance, I respect, certainly, the right of the Provincial Auditor to make comments of this sort as he sees fit to the press or to my honourable friends or anyone else but when it comes to matters of government policy, that will be decided by the government. I can merely say to my honourable friend that the Provincial Auditor in the past made many many recommendations in his annual audit reports to the former government of this province to improve their bookkeeping, none of which were accepted by my honourable friends opposite, and that is why today the province is still digging itself out of some of the mire that they left us. If they had listened to some of his major recommendations, we wouldn't be in half the problem we are today.

MR. SPEAKER: The Honourable Member for St. Vital with a fourth question.

MR. WALDING: Yes, Mr. Speaker. —(Interjections)—

MR. SPEAKER: Order please. I realize that everybody wants to get in the act at one time and I realize the Member for St. Vital has already asked three questions. If he wants to ask another question I will recognize him.

MR. WALDING: Perhaps it was for clarification, Mr. Speaker. I did not ask the Honourable First Minister if he wished to make a speech. I merely asked him if he intended to fulfill his duty.

MR. SPEAKER: Orders of the day. The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I'd like to direct a question to the Minister in charge of the Manitoba Housing and Renewal Corporation. Did I understand the Minister correctly to say that when he advertised public lands for sale and there is a reserve bid that the reserve bid has some relationship to the appraised market value of the land?

MR. SPEAKER: The Honourable Minister of Economic Development.

MR. JOHNSTON: No, I don't believe I said that, Mr. Speaker. We have an appraised value and we have a reserve bid on the property. I don't quite know what the member is getting at.

MR. GREEN: Is the Minister then saying that the reserve bid has no relation to the appraised value of the land? I am asking the Minister — I consider, since he is a businesslike Minister, that the reserve bid would have some relationship to the appraised value of the land. If there is appraised value of \$200,000, would you have a reserve bid of \$100,000, or would there be some relationship?

MR. JOHNSTON: Mr. Speaker, the reserve bid, I would say, would certainly have some relationship to the appraised value, but the appraised value in this case has been done by the appraisers within the department of MHRC, who are associated with the Honourable Minister of Government Services Department, who is in that type of work as well. We have a reserve bid.

MR. GREEN: Mr. Speaker, would the Honourable Minister convey the commendable practise of having a reserve bid having some relationship to the appraised market value of the land to his colleague the Minister for Agriculture?

MR. JOHNSTON: Mr. Speaker, when the honourable member started his questioning, it was pretty obvious what he was leading up to, and I'm glad I didn't fall in the trap.

MR. SPEAKER: The Honourable Member for Transcona.

MR. WILSON PARASIUK: Thank you, Mr. Speaker. My question is directed to the Minister of Municipal Affairs, who's also responsible for Urban Affairs in that capacity. In the light of a report by the city of Winnipeg committee on use which recommends the establishment of a 24 hour drop-in centre for youngsters aged 12 to 17 in the inner core, can the Minister indicate whether his department is prepared to contribute funding toward such a project?

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I believe, from newspaper reports that that recommendation was just made by a committee of council yesterday, I believe, and there has been no request from the city with respect to any funding or any provincial government involvement.

MR. PARASIUK: A supplementary to the same Minister. I'd like to ask the Minister responsible for Urban Affairs whether his department has undertaken a study as well of youth needs in the city of Winnipeg, especially the inner core.

MR. MERCIER: Mr. Speaker, our government was elected to eliminate duplication of services, which is exactly why we are not duplicating the efforts of the City of Winnipeg.

MR. SPEAKER: The Honourable Member for Transcona with a final supplement.

MR. PARASIUK: Yes, a final supplementary to the minister, since many programs geared to youth are in fact provided by the Province of Manitoba and not the City by itself, and since —(Interjection)— I'm sorry, the Member for Minnedosa keeps asking me for a question, I can't give him a question, because he's not a member of the Treasury Branch. Maybe his premier will accommodate him in that respect.

I'd like to ask my question, Mr. Speaker, to the Minister responsible for Urban Affairs, and that is, since the Province of Manitoba provides many programs for youth, in addition to the City, and since the City feels that youth needs are of significance importance, will the minister undertake to use his department as a catalyst to organize a review of youth needs that the Province might provide for, and determine what the Province might do to augment and accelerate his programs for dealing with the problems of youth in the City of Winnipeg?

MR. SPEAKER: The Honourable Minister of Urban Affairs.

MR. MERCIER: Well, Mr. Speaker, I think it would be obviously unreasonable for us to proceed with a duplication of a study done by the City of Winnipeg without any request whatsoever from the City of Winnipeg. We have, of course, under way under the chairmanship of my colleague, the Minister of Health and Social Development, a task force study on inner core services, which no doubt will involve some aspects of services to young people in the city of Winnipeg, and it will be more of an overall study of the general problems of services provided by a number of provincial government departments in the City of Winnipeg and I expect we'll deal with the problem of youth. But at the present time, Mr. Speaker, I think it's reasonable not to get involved in this matter unless we're requested to do so by the city government.

MR. SPEAKER: The Honourable Member for St. Johns.

MR. CHERNIACK: Mr. Speaker, I address a question to the Honourable Minister of Health. In view of the statement made yesterday, that Manitoba is the only province since the Second World War to lose more doctors than it gained over one year, has the minister made the investigation and can he inform us as to how many of the doctors who have left Manitoba, as announced by the statistics yesterday, were opted-out doctors?

MR. SPEAKER: The Honourable Minister of Health.

HON. L. R. (Bud) SHERMAN (Fort Garry): No, I haven't, but I will attempt to supply the honourable member with that information, Mr. Speaker. While I'm on my feet, I would like to advise the honourable member and colleagues that a newspaper story reporting that 44 doctors had left Manitoba in the first two months of this year is incorrect. —(Interjection)— That 44 doctors had left is incorrect. The actual exact figure is eleven.

MR. CHERNIACK: Mr. Speaker, in view of the fact that the minister has not denied the statement, that there has been a net loss to Manitoba of doctors for the first time since the Second World War of any province in Canada, then I'm still going on the basis of the statistics released by the college, and I ask the minister — (Interjection)— Mr. Speaker, I don't know if the First Minister wishes to answer the question before it's asked, but if he does, I will, of course, give him that opportunity. Mr. Speaker, since the First Minister wants to bring in extraneous matters that have nothing to do with legislation or of the legislative process and nothing to do with proper good manners or parliamentary procedure, Mr. Speaker, I will again address my question.

MR. SPEAKER: Order please. Order please. The Honourable Member for St. Johns, care to ask a question?

MR. CHERNIACK: Mr. Speaker, I've been trying to ask a question for quite a while and the First Minister, in his usual manner was preventing it from happening. I don't ask you for help against the minister, he is his own worst enemy and our friend, so I'll direct my question again to the Honourable Minister of Health. In view of the statistics released by the College of Physicians relating to the net loss of physicians to Manitoba, which is not a laughing matter except for those who don't appreciate the importance of it, will the minister inform us the extent to which he and his consultative committee have made an effort to be in touch with doctors whose intentions have been indicated that they are going to leave the province, to find out firstly, why they are doing that? Secondly, what can be done by his Conservative government and his consultative committee to persuade them to stay within Manitoba?

MR. SHERMAN: Of course, Mr. Speaker, we've just gone through several hours on my departmental estimates discussing that very kind of thing, during which time I assured and reassured members opposite that every effort is being made to ascertain the reasons for that kind of exodus, and to develop a system and a program that will protect Manitoba against that kind of loss. I don't deny that there has been a net decrease in the number of doctors in Manitoba in the last year. I don't deny the figures reported by the media or by the College of Physicians and Surgeons. What I am referring to is the report that 44 doctors had left Manitoba in the last two months, and that is not accurate. Now, with respect to what we're doing to try to keep them here, we have made the improvements in the fee schedule. If the Member for St. Johns is suggesting that we go much further, in terms of payment to doctors, I'd be very happy to hear from him.

MR. CHERNIACK: Mr. Speaker, in view of the fact that I have already stated that I, for one do not begrudge doctors being paid adequately for their services, I would say to the minister that it may well be that he has a good deal to do in relation to the standards of work and the practices of work for doctors to improve their ease of practice. Now, the more direct question is, has the minister been in a position to report to us on the reasons given and the efforts he's made about these specific doctors, not in generalities, and has he amongst his information, his dealings with them, informed them that for the last 18 months we've laboring under a Conservative government, which according to him should have made a much better climate for doctors than formerly.

MR. SHERMAN: Indeed, I have done all those things, Mr. Speaker, and I will continue to try doing it and obviously, it didn't really help. The problem, Mr. Speaker, which is not unknown to Manitobans, regardless of political persuasion, is that there is a sector, a segment of the medical community that is unhappy with the environment for practice and the income earning opportunities in Manitoba. We are fighting against that attitude, trying to improve conditions so as to correct that attitude. It's going to take more time and I suggest, Mr. Speaker, it's going to take more money.

MR. SPEAKER: The Honourable Minister responsible for Manitoba Telephones.

HON. EDWARD MCGILL (Brandon West): Mr. Speaker, last week the Member for Transcona inquired about some promotional material that was mailed out with the monthly billings by the

Telephone System. He had noted that it was marked as printed in the USA. Mr. Speaker, this material was provided by the manufacturer of the components of Trendline Telephones, and was mailed and obtained by MTS at no extra billing. The material was then over-printed by MTS in Manitoba by local printers and mailed out to the customers. Incidentally, Mr. Speaker, the same question was asked by the Member for St. Johns last July on the same matter and an identical type of promotional material has been used from time to time by MTS.

MR. SPEAKER: Order please. The time for Question Period having expired we will proceed with the Orders of the Day. The Honourable Government House Leader.

BUSINESS OF THE HOUSE

HON. WARNER H. JORGENSON (Morris): Mr. Speaker, before calling the Orders of The Day, I should like to announce that the Committee on Economic Development will be meeting next Tuesday at 10:00 a.m., that's April 24, 1979 and will be considering the reports of A. E. McKenzie, Channel Area Loggers and Moose Lake Loggers.

ORDERS OF THE DAY

MR. JORGENSON: Mr. Speaker, will you call Bill No. 2 first and followed by the Second Readings of the Adjourned Debates on Second Reading beginning with Bill No. 6, 18, 20, 24, 25 and 27 followed by Third Reading of the Bills found on Page 1 of the Order Paper.

GOVERNMENT BILLS — SECOND READING

BILL NO. 2 — AN ACT TO AMEND THE FINANCIAL ADMINISTRATION ACT

MR. CRAIK presented Bill No. 2, An Act to Amend The Financial Administration Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, Bill No. 2 is an important Bill in terms of the administration of the financial affairs of the province. It will also probably turn out to be a somewhat technical Bill and I wouldn't be surprised if we tend deal with some of the specifics of it more directly in the Committee stage.

A majority of the amendments to this Act are required because of the former revenue division and capital division having now been combined in order to reflect the total revenues and expenditures of the provincial government.

Mr. Speaker, I would maybe perhaps add as an aside that I think this brings out of the ten provinces in Canada, seven using this type of system, plus the federal government, for eight of the eleven governments in Canada. And a great many of the sections, in fact a majority of the sections I believe, address themselves to the amalgamation of the revenue and the capital divisions. Other sections have been amended so that the Minister of Finance can show the financial conditions of the government more clearly and more accurately and I can perhaps indicate some of the specifics.

Mr. Speaker, first of all the accounting policies and any changes from year to year in these policies must be clearly stated. And the former Act did not clarify the necessity for this to always to occur and the present Act under one of its sections makes it a very important practice to very clearly indicate any change from year to year in any policies that are left flexible.

The financial information required for publication in the Public Accounts is more clearly outlined. The Minister of Finance has increased responsibility for the determination of the date on which the books are closed so that they may more accurately record the revenues and expenditures of the fiscal year. Mr. Speaker, on that particular topic, at the present time any transactions that took place after approximately the 20th of April have in the past been included in next year. This will allow more of an accrual approach where anything of any major extent that should be attributed to the year end just closing, if it were to come in within some reasonable time after, as long as it was foot-noted then it could then be included in the year to which it properly belonged.

The capital assets will no longer be valued at the amount of the outstanding debt assigned to them, and that in the past, Mr. Speaker, there has been a practice of valuing an asset at the value

of the mortgage on the asset, so you would find that a new building owned by the province may in fact have a quite high value attached to it, whereas the present building that we stand in here now would show on the books at zero value. And in order to remove that anomaly, Mr. Speaker, the buildings with mortgages assigned to them will not be shown in the books as having a value pegged at that mortgage value.

The surpluses of one fiscal year will not be carried over as revenue of another fiscal year. That's in keeping with the lapsing policy on both the revenue and capital accounts, Mr. Speaker. Revenue refunds will be treated as a reduction of revenue in the fiscal year that the refund is made. In other words, Mr. Speaker, in the past there has been practice to show a refund, for instance, resulting from a court case on taxation where there has been a refund required of the province. Rather than it showing as an expenditure in that year it really will more accurately be reflected as a reduction of the revenue and since it may more appropriately be attributed to a former year in which the books have already been closed, there's no option but to include it in the year in which the actual payment is made.

Sinking funds allocations will not be considered an expenditure and will not build up a separate surplus account. Mr. Speaker, that's already been done in the current fiscal year. The sinking funds have been netted rather than showing as an expenditure.

Government debt payable in foreign currencies will be revalued annually. In other words, Mr. Speaker, when I say revalued annually there will be a column in the Public Accounts that shows the book value of the foreign debt but there will be a separate indication of the theoretical value if the debt were to be repaid in the currency of the date of the particular year end. Mr. Speaker, there is still an open line of thought with regard to how foreign debt is dealt with. We have at the current time a very severe requirement imposed in the United States under what they referred to as FASB-8, which indicates that at the end of every year in that country the foreign debt must be taken in or any variations must be taken in immediately at that year end, and it is imposing some very severe restrictions.

In Canada there is some inclination to move towards a Canadian Institute of Chartered Accountants formula that does not require the foreign debt changed position to reflect and to be included in the actual statement in the given year, but it must lay out an amortization obligation to service that debt on the assumption that the currencies at their due date have a value at the date in which the year end closes. So on March 31 approximately or during the last final week of the fiscal year or whatever they do decide, it would indicate that the debt of the province, for instance, would have to be reflected in those terms. That has not yet come down as a solid recommendation from the CICA, they have now delayed that decision for one more year. It will not be a binding decision on the government; there will be some discretion as to whether or not the books should show exactly that method of expressing the debt.

But what we are saying here, Mr. Speaker, is that the debt will be reflected at the book value, that is the value at which it was undertaken at the time and it will show separately as what it would be, theoretically, if the debt were due and payable at the year-end date in any given year.

Other amendments are concerned with strengthening the Legislature's control over spending. First of all, a special warrant cannot be passed when the Legislature is in session. This gives more jurisdiction and responsibility and clarifies the fact that the Legislature is the ultimate body with regards to the voting of money, the authorization of additional moneys when the Legislature is, in fact, in session.

(b) Expenditures in anticipation of receipts will no longer be authorized. In other words, a trust fund cannot be set up and over-expended, and incur obligations at a bank that would carry it typically through from one year into the next year, and therefore it would affect the books in the previous year. This sort of practice will not be allowed, so that that's a typical case where in anticipation of future receipts there could be borrowing done through some such means as a trust account, and then when the receipts came in later on, it would replenish the fund and repay a loan. That type of practice can cause some distortion in the actual year-end positions as a typical example of this.

Expenditures for trust or special purposes are restricted to the balance remaining in the specific account. Well, that's the same particular case and the application to trust and special purpose accounts.

Finally, there are other amendments which facilitate the administration of debt transactions of the government, provide for establishment of guidelines for future commitments, and allow the government to guarantee a bank line of credit for its agencies. It allows more flexibility for the government in dealing with the Crown's agencies, in other words, and there are a number of sections in the Act which deal with that.

Well, Mr. Speaker, in very short terms, it's intended to improve, naturally, we would hope improve the financial administration of the province by bringing about some changes, also bringing about

considerably more clarification in the actual operation of the financial affairs of the province, and I think will bring about an enhancement of the province's operations more in line with the recommendations that have been forthcoming from the Provincial Auditor, for instance, over the years, as he has asked for a tightening up of the administration of the financial affairs of the province.

This, in part, will answer, I hope, his concerns and will provide at least the machinery whereby we can bring about better financial administration in the Province of Manitoba.

So, with those comments, Mr. Speaker, as I indicated at the outset, there will be many specific questions dealing with the specific items because of the technical nature of the bill and I look forward to dealing with those as they arise and I expect most of those will be at the committee stage.

MR. SPEAKER: The Honourable Member for Seven Oaks.

MR. SAUL A. MILLER (Seven Oaks): Mr. Speaker, I wonder if the Minister would respond to a question of clarification. Mr. Speaker, about a third of the way through, and perhaps I should have interrupted but I didn't want to, I didn't quite follow and I made some notes, but you'll correct me. Did you say that surpluses will not be shown as revenue, or can no longer be shown as revenue, now there is surplus at year-end, it will not be shown as revenue, or something to that effect?

MR. CRAIK: Next year.

MR. MILLER: But are they now?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, they have in the past on occasion, surpluses have been carried forward into another year. Under this Act they must clearly show in the given year as a surplus, and this is what this Act does.

MR. MILLER: So that if there's a surplus in any given year, it will simply be shown as a surplus for that year, but will not be shown as revenue into the next following year. You say that is the change?

MR. SPEAKER: The Honourable Member for St. Johns.

MR. CHERNIACK: Mr. Speaker, I also would like to ask some questions and as the Minister said, this is complicated and a good deal of detail in this bill, so I would like to ask a few questions. Firstly, would the Minister attempt to let us have samples of what will not be permissible that was used in the past in relation to surpluses, because I don't understand his explanation, I don't ask for it now. But it would be helpful if before we proceed during second reading, if we could get some indication by an example of what has happened in the past that would not be acceptable under this legislation, and I just ask him if he would do it. He doesn't have to say he'll do it. If he can, I assume he will.

A more direct question: He was speaking about the power to make commitments for the future and the power to guarantee lines of credit, again for the future. There's a limit of \$25 million on guarantees proposed in the bill. Is there a proposed limit that I haven't noticed yet on the extent of future commitments?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Well, Mr. Speaker, I think I'm going to have to deal with that when we get into the more complete examination of the bill. I can't give the member a specific answer as to the figure on it.

MR. CHERNIACK: Mr. Speaker, another question. I have two questions, I'll ask them both at the same time. Firstly, are we to consider that bill, I think it's Bill 3, the bill dealing with various acts relating to the Provincial Auditor — is that considered a companion piece to this bill and will they both be dealt with at approximately the same time, or does the Minister not consider it a companion?

And secondly, it seems to me that during Public Accounts, the Minister stated that these bills would be referred to Public Accounts Committee for review, is it the intention to do that, either

for review or for the committee stage in the Public Accounts rather than any other committee, such as Law Amendments? I am under the impression that he said it would do so and I wanted to ask him if that is his intention, and my own inclination would be that it would be a good idea. If the Minister hasn't decided yet maybe he would postpone that decision but at least indicate his preference.

MR. CRAIK: Mr. Speaker, on this first part, they're not interlocked, the bills aren't interlocked, but they deal with the same general area. And some changes in The Financial Administration Act have been brought about by concerns of the Provincial Auditor historically.

With regards to the referral to the committee, at this point in time I think, we haven't discussed which committee, I would think perhaps the Public Accounts Committee would be the appropriate committee for examination of this bill. But, on the other hand, if it's more convenient for it to go to Law Amendments, I don't see any hesitation in going that way.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Mr. Speaker, I move, seconded by the Honourable Member for St. George that debate be adjourned.

MOTION presented and carried.

GOVERNMENT BILLS — ADJOURNED DEBATES ON SECOND READING

BILL NO. 6 — AN ACT TO AMEND THE CONDOMINIUM ACT

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Yes, Mr. Speaker, I adjourned this debate for the Honourable Member for Transcona.

MR. SPEAKER: The Honourable Member for Transcona.

MR. PARASIUK: Mr. Speaker, we on this side of the House are in favour of condominiums. We feel that they provide an option in the supply of housing for private ownership, and we think that there are many instances in providing housing where that option is very very important, provided that it's meaningful, provided that it's affordable. And condominiums certainly, at least in theory, do provide that option. They should be able to make housing which can be owned, available at a cheaper price because you get some economies of scale, you have units that are built on a common property with common services and this theoretically should be able to reduce the price of housing and make the option of owning your own dwelling unit a realistic alternative for a greater proportion of the population than presently have that alternative of private ownership.

So that The Condominium Act itself was a very good thing for Manitoba, and these amendments, some of which are housekeeping, one of which, pertaining to the applicability of the condominium law to bare land subdivisions is a further step in making condominiums a more useful flexible instrument of house ownership in Manitoba.

Unfortunately, the practice with respect to condominiums has not matched the theory. Far too many condominium units today are over-priced, far too many condominium units that are being built right now are being built for the upper income people. Far too many condominiums that are being built are built at prices between \$65,000 and \$150,000, and this is rather tragic because it shows that the market for housing really isn't working that well in terms of meeting needs. And if you look at those units which are condominiums, you will find that they have two features.

The lower priced ones are way out in the suburbs and the higher priced ones are downtown, or close to downtown. You just cross the Osborne Bridge and get into River Heights along Wellington Crescent, you will note that there are a lot of condominiums being built. Those indeed are very high priced, yet those are the ones that are of great convenience to people.

And condominiums could be an instrument to provide some type of in-fill housing in the City of Winnipeg. Condominiums, co-operatives, shouldn't just be built in the suburbs; they should be built downtown and they are obviously very useful instruments for the supply of housing. They are very useful and we think that expansion or refinement of The Condominium Act have to be done, Mr. Speaker, within the context of an overall housing policy. It's just not enough to come in and make a refinement to The Condominium Act to make it more flexible. That in itself is a good thing and we agree with that, and we look forward to this being discussed in Law Amendments so that

we might get further amendments coming forward.

But I think the thing that we find lacking on this side of the House, Mr. Speaker, is the lack of a context within which one brings in these amendments to The Condominium Act. Clearly the market isn't working well enough and therefore I think we have to look at the policy or the context within which condominiums may or may not be useful things to deal with the housing prices, which I think does exist in the old City of Winnipeg.

The Minister responsible for Manitoba Housing and Renewal Corporation tries to . . .

MR. SPEAKER: Order please. The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I've tried this in the past and I'll try once more. I suggest that the remarks of the Member for Transcona is worthwhile as they are, should be more properly brought perhaps in a discussion of the Estimates of the Minister for MHRC. I suggest that they are irrelevant to the Bill presently before the House which deals with some, as he said, some housekeeping amendments, fire insurance, condominiums of bare land, Mr. Speaker, and I would suggest are irrelevant to the Bill before us.

MR. SPEAKER: The Honourable Member for Inkster on a point of order.

MR. GREEN: Yes, Mr. Speaker, I think that you will agree with me, Mr. Speaker, that we are dealing with Second Reading of a Bill which means that the principle of the Act can be discussed and the fact is that the Act is relevant and the honourable member is perfectly within his rights in discussing The Condominium Act with this Bill before us, and when the government brings in a bill they open the Act for discussion, Mr. Speaker, and that is what the honourable member is doing.

MR. SPEAKER: The Honourable Member for Transcona.

MR. PARASIUK: Thank you, Mr. Speaker, I'll continue to deal with the Bill before us within the context of the housing market which I think is perfectly reasonable when one is discussing a bill in Second Reading. I could appreciate the Minister's comments if we were in Third Reading but I think it is important for people in the Legislature to be able to talk about the principle of legislation in Second Reading, and it's just not enough to discuss the principle of this legislation when we're in the Minister's Estimates in Urban Affairs or when we're in the Minister of Economic Development Estimates, or maybe it might be redundant or irrelevant to bring in the Act at that time and that's why I'm discussing the larger context of the housing market and within that context I will relate why I think this Bill is important and why I think we should be supporting this Bill.

But I would like to indicate to the Minister and to the government opposite that the context isn't sufficient to enable the condominiums to thrive in practice and they are important. They would fill a tremendous vacuum in the inner part of Winnipeg where we have parking lots, where we have vacant lots, where we have a lot of under-utilized land and where we need housing, and where we need the redevelopment of neighbourhoods. I say that condominiums are a tremendous instrument to use to try and redevelop the inner core. I say that co-ops are another vehicle that could be used, and I think that in order for this to happen it's important for us to look at why condominiums aren't being built downtown. I would argue that the reason for that is that up till now, private developers have found that it's less expensive to them to build their condominiums on the outskirts because the private coshs, that is the cost to them of acquiring suburban land and building a condominium on it, are pretty low, so they can build a condominium at a fairly low price and offer it, taking in their profit, at a medium to upper level price.

The people moving into those condominiums have tremendous social costs to pay however and so does the rest of the City of Winnipeg when that happens. They have to pay tremendous transportation costs for transporting themselves to and from work, and they also, Mr. Speaker

MR. SPEAKER: The Honourable Minister of Government Telephones.

MR. MCGILL: Mr. Speaker, on the point of order which was previously raised, I would like to draw to your attention Beauchesne, Page 225, on the subject of second reading. 739. On the second reading of an amending bill, it is the principle of the amending bill not the principle of the Act, which is the business under consideration. Debate and proposed amendments must therefore relate exclusively to the principles of the amending bill.

Mr. Speaker, I think that this would clearly indicate that the speaker must confine his remarks

to the principles of the bill which is amending the Act, and not the principles of the Act which the bill amends.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Yes, Mr. Speaker. I think that where there is a difference between Beausheue and the precedence of the Legislature of the province of Manitoba, the precedence of the Legislature of the province of Manitoba governs, and it has always been the precedent in this Legislature that when a bill is under consideration, the principle of the Act is subject to discussion.

MR. SPEAKER: I want to thank honourable members for their contribution, and I realize the problem we're facing, and it very well may be that we may want to, in the future, change our direction in some degree in this respect. However, to do it at the present time, I think, would be detrimental to the member who is speaking. He may very well have prepared his speech on the basis that he thought he could talk on the entire matter of condominiums. With the consent of the House, I would be inclined to let him carry on, bearing in mind that we are dealing with The Condominium Act, and I would hope that he would deal with the subject matter of the bill as closely as possible.

MR. PARASIUK: Thank you, Mr. Speaker. I don't know why the government seems so concerned about my talking about the general matter of condominiums, and of the housing market, especially, Mr. Speaker, since I am talking about the principle of the amendment and the principle of the amendment is bare land subdivision, and I'm talking about bare land in the inner core and I'm talking about bare land in the suburbs. I'm talking about the constructing of condominiums on that bare land afterwards, and that surely is the principle of this legislation, and surely within the rules, even as narrowly defined by the House Leader or his colleague, it is surely within even those rules.

And I was saying, Mr. Speaker, that one of the reasons why this Act, and the amendment, though laudable aren't working well in practice, because if there is a tendency for the private costs of suburban condominium development to be low, and the social costs to be very high, that is the cost borne by the taxpayer in providing extra garbage care, collection, fire prevention, police protection, transportation, those are borne largely after that condominium is built, so the living costs in a sense of a suburban condominium are very high, whereas the purchase costs of a condominium in Suburbia may be medium to medium-high.

What you have in the old city of Winnipeg is the opposite. The social costs of a condominium, be it a conversion or the raising of existing buildings with the construction on that bare land after a filing of subdivision of a condominium, is one where the social costs are very low because you already have the police protection in place, where you already have the fire protection in place, where you have your garbage collection, so the incremental or the additional social costs of that type of condominium are low. But the private costs of that bare land or if it's an existing apartment it might be converted, the private costs are very high, and that's why, Mr. Speaker, the condominiums that are being built or converted downtown, are very very high in price. \$65,000 for a small condominium unit in River Heights is a bargain. Many of the newer developments are coming in at \$100,000 a unit, which is just out of sight for people who want to live in a mixed neighbourhood downtown.

And that's true generally of bare land in the downtown area of Winnipeg, because all the social costs of that land development have been paid already. The people owning it privately want a tremendously high price for that land, and that's why it's very difficult for the province through its Public Works Department, or through its Manitoba Housing Renewal Corporation, or for private developers wanting to build condominiums to be able to get that land at a low enough price in order to build public facilities or to build condominiums at a price which will be reasonable enough for the average Manitoban, or even for low-income Winnipeggers to be able to buy. And that was the intent behind condominiums; the intent behind condominiums was to provide that option, and it's not happening in practice.

And that's why the Minister, whose brought this bill forward should also take a look — in conjunction with the city — should also take a look at other methods that he might use, to make condominiums more practical and more affordable. Maybe he should look at the taxation of raw or vacant land downtown, to how is it taxed? Is it taxed on some old assessment, or is it taxed on some type of relationship to market value.

I know that the staff to the Board of Commissioners of the city looked at this matter. They made that recommendation but the City Council decided to shelve that particular recommendation because they said the economic conditions weren't right. They felt that somehow this would deter

downtown development. The Council was wrong in that decision. The Council should try and spur economic development downtown, it should try and spur commercial development, and it should try and spur housing development, and that hasn't been taking place with the past taxation policies of the city.

And I think, since the province is caught up in paying many of these costs of downtown underdevelopment, and since there is all this raw land downtown which could be used for . . .

MR. SPEAKER: Order please. I suggest to the honourable member that he get back to the matter of condominiums rather than the city of Winnipeg and development of lands.

MR. PARASIUK: Thank you, Mr. Speaker. In fact, I was just coming back to saying that there is all this raw land in the city of Winnipeg, which certainly could be used for condominium purposes, especially because the Minister has brought in an amendment which will allow the condominiumization of raw land when it's being put forward for a subdivision. Now, isn't that fantastic that that could happen right downtown, and that's my whole point, and I think it's all interrelated and logically and coherently interrelated. Because if the land is too expensive downtown, because we don't have good enough taxation policies, despite recommendations from the staff of the Board of Commissioners, if people are holding onto it for speculative purposes, if in fact land costs \$300 or \$400 thousand dollars an acre downtown and only \$100,000 an acre for similar type of land in the suburbs developers will tend to build condominiums envisaged by this legislation in the suburbs and not build it downtown, where in fact we need more housing and more neighborhoods, where we need different mixes of incomes, where we need different types of people. We are looking for mixed neighbourhoods downtown and condominiums certainly provide that vehicle.

I think that the Minister is to be congratulated for being interested in condominiums and bringing forward this type of amendment. I'm saying to him that since he has other responsibilities on the treasury branch, he also has the opportunity of not just changing the legality of The Condominium Act, but actually making it work in practice. I think this is a very good opportunity for me, Mr. Speaker, to provide suggestions on the overall context within which condominiums might be more effective in the Winnipeg context and in the Manitoba context and that's basically because the market isn't working well enough. I think, and the Minister surely would agree that there is a need for more, lower and middle income priced housing downtown and that condominiums would be one of the important vehicles of providing that.

We have land available downtown, there's a very low vacancy rate in the city of Winnipeg. So there's this tremendous demand for housing of which one type of housing could be condominiums, and despite what the Minister responsible for the Manitoba Housing and Renewal Corporation says, people want to live downtown. The vacancy rate is only 1.1 percent in the inner core. It's 4.8 in the suburbs, yet that's where the condominiums are being built. That's where the new single family detached housing is being built. That's where all the apartments are being built. That's where a lot of the tax shelter apartments are being built. That's why you have those higher vacancy rates out there, despite the fact that people might think that the demand in the suburbs would be sufficient to take up the supply of housing that's being built. But that's not what's happening in practice. In practice, we find that the demand in the suburbs isn't quite as great as people might think and we find that the demand in the city of Winnipeg is very high. And yet the supply is dwindling.

So that's what this government has to come to grips with. How can they make instruments like this Condominium Act meaningful in principle? It's not as if we don't have raw land available downtown. We probably have more raw land available in the old city of Winnipeg than just about any other city. In fact the Central Mortgage and Housing Corporation has said in the past that Manitoba and the city of Winnipeg would be a very good place for inner core housing redevelopment. Unfortunately, CMHC didn't put their money where their mouth is in this respect and they didn't come through with urban development projects in Winnipeg as they have in Ottawa or as they have in Charlottetown and as they're thinking of doing in Calgary. They haven't done that in Winnipeg and surely they should have because they were the ones telling us that there is this land available downtown.

Their own statistical surveys indicate that we have vacancy rates as low as 1.1 percent in the downtown area of Winnipeg and therefore it's important that we try and understand why the supply of housing isn't going up in the old part of Winnipeg. I suggest to you that's because our taxation policies are wrong. I suggest to you that we are allowing continuing speculation of vacant downtown land, and I suggest to you that we're not trying to be more aggressive in the public domain in terms of providing for different types of housing options downtown.

We're providing support for co-operatives but I see these co-operatives growing up in the suburbs. I don't see enough going up downtown. And there's no reason why co-operatives, which

to me are a very complimentary form of ownership, type of ownership, that condominiums couldn't also be pushed by this government in conjunction with the city, either through the MHRC or through the non-profit housing corporation that the city was going to establish, or through the province's own non-profit housing corporation.

So I hope that the Minister will take into account why condominiums aren't working well enough in the downtown area of Winnipeg. I hope he would pass this on to the city representatives when he meets with them because I know that in his other capacity as Minister of Municipal Affairs, responsible for Urban Affairs, that this surely should be a problem that is of concern to him and this surely should be a problem that is of concern to the city of Winnipeg.

Now the amendments that the Minister has put forward seem reasonable, especially the one respecting bare land. I think the housekeeping ones regarding insurance are important. And I look forward to taking this forward into Law Amendments to see whether in fact the public at large has any other further amendments that they might want to bring to our attention.

I am disappointed that the legislation doesn't provide an important safeguard for older people living in apartments that are being converted into condominiums. And that's that older people may not want to leave a condominium, but if 50 percent of the population of the tenants within an apartment vote to convert that apartment into a condominium, then that apartment can in fact be surveyed and made into a condominium with say — if there's 100 apartment units — 100 condominium units. A price is then charged and the tenants are given the opportunity of buying that condominium. And so those people who've lived in that apartment for years and years do have an option and often they have a financial preference to buy that particular condominium unit. But older people, especially those over 60, and I know those over 65 have a great deal of difficulty obtaining mortgages, so although that apartment's been converted into a condominium, although that elderly couple or elderly person living in that apartment may in fact want to purchase that condominium, may want to live there because they've lived there for 10 or 15 years, right now they don't have the opportunity of getting a mortgage. And since the people converting the apartment into a condominium usually are interested in selling those units as quickly as possible, there have been instances in the past where older people, because they haven't been able to purchase that condominium and because they haven't been able to continue to rent it, have indeed been dispossessed, and that is wrong.

There is one corporation that has been involved in converting apartments into condominiums, which apparently has established as a policy that it will not dispossess elderly people who can pay rents but cannot obtain a mortgage, and I gather this is . . . Corporation. They haven't been involved that much in Winnipeg as a developer; they're involved in developing a shopping centre in Portage la Prairie. I know that they are involved in some conversions of apartments to condominiums and I point them out as an example of good corporate citizenship, if in fact that is the position that they have taken, namely, that they will not dispossess elderly people in an apartment that is being converted into a condominium.

I would like all people who are converting apartments into condominiums to adopt that type of policy. I don't know if it'll happen voluntarily. I don't think it will. And that's unfortunate, and I would hope that perhaps the Minister might undertake to contact the Senior Citizens' Association of Manitoba to see whether in fact people have complained to that organization about that problem. I've come across it. It's been highlighted in Winnipeg Magazine by a commentator on condominiums, and I think it's an important consideration for the Minister to take into account. I don't think there is a type of organization of apartment converters that one might deal with.

I think this is a fairly amorphous group and that's why I don't think that the industry itself will be in that good a position to police itself in this respect. If it was, if they would all adopt the policy that . . . has adopted, fine, I would let the matter drop there. But I don't think the industry at this particular stage at least, and I think in the foreseeable future, will be sufficiently organized to bring about that type of voluntary policy with respect to the — I think in some instances — inadvertent dispossessing of elderly people from apartments that they have lived in for a number of years. And that's why I'd like the Minister to consider that alternative, to determine whether in fact it might not be possible to bring in an amendment to this legislation in Law Amendments Committee from the government side which would provide a safeguard so that elderly people who've lived in an apartment unit say for over two years would not be dispossessed or would not be moved out of that apartment which is being converted into a condominium because the financial institutions will not give them a mortgage because of their age.

So with that specific recommendation to the Minister regarding this bill and with my general comments relating to the context of the housing market, which hopefully the Minister will take under advisement, because I think when one relies on the private market as we all do on both sides of the House, we rely on the private market to the degree it can work. It's important for us to determine whether in fact the private market is working, and if it isn't working to see if action can be taken

at the public level to make the market work better when it isn't working, or if it's not working and it won't work because we can't take sufficient corrective action, then I think it's important for the public to step in and say that the market isn't working, it can't work and we will in fact meet need. Because when all is said and done, condominiums which should be an instrument to provide lower and medium priced housing for people especially in the downtown part of Winnipeg isn't doing that. And despite these improvements to the legislation, that remains a problem for us as legislators to grapple with and for the government and for the Minister of Urban Affairs, especially, to grapple with.

MR. SPEAKER: Are you ready for the question? The Honourable Attorney-General will be closing debate. The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, very briefly, I appreciate the remarks made by the Member for Transcona, particularly with reference to senior citizens who may become dispossessed upon conversion of an apartment block into a condominium and I will undertake to review those remarks with some organizations in the city, lending institutions and senior citizens' institutions, and attempt to determine what the reaction is to the proposal that he has made.

QUESTION put, MOTION carried.

MR. SPEAKER: Bill No. 18 — the Honourable Member for Kildonan.

MR. PETER FOX: Mr. Speaker, could we have this matter stand? Could we have in fact all the Second Readings stand? Could we go to Third Readings please? Is that agreed? (Agreed.)

ADJOURNED DEBATES ON THIRD READING

BILL NO. 4 — TESTATORS FAMILY MAINTENANCE ACT AMENDMENT

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Yes, Mr. Speaker, I adjourned this bill for my colleague, the Honourable Member for St. Johns.

MR. SPEAKER: The Honourable Member for St. Johns.

MR. CHERNIACK: Thank you, Mr. Speaker. I, to some extent, well to a great extent I want to review what happened in previous debates on this bill, the principle of which has never been challenged. The proposed amendment is acceptable, but we did have a debate, both on Second Reading and in committee on the use of a term which has proven to be unacceptable to a number of people, and that is the term "illegitimate child". I had occasion to debate this in both Second Reading and at the committee stage, and pointed out that, as a lawyer, I have not had a problem with the use of the term, because it is a term which is both perfectly good English, and is also a perfectly good legal term, and has a definition which is understood.

But, Mr. Speaker, there's been substantial social change in the concept about the allegations that are implied with the use of the term "illegitimate". I had occasion in committee to refer to a radio program, rather, a television program, which was preceded by the warning that there may be objectionable words in this forthcoming program which may offend certain people. And in spite of that warning, I, for one, watched the program, which proved to be very interesting, and noted that the one word which could be referred to as being objectionable, was the word "bastard".

I have not taken the trouble recently to look it up in the dictionary, but I would think that the definition of the word, and its acceptability in the English language, is much as it was when I was a child, or when I was with others seeking out words that were whispered or snickered about. Well, illegitimate child is one of them, and when it is used in the context of legislation that it gets an acceptability which to many people is not necessary. In this particular case, we're dealing with The Testators Family Maintenance Act, which gives to a court the jurisdictional power to vary a will in order to recognize and protect rights of dependents whose right during the lifetime of the testator may be jeopardized on his death because the will makes provisions which do not take into account his continuing responsibility for the care of a child.

That is the principle of the bill, and that has been included as such for many years. It has apparently come to the attention of the Attorney-General, who is proposing this bill, that courts may not accept the fact that they also have the right to deal with an illegitimate child of the testator,

and that is the reason for this amendment.

The Minister, on second reading, made the point that it would have to be established to the satisfaction of the court, that the person was, in fact, the illegitimate child of the deceased testator, but once the court is aware of that, then the court may make the necessary provision for the protection of that child.

Well, Mr. Speaker, I raise the point that it wasn't really something that occurred to me, but several people mentioned to me the fact that it would be more socially acceptable if the term "illegitimate child" was not used and some other way could be expressed to define the same relationship of a child to the testator whose will is being reviewed, and I discussed it with the Legislative Counsel, who gave me the wording which he thought would be perfectly adequate and equally descriptive as the term "illegitimate child"; and that wording was, and I now quote the wording he supplied to me: "A child of whom the testator and another person to whom the testator was not married are the natural parents."

That's very clear. It may be considered awkward until people become accustomed to that phraseology, but is clear, both in law and to the common usage of the words, and I suggested at the committee stage that that section be substituted for the section which reads "an illegitimate child of the testator".

Now the Honourable Attorney-General said in committee that, oh, he thought that my motives and the objects of this were admirable, but that he felt that since there were other statutes that used the terminology "illegitimate child", that that fact might create problems. Well, frankly, I don't. He is suggesting that he would refer to the Law Reform Commission the terminology that will be used here, that is, "illegitimate child," and ask the Law Reform Commission to review the terminology used in various other legislation in order to receive recommendations. Well, Mr. Speaker, I really think that that is unnecessary. I think that it is not that complicated an issue, nor that much of a reform in law, which needs take up the time of a committee, most of whose members are lay people who give voluntarily of their time. I don't think that's really an issue they should get involved in. I think that probably it would be necessary to have some one make a search of legislation which may contain that term, but in the end a decision has to be made whether to continue the use of that term in law or not to use it. And it is a decision which can be made simply, but nevertheless it needs research, and that could have been done within the Attorney-General's office or by someone who would be doing it in any event for the Law Reform Commission.

So, Mr. Speaker, I must admit some measure of disappointment in having the Attorney-General reject that suggestion, and insist that he will be sending it to the Law Reform Commission. I imagine there's a fair backlog, and I would be one of the first to say that they have much more important matters to deal with than this one, and I would have liked to have spared them the responsibility of reviewing what is really, I consider, a very simple term. Now, the Attorney-General refused to accept it, and the committee, the majority of whom are members of his caucus and who automatically accept his stand, therefore rejected the amendment.

So I suppose I am just speaking for the record, because I don't think it's likely that the Minister will ask to have this bill referred back to committee in order then to make the change, which is not only within his right to do, but also is the proper procedure, for which I can assure him he will have support. So he could still do it if he wants to, but if he doesn't want to do it, I could, as I say, regret it, put it on the record, and then have to wait and see what the Law Reform Commission will say about it, if ever, or if I'm still around by the time they come back to make that recommendation.

I think it's an awkward, unwieldy way of dealing with simple legislative matters, and well, I do think the Attorney-General could have saved a great deal of time and effort by a number of people had he accepted the wording of the Legislative Counsel, which he knows would be perfectly descriptive of the . . . a perfect, let me put it differently, a perfect substitute for the words used in this bill, without damaging the intent in any way whatsoever. And that could have been a precedent for the future, that as the words are drawn to the attention of any person in government in the future, these changes could be made.

So, having said that, I'm not so naive as to think that the Attorney-General will stand up now and say, "Well, we're going to change it. I move that the bill be referred back." But it would save an awful lot of time, and time being worth money, especially in the legislative process where so many people are involved, a substantial saving and a help to the government, which could well use whatever it costs in much better ways. I would think that we could all think of better ways — it was the Minister of Health earlier today who made some comment about the shortage of funds for his department, and we know that he's been denied substantial moneys which he could have used and should have used to great advantage. That even the small things that this government can save in terms of time and money should be grasped by it and dealt with, rather than to postpone a decision for no good reason, and to refer it to others who are going to become involved, and

spending . time and effort reviewing what is really a very minor issue.

So, I conclude by saying that the point I've raised — and I've raised it on the behest of others, to whom it was of some importance — is not, in my mind, of the greatest importance, nor the first priority, nor of the greatest substantive nature, which would require the amount of time I've already given to it, and taken up in this House and in committee, and unfortunately, I have to conclude by recognizing it will take up much more time and much more consideration and much more money spent in order to review the very same thing which could have been dealt with so easily and quickly by the Attorney-General.

I conclude by telling him that if he took my advice and took it back to committee for review and report back, it will still be a much lesser cost of time and effort than to follow the course which he has indicated he intends to follow. If he likes . . . well, may I suggest to him, Mr. Speaker, that he adjourn debate and reflect over the next few days, whether or not it wouldn't be just better, prudent, practical, pragmatic approach to deal with it now in this bill, get it settled as a sort of a precedent for the future, and save all the time and money that he is expecting to spend in the future by sending it on to the Law Reform Commission for further review.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I don't intend to accept the very helpful suggestions of the Member for St. Johns. I would point out to members of the Legislature that, although the Legislative Counsel did draft the wording for the Member for St. Johns for the proposed amendment, as per the instructions of the Member for St. Johns, I'm not aware that he offered any legal opinions as to whether or not the amendment should be adopted. Furthermore, I do know that the Public Trustee, who reports to my department, and from whom the initiative came for this piece of legislation which expands the right of illegitimate children relief from estate, as is the case in the three other western provinces, and in Ontario, was concerned with the wording, because similar wording is used in other legislation, and this very same wording is used in the legislation in three other western provinces under their Testators Family Maintenance Act.

I do intend to refer the wording in this bill and other legislation in Manitoba to the Law Reform Commission. If it proves that the amendment can be made as simply, and there are no real concerns, and find it will not cost a great deal of time or money by anyone, Mr. Speaker. If in fact, there are concerns, then I think the delay will be justified. This is a terminology which has been used in legislation and in decisions of the courts for a great many years. I appreciate, I reiterate, the concerns over the terminology. I don't think society nowadays would generally approve of this type of terminology, but I don't want to proceed with undue haste to change terminology which might have an effect that we're not aware of now on future decisions of the courts under this legislation or under other legislation, Mr. Speaker.

So that it would be my view, Mr. Speaker, that the bill should be passed in the present form to extend this right to illegitimate children, as in the other provinces, and when we do receive a report from the Law Reform Commission in the future, that will be acted on with dispatch, Mr. Speaker, and if changes are recommended in the wording, we will make them.

QUESTION put, MOTION carried.

BILL NO. 5 — CRIMINAL INJURIES COMPENSATION ACT AMENDMENT

MR. SPEAKER: Third Reading, Bill No. 5. The Honourable Member for Kildonan.

MR. FOX: Mr. Speaker, I adjourned this bill for the Honourable Member for St. Johns.

MR. SPEAKER: The Honourable Member for St. Johns.

MR. CHERNIACK: Mr. Speaker, thank you. In this bill, as on the last bill, I want to review what was discussed on Second Reading and in Committee, but now, Mr. Speaker, I'm dealing with this on a more substantive basis. I think this is an important issue. I did not lay great stress on the previous bill as being of great importance but this one, Mr. Speaker, is an effort to review and vary, or to convince the Attorney-General to vary, what is in the present Act and what has been in the Act for some period of time.

It is not the amendment itself that I quarrel with, it is what is in the legislation and has been in the legislation for some time. I think it was passed by the New Democratic Government. I hope it was, because the Act is one of which I am very proud and think is very important, but there was something in that Act which came to my attention when we discussed this bill and to which

I object, and that is the fact that in considering whether or not to grant compensation and the extent of compensation, the character of the injured party shall be taken into account.

I referred to that as being one to which I had objection and I am more satisfied than I was earlier that it is a wrong principle.

MR. SPEAKER: Order please. Is the honourable member talking to the contents of Bill No. 5?

MR. CHERNIACK: Mr. Speaker, on Third Reading, we can refer to sections of the Act, section 3 of the bill amends section 11(1), following the words — “applicant,” “and the victim”, and it’s just before the word “applicant” where there is reference to the character of the applicant. So not only the present Act says character of the applicant, now it is suggested that it also be the character of the victim that may be considered, so I’m right on track, Mr. Speaker, and in any event we only have a few minutes to deal with it. —(Interjection)— Well, Mr. Speaker, I don’t intend to hold it, I intend to draw to your attention that the Act and the amendment proposed in this bill, bring in the character of the applicant and now the character of the victim into consideration. And let me read section 11(1) as it now stands, and I will add to it the amendment as if this bill passed now. It reads as follows:

“The Board, in making or in declining to make an order for the payment of compensation, shall consider the word” — I depart from the text, the word is “shall” not “may” — “shall consider and take into account all such circumstances as it considers relevant to the making of the order.” And then, Mr. Speaker, it goes further and says: “that without limiting the generality of the foregoing, the Board shall consider and take into account, the character of the applicant and any behaviour that directly or indirectly contributed to the injury or death of the victim.”

Now, Mr. Speaker, in this case, the proposal is: “shall consider and take into account the character of the applicant and of the victim.” And I for one have no objection to assessing the behaviour that directly or indirectly contributed to the injury, but I certainly disagree, and I know it’s in the present Act, disagree with the concept that the Board shall consider and take into account the character of the applicant and of the victim, because now the Board must do it. Not only shall it take into account all circumstances which of course includes character, but then without limiting the generality of the foregoing: “shall consider and take into account the character of the applicant.”

Now, the Attorney-General said that he’s made inquiries about it, and the experience of the Board, he says, on page 3 of the Law Amendments Committee Hansard, the experience is that character is not being used as a justification for rejecting any application for compensation since the Board commenced. But it is supposed to be under the present Act, the wording I am objecting to is: “it shall be considered,” and the Attorney-General says that it is not being used as a justification. But he says there might be an occasion yet in the future. In eight years, or nine years, it has never been used, but he says there may be, and when pressed to give an example he brought in an example of gang warfare, as between criminals being involved in the sale of drugs. He was really reaching, Mr. Speaker, he was trying to justify what I think is a rather untenable position.

I want to tell the Attorney-General that I’ve been in this Legislature, and dealing with legislation for many years. I don’t have too much respect for the actual wording of legislation we’ve passed, because, Mr. Speaker, we’ve passed legislation and time and again we come in here and make amendments because it doesn’t mean that because it’s been done makes it sacrosanct, and the Attorney-General says that in the eight or nine years of this bill, of this Act, it’s never been used. So I don’t think he should find it necessary to protect the wording that appears in an Act, in which he had no part to play at all, it’s not even defending his own role. He’s rather able to attack my role because I was part of the group that passed that legislation. And I object to it now, and now he calls out his good legislation. Mr. Speaker, how could it possibly be good legislation — it’s never been used; he says it might be used in the rarest, and I quote him, “Very rare and extraordinary situations”, and I say that if that were the case then it could be used under the legislation which now provides that all factors can be reviewed. And if all factors can be reviewed, then the character may be reviewed, but in the present Act it says it shall be, and that’s what I object to. See there is nothing to prevent it being used if you eliminate the words “Shall consider and take it into account” because it is preceded by words which I don’t want to delete, and that is “That the board shall consider and take into account all circumstances it considers relevant.”

Mr. Speaker, I had occasion to speak on another bill, where while I was speaking, I convinced myself to vote against it instead of support of it, and it resulted in the Attorney-General eventually withdrawing that bill, because apparently I convinced him as well. As I speak I convince myself more than ever that the objection I am taking now to the present Act is valid, and I would

MR. SPEAKER: Order please.

MR. CHERNIACK: If you'll just let me finish my sentence. And I would really hope that the minister will have time to reconsider whether it wouldn't be worthwhile making the change in this bill, in order to eliminate what is, I think, a wrong principle.

MR. SPEAKER: The honourable member will have an opportunity to conclude his remarks at a later date. The hour being 4:30 p.m., we're now in Private Members' Hour.

PRIVATE MEMBERS' HOUR

First item of business under Private Members' Hour is Resolutions.

RESOLUTION NO. 7 — CAPITAL PUNISHMENT

MR. SPEAKER: Resolution No. 7 — the Honourable Member for Roblin.

MR. J. WALLY MCKENZIE: Mr. Speaker, on an earlier occasion speaking to this Resolution, I referred to a poll that had been conducted by the Winnipeg Tribune in March, I believe, 1975 and certain other incidents that I thought I should put into the record regarding this Resolution.

Now, Mr. Speaker, events across Canada and elsewhere over the past few years have led me to the conclusion that the amendment to the Criminal Code in 1967 I believe it was, which limited the death penalty to the murder of a peace officer, and subsequently the total elimination of the death penalty for murder I suggest should be reconsidered at this time. And since the time that the death penalty was eliminated, society I would suggest, Mr. Speaker, has experienced many, many incidents of hostage-taking in our prisons for persons who are in prison convicted of murder, and these hostage-taking incidents, they threaten death to innocent hostages unless money, safe escort out of the country by an aircraft, as well as immunity from prosecution was provided by the state.

On one occasion I seem to recall reading in the paper that those hostage-takers were persons that had been convicted of murder twice previously. Other occasions, Mr. Speaker, of hostage-takers in our prisons have demanded that they be transferred to a prison of their choice in another area of Canada, another jurisdiction or in another province of Canada.

So therefore, Mr. Speaker, I think that we should seriously question at this time, if in fact there is any deterrent effective to combat or to meet such threats as these, to the killing of innocent people whose lives are held in ransom for such demands as those that I just mentioned. And I just wonder, Mr. Speaker, if events of this nature are going to continue to occur in our country, maybe occur at a more frequent rate without impairing or without destroying the community or the individual respect for our laws and the sanction of those laws. I wonder, Mr. Speaker, is there any comfort for you or I today or the man in the street in knowing that a person previously convicted of a first-degree murder, is found guilty of first-degree murder again on a second occasion, and the penalty that he's liable for is imprisonment for life again.

For many years the laws in Canada respecting murder remain virtually unchanged. The penalty was death, subject of course to the commutation to life imprisonment by the exercise of the executive clemency in particular or special cases.

In 1961, I believe, Mr. Speaker, the Criminal Code was amended for two classes of murder, capital murder and non-capital murder. Capital murder was restricted generally to a planned or deliberate murder, murder resulting from the occurrence of an offense or causing the death of a police officer acting in the normal course of his duties. All the other murders at that particular occasion were classed as non-capital, and the penalty of those subjects was life imprisonment.

So, I suggest today, Mr. Speaker, in my personal view and in view of the many people who support my opinion regarding this resolution from the Honourable Member for St. Matthews, that the subsequent changes in the Criminal Code since 1961, which led to the abolition of the death penalty, requires re-examination at this particular time. From 1961 to 1967, the imposition of the death penalty resulting from the conviction of capital murder where those cases were invariably commuted to life imprisonment by the exercise of executive clemency as our history shows. And then it got to the state, Mr. Speaker, where no reasons for the exercising of that executive clemency were provided to citizens, to the public and people on the street. And then, of course, and history shows us, in 1967 the Criminal Code was amended and murder was limited to the killing of a police officer. So the Criminal Code thus provided that for the planned, the deliberate killing or murder of another citizen, a private citizen, the penalty was life imprisonment; for a police officer, the death penalty; and of course, executive clemency continued to be exercised and finally, Mr. Speaker, we came to the abolition of the death penalty for all classes and kinds of murder.

The present distinction today, Mr. Speaker, as I understand it, between first and second degree murders is related seemingly, as I understand it, to the length of time the convicted person must serve before being released from prison. I know the subject matter, Mr. Speaker, there's been many books, there has been papers, there has been studies, there's been reports on the subject matter. This went on and on, and I certainly don't profess to be an expert in any sense of the word, I have no legal training of any kind, but I offer my support to this resolution today, Mr. Speaker, and I sincerely hope that if it's passed, the Government of Canada will review and hopefully amend Section 218, Subsection 1 of the Criminal Code.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I intend to speak in favor and vote in favor of this resolution. In so doing, I will have to disassociate myself from many of my friends and colleagues, but as well, I would like to disassociate myself from the Conservative MLAs, who are members of the government, that in practical terms, Mr. Speaker, I believe are soft on other aspects of law and order.

On the other side of the issue, Mr. Speaker, are the majority of Canadians including if not many New Democrats, some New Democrats and what I believe to be a simple and straightforward case of justice itself.

Mr. Speaker, in order to obtain the right answers one must ask the right questions and I do not believe that the central question of the debate on capital punishment, which is at least 20 or 30 years old in this country, I do not believe that this is a question of deterrence. I do not see it as a sociological or a psychological question in terms of what effect will it have on potential murderers or criminals. I do not think that that is the issue, although I would freely admit that capital punishment will deter a convicted murderer from murdering again. I think that the basic question in regard to this issue is simply this; namely, what is an appropriate punishment for the crime of murder? And I would answer that in the following way, by saying that a murderer deserves to die. That is a moral position, a philosophical position. What is referred to in philosophy as a normative judgment, a judgment which deals with such terms and concepts as right and wrong, good and bad, etc. So, I see this issue as a matter of justice as opposed to a question of deterrence.

And, of course, when I speak, I'm referring to first degree murder and believe that the death penalty is appropriate in that instance and that for second degree murder a sentence may be life and something lesser for other kinds and degrees, where the loss of life is involved, up to and including manslaughter. So, I confine my comments to first degree murder and I also believe that this is for the taking of any life in our society, not just a policeman. I don't take that limited view.

Mr. Speaker, I would say that in passing, there is too much concern these days for the murderer and not enough for the victim whose life has been snuffed out. I don't know about you, but when I read the newspapers and listen on television to some of the heinous crimes committed in the last few decades it's enough to turn a person's stomach. Little girls murdered by maniacs, people murdered by professional killers on contract, a series of citizens killed by mass murderers and perverts and so on. So, the pendulum I believe has swung. I recall very clearly, when capital punishment was still being enacted, reading all the grizzly stories and details of what was involved in a hanging, and I admit that it was a very difficult thing to read. But it is also equally difficult and more awesome and sickening to read the details of a murder, and I recall very well the demonstrations of 10 and 20 years ago when people were always out demonstrating to save somebody from what is in Canada, the hangman's noose. So, there was concern for the murderer. Now, I believe the pendulum has swung the other way and with the abolition of capital punishment, there is now concern for the victim.

Mr. Speaker, capital punishment could be justified on many grounds. As I say, my position is moral, but the case could be made on economic grounds and I suppose possibly on compassionate grounds although I wouldn't want to get into that particular area. But it is an interesting area to know, I suppose, whether it is better and more humane to confine someone to their entire natural life in a prison cell at tremendous cost to a taxpayer compared to taking their life. Certainly when someone is put in jail at a cost of \$20,000 per year over 20 or 30 or 40 or 50 years, the money could be better spent. I don't believe there is any rehabilitation in somebody like that. The money could certainly be better spent on education, on health and on recreation.

Then of course there are other smaller arguments put. My colleague from St. Johns, I believe, raised this the other day, a question which is supposed to cause people to shift their positions, namely, could you pull the trigger in terms of an execution? That is a difficult question to answer and I don't know how I would answer that. I would only say maybe, because when one hears of the details again of the crime committed by certain people that might inspire somebody to be able to carry out such a difficult assignment and in some cases might even be considered a privilege

on behalf of society. But there are many difficult things, Mr. Speaker, that are done in our society that I'm not sure that I could do and that other people could do as well. All of us — too bad my friend from Gladstone wasn't here — all of us eat meat but I'm not sure that I could go into a packing house and strike an animal over the head or slash the throat of a lamb or cut off the head of a chicken. It would be a difficult thing for me to do because I am a city boy, but I know that there are people who can do these things and it doesn't bother them. I also know that there are people like my colleague from St. Boniface who was an undertaker and that is a very difficult position for an average person. Most people are horrified at the prospect of that particular profession and it is certainly not one that I could work in or stomach.

So, Mr. Speaker, those are my general comments. Secondly, I would like to say that I believe that many of the people who will speak in favour of this resolution should clean up their own house or put their own house in order, namely the judicial system in the Province of Manitoba, because I believe that the present system of justice in this province and in this country is a farce and a mockery. And when I see things like someone getting sentenced to six months in jail, going out to Headingley and coming back a couple of days later on a bus, that is a farce. Or when I see that someone is given life imprisonment for the crime of murder and that they are let go a few years later, that, Mr. Speaker, is a farce. When crimes are committed on remand and crimes are committed on bail and the police are arresting people to find that a day or two later they are out again on the streets and committing more crimes, this is a source of great frustration to people who are in the law enforcement agencies and it is also a source of considerable frustration to the citizens. I have talked to many people about this and I find that public opinion is very strong in favour of capital punishment and a harder line on law and order, because I think we have gone too far the other way.

So, Mr. Speaker, when I have to stand as it will be something I suppose I'll do for the first time in my career, to stand with members of the opposition on a resolution, that will perhaps be as difficult as some of these other difficult assignments I've talked about just a few minutes ago. But I say that we have a government in Manitoba which is tough-talking when it comes to this issue and which prides itself with being hard-headed, but I say that the plain truth is that on corrections and on law enforcement as presided over by the Attorney-General, they are soft, Mr. Speaker. They are not living up to their responsibilities and are shirking their duties. I say that the Attorney-General and the Minister of Health have failed miserably in a number of areas in terms of justice and law and order. We have a justice system that just does not function. We have people who are waiting to have their cases for a whole variety of charges . . .

MR. SPEAKER: Order please. Is the honourable member talking about the Resolution before us or is he digressing? The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I am talking on the broad subject of justice and capital punishment is one part of it. And I intend to relate to the whole spectrum of justice as it applies to the province. Because capital punishment — you know, Mr. Speaker, this entire resolution is questionable so I think if you want to question my remarks, you may also question the validity of the Resolution itself. And I am talking about two things, I'm talking about law and order in the country and I'm talking about law and order in the province. And we are responsible for law and order in Manitoba. And I say that our direct responsibility in this province is not being fully met. And when we see a system of justice where people are supposed to be brought to trial for murder or for any other violation, alleged or real, that when it takes seven months in a deteriorating system, it was six months when we were in power and it's not getting better. It's not four months or three months or two months or no wait, it is a deteriorating situation. There is no action being taken. There is a lack of effort on the part of the government in regard to renovations in courts. There is a lack of direction on the part of the government in terms of providing additional facilities.

We all know and it has been admitted that there is insufficient space at Headingley. That whether you take my figures which are 250, or the Minister's figures which are 309, that there 350 and 400 and maybe at times as high as 500 people in Headingley Jail. It's overcrowded. And as a result of this, we have had statements made by judges, Judge Garson among many others, saying that they have had to let people go, not sentence people because they have found out that they would be released too soon and therefore they made a decision to fine somebody instead incarcerating them. Mr. Speaker, I think that is a very serious matter and there have been delays by the government in the construction of necessary facilities . . .

MR. SPEAKER: Order please. May I suggest to the honourable member the subject matter before us Resolution No. 7, Capital Punishment and I would hope that he would bring his remarks in direct relationship to the subject matter of that Resolution.

MR. DOERN: Well I'm trying, Mr. Speaker, but I would simply conclude if you are too sensitive to my remarks in this regard, that there have been programs in particular which can only be implemented in our province through the expenditure of money as well as through the enforcement of law. And I believe that the government as personified in the Attorney-General and the Minister of Corrections has failed in that regard.

So I say, Mr. Speaker, when we are talking about restraint programs we're talking about law and order and justice, you have to put your money where your mouth is. And that is what I am saying to the government. It's not good enough for the Member for St. Matthews to traipse into the Chamber throw down a Resolution on Capital Punishment and get the enthusiastic backing of his entire group. So, Mr. Speaker, I say that isn't good enough. What would be good enough is if the Member for St. Matthews would bring in a Resolution demanding the immediate construction of The Pas Correctional Institute and Court House which has been some 20 years overdue. Mr. Speaker, I say that it isn't good to talk law and order. You have to put your money where your mouth is and that is not being done by the government of the day. Actions speak louder than words. We have had silence on corrections and the courts.

Mr. Speaker, the leadership of my Party, and I go back now many years has traditionally been against capital punishment. And I don't know what would happen if you took a straight poll of most New Democrats. I believe that probably the majority of members of our Party are opposed to capital punishment but some are in favour. But the leadership has been almost uniformly opposed and I respect them in their positions. I look back to leadership of Tommy Douglas and David Lewis and men of that stature as well as people in my own Party in this province whom I respect.

But the traditional position of our Party has also been a free vote. And although the inclination has been against capital punishment the method of voting has been individual member by individual conscience.

So I conclude, Mr. Speaker, by saying that my position is not based in the same manner as some members who will speak in the debate. I don't start from the question of deterrents and deal with that. I don't look on the psychological and sociological ramifications of this question. I don't argue on the basis of economics that a bullet is only 25 cents and that a year in jail is \$20,000. My position is ethical or a moral position. As I said, to restate it, I say that a person who commits first degree murder of any citizen deserves to die. That is an appropriate punishment in that particular instance. So I see it, Mr. Speaker, as a matter of justice and I will stand in the debate with people who will approach the subject from a whole variety of positions and I just simply wish to clarify my own.

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. STEEN: Mr. Speaker, I just want to rise and take a moment and . . . support this Resolution by my colleague the Honourable Member for St. Matthews where he hopes that this House will endorse his motion and encourage the House of Commons to make the necessary correction in the Criminal Code.

I support capital punishment. I was sorry that in 1976 that it was abolished and since 1976 the past three years we've had nothing but controversy over this issue. And I don't think that the controversy has been all that good. I recall vividly reading the accounts of the shoe shine boy in Toronto and his untimely death. And then there's the much publicized case that took place in Saskatoon a few years back. But one that sort of rings home with me a little more than most of them is the Houston Case here in Winnipeg.

A Winnipeg constable that was murdered over in the back lane of Stradbroke in the Fort Rouge area of our city. At the time of his death which was in the early 1970s my neighbour on Oxford Street, at the time was a police constable and was his partner. And recall talking to my neighbour on more than one occasion about the incident and how difficult for he and the then police chief to go to the Houston home and to tell the family that they no longer had a husband and father. And then I was at that time on the City Council and I recall the members of the family talking to members of Council and people of the City regarding benefits, employee benefits for the particular individual. So the Houston case does ring a bell and does bring back some unpleasant memories, and some stories that were rather difficult to sit and listen to.

But I believe that capital punishment is a deterrent and that the death penalty if it was enforced would work as a deterrent and I would certainly hope that not only in this Chamber would it be a free vote, but that some day a Prime Minister, whoever he or she may be, will permit it to come

to the floor of the House of Commons and have a free vote and hopefully settle the issue one way or the other, because as I've said, that we've had three years that this subject has been kicked around, back and forth, the pros and cons from both sides trying to put forth their case as strongly as they can, and I'm one that will go on record as saying that I do favour capital punishment, because I do think it would work as a deterrent. And the particular case that really brings that home to me is the Houston case, as I mentioned. So Mr. Speaker, I favour the proposed resolution.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, this resolution is based on the dubious logic that killing people will stop killing, and may I say, Mr. Speaker, that if I believed in the logic of that proposition, I would favour this resolution. If I was convinced that the killing of murderers would stop or even diminish the number of murders, I would support the resolution. Since I think, Mr. Speaker, and I think that, although statistics have said both things, I think I could produce statistics to bear me out, and I think that I will make observations that even my honourable friends will agree will bear me out. Since I think that the killing of murderers increases the number of murders, I say to my honourable friends that they are seeking to increase the number of killings. Not only will they kill the criminals, but they will induce more killings by the diminution of the sanctity of human life, that they will cause to be registered throughout our society when they kill these criminals. Now, Mr. Speaker, the Member for Crescentwood has made an interesting observation which I want to quote to him so that he will acknowledge as to how perhaps unthinking it was. He said that he hopes there will be a free vote in Parliament, that will settle the issue one way or the other, once and for all.

Mr. Speaker, does the honourable member really believe that? If the free vote in Parliament resulted in the abolition of capital punishment for all offenses, does the honourable member say that the issue will be settled one way or the other? Of course it won't, Mr. Speaker. From the earliest time on, there has been an argument about what are the effects of capital punishment. That argument will persist as long as there are people in the world and people will line up on either side of it, Mr. Speaker, in the same way as they are lining up in this House. And my honourable friend, the Member for St. Matthews, has what he thinks his sails to the wind in that he believes that a majority of people if asked the question will kill people, will kill criminals. Mr. Speaker, I do not know whether that is right or whether that is wrong. I would like to believe that it is wrong. But I cannot say with the same alacrity that my honourable friend speaks that many Manitobans have expressed dismay over the abolition of capital punishment. I would accept that statement. I don't know whether a majority of citizens would not express dismay over the carrying out of a hanging. I don't know whether that is the case, or whether that would mean anything to my honourable friend if it were the case.

What I can tell my honourable friend, Mr. Speaker, by demonstrable evidence which even he cannot ignore is that whether a majority of people have taken that position with respect to that issue at one time or another, it is also a fact that a majority of people have voted to elect representatives in greater numbers who believe that capital punishment is one way of increasing the amount of killing that we have in our society and interestingly enough, Mr. Speaker, they consist of distinguished representatives of all political parties. Let it be clear that the Leader of the Progressive Conservative Party today is an abolitionist, was elected by probably a majority of Conservatives who believe in capital punishment. But however those majority of Conservatives believe, they were smart enough, Mr. Speaker, to elect somebody who believes in abolition. Isn't that interesting? Mr. Speaker, whether a majority of Liberals do or do not believe in capital punishment, they elected a leader who happens to be an abolitionist. Whether a majority of New Democrats believe or disbelieve in capital punishment, they happened to have elected somebody who does not believe in capital punishment, who believes that that is something which will probably create more murders.

Now, that's a fact that my honourable friends have to live with, that whether at a moment's notice you can call on a crowd to say let's do something, however reprehensible it may be, that same crowd, in selecting somebody to act as their representative and to deal with things in a sound, prudent manner, have not chosen, as individuals, the type of thinking that my honourable friend proposes.

But let's look at the second paragraph of his resolution and see how unthinking it is: "Whereas many Manitobans have expressed dismay over the abolition of capital punishment." That's a reason, Mr. Speaker, for reintroducing capital punishment. Suppose, and I could convince my honourable friend,

that many Manitobans would express dismay over the institution of capital punishment? Would that cause him to vote against it? Of course not. My honourable friend believes, sincerely believe, that if you kill murderers, you will stop killing or your will reduce killing. That's his purpose and, Mr. Speaker, I respect that. I happen to think it is wrong and I can say this, that I am not even sure of myself, but I do believe it is wrong and I do believe, Mr. Speaker, so sincerely that it is wrong that I would be prepared to get up and say that my view of human history is that killing begets killing and that love begets love. That was said something like 1979 years ago by someone who, if we put into his hands the decision as to whether you are going to kill people who.. you say are guilty of murder, I have no difficulty in knowing what he would say, Mr. Speaker. He would say, do not kill these people, because that is the entire basis of his philosophy and, Mr. Speaker, that is the basis, although some people interpret the Old Testament in an entirely different way, I suggest to you that reading it in its entirety, it comes out the same way.

But let's look, Mr. Speaker, at some practical cases. Mr. Speaker, within the last month, 72 at least, people have been executed in Iran. Seventy-two people within two months have been executed in Iran. Does the honourable member say that the execution of those 72 people is going to stop the killing in Iran, or will he agree that what is going to happen as a result of those 72 killings is that killing will be compounded in Iran?

My honourable friend, the Member for Crescentwood says that he remembers the shoeshine boy in Toronto. My friend, the Member for Elmwood, said, let's think of the victim. Mr. Speaker, I say categorically, if I could restore the victim by killing the assailant, I would kill the assailant. No difficulty whatsoever. But killing the people who killed the police officer that my friend talked about, will not kill the assailant, and in my view, will make it more easy for the next person to take human life. Because, Mr. Speaker, if we have a society which, in the embodiment of its greatest manifestations of civilization, says that it will take life, how can we create throughout society an atmosphere amongst its citizens that the taking of life is not something which we bestow the power to do on human beings, that that is not something which is within their province.

And the more, Mr. Speaker, I suggest to you, that we have a society in which the taking of human life is apparently more and more repugnant, the less we can expect that citizens in society will engage in killing. Now, I am not naive enough, nor optimistic enough, to believe that mankind will ultimately stop killing. All that I can hope for, Mr. Speaker, is that there will be a lesser degree, and conversely, there will not be a greater degree. And my honourable friend seem to suggest that the taking of the murderer's life will result in a reduced number of killings. Where have they any substantiation for that position? Where are they able to demonstrate statistically that that has been the case in any place that it has happened? Where are they able to demonstrate that when we killed murderers in the Province of Manitoba, that we stopped murders?

The honourable friend from Crescentwood says he remembers, or he has read about the case in Toronto — it's a gruesome case; a horrible case. Mr. Speaker, does the Honourable Member for Crescentwood remember the name Angelo Vescio? When Angelo Vescio killed two little boys in coal yards in Greater Winnipeg there was capital punishment. Not only was there capital punishment but we hung him, and that should have prevented the killing of people in the province of Manitoba, but it didn't, Mr. Speaker. —(Interjection)— Pardon me? Well, Mr. Speaker the Honourable Member for Minnedosa says that he won't kill anyone, and I concede that the killer that you do away with will not be able to kill. I question what the effect of having killed that person will have on the rest of people in society insofar as how they regard human life is concerned.

But I do concede that the honourable member makes a point. If your main purpose is the protection of society from killing or from people who have killed, then I suggest to you that there are ways of doing it which do not amount to capital punishment.

If you are suggesting, Mr. Speaker, that the present laws in regard to dealing with murderers so as to protect society are unsatisfactory, there could be an argument, which doesn't amount to capital punishment.

But that is not the argument that is put. The argument that is put is that if we kill these murderers we will reduce killing in our society. Mr. Speaker, it's this position that can only be based on some type of gut feeling that has never been substantiated. It's also this . . . Excuse me, the Speaker has helped me along. They are now averaging six executions a day in Iran, and I suggest to you that what he sows the wind will reap the whirlwind, that this will not end killing in Iran, that this will increase. And the number of people who they hope to deter by these killings — and I suppose that they are mostly political — will rise in number and will react in the same way. There will be not an equal and opposite reaction but an expanded reaction.

MR. SPEAKER: The honourable member has 5 minutes.

MR. GREEN: Thank you, Mr. Speaker. Mr. Speaker, the other thing that surprised me, in much

of this debate will . . . And I'm trying not to make it repetitive although there can be no debate on capital punishment wherein the ultimate premises are not brought forward, and I suggest that the ultimate premise is whether or not the killing of people will reduce killings, murderers or otherwise, and I suggest to you that it has not proven to be the case in any place where they have tried it, and, as a matter of fact, one can obtain statistics to the contrary but I am not going to make my case on the basis of statistics because I know that they can be produced to show both positions.

But one of the interesting things that I read in the paper — and I hope that the paper in this respect is as incorrect as they are in certain other respects; the Member for St. Matthews will be able to correct me if I'm wrong — that the Member for St. Matthews referred to the fact that if we don't start killing these guys vigilantes are going to take the law into their own hands and kill murderers. That is apparently what the honourable member said. And uses that, Mr. Speaker, as some type of justification for his position.

Now, Mr. Speaker, what if it were said with relation to some other issue? What if it was said that if you're going to outlaw strikes the unions are going to take the law in their own hands and start striking? Would the honourable member say therefore you must permit strikes because we cannot have these vigilantes, these unions taking the law into their own hands? But when it comes to capital punishment, Mr. Speaker, all of a sudden lawbreaking and the threat that certain people are going to do it if the law isn't changed in their way becomes an argument for the Member for St. Matthews.

Well, Mr. Speaker, that's a peculiar argument and I suggest to you that when it is brought up at other times in this House I want to know whether the honourable member will support that kind of threat, that kind of intimidation, that kind of pressure as being the basis upon which laws in our society will be changed. Because that's apparently what he said.

Mr. Speaker, there has been much said in this House about justice and about the necessity to kill murderers, and I think that the Member for Elmwood put it rather starkly that a murderer deserves to be killed.

Well, Mr. Speaker, I don't know what anybody deserves. What I do know is that those who scream loudest for justice are usually quite happy and quite lucky if they do not get it. I think it is very difficult to judge, and I say, Mr. Speaker, that when I appear before a judge, regardless of what I may feel to be my clean record, I will be looking for mercy rather than justice. And I tell my honourable friends that when they deal with murderers as being the worst form of criminals they should reflect on the fact that most murders are committed by people who have never committed a crime before and, in most cases, would likely not commit one again. And I am not apologizing for their murder. The greatest number of killings, if one can put them into a class, is when a husband kills his wife and possibly his children and then points the gun at his own head and kills himself.

My honourable friend talks about capital —(Interjection)— Mr. Speaker, that is the suggestion that capital punishment will prevent that murder. That man himself, Mr. Speaker, will engage in the capital punishment but it won't have prevented the murders. My honourable friend says he is not talking about that. Then I tell him that many murders are committed by people in that kind of situation and then the person goes to jail and sometimes is a model prisoner.

But my learned friend says that he will kill every one of these people. I want to tell him the story of two murderers.

MR. SPEAKER: Order, order please. The honourable member's time has expired. The Honourable Member for Logan.

MR. WILLIAM JENKINS: Thank you, Mr. Speaker. This is my first opportunity to speak in this debate; I never took part in it last year. And I agree that there are varying opinions held on the subject, on the topic that is before us and if capital punishment was a deterrent then all the capital punishment executions that we have had over the ages, over the centuries, there should not, today, in our society be one murder committed.

For centuries we have executed people for murder; we have executed people for many other varying things: pickpocketing, stealing of bread. In fact in Tyburn Hill in London, which was I guess the most hanging place, if you want to call it, in England, I believe on one occasion they hung 18 pickpockets. And they were public hangings in those days, Mr. Speaker. They weren't done behind closed walls. All the public . . . In fact, it had all the flair of a fair, big celebrations. People were selling favours. And you know, Mr. Speaker, that there were more pockets picked that day than people that were hanged. In fact, that was what they were hanged for: picking pockets. That was the law. That was the capital punishment of the day.

You know, when we, as members of society — and I'm not talking just about us here in this

Chamber but we as members of society as a whole and I know that certain members are going to have their opinions, and I don't think that we will ever resolve this question one way or the other. And when I hear on radio hotline shows people saying, I would pull the switch or throw the trap, I can tell you something. One of the greatest problems that the Allied Armies and I imagine the Axis Armies in World War II had, one of the greatest problems, was to get people to shoot someone else, the failure to fire on an enemy. Do you know how high it was? In some cases, as high as 40 percent. People absolutely, under conditions where it was their life or someone else's, people refused to pull a trigger. And when I see and I hear people say, "Sure, in the heat of maybe high passion they would do it", but to coldly have to calculate to kill someone, to take a human life. You know, we were lucky in World War II, we had no Canadian soldiers that had to be executed by our own army, but I believe the American Army had two or three. There were no volunteers. The volunteers were the favourite Army style. If anybody was in the Armed Services they will know how the Army picked volunteers: You, you, you and you. You are the ones who are going to be the volunteers.

You know, to salve the conscience of these people they tell them, well, only half or only a third of the rifles that you are going to shoot at this person who has been condemned to death — it could be for treason; it could be cowardice under fire . . . Many sentences can be brought down involving the death penalty in the Armed Services. But to salve the conscience of these people they say, "Some of them are not loaded, so you are shooting a blank." Well, that's nonsense because all those rifles are loaded. They are all loaded. And nobody volunteers for that job.

As I said, if it's a deterrent, sure. The Honourable Member for Minnedosa said, "Yes, it's a deterrent. It's a deterrent for the person that you are going to execute." But that is not a deterrent for the rest of the population. If it was, all the executions, official executions, that we have had over the years, down the years, we wouldn't have one single murder today. We would have been deterred from doing that. It has been there since time immemorial, since Cain slew Abel, and I guess it will go on and on.

I certainly do not condone some of the heinous crimes that have been committed. I am disgusted by them. And the Honourable Member for St. Matthews shakes his head. Maybe he is one of those who can throw the switch, but I would like to see him under fire when he does have to pull that switch because I think he would chicken out; I think he would chicken out, because there is not too many that will do it. —(Interjection)— Well, maybe he will and maybe he won't.

You know, as the Honourable Member for Inkster said, "You know, a killing for a killing." You know, they did that in Sicily; there did that in Corsica. The group was called, well, I guess modern day it is the Mafia. The Mafia; that was an eye for an eye and a tooth for a tooth. It was an official vendetta. Corsica was another place. I believe Corsica was where it originated. Now one family member was killed by another family member. So they killed that other one in return, and that should have deterred both sides from carrying this very heinous practice on. But did it? No, it is still happening today. It became a revenge feature. And when we see the law being used to take revenge, we have a legalized murder. Certainly, we have legalized murder everyday. We have it today in Iran. We have had it in Uganda. Oh yes, we had it in World War II; we had it in Korea; we had it in Vietnam. That was organized murder and legalized murder, because you can kill people there. Nobody's going to stop you. Six million people went to the gas ovens in Europe. —(Interjection)— Well, my honourable friend says, "What did we do to them?" Some of them were executed; some of them got away and some are known to be living in this country today and are not being extradited, and some are living in the United States. And perhaps the punishment they are suffering today is worse than if they would have got the long drop on a short rope, because today they live in fear day after day, fearing that retribution will come and somebody will lay their hand on their shoulder and take them. That is a feature that these people, and perhaps that is a worse punishment than if they would have been executed, because that would have been a very short one.

I don't think that I will ever convince the Honourable Member for St. Matthews that capital punishment won't solve the problem and I don't think he will ever convince me that it will.

MR. SPEAKER: Order please. The hour being 5:30, when this item next comes up the honourable member will have 12 minutes. The hour being 5:30 the House is accordingly adjourned and stands adjourned until 2:30 tomorrow afternoon. (Thursday)