

THE LEGISLATIVE ASSEMBLY OF MANITOBA
9:30 o'clock, Thursday, July 16, 1970

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees. The Honourable Member for Logan.

MR. WILLIAM JENKINS (Logan): Mr. Speaker, I beg to present the Tenth Report of the Standing Report on Law Amendments.

REPORTS BY STANDING COMMITTEES

MR. CLERK: Your Standing Committee on Law Amendments beg leave to present the following as their tenth report: Your committee has considered Bill No. 131, An Act to validate certain By-laws of the Town of Dauphin and The Rural Municipality of Dauphin and to enlarge the boundaries of The Town of Dauphin. And has agreed to report the same without amendment. All of which is respectfully submitted.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Mr. Speaker, I beg to move, seconded by the Honourable Member for St. Matthews, that the report of the committee be received.

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

MR. SPEAKER: Notices of motion.

INTRODUCTION OF BILLS

HON. SAUL CHERNIACK, Q.C. (Minister of Finance) (St. John's) introduced Bill No. 150, an Act to amend The Revenue Tax Act. (Recommended by the Lieutenant-Governor)

MR. SPEAKER: The Honourable Member for River Heights.

ORAL QUESTION PERIOD

MR. SIDNEY SPIVAK, Q.C. (River Heights): Mr. Speaker, in the absence of the Attorney-General, I wonder if I can address a question to the First Minister. I gather the Deputy-Minister or the Deputy Attorney-General was present at the meeting of Attorneys-General with the Minister of Justice in connection with the LeDain Commission report, and I wonder whether the First Minister could indicate whether the province has taken a position in connection with this report?

HON. ED SCHREYER (Premier) (Rossmere): Mr. Speaker, I can advise the honourable member that the province has taken no full and formal position relative to the report that was just made public by the federal authorities a few weeks ago. It may be that subsequent to this meeting of Attorneys-General that we may have to do so. Up to this point in time we have not.

MR. SPIVAK: A supplementary question. Then I take it that the appearance of the Deputy-Attorney-General from Manitoba at this meeting is only on the basis of a watching brief?

MR. SCHREYER: Yes, Mr. Speaker, I think that would be the correct way to put it.

MR. SPEAKER: The Honourable Leader of the Official Opposition.

MR. WALTER WEIR (Leader of the Opposition) (Minnedosa): Mr. Speaker, I wonder if the House Leader having had two or three days to relax, if he would be in a position to advise the House of the activities of the House and its related committees in the next few days?

MR. SIDNEY GREEN, Q.C. (Minister of Mines and Natural Resources) (Inkster): Well, Mr. Speaker, we just intend to try to deal with all the business that is before the House. We hope to deal with as much as we can on the Order Paper then go back into Law Amendments Committee, then come back into the House and deal with what we've passed through Law Amendments Committee until we complete all of the business which is presently pending in the Law Amendments Committee, to schedule a date to hear briefs on the Landlord and Tenant Bill and after all of that is done then we'll schedule a date to hear the remaining briefs on Public Utilities Committee.

MR. WEIR: Mr. Speaker, would it not be possible to establish dates now for those that might remain to hear briefs on in Law Amendments and Public Utilities?

MR. GREEN: Well, Mr. Speaker, it may be that by this afternoon we'll be able to have a date for the Landlord and Tenant briefs.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY ENNS (Lakeside): Mr. Speaker, I direct a question to the Honourable

(MR. ENNS cont'd.) Minister of Mines and Natural Resources. Last week I asked a question of the Minister of Industry and Commerce with respect to the Tantalum Mine at Berniac Lake. I note by yesterday's paper that the court has named managers for the mine. My direct question, is the government directly involved either in the appointment of the managers or in any other way? Is there any information that the Minister could give us at this time?

MR. GREEN: Mr. Speaker, I am aware that we are watching events, but we are not involved to my knowledge in the court proceedings.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, I'd like to direct a question to the Minister of Labour. Apparently there was a case in Winnipeg some ten days ago whereby the employees in one of the garment manufacturers walked out when the temperature reached 112 degrees in their place of employment. I would like to know whether the Minister has received any reports or complaints about this question?

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): No, Mr. Speaker.

MR. DOERN: A supplementary question, Mr. Speaker. I wonder if it would be in order to ask the Minister to look into this case; and I would also like to know whether there are limitations in terms of health hazards that are set for heat; whether employees are say, whether it is felt it is beyond a health hazard or a health hazard for employees to work under such conditions? -- (Interjection) --

MR. PAULLEY: Mr. Speaker, I think that the remarks deserve an answer. On receipt of any complaint the Department of Labour will check into the complaint. As far as I am aware there is no precise temperature range in industry and particularly an industry of the nature of garment workers. I don't know what section, it may be a pressing room of some place like that, but I would be glad on receipt of a formal complaint to look into the matter.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): A further supplementary question. When the Minister is checking the temperature of the various rooms around the city, would he check the temperature in the Law Amendments Committee room the next time he's in there?

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, I direct a question to the Honourable the First Minister. Recently during the tour of the Royal Family he made an announcement at Churchill with respect to considerable expansion of the hospital facilities, I believe. I'm given to understand this morning that the Federal Government doesn't share his optimism with respect to the timing of any program here; in fact it hinges it on the development of civic government. My specific question to the First Minister is: does he in view of the Federal Government's response now consider his statements premature, or can the First Minister indicate to the House what steps are being taken towards development of civic government at Churchill which seems to be a pre-condition to any federal assistance?

MR. SCHREYER: Mr. Speaker, I don't know how the honourable member can say that the Federal Government does not share the same views with respect to the timing of the implementation of the program, because what I announced at Churchill was simply a statement as to the nature of the proposal that the Province of Manitoba had made to the Federal Government. I indicated then that in the course of the next few weeks there would be an effort made to reach an agreement between the two levels of government. I did not give any indication as to when works would actually commence because I made it clear that first a formal agreement would have to be arrived at.

MR. ENNS: A supplementary question, Mr. Speaker. The reference to timing was made as a result of the First Minister's mention of 30 days. That's what seems to be refuted by the Honourable Mr. Laing this morning in the national newscast.

MR. SCHREYER: Mr. Speaker, I indicated that we would be negotiating the proposal between two levels of government in the course of the next 30 to 60 days. This is the way I laid the matter before the people at Churchill who were enquiring about it.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, my question is for the Minister of Industry and Commerce. I wonder whether he could indicate to the House the figures in connection with exports out of Manitoba that were either released or given by the department to the news media?

HON. LEONARD S. EVANS (Minister of Industry and Commerce) (Brandon East): Mr.

(MR. EVANS cont'd.) Spivak, I don't understand your question. Whether I could indicate the figures that were published in the newspaper - your question doesn't make sense.

MR. SPIVAK: Mr. Speaker, my question makes a lot of sense because I asked the Minister on a previous occasion as to whether he could confirm those figures. He said he would take it as notice and I wonder whether he's now in a position to indicate to the House the export figures that were released to the news media and published by the department, whether he would indicate in this House those figures so that we could have them for our own examination.

MR. EVANS: Mr. Speaker, in due course I will, if the member is that anxious about them, I'll confirm or deny the accuracy of the figures published in the newspaper, if that's what the member's interested in.

MR. SPEAKER: The Honourable Member for Pembina.

ORDERS OF THE DAY - MOTIONS FOR PAPERS

MR. GEORGE HENDERSON (Pembina): Mr. Speaker, I move, seconded by the Honourable Member for Brandon West, that an Humble Address be voted to His Honour the Lieutenant-Governor praying for copies of all correspondence and agreements between the Manitoba Government, the Minister of Agriculture and the NDP caucus in the House of Commons, Ottawa, with regard to financial aid for the people of Manitoba who were unable to seed crops due to flood damage in the Province of Manitoba.

MR. SPEAKER presented the motion.

MR. GREEN: Mr. Speaker, I was intending even to question whether such an address would be in order. In any event, the government is not prepared to accept an address of this kind because it could relate to correspondence which is not of a government nature.

MR. WEIR: Mr. Speaker, on the point of order if I may, without speaking to the motion, say that the order is in relation to an answer that was given by the Minister in the House just the other day, and to say that it is out of order, if the Minister had said, in the same way as he does about other governments, that they would need the agreement of the parties at the other end of the correspondence, then I think he might be responding in a correct fashion in order of the House, but to say that it's out of order . . . As for the order, Mr. Speaker, I think it's completely incorrect and the indication we have is that the government is prepared to refuse the order. That seemed to be the impression that I got from the Minister; and on the point of order, as long as we're satisfied that the order is in order, if they want to vote against it, that's their privilege.

MR. SPEAKER: The Honourable Member for Pembina.

MR. HENDERSON: The reason I raised this question is because the honourable member

MR. SPEAKER: Order, please.

MR. GREEN: I believe that the honourable member could speak to this question until Private Members' proceedings are arrived at.

MR. PAULLEY: Mr. Speaker, may I respectfully suggest that in addition to that that Your Honour take it under advisement as to whether or not the motion is in order. Because may I respectfully suggest, Sir, that if this type of an Address for Papers is deemed to be in order, it could establish a precedent; that it would be hard for the Assembly to deal with because it implies tabling of correspondence between groups not within the control of this House, namely a caucus at Ottawa, whether it's the New Democratic caucus or the Social Credit or Conservative or Liberal; so I would respectfully suggest, Your Honour, that you do take under advisement as to whether or not the Address for Papers is in order before the matter is further proceeded with.

MR. WEIR: Mr. Speaker, I have no objection to you taking the matter under advisement. Might I just suggest that if you check journals of the past you'll find that there are precedents established for seeking correspondence from people outside of the government. -- (Interjection) -- Mr. Speaker, with a little time, if I can respond to the Minister on the point of order, the chirping little individual - I see him doing this quite regularly, Mr. Speaker - if I may say, I think you'll find precedents there and if I can be of any assistance in drawing it to my honourable friend, I'll do that - when I have some time, Mr. Speaker, and we'll have a better

(MR. WEIR cont'd.) opportunity to budget our time when the House Leader gets around to telling us what the order of business is going to be - it's a little . . .

MR. SPEAKER: . . . still on the point of order?

MR. WEIR: Yes, Mr. Speaker, this is related to the point of order.

MR. LAURENT L. DESJARDINS (St. Boniface): It's not and you know it. You know, you're just wasting time. . . .

MR. JACOB M. FROESE (Rhineland): On that same point of order raised by the Minister of Labour, I feel that if the government is opening up new approaches in certain ways that we cannot explore, I think this is out of order.

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOUGLAS WATT (Arthur): On the same point of order, Mr. Speaker, I have to agree with the Honourable Member for Rhineland. If the Ottawa contact of the Manitoba government as far as agriculture is concerned is now the NDP caucus, I think we have a right to ask for correspondence between that body and the Minister of Agriculture.

MR. SPEAKER: I wish to thank the honourable members for their comments. I'll take the motion under advisement and report back to the House after I've had an opportunity to peruse it. The Honourable House Leader.

MR. GREEN: Mr. Speaker, we'll proceed in order on the Order Paper with the third readings of the bills that have been referred from the Committee of the Whole.

MR. SPEAKER: Third readings. Bill No. 16. The Honourable Minister of Agriculture. BILLS Nos. 16, 25, 30 and 31 were each read a third time and passed.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet) presented Bill No. 37 for third reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, just before Bill 37 is passed and becomes law in the Statutes of Manitoba, I would like to make a few comments. I made numerous suggestions in the form of amendments in Committee of the Whole and bringing in matters that I felt were definitely advantageous to the bill as it is presently going through. Certainly some of the changes are very basic, those of almost eliminating the share capital and others. I felt the changes that I proposed were valid ones and as in past years when I've put forward amendments, a year or two later they came back and they were brought in, instituted and became law. I don't know why they are not accepting them at the present time but no doubt some of the changes I think will eventually come about, because some of the sections are just not functional. I don't want to go into details but certainly for members to call a special meeting is almost an impossibility. You're requesting for more signatures to have such a meeting as you normally have in attendance at a meeting, and this applies to all credit unions in Manitoba, that the 10 percent required is more than you have at present at most annual meetings where you conduct all of the business through membership meetings. I certainly want to register my protest once more; I feel that these improvements should have been made and certainly would have served to the advantage of the credit union movement in Manitoba.

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

BILLS Nos. 53, 81 and 137 were each read a third time and passed.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable Minister for Cultural Affairs, that Mr. Speaker do now leave the Chair and the House resolve itself into a committee to consider the following bills: No. 43, No. 115, No. 61, No. 68, No. 76, No. 78, No. 79, No. 80, No. 83, No. 85, No. 86, No. 112, No. 113, No. 116, No. 119, No. 120, No. 132, and, Mr. Speaker, by leave, if it's available, No. 131. That's that bill relating to Dauphin which we passed on Tuesday morning, I believe it was.

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

COMMITTEE OF THE WHOLE HOUSE

MR. GREEN: I would like to start with Bill No. 79 and proceed down from there so that when the Attorney-General's bills are being considered he will be back in the House.

MR. CHAIRMAN: Bill 79, The Snowmobiles Act.

MR. GREEN: Snow Vehicles Act.

MR. CHAIRMAN: Snow Vehicles Act. -- (Interjection) -- It is the Snowmobiles Act. (Sections 1 to Section 21 were read and passed, with Section 14 deleted.) Section 22 (1)--passed; (2) (a)--passed; (b)--passed; 22 -- The Honourable Minister of Transportation.

HON. JOSEPH P. BOROWSKI (Minister of Transportation) (Thompson): I have an amendment here that subsection (2) of Section 22 of the Snowmobiles Act be struck out and the following substituted therefor:

"Every snowmobile shall be equipped with a noise muffler in good working order which shall be in constant operation while the engine is running to prevent excessive or unusual noise, and no person shall equip a snowmobile with or use a snowmobile equipped with a muffler cut out, straight exhaust, gutted muffler, hollywood muffler, bypass, or any device which has the effect of bypassing or reducing the effectiveness of the noise muffler."

MR. CHAIRMAN presented the amendment and after a voice vote declared the amendment carried.

(The remainder of Bill 79 was read section by section and passed.)

MR. CHAIRMAN: Bill 80. An Act to amend The Social Allowances Act. (Section 1 was read and passed. Section 2 subsections (a) to (e) were read and passed.) The Honourable Member for Pembina.

MR. HENDERSON: Before we move away from this portion, I think all members should be giving it a little more consideration because I feel we're making a mistake in this section, and I hope you've given it some consideration by now because when you get paying for the education of people that are receiving social assistance and they're getting their university education, I'm sure that the working man who's paying his way is going to feel very upset about this. It's not fair, and the House as a group of responsible citizens should be taking this into consideration when they're passing this.

MR. CHAIRMAN: (The remainder of Bill No. 80 was read section by section and passed.)

MR. CHAIRMAN: Bill 83. An Act to amend the Clean Environment Act. Section 1 (s) passed. The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, I'm not sure whether it's necessarily appropriate at this time talking on this specific section to deal with this, but I think at one point in this debate, on this particular Act, mention should be made of a concern in connection with the Clean Environment Act. I do so under this section on the basis that in the definition section itself of the Clean Environment Act there is really no definition that I can see of pollution, that is proposed, and I think this becomes important in understanding what the Clean Environment Act is really all about.

Mr. Chairman, the proposed amendments by the government in connection with the Clean Environment Act bring the Clean Environment Act up to date and in this sense in terms of its operation based on the past experience, there is credit to the government for introducing this measure and I would think that there is not going to be too much disagreement on this side, as there has not been so far, in connection with the proposals in the Act. But I think it's extremely important, Mr. Chairman, that the records show that this proposal is not major anti-pollution legislation. I think, Mr. Chairman, it's important to know that these on the other side who may believe, and others who may have listened to some who have suggested that this is so, that those who believe that what is being proposed is major, new anti-pollution measures by the government, are incorrect. Now there have been some ministers in some, particularly the Minister of Industry and Commerce, and others who in the various presentations and speeches in this Legislature and outside, have talked generally about the need and desire for new pollution measures to be enacted by government so that in effect we would build and develop in our society the kind of society that would consider damage to our environment and would recognize the fact that there has to be greater degree of control. I'm not suggesting, Mr. Chairman, that those objectives are incorrect, nor am I suggesting in any way that this is not the aim or should not be the aim of government, but so far, Mr. Chairman - and this bill does not propose anything different in the past - so far we have not yet attacked this problem, and it's important lest there be anyone who believes that by what is being proposed here that we are in the process of moving a real giant step forward in our particular society of Manitoba in controlling pollution, may I suggest that this is not so.

And I say because particularly pollution itself is not defined, although there are other sections that deal with aspects of it, and if we were to deal section by section we would find

July 16, 1970

(MR. SPIVAK con t'd.) that what we do have is administrative procedures that are changed with a greater degree of regulation of the way in which we have operated in the past with really no thought of the kind of things that have to be done to adequately consider a government programing for pollution. The kind of legislation that has to be forthcoming in time and it's not proposed in this bill and I am not suggesting that it can be amended in this bill because this will take serious consideration, and I'm not in any way chastizing the government because they have not done this, I think this requires far more than just a superficial study or far more than a few months preparation as may have been undertaken in terms of preparing this Act - I think that far more study for very positive measures with respect to pollution. This means we must now identify those things that we do not want to happen in our society and they must be prohibited, and prohibited by specific identification, specific regulation and specific legislation. It means as well that there has to be a program undertaken in which there will be some kind of government support, and it does not have to be that great financially, but some kind of support to assist the industries in this province, and not only industries in this province, but the utilities in this province, to correct some of the practices that have occurred in the past so that we are going to be in a position to save our environment in Manitoba, and it means a forthright positive program as opposed to the changes that are proposed here. And I say that, Mr. Chairman, again to indicate that in so far as I am concerned based on my observations and reading of the sections of the Act, although I was not present in committee at the time it was dealt with, I have a suspicion, the Minister may correct me, that there were not too many questions specifically asked in connection with the details of the various sections, but in reading the Act and having some understanding of how the Act operated before because of my own involvement as Minister of Industry and Commerce and particularly involvement with a number of industries that want to locate here, that notwithstanding the fact that we have certain checks and balances in trying to assure that there will be a degree of regulation, we do not yet know, nor have we attacked the basic problems related to pollution, and this is not proposed in this Act, and there should not be any recognition by anyone that this Act is in any way seriously an attack on pollution in this province.

MR. CHAIRMAN: (Section 1(f) to Section 4 of Bill No. 83 were read and passed) Section 5 The Honourable Minister of Finance.

MR. CHERNIACK: I'd already indicated in Law Amendments Committee that we wished to bring in an amendment to enable the payment of remuneration to members of the board and I believe it was acceptable to the committee, but I pointed out that it required a message from His Honour and although he had given his approval to the proposed amendment, it was thought advisable that it be done formally in the House so that it would be on record.

So, I beg to move that Bill 83, An Act to Amend the Clean Environment Act, be amended by adding thereto immediately after Section 5 thereof the following section, subsection 3 of Section 8 amended; 5(a) subsection 3 of Section 8 of the Act is amended by adding thereto immediately after the word "paid" in the first line thereof the words "such remuneration as is fixed by the Lieutenant-Governor in Council and".

Mr. Chairman, His Honour the Lieutenant-Governor having been informed of the subject matter of this amendment recommends it to the House.

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

MR. CHAIRMAN: (Remainder of Bill 83 was read a third time and passed.) Bill 85.

MR. GREEN: Mr. Chairman, I wonder if you would just pass by that one for a moment and proceed with Bill 86.

MR. CHAIRMAN: (Bills 86 and 112 were read page by page and passed.)

Bill 113, An Act to Amend the Public Schools Act. (Sections 1 to 258 (4)(a) were read and passed.) The Honourable Member for Emerson.

MR. GABRIEL GIRARD (Emerson): I beg to move, seconded by the Member from Birtle-Russell, THAT the proposed subsection (4) of section 258 of The Public Schools Act as set out on Page one of Bill 113 be amended

(a) by striking out the word "and" in the second line of clause (c) thereof;

(b) by adding thereto, at the end of clause (d) thereof, the word "and";

and

(c) by adding thereto, immediately after clause (d) thereof, the following clause:

(e) one of whom shall be a superintendent of schools.

My purpose, Mr. Chairman, in moving this amendment is simply to make the advisory

(MR. GIRARD cont'd.) committees . . .

MR. FROESE: Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Did you accept the motion?

MR. CHAIRMAN presented the motion.

MR. FROESE: I would like to get that repeated. I want to make sure that I got it right in the . . .

MR. GIRARD: They're being circulated, Mr. Chairman.

MR. CHAIRMAN: The honourable member has a copy? Are you ready for the question? The Honourable Member . . .

MR. GIRARD: Mr. Chairman, my purpose in introducing this amendment is simply to, in my view, make it a more workable kind of situation. The Advisory Committee on Languages made up of two groups really, the group that is going to look after the English language and the other group that is going to look after the French language, in my view seems to be lacking one member in their groups.

The Advisory Committee for the English language is made up of two trustees, two teachers, two members from the Faculty of Education of the University of Manitoba, and two members from the Faculty of Education, University of Brandon. These people, in my view, are going to be considering the practicality and advisability of introducing courses that will be taught in English in the school curriculums. I realize that it might not be the responsibility of the committee itself to institute or design a course, but it will be the responsibility of that committee to have a course that will be practical in implementation. If that is so, Mr. Chairman, it must be a committee that will understand the administrative problems in introducing a new course. When a new course is introduced in a school curriculum and instituted in a school, there are all kinds of problems that will arise, problems of numbers of students, problems of qualification of staff, problems of budgeting and financing because of additional costs that might be brought about by this change; and therefore, it seems to me that the practical thing would be to include the Superintendent of Schools whose responsibility is precisely that of co-ordinating the financing and the administration of the system.

I might suggest at this stage also, Mr. Chairman, that my intention is to introduce the same kind of amendment for the Advisory Committee on the French section. I cannot do both at the same time because they're dealt with separately in the bill. I realize that this might curtail the freedom that the Minister enjoys in the bill because it means simply that he will be called upon to appoint two superintendents rather than have a free hand and appoint any four people in the two groups. I don't in any way wish this to mean that I don't have confidence in the Minister and I assume that he would likely do it anyway. However, because it is in my view a most important step, I would very much like to see it in the Act.

MR. CHAIRMAN: The Honourable Minister of Youth and Education.

HON. SAUL A. MILLER (Minister of Youth and Education) (Seven Oaks): Mr. Chairman, I appreciate the reasons for the Member for Emerson bringing this forward, and I recognize that his interest in the bill and his concurrence in the bill is sincere. The points he made, however, I don't think are really that essential. In the bill the government will be appointing three members to each of the two committees, which means that there will be six members at large, and it had been my intention as logic that one superintendent at least should be on this committee to give of his expertise and his knowledge to deal with some of the matters which the Member for Emerson mentioned. But to include them in the bill itself to put two superintendents, one on each committee, I don't think at this time is necessary. There are school trustees who are concerned with the financial implications, there are teachers who are concerned with the curriculum implications, and with the elbow room we have in the appointments which can be made directly by the Minister, three to each committee, I think there's ample latitude in the bill as it now stands so we can go forward, and if in time it turns out that there should be changes we can look at it, but for the present I think we should go with what we have.

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

MR. CHAIRMAN: Section 1, 258 (4)(c)--passed; (d)--passed; 258, (5)--passed. The Honourable Member for Emerson.

MR. GIRARD: Mr. Chairman, I will not at this point attempt to introduce the same kind of amendment which I had prepared for this particular section because it is essentially identical

(MR. GIRARD cont'd.) to the previous one. However, I wish it were recorded that it would be my intention, and certainly in my view in the interest of the bill, if it were to include a superintendent in the French Language advisory committee as well.

MR. CHAIRMAN: (The remainder of Bill 113 was read and passed.)

Bill No. 116, An Act to amend The Civil Service Superannuation Act. (Pages 1 to 12 were read and passed.) The Honourable Minister of Labour.

MR. PAULLEY: Mr. Chairman, on Page 13 I would like to propose an amendment dealing with the commencement of the Act, and the motion would be that Section 40 be deleted and the following substituted:

"This Act comes into force on the day it receives the Royal assent, but it is retroactive and shall be deemed to be in force on, from and after the first day of July, 1970."

The purpose of the amendment, Mr. Speaker, as we're all aware we're past the 1st of July at which time it was desired that the benefits under the Superannuation Fund would be effective, and the purport of this is to clear it up so that it's within the proper order.

MR. CHAIRMAN put the question on the proposed amendment and after a voice vote declared the motion carried.

(The remainder of Bill 116 was read and passed.)

MR. CHAIRMAN: Bill 119, an Act to amend The Teachers' Pensions Act. By page? (Agreed)

(Bill No. 119 was read page by page and passed.)

Bill 120, an Act to amend The Wives' and Children's Maintenance Act (2). (Bill 120 was read section by section and passed.)

Bill No. 132, an Act to amend The Highway Traffic Act. (Sections 1 to 3 were each read and passed.) The Member for Rhineland.

MR. FROESE: Mr. Chairman, that was as amended?

MR. CHAIRMAN: That Section 3?

MR. FROESE: Section 2.

MR. CHAIRMAN: Section 2 - the word "farmer" replaced by "address". Section 2 as amended -- passed. (Sections 3 to 6 were read and passed.) . . . by page? Page 3--passed; Page 4--passed; Page 5 as amended --passed. The Honourable Minister of Transportation.

MR. BOROWSKI: Mr. Chairman, I move that the proposed subsection (1.1) of Section 36 of The Highway Traffic Act as set out in Section 19 of Bill 132 be amended by adding thereto, immediately after the word "vehicle" in the first line thereof, the words and figures "other than highway construction or maintenance equipment being operated within an area in respect of which signs are erected under subsection (4) of section 72."

MR. CHAIRMAN presented the motion on the proposed amendment and after a voice vote declared the motion carried. (Pages 6 to 15 were read and passed.)

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I just question Section 91 (6) on determination of speed on guilty plea.

MR. CHAIRMAN: . . . section he's dealing with?

MR. FROESE: 91 subsection (6) on the determination of speed on guilty plea. Does this mean that a policeman's car or speedometer cannot be wrong and that in every case the one that's supposed to have been speeding is guilty?

MR. BOROWSKI: This is the case right now. You know, we have to take someone's word for it and if the police say that he was speeding we must assume, unless proven otherwise, that the police speedometer is accurate and that has been the situation up to now. The Member for Lakeside, who is chirping elsewhere, that is the situation now. We simply accept that, unless you can prove otherwise. I don't see why there should be any changes.

MR. FROESE: The point is, Mr. Chairman, just what proof is there otherwise for any citizen who can be charged in this way, of disclaiming it? It's a matter of the speedometer in his car or automobile versus the one on the policeman's, and it may not be the case that the policeman's is right every time and that the citizen's is wrong all the time.

MR. BOROWSKI: Well, Mr. Chairman, I suppose if there is any question I would think that the person charged could insist in court that the police car speedometer be checked on a proper stretch of road. We have speed checks on a highway now. I suppose he could insist that this speedometer be checked for accuracy; and if on test if it's proven, I would think that a court would accept that.

MR. FROESE: How often are the policemen's cars checked for this purpose?

MR. GREEN: Well, Mr. Chairman, I think perhaps I can be just a little bit of assistance because this is a point which would involve a proceeding in court. I think what the section says is merely that the evidence of the policeman's speedometer - is that correct? - would be prima facie evidence of what the speed was. That doesn't mean that it can't be disputed and once it is disputed then it would be merely for each side to present what evidence they felt was evidence of speed and the magistrate would make a finding. Prima facie means that that will be the first evidence that is taken and if it is unchallenged that it will be accepted, but it need not mean that it will remain unchallenged, and the accused person would have an opportunity of putting in evidence to show that the speed was otherwise.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Well, Mr. Chairman, for the record. Because the Minister basically said that this is really what the law is now and I think we're really talking about proceedings, I wonder if anyone on that side can tell us exactly what the proceedings are now; exactly what takes place. Because we're being asked now to deal with something on the basis of prima facie evidence which would indicate that it wasn't before, but if that wasn't the case then does anyone know what are the proceedings and how it follows, and if so, I wonder if it can be explained to the House.

MR. GREEN: Mr. Chairman, I have handled many speeding cases. I believe that the difference now is that the fine would be related to the speed that it was ascertained. The position now is that if it is a guilty plea, the prosecution lawyer would say, "Your Worship, on the 18th day of January 1946, accused's car was observed travelling at (so many miles an hour)" etc., etc., etc., "and he was clocked by the speedometer of the police at 70 miles an hour." The accused's lawyer would get up and say, well, the guy was -- he had been on good roads or something, went on to a bad road and "didn't recognize the difference in his speed. He thinks he was going at 60," and the judge would make a fine, based on mitigating circumstances on both sides. I take it that what the difference is now is that the fine is related to an ascertained speed -- the Legislative Counsel is nodding his head, so I don't think that I'm far off base -- therefore the speed becomes an integral part of the sentence and there would have to be a finding made on speed, whereas previously there would not have to be a finding, although both counsels suggestions vis-a-vis speed would be taken into consideration in levying the fine.

MR. SPIVAK: Well I thank the Honourable Minister for the explanation. I think it's probably the right explanation. Now then I put the question to the Minister, why are we changing the law?

MR. BOROWSKI: Mr. Chairman, we're changing the law I suppose for the same reason we're changing the entire Traffic Act and 160 bills we have in front of us. You know, we don't feel that it's adequate, the system that we have now - a person gets caught for speeding - I presume this is what you're referring to - why are we making an escalator clause; because it's been almost a license, like overweights, it's been a license to break the law. We have found in the jurisdictions that do have it it's working well. It's acting as a deterrent to people that speed and we're hoping that it's going to act this way in Manitoba, therefore we will bring down our toll on the highways.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I think it is much more important from here on because of the way the fines will be meted out, if it's based on the speed that you're driving. I was asking before, how often were the police cars' speedometers checked for accuracy, because this will mean that they will have an increased fine if they're not accurate, so I would like to get this straight.

MR. GREEN: Mr. Chairman, again, just because I have handled speeding cases, there is a section in the Act which says that evidence as to the working of the speedometer has to be filed, I believe it's within 30 days of the evidence being ascertained. In other words, if you're talking about a speeding offence that took place today you have to prove that the speedometer was checked and there has to be a certificate filed. I can't remember exactly but it's in the Act, I believe it's 30 days.

The Member for River Heights asks why is the law being changed. It's not that section that's being changed. What the Minister has introduced is a graduated system of fines which relates to the actual speed; so the whole philosophy of whether a graduated system of fines is or is not a valid proposition is what the Member for River Heights is asking, and the Minister

(MR. GREEN cont'd.). . . . has indicated that we want to increase fines with speed. Now once you do that, then there has to be a finding and that's why the new section has to be put in. There has to be a finding made by the magistrate as to what the speed is.

MR. SPIVAK: Mr. Chairman, I think that that's not the issue as I see it. The issue essentially is what you suggested yourself. What you simply said is that in effect the magistrate makes a determination as to what the speed actually was on the basis of the fine based on the evidence that is presented, and possibly some mitigating circumstances presented by the accused, even though he may have indicated that he's pleading guilty by suggesting that that wasn't so for this and that reason, but the determination is made by the magistrate. There is nothing that prevents you having a graduated scheme of payment of fines based on the speed rate as determined by the magistrate. What we are now saying is that we are going to adopt this as prima facie evidence. Well this is what you suggested in your presentation here already.

MR. GREEN: Mr. Chairman, the Member for River Heights did not understand me. In the previous law as I tried to describe it, the magistrate was not required to make a finding as to what the speed was. He heard counsel's submission on either side, which is the same thing as he hears in a theft case or in any other type of case, he will hear counsel's submission on either side as to what should happen. Those are not findings of facts that he makes on counsel's submission, and as a matter of fact it's very rare - I have never seen it in 15 years' practice in criminal courts - that after a finding of guilt has been made, each counsel will make submissions and it's never been required that any of these submissions are proven; it's just a submission which the judge takes into consideration in determining his findings. Now the rate of speed is an integral part of the fine and therefore the magistrate has to make a judicial finding as to what the speed was. He's actually going to have to say that the speed was 80 miles an hour, 70 miles an hour or 60 miles an hour, and therefore there has to be evidence as to what the speed was, and all that the section says is that the prima facie evidence will be the evidence as ascertained by the speedometer of the apprehending vehicle I suppose it is, but this is contradicted and can be contradicted by evidence of the other side, but not counsel's submission, because counsel can't give evidence. Therefore the change really is necessitated by the fact that a finding has to be made as to speed, which was not the case before.

MR. CHAIRMAN: (Pages 15 to 17 were read and passed) Page 18-- The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I move that Section 60 of the bill be amended by deleting Subsection 169(1)(4).

MR. CHAIRMAN: Since we're doing it by page, I'll accept the motion as it is suggested, "that Section 60 of the bill be amended by deleting Subsection 169(1)(4) passed." Are you ready for the question? The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I briefly mentioned this in Law Amendments Committee, but this is a very restricting section on the use of farm trucks. In my opinion it's far too restrictive and I take exception to it, and this is why I'm moving that it be deleted from the bill.

Our farmers are experiencing difficult times as it is without having this restriction placed on them. We're not legislating against moonlighters, other people can have more than one job. There's nothing in the law against doing that. Here we're going to restrict, or legislate against farmers who in their off season will try and make a few dollars and now we are going to legislate against them. I feel that this is very wrong. Then too, we find that so often one farmer might not have all the necessary machinery on his farm for a complete operation so they'll combine two or three farmers, one probably having a swather, the next one a combine, the third one a farm truck. They'll help each other out through the harvest season. — (Interjection) — No. Under this section they can be fined. Sure they can, because it's for hire. He'd be working for hire because the amount that would come out in making the arrangement would not be equal and therefore they'd be subject to charge under this section. I certainly object to it very strongly on those grounds.

Then we have industries in southern Manitoba, the canneries out there. They're completely dependent on the farm trucks in my community to haul the raw product to and from the cannery where it's being processed and they could not find sufficient number of trucks in the community to do the job without having to go to the farmers. This is usually during a slack season of the farmer where he is not too busy and where he can use his truck to advantage and make his spare time count and earn a little spare money during that particular season. This could virtually bring the canning plant in that area out of business because as I say, there are

(MR. FROESE cont'd.), . . . not sufficient number of trucks in the community to do the job if they could not use the farm trucks. Therefore, Mr. Chairman, I feel that consideration be given and that this section be struck from the bill before us. I do hope that the government gives serious consideration to this because it would work out to be a great hardship on the farming community, and they're experiencing very difficult times in southern Manitoba this year. Just last week another area south of Winkler had 4 1/2 to 6 inches of rain - some farmers' crops were completely wiped out again. These people probably having farm trucks would be able to earn a few extra dollars and now we're going to take this from them. I feel that this is going far too far and certainly we should give consideration to allowing this section to remain, or to be taken out so that the farmers could still carry on.

MR. CHAIRMAN: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Chairman, I wonder if the honourable member would submit to a question here. Has he read Section 169 on Page 17 which defines the use of a farm truck which deals precisely with that matter which he has raised?

MR. FROESE: No. Why would we bring in 169(1)(4) if this was allowable? The purpose of this section is to restrict those very operations for hire and reward and so on; and certainly the farmer doesn't intend to do that free of charge, they intend to do that for a gain.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. ENNS: Mr. Chairman, I'd like to rise briefly in support of the Honourable Member for Rhineland with respect to the deletion of this clause, and I'd like to probably anticipate the reply of the Minister and suggest to you, Mr. Chairman, that the reply will probably be that we're not restricting or placing any limitations or legislating against the farmer as such but rather against the vehicle that's being classified as a farm truck and thereby operates under the privileges of a farm license. I would rather suspect that that would be his case and that's possibly a fairly strong position to argue in favour of the retention of this clause. But, everything that the Member for Rhineland said is perfectly true, Mr. Chairman, and certainly we should be cognizant of that fact, particularly at this time within the agricultural industry. It seems to me, Mr. Chairman, that really what we see here is a lack of will on the part of the Minister or the government to struggle with the admittedly somewhat more difficult administrative procedures to iron this out.

What you really have here is a piece of civil service legislation being pushed in front of the Minister and his ready adopting of this kind of legislation rather surprises me. I would rather suspect from the Minister of Transportation that he could be prevailed upon to consider the individual situation that farmers find themselves in throughout the province from time to time and that he would have rather than accepted this amendment would have told his staff or the Attorney-General's staff, or the licensing staff of the department, you go back and figure out a way of properly administering or regulating the possible use of farm trucks in this manner so that in fairness to the commercial truck operators in the province that they are in turn not being discriminated against. I think there is a very strong case to be made for the allowance or some flexibility here for the use of farm trucks that this section particularly prohibits. Not only is it a question of at times in the highly volatile farm situation of trying to make an additional income - you might say, well the farmer can pick up his saw and hammer and go carpentering some place for a little while for that extra income when his crop is rained out or is hailed out and he has no income, but that doesn't really answer the whole question. He also has maybe a five or six or seven thousand dollar investment in a truck which is standing on his farm and to simply put it on his blocks because he has no crop to move that year because of an act of God or some other natural disaster, to completely deny and prohibit him from making any use of that vehicle, Mr. Chairman, is really taking the easy way out. I suggest that this is really what that clause is in here for, is that he has been sufficiently awed by his administrative people around him who said that it's too difficult to work something out in this area, so let's just ban it. It's not good enough I suggest, Mr. Chairman, in terms of the farmers of Manitoba who very often, very often have to use every ingenuity at their command to enable them to bring in the kind of income that's required, not only for the sustenance of their family but for the maintenance of their farm particularly in times of disaster. I think the appeal is particularly appropriate coming from the Member for Rhineland on this occasion because of the situation that his part of the province and his constituency faces, with the foreknowledge that there are going to be areas where there's going to be a very skimpy crop, if any, and yet farmers have dollars tied up in vehicles, in some instances, several thousands of dollars tied up in these

(MR. ENNS cont'd.). . . . vehicles, and to specifically prohibit them from any attempt on their part to try and make a few dollars seems to me grossly unfair.

As the member indicated we do not - although perhaps this government may wish to - but to date we do not make specific moves in this direction against other parts of our society. We hear from time to time that certain public employees such as the firemen or the policemen in their off duty hours find very remunerative employment - it seems to me that laying carpets is one that the firemen attempt from time to time. Now I don't know - do they wear out an extra issue of firemen's uniforms on the knees by laying carpets in that way or, you know, we don't really take the time of the House to worry about legislating against that particular group or any other particular group in this respect, but we are legislating specifically against the farmers of the Province of Manitoba by the insistence on retaining this clause. So I'd like to indicate the support of our group with respect to this clause.

MR. CHAIRMAN: The proposed amendment of the Honourable Member for Rhineland. Are you ready for the question? The Honourable Minister of Transportation.

MR. BOROWSKI: Mr. Chairman, may I just say to the former part-time Minister of Highways that I'm not awed by the civil servants and the civil servants do not write the legislation, although I must confess that they've certainly attempted to influence me, sometimes wrongly, sometimes correctly. They have a different philosophy since you people hired them in the first place. They have obviously a different philosophy than we have and there's bound to be differences; there is differences and I'm sure the member is aware of it. We're bringing in legislation we consider is good. Whether it's recommended by you people on your side - we've accepted some of your recommendations - or whether it's the civil servants or people in the Highway Traffic Division, RCMP, city police, we like to deal and consult with all parties concerned with any of this legislation because it affects communities, it affects the police courts, it affects judges and it affects lawyers, it affects the way of life in some instances; so we listened to all sides and in the final analysis I can assure you we make the decision. If you don't agree with it, of course that's your business, but I am surprised that you don't agree with it because, Mr. Chairman, in Law Amendments the Member for Lakeside was all for having the 50 mile radius in there. I suggested that the Minister of Agriculture twisted my arm and I would delete that section, and of course he jumped up and said - Well, I'm going to disagree with you. Now this obviously would have caused some hardship for the farmers but he seemed to be all for it, and I think he had a good reason because I think it should be in there. We felt it would be very difficult to enforce and that's probably the main reason why we took it out. There's no question that there would be a hardship for the farmers.

Now for the member to come in and plead on behalf of the farmers by saying that we should do this is just - you know, it's really very inconsistent, and if you want to help farmers, I think you will agree that this Highway Traffic Act is not the department -- or the Department of Transportation is not the one to help them. I think the Agriculture Department in conjunction with federal policies are going to change the way of life and the standard of living for the farmers. I don't think I can do it and I don't think any other department can, except the Department of Agriculture in conjunction with Ottawa.

We're saying that if a farmer wants to use his truck to haul something for the neighbour, this has been going on and I am sure it is going to continue going on. We are not going to have police stationed throughout the country checking trucks and saying, are you hauling this for your neighbour or is it your own, or are you getting paid for it? We're concerned about commercial, or semi-commercial operations. The fact is that the farmers have a cheap licence plate and they do not pay gasoline tax. Is it fair that that person should compete with road builders or trucking companies or contractors? That's their whole livelihood. I have had complaints from the construction industry that farmers move in with their trucks and they really have an unfair advantage over the people who make their livelihood out of it. There is, as the former Minister of Highways knows, there are many many dozens of people across Manitoba who paid a licence fee, pay taxes, and try and derive a living by using their trucks for hauling water on a road when we're building, or asphalt, or gravel or what have you. There are many of these people and they depend on this. There are some small contractors that depend on this, and they feel, and I feel too, that it's unfair competition for farm trucks to get into a commercial operation and compete against the people who are in that business and who pay those plates. We're saying that we think if a person wants to do this that he should go and buy a T-plate. We are not prohibiting the farmers from doing it, we're simply saying that you pay

(MR. BOROWSKI cont'd.). . . . us \$3.00 more for licence plates and you pay gasoline tax the same as anybody else.

If you feel because they are having a hard time we should do this, then I think we should have to give consideration to people who are unemployed. They have no income at all. A farmer does have some income and an unemployed person has none. Perhaps we should say to him that you can have a special unemployed plate and also exempt him from gasoline tax. You know, you can carry this quite a ways, but I think you have to be fair. This is all we are trying to be in this Act, is to be fair with all people concerned, and the fact that the farmers are having a hard time of course is no fault of yours or no fault of mine, and I don't think that we're going to solve it by the type of suggestions and amendments that we have here. So therefore, Mr. Chairman, I don't accept the amendment.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. ENNS: Well, Mr. Chairman, it's not my desire to prolong the debate on this particular matter, but the Honourable Minister of Transportation has drawn a purple herring across my path and I have to respond to him, because he's very nicely brought in the issue of purple gas and its usage. It's quite correct that I rather indicated some support to him in committee stage about the limitations of the use of purple gas, but they are two entirely different questions, Mr. Speaker.

There's no question in my mind that the use, the off-farm use of vehicles would have to make some arrangement to pay, you know, similar rates with respect to licensing or other fees that are attached thereto, but I merely go back -- this is precisely what I suggested. The Minister finds it administratively - or his staff finds it administratively too difficult to do and they haven't searched out methods or means of doing it, either by simple certificate that would enable -- a certificate that the farm truck user could stick on to his windshield which would enable that truck to be used for two or three months, or one month, on construction or something like that, for which he has to pay an appropriate or pro-rated dollars and cents for, and for which, with that sticker on, would not allow him to use purple gas which would compensate for the differences in the licences, etc. . etc. But you have to recognize the unique situation.

Of course, Mr. Speaker, that's really asking too much for any Socialist government to recognize the individual in this way. They operate best in blanket arrangements, universal arrangements that cover the mass and take little or no account of the individual in the society. He says all you have to do is the farmer has to buy a commercial licence and get his truck licence. This is fine, but what for - for twelve months? For the full year? So then you are asking the farmer to have two sets of plates on his vehicle at all times. All he's trying to do is maybe pick up six weeks work somewhere. Now, I am suggesting to you that if you had a desire to acknowledge the income problems of the farmers then you and your staff could have devised a relatively simply way of overcoming the very valid arguments that you made with respect to the difficulties here with respect to those contractors that are doing it on a full-time basis.

I suggest again, Mr. Chairman, that whether the Minister of Transportation rejects the idea of him helping the farmers, I want to assure him that the farmers would accept all help, including the help from the Minister of Transportation whether he thinks he's in a position to help them or not, in many instances and in many particular areas. But I wanted to make that point. I am not going to obviously change the Minister's mind but I did not want to leave him with the impression that I was not unaware of the essential inequality if he took just a farm vehicle with a farm licence with purple gas and had it work side by side with a private or small contractor that's doing a road job or something like that. That's not the suggestion that I am making. There would have to be, and I submit this is really the reason, the difficulty, and it is a difficulty, there would have to be an administrative solution worked out whereby the purchase of an additional permit would even up or take into consideration these various inequalities that the Minister referred to, but I suggest to you, Mr. Chairman, that if the government did have - and I repeat - the interests of the Manitoba farmers at heart, they would have worked out that solution.

MR. CHAIRMAN: The House Leader of the Liberal Party.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Chairman, just a few brief words on the amendment moved by the Member for Rhineland.

I can appreciate the problem of the Minister and I know that there have been some abuses in the past where farm truck owners have hauled gravel, and pulp and lumber and what not,

(MR. G. JOHNSTON cont'd.). . . . and have been in competition with people who are paying gas tax and paying a trucking tax, but I still think that this section is very drastic and, if you don't mind me saying so, it's the type of cure that will kill the patients. In order to solve one problem you are now going to tempt many many farmers to break the law and they really don't wish to. For example, in the sugarbeet hauling operations it's not uncommon for one farmer to help another because one field is ready ahead of another and the product has to be moved in a hurry. There's demurrage being paid on cars on sidings and it's not uncommon for farmers to help one another in this situation.

Now as I understand this section of the Act, they'll be breaking the law. You're putting honest people who have been accustomed to do certain work in a certain manner over the years, you're forcing upon them a choice to continue with what they think is the correct method of work, or to stop, or else they're breaking the law. I think the Minister could be well advised to look at this problem and try and devise another solution other than place many many farmers in the position of having to break the law if they are to continue with what has been a very common practice in Manitoba.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. WARNER H. JORGENSON (Morris): Mr. Speaker, just a few remarks on this particular section. As I see it, the intention is to attempt to stop the few farmers from using their vehicles in order to ensure that they are not providing competition for commercial vehicles and to ensure that when they're using their vehicles for hire, they will be obliged to use the gas for which there is a revenue tax applied. It seems to me that what the government is attempting to do is to - for the sake of a few nickels that they are going to get by enforcing this regulation, it's going to cost them many thousands of dollars in the administration.

But some of the problems that the Minister is going to be confronted with in the application of this section he probably has not envisioned, and they have been pointed out by my colleague from Lakeside and also by the Member for Rhineland. What's going to happen, of course, is that if a farmer is compelled to take out a commercial licence in order to find use for his trucks during perhaps an off season or in order to supplement income, he will then be prohibited from using that truck for hauling his own produce, if my understanding of the Act is correct. A farmer or one who has a commercial licence is not entitled to haul his own farm produce or livestock to market, and this is a most ludicrous situation.

The remedy to the situation is one that was just mentioned by my colleague from Lakeside and one that I indicated could be used when I was speaking on the estimates this spring, that simply if a farmer chooses to use his truck for purposes other than what is normally considered farm practice, that he could apply for a provisional licence for a specified period of time which he would either attach as a sticker on the windshield or a validation strip of some nature, in which he will be then permitted to use his vehicle for commercial purposes, and during that period of course purple gas would not be permitted. He would then be, as the Minister pointed out, perhaps offering fair competition to the people who are in the business of using their vehicles for commercial purposes.

It seems to me that the Minister is obsessed with the idea that he can regulate the present situation by the application of this particular section, and I assure him that it will not happen. There is no one single rule or procedure that farmers use in the operation of their farms, and to assume that what you have here is a group of people that you can fit into a particular slot and keep them there is just a mistaken opinion; it will not work. Farmers are known for their resourcefulness in attempting to make ends meet even under some difficult circumstances. I don't think anyone here is suggesting that just because the year happens to be a particularly difficult one that consideration should be given to removing this section right now. It's not what's going to happen this year, it's what's going to happen in the future, and the difficulty that the Minister is going to experience in attempting to administer this particular section.

I assure him it will not be done, and if it is the intention of the government to alienate as much of the rural population of this province as they can, then this section will do it. I can assure him of that, and if that is what they want, they'll get it. I think a much better way would have been to adopt the suggestion that I made earlier this year and the one just now made by my colleague from Lakeside, that there is a need on many occasions, and on many occasions the very contractors which the Minister has referred to are asking farmers for the use of their trucks during particular periods when there's a need for them, when there are

(MR. JORGENSEN cont'd) opportunities for hire, and if they are given that opportunity by being provided with a licence for that purpose it would, I think, eliminate the problem. It would be far easier to administer and I do think would be far more acceptable insofar as the contractors and the farmers are concerned, and I urge the Minister to give consideration to considering the removal of this section and coming up with a better alternative.

MR. CHAIRMAN: The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): Mr. Chairman, I have listened to the debate with a great deal of interest and I particularly was interested in what the Minister had to say, but being parochial again, I must join this debate and point out to the Minister that this could create quite a serious situation in the Swan River Valley. For many many years, hundreds of thousands of cords of pulpwood are hauled out of the bush at the proper season of the year and the farmers, as a whole, have taken advantage of this to pick up a few extra dollars, and particularly this year it is going to be very very important to them. I must say that they are not competing with commercial organizations because there are no such commercial organizations, that is trucking organizations - there may be the odd one - but for the most part the farming population, particularly the young farmers, take part in bush work during the winter time. It's my understanding that they don't use purple gas in this operation but the normal type of gas and do pay their taxes.

I would remind the Minister that we have a small operation there now, a sawmill operation, and they do not have these trucks; they are dependent on the farmers in the hauling in the logs. This operation, I might say, is underwritten to some degree by the Department of Industry and Commerce and has just got under way in the last eighteen months and is quite a boon to the community. It's going to affect that operation, and I too would appeal to the Minister to reconsider this particular section with a view to a community such as ours where a great deal of work is done by the farming population in bush work, not only with their trucks but also with their tractors. I don't think there is any problem of them using purple gas for these operations, but rather they meet their commitments in that respect.

MR. CHAIRMAN: The Honourable Minister of Transportation.

MR. WATT: Mr. Chairman, before the Minister replies, I wonder if I could just say a few words?

MR. BOROWSKI: Go ahead.

MR. CHAIRMAN: The Honourable Member for Arthur.

MR. WATT: There really isn't very much, Mr. Chairman, to add to what members in Opposition have said in respect to this section of the bill. I am sorry that I wasn't in the House when apparently the Minister did speak on it this morning, but I just wanted to point out to him that in one particular area now, insofar as the grain-growing area of the province is concerned, that we are under a block system now of delivering grain which restricts deliveries to certain grades of grain. For instance, on my own delivery point, where I deliver my grain up at . . . right now, it's restricted to No. 4 wheat which comes down to probably a segment of the farming population in that area, and it's not uncommon now for farmers to be grouping together, actually, to haul out your grain, and how you would administrate Section 169 (4) in this area, however, the farmer is going to have to prove that he is not working for hire. In effect he probably is working for hire because there is an exchange going on here. While actual money is not involved, the fact is that I could very well have five trucks hired on my farm, other farmers around, to move out number 4 or number 2 or number 1 wheat, if you happen to have number 1. But this is an area that is going on now that -- how you would enforce the application of this particular section I don't know, but I join with other members of the Opposition in urging the Minister to take a very close look at the practical application of this particular section.

MR. CHAIRMAN: The Honourable Member for Emerson.

MR. GIRARD: Mr. Chairman, just very briefly, I would like to associate myself with the comments that have been made previously in that this section is really undesirable, and furthermore will be very difficult to administrate. I would, too, like to see it removed completely from the bill.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. MCKENZIE: One or two things I would like to ask the Minister before we move on with the proceeding in accordance with Bill 132, and that I wonder if the Minister has had a

(MR. McKENZIE cont'd) chance to talk to his colleague the Minister of Municipal Affairs with regards to Bill 56, how this section of the Act is going to deal with Bill 56 with regards . . .

MR. BOROWSKI: You worry about your colleagues and I'll worry about mine.

MR. McKENZIE: Well I'm just asking a couple of questions, Mr. Chairman, and the one would be with the licencing of his vehicle. Today I understand that a farmer can buy a licence for three months if he would have to buy a commercial licence. Bill 56, under those regulations, I understand that the only way you can purchase a licence is for a year, and insurance the same. I imagine if the farmer was going to use his vehicle commercially, he naturally would wish to cover it with the proper insurance. So would the Minister be able to give us some — can he buy the insurance for, say, a month, which he can do today under the present insurance laws of the province, or is he going to have to buy for the whole year as they operate in Saskatchewan today? So maybe if the Minister could fill us in on those two points before he closes the debate on the subject.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. ENNS: Thank you, Mr. Chairman. I realize I've already spoken but I detect in the Honourable Minister a shortness of temper this morning that I find strange. I would have hoped the company he'd been in in the last few days would have been such that it would have broadened his scope of understanding of his fellow man and that he would have — (Interjection) — well, of course, it was made abundantly clear that Her Royal Majesty didn't visit too many of the Conservative constituencies anyway so we didn't have that opportunity all that much.

Now, Mr. Chairman, the one point that I wished to refer to while he was speaking to before and I replied and I forgot, was that while he indicated a number of people that he, or a number of sources of information from which they or he as Minister was prepared to seek guidance and advice from and then come to his conclusions, that it was rather notable that in the listing of civil servants, judges and lawyers and courts and what have you, the only people it seems he didn't consult to was the farmers, namely the Manitoba Farm Bureau or the National Farm Union. Well he points to the Minister of Agriculture, but of course the Minister of Agriculture only consults with the NDP caucus in Ottawa these days with respect to agricultural matters so that's really no great help. I'm wondering whether we'll be seeing here again a situation of the Minister or the government consulting those people whom they want to consult . . .

MR. BOROWSKI: I did not consult . . .

MR. ENNS: . . . when they want to come to a specific conclusion, such as in Bill 56, like don't ask the insurance companies about it. You know, they ask those persons that they want where they know they'll get the answer that they want, and I would ask the question in all seriousness now. Did the Minister of Transportation call in the representatives of the Manitoba Farm Bureau, who have an office here in Winnipeg, a standing secretary here in the person of Mr. Bob Douglas? Did he consult with them? Did he consult with the National Farmers Union with respect to this amendment, and if he did I would appreciate hearing how and when and what their response was to the inclusion of this section.

MR. CHAIRMAN: The Honourable Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): Well Mr. Chairman, I'd just like to add a few comments to this particular bill and this section of it. From the comments that I've listened to with interest, I do find this Section 169, 1(4) and agree with the comments that some of my colleagues have made insofar as administering it. You know, Mr. Chairman, I don't know how true this is, but I was informed not so long ago that the Minister of Transportation even has people hired to go out into the bush and check the fellows who are sawing down logs with chain saws, to see whether they're using coloured gas. My colleague just a few moments ago was saying that the cost to administer this thing is going to be astronomic compared to the amount of money that they're probably going to collect insofar as revenue is concerned. And this I want to say is one example, I think, that is certainly indicative of what is going to happen if this section goes through.

The other area that I just wanted to speak briefly on, and I can appreciate the Minister's position insofar as some areas are concerned. Those who are in the commercial business of probably trucking gravel and many other types of construction work, I can understand his position here, but I know in the rural parts of the southern part of Manitoba, I'm sure that in many municipalities where the council require trucks to haul gravel, they can't always get

(MR. EINARSON cont'd.) . . . commercial trucks to do this, and in the past they've relied on some farm trucks to do this particular type of work and I can see this happening, and I think that with the comments my colleague from Lakeside made that if a provision was made whereby that farmer could apply for a license temporarily whereby he would be on the same basis as that commercial trucker who's trucking gravel, paying the gas tax and the license that is required to do that particular job, but at the same time that he can maintain his farm licence, because you can't just transfer one to the other.

Then the other valid point that my colleague from Roblin makes, and here the Minister retorts back saying, "You look after your colleagues and I'll look after mine," I thought was rather a -- I was disappointed in his comments there because I think my colleague from Roblin made a very valid and a very good point insofar as the Minister of Transportation and the Minister of Municipal Affairs are concerned. I believe they should have got together if you're going to discuss a section of this kind. And so, Mr. Chairman, with those few remarks, I hope the Minister will give this some consideration.

MR. CHAIRMAN: The Honourable Minister of Transportation.

MR. BOROWSKI: Mr. Chairman, may I say, first of all, I don't mind debating any section or any bill on its merits but I don't want to debate it on the basis of the Member for Lakeside who starts dragging in philosophy, where he stated that we don't care about the individual. I'm prepared to stack my record of concern for the individual against anybody on that side of the House, and for him to walk into the House and say that we don't care for the individual is, Mr. Chairman, I don't think I should use the word to describe it except to say that it's unparliamentary and improper for him to impute that kind of motives to this side because we are concerned about the individual.

What we're concerned about in this section is we want to bring in some equality and justice, and surely the members on that side should be the first to agree if they believe in what they've been preaching this morning. We're not saying we're going to put the farmer at a disadvantage or make a second-class citizen. We're simply saying to him that if you want to work on commercial operation for a month or two, and, as a matter of fact, a lot of farmers are doing it. They go into the licensing office, they buy a T plate, pay the price of a T plate, the difference, and when they're finished with the job, whether it's a week or a month, they go back to the licensing office - which cost us a hell of a lot of money, I don't mind saying - and they trade it in and they get a refund. But there are some individuals that won't do this and they are clearly unfairly competing with the people who are established in that particular business. If he wants to haul beets or if he wants to haul corn or grain or whatever it is, he has the option to go in and make that change and, as I say, many of them are doing it. And those that aren't, I think we should take a position on it and say you can't do it, and as far as enforcing is concerned there's no problem.

You talk about the cost of administrating enforcement. Again we're not going to go around checking, stopping farmers on the road and saying, "Are you charging for that load or is it free?" When a complaint comes in from someone saying this guy here, whether it's a contractor or a roadbuilder: "This fellow is working on the job burning purple gas with a farm plate; he's competing against me," then of course there'll be prosecution, but that is the only way it's going to work. There's going to be no police force running around looking after violations, and as far as the question raised by the Member for Rock Lake about power saws, that we're checking whether they're burning purple gas in a power saw, I'd like him to know, or I'd like him to tell us where this is happening, and you know, unless you have some evidence I would suggest that you're putting yourself in the same category as the Member for Lakeside because it's simply not true, and if it is true I'd like to know about it. If you know of any other violations that you think that we're doing wrong, let us know. Don't bring it up here and then sit back and say, "Well, I've heard this." I want to know about it. I'm just as concerned about these things as you are.

The other part that I just fail to understand, Mr. Chairman, is we discussed this in Law Amendments; the member had ample opportunity to debate the question and we did agree to a compromise wording - the members opposite who are now arguing against this did agree to our amendment - and I really don't understand why they're suddenly getting up now. Maybe because it's going to be recorded in Hansard and it wasn't in Law Amendments. Why are you getting up now and saying that it's bad or it's discriminatory; it's going to create hardship? We did agree to this compromise in the House. -- (Interjection) -- The Member for Roblin asks

(MR. BOROWSKI cont'd.) how it's going to work when we get Bill 56 in. I would imagine it would work the way it is in Saskatchewan. When a person wants to get into a commercial operation for a month or two he goes into the licensing office and he buys a proper licence for the current rates - it's included in the package. When he turns it in he gets a refund based on the length of time he used it, and I see no problem there but I can assure the Member for Roblin there's a lot of abuse now and the insurance companies will be the first to tell you. A farmer -- if low insurance rates, according to the members opposite, they get very favourable insurance rates and they get it on the basis of a farm truck. They get into a commercial operation, the insurance rates are much higher but they don't tell the insurance company. In other words they're cheating, and the insurance company will be the first one to admit it; under the present system there is no way of having the people pay the proper insurance rates and under Bill 56 I can assure you that it's going to be quite fair because it's tied in to the cost of the plate.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I certainly want to add a few more comments to what I said previously because I feel it bears repeating in some sense, and also to add a few more matters to the debate. This spring, in discussing the estimates of Industry and Commerce and also during the question periods, we found that the Minister of Industry and Commerce had been very busy trying to revive the Morden cannery. They held meetings with the people out there. This cannery was being closed down and they were trying to bring it back into operation. Apparently they were unsuccessful - at least we haven't heard that the matter is going forward or is brought to such a stage where they are operating. Now we have another cannery at Winkler and we are going to bring them out of business as well. They'll be starting their operation probably in a week or ten days' time, and now we're going to say no more farm trucks are going to be used in their operation. This means that there are just not sufficient trucks around to do the job for them, and these are contract crops. The hiring is being done by the cannery and this is completely outlawed under this particular section.

There's another point, that the farmers in this area, when they work with their trucks for the cannery or other companies of this type, the season is very short. It's just a matter of a few weeks' time. And certainly the revenue that is being earned is not sufficient to go to any great expense, and I feel that the two departments should get together when bringing in amendments of this type to the Highway Traffic Act. The Minister of Industry and Commerce is not even in his seat to hear the arguments that we are putting forward trying to promote industry and to help the present functioning industries on processing agricultural crops, to help them along, promote them, and at the same time another department is trying to tear them down as much as possible. I certainly cannot see how this government intends to carry on in this way. The Minister mentioned that this was not a disadvantage or that they were not discriminating. I feel this is discriminating, because the industry needs these trucks for their operation, the farmers want to do this kind of a job, and I feel that this should be given to them. The previous section in the Bill mentions that the produce or products of the farm belonging to another farmer could be transported under certain conditions, but this is contract crops and it's the industry that is having the work being done, and certainly they are subject to restriction under this section and can be charged, and I feel that is very unjust and that this section should be eliminated.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSON: The Minister in his remarks, Mr. Chairman, has confirmed two things. One is that this government does believe that insurance rates in the rural areas are too low. The Minister referred to the cheap farm rates that are currently in existence and available to the farmers and there seems to be a determination on the part of this government to make sure that that does not continue. The statement made by one of the people in the Committee on Public Utilities stated that the good drivers will be subsidizing the poor drivers and the rural drivers will be subsidizing the city drivers, and this seems to be confirmed by what the Minister has just said, that they're determined, they're going to be sure that the farmers do not get . . .

MR. BOROWSKI: On a point of privilege, I'd just like the member -- I don't like to interrupt him, and I seldom do, Mr. Chairman, but I would like him to be accurate. You know, if you want to make a speech that's fine, but don't impute motives and don't twist my words around. Stick to the bloody facts.

MR. JORGENSEN: Well Mr. Chairman, you will recognize that, of course, as not being a question of privilege; it is merely a difference of opinion and the Minister is entitled to his, but he did refer to the cheap farm rates that were in existence for farm trucks now, and judging from their actions it's apparent to us that they're determined to eliminate those relatively low farm rates that are currently in existence.

MR. BOROWSKI: Mr. Chairman, on another point of privilege . . .

MR. JORGENSEN: And the Minister can disagree with that as much as . . .

MR. BOROWSKI: Mr. Chairman, on a point of privilege, and would you kindly sit down. You know the rules better of the House . . .

MR. CHAIRMAN: Would both members sit down. Does the Honourable Minister have a point of privilege? I'd like to hear it.

MR. BOROWSKI: I rise on a point of privilege and I would appreciate it if the rooster from Morris would sit down when I rise on a point of privilege. I agree that I said that the farm rates were cheap but he is saying that we are determined, that I am determined, the government is determined to do away with this, and this is simply -- I have not said it, I have not even suggested it, and I wish he would stop twisting my words to try and say something I did not say or mean to say.

MR. WEIR: Mr. Chairman, I would like a ruling as to whether or not that was a point of privilege.

MR. CHAIRMAN: Well, it seems to me that -- (Interjection) --

MR. WEIR: Mr. Chairman, I rise on the point of order. The point of order I had earlier had nothing to do with the point of privilege.

MR. CHAIRMAN: It would seem to me very difficult to determine whether that was a point of privilege or not. I would have to listen to both sides, but suffice it to say that it was either that or a disagreement.

MR. JORGENSEN: Well Mr. Chairman, it is obviously not a point of privilege. The Minister is disagreeing with something that I said. He is disagreeing with my interpretation of his remarks and all I said was that he made it quite clear to me that he believes that the farm insurance rates that are currently in existence are too low and that he intends to raise them. Now . . .

MR. BOROWSKI: Mr. Chairman, I did not say that. I said they were cheap. Would you please stop twisting my words. This is typical Tory hogwash we've been getting right along. They stand up and they twist our words around to mean something other than what we meant them to be.

MR. USKIW: Mr. Chairman, I wonder if the Member for Morris would permit a question. Does the Member for Morris . . .

MR. JORGENSEN: Mr. Chairman, it seems to me that I had the floor and I was interrupted by a pseudo point of privilege, a phoney point of privilege by the Minister of Transportation, who suggested, Sir, who suggested that when he rises to his feet that everybody else should sit down. In case that he is not aware of it, he does not have the floor until the Chairman recognizes him, and the Chairman did not recognize him. He's been associating with royalty too much in the last few days, Sir, and he now believes that when he rises to his feet that everybody else must bow. That is not the case in this Chamber and he'd better become aware of that.

Now, Sir, I was pointing out that the philosophy of this government certainly seems to be to increase insurance rates in the rural areas. There's no question about that. Secondly, he confirmed something else when he suggested that it was costing -- I won't use the language that the Minister used -- it was costing a lot of money to administer the program that is currently in effect whereby a farmer can apply for a T-license and get it for a period of time and return it. The suggestion was made earlier -- and it was made by the Member for Lakeside -- would it not be easier to have a temporary license available for farmers who want to use their trucks for commercial purposes for a period specified in the license, have it applied or attached to the truck in some way with the expiry date on it, and if they wanted to renew it for a further period of time it would be possible to do so. It would eliminate the expense that the Minister is talking about, it would eliminate the excessive costs that he referred to, and it would be far more convenient all the way around. I wonder if the Minister would address himself to the possibility -- and I say this in all sincerity -- I wonder if the Minister would address himself to the possibility of initiating that kind of a licensing program

(MR. JORGENSEN cont'd.) which would be far more satisfactory, not only to the farmers, but to the contractors, to the administrators and yes, indeed, to the Minister himself.

MR. CHAIRMAN: Are you ready for the question on the proposed motion of the Honourable Member for Rhineland, that Section 60 of the bill be amended by deleting Subsection 169 (1)(4)?

MR. CHAIRMAN put the question.

MR. FROESE: Yeas and nays, please, Mr. Chairman.

MR. CHAIRMAN: Yeas and nays. The Honourable Member for Rhineland. Just for the record I will declare that the "nays" have it. Does the honourable member have support for calling in the members? Call in the members. It was very close.

For the benefit of the members, on the motion of the Honourable Member for Rhineland that Section 60 of the bill be amended by deleting Subsection 169(1)(4).

A COUNTED VOTE was taken, the result being as follows: Yeas 20, Nays 24.

MR. CHAIRMAN: I declare the proposed motion lost. The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): I was paired with the Honourable Member for Winnipeg Centre. Had I voted, I would have voted for the amendment.

MR. CHAIRMAN: The Honourable Member for Assiniboia.

MR. WEIR: Mr. Chairman, on a point of order, I wonder if the Member for St. Boniface is capable of voting from that seat.

MR. DESJARDINS: I didn't vote from this seat. I voted from there. You take care of your business and I'll take care of mine.

MR. CHAIRMAN: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Chairman, I did not vote. I was paired with the Attorney-General. Had I voted, I would have voted for the motion.

MR. CHAIRMAN: Page 18--passed; 19--passed. The Honourable Member for La Verendrye.

MR. BARKMAN: On Page 18. I don't intend to move any amendment at this time, of course, but I want to express my concern on Section 175. I think there's been two additions, namely (b) and (d) that were not in the old act, and I'm rather concerned about this because I think it refers basically to the so-called Econo-line models, and I know that in my area - and of course I'm sure this applies in everyone's area - that it is going to affect quite a few small businesses, movers and the like, and also even the Telephone System or the Hydro for that matter, because under these new two sections -- and I must admit that I can hardly describe why the two sections (b) and (d), because I really think they mean the same, unless perhaps the intention might be that in this case the driver and a person sitting in that seat between the two bucket seats, the punishment could apply or the fine could apply, so I'm just wondering if the Minister has taken a close look at that. I'm certainly in favour of not having somebody sitting there as far as pleasure driving is concerned, but I know that -- take movers for example. Very often they have two or three trucks moving a certain building to a different destination and they have perhaps eight or nine men employed, and this way, these fellows usually sitting in between coming home after they move the building, cannot be sitting there, and I think it will be somewhat of a hardship to some of these -- it could very easily involve one or two more vehicles in each moving job.

MR. BOROWSKI: Mr. Chairman, I'm not sure if the member's -- (Interjection) -- I'd appreciate if that circumsised version of Diefenbaker would allow me to make a few comments without interjecting every time I get up.

MR. BILTON: Mr. Speaker, in all sincerity, I believe that remark should be withdrawn and should have never been said.

A MEMBER: Oh, consider where it's coming from.

MR. BOROWSKI: You pay attention to them . . .

A MEMBER: Consider where it comes from.

MR. DESJARDINS: Mr. Chairman, on the same point of order, it's a lot worse to associate royalty in playing politics like this other member did a little while ago. Play the same rules; don't squawk.

MR. CHAIRMAN: I would ask the Minister not to use that descriptive phrase in this Chamber.

MR. BOROWSKI: Mr. Chairman, I'm not sure if the Member for La Verendrye was

(MR. BOROWSKI cont'd.) talking about the occupancy of bucket seats. Is this what you're talking about? Maybe I'm dense. I just don't see where moving has to do with bucket seats.

MR. BARKMAN: The passengers involved.

MR. BOROWSKI: Because we're talking about cars that have bucket seats, and anybody sitting in between is sitting on that hump there which is dangerous. First of all there is no seat belt provided for that, which would be illegal to start with, because I think the law is there must be a seat belt for each individual so it would be illegal to start with, and that is a dangerous place to sit and we think that people driving in a car should not be in that particular area because it's very dangerous. And that's why, you know, I really don't see what relevance it has to moving in homes and the other things he mentioned.

MR. BARKMAN: Well maybe perhaps, Mr. Chairman, maybe the Minister is aware of perhaps accidents having been created by this type of sitting, but as far as a mover - I gave an example as a mover - very often there are two or three fellows that want to get back home from the place where the building was moved to, and these fellows very often sit in between those two bucket seats, and in between the bucket seats are not necessarily very comfortable seats; in fact in most Econo-lines there's another seat behind the two bucket seats and very often, up to now, till (b) and (d) were added, they could even sit behind there. I don't think it's such a great point but I believe it is an inconvenience to these fellows and they would appreciate it if some permission were given - and I'm not referring to pleasure driving. I certainly agree, but unless the Minister thinks or has the record that there have been a lot of accidents because of this type of sitting, I don't see where it's really necessary.

MR. CHAIRMAN: The Honourable Member for Osborne.

MR. IAN TURNBULL (Osborne): Mr. Chairman, I'm rather curious about this section prohibiting passengers, or more than one person anyway, from sitting in a bucket seat. I was wondering if this section applied only to a moving vehicle and I was wondering that if a driver parked his vehicle, would it still be against the law to have someone sitting in the -- or more than one person sitting in the bucket seat or someone sitting in the space between the two bucket seats if the vehicle was parked.

MR. CHAIRMAN: (Pages 18 to 30 were read and passed.) Preamble -- passed; title -- passed; Bill be reported? The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I just want to record my protest on the heavy fines that are set out in the bill. I think the fines are too severe and while I don't have any amendments to propose at this time because the sections are quite complicated, nevertheless I feel that the fines are too severe and people charged, probably from not knowing the Act such as was pointed out by the Member for Ia Verendrye that a person is not allowed to sit in between bucket seats, and these people are charged, I think the fines are too severe.

MR. CHAIRMAN: Bill be reported. Bill No. 131, an Act to validate certain by-laws of the Town of Dauphin and the Rural Municipality of Dauphin, and to enlarge the boundaries of the Town of Dauphin. (Bill 131 was read section by section and passed.)

MR. GREEN: Mr. Chairman would you call Bill No. 61 please?

MR. CHAIRMAN: Bill No. 61. (Sections 1 to 4 were read and passed).

MR. PAULLEY: Mr. Chairman, I wonder whether it might be . . . to take the balance of the bill page by page.

MR. CHAIRMAN: By page? Page 3 -- passed. The Honourable Member for Rhineland.

MR. FROESE: In connection with the bonds -- (Interjection) -- I don't know what the fun is there, what the joke is. I would like to question the Minister what the government has in mind in the way of the size of a bond that would be required.

MR. CHAIRMAN: Bond.

MR. FROESE: 7 (2) yes. The amount.

MR. GREEN: Well, Mr. Chairman, the Minister is not here at this point but I would imagine that, seeing that the amount of the bond shall be in a prescribed form, what is intended is to examine the type of risk that is involved in the activities concerned of and then to deal with it on a matter of standard practice, which is generally to have a bond in the value over and above that which a person could suffer by virtue of the activities which are engaged in.

MR. CHAIRMAN: (The remainder of Bill No. 61 was read page by page and passed. Bills 68 and 76 were read page by page and passed.)

Bill 78, Section 1 -- passed; Section 2, 10 (1) (1) -- passed; 10 (1) (2) -- The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, I was absent at Law Amendments and I believe there may have been an explanation given and I just -- or was there an amendment proposed?

MR. CHAIRMAN: 10 (1)(1) -- passed; 10 (1)(2) -- passed; The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Chairman, on the Section 2 (10)(1), or in Section 1, I asked a question in Committee on the question of the -- there's a minimum time for the judge to allow the payment of fine but there is no maximum time. I pointed out in Committee that there were problems which I think could actually aggravate the situation that exists in our correctional institute where an unlimited amount of time could be given to a person on a fine and then, when the weather changed in the late fall periods, certain elements in our society would say, "Well, rather than pay the fine, I'll take the term in the correctional institute" which adds a burden to the provincial jurisdiction and also allows that person who had originally shown an intent to pay the fine the leeway to slough off the payment of that fine and then in the cold weather take a jail sentence. I notice the Minister is not here; perhaps someone else can give us some . . .

MR. GREEN: Mr. Chairman, I'd be happy to try and deal with the subject matter of the Honourable Member's problem. I'm informed, and indeed my practice has been that a magistrate has to give a person a minimum time but there is no maximum, either in this bill or in the Criminal Code. However, magistrates from my experience are generally attempting to have their penalties imposed and therefore they will set a time limit. As to what time limit it should be, that is something which both the Federal Government in enactment of the Criminal Code, and which our government in dealing with the Summary Convictions Act feel that there should be the discretion as to the length of the time, and that's the way we leave it.

With regard to the other problem that people like the accommodations that they get in the penal institutions as preferable to their own and therefore merely try to get a postponement until it becomes an appropriate time to go to a correctional institution, I would hope, Mr. Speaker, that most people, including the ones who get into trouble, still find freedom preferable to the correctional institutions, and if they don't, then we have to really worry about what's happening on the outside, not what's happening on the inside.

MR. GRAHAM: Mr. Chairman, it was just the last remarks of the Minister of Mines and Natural Resources which prompted me to raise this question in the first place, when he says that we have real problems if such is the case, and I'm telling the Minister that in certain instances this is the case, and we have to show real concern because we are not lending ourselves to a program of rehabilitation at all. In fact, we are, by giving unlimited time on fines, actually encouraging these people who, in my opinion, are quite desirous of using the penal institutions at certain times of the year.

MR. CHERNIACK: Well, what do you suggest?

MR. GRAHAM: I would suggest, Mr. Chairman, that there should be a maximum time on the payment of a fine.

MR. CHERNIACK: Mr. Chairman, surely if there's a maximum time, then it will force them into jail quicker.

MR. GREEN: Mr. Chairman, I don't wish to create a big discussion on it but I think that if the problem that my honourable friend is describing becomes a prevalent problem, then we have to direct ourselves not to the question of them paying their fines and getting into jail, but we have to direct ourselves to the conditions around us which apparently makes some people feel that it's better to live in jail than outside, and that's what the government will be attempting to do during its tenure of office.

MR. CHAIRMAN: 10 (1)(1) -- passed.

MR. GRAHAM: Mr. Chairman, I raise this at this time because there is a real possibility that the tenure of office of the government could be very limited, and while we are dealing with this particular item at this time, I'm pointing out that there is time given for payment while these people are at their maximum earning capacity, say in the months of July, August, September, their seasonal work, but if they don't pay their fine during that time and they have the opportunity, but because of the loophole in the law they say, well I'll wait, I'll wait. I can spend that money, have a glorious time in the next three or four months, and then when I have no earning capacity because my work is seasonal, I'll then take the penal institution for 30 days or 60 days or whatever it is when the weather turns bad and there is no more seasonal work.

MR. GREEN: Mr. Chairman, we have to sit through a lot of peculiar types of positions. I want to tell my honourable friend that the person who wants to go to jail doesn't have to avoid paying a fine in order to go to jail. If it's cold in the wintertime and society is such that there is a great urge for him to go to jail, there are many ways of getting in there and you don't have to do anything particularly wrong. You can empty your pockets and walk around as a vagrant and they'll put you in jail. So the person who wants to get in, and I say that this is the problem, and if our tenure of office has been short then my honourable friend will at least admit that we haven't created the problem and I'm not blaming anybody for creating it, but I'm suggesting that it will be to every person who is in office and whether our tenure is short and then you have to deal with it, then you will have to deal with it. You will have to deal with conditions in society which you say make human beings want to get into jail to stay out of the cold, and if that's the problem, those are the conditions that have to be dealt with not to make fines, the payment of fine, a maximum limit.

MR. CHAIRMAN: (The remainder of Bill 78 was read and passed.)

Bill 85. An Act to amend The Consumer Protection Act. By page? The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, again, I was absent for personal reasons from the committee, but I wonder whether the Minister can inform me whether the amendments that were proposed were discussed clause by clause and explained in the committee? May I ask, as well, do the amendments that are proposed, were they done in consultation with the counsels for the province who helped and assisted in the drafting of the . . . Is that correct? Including all the provisions that are before us?

MR. CHAIRMAN: (Pages 1 to 8 were read and passed.) The Honourable Member for Birtle-Russell.

MR. GRAHAM: I raised the point previously on Section 102 Sub (1) where errors had been made in the wrongful collections. This point was subsequently raised by several briefs to the committee, and to my knowledge there have not been any changes made, and I feel it is very unfair that through some error in the collection practices where perhaps the money has been paid direct to the debtor instead of to the credit agency that is being used, and they could quite honestly erroneously bill the person, there is an amount that the penalty is three times the amount of the error. I feel this is probably unfair and to my knowledge it has not been corrected.

MR. CHAIRMAN: What section is the honourable member referring to?

MR. GRAHAM: 102 (1).

MR. CHERNIACK: Mr. Chairman, as I recall the discussion, it was to the effect that it was the responsibility of the agency and of the creditor to make sure that these things do not happen, and the responsibility is a joint one and the arrangements they make as between themselves for protection of each other is one that they should make, and that indeed it's important that a person is not billed or threatened for money he does not owe. That was the point that was made and I believe was accepted.

MR. GRAHAM: Mr. Chairman, the point that I am making is the fact that we do know that society is not perfect and it can happen that erroneously a person can be billed, and the penalty that is laid out here is not just to return the money but there is a penalty of three times the amount, which I think, Mr. Chairman, is rather unfair. The question of the penalty is the only point that I am raising - the amount of the penalty.

MR. CHAIRMAN: (The balance of Bill 85 was read and passed.)

MR. GREEN: Mr. Chairman, I am advised by Legislative Counsel that there is something with regard to Section 52 of Bill 79 that requires further processing in view of the fact that an amendment had been made which dealt with another section of the Act and then the other section of the Act had to be dealt with. So, with leave of the committee, I would like to go back to Bill No. 79. Do I have leave of the committee? (Agreed) Specifically, I'll tell the members that what is required is that the Act come into force on the day it receives Royal Assent rather than on the first day of June, 1970. Otherwise, -- well, that is the only correction that has to be made, so I wonder if we can have leave of the committee to make that change.

Mr. Speaker, with regard to Section 52 of Bill No. 79, I wish to move, seconded by the Honourable the Minister of Finance, that Section 52 of Bill 79 be amended to read "This Act comes into force on the day it receives the Royal Assent."

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

MR. FROESE: If I understand correctly, this section was amended in committee to the effect that except clause (a) of Section 22 by proclamation. Wasn't there such an amendment already proposed in committee?

MR. GREEN: Yes, this apparently is what has created the problem because there is no longer a clause (a) of Section 22. That was deleted. So therefore, when you refer to that clause as being excepted you are referring to nothing, and therefore we want it to come into effect with Royal Assent.

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

MR. GREEN: Well, Mr. Chairman, we are not prepared to deal with Bill No. 43 or 115 at this time and therefore I would move that the committee rise.

MR. CHAIRMAN: Committee rise. Call in the Speaker. The Committee has considered and passed Bills Nos

IN SESSION

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

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

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable the Minister of Finance that the House do now adjourn.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 Thursday afternoon.