

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

9:30 o'clock, Monday, July 26, 1971

Opening Prayer by Mr. Speaker.

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

REPORTS BY STANDING COMMITTEES

MR. DONALD W. CRAIK (Riel): Mr. Speaker, I rise on this item on a matter of House privilege to protest to the government in the strongest terms their decision or lack of decision to bring in the reports of the Committee of Public Utilities Board.

MR. SPEAKER: Order, please. The Honourable House Leader, on a point of order.

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management)(Inkster): Mr. Speaker, I believe that the routine proceedings now are for presentation of reports and that there is no question of privilege on presentation of reports. If the honourable member has a matter of privilege he can raise it at a later date, but this item is for the presentation of reports.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, on a point of order. A matter of House privilege can be raised at any time and it can be raised on this item unless -- I stand to be corrected by our rules if necessary, but it's my understanding of the rules this is the case.

MR. SPEAKER: Since the matter has arisen I should like to indicate to the honourable member that I can see no procedure which has been contravened in respect to Presenting Reports by Standing or Special Committees. I am not aware that a member cannot get up and indicate that he is disappointed in what is occurring but that doesn't necessarily mean to indicate that our rules state that something has to be done when he desires it. Therefore I must indicate to the honourable member that if he has a grievance he'll have to take it up through the normal procedure. The Honourable Member for Morris. The Honourable Member for Riel.

MR. CRAIK: . . . first of all it is violation of a statute that I'm referring to. The statute is spelled out in the books and has been clear ever since this session began and well to the knowledge of the government.

MR. SPEAKER: Order, please. Would the honourable member name the statute.

MR. CRAIK: Mr. Speaker, it's the Manitoba Hydro Act. It is a statute that was put on the books in the year 1964 with reference to the report of the Manitoba Hydro. -- (Interjection) -- It will take me a moment to refer to the section, Mr. Speaker, that's not the important point. The point is that it's on . . .

MR. SPEAKER: Order, please. I have indicated to the honourable member my disposition in respect to the point raised by him. I do believe if he's going to proceed, he'll be debating my ruling; therefore, as I said, I wish he would indicate the statute specifically where our rules have been transgressed so that I may be able to make a decision on them. Rules of our House. The Honourable Member for Riel.

MR. CRAIK: When you say you want the statute - do you want the Act? The Act is very clear.

MR. SPEAKER: Order, please. In this House we deal with our rules of procedure. The Honourable First Minister.

HON. EDWARD SCHREYER (Premier)(Rossmere): Mr. Speaker, if the point of the privilege that the Honourable Member for Riel feels he has is that this government has allegedly not brought forward a report from the Committee on Utilities and Natural Resources, then I can inform the honourable member, and you, Sir, that it is the intention of the government to bring this report forward. We have indicated that a number of times. Just because we have not brought it forward in recent days does not in itself constitute a point of privilege for my honourable friend to raise. The government has quite freely and unabashedly said the priority business would be legislation and this is commonplace in the closing weeks of a session; and the priority of business accordingly has been in recent weeks that of legislation. The bringing forward of the report of the committee will be done at the appropriate time.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition)(River Heights): Mr. Speaker, on the point of order with reference to what the First Minister said, I think it's understood by everybody that the reason that the government has not brought this forward was so that the

(MR. SPIVAK cont'd) . . . . . Legislature could not debate this item. That is the whole . . .

MR. SPEAKER: Order, please. I should like to indicate to the Honourable House Leader that in speaking to the point he should be indicating his attitude for or against the point of order that was raised. The Honourable the House Leader.

MR. GREEN: Mr. Speaker, this matter was raised on previous occasions and you have already made a ruling on it. I suggest that the points of order that are now made reflect on your previous ruling.

MR. SPEAKER: Ministerial Statements; Tabling of Reports; The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, to clarify the statute, it is 1964, First Session, Statute C22 -S5 that I'm referring to, that I maintain is being violated and rather than freely and unabashedly presenting its case as the First Minister has indicated with respect to Manitoba Hydro, I suggest to you that it has freely and unabashedly flouted the rule . . .

MR. SPEAKER: Ministerial Statements and Tabling of Reports. The Honourable Minister of Municipal Affairs.

#### MINISTERIAL STATEMENTS

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs)(Selkirk): Mr. Speaker, first I would like to table the Report of the Advisory Committee on Automobile Insurance. Secondly, I would like to make a statement to the House.

The Manitoba Public Automobile Insurance Corporation will provide short-term auto insurance coverage between now and November 1st, 1971 for those Manitoba motorists who are unable to purchase auto insurance from private insurers. Although the Public Insurance Corporation is not interested in taking short-term business away from private insurers, the MPIC will provide coverage as a public service for motorists who are unable to obtain it elsewhere. The short-term coverage will be available effective Wednesday, July 28th, and can be purchased through one of the more than 400 licensed insurance agents across Manitoba who have already been appointed to sell auto insurance on behalf of the Manitoba Public Insurance Corporation. The material and rate sheets the agents will need for this short-term program are now on the way to them.

Motorists who need this coverage should check first with the agent or agents in their area. They may also call the MPIC information office in Winnipeg if they wish additional information. Residents outside of Greater Winnipeg may call collect. All vehicles may be insured in this special short-term program, including motorcycles and commercial vehicles. Motorists who purchase short-term coverage from MPIC will receive a standard pink card approved by the Superintendent of Insurance. The short-term program will end on November 1st when Autopac comes into effect.

I would like to stress that this special short-term coverage is not Autopac but rather a special public service designed to fill the gap. When Autopac becomes effective November 1st, motorists will be able to obtain a wider range of options at significantly lower cost than the short-term coverage. I would also like to confirm that Autopac is right on schedule in meeting its November 1st target date. The fact that we're able to go into the auto insurance business in limited ways today, three months ahead of schedule, should demonstrate graphically that we have the manpower know-how to be ready on time.

MR. SPEAKER: The Honourable Member for Souris-Killarney.

MR. EARL McKELLAR (Souris-Killarney): Mr. Speaker, I'd just like to say a word regarding his statement. It was very interesting to hear the statement this morning that the government are already in business, effective Wednesday morning. He makes great mention of the fact that many people are not getting insurance. I want to say to him that it's quite true that many companies pulled out, and they pulled out for a very good reason; that they were notified last summer that their service was no longer required on the 1st day of July. The companies cannot plan just on short notice, they have to plan on long-range notice and it's with this advanced notice a year ago that they pulled out on 1st July. One of the companies was the Co-op and while I agree that it has been a problem, I don't know how many people were actually not able to get insurance. I myself picked up quite a bit . . . a lot of agents around Manitoba. I don't know how you could expect the companies to really bend over backwards.

I mentioned before the other day, on Saturday, the government yet has not considered

(MR. McKELLAR cont'd) . . . . bringing out the regulations that they're going to operate under until the end of August; and I'd like to know right now, Mr. Speaker, what regulations are the government operating under on Wednesday, when they haven't even been passed Order-in-Council; or have you passed an Order-in-Council is the question I would like to know? I suppose I can find out by going in and searching, and I will search.

Mr. Speaker, it's very obvious, one day they're confused and the next day they're ready to go and I know, I know for a very good reason they're trying to embarrass everybody. But they're not embarrassing me because I have no trouble in my area fulfilling the obligations that I've fulfilled for 23 years and I will continue to fill them for the next three months, even though I'm not one of those 400 agents after the 1st of November.

Mr. Speaker, that's about all I have to say. Where are the regulations? Are they passed? If they're passed, I guess I'm the only one that can't find them.

MR. SPEAKER: Notices of Motion; Introduction of Bills.

MR. J. DOUGLAS WATT (Arthur): Mr. Speaker, I wonder if I could direct a question to the . . .

MR. SPEAKER: We didn't get to the Oral Question period yet. We're just arriving.  
Oral Questions.

#### ORAL QUESTION PERIOD

MR. SPEAKER: The Honourable Member for Arthur.

MR. WATT: I'd like to direct a question to the Minister of Agriculture. Could he indicate to the House the amount of taxpayers' money that was lost in his operation of the Hail Insurance Policy last year?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture)(Lac du Bonnet): None, Mr. Speaker.

MR. WATT: The statement that I have then in Return to an Order of the House some weeks that I've received indicates that the government did lose 25,000 . . .

MR. SPEAKER: Order, please. The Honourable Member is making a statement. Would he ask his question. The Honourable Leader of the Opposition.

MR. SPIVAK: I wonder then if the Minister of Agriculture can inform the House whether the Order for Return that was filed in the House with respect to Crop Insurance was incorrect or not?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: No, it is not incorrect, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Souris-Killarney.

MR. McKELLAR: Mr. Speaker, I'd like to direct a question to the First Minister. When did your office receive word from the Department of National Defence as to low level flights over southern Manitoba?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: On the 30th of April, I believe, Mr. Speaker. In the period between April 15th and May 15th, for sure.

MR. SPEAKER: The Honourable Member for Souris-Killarney.

MR. McKELLAR: Was there any correspondence between your office and municipalities in the general area between that time and up till now?

MR. SPEAKER: Mr. Speaker, as I indicated the other day, when my office received the letter of information from the Minister of National Defence I replied within a matter of four or five days thanking him for the information and expressing the concern that the Federal Government had taken whatever steps were necessary to protect health, life and property in the area and it was left at that. There was no further communication, either between my office and the Federal Government or with local governments.

MR. SPEAKER: The Honourable Member for Souris-Killarney.

MR. McKELLAR: Question to the Minister of Mines and Natural Resources. Was there any contact between your office and the Wildlife Association in southern Manitoba where they are directly affected by these flights?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, there has been correspondence between my office and other people in connection with this matter. I can't specify each of the other groups that I received correspondence from.

MR. SPEAKER: The Honourable Member for Souris-Killarney.

MR. McKELLAR: Is there going to be any representation from your department on behalf of the wildlife affected? Also I would say, too, not only that, the livestock which would be part of the Department of Agriculture, but will there be any representations from your department to the Department of National Defence on behalf of the people of this particular area that is affected in Manitoba?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, we have been in touch - not will be in touch, but we have been in touch with the Federal Department concerning these problems.

MR. SPEAKER: The Honourable Member for Arthur.

MR. WATT: Mr. Speaker, I have a further question to the Minister of Agriculture regarding the hail insurance program last year. I'm just wondering if he has read and understands the report that was tabled in the House . . .

MR. SPEAKER: Order, please. The understanding of the Minister is not in question. Would the honourable member ask his question?

MR. WATT: May I ask the Minister, did he ever pass an arithmetic test at school?

MR. SPEAKER: Order, please. That question is insolent; I do believe that it is not proper. Oral questions; Orders of the Day.

#### ORDERS OF THE DAY - GOVERNMENT BILLS

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, would you call Bill No. 108 at the report stage.

#### THIRD READINGS

MR. SPEAKER: The Honourable Member for Arthur. Report of Bill 108. Amendment pertaining thereto. The Honourable Member for Arthur.

MR. WATT: Mr. Speaker, I have an amendment to Bill 108. I wish to move, seconded by the Member for Roblin, that the subject matter of Bill No. 108, An Act to amend the Milk and Dairy Products Control Act be referred back to the Standing Committee on Agriculture for further study during this session or in recess or after prorogation and report to the House at the next session of the Legislature.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Arthur.

MR. WATT: Mr. Speaker, I just want to say a few words on this bill. The bill was considered in Agricultural Committee the other day and we found, to my very great surprise, that the amendment to the act, Bill 108, had never been at any time discussed with the dairy people and that in particular the one clause in the act, namely subsection (1) actually gives a Minister the right to change the personnel of the board from three to a minimum of five and a maximum of nine. Now it came out loud and clear at the committee stage that this had not been requested by the dairy industry and that the Minister at no time had called the board in, or the dairy people to find out if they were in agreement with this particular clause.

I'd like to point out to members of the House, some who may not be aware, that the personnel of the board, their indemnities are not paid for out of the Consolidated Fund but are paid with money raised by the producers. There was some indication in the committee that the increase in the board could possibly bring in the processors and the consumers, but no indication of what representation percentage-wise would come from these three groups. And it is reasonable to suppose that the Minister has power to put on that board from the consumers and the processors a majority over a producer board which is now controlling the milk product.

The NDP party for years have indicated that the producers should have control over their own product. -- (Interjection) -- Yes, Sir.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Did he not know that the existing board was not composed of only producers?

MR. SPEAKER: The Honourable Member for Arthur.

MR. WATT: I think I could indicate this, that the board is not comprised of anyone representing the consumers or the processors. It may be that there are some retired people on that board, but not necessarily representing any other segment other than that of the producers. So, Mr. Speaker, I think that it's only fair and reasonable to ask the Minister to reconsider this bill and to refer it back to the standing committee, a standing committee which he has

(MR. WATT cont'd) . . . . indicated will sit between sessions, and allow the producers and the consumers, if you wish, or the processors to -- (Interjection) - he hasn't got a cow -- to come before the board and indicate whether they are in agreement with the passage of this bill. I think that it's a reasonable request and I think that it's one that the Minister should look very closely at. Thank you, Mr. Speaker.

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

MR. SPEAKER: The Honourable Leader of the Opposition. -- (Interjection) -- Ayes and nays? Call in the members. Order, please. The motion before the House is the one of reference in regard to Bill 108 made by the Honourable Member for Arthur.

A STANDING VOTE was taken, the result being as follows:

YEAS: Messrs. Craik, Ferguson, Froese, Graham, Henderson, Jorgenson, McGill, McKellar, McKenzie, Patrick, Sherman, Spivak, Watt and Mrs. Trueman.

NAYS: Messrs. Adam, Allard, Barrow, Borowski, Cherniack, Desjardins, Doern, Evans, Gonick, Gottfried, Green, Hanuschak, Jenkins, Johannson, McBryde, Mackling, Malinowski, Miller, Petursson, Schreyer, Shafransky, Toupin, Turnbull, Uskiw and Walding.

MR. CLERK: Yeas 14, Nays 25.

MR. SPEAKER: In my opinion the nays have it; I declare the motion lost.

The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I move that the following subsection be added to Bill 108 after Section 12(6), 12(7): "On application to a court pursuant to Section 12(6), the board of its authorized representatives shall furnish specific information as to the specific purpose of the investigation. 12(8) The board or its authorized representatives shall report to the court from which he obtained the court order within seven days of obtaining the order the complete details of the results of the investigation." I move, seconded by the Honourable Member from Riel.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, this is the last of a series of five similar amendments introduced to five bills in which in addition to the amendments proposed by the government with respect to the investigatory powers of the board or the director, we have asked that there be a further check and balance on the effort of the board or the individual or the branch or anybody representing them in connection with the investigation.

We simply have requested that when the application is made to the court for the right to search, that there be specifics indicated as to the information that is desired and as to the documents that are to be examined; and further, that once the information is obtained that it be brought back to the court for the judge of the county court to be able to make a judgment as to whether the action was justified, whether it was frivolous, whether in fact it was warranted on the basis of the prima facie case presented by the person acting on behalf of the board or the director himself or on behalf of the Consumers Branch.

The government has taken the position that this would be a breach of confidentiality; the government has taken the position that this would be an encumbrance on the actual functioning of the Consumers Branch. It is our position that notwithstanding the fact that the information would become public as a result of the action if the information is brought forward to the court; and notwithstanding the fact that it would impinge to a certain extent because of the time limit and because of the necessity of specifics being requested by the director, that this is the proper course, and if we are going to try and develop a series of amendments to the legislation introduced, and I would hope to other legislation on the books with respect to a similar matter, at least we should provide the kind of check and the kind of balance that will ensure that the civil liberties of our people are in fact protected without impinging on the particular ability of the board, in this case the Milk Control Board or the other agency of government, to be able to carry out its functions. I submit it again, Mr. Speaker, recognizing that the government will probably defeat it as it has before, but the fact that it is submitted once more and the fact that the government defeats it does not necessarily make this proposal wrong. As a matter of fact, Mr. Speaker, I suggest it's eminently fair; it follows the Combines Investigation Act procedure, and I would implore the government to consider this very seriously as a further check and balance on the very wide police power that is given to the board in this particular case and to the people who act on their behalf.

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

MR. SPEAKER: Report be concurred in?

MR. USKIW: Mr. Speaker, I move, seconded by the Honourable the Attorney-General, that Bill No. 108 be concurred in.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried. BILL NO. 108 was read a third time and passed.

MR. SPEAKER: Proceed with Bill No. 51 in report stage? The Honourable House Leader. Bill 51.

MR. GREEN: Yes, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, I beg to move, seconded by the Honourable Member for Gladstone, that the proposed subsection (2) of Section 16 of The Criminal Injuries Act as set out in Section 7 of Bill 51, be struck out and the following subsection substituted therefor: "Written reasons for decisions. 16(2). Where any party through an application requests the board in writing to give written reasons for its order or decision on the application, the board shall give its reasons for the order or decision, in writing, to all parties to the application."

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. MCGILL: Mr. Speaker, in the debate on Bill 51, An Act to amend The Criminal Injuries Compensation Act, we found really very little in the way of critical comment. We understood the proposed amendment, which would provide that the Workmen's Compensation Board would be the agency that would hear appeals in respect to criminal injuries, and we took issue really only with one clause and that was the clause relating to the circumstances under which written reasons for a decision of the board would be provided, and the bill as it's now written would provide that only in the cases of an appeal of the decision of the board would there be a written decision given to the applicant and it would then be his purpose to examine the written document and decide how far he could go in his appeal. It seemed to us, Mr. Speaker, that it would be more reasonable if the person or the applicant would have an opportunity to examine the decision of the board before he made his final decision as to an appeal. It would seem that perhaps this would have the effect of reducing the number of appeals rather than increasing them. We're aware that boards of this type would have many many decisions in which the decision reached would be quite satisfactory to the applicant and there would be no question that any need for a written decision would be asked for. However, it would be helpful, in our view, to make a decision on whether or not to appeal if the applicant could request such a written decision. I think that this will not provide any great increase in the amount of work that the board will be required to do, but it will provide a process of law in which an applicant could request this prior to making his final decision on an appeal. We think this would improve the Act, the performance of the Act, and certainly clarify the position of an applicant.

MR. SPEAKER: The Honourable Attorney-General.

HON. A.H. MACKLING, Q.C. (Attorney-General)(St. James): Just briefly in reply, Mr. Speaker. The request isn't an inordinate one; it's one that I think ought to be considered very carefully. However, as I've indicated, the whole purpose in coordinating the working and the requirements of the Criminal Injuries Compensation administration and handling with the Workmen's Compensation Board is to save on administrative expense. We think the same standards and same rules ought to apply in both cases. I have discussed the whole question with my colleague, the Minister of Labour, under whose portfolio the Workmen's Compensation Act comes and he reports for that Act, and he indicates to me that the rules and the administration of the Workmen's Compensation Act is being reviewed and it would be better to await a comprehensive review of the Workmen's Compensation Act in its working rather than to bring special treatment under the Criminal Injuries Compensation Act to certain handling of claims which would produce an anomaly in the handling of the claims within the same administrative process. I am therefore of the view that we ought not to change or differentiate between the handling of claims until that review is completed, which I expect should be next year, when this suggestion will certainly be given full consideration, so at this time I urge that the amendment be not accepted.

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

MR. SPEAKER: Are you ready to concur in the report? The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I move, seconded by the Honourable Minister of Youth and Education, that the report, concurring in Bill No. 51 - that the report as it affects Bill No. 51 be now concurred in.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried. BILL NO. 51 was read a third time and passed.

MR. SPEAKER: Does the Honourable House Leader wish to proceed with third readings?

MR. GREEN: Bill No. 62, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Education.

HON. SAUL A. MILLER (Minister of Youth and Education) (Seven Oaks): Mr. Speaker, I move, seconded by the Attorney-General, that the report of Bill No. 62 be concurred in. Third reading?

MR. SPEAKER: I believe we're under third reading. It has already been reported.

MR. MILLER: Mr. Speaker, I move, seconded by the Attorney-General, that Bill No. 62, an Act to amend The Public Schools Act (3), be now read a third time and passed.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, I wonder if -- I don't think it was left clear from the Minister on Bill 62 when the decision would be made, or if a decision has been made on the elections, because he withdrew the latter clause of Bill 62 indicating that the elections would not necessarily coincide with the ones in the new unicity and that this would be left up, I believe, to ministerial discretion. I wonder if he could indicate, or clarify this, because there are questions coming in. Could he clarify the problem of coterminous boundaries, whether if the municipalities that surround Winnipeg and include part of those school divisions that are affected, if they go to once every three years, does this mean that the entire Metro area will go on the school board elections once every three years?

MR. MILLER: Mr. Speaker, the way it will work will be that the school divisions, irrespective of where they lay, where they are situated, will hold their elections at the same time as the election for councils in the area, and the terms of office will also be in harmony with the terms of office of the council, so that in the City of Winnipeg they'll be held in September; if the election is in an area outside of the City of Winnipeg, let us say Springfield or Headingley is held in October, then the elections there will be held in October, so that we'll try to make them coincide as we find out what dates these elections will be held in these outlying areas and the terms of office in these outlying areas, because it is optional on the part of the council at this point in time how they're going to do it, and we still haven't received final word whether they're going to move to the three-year or they're going to stay with the two and two-year alternating one year.

MR. CRAIK: I wonder if I might . . .

MR. SPEAKER: Order, please. We are on third reading. The normal rules apply.

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

MR. JACOB M. FROESE (Rhineland): . . . on a point of order?

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I would ask the House Leader whether we could not proceed with the bills on Page 2, because I've been unable to present my amendments to some of the bills and this is on Page 1, and the motions that these bills have been received is in my opinion not correct. We're proceeding with third reading without having them properly reported and accepted. In my opinion these were not accepted as yet.

MR. GREEN: Mr. Speaker, I believe that the bills came into the House on Friday, or Thursday, which the honourable member then had 24 hours with which to submit his amendments. However, we did indicate at the beginning of the -- when the rules were being discussed, that we would accommodate amendments by leave if we could have the leave of all honourable members, so if my honourable friend wishes to prepare them so that they'll be ready in 15 minutes, I gather that the House would be in a mood to receive them, and I will go to Page 2 in the hope that my honourable friend can then prepare what he wishes to prepare. On that basis, Mr. Speaker, would you call Bill No. 34.

BILLS NOS. 34, 39, 41, 70, 73, 79, 81, 87, 88, 93, 90, 92, 100, 65, 96, 98 and 109 were each read a third time and passed.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I move, seconded by the Honourable the Minister of

(MR. MACKLING cont'd) . . . . . Transportation that Bill No. 112, The Statute Law Amendment Act, 1971, be now read a third time and passed.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I feel that this particular bill should have gone to the other stage and not come to us for third reading directly. There is a section in it which I referred to on second reading, namely where we were amending the Gasoline Tax Act, a practice where Acts do not generally go to Law Amendments Committee in the first place, or other committees outside the House. They took this one outside the House, and I'm not in accord with what is asked for here - and this deals with Section 25 of the bill. -- (Interjection) -- Bill 112, the one we're dealing with. This is required now that people collecting taxes will have to be bonded. They will require a bond for, let's say, gasoline dealers, people that sell gasoline, and the way I see it the onus is placed on these people to get a bond and pay for it. I'm not sure whether this is quite in order the way we're passing this without these people being advised. At least I have not heard of anyone knowing about it when asking them, and I take exception to having clauses of this type in a bill of this type where we are grouping them all together.

There is another matter, like Section 64, dealing with Home and Research Centre for Retarded Foundation. This is now given a new name, namely the Maitland D. Steinkopf Foundation for the Mentally Retarded. I'm not sure what the effects - if it's purely a change of name or whether other effects are -- whether the Association is being affected in any other way. And there are many more items contained in this particular bill before us. I think if we did want to put in a bill of this type, it should come in at an earlier stage in the session and not at the tail end of the session, Mr. Speaker.

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

MR. MACKLING: Well, Mr. Speaker, in response to the Honourable Member from Rhineland, I reviewed with Legislative Counsel the particular amendments which were covered by Bill 112 and I didn't find anything of an unusual nature that was not either a very simple change. None of the amendments involved any great question of principle. The one section that the honourable member was concerned about involved putting into the statute a whole line of type that had somehow inadvertently been left out when the Revised Statutes were printed, and it didn't involve, therefore, an establishment of any policy or principle by the Legislature; it was putting back into the Revised Statutes what had been left out by inadvertence in the printing of the Statutes, so that I can assure the honourable member that there was no subterfuge in introducing matters of any great principle or consequence in that omnibus act.

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

MR. FROESE: Would I be permitted to ask a question? Could he inform the House whether this has been in practice, whether the dealers were bonded regardless of the insertion of this in the bill at this time?

MR. MACKLING: I'm advised they were. This was part of the Act as it was passed in 1963 and was continued, or should have been continued in the Revised Statutes.

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

MR. SPEAKER: The Honourable Minister of Youth and Education. The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I have an amendment for this one. I did give it to the Clerk, I believe, last week Friday or Saturday.

MR. SPEAKER: Which one are we on, would you state?

MR. PATRICK: 118. Mr. Speaker, I beg to move, seconded by the Honourable Member for La Verendrye, that Bill 118 Section 2 (1) be amended by adding after clause (b) the word "or"; and further amended by adding an additional clause as follows: "(c) one hundred dollars in respect of each dwelling unit where the householder is a senior citizen whose major source of income is the Old Age Pension and Supplement."

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, on a point of order, I believe that such a motion would require a message from His Honour the Lieutenant-Governor.

MR. SPEAKER: Well, I find it slightly irregular. I realize it's by the consensus of the House that we are accepting these but it does make it difficult for the Chair to make a decision



(MR. SPEAKER cont'd) . . . . on them in respect to where they do infringe on certain areas or not except on the spur of the moment. I would agree with the Honourable Minister of Mines and Natural Resources that this particular motion does require a message from His Honour. The Honourable Member for Assiniboia, on the same point?

MR. PATRICK: Yes, on the same point, Mr. Speaker, could I insert the words "consider the advisability"?

MR. GREEN: No, Mr. Speaker, that is impossible . . . statutes.

MR. SPEAKER: That's right. The phrase "the advisability of" refers to resolutions, not to motions in respect to bills or amendments in respect to bills. I have ruled that this amendment is out of order; therefore the honourable member, who is rising now, will have to state another point of order.

MR. FROESE: On a point of order. In debating gas tax measures in this House on previous occasions, whenever we did submit amendments we submitted them with the advisability of, so that they could be considered. The government can always refuse them but . . .

MR. SPEAKER: Well, that's precisely what I explained, that resolutions could be made to that effect. The Honourable Minister of Youth and Education. Third reading, Bill 118.

MR. MILLER: Mr. Speaker, I beg to move, seconded by the Attorney-General, that Bill No. 118, The School Tax Reduction Act, be now read a third time and passed.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, in speaking to the bill I think I should also mention the way we are processing them now, especially a bill of this nature. Those people who are not members of the committee have no way of putting amendments to the bill and these bills no longer . . . to the Committee of the Whole . . .

MR. SPEAKER: Order, please. I do believe the honourable member is well aware of our new procedure, which does give him an opportunity to make amendments whether he's on the committee or not. So I do believe he's reflecting on a procedure incorrectly. The Honourable Member for Rhineland.

MR. FROESE: I still feel that the practice we're now engaged in in dealing with bills once they're reported back, that . . . -- (Interjection) -- I have a right to speak on this bill. -- (Interjection) -- I will. I'm dealing with this very bill when I make these statements, because it's applied to these bills in particular because these are bills dealing in finance and financial grants to schools. I feel that we are not doing justice in dealing with these particular bills the way we are, with not having them back to come to Committee of the Whole. Further to that . . .

MR. SPEAKER: Order, please. I do believe I mentioned to the honourable member in respect to procedure. If he has any particular problem in that regard he'll have to take it up with the Rules Committee, but at the present time the procedure is as outlined and, if he happens to be against that procedure, he'll have to take it up in the usual manner, but he cannot take it up in debate on Bill 118. I should like to mention that to him explicitly, that the procedure is correct which we are following. He has had his opportunity to make his amendments. The fact that he doesn't desire this new procedure is not contrary to the rules at the present time and it cannot be debated at this time. The Honourable Member for Rhineland.

MR. FROESE: On a point of order, Mr. Speaker. Bills, unless you make an amendment, you cannot speak on the reporting stage on these bills unless you have an amendment, and if you don't have an amendment you can't speak. Therefore, this is the improper thing on a bill like this. -- (Interjection) -- It is true. It is true. I feel that this is a practice that I don't agree with and that shouldn't be followed. The bill now provides for a \$50.00 grant per item on the assessment roll when it deals with residences, and in the farm situation where you have farm lands as well. Now the Honourable Member for Assiniboia tried to amend it to increase the amount. He's now ruled out of order because amendments of this type are not permitted, not even on the recording stage of the bill.

MR. SPEAKER: Order, please. -- (Interjection) -- Order, please. I would like to indicate to the honourable member that he is now debating a point on which I just ruled. I would ask the honourable member to discuss and debate Bill 118 in its context and not to debate the rules of this House while he's taking up Bill 118. The Honourable Member for Rhineland. The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, I'll be very brief. I'm very disappointed that this bill

(MR. PATRICK cont'd) . . . . . did not go far enough, or go as far as at least what this Legislature last year passed unanimously, and that is that we would remove at least \$2,000 of assessment to the people who are in real dire straits, to the people who are in need, and of course I'm referring to the Old Age pensioners, our senior citizens, the ones who are receiving a supplement. You must realize, Mr. Speaker, once they are receiving a senior citizen pension and a supplement, they have to qualify for that supplement, then you realize they are in real dire need. I have pointed out to this House that you find many many people in this city who are in such difficult circumstances that even on a 25-foot lot they had to grow vegetables, not for their own personal use, but strictly to sell so they can collect by 50 cent pieces and dollar pieces to be able to pay the property tax. And last session, this House unanimously passed a resolution that would remove the first \$2,000 of assessment on a senior citizen receiving a supplement. \$2,000 of assessment would have amounted to about \$100.00 reduction in school tax or property tax. Now I could see no reason why the government did not go this far now. I agree that every person, and I agree with the bill to the extent that it goes that there is a \$50.00 reduction in the property tax, and I intend to support the bill on that basis, but I don't believe it goes far enough and in my opinion I think this is only a stopgap; it's a measure that we'll be confronted with in two years' time with the same circumstances because by that time your revenue will have to be raised for health and welfare purposes, your revenue will have to be raised for educational purposes, and again the property taxes will be increasing and we'll be in the same situation that we are in today unless the government is prepared to remove more of the education tax off the property owner.

So, in principle I agree with the \$50.00 unless the Minister is prepared to admit that in two years' time when the property tax will increase by this amount, then we'll up the ante to \$100.00 grant or rebate in two years' time or three years' time, well then again at least the government will be keeping time with the rising costs of education, with the rising costs of health and welfare and the other social requirements that we need. But the people that I'm appealing for, the people that I'm asking for in this bill, and the amount of money that would have been required to do this was very very small. In fact I had it worked out; I gave the figure on about four or five previous occasions, and I cannot see why the government did not undertake, because in my opinion we are forcing people out of their own homes, people that have made sacrifices all their lives to be able to make sacrifices to their family so they can pay for their own little house with a piece of ground at the back so they can have a garden. Now many of those people are forced out of their property; and again I'll point out, when the two people are living, the man and wife, the husband and wife, the circumstances are not as difficult as if one passes on and you have to live on one pension and a supplement, then it's almost impossible to pay the tax on that property and pay the heat and pay all the other requirements that a person requires.

So, the thing I requested here continually this session, the thing that passed unanimously in this House last session and I believe also was considered two sessions ago which was supported by all the members of the NDP Party at that time - and in my opinion when the costs would have been so small, again I'm not asking for universality, I'm not asking for people that don't need it, I'm asking for the people that are in real dire straits so we're not forcing the people out of their property, out of their own homes, so they can retire the rest of the few months or years in dignity and live out their lives in their own house. So, Mr. Speaker -- I see there's a lot of chattering to my left and if the members want to, you know, make a contribution, I hope they will. But in my opinion, I am very disappointed that the government did not go one step further, and I think they would have made a tremendous contribution to our senior citizens who are today - and I'd say many of them - are forced out of their property. I know of cases personally and in fact I know -- well, I know one definitely that I had to visit and this lady showed me, she's selling vegetables from her garden and she's putting her 50-cent pieces in a jar that she can pay her property tax. Now I've had other occasions where people had personal contact with me and said, "Look, there's no way we can pay the expense and live in our home," and when I'm talking about homes I'm talking about modest properties, I'm talking anywhere between \$8,500 and \$12,000 homes. Surely, surely the government could have gone one step further, and again let me say the cost would have been a very small cost, a very small cost. I had it figured out in the Throne Speech debate and the other times. I'm disappointed because this would have gone a long long way, a \$100.00 rebate for our senior citizens who are in dire need, who are receiving a supplement, a senior citizen pension and a supplement.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: If my honourable friend from Emerson wishes to speak . . .

MR. SPEAKER: The Honourable Member for Emerson.

MR. GABRIEL GIRARD (Emerson): Mr. Speaker, we have had a few bills brought forth this session dealing with matters of education. In terms of finances, we have shifted more money from the treasury to help alleviate some property taxes. We have begun a new system of granting, by which we gave \$18.00 per pupil to school divisions in Manitoba. Now we have rebated \$50.00 per property taxpayer and, after all those measures, it's still a little difficult to understand just exactly what we hope to achieve in the final end. We know that our tax system with regard to education needs revamping, but the revamping in piecemeal is hardly the answer. I realize that for political reasons it might be well to be throwing out these little goodies periodically, and it might be well for the government to keep back a few of these potential goodies that the Member for Assiniboia might have mentioned, because there might be other occasions when you might need them.

However, it would seem to me much more proper if we had a kind of policy established that told us where exactly we hope to get with regards to educational financing. I have mentioned in the House before that the method of equalizing that was introduced in one of the bills this year dealing with Metropolitan Winnipeg is a good and forward measure, but on the other hand, it's very near-sighted in the sense that it only presents some relief for the school divisions that have a lower assessment per pupil within the boundaries of Winnipeg, and I'm suggesting, Mr. Speaker, I've suggested before, that the lowest assessment per pupil division in Winnipeg is still higher than probably the highest per pupil assessment in the rural areas, and we are not getting to the root of the problem. My understanding, from the actions of the government, is that they are prepared to establish a system that will provide the school divisions of Winnipeg with a Cadillac kind of educational system, that it will provide the people of Winnipeg with a per student taxing power that is \$100.00 or more per year in Winnipeg than the rural areas, and if this is the policy, if this is what we want to establish and maintain, I would suggest that the government should come out clearly and say so.

I think that, again, the method of rebating is a good one, but I can't deny that the Member from Assiniboia had some pretty cold, hard facts to reveal and I can't deny that he's on the right track. I would suggest, Mr. Speaker, that what we need is not piecemeal goodies thrown to the public especially at by-election time, but rather a clear-cut policy that'll tell us where the government wants to go and when they intend to get there.

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

MR. SCHREYER: Mr. Speaker, inasmuch as the Minister of Education is, by the rules, not in a position to speak at this time, I think it would be appropriate for me to comment on the remarks made by the previous two speakers. Taking the last member first, the Member for Emerson tries to make a point about the standards of education differing as between divisions with high assessment and low assessment and so on. That is a phenomena that I admit exists, but when the honourable member talks about Cadillac standards of education and Model A standards of education or whatever, I simply point out to him that surely he is aware, surely he must be aware that the Public School Finance Board administers a standard formula across the province, city, country, relatively affluent areas of the city, relatively affluent areas of the country, or conversely the poor and so on. But if any school division wants to provide a standard of educational service that the Member for Emerson would call the Cadillac level, that extra is paid for by way of the special levy, which is levied locally and it's levied especially by the division; it doesn't come out of the Foundation Program. Does my honourable friend have a question?

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: I wonder if the Honourable the First Minister is saying by this statement that the grant structure now provides for the minimum education and the extras, so-called extras, would come out of the special levy. Therefore he's suggesting, is he not, that the grant structure is the minimum kind of education?

MR. SCHREYER: Mr. Speaker, I admit there is a need to upgrade the level from time to time and to increase the amount that is payable by way of the Foundation Program, and that is why the province just this year introduced a money measure to have the province assume a greater percentage of the program. We've gone from 70 to 75 percent of the program and, in addition to that, we have enriched the program itself, so we've moved really on two fronts in that respect.

(MR. SCHREYER cont'd)

Now I address myself to the remarks of the Honourable Member for Assiniboia, and when he was looking over to this side a few minutes ago accusing some of my colleagues of chattering away, I would simply have to refer to his entire speech as chattering away, because obviously the Member for Assiniboia has lost sight of two very important developments that have taken place in the past few months in this province. First of all, I point out to the Honourable Member for Assiniboia that when he was talking about exempting the first \$2,000 of assessment on property owned by old age pensioners, that even if you were to take his proposal, the exemption of the first \$2,000 of assessment, to get \$100.00 of tax rebate means that there would have to be an education levy of about 50 mills -- you'd have to have 50 mills on \$2,000 of assessment to get \$100.00 of rebate. Now I suggest to my honourable friend that very few pensioners live in school divisions or any school divisions that have an education levy of 50 mills. Very few. So therefore he's probably talking about \$50.00, because if you exempt the first \$2,000 of assessment, if you accept for purposes of discussion that the average education levy is about 25 mills - that'd be closer to it - that that would give you a tax rebate, or a tax saving actually, a tax saving to the old age pensioner on that basis of about \$50.00. Well, that's what we're doing. We're bringing in a 50-dollar rebate. The saving is roughly the same as if you had a \$2,000 exemption on the first 2,000 assessment with a 25-mill levy for education - that would come to \$50.00 as well.

In addition to that, and I want to hammer this home to my honourable friend so he won't forget it, old age pensioners in Manitoba who need it, that is to say those who are in receipt of the Guaranteed Income Supplement, the GIS federal, they are enjoying more income in this province as a result of a deliberate policy decision that the Provincial Government took here. Manitoba is the only one of two provinces in the entire Canada that decided to pass on to the old age pensioner the full amount of the increase in the federal GIS which took place last spring. Only two provinces out of ten have taken that decision; the other provinces have taken a policy decision that, to the extent that there is an increase in the federal GIS, to that extent the province receives, withdraws or reduces the amount that it pays in supplementary social allowance to old age pensioners. And that decision, Mr. Speaker, amounts to something anywhere from \$1.00 to \$200.00 per old age pensioner per year, and let us say it averages out to \$100.00, 120.00, 140.00, and that decision, Mr. Speaker, has resulted in more income and more disposable income to old age pensioners than fooling around with any tax assessment exemption gimmick. But when you add the two things together, that we are rebating \$50.00 and passing on the increase in the Guaranteed Income Supplement from the Federal Government without reducing the provincial payments to old age pensioners, then, My God, what is my honourable friend complaining about? Because the net effect of the adjustment is that in this province, along with one other province in Canada which I will not name, there is a greater, a higher disposable income for old age pensioners than anywhere else in Canada.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, the First Minister has raised an important point in education finance, which is the guarantee of a minimum standard of education throughout Manitoba with adequate financial support from the Provincial Government, but I want to point out to him that the 50-dollar rebate program does not satisfy this particular end. The Foundation Program was designed to do this, and the Foundation Program has not had any substantial change made to it since 1967, so we've got four or five years now with very little done to it except a few minor adjustments here and there, but nothing of any substantial nature.

The major point is that, quite apart from the rationalization that the First Minister has gone through about how this is better than allowing a \$2,000 home owner exemption, the fact is that the \$50.00 rebate program was in operation in Manitoba for two or three years or more, I guess, maybe five years, up until 1967 when the Foundation Program was brought in to replace it. The \$50.00 rebate program that was operational here had a good run for several years, many years, and didn't really get the support of the people that now sit on the government side. When they sat on this side of the House, there was very little support for it; in fact there was very strong criticism of it - very strong criticism. The First Minister says that what they objected to was the method, because the cheques went out directly to the individual and they read this as a political ploy, but -- (Interjection) -- The First Minister now says, "What about tenants?" - but he hasn't solved the problem with this bill -- (Interjection) -- Well, it's there all right. The tenants get it by way of payment to the municipality and

(MR. CRAIK cont'd) . . . . then it's forwarded on. And, Mr. Speaker, add to that the fact that under this program the farmer gets it only on the parcel of land on which he lives unless he has to add to it to get up to the \$50.00, the \$50.00 maximum. But the problem in farm taxation right now is the mill rate; it's not the fixed amount of \$50.00. If the farmer owns several parcels of land this doesn't solve the problem. Now there's the assumption here that you're making, in introducing this legislation, that the bigger farms are more wealthy and are in a better operating position. If that is what you're assuming you should say so, because this taxation scheme helps a quarter section owner but it doesn't help the person that owns two sections of land or is operating on an economy of scale which is generally accepted that there is in many aspects of farming now - grain farming, for instance, versus livestock farming. So this particular act here is less helpful to the rural community, the \$50.00 rebate program, than it was back in the mid-sixties when it was operational, when the farmer could get relief on his various parcels of land, which would add up, which would give him realistic relief.

Now, Mr. Speaker, to come back to the genesis of the argument, the problem is for the province to get money into the taxpayer's pocket, and we now have about three methods of doing it, none of which solve the problem. If the Minister and the government had followed the good advice that they gave the government when they were in opposition, they would be on solid ground, and their advice at that time was to upgrade the Foundation Program, upgrade the Foundation Program for what the Minister of Education at that time called a subterranean program - it wasn't a foundation program, it was a subterranean program - and they lectured for hours on this as to how this should be adjusted and fixed up and bring it up to a realistic level, and virtually nothing has been done, since this government came to power, to actually adjust the Foundation Program. The scales in the five major categories are virtually the same; all they've done is jiggle around the ratio 75/25, 70/30, and now they're bringing in this other bit, \$50.00 rebate, and none of them solved the basic problem, which is to provide a minimum, at least a minimum financing for a reasonable education program in Manitoba; but what we have is a band-aid approach to the problem, a band-aid here and a band-aid there; little bit here and a little bit there, and all of them geared, all of them geared basically to what appears to have very little more rationale than a political decision, because the \$50.00 rebate program, although all of these are motherhood and they sound good, it's an inefficient and ineffective way to finance education.

MR. SPEAKER: The Honourable Minister of Mines and Natural Resources.

MR. GREEN: Mr. Speaker, I suppose that in a very few moments my honourable friend will have an opportunity of standing up and being counted as to what he thinks of band-aids and patchwork, because this is the issue that is going to be presented to the House in a very few moments.

I'd like to deal, Mr. Speaker, with a few of the questions that he raised. He first of all said that this party, when on that side, criticized the rebate program. Mr. Speaker, we never criticized the aspect of giving a tax relief at the lowest levels of income and at the lowest levels of assessment. What we criticized was the administrative cost of having that figured out, the municipalities informing the government, the resident having to fill out an application and sending it on to the government and then the government sending back a cheque. We said that that was an unnecessary cost and we still agree that that is an unnecessary cost, and what is proposed in this bill is that that rebate will appear on the taxpayer's notice, assessment notice. It will have his taxes listed with the Provincial Government tax rebate and the balance will be paid by the tenant, and we are thereby eliminating what we criticized when we were in the House.

The honourable member also says that the rebate was eliminated in response to request, and a Foundation Program substituted. Well, Mr. Speaker, we are not reimposing the rebate and removing the Foundation Program; we are not only giving a tax rebate but we're also enhancing the Foundation Program. So we're doing both of the things that we said we would do when we were on that side of the House. Both of those things. And, Mr. Speaker, there is only one way, so far as real property taxation is concerned there is only one way to grant relief which will not be more relief to the wealthy taxpayers than it is to the lower income group, and that is to grant relief by way of exemption of assessment or rebate on a maximum level. Because if you don't do so, Mr. Speaker, what will happen is what happened when the Provincial Government changed the rebate system when they were in power. They abandoned

(MR. GREEN cont'd) . . . . the rebate, and the taxes, because of there no longer being a rebate, were reimposed on real property, and what you found happens is that in a residence in, let us say, Inkster constituency, which was paying taxes of \$350.00, the taxes went up by \$50.00, which was the elimination of the rebate and made it \$400.00, whereas the tax relief in other areas - and I presented those statements to the House when I was in Opposition - that the percentage relief in other areas went up much higher. And the only way of making sure that the relief is to those people who need it is by way of exemptions such as the Minister has introduced. However, Mr. Speaker, if it is such patchwork, if it is such a bad plan, if it is not giving any tax relief such as the Honourable Member for Riel has indicated, then of course he will oppose the bill when it is presented for third reading.

MR. SPEAKER: Are you ready for the question? -- (Interjection) -- I haven't put the question yet. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker . . .

MR. SPEAKER: The honourable member has spoken on third reading. Is he asking a question?

MR. FROESE: Mr. Speaker, I raised several points of order. I wasn't even allowed to finish the points of order . . . -- (Interjection) --

MR. SPEAKER: I would like to indicate to the honourable member that when he first approached the subject he was speaking on third reading. After that he did raise a number of points of order. I think I indicated to him at that time what the situation was. I thought at the present time that he was going to ask a question of the last speaker, but if he wants to speak I'm afraid that's out of order. The Honourable Member for Souris-Killarney.

MR. McKELLAR: I didn't realize -- I thought this was the amendment. This is third reading we're talking about, is it?

MR. SPEAKER: That's right. Order, please. The Honourable House Leader - point of order?

MR. GREEN: Mr. Speaker, on a point of order, you had called the question and were taking the vote when the Honourable Minister rose for ayes and nays before you had taken the vote. I suggest that the question be put.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Souris-Killarney.

. . . Continued on next page

MR. McKELLAR: I spoke on this subject matter the other day and I just got my tax notices today, a whole bundle in here. I'm voting against this, I'm voting against this for one particular reason, that it's the wrong approach to the cost of education. It's wrong. We've had so many piecemeal approaches to education this session. We have \$18.00 per student; now we got the \$50.00 rebate, back to the old days gone by, which the government of the day - and I realize there's only a handful of people around here on the government side that were around when the rebate was brought in, and one is the Minister of Finance and the other is the Minister of Labour. The rest of the members weren't around. And I remember so well, Mr. Speaker, how we were chastised -- and oh, the Member for St. Boniface, I forgot about him. Now I remember how we were chastised about the wrong approach to the cost of education; the wrong approach entirely; it was only a piecemeal effort. So we've had two more piecemeal efforts this session. And what is it doing? What is it doing? We're not going to relieve the problem. If the Minister of Education would have taken the money that he put in the \$18.00 per student, and he would have taken the money he's going to pay out in the \$50.00, and put it in the Foundation Program, like the Union of Municipalities have asked him to -- the Union of Municipalities have been asking him to take over the full cost of education and, Mr. Speaker, we're not any closer by having this program than we were before, because the cost of education is going up and we're not going to get to the real problem.

Mr. Speaker, the situation in the farming economy is terrible, and I mean terrible, and many people won't have enough money in their pockets to pay their taxes this year again. And one only has to know that you only have to miss a second year and you're up for tax sale. Second year. -- (Interjection) -- Well, two years of taxes you miss and you're out of luck. You got a year - 12 months to pick it up again. Mr. Speaker, not two years at all, not two years at all.

Mr. Speaker, the right approach to looking after the cost of education on the Foundation Program, to take that \$18.00 that they put in per student, take the money they're going to take on the rebate system and put it in and take over the 100 percent of the cost of the Foundation Program. And do it on a right approach because I will say, as mentioned by the Member for Riel, it's not going to help all these tax notices; not going to help them. It helps partially, a small portion, maybe 10 percent; that's all it'll help. And I must say that of the farmers in this Legislature I am the smallest farmer - 700 acres. So you can tell what's going to happen to the other members right behind you. And we're representative of the farmers in the Province of Manitoba and this is the reason. So when I stand up and vote against this, Mr. Speaker, I am doing it for a reason, that it's the wrong approach to financing the cost of education.

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

MR. LAURENT L. DESJARDINS (St. Boniface): Mr. Speaker, it seems that on second reading the honourable member said that he was only paying \$36.00 of school taxes. I wonder what he's waving around now; and now he's talking about 10 percent rebate.

MR. McKELLAR: Mr. Speaker, the Honourable Member for St. Boniface is as confused as ever. I said on the parcel of land where the buildings are it's \$36.00, half of which is education. I didn't tell you about the other properties I own, because they're all there. They're all there. All it says in that bill, all it says in that bill, it doesn't matter if you own 10 houses or 10 quarter sections, it says that the maximum -- all you can get is \$50.00 - \$50.00, and I pay a lot more than \$50.00. I'm up to \$400.00 or more.

Mr. Speaker, we'll live to regret this. We'll live to regret it, just as the honourable members told us we'd live to regret the rebate system when we brought it in, and it took us about four years to realize this wasn't doing anything to relieve the cost of education to an ordinary taxpayer. Taxes were continually going up even though the rebate system was in effect.

Mr. Speaker, if you want to do something realistic, take over the cost of education 100 percent by the Foundation Program, then you're doing something for the people of Manitoba. Until you do that, it's only a piecemeal effort strictly, that you'll have to be dealing with this policy from year to year. That's the reason I'm voting against this.

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

MR. MILLER: Ayes and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members. Order please. The motion before the House is third reading of Bill 118.

A STANDING vote was taken, the result being as follows:

YEAS: Messrs. Adam, Allard, Barkman, Barrow, Borowski, Cherniack, Desjardins, Doern, Evans, Girard, Ferguson, Gonick, Gottfried, Green, Graham, Hanuschak, Henderson, Jenkins, Johannson, Jorgenson, McBryde, McGill, McKenzie, Mackling, Malinowski, Miller, Moug, Patrick, Pawley, Petursson, Shafransky, Schreyer, Sherman, Spivak, Toupin, Turnbull, Uskiw, Walding and Mrs. Trueman.

NAYS: Messrs. Craik, McKellar and Watt.

MR. CLERK: Yeas 39; Nays 3.

MR. SPEAKER: In my opinion the Ayes have it. I declare the motion carried. The Honourable Minister of Finance,

BILLS Nos. 119 and 97 were each read a third time and passed.

MR. SPEAKER: The Honourable Minister of Transportation.

HON. JOSEPH P. BOROWSKI (Minister of Public Works and Highways) (Thompson): Mr. Speaker, I move, seconded by the Minister of Municipal Affairs, that Bill No. 99, an Act to amend The Highway Traffic Act (2), be now read a third time and passed.

MR. SPEAKER presented the motion.

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

MR. FROESE: Mr. Speaker, I move, seconded by the Honourable Member for Assiniboia, that Section 95 of Bill 99 be amended by deleting the word "sixteen" in the first line of Section 167 (4) and substituting it with the word "fourteen".

MR. SPEAKER: Order please. I find it a little irregular at this time. I thought the honourable member understood that we were going to accept his amendment but I did call out the bill before I called out the Honourable Minister to make the motion. Now we're in the dilemma of having a motion on the floor with an amendment to it, which is irregular to what we're proceeding with according to the new procedure. The Honourable House Leader.

MR. GREEN: Mr. Speaker, can we by leave go back to the report stage, and say, "Shall the bill be reported?" and then the honourable member -- Can we consider, rather than do it, can we consider that we have gone back to the report stage, the honourable member's motion is now before us at the report stage and the bill will be called again? (Agreed)

MR. SPEAKER: Moved by the Honourable Member for Rhineland, seconded by the Member for Assiniboia, that Section 95 of Bill 99 be amended by deleting the word "sixteen" in the first line of Section 167 (4) and substituted with the word "fourteen". Are you ready for the question? The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, this section deals with the age for driving farm tractors, etc., by persons and the restriction now is the age limit 16. I feel that this is too high, that we have many farmers who have farm boys who during the summer months especially will do work for the farmer in driving tractors, cultivating row crops and so on; there's innumerable jobs that they can do; do summer fallow work and so on; and why not allow these boys to work. I think if they ever learn to work on the farm it has to be at an early age otherwise they will not learn to work on the farm; and if the farm is a mile or some way from home he is unable to drive on the public road. If they take the tractor to the farm and he's allowed to drive the tractor there, if trouble develops he cannot come home with the tractor along that road.

So, Mr. Speaker, I feel that we're making restrictions far too severe under this Act and that they should be more liberal, and this is why I'm bringing in the amendment to lower it to age 14. I'm sure that the farm people in this province would appreciate this; I'm sure that they're in accord, and why not allow this to happen. I don't see why we cannot make this possible, and as I pointed out, it's not that these boys will be driving a lot of units along public highways, that's not the situation at all, because we don't see that many tractors driven by younger people on public highways, and why should we put this restriction in the Act. I feel very strongly about it and I appeal to the government to make this change so that we will not have this restriction on our books.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I can see that one or two other members are wishing to speak on this. I wish to speak on it because the remarks of the Member for Rhineland have taken me back in my own personal memories a few years. The subject matter that is before us right now is something that I have some personal experience with, but before I presume to take the time of members to relate my personal experiences, I would just say to the Member for Rhineland that the bill, that the section he is referring to, applies only to cases of driving tractors along public roads and highways, that it does not apply, obviously, to private property



(MR. SCHREYER cont'd.) . . . . and so any farmer's son who is under the age of 16 who is needed for the seeding or harvesting operation is quite in a position to drive the tractor or operate whatever other piece of self-propelled farm equipment is needed.

But is the Honourable Member for Rhineland really serious when he tries to make the argument that a young fellow, 14 or 13 or 12 should be allowed to operate a self-propelled vehicle, be it tractor, or self-propelled swather or combine along a public road that is in frequent use by highway traffic vehicles of one kind or another? The nature of farm equipment has changed, I don't have to tell my honourable friend that; today the tractors are almost all rubberized, they're all high speed in relation to what we were working with ten or twenty years ago, and I think that some people have failed to make the adjustment in their own thinking, failed to acknowledge in their own mind that the nature of farm equipment has changed in the past generation; much more sophisticated machinery -- in some ways perhaps easier to operate, in other ways more dangerous to operate.

The comments made by my honourable friend from Rhineland take me back to the years 1944, '45, '46, in my own case 10, 11, 12 years old, and I was not only expected to lend a hand during the summer, it was seen to it that I lent a hand during the summer, driving a tractor, pulling a swather, binder swather and so on at the age of 10, 11 and 12. Now it didn't do me any harm, but it's something that I wouldn't recommend these days, that young boys of the age of 9, 10, 11, 12 be allowed to operate self-propelled vehicles in near proximity to public roads and highways. It's just playing too dangerously. If parents need the help of their son who is under the age of 16, he can help all right, but not with respect to the operation of big modern self-propelled equipment; and if they must, then let it be on their own property and away from any place where they can cause damage or injury or accident to a third party.

I make a confession, Mr. Speaker, that when young people think that they can operate a vehicle they have this excessive confidence as to their ability to operate these vehicles and parents usually, boys being the apple of their eye, they think that their boy, 12 or 13, boy he can operate that piece of heavy equipment as good as anybody 30 and 40 years old. Well, that's just nonsense, that's just nonsense, excessive confidence, and we really should not be tempting the odds; we should not be doing anything that will in any way increase the probability of some accident serious or even not so serious taking place. I know from personal experience that accidents can take place so readily, so quickly, so easily when you have young people, very young people, boys really, operating equipment with hundreds of horse power and thousands of revolutions per minute. It's dangerous. We're not playing around with toys.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker, I listened with interest to the words of the First Minister and I fully agree with him that the farmer should be able to use his own son on his own property; but may I remind the First Minister that in so many cases the farmer really has no control over his own property. By the unilateral action of government the province can build a highway right through the middle of the farmer's property and in the operation of his farm it may very well be that he has to cross the highway in the operation. He'll have his farm split up in two fields where he only had one field before and it's the action of government that caused that.

We also know that in so many cases it's the action of government that has caused the economic conditions that a farmer operates under today, where the farmer would dearly love to be able to hire a man that is presently unemployed and relieve the labour conditions on the farm, but economic necessity dictates that he must use every available means of self-help which may include his 13-year-old son, or 14-year-old son or 15-year-old son. I would suggest to you, Mr. Speaker, that it's the effect of government on the livelihood of the farmer in their unilateral action in putting a highway wherever they want it and the controls that they put on the sale of his produce that so often dictates the conditions that the Member for Rhineland expressed at this time; and I would ask the government to consider seriously the fact that it's not the farmer's wish but it's the action of government that dictates the reason for the suggested amendment put forward by the Member from Rhineland.

MR. SPEAKER: The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Mr. Speaker, I feel the First Minister missed the main point in here because the amendment was reducing it to 14. You done an awful lot of your talking about boys that were 10 and 11 years old and 12; the amendment was 14. Now having had the farm experience you have I'm sure that you're quite aware that many boys of 14

(MR. HENDERSON cont'd) . . . . . can do a lot of these jobs as good as men. On top of that, you know that if it is a swather or some large implement that is very dangerous to move down a highway or that, that a father isn't going to let his son go on that because we have some common sense too; we give them the jobs to do that they can, and this would even mean if you had land that was a mile apart that that boy couldn't travel from one farm to the other on that tractor; and it's just not right, because these boys are able to work and I don't need to say it's the economical condition; it's good for them to work. I think this would be one time that you with your experience in farming and such like would be wise to recommend to your colleagues that they accept this amendment.

MR. SPEAKER: The Honourable Minister of Transportation.

MR. BOROWSKI: Would the member then agree that we should allow 14 year olds to drive a farm truck on a highway also?

MR. SPEAKER: The Honourable Member for Pembina.

MR. HENDERSON: Mr. Speaker, no I wouldn't; but at the same time I don't think they should be compared because highway driving with a truck takes them out on the highway where they're meeting all sorts of traffic, and it's a different thing altogether. And I'm sure that if the Minister of Transportation had experience in farming he would understand this.

MR. SPEAKER: The Honourable Member for Gladstone.

MR. J. R. FERGUSON (Gladstone): Thank you, Mr. Speaker. I'm in quite agreement with our farm members that have spoke on this side. I do believe, also, that possibly the 14 year old age may be a little young for the operators to be out on the numbered roads, and I would like to move a sub-amendment, Mr. Speaker, seconded by the Honourable Member from Pembina, that 14 be the age other than on PR roads.

MR. SPEAKER: Moved by the Honourable Member for Gladstone, seconded by the Honourable Member for Pembina . . .

The amendment is that Section 98 of Bill 99 be amended by deleting the word "sixteen" in the first line of Section 167 (4) and substituting it with the word "fourteen"; and the amendment to the amendment is with the addition of the words "other than provincial roads." The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, it's those last few words that are particularly interesting. I'm wondering while legal counsel is checking on the possibility of so doing, the Minister of Highways advises that there would be less of a problem in accepting such an amendment if it were to apply to roads other than highways and provincial roads. If it applies to municipal roads then I think we can probably accept that inasmuch as municipal roads are not heavily travelled, many of them are ungravelled, some of them almost ungraded and there really isn't that much of a problem. So while legal counsel is checking that out, perhaps some member could -- (Interjection) -- well, I take it then that as long as it's clearly understood that the amendment applies only with respect to municipal roads, and not provincial highways and provincial roads - in that case, we can accept that if legal counsel has the wording straight.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Speaker, there's really no need to say very much. I'm happy to see the government accept that amendment because so many factors hold true. We've lowered the voting age from 21 to 18 and we've done quite a few things towards this direction, and I feel, also, as the First Minister said in his first speech that while he remembers his former days of farming I'm sure he will admit, with others, that while the speeds have increased immensely with some tractors and other implements, I think it's also fair to say that some of our 14 year olds are perhaps a little bit further advanced than they were at one time - I'm not suggesting they are than the First Minister was at that time, but I think that partly we can assume that point. However, the emphasis is not on the First Minister. I gladly support the amendment. I think the Honourable Member for Rhineland will have to say that half a loaf is better than nothing and perhaps he can also support it then.

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

MR. SPEAKER put the question on the amendment as amended.

MR. MACKLING: Would you clarify the matter before us by way of vote?

MR. SPEAKER: Very well. The Honourable Member for Rhineland moved an amendment. The Honourable Member for Gladstone moved a sub-amendment to it, to a clause in section 95 of Bill 99, Section 164 (4); and the sub-amendment was striking out the word "highway" in the first line and substituting therefor the words "provincial highway." Is that clear? Question on the amendment as amended.

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

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, by leave I move, seconded by the Honourable Member for Killarney, that Section 100 of Bill 99 be amended by deleting all the words after the word "dollars" in the third line of Section 173 (3).

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, this deals with the offence and penalty section and in particular further on in the section the clause that we're deleting deals with the matter of a fine in case a person does not pay the fine and goes to jail. He then has to stay in jail at a \$1.00 a day and this is what I object so strongly to. I feel that we are hurting those people who are least able to pay, those people, many of them who probably are having a hard time making ends meet, those that don't want to go on welfare and who still are paying their way, and if they're subjected to a penalty, and then have to go to jail because they cannot pay a fine and have to stay in jail for the length of period divided by \$1.00 per day, and if it's a \$200 fine this means 200 days in jail.

I think this is ridiculous, Mr. Speaker; that if this is to apply that I cannot agree to it. If this is the principle that this government is going by, that under socialism the people of this province would be getting \$1.00 a day - Is that what they are saying? Is that what they mean? That under socialism the people of this province would be earning \$1.00 a day. That's the principle. Here we have a group that is captive, these people are under penalty, once we're under socialism we're all captive to socialism, the same principle applies again. So once we're in a captive situation this is what this government intends to do. They are going to allow the people to earn \$1.00 a day and I certainly cannot subscribe to this. I am sure that if a person was on welfare in Manitoba and he received a penalty of this type that most likely the government would pay his fine; this has been happening. Whereas the one who is doing his utmost to make a living and then subject to a fine like this he would have to stay in jail for that length of period. The alternative to that, Mr. Speaker, is that they are so desperately in need of money that they are doing everything possible in order to get that money and this is the way they're putting on the pressure. I cannot think that anything else but that there is greed involved here and they're doing everything to get money into their hands. We find so many sections where the fines and penalties are increased, where the fees are increased and I simply cannot go along with this.

The only reason I bring this in at this time is that certainly we won't be able to change all the fees that are listed in the bill and this is the way to bring attention to it and I do hope that they accept this particular amendment so that people in jail will not have to abide under this particular clause.

MR. SPEAKER: The Honourable Minister of Transportation.

MR. BOROWSKI: Mr. Speaker, for a member who doesn't have the courage of his conviction to stay in his seat and vote on an amendment he's certainly got a lot of nerve. I would suggest to him, Mr. Speaker, that he should read the Act first before he gets up and makes the ridiculous statement he just made.

Social Credit Government in Alberta and British Columbia and the Liberals and Conservatives throughout Canada throw people in jail because they can't pay fines. This is the first government that gives a damn and is saying to the guy if you can't pay the fine we will not put you in jail, we will simply take away your driving privileges for X number of days. If the fine is \$50.00, we'll take away your driving privilege for 50 days, he will not be in jail. And for him to make that kind of a statement, Mr. Speaker, is vulgar.

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

MR. BOROWSKI: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members. Order, please. The amendment before, placed by the Honourable Member for Rhineland.

A STANDING VOTE was taken, the result being as follows:

YEAS: Messrs. Froese.

NAYS: Messrs. Adam, Allard, Barkman, Barrow, Borowski, Craik, Cherniack, Desjardins, Doern, Evans, Enns, Ferguson, Girard, Gonick, Gottfried, Graham, Green, Hanuschak, Henderson, Jenkins, Johannson, G. Johnston, Jorgenson, McBryde, McGill, McKellar, McKenzie, Mackling, Malinowski, Miller, Moug, Patrick, Pawley, Petursson, Schreyer, Shafransky, Sherman, Spivak, Toupin, Turnbull, Uskiw, Walding, Watt and Mrs. Trueman.

MR. CLERK: Yeas 1; Nays 44.

MR. SPEAKER: The Nays have it, I declare the motion lost.  
The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I think you should take the Minister of Highways to task for his impulsive motives just before we took the vote, namely that I would not be voting. -- (Interjection) -- That's what you said.

MR. SPEAKER: Order, please. Concurrence first. Report stage. The Honourable Minister of Transportation.

MR. BOROWSKI: Mr. Speaker, I move, seconded by the Minister of Municipal Affairs that Bill No. 99 be concurred in.

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

MR. SPEAKER: The Honourable Minister of Transportation.

MR. BOROWSKI: Mr. Speaker, I move, seconded by the Minister of Municipal Affairs that Bill No. 99, an Act to amend The Highway Traffic Act (2) be now read a third time and passed.

MR. SPEAKER put the question.

MR. SPEAKER: The Honourable Minister of - call in the members. The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, there seems to be too much uncertainty as to whether or not it's the same division, so we have to go through with the bells.

MR. SPEAKER: Order, please. The question before the House is third reading of Bill 99. I should also like to indicate that there's been some difficulty with the tellers because some members are having trouble with knee-bends. Would they stand up and stay standing until their name has been called.

A STANDING VOTE was taken the result being as follows:

YEAS: Messrs. Adam, Allard, Barkman, Barrow, Borowski, Cherniack, Craik, Desjardins, Doern, Enns, Evans, Ferguson, Girard, Gonick, Gottfried, Green, Henderson, Hanuschak, Jenkins, Johannson, G. Johnston, Jorgenson, McBryde, McGill, McKenzie, McKellar, Mackling, Malinowski, Miller, Pawley, Patrick, Petursson, Schreyer, Shafransky, Sherman, Spivak, Toupin, Turnbull, Uskiw, Walding and Mrs. Trueman.

NAYS: Messrs. Froese, Graham, Moug and Watt.

MR. CLERK: Yeas 41; Nays 4.

MR. SPEAKER: The Yeas have it; I declare the motion carried. The Honourable Minister of Municipal Affairs, Bill No. 103.

MR. PAWLEY: Mr. Speaker, I beg to move, seconded by the Honourable Minister of Transportation, that Bill No. 103, an Act to amend The Municipal Assessment Act be now read a third time and passed.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Speaker, when I spoke on this on second reading and in committee, I again expressed my concern that the Minister has failed to bring forward the fundamental changes to the Assessment Act that are so essential in the province at this time. He has brought forward some fringe benefits but he has failed to take into account the major problem that is facing Manitoba today, and that is a proper and equitable means of assessment. And on that basis, Mr. Speaker, I have to oppose this bill.

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

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I move, seconded by the Honourable Minister of Youth and Education, that Bill No. 104, The Legal Services Society of Manitoba Act, be now read a third time and passed.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I haven't got a copy of the bill -- yes, I have it -- before me. I took exception to some of the provisions in there, particularly one in connection with the annual report, and while there's mention in the report of a financial statement which is to be audited and reported to the Attorney-General, the act does not necessarily require that this report be tabled to the Legislature. I feel very strongly on this point, that if we're going to spend monies for purposes of legal aid, to which I don't have any objection, because I think in

(MR. FROESE cont'd) . . . . . many cases it is needed, I don't quarrel with the principle of the thing, but I think we should have a proper accounting and a proper accounting to this Legislature, not just to the Attorney-General. This is where I feel that this bill has a great weakness and I feel very strongly that we should have a proper accounting made to this House. It's for the first time that I know that we're departing from this principle, that we have received proper accounting in all cases. This is true with the various credit agencies, the lending agencies that we have in this province under the various statutes and I feel that this is the first time where this is in doubt - "He may but he may not" - and I don't think it should be a question of whether he will or not. I feel that there should be no question on this very point, that we do get a proper accounting in this House of all the monies that will be distributed and to the various parties that will receive it. -- (Interjection) -- Yes, but I feel that we as members should have a proper accounting regardless of what type of information he wants to give us and what type he will not give us. I feel that this should be in the Act and that this should be provided for.

MR. SPEAKER put the question and after a voice vote declared the motion carried. BILLS NOS. 105, 114 and 115 were each read a third time and passed.

MR. SPEAKER: The Honourable Minister of Education.

MR. MILLER: Mr. Speaker, I beg to move, seconded by the Honourable Minister of Mines and Natural Resources that Bill No. 116, an Act to amend The Labour Relations Act (2) be now read a third time and passed.

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

MR. JORGENSEN: Ayes and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members. Order, please. The motion before the House is acceptance of third reading on Bill No. 116.

A STANDING VOTE was taken, the result being as follows:

YEAS: Messrs. Adam, Allard, Barkman, Barrow, Borowski, Cherniack, Doern, Evans, Gonick, Gottfried, Green, Hanuschak, Jenkins, Johannson, G. Johnston, McBryde, Malinowski, Mackling, Miller, Patrick, Pawley, Petursson, Schreyer, Shafransky, Toupin, Turnbull, Uskiw and Walding.

NAYS: Messrs. Craik, Enns, Ferguson, Girard, Graham, Henderson, Jorgenson, McGill, McKellar, McKenzie, Moug, Sherman, Spivak, Watt and Mrs. Trueman.

MR. CLERK: Yeas 28; Nays 25.

MR. SPEAKER: The yeas have it, I declare the motion carried. -- (Interjection) -- The Honourable Member for Morris.

MR. JORGENSEN: Just prior to the vote being taken the Honourable Member for Rhineland walked into the Chamber and was ordered out by the Member for Radisson as if he had any authority to order him out. My point of order is simply this, that I think it should be clearly understood that a vote is not formally called until the Speaker puts the motion before the House and up until that time anybody has a right to walk in and take his seat in the Chamber.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, on the point of order. It's true that members can make remarks but there is no power of any member to order anybody out. For the record, numerous members on this side called him back in and he insisted on leaving. I suggest that the order that someone ordered him out is not an accurate statement; otherwise what my honourable friend said is perfectly correct.

MR. SPEAKER: In respect to the point of order, I would agree that there was some validity to what the Honourable Member for Morris raised and also some value to what the Honourable House Leader said. I should also like to add my own comments. I have noted from time to time that honourable member are having difficulty standing up while the division is taking place. The teller has had to skip back and forth to make this point. I am certain that honourable members know their intention very well in advance when the motion is read as it is according to our rules and consequently they should make up their minds and not make it difficult for the tellers to call the names in order.

If any member has difficulty in getting out of his seat I am sure that at the request we would oblige having his vote taken when he's sitting down. The honourable members could probably agree if someone is ill and can't rise. Can we proceed with the House . . . The Honourable House Leader.

GOVERNMENT RESOLUTIONS

MR. GREEN: Mr. Speaker, would you call the resolution on Page 4 standing in the name of the Honourable Member for Logan.

MR. SPEAKER: Proposed resolution of the Honourable Member for Logan. The Honourable Member for Logan.

MR. WILLIAM JENKINS (Logan): Mr. Speaker, I beg to move, seconded by the Honourable Member for Gimli that the subject matter of Bill No. 30, The Architects Act be referred to the Special Committee on Professional Associations for consideration during recess or after prorogation with instructions to report at the next session of the Legislature.

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

MR. GREEN: Mr. Speaker, would you call the resolution standing in the name of the Honourable First Minister on Page 4 of the Order Paper.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I move, seconded by the Honourable the Minister of Industry and Commerce, that the Standing Committee on Utilities and Natural Resources, composed of Honourable Messrs. Burtniak, Green, Schreyer, Messrs. Barrow, Beard, Boyce, Craik, Enns, Gonick, Graham, Jenkins, Johnston (Portage la Prairie), McBryde, Shafransky, Sherman, Spivak, Turnbull and Weir, be authorized to sit during recess or after prorogation to complete its work. Then, if I may, with leave make a correction in the last line - and that the committee be authorized to consider matters referred to it.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I suppose that honourable members opposite are interested in some explanation as to what the intent here is. As we indicated several weeks ago, we felt that it would be useful and helpful to members of the Assembly if the Standing Committee on Utilities and Natural Resources were given the authority, by virtue of this resolution, to meet inter-sessionally. We recognize that honourable members opposite have a deep and abiding interest in the fields of resource development and utilities development in this province. Now it may well be that some of the rather major developments taking place in these fields of development are taking place on a scale, perhaps, that pleased my honourable friends opposite, but the method by which we are going about this development may not be so suitable to them. Well, this is part of the -- I suppose it is part of that which is normally to be expected in public affairs, that in large scale developments, even small scale developments, there are oftentimes more than one or two ways to go about a particular program of development. And this is certainly the case with respect to hydro.

My honourable friends have made it clear that they would, if they were in office, follow a different course of action. We know from the debates of 1968 and the early part of 1969 that they were setting out on a different road, a different course of action altogether, one that would have involved the high-level flooding of the Churchill River system at South Indian Lake and which, in their minds, in their view, could have avoided any regulation of Lake Winnipeg. Well, this government has made it clear that we intend to accept the recommendations of the Board of Manitoba Hydro to proceed with Lake Winnipeg regulation, a course of action that was recommended in the first place by the Nelson River Programming Board in the mid-1960's. I have always been very intrigued and very curious as to why it was that this major initial concept of some diversion of the Churchill at South Indian Lake plus Lake Winnipeg regulation, which two things, it was on those two things that the entire Nelson River development was predicated and then for whatever reasons in 1968, sometime in 1968, the decision was taken to drop one of these two major components of Nelson River development and to proceed alone with the Churchill River Diversion by means of high-level flooding at South Bay and South Indian Lake. Now my honourable friends feel that they have some support for their contention that Lake Winnipeg regulation is unnecessary. I don't suppose that anything I could say now would shake them from that point of view.

I just want to let them know that nothing that has taken place in recent weeks, or even months, nothing has led us to conclude that it would be in the public interest to abandon Lake Winnipeg regulation. We are as of firm resolve; we feel confident, on the basis of the advice given us and upon our own understanding of that advice, we are confident that Lake Winnipeg regulation is not only a necessary but in many ways a desirable component feature of Nelson River development and Hydro development. It has benefits of its own which go beyond idle

(MR. SCHREYER cont'd) . . . . development, which have to do with resource, with resource and recreation conservation. -- (Interjection) -- Well, I've explained it many times, my colleagues have explained it many times, my honourable friend here . . . I say simply to my honourable friend the Leader of the Opposition that if he will refer to three things on this question of Lake Winnipeg regulation and its desirability, both for hydro and for other reasons, I will refer him to three things.

First of all, I will refer him to a statement made by his own colleague the Member for Lakeside on the 27th of May, 1970, when he referred -- perhaps the dateline is wrong but it's -- this is 1970 dateline - it can be checked out; this is certainly when the Member for Lakeside referred to the decision to regulate Lake Winnipeg as, and I quote, "a dead right decision" and said he hoped it would accomplish much good. That's the Member for Lakeside. Then an even more eminent authority in the field of hydraulic engineering and resource conservation, Professor Kuiper, and he goes on in the course of a rather lengthy interview to say - and I'll be very candid, he was a little skeptical about some of the procedures that we had followed, the technical aspects of the procedure - but on the major question as to whether or not Lake Winnipeg regulation was both economical and desirable, he said that there was no question but this was the right thing to do. -- (Interjection) -- Well, my honourable friend can speak . . .

And thirdly, I would like to refer to my honourable friends, and perhaps this is the first time that the person is being referred to, the honourable friends opposite should know Manitoba is not exactly a Maritime province but we do have some fairly significant water transportation facilities. We do have a dredgemaster living in this province, one of only two, I believe, and this person who perhaps -- (Interjection) -- Well, my honourable friends can banter all they like - this person who perhaps has spent more time on Lake Winnipeg because of the very nature of his duty and work as a dredgemaster -- (Interjection) -- Well, you wouldn't ask an animal husbandry expert about Lake Winnipeg and vice versa. This person is a dredgemaster who has spent 22 years, 22 summers working on Lake Winnipeg, who is more intimately acquainted with water levels on Lake Winnipeg, ecological effects of change in water levels in Lake Winnipeg, and he, like Professor Kuiper, says without equivocation that this is the best thing that could have happened with respect to Lake Winnipeg and its surrounding ecology. There's no question whatsoever.

But Mr. Speaker, I want to address myself before adjournment hour to the question of whether or not the Opposition is correct when it complains that somehow, some way, we followed unparliamentary procedure by not having the report from the committee brought back to this House before prorogation. I want to tell my honourable friends opposite that I have taken the trouble this morning to check a second time with persons more closely acquainted with parliamentary procedure than they are, or ever will be, I think, and I am completely satisfied that when it comes to an annual report of a Crown corporation being referred to a standing committee, it is commonplace for some reports to be so referred and some Crown corporations do not report annually to a Standing Committee. That's point one, I just give it to you -- (Interjection) -- I'm not basing my argument -- (Interjection) -- Well, I'm talking about parliamentary procedure and as to what is acceptable parliamentary procedure. That's simply point one.

MR. SPEAKER: Order, please.

MR. SCHREYER: Point two is that in the event that an annual report of a Crown corporation is referred to a standing committee, the committee cannot -- by definition the committee cannot alter or amend an annual report of a Crown corporation, so therefore there cannot be any such motion as a standing committee motion to adopt the report - there can be no such motion - that all that a committee can do in the circumstances to have a motion dealt with, says that the report shall be received.

Now in the event that the committee does vote to receive the report, what is the next step? An automatic and necessary report back to the Legislature? I say that on the basis of the check that I have done this morning, as often as not a report from a standing committee on an annual report of a Crown corporation never gets back to parliament. As often as not. Therefore -- (Interjection) -- not here. Mr. Speaker, I don't know. Is there, is there any reference in our rules that says that it must? Now I want to refer my honourable friends to the statute of the Hydro Electric Board itself, since the Member for Riel was anxious to refer to statute law, and right in the Hydro Act itself, Section 46 (2) says that, upon being laid before the Assembly, the report of the Board stands permanently referred to the Standing Committee on Public

(MR. SCHREYER cont'd) . . . . Utilities. Permanently referred. What does that mean? -- (Interjection) -- Well, Mr. Speaker, I was just in the last sentence of conclusion.

In the light of all the foregoing, we are taking the necessary step to authorize the Standing Committee to meet inter-sessionally just so often as it pleases, so that there can be a full and ample consideration of many of the aspects of Hydro development - just to let honourable friends know that we have no inclination to not have discussion. So here's the resolution recommended to my honourable friends.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, I'm wondering if you would wish to adjourn until we return after lunch. If so, I'd like it to stand in my name.

MR. GREEN: Just before adjournment takes place, I canvassed the opposite side and I believe that it's generally agreed that there is no point in having a sitting this afternoon, that there will be two committees meeting and honourable members that are not on the committees needn't be here this afternoon, that we can aim at this evening at 8:00 o'clock with the intention of leaving the Mace on the table if the committees are still meeting. If that is agreeable, I move, Mr. Speaker, seconded by the Honourable the Attorney-General, 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 8:00 Monday evening.