

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Monday, April 19th, 1965.

Opening Prayer by Madam Speaker.

MADAM SPEAKER: Presenting Petitions
Reading and Receiving Petitions
Presenting Reports by Standing and Special Committees
Notices of Motion
Introduction of Bills

HON. STEWART E. McLEAN, Q. C., (Attorney-General) (Dauphin): Madam Speaker, I move, seconded by the Honourable the Minister of Education, that Madam Speaker do now leave the Chair and the House resolve itself into Committee of the Whole to consider the resolution standing on the Order Paper in my name and the name of the Honourable the Provincial Secretary.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried and the House resolved itself into Committee of the Whole with the Honourable Member from Winnipeg Centre in the Chair.

COMMITTEE OF THE WHOLE HOUSE

MR. McLEAN: Mr. Chairman, His Honour the Lieutenant-Governor having been informed of the subject matter of the proposed resolutions, recommends them to the House.

MR. CHAIRMAN: The first resolution before the Committee is: Resolved that it is expedient to bring in a measure respecting the acquisition of land by government and by certain agencies of the government and to provide, among other matters, that the costs of administering the Act be paid from and out of the Consolidated Fund.

MR. McLEAN: Mr. Chairman, the bill which is now introduced by way of resolution is a bill to provide for a purchasing agency to operate through the Department of Public Works for the acquisition of land by government and its agencies, and also for the establishment of an appraisal commission to establish the value of lands being acquired by the Province. Inasmuch as the operation of the acquisition and the work associated with the appraisal will require expenditures from and out of the Consolidated Revenue Fund by the Province, the matter is brought forward by resolution in committee.

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Mr. Chairman, this is a matter in which we have a good deal of interest on this side of the House. In fact we introduced a resolution at the summer session last year to have something in this order done, and we introduced a resolution again this year which was ruled out of order because presumably of the resolution that is now before us by the government. So we will have many questions to ask when we get the bill itself, and particularly once it reaches committee stage. At this moment we don't have enough details on what it is the government proposes to do to question too many things, but I would be particularly anxious to know whether it is the intention to have this body definitely purchase all of the land purchased by any of the agencies, that is the Telephone System, the Hydro, any other boards and commissions of the government, so that we will have assurance that this is being standardized, that there will be one policy to be followed in all cases. Apart from that, I will be content to wait until I get the bill itself to see what it is the government proposes.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party) (Radisson): Mr. Chairman, I might say as far as we in this corner are concerned, we too are greatly interested in seeing the type of legislation that the government will introduce. We're particularly concerned as to whether or not there will be a generally uniform policy insofar as the acquisition of land is concerned. One of our major criticisms of government has been the various methods, some by expropriation, some by negotiation, and other methods as well -and outright purchase- so far as the acquisition of lands that are required for governmental purposes. I hope that when we do see the bill that the government has at last come to realize that the question of acquisition of land is most important, not only to us in this Legislature but also of vital concern to those people whose homes and property may be affected by the operation of government.

I don't think anyone realizes more than we do in this House the importance of government having more or less uniformity in the approach. Also, Mr. Chairman, I don't think that anyone in this House cannot be concerned with the ever-increasing participation of government into the realm of the acquisition of properties, and while I fully realize, Mr. Chairman, that we cannot,

(MR. PAULLEY cont'd). on a resolution that is presented to the House, be fully informed, but we will be waiting with great concern the legislation as proposed by the government, and may I say to the Honourable the Attorney-General, however, that if the legislation which is proposed by the government doesn't bring about a semblance of uniformity in the approach, then we in this particular corner in the House will be tackling him and the government for the lack of such an approach.

MR. E. R. SCHREYER (Brokenhead): Mr. Chairman. I think it would be appropriate for me to say a few words with regard to this resolution at this time. I think that the introduction of this resolution by the government is a clear indication that this government acknowledges finally that its land acquisition practices have been less than satisfactory. I think that only the nature of politics and the nature of government prevents them from openly making such an admission. I think that it is unfortunate that the legislation that is envisaged here was not brought forward several years ago, because after all, Mr. Chairman, the new machinery for land acquisition which will be set up, will be set up after thousands of acres of land have been purchased and acquired and expropriated by this government. It is in many ways just like closing the door, closing the barn door after the horses have left. Still and all, Mr. Chairman, I suppose one must take refuge in the old saying that something is better late than never, and in the case of land acquisition by this government I would say that this legislation is better --even though very late, it's better than not making the remedy at some time.

I have much more to say on this matter but will reserve further comment until the legislation is actually before us.

MR. D. L. CAMPBELL (Lakeside): Mr. Chairman, like my honourable friend from Brokenhead, I expect to have quite a bit to say on this general question of expropriation at a later time, but at the moment, of course, I think all of us would be in agreement that we are glad to see legislation introduced that will bring The Expropriation Act up-to-date, and I hope that it will be of a character that it will remedy some of the defects that are in the present Act, some of them perhaps of longer standing, and those recently introduced here just a year or two ago. I hope that some of the drastic changes that were made quite recently will not find their way into the new Act.

I would like to ask the Honourable the Attorney-General if, in the preparation of the new Act, if full consideration was given to the legislation that obtains in the United Kingdom, because from the bit of study that I have given to this matter, I would think that they have been, as they frequently are in matters of legislation, quite forward-looking, and of course in that case they have a very long history and experience to look back on as well. Then, in the more recent events, the report of former Mr. Justice Clyde of the Court of British Columbia, I think has been receiving deserved attention among people who are interested in this general subject and also fairly recently the Province of Ontario, I believe has enacted new legislation.

The other question that I would ask of the Honourable Minister, Mr. Chairman, is, when this Act comes into effect will it repeal the dozen or thereabouts Acts that we already have on the Statute Books dealing with expropriation? Not perhaps a dozen Acts that deal with it directly, but I suppose more than a dozen Acts if you take all of them into account where some expropriation proceedings are warranted. Will they all be made subject to this new Act? I hope that the answer is "yes".

MR. McLEAN: Mr. Chairman, I would judge we are going to have a vigorous debate on this measure when it comes in a perhaps more formal way. I would say to the Honourable the Member for Lakeside that I think perhaps he may be confusing expropriation with land acquisition. This is a Bill for the establishment of the means by which the Government of Manitoba and its agencies acquire land. One of the means by which they may acquire land is by expropriation, and in that case they will use existing statutes or statutes that may be substituted for them, but this measure does not deal with expropriation, and that partly answers I think the reference to the Clyde report and the United Kingdom statutes and the Ontario legislation. I would say to the Honourable the Leader of the New Democratic Party that I think, yes, this Act provides a uniform policy of acquiring land by the Province of Manitoba, but that may be a debatable point depending on one's view of the legislation provided. And, to the Honourable the Leader of the Opposition, there are certain exclusions from the operation of the Act, and the detail will be readily available quickly, assuming that it receives first reading today.

MR. CAMPBELL: Mr. Chairman, is it a fact then that this Act is not dealing with expropriation as such, or with the Expropriation Act?

MR. McLEAN: That is correct, yes.

MR. CAMPBELL: Well, I'm sorry to hear that because I think that The Expropriation Act itself is greatly in need of revision and amendment and up-dating. However, that question is answered; this is not an Expropriation Act, or a revision of The Expropriation Act in any way.

MR. CHAIRMAN: Resolution adopted? The second resolution before the Committee is: Resolved that it is expedient to bring in a measure to amend The Civil Service Superannuation Act by providing, among other matters, (a) for changes in integrated annuities corresponding to changes in pensions payable under the Old Age Security Act (Canada); (b) that the Act may be made applicable to certain members, officers, or employees of certain boards and commissions and (c) for the designation of certain employees as transferred employees.

HON. MAITLAND B. STEINKOPF, Q. C., (Provincial Secretary) (River Heights): Mr. Chairman, there's a degree of change in the Old Age Security Act, and there probably will be lower age limits at which time the Old Age applicants will be receiving their pensions, and the Superannuation Act -- it's proposed to amend it to provide for differences in the annuities and the allowances so as to bring them up at times when the Old Age Security Pensions are not being paid -- this is on an actuarial basis -- and then after the payments are received, to be able to reduce the payments under this Act. This of course would be at the discretion of the person receiving the allowance or the annuity.

Another section provides for certain members of marketing boards becoming eligible, to become under the Superannuation Act. And another part of the Act would designate or permit the transfer of civil servants who are presently at the Manitoba Teachers' College and are being transferred to the University of Manitoba, to take their pensions and allowances with them from the Teachers' College to the University of Manitoba.

MR. MOLGAT: Mr. Chairman, I'll be very interested as well to see the details of this bill when it comes forward. I was a little surprised by a statement made by the Minister there that this is to provide for the inclusion of people who are on marketing boards, under the Civil Service Superannuation Act. I wonder if he could expand on that, tell us exactly what is intended here.

MR. STEINKOPF: part of the commissions of the marketing boards.

MR. MOLGAT: The employees of the marketing boards?

MR. STEINKOPF: Yes.

MR. MOLGAT: Is that correct?

MR. STEINKOPF: Yes, the commissions.

MR. MOLGAT: The commissioners, the

MR. STEINKOPF: established under the marketing board.

MR. PAULLEY: Mr. Chairman, this is a most interesting resolution. I might say that I'm not too concerned with the items (b) and (c) at the present time. I am, however, quite concerned with the operation of Clause (a), and I appreciate once again that until such time as the legislation is drawn to our attention for study that this precludes any examination of the proposal. But one of the features that I have objected to in some pension schemes - and I trust that this isn't the idea that the Minister has - is the relating of pension schemes to a person receiving the Old Age Security Pension. There are a considerable number of pension schemes in operation at the present time which pay a certain amount of pension up and until the Old Age Security Pension, or the Security Pension, comes into effect, which in effect means that those organizations with schemes of this nature then cease their contribution, or at least a proportion of their contribution, to the individual recipient of a pension. The net effect, Mr. Chairman, in many of these schemes is that the recipient of a pension is no better off when they become eligible by virtue of age to receive the Security Pension. I trust and hope that because of the fact of the announced plan - or indeed it's now been enacted - where over the period of the next five years the age of eligibility for the \$75.00 in respect of Old Age Pension will be reduced, that the government is not going to take advantage of this in respect of its employees insofar as the over-all amount that will be paid to recipients under the Superannuation Act of the Province of Manitoba.

Another point, Mr. Chairman, a little aside from that. While we are dealing with the question of the Civil Service's superannuation, the Act, last session - I'm thinking of the last general session of a year ago and possibly even before that - the Honourable the First Minister stated, if memory serves me correctly, that some consideration will be given to the portability of pensions within the Province of Manitoba, and also portability insofar as civil service personnel in other jurisdictions as well, namely that of the federal authorities and other provinces. I don't know whether the resolution as proposed by the Honourable the Minister of Public Utilities

(MR. PAULLEY cont'd). or Provincial Secretary contains provisions in this respect.

There is also, Mr. Chairman, another aspect on the question of pensions that I am still very anxiously awaiting a declaration of policy from the Provincial Government, and that is the question of whether or not the Province of Manitoba is going to remain in or opt out of the Canada Pensions Act, which is their right under legislation which now has become approved insofar as the federal authority is concerned. When my friend the Premier was speaking on the introduction of his budget some weeks ago, he didn't give us any concise or precise indication as to what the attitude of the Government is going to be respecting opting out. I have read with interest his remarks on a number of occasions, and it seems to me that while we may stay in, on the other hand we may opt out. I think, Mr. Chairman, any time that we are considering the questions of pensions in this House, superannuation pensions particularly, this matter is of vital concern insofar as personnel are concerned, and I would like to know whether any of the recommendations that the Honourable the Provincial Treasurer is going to suggest by way of amendment to the Civil Service Superannuation Act, have any bearing at all on what is now going to happen as the result of the new Canada Pensions Plan.

I don't think, Mr. Chairman, I need to say to the Provincial Treasurer or the Provincial Secretary how this very vital point is uppermost in the minds of many people in the province. Now, it may well be, Mr. Chairman, that consideration has been given by the Government or the Department as to the effect of the Pensions Plan, the question of the portability, and it might be that we will find this when we come to consider the bill that will subsequently be introduced, but I do want to take this opportunity, Mr. Chairman, of trying to elicit -sometimes it's awfully difficult to elicit information from my friends opposite- I do take this opportunity of informal discussion on the question of pensions, in an endeavour to find out -if indeed it is possible to find out- what is in the minds of the Government respecting this matter. And I would like to hear from the Minister at the offset as to how the legislation which has just been passed at Ottawa insofar as reduction of age is concerned will affect our Civil Service; what has happened to the suggestion or the announcement, as I recall it, of the First Minister regarding portability of pension; and thirdly, the position of the Government in respect of the Canada Pensions Act. Are we going to stay in? Are we going to get out? Or where do we stand?

HON. DUFF ROBLIN (Premier) (Wolseley): Mr. Chairman, I think I should, for the sake of the record, merely say that I made a full statement about the Province of Manitoba's position respecting the Canada Pension Plan, and whether we would stay in or stay out, during the Throne Speech debate. I don't think it would be advantageous to repeat that statement now. It's all on the record.

Secondly, I have also made a statement on a previous occasion respecting portable pensions, and the situation remains as I put it at that time.

MR. PAULLEY: Mr. Chairman, may I say in all due respect to my honourable friend, I have read his statements and I don't know whether we're in or whether we're out; because on different pages in the address of my honourable friend one could come to different conclusions. My purpose in standing up today is for my honourable friend to tell me in language what I suppose that even I could understand, where do we stand? Because I certainly, in all due respect to my honourable friend, can't arrive at a conclusion from his remarks insofar as where we stand in respect of the Canada Pension scheme is concerned. My honourable friend has also stated that insofar as portability of pensions, we know. Well, he may know, Mr. Chairman, but I don't know, because when we were having discussion on this matter some time ago the matter was more or less left up in the air, or the matter was going to be considered in conjunction with other provinces and other jurisdictions. If my honourable friend has any further information as to the result of consultation with other authorities, let him now say so. But certainly we haven't had any firm indication from him in my opinion, insofar as the Pension Plan is concerned or in connection with portability of pensions.

MR. STEINKOPF: Mr. Chairman, in replying to the question relating to the change in the Act that's before us, it's a pretty well-established fact that the Superannuation Fund isn't a fund that can be tinkered with insofar as pensions are concerned, vis-a-vis the Superannuation Fund and any of the civil servants. Each one has their own contractual obligation as to what the pension would be, but there can be a modification in the method of payments of these amounts as long as they work out actuarially the same as what the pension is; and with changing conditions, as will happen under the change in the age limits under the Old Age Security Act, it may be desirable to change the timing of when the pensions are received by the pensioners. So that is all that is being determined here and that will be worked out actuarially to work out to the same.

(MR. STEINKOPF cont'd)..... amount that the pensioner would have received if he had received the original amount of monthly pension cheques had there been no change in the Old Age Security Act, but it's not intended to --certainly not intended to take advantage of any additional payments that may be obtained under the Old Age Security Act by reason of a reduction in the age at the time that they are going to receive them.

MR. CHAIRMAN: Resolution passed? Committee rise. Call in the Speaker. Madam Speaker, the Committee has adopted certain resolutions and instructed me to report the same.

IN SESSION

MR. JAMES COWAN, Q. C. (Winnipeg Centre): Madam Speaker, I move, seconded by the Honourable Member for Pembina, that the report of the Committee be received.

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

MR. McLEAN introduced Bill No. 90, an Act respecting the Acquisition of Land by the government and agencies of the government.

MR. STEINKOPF introduced Bill No. 123, an Act to amend The Civil Service Superannuation Act.

MADAM SPEAKER: Before the Orders of the Day, we have in the gallery some Grades 7 and 8 students from Mary Mound School under the direction of Miss Emery. This school is situated in the constituency of the Honourable the Member for Seven Oaks. On behalf of all of the Members of this Assembly we welcome you.

Orders of the Day.

MR. ROBLIN: Madam Speaker, I think the House would like to have the latest information respecting the flood situation in the province, which I'd be glad to give. When we met last week we had a report at that time of some 24 feet being the predicted level for the Metropolitan Winnipeg area, and at that time we also had an estimate for some one and a half to two inches of rain over the two-week period beginning at that time. I'm very glad to say that the critical factor in the situation at the present, namely the weather has been very good and the latest forecast I have is for some rain and snow during the next 24 hours but cool dry air on Wednesday, and the fact that we've had this excellent weather over the past week has certainly been highly favorable to our situation here.

I should like to give you the levels at some interesting locations at the present time. The flow in cubic feet per second at Emerson at 8 o'clock this morning was 39,000 and the stage of the flood was 782.76 feet. The prediction for Emerson remains just about where it was, 55,000 cubic feet per second and 788 feet, which is 5 1/4 feet above the present level this morning. This compares with 51,800 cubic feet per second in 1948 and a level of 787.89 in 1948. At Morris the flow this morning was 46,000 cubic feet per second; the stage was 769.31; the forecast remains at 777 peaking on April 22nd for about 60,500 cubic feet per second. The flow in 1948 was 57,000 cubic feet per second with a level of 776.

The situation at Winnipeg is, level --63,000 cubic feet per second; the stage is 20.8 feet; the anticipated peak is 72,000 cubic feet per second and 23 feet on April 24th, and this corresponds with 70,000 cubic feet per second and a level of 23.4 in 1948.

As I came into the House I was handed a further report on the situation which indicates that the American authorities are revising their forecasted peak at Drayton upward from 39.8 to 40.3 with an anticipated peaking date of April 22nd instead of April 20th. Their Pembina forecast, which is just across the river from Emerson of course, has now been increased by 3 feet compared to what the previous forecasts were south of the line, and they have retarded the arrival of the peak until April 24th. This would mean, I would suggest, that our peaks may be delayed as well.

There has been another development south of the line the last few hours which is favourable to us though very unfavourable to them, namely, that there has been a good deal of ponding --that is, water going over the banks and local flooding, which will have the effect of reducing the levels in Manitoba, and if much of this goes on it might significantly improve the situation at Emerson, but it's too early to say.

That's the information on the flood levels as we have them now, with our forecasts. It looks as if some of the peaking dates will now be retarded somewhat due to what's happening south of the line, but the flood forecasting people are sticking to their present anticipated peaks as being what they consider to be reasonable figures under the circumstances. There has been a good deal of information given out from time to time about what's going on in the way of flood

(MR. ROBLIN cont'd). . . . fighting. I don't intend to repeat any of that here unless there are specific questions that people would like to ask me, but I would like the House to have the present information. In a nutshell it means that, generally speaking, we can continue to expect flooding of the 1948 dimension as we have anticipated for some time, although we must be, I think, very pleased that all the factors in the situation seem to be working for good as far as we are concerned in this area.

MR. MOLGAT: Madam Speaker, I thank the Minister for his statement. I wonder if I could ask him some specific questions. One of the problems is being able to analyze what goes on seems to be the different gauges that are used. For example, we speak about Emerson being 782.76 and then on the other hand we speak of Winnipeg as being 20.8 or 20.9, and it's very difficult to make the comparison. I wonder if it would be possible to have one standard reading, so that you could make an actual comparison, as you move down the river, as to what is happening.

I note that the Premier states that there had been a forecast of one and half to two inches of rain, and I must say that this escaped me in the previous statements made here in the House. I wonder where that forecast came from and when the statement has been made to the House, because I recall the statement here last week. It was that the weather was clear and that there were no indications of any precipitation, and of course things would change if there had been or if there would be precipitation, so I would like to know when this estimate came in and from where.

Regarding the announcement yesterday that it was expected that there would be a lower stage than what had been previously forecast, I believe the premier had indicated that this partly was because the tributaries in Manitoba had peaked at an earlier date. I wonder if we could have the dates on which the various tributaries in Manitoba did peak, and what the flows were on them?

MR. ROBLIN: Madam Chairman, the information about the long range weather forecast comes from the United States Weather Bureau in Washington. That's where we got that information and it came to us last week after the House rose. With respect to the peaking of the tributaries along the Red River, I think that was reported to me by Mr. Griffiths, the chief of our forecasting service, yesterday. I think that's when they had that information in, and as a matter of fact, the peaking information came all the way from Grand Forks up to here. Up to that time, the only rivers on which we knew that there had been a peak I think was on the Seine River and the Seine Diversion, which I think I probably mentioned, and on the Pembina, but the others since came in ahead of the flood crest, which is all highly satisfactory. The information on the river levels --of course I'm just giving the House the information on which the experts work and I'm afraid I can't provide anything more than that. In some of the locations it's based on the sea level, above the sea level measurement of water. In Winnipeg it's based on flood stage from an arbitrary datum line that's been worked on here as the datum for many years.

MR. MOLGAT: Madam Speaker, I wonder if I could ask some subsequent questions. I appreciate that the First Minister would not have the information possibly at hand, that is the peaking dates and the flows of the tributaries, but I would appreciate if we could get that later on for the various tributaries involved.

I would also like to ask some questions, Madam Speaker, about the Indian population which has been moved to MacDonald Airport, I believe. I'd like to know how many have been moved; whether this is a voluntary move or a compulsory move; whether all are in fact going to MacDonald Airport or whether some are going elsewhere or remaining in the general vicinity; and what arrangements are being made at MacDonald for --well, housing, I guess, is available but for feeding in particular. Is it going to be done on a catering basis or will they be supplied with food and cater themselves? And what the total estimated cost is involved. My last question would be: what was done in the previous floods in 1948 and 1950 and any other subsequent floods, with these same people?

MR. ROBLIN: I can't answer the question what happened to them previously except that I do know that they left the reservation because it was under water. Now where they went or what happened to them I don't know. There are about 500 people involved and almost all of them I think are being moved to MacDonald. There were two propositions discussed with them. One was to move to the higher ground east of their location, where they would be put up in tented accommodation, or go to MacDonald. This is a matter that's been decided between the band and the Department of Indian Affairs and we are co-operating with them in their decision. but the move is a voluntary one. It's being taken on their own motion. I believe the Department of

(MR. ROBLIN cont'd). Indian Affairs are the people who are perhaps responsible for, as much as anybody, for taking the decision in conjunction with the band. They are being fed for the first day or two by catering at MacDonald but if they stay there any length of time we expect them to do their own catering for themselves. Costs I think will be a matter for the Federal Government.

MR. PAULLEY: Madam Speaker, if I may be permitted just a word in connection with the flood, and I hope I have permission to say a few words without a direct question to the Honourable the First Minister. I'm often accused, Madam Speaker, of buttering up the government or giving them undue credit in some quarters. May I in this particular occasion pay them a compliment, in that --yes, it is usual and I'm sure that if I was standing in this House in '48 or '50 I couldn't have done the same thing. But I want to say that I appreciate and I have had a considerable number of phone calls from people who are concerned with the rising waters, indeed as we all are, that the information that is being made available to them is generally well accepted. The type of information has allayed the fears of many individuals who may otherwise have been in a position of almost hysteria and this is, I want to say to the government, appreciated by the people who have been in contact with me.

I might say too, Madam Speaker, that I don't think that there is a bigger critic --I don't mean of course in size-- than I have been insofar as the department operated by the Provincial Secretary, that is the question of Civil Defence and Emergency Measures organization. I want to say that I'm very glad, and indeed I've always supported that portion of government expenditure for such purposes as we're faced with at the present time. I want to say to the Honourable the Provincial Secretary that I have visited Room 200, seen the organization that has been set up there, and I think that this is fitting and proper that it should have been done, and is the type of service that is well insofar as the people in the general area is concerned.

I do note that there are different figures given as to the possible extent that the Red and its tributaries may rise. It may be that the Provincial Government and its forecasting committee were out on their figures; it may be that the gentleman from Fargo who's now retired in respect of Emerson may be correct. But the whole point though, I think, Madam Speaker, is that due to the actions of the Emergency Measures Organization and the interest of the government in this, that the fears of many people have been dissipated, or at least they have been comforted, that someone is on the job.

Now, Madam Speaker, if again my accusers say to me that I'm buttering up the government in this instance, I make no apologies at all. I think that they are doing the right thing and even though I fight them from time to time I appreciate their efforts as well.

MR. CAMPBELL: Madam Speaker, like my honourable friend the Leader of the New Democratic Party, I would like to have the opportunity of making some brief comments as well as asking questions, and my first comment in order to give what little information I can regarding these water levels would be that when we talk about a 20 foot crest on the Red in the Metropolitan area, that should be related to the height of the primary dikes system, which if my memory serves me correctly is 26.5, so we would --at that crest there would be something in the neighbourhood of 6 1/2 feet freeboard in the primary diking system. That of course is not the case in the Elm Park district and a couple of other lower lying places, but the thought always was that these would be raised and they can be raised if occasion requires.

The only other piece of information that I would give in that regard is with regard to the Indians that were spoken of from the Reserve. In 1950 we simply provided them with tents, I believe. They had tents available and they moved off to the east to the higher ground which was readily available to them, where there's bush, and they seemed to feel quite at home. Very little expenditure was involved which my honourable friend the Leader of the New Democratic Party would be very pleased about. We didn't have to spend much money.

Now, Madam Speaker, inasmuch as the Honourable the First Minister in his report didn't mention the Assiniboine River so far as I heard, I would like to ask him if it isn't a fact that rather severe flooding has taken place both to the south side of the river and to the north side of the river. The constituency of my honourable friend the Minister of Agriculture and Conservation, whose interests I'm always anxious to protect, is being flooded to quite an extent. I would think my honourable friend would want to make some statement with regard to what's being done there, and I would think that someone should make a statement over the fact of why the dynamiting of the ice floe on the Assiniboine River didn't take place sooner than it did, because the fact is that the ice jam which is usually what causes the flooding on the Assiniboine River --it's usually caused by ice jamming. That's what happened this year. That

(MR. CAMPBELL cont'd). . . . ice jam extended for a considerable distance and remained for a considerable time, and it was only yesterday afternoon that it was finally dynamited. An earlier one had been dynamited, that's true, and reasonably successfully, but the one that caused all this flooding to the north and to the south of the river, both sides, and serious flooding for a good many people, where homes have been flooded, farmlands have been flooded, seed grain has been dampened, and other difficulties have occurred, came entirely from the fact that the ice jam occurred first of all. When this ice jam gets bad enough there's actually a shelving of the ice to the extent that it begins to resemble a bunch of shingles shoved in together, and it becomes very, very difficult to move it. What I would like to know is why was the dynamiting not attempted sooner on that river.

MR. ROBLIN: this, Madam Speaker, I would like to give the latest figure on the movement of the Indians. When I spoke I had a general figure but now somebody has handed me the exact figure, 254 -- the total number that was moved from the Reservation.

Now regarding the dynamiting, I think people have to recognize the fact that no one can predict precisely when there's going to be an ice jam on the Assiniboine River. It happens, and it probably will continue to happen, and it has been responsible for some pretty unpleasant flooding at the present time. My honourable friend leaves me with the impression that people were standing round with their hands in their pockets not dynamiting that ice jam when it could have been dynamited. Well, of course I would repudiate that suggestion. The dynamiting was done just as soon as our folk were able to get effectively at the ice that was causing the jam. They were there with dynamite, plenty of dynamite and plenty of facilities, and there's no undue delay that I'm aware of -- certainly no lack of dynamite nor lack of supplies nor lack of people. They were there and doing their best. I can only say that they dynamited just as soon as they were able to do so, and I would not -- the information I have now would not lead me to accept the suggestion that there were any deliberate delays of any kind whatsoever.

HON. GEORGE HUTTON (Minister of Agriculture and Conservation) (Rockwood-Iberville):

Madam Speaker, since the Honourable Member for Lakeside was so solicitous in respect to the people that I represent, I wish his solicitude for these people and others on the other side of the river would express itself in some kind of support for public works which can prevent this sort of thing happening to these people again, and he'll not get far in this House, nor will he get far out in the country with the people who know that he refuses to lend his support to these kind of much needed public works. If we had had the Portage Diversion in operation we could have controlled the kind of flooding that took place in spite of the ice jams, because we could divert all of the water down the proposed diversion and it wouldn't half fill it. The fact is that as long as we have the Assiniboine with its present characteristics that we're all familiar with, and as long as there is no effective way to deal with it, we are going to have to experience the kind of flooding that the poor people out there have experienced this year and have experienced in the past. There's only one final answer for it. I'll be happy and those people will be happy when the Honourable Member for Lakeside stands up and supports it.

MR. CAMPBELL: Madam Speaker, we really will be happy when my honourable friend demonstrates that it will work with the ice jams, but this remains to be seen and my honourable friend is well aware of it. He doesn't need to speak with such assurance.

MR. SCHREYER: Madam Speaker, before the Orders of the Day, I would like to direct a couple of questions to the front bench opposite regarding the flood situation. First of all I would like to know if the kind of flooding that took place around Portage la Prairie and east of Portage la Prairie, whether the flooding was of the kind that lent itself to diking or sandbagging or any kind of anti-flood fighting measures, whether evacuation work could be carried out, and so on. In other words, my question is, was this sort of work necessary? Could it be done? And was such work done like sandbagging, particularly in the Town of Portage la Prairie? Was it carried out?

Secondly, I would like to ask if anyone of the Cabinet or the Emergency Measures Organization authorized the transporting of children from Portage la Prairie to fill sandbags along the Red River north of Winnipeg?

MR. ROBLIN: Madam Speaker, I think that the nature of the flooding at Portage la Prairie, being due to ice jams, is something which really can't be taken care of by the same kind of measures that operate in other parts, and that I wouldn't really recommend that under usual ice jam circumstances.

I've just received a note here that the departments were very busy on Saturday trying to get to the ice jam and finally they had to try and get at it by helicopter. It proved impossible to

(MR. ROBLIN cont'd).....reach it by land, so a man went down on the end of a rope from a helicopter to deal with some of these things, so that indicates that certainly no measures were overlooked that could be taken to remedy this matter.

As to this question of the transportation of children from Portage to handle the dikes north of Winnipeg, it's certainly news to me. It's not been authorized by anyone that I know of.

MR. SCHREYER: Madam Speaker, I would hope that someone will take notice of this question and provide an answer. I put the question again. Did anyone authorize the transporting of school children from Portage la Prairie by bus, to fill sandbags for the private homes north of Winnipeg?

MR. ROBLIN:.....takes in a lot of territory. Certainly nobody under my authority as far as I'm aware of did it. If my honourable friend knows of such a case and wishes to provide me with the facts, I will certainly have it looked into.

MR. CAMPBELL: Madam Speaker, with regard to the helicopter, I would just like to say that helicopters were available long before Sunday.

MR. ROBLIN:.....my honourable friend however, that we first take the normal steps to get to the ice jam and explode it. If they don't work then you work around to the others. But I repudiate the idea that there was any slackness on the part of the Department in this respect.

MR. CAMPBELL: Madam Speaker, I'd just like to mention to my honourable friend that when the river is flooding over it's obvious to anyone from the very beginning that they can't get there by normal means, if a person means driving in the car. You've got to get there by air.

MR. MOLGAT: Madam Speaker, I wonder if I could ask some further questions particularly with regard to the situation along the Red River Valley, below or upstream from Winnipeg, the towns from the American border north, that's Emerson, Letellier, St. Jean, Morris and so on. Presumably diking is going on at those towns now. First of all, is that correct?

MR. ROBLIN: There may be some isolated diking going on, but as for dikings on the Winnipeg style, the answer is "no".

MR. MOLGAT: Well, what measures are being taken to protect those towns from the rising water?

MR. ROBLIN: If my honourable friend will recall the findings of the Royal Commission in respect of this matter, they made it quite clear that they did not approve of ring diking as being a solution to the problems of the Red River with respect to these towns. However, that's not to say that isolated diking projects are not being undertaken, and I know that sandbags have been sent down and supplies of that sort, so undoubtedly some of it has been taking place, but as for general protection - say in a town like Morris - with dikes, it just can't be done.

MR. MOLGAT: Well I was under the impression that there was some diking going on, but I gather then from the Minister that this is purely isolated if so, I'd like to ask a further question of the Minister. As I understood the statements last week by the Minister of Agriculture and the Premier himself, the whole forecasts were based on good weather prevailing, and I gather from his reply to me that the decision made on, I think Thursday last, to declare a limited state of emergency and to proceed with some of the measures that the Government undertook, were based on good weather, and that the subsequent statement that they had expected one and a half to two inches of rain, from the statement of the Premier was found out after this time.

MR. ROBLIN: I wouldn't say that at all. We based our decision on the over-all situation. We said that the particular forecasts that were made at that time were good weather forecasts, but I don't think that our decision was based on that. I mean to say, if you sit around and wait for the blow to hit you, you may be in an unfortunate situation. That was done before.

MR. MOLGAT: The decision is now taken, I presume, not to raise the main dike system in Winnipeg. Is that correct?

MR. ROBLIN: The decision has not been taken not to raise them, the decision has been taken to have everything in readiness to move should the situation require it. And that is the situation we are in right now.

MR. CAMPBELL: Madam Speaker, before the Orders of the Day are proceeded with, I would like to ask the First Minister or anyone who is in the position to answer the question, if any member of the government is aware of the fact, is it a fact that the children from the Indian Residential School near Portage la Prairie were brought into the Winnipeg, Greater Winnipeg area, to help with diking?

MR. ROBLIN: No, I don't think any of us are aware of that. It certainly hasn't come to my notice.

MR. SCHREYER: Madam Speaker, I can ascertain that to be true. I saw it with my own eyes and they were brought in to sandbag, not in the Winnipeg area, on a particular property. And I would like to know if this was authorized. Now whoever the responsible Minister is, will he please take this as notice?

MR. ROBLIN: Well, I think that I've already said that it's not been authorized by us. Now what individuals may be doing or what the Federal Government or the Indian Affairs Branch may be doing with respect to this is not a matter under our control.

MR. NELSON SHOEMAKER (Gladstone): Madam Speaker, before the Orders of the Day are proceeded with, I would like to direct a question or two to my honourable friend the Minister of Health. Is it true that the Government is closing or anticipates closing the Assiniboine Hospital in Brandon? And if the answer is "yes", what plans have they, the government, to accommodate the 178 patients therein?

HON. CHARLES H. WITNEY (Minister of Health) (Flin Flon): Madam Speaker, the answer to the first question is "yes"; and the answer to the second question is that a meeting has been called by the Manitoba Hospital Commission with the Brandon General Hospital Board and with the Sanatorium Board of Manitoba, to discuss these problems and any other problems that they want to discuss at that time in relation to the Assiniboine Hospital.

MR. MARK G. SMERCHANSKI (Burrows): Madam Speaker, I'd like to direct a question to the Honourable Minister of Agriculture. It's rather interesting to know that the ice jamming which has taken place on the Assiniboine River will not take place on the proposed Portage Diversion. And my question is, is this his feeling that there will be no ice jamming on the Portage Diversion, or is this based on actual engineering studies and facts? Which is it?

MR. HUTTON: The information is based on the engineering design of the works.

MR. SMERCHANSKI: Madam Speaker, if it is based on engineering design, I cannot quite understand all the difficulty that has been encountered in moving the ice jam on the Assiniboine, because we have got expert army demolition engineers, and when the first stage of ice jamming takes place there is usually a continual lookout on this condition, and it takes very little explosives at this initial stage to move the ice jam. It could be accomplished either by a helicopter; it could be accomplished by low flying aircraft; and to me, the fact that this was not able to be accomplished on the Assiniboine and the fact that it did back up and create flooding conditions in Portage la Prairie, does not seem to tally into the fact that no ice jamming would occur on the Portage Diversion based on engineering surveys. And therefore, Madam Speaker, I do think that I have to disagree with the First Minister's remarks that the ice jamming on the Assiniboine River was attended to much too late and not enough effort was put into this matter by calling on expert demolition engineers which we have in the Canadian Army that can handle this matter at an instant, and if they're not available in this area they certainly are available in Eastern Canada where they perform these type of duties on a matter of an hour's notice.

MR. HUTTON: Madam Speaker, I would just like to clarify one fact. The engineers are designing the Portage Diversion not to stop ice jams, but the fact that the Diversion is there means that they can divert the water. Now the ice jams are only bad because the water has backed up behind them. Now if there's a method of taking the water off another way instead of having it spill out on either side of the ice jams, then of course you, to a great extent, control the bad effects of the ice jams. We've never said that there won't be ice jams, but the fact is you'll be able to manipulate the water behind the ice jams. Now that shouldn't be too hard to understand.

MR. CAMPBELL: my honourable friend the Minister of Agriculture and Conservation that when Lake Manitoba at that time of the year is completely frozen over, how he will get the water into the lake?

MR. HUTTON: Well there's just about 50 feet difference between the Assiniboine River and the lake, and I've always understood that water ran downhill.

MR. CAMPBELL: Madam Speaker, when it reaches the lake, won't it just spread out at the front end of it?

MR. HUTTON: Madam Speaker, water usually spreads out in the lake.

MR. SMERCHANSKI: I'd like to ask another question of the Honourable Minister of Agriculture, and that is this. Does he place the same emphasis on the ice jamming conditions as he does on the water run-off? These are two completely different problems. Which does he feel is the more important, the initial ice jamming or the initial run-off of the water?

MR. HUTTON: Madam Speaker, the Portage Diversion has been designed and will be built primarily to deal with the peak floods that have occurred on the average about once every nine years. These peak run-offs occur long after the ice is out on the river. But, in addition to dealing with these peak run-offs in May, it becomes a very useful tool in dealing with the kind of flooding that has occurred at Portage and east of Portage this spring, because it allows us to manipulate the waters behind any ice jams that do occur.

MADAM SPEAKER: Orders of the Day. Order for Return.

MR. McLEAN: Madam Speaker, before the Orders of the Day, I should like to table a Return to an Order of the House No. 31 on the motion of the Honourable the Leader of the New Democratic Party, March 26, 1965, and in addition, a Return to an Order of the House No. 32, on the motion of the Honourable the Leader of the New Democratic Party, March 26, 1965.

HON. J. B. CARROLL (Minister of Welfare) (The Pas): Madam Speaker, before the Orders of the Day, I would like to lay on the Table of the House a Return to an Order of the House No. 45 in the name of the Member for Logan.

MR. HUTTON: Madam Speaker, before the Orders of the Day, I would like to lay on the Table of the House a Return to an Order of the House No. 37 on the motion from the Member for Burrows, and a Return to the Order of the House No. 42 on a motion of the Honourable Member from Brokenhead.

ORDERS OF THE DAY

MADAM SPEAKER: Order for a Return standing in the name of the Honourable the Member for St. George.

MR. ELMAN GUTTORMSON (St. George): Madam Speaker, I move, seconded by the Honourable Member for Gladstone, that an Order of the House do issue for a Return showing the details of all land and building appraisals made by, or on behalf of, the Government of Manitoba, of the properties involved in the Shellmouth Dam and Reservoir; showing in particular: (a) the date on which the appraisals were made; (b) by whom the appraisals were made; (c) the qualifications of the appraisers at the time the appraisals were made; (d) whether in all cases the appraisers were accredited appraisers; (e) what the basis of payment was (fee, per diem, or what); (f) how much was paid for the work; (g) the description of the property appraised; (h) what appraisal values were indicated for the various parcels of land and buildings appraised.

MADAM SPEAKER presented the motion.

MR. HUTTON: Madam Speaker, we will accept this Order subject to the usual reservations about any information which would be confidential.

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

MADAM SPEAKER: Order for Return standing in the name of the Honourable the Member for Portage la Prairie.

MR. GUTTORMSON: Madam Speaker, in the absence of the Member for Portage la Prairie, I move, seconded by the Honourable Member for Gladstone, that an Order of the House do issue for a Return showing: 1. Which associations, groups, bodies or individuals other than the Manitoba Government requested and made use of any of the rooms in (a) the Legislative Building, (b) the Norquay Building, during each of the years 1962, 1963 and 1964. 2. Which rooms were used by each and on what dates. 3. Were any charges made for the use of these rooms. 4. If so, which associations, groups, bodies or individuals were charged and how much was paid.

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

MR. McLEAN: Madam Speaker, I move, seconded by the Honourable the Minister of Education, that Madam Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the following bills: - No. 37, An Act respecting the Liability of Guarantors of Debts; No. 39, An Act to amend The Public Schools Act; No. 52, An Act respecting the Horse Racing Commission; No. 62, An Act to Amend the Agricultural Credit Act; No. 63, An Act to amend the Companies Act.

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

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: Bill No. 37, Section 1 passed. The former Section 2 is now numbered Section 2 subsection (1). Subsection (1) passed. New subsection (2) passed. Section 2 passed.

MR. SAUL CHERNIACK, Q. C. (St. John's): Is that Section 2 of Bill No. 39?

MR. CHAIRMAN: Bill No. 37.

MR. CHERNIACK: I'm sorry.

The remainder of Bill No. 37 was read section by section as amended and passed.

MR. CHAIRMAN: Bill No. 39, Section 1, Section 446A --

MR. CHERNIACK: Mr. Chairman. I couldn't really let this pass by without recording my regret that the government has not seen fit to pay careful heed to what has been said in the briefs and the representations made by both the trustees and the teachers when they appeared before the Law Amendments Committee. As I recall it, no one spoke to this Committee other than the people most closely involved with education, namely trustees and teachers, and I would like to draw to the attention of this Committee what was said by these representations. The first and the least to speak on the entire question was the Manitoba School Trustees Association which submitted a one and a half page brief, and they said that they were quite favorable to this bill and then -I quote the sentence- "That the Association had agreed to support the implementation of Recommendation 15"-which is of the Commission- "provided approval of the majority of electors in a Division was obtained beforehand." Now Mr. Chairman, that is really all that they said in relation to the principle involved in this section that we are dealing with just now, "provided approval of the majority of electors in a Division was obtained beforehand."

Now the whole problem that was raised by the other two groups was that there were obstacles in the way of obtaining or requesting consideration by the electorate and obtaining approval of the majority of electors, and that was the method whereby the referendum would be ordered. It required something to happen before a referendum would be submitted for consideration and approval or rejection by the majority of electors, and I think it's not unfair to suggest that this brief did not go quite as far as visualizing just what was necessary, but the other two briefs did, and the brief which was presented by the Urban School Trustees Association of Manitoba --and I digress for a moment to point out that according to newspaper reports both the Urban and the Manitoba School Trustees Association are making arrangements to co-ordinate their activities and to consolidate actually their function-- the Urban School Trustees, who had given a lengthier brief and more consideration to this question, say in part on Page 1: "We respectfully suggest that Bill 39 will not result in the beneficial results of change contemplated by the Royal Commission. In some respects," they say, "we find that Bill 39 is more restrictive than existing legislation."

And on Page 2 they state that under existing legislation the voters have more say than under the proposed bill. They point out, and I quote again, "Our original submissions were that the Government should transfer the authority as recommended by the Royal Commission without requiring any vote," and on the concluding page, Page 4 they say: "We suggest that the transfer of most of the financial and administrative powers from the elementary to a division or area board is the next logical and necessary step in the progress of education in Manitoba." Now they indicate that this is the next logical and necessary step and in their opinion --and I go back to the quotation from Page 1- they suggest that this bill will not result in the beneficial results of change, and that it is more restrictive than existing legislation.

Now I turn to the school teachers who submitted a brief, that is the Manitoba Teachers Society, and I quote from the bottom of Page 2 of their brief where they state: "The Society believes that if this section is implemented in its present form." and I stop for a moment to point out, Mr. Chairman, that the amendment does not really take care of the objection of the Teachers Society, and I go on to quote: "that if this section is implemented, few, if any, school areas will be established in the next ensuing years for the following reasons," and I'll cite only from three of the reasons given. "First," they state, "under this proposal a majority of the district boards with a small minority of the pupils resident in the division, could prevent the holding of a referendum. In such school divisions as Brandon and Transcona-Springfield, boards and school districts having as little as five percent of the electorate of the division could deny the electorate of the division an opportunity to vote on the transfer." Again I stop and point out that the Manitoba Trustees Association spoke about the need to obtain the approval of the majority of electors. The Teachers Society points out, and I think correctly, that in the examples given as little as five percent of the electorate could deny the electorate of the division an opportunity to vote on the transfer.

(MR. CHERNIACK cont'd).

Another point that is made is that one school board in the division, because of its size, and again an example is given of Brandon or Transcona, could prevent the holding of a vote by refusing to petition for a referendum. I point out that this section requires 50 percent of the school districts representing at least 50 percent of the pupils in the division, so that there is a double-barrelled obstacle to prevent this matter being submitted by referendum.

The Teachers Society points out on Page 4 of its brief, it believes that this is a matter of such urgency to the improvement of our educational system and to the guaranteeing of equality of educational opportunities throughout the province, that the government should implement this transfer under its own legislative powers. Both Alberta in 1937 and Saskatchewan in 1946 proceeded in this fashion. Last year the government of Ontario proceeded with the implementation of a similar proposal without local referendum.

Now Mr. Chairman, I would point out that members of the Law Amendments Committee who were present at the time that these presentations were made I think heard the representatives of both organizations state that they felt that this bill would be a step backward in the progress which was contemplated. Both, I believe, said that it would be better if there were no bill passed than this bill should be passed, and I must say, Mr. Chairman, that this exactly is the concern that we should all have. The trustees, the Urban Trustees and the Teachers Societies, both have recommended against allowing this Act to pass in this form. The idea behind it is of course a good one, but to put the obstacles in the path that have been put is a bad idea, bad to the extent that it could hold back the progress which was contemplated in the Royal Commission. I deplore this attitude of the government and I can only give the explanation for it that the government is fearful of taking this step at this time without giving a protection to a large number of small school districts and trustees representing these small areas in this province. I believe that because the government is fearful of doing anything without the approval of this—and I must say this minority, because if it were a majority then the majority would have the right to vote it down—it is not proceeding in the manner in which it ought to proceed in this most important function of government.

I do not believe that it is responsible representation to put these obstacles in the way of a referendum. I personally am not too sure that a referendum is at all advisable, but accepting the fact that it is advisable to have a referendum which would be submitted to the people in a division and where the majority of the people would make the decision, I think it is a retrogressive step to put the obstacles in the way and give a minority of the people the right not to veto the referendum but rather to prevent the referendum being considered at all, and that is the situation that we are now being asked to consider. We are now being asked to consider a section which removes from the majority the opportunity to vote on this issue, and I point out that this is not a progressive step as was outlined by the representatives on behalf of the Transcona-Springfield Division and as was outlined by other people who appeared before the committee. I think it's a regrettable step that the government has not the courage of proceeding with what apparently is a desirable progressive measure.

MR. J. P. TANCHAK (Emerson): Mr. Chairman, I spoke very briefly on this bill when it was first introduced, and I said that I supported it wholeheartedly as far as the principle is concerned of the bill, the principle of having these schools, smaller schools, come under one financial responsibility, and I still go along with the principle of the bill but it seems to me that the body of the bill negates the principle in this case, and to me it looks as if the same government now is almost, or is contemplating making the same mistake that the government made in 1959; in other words—and I hate to say this—that the government doesn't seem to have the courage of its convictions proceeding with this bill as it's presently before us. Probably the government will be again sitting on the fence and watching the tumult as it. . . . because I agree with the Honourable Member for St. John's that it is practically impossible—it will make it practically impossible for many, not all, but for many of these divisions to follow this bill or to make it a reality, so I do hope that the government in its wisdom will see some way of correcting this error because I cannot see how in most of these areas this question could be settled. So I'll still say that as far as the principle of the bill, I agree with it, because I believe in more, greater centralization, but I cannot see that this bill will produce the desired effect.

HON. GEORGE JOHNSON (Minister of Education) (Gimli): Mr. Chairman, I would like to comment on some of the remarks made by the honourable gentlemen. I think the Member from Emerson realizes that the bill is a step toward centralization but the Member from St. John's

(MR. JOHNSON cont'd). makes a valid point. I think it's obvious that he has read very carefully the briefs, and I appreciate the sentiments of the people who wrote those briefs and the speed with which they wish the government to move in this matter. However, Bill 39 does provide a method of implementing the recommendations of 15 and 16 respecting the many hundreds of districts throughout our province where after all a district is a district just as a voter is a voter. I should point out that throughout the past year in attending the MSTA convention, for example, where there must have been 2,000 people in that hall one afternoon when I heard the discussions, and when this came up at the convention it was nip and tuck vote by the majority, of something like 148 to 139, that many, this number of districts throughout the province in debating this matter only were willing at that time to see, or only recommended to the government at that time that something be done about recommendation 15, and still leaving certain powers with the local boards. That is, they voted in favour of 15 and 16 as it was put to them by this narrow majority, and under these circumstances I ask, is it unreasonable to expect that 50 percent of duly constituted authorities be on a petition requiring a vote or the referendum in a particular area.

I would remind my honourable friend that it's fine for him to make the statements he has about the lack of leadership given by the government and the department, but I spent Thursday night out in rural Manitoba a hundred miles from here with 400 school trustees -- 400 school trustees representing 23 one-room schools -- talking consolidation, talking Michener 15, talking legislation and the proposed measures that were before the House at this Session. Primarily they met threatened by the loss of their one-room schools, threatened by the loss, and one has to -- I think we in urban areas quite well realize the advantages of the larger school system, of larger schools and so on, and these people do back home too, but they are also interested that the government and the Legislature here not take overt measures without their understanding. Possibly we are several years behind certain provinces in approaching this at the local level and assisting our people to understand. This I have pledged the department, and the government has pledged to try and discuss as much as possible in the coming year and in the years ahead, as they have in the past.

I think the trustees are very keen on working with the government, especially as we look forward to this amalgamation of the two trustee organizations in gaining more understanding of each other's problems, but I can assure the Honourable Member from St. John's that the people are most concerned in rural areas in many parts of our province that we not move too fast in this matter. And I think Bill 39 does provide a mechanism, as we've said and is going to recognize those both in favour of it -- their increased administration costs and so on will be recognized, and I think it is at this stage, in the evolution of education in our province, a judicious step, one that should be taken carefully. They may be baby steps to my honourable friend from St. John's, they may be baby steps but I think we're headed in the right direction. I think we can only go as fast as the people understand, and people have to want change; people have to understand it; they have to see the benefits. Many of them, as I've indicated, even at the MSTA convention looked at this most carefully.

You may say, why doesn't the government step out -- to heck with this approach, and just opt in or call a province-wide referendum? I honestly don't feel that at this time in the evolution of education in our province, with the several factors as I've seen them, as I've talked with literally hundreds of trustees in the past year, that we should do other at this time than give the majority of these districts within an area -- go further than that and to say to them, if the majority of you concur and are willing to come in and willing to give up your fiscal authority to the central authority and maintain your duties as outlined under this bill, I don't think we should do more than this at this time.

I think we have to give this bill a try and I certainly hope that it will be implemented in certain areas of the province who may wish to follow the recommendations that the Michener Commission made after discussing educational problems for some time with representative trustees across the province. I would point out that with respect to official trustees, in many cases of course the schools run by official trustees, the people in these districts are not running these schools now; these schools are run centrally. I don't see any great difference in them being run centrally under this bill. I think that there's every opportunity for the official trustee in these areas to have meetings and determine the wishes of the local people and explain matters to them. They can certainly hold local meetings. And I would hope that honourable members would, in the last analysis, give this bill their support on third reading.

MR. LAURENT DESJARDINS (St. Boniface): Mr. Chairman. I voted against second reading of this bill. I stated at the time that I felt that there was a situation existing in the field of education that was, to say the least, shameful, and I don't think that this bill should be passed until this situation is amended and is corrected. I think that this bill could possibly make the condition even worse and I don't intend to support this bill.

MR. PAULLEY: Mr. Chairman, I'd just like to make one comment in connection with the Bill. I can appreciate to some degree the fact, as the Minister states, that he has talked to a number of divisions or school boards in respect of this matter and the objective is, of course, that people will be given the rights under the bill to join the respective school districts with the school divisions. And I want to point out in Committee now, Mr. Chairman, that in the school division of Springfield-Transcona, that the vast majority of those concerned, namely within the City of Transcona itself, will not be able, it appears, to achieve what the Minister desires due to the manner in which this bill is before us, and indications have been given by the Minister that in one or two areas, and I believe Transcona-Springfield is one of those, that he and his department will be giving consideration to alleviating the situation, and I appreciate this viewpoint of the Minister and I trust that he will establish what I'm saying is correct in the committee now that this will be done, but I still want to point out to the Minister that notwithstanding that, it won't be achieved under this particular bill, and that the school trustees of the elementary school board in the City of Transcona and the division board have already gone on record as being in favor of accomplishing what the Minister considers the desired in this legislation, and I regret very very much, in all due respect to the Minister of Education, that there isn't provisions in this bill whereby the situation like that that prevails in Transcona-Springfield could not be accommodated at the present time, rather than a delay.

MR. JOHNSON: Mr. Chairman, may I suggest to my honourable member from Transcona that what his colleague behind him is recommending would also not be the answer for his particular situation, that is, a referendum from the top at this time in the evolution of education in Transcona-Springfield. They have just accomplished excellent consolidations in the rural part of which they are proud and have every right to be very proud, but I don't think from being at a meeting there that they are prepared at this particular time in the rural part of that division to transfer fiscal authority to a central body. They feel in this particular situation that they are big enough to have their own division; as they say, re-unification of one to twelve within the City of Transcona and within East Kildonan. I think this will take some special studies and I can advise the member that I have written to the board following my attendance at a meeting there, which I found most interesting and informative, and suggested that our Department would work closely with these two particular areas in the coming year to see just what might be done to respect the wishes of trustees in both sections of that particular division.

MR. CHERNIACK: Mr. Chairman, may I just correct the Honourable Minister. I don't recall telling him that I thought that there ought to be a referendum at the top at all. As I recall it, I took the position that the government should make the decision and should bring into effect exactly what is intended by this Act, and that is to consolidate these divisions and to bring in the elementary schools into the division. I cited, I quoted from briefs where it was suggested that the government ought to make the decision, and if the Honourable Minister points out to my leader that if what I recommend wouldn't work, he's probably right. I don't think that this government is prepared to bring in this type of division, and therefore to that extent it wouldn't work for Transcona because the Minister apparently is not prepared to do it, so he's right in saying that my suggestion wouldn't help out because my suggestion was that he take the bull by the horns and do it, and he indicates he's not ready to do it.

MR. CHAIRMAN:Section 446A---

MR. MOLGAT: No, I'm still not clear as to why it is that the Minister wants to follow this procedure rather than the one that he presently has on the Statute Books, with regard to areas. The area legislation was passed many years ago, and admittedly there haven't been too many areas formed; there is only the Dauphin-Ochre. But there is there, under that legislation, a manner by which school boards can get together to form an area and there is a specific term that they must follow. If 20 percent of the electorate wants to have a referendum then a referendum is held. Now why, if that is the proper manner in which to proceed with an area, and certainly the previous Minister of Education indicated to the House on many occasions that he felt that the larger school area was the right structure - in fact I think he encouraged the people in his area to follow the area structure and not the division structure - why is it then that we cannot follow this instead of having the present different legislation?

MR. JOHNSON: Because the area legislation that was on the books for so long is based on a vote of the municipalities within the division, and this of course is calling for the districts within the division to --if 50 percent of the districts within a division concur will hold a referendum. Under the other legislation, it was based on the municipalities. The machinery of the divisional for carrying out votes and so on, the mechanism or the machinery is set up at the divisional level to carry it out across the division, and of course, as he well knows, certain divisions include many municipalities, and it was hoped that this would be a much simpler method, a simpler method for the districts within a division to exercise their wishes with respect to the desirability of vesting fiscal control at the. I think that's pure and simple. There's no other explanation, I don't think.

MR. MOLGAT: Mr. Chairman, when the Minister says it's a simpler method, as we listened to the people who appeared before the committee this certainly didn't appear to be the case, because I think that all of those pretty well who appeared before the committee indicated they were not satisfied with the bill. Now if the people who are directly concerned, who represent school trustees of either group, or school teachers, or whoever they are representing interested in education matters, come before a committee and tell us that the bill is really not satisfactory, the Minister proceeded to propose some amendments, one in particular or one part of which I cannot agree with, as I indicated in committee, how does the Minister then say that this is simpler? I think we are proceeding here to put legislation on the books which is intended to do something and which according to the people who appeared before us will not do what it is intended to do, and I say to the Minister he'd be much better off to withdraw the bill at this stage, redraft a new bill and present it to the House. I cannot see any point in proceeding with this bill in the light of the statements that have been made to us in committee.

Bill No. 39: Sections 446A to 446F were read section by section and passed.

MR. SCHREYER: Before you leave the Bill, Mr. Chairman, I have a rather brief and general question to ask the Minister. I would ask him if he is of the firm opinion that this bill will encourage the consolidation of certain small school districts wherever this re-organization might take place, that is in the event of an area board being established, subsequent to a referendum and so on. Does he think that the effect of this legislation will be to influence trustees towards consolidation of these small single school districts as they now exist in certain parts of the province? The Minister --I could give him specific examples, north of here and so on.

MR. JOHNSON: Mr. Chairman, I'm very hopeful that it will for the simple reason that-- Another reason of course, is that we would hope that at the divisional level you can plan consolidations if the districts will agree to --if a referendum is held the area-- they are left with these certain local duties. I do feel that this will give-- as I mentioned earlier in concert with this bill, we are planning a consolidation planning service within the department and it would be our intention to point out and to work with the divisional authorities in the local districts in planning bigger and better consolidations in concert with this. I think the two, as the honourable member knows, pretty well go hand in hand and I think it's going to take --another big thing is the more we talk about this at the local level; the more we meet and exchange ideas with the local trustees, the more understanding comes into it and in some cases it may well be that consolidation may not be as large as we would like, even though we have the fiscal authority at the top, but I think it gives us generally a better approach to it, to work with them.

The remainder of Bill No. 39 was read and passed.

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BILL NO. 52: Sections 1 and 2 were read and passed.

MR. CAMPBELL: Mr. Chairman, were there any amendments made to this bill in committee?

HON. GURNEY EVANS (Minister of Industry and Commerce) (Fort Rouge): Yes, Mr. Chairman, two amendments were introduced. I wonder if my honourable friend would like to have them? Copies were distributed, perhaps some of your associates will have them there.

MR. CAMPBELL: I'm sorry, Mr. Chairman, that I found it necessary to be out of committee, and during the time that I was absent this bill was dealt with. I had some matters that I wished to raise. To me they are not small; I think they are matters of principle. The first one occurs in 3 (1). I would like to move, Mr. Chairman, that in the second line of clause 3, subsection (1) that the words "not less than" be struck out. In other words, if it's going to be a commission of three, let's say three. If we want five, I have no objection, but I don't see any point in saying "not less than three". I think we should be as definite as possible in our legislation. I don't need to make any extended remarks on this, Mr. Chairman. I think it's a very simple amendment. I simply move that the words "not less than three" in the second line of 3 subsection (1) be struck out. -- (interjection) -- You can if you want to wait that long. I don't really think it is necessary, Mr. Chairman, do you?

MR. CHAIRMAN: No, I'm just talking about the

MR. CAMPBELL: If you want me to write it out, I still can write.

MR. ROBLIN: I think perhaps we should, because if we are going to put the motion there is always the possibility it might pass, and if so, it's as well to have it in writing.

MR. CAMPBELL: I beg your pardon?

MR. ROBLIN: You better write it.

MR. CAMPBELL: I'd better write it? Okay, I'll write it. Now then, I said I could write but I'm not a very fast writer.

MR. ROBLIN: This session has not indicated any great concern for the passage of time and I don't see why you should be concerned at this moment.

MR. CAMPBELL: No, as a matter of fact, I think the government apparently isn't concerned either because Mr. Chairman insists and the First Minister backed him up that I write out an amendment as simple as that. I thought even the government side could understand it.

MR. ROBLIN: I think the government would be glad to get along with the business if my honourable friends would permit, but naturally we must give them a chance to talk. Go ahead.

MR. CAMPBELL: My honourable friends will permit on this side because unfortunately the majority sits on that side, so if they just will show the necessary gumption, we'll get along with the business.

MR. ROBLIN: If that's a challenge to cut short the debate, I refuse to accept it.

MR. CAMPBELL: I could see that my honourable friend wouldn't want the debate cut short.

MR. ROBLIN: Certainly not, because we've got some good material over here.

MR. CAMPBELL: Why don't you use it some time?

MR. ROBLIN: We use it but it seldom registers with my honourable friend.

MR. CAMPBELL: If you would pick it up and make the arguments a little better, they might get some acceptance on this side.

MR. ROBLIN: I'm going to let him have the last word.

MR. CAMPBELL: Thank you. You're welcome.

MR. PAULLEY: Mr. Chairman, regardless of whether or not the Honourable Member for Lakeside can write very quickly, I'm sure that he would have had it written out if it had not been for the last debate.

MR. CAMPBELL: I've got as far as "I move".

MR. DESJARDINS: during this time, the Minister said there was an amendment on this. We haven't got it. I've got an amendment for 63 here.

MR. EVANS: The question from the Member for Lakeside was are there any amendments to this Act, to which I replied that there were two. I did not intend to mean that there were any applying to this section.

MR. DESJARDINS: I didn't quite understand -- I understood a while back the Minister to ask us if we had any change, if anything had been passed around, an amendment on this, and I'm answering that I haven't got it; I've got an amendment of Bill 63.

MR. EVANS: I simply indicated that there were two amendments to the Act proposed in committee and neither one of them applied to this section.

MR. CAMPBELL: Having looked at it myself, I'm in doubt of whether you'll be able to read this when it gets over to you, but in accordance with your ruling, I move, seconded by the Honourable Member for Selkirk, that Section 3, Subsection (1) be amended by striking out the words "not less than" in the second line thereof.

MR. CHAIRMAN presented the motion.

MR. EVANS: Mr. Chairman, I think I should indicate that I can't support this amendment. The best advice that we can get is that three members will suffice to carry on the present operations at Assiniboia Downs, but the duties of this commission will be to supervise racing in all parts of the province, including harness racing, and it might be necessary then to expand the numbers of the commission, and the best advice that we have is that we should have some flexibility in the numbers in order to appoint others if required later.

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

BILL NO. 52: Section 3, subsections (1) and (2) were read and passed.

MR. MOLGAT: Mr. Chairman, is there a subsection (3) to Section 3?

MR. CHAIRMAN: It's Section 3. That was subsection (1), subsection (2) and then Section 3.

MR. MOLGAT: Oh, fine. I'm sorry.

BILL NO. 52: Section 4 to Section 5 (2) were read section by section and passed.

MR. CAMPBELL: Mr. Chairman, subsection (2) of Section 5 -- I take it there was no amendment to that one in committee, I had mentioned this matter when I spoke on the bill on second reading and I don't remember anyone giving an answer to this question. I still would like to know what is the principle behind this subsection? Personally, I think it is wrong. I mentioned in the House that we have this rule in one of our committees of this House. I think it's wrong there and should be changed. What is the principle that causes us to say that in addition to his ordinary vote the Chairman has a casting vote on any question? Can someone give me some reason for this, because it escapes me and if there's no reason forthcoming, I certainly intend to move that subsection (2) be struck out. I've raised this question in connection with The Companies Act when we were dealing with it during the recess and I was told that it is not a section of The Companies Act but that it is put into the by-laws of certain companies. I think it's wrong to allow companies to put it in there. I think it's an undemocratic principle, giving one man two votes while his confreres have one. I don't like it, I don't see the necessity of it. If no one has a satisfactory explanation, I shall certainly move that it be struck out.

MR. EVANS: Well, I don't know whether my honourable friend will regard this as satisfactory, but it's to prevent a tie. If there were a meeting of two of the three directors, it's possible for the chairman with his ordinary vote to tie with the other member, and this gives them the possibility of coming to a decision. That's the reason.

MR. CAMPBELL: You can certainly prevent that by leaving it at three members or -- (Interjection) -- Pardon? No. I'm not objecting to the chairman having the deciding vote. There's no objection to this. If we had three members, either the two other members of the committee would agree, or else in the case of a tie the chairman would decide it. If you had four members, there would be a decision without the chairman using it, I gather. If the thought is to give him a vote along with one of the members, and then a second one, this is completely undemocratic. It just doesn't arise, Mr. Chairman, in any conceivable arrangement except one where you deliberately intend to give the chairman two votes, and two votes is wrong for anybody. Mr. Chairman, I move, -- and I'll be prepared to write it out if you wish it -- I move, that subsection (2) of Section 5 be struck out.

MR. SCHREYER: I would like to ask the Honourable Member for Lakeside what other committee -- you referred to a committee, or two committees that have this provision. I'd like to know what committees those are?

MR. CAMPBELL: There's just one of our House committees. I believe it's the Committee on Private Bills. I believe that's the committee. I don't know where it's covered. I've been a member of the committee only recently but I believe that's the committee where this same rule, for some reason obtains. Perhaps the Clerk would inform us. I know that it is fairly common in companies on boards of directors, that the chairman has a casting vote and a deciding vote. I've always objected to it when I met it there because I think the principle is wrong.

MR. SCHREYER: Mr. Chairman, while the honourable member is writing out his amendment, and I think he's very honest when he said he's a slow writer -- he demonstrated that with the last written amendment. -- (Interjection) -- Yes, that's quite so, Mr. Chairman, that's what I meant, and in this case also. I would like to support the contention of the Honourable Member for Lakeside. I think that this provision for giving the chairman in a sense two

(MR. SCHREYER cont'd) votes is a perverse one. Why not have it on municipal councils? We have in this Province of Manitoba, I don't know how many municipal councils but I would think about 115, and it is simply not provided for in The Municipal Act or anywhere else that the mayors or Reeves of municipal councils shall have a vote and then a tie-breaking vote, or in effect two votes. On what basic fundamental principle, or what basic rationale does the Honourable Minister have for proposing an inclusion such as this? There must be some reason and we have not heard it. Just to say for the sake of convenience, is that what the Honourable Minister is proposing that we accept as an explanation? There must be something, if anything. If there's any reason at all, it must be a pretty basic one I would think. We haven't heard it and I suggest we shall not hear one because there is none.

MR. EVANS: I don't know whether my honourable friend either didn't hear or perhaps he regards the reason as not being a reason. It is that in the event of a tie vote, with two members of the three member commission present, the chairman can break the tie and decide the matter.

MR. CAMPBELL: Mr. Chairman, let us take that example -- and to put myself on side, Mr. Chairman, I hand you the amendment, I move, seconded by the Honourable Member for Selkirk, that subsection (2) of Section 5 be struck out. And speaking to the amendment, let us take the example that the Minister gives, to break a tie. But suppose we have three people, the chairman and two others and there's a tie. Each one of the members votes, one member votes one way and the other the other way. The chairman breaks the tie with his casting vote. That's quite okay. There's nothing wrong with that. Supposing there are four members of the commission, then in addition to the chairman there are two -- suppose they're split two and one -- the only way they can split unless they're unanimous. In a unanimous vote there's no question of a tie. If they split 2 - 1, there's no question of a tie. The chairman gets a vote if there's a tie. What you're giving him here is two votes.

MR. MOLGAT: Is it the intention to have three members on the commission or is it the intention to have more than three?

MR. EVANS: The intention is to start with three and it's probable that it will be necessary to increase it later.

MR. MOLGAT: Three -- then to give the chairman two votes just doesn't work out because with three members, the other two members either are going to have different views in which case one vote for the chairman as the casting vote would make a decision; or the other two members are going to agree on a certain matter, in which case if the chairman doesn't agree they do end up in a tie because his vote as an ordinary member gives him one, his vote as the chairman gives him two, and you do end up with a tie. This provision will force a tie in that circumstance. Other than that, if you leave that out there's no possibility of a tie. Just leave the casting vote. It'll swing whichever way the majority of the three go.

MR. SCHREYER: Mr. Chairman, it's been said from time to time that this government likes to create problems for itself so that it can solve a problem even if one didn't really exist originally, and I suggest that's precisely the case in this bill here. As the Honourable Leader of the Opposition has pointed out, with a three-man committee, where else but in Manitoba under this government could you conceivably have a situation when a three-man council could end in deadlock -- absolute stalemate -- by this provision here.

The Honourable Member for Lakeside suggested that there is one committee of the House that gives the chairman two votes and I think he referred to the Committee on Private Bills. I look at Rule 111 on Page 47 and it reads as follows: "All questions before a Committee on Private Bills shall be decided by a majority of votes excluding the vote of the chairman" -- excluding the vote of the chairman -- "and when the votes are equal, the chairman shall cast the deciding vote." I interpret that to mean that the Chairman of the Committee on Private Bills has only a deciding vote, so could I deduce, Mr. Chairman, that there is no committee of this House that makes this provision? That's all the more reason for opposing this provision here.

MR. CAMPBELL: Mr. Chairman, the honourable gentleman is perfectly right. It's evidently not the Private Bills Committee and perhaps I have been more persuasive in one of the Rules Committee than might I say I expect to be here. Either I was wrong in guessing that it was the Private Bills Committee or it has been changed at one of the revisions, because it is evident that now the Private Bills Committee goes in the same way that the House itself goes and all the other committees thereof. My recollection is that it used to be that way but maybe we managed to get that changed. I hope we can get it changed here, Mr. Chairman. If enough members will support this motion, we will get it.

MR. CHAIRMAN presented the motion and after a voice vote declared the motion lost. BILL NO. 52: Sections 5 (2) to 6 (1) were read and passed.

MR. M. N. HRYHORCZUK, Q. C. (Ethelbert Plains): Mr. Chairman, in connection with 6 (2), this subsection permits the commission to charge the operator and person holding racing meets and others therein certain fees, but it is permissive and not compulsory. Further down in this bill we will find where the Lieutenant-Governor-in-Council takes upon itself the responsibility of paying any deficits to the Commission in their operating expenses or paying any amount that may be required. Mr. Chairman, I suggest that the word "may" appearing in the fourth line of subsection (2) be struck out and replaced by the word "shall". This amendment would make it compulsory for the Commission to make charges so they would have a fund with which to pay its operating expenses.

MR. EVANS: I have no great quarrel with the principle that my honourable friend is putting forward, but to change the word from "may" to "shall" would require every one of the people named here to be charged a licence fee, and I'm not sure whether it doesn't say "and such others".

MR. HRYHORCZUK: . . . and probably we could work it this way, Mr. Chairman, by adding at the end of that subsection the words "as the Commission sees fit". They shall charge, but you'll have the enumerated

MR. EVANS: I think if you add up the words "shall do something as they see fit", it really amounts to saying "may".

MR. HRYHORCZUK: But the words "as they see fit", Mr. Chairman, would refer to the enumerated or the specified personnel named in that subsection.

MR. EVANS: I don't see any great difficulty in the way it is.

MR. CHAIRMAN: The motion before the committee is that the word "may" appearing in the fourth line be struck out and replaced with the word "shall".

MR. MOLGAT: Mr. Chairman, I think the intent here is clear. Now I gather from the Minister that he may be prepared to accept the proposition of my honourable colleague the Member from Ethelbert Plains. The idea is simply that it should be clear in the bill that if the commission being set up -- and it is being set up I understand at the request of both groups, that is the race track operators and those who have horses race there -- if it's being set up at their request, then they should be called upon to pay the cost of the commission. What my honourable friend is suggesting is that this be placed in the bill, rather than as it stands now as a possibility, as a clear-cut statement that they will pay for the cost of the commission. Now insofar as the exact wording, I don't think my colleague cares too much what the wording is. The point is to get that principle in there, that the cost of this commission will be borne by those groups of people who have requested the commission and who will be getting the main benefit from it.

MR. EVANS: I don't think that the amendment as offered by the honourable member contains that idea at all. It simply says that they shall charge fees; it doesn't say fees adequate to pay the expenses.

MR. HRYHORCZUK: The Honourable Minister is correct if we take that amendment in isolation, but I propose to make a further amendment when we come to 7 (2) by deleting 7 (2) and then the two amendments will work together.

MR. CHAIRMAN: The amendment before the committee is that the word "may" appearing in the fourth line be struck out and be replaced by the word "shall".

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

BILL NO. 52: Sections 6 (2) to 7 (1) were read and passed.

MR. HRYHORCZUK: Mr. Chairman, this is the subsection that places the government in the position that it would have to make up for any shortcomings that the commission may have in financing its operations. I think the principle is wrong. This is a private organization and I see no reason whatever why public funds should be used to finance them. I think they are well enough off to finance themselves and should finance themselves, and I therefore accordingly move, Mr. Chairman, that section 7, subsection (2) be deleted.

MR. CHAIRMAN presented the motion.

MR. EVANS: My only comment is that I am advised that in order to start the operation of this commission which doesn't now exist, that it must have some funds. Certainly they will be required as a matter of policy to raise enough funds from their fees to pay their expenses, but in case an advance is required from the Consolidated Revenue to enable them to start operations, then this section I think is necessary.

MR. HRYHORCZUK: Well, Mr. Chairman, I disagree with the Honourable Minister

(MR. HRYHORCZUK cont'd) because the section, the way it reads, does not confine it to the original expense of formulating or setting up the commission. The way the subsection reads, you will be responsible for any deficits indefinitely. If the Honourable Minister will make an amendment that the funds will only be utilized for the purpose of setting up the commission, I won't object to it.

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

BILL NO. 52: Sections 7 (2) to 11 were read section by section and passed.

MR. CAMPBELL: Mr. Chairman, in connection with 12, I have a suggestion to make, because as I mentioned when I spoke on this act at the time of second reading it seemed to me that this is an all too arbitrary clause. Here's what it says: "The Commission may in its absolute discretion grant or refuse to grant any licence, registration or approval required under this Act or the Regulations." I realize, Mr. Chairman, that there will be occasions where the Commission may have to take quick action and take that action actually on the grounds so to speak. I recognize that, and there are some tests that might have to be made or some disciplinary action taken where the commission must have a lot of authority and it must be able to act quickly.

But on the other hand, it has such sweeping powers -- powers that give it the right to fix, impose and collect fines, and other penalties; it can hold hearings without giving notice; it can suspend and no cause needs to be given. It can actually, by refusing to grant licences or other approval, it could actually ruin some particular stable or horse owner. I am a great believer in the fact that there should be an appeal, and while I recognize the necessity of this commission having wide powers and being able in many cases to enforce them quickly, I think we are going too far if we do not make some of their decisions subject to appeal.

So I have in this case provided a written amendment because I would suggest that we should strike out the words "in its absolute discretion" in the first line of Section 12 and then we should add at the end of the clause the words "subject to an appeal to a county court judge". Now it's not necessary that this should be to a county court judge. I would have no objection to it being to the Lieutenant-Governor-in-Council or there are other agencies that could be used. I'm not suggesting -- perhaps the wording would suggest that all its decisions are necessarily appealable -- I do not suggest that for all of them and would be prepared to hold my amendment and give further consideration to that point.

But to register the principle, I would move, Mr. Chairman, seconded by the Honourable Member for Selkirk, that the words "in its absolute discretion" in the first line of Section 12 be struck out and that the words "subject to an appeal to a county court judge" be added following the word "regulations". I didn't quite finish writing that, so I'll have to complete it.

MR. EVANS: Mr. Chairman, I should make a comment here. This matter did receive some further discussion when my honourable friend wasn't able to be at the committee meeting. The first reason for not supporting the amendment is perhaps the weakest of them all, and that is that it has been tried elsewhere and not found possible, and after some trial and error in other provinces they have all come to the position of giving what you describe as dictatorial powers to their commissioners and they tell us that this is necessary.

I point out that for the first time, under the provisions of this bill, there will be an appeal from a decision at the track. Until now the decision has been made by the steward who has been an employee of the track, and as far as I am aware, there was no way in which he could appeal further. So now there is an appeal at least from the steward to the commission, and the commission will make the final decision. In that regard it's perhaps a little better than the present situation.

The final point I would make is this, that each of the two main concerns in this, the horse owners and the operators of the race track, have been asked specifically if they are content to allow themselves to be placed under the rule of this commission with these powers and without any benefit of appeal, and each has told me specifically that they are quite willing to do so, and since it's for the regulation of those two classes of people, we have agreed to do it. They pointed out to me the difficulty of taking any matter upon which either the track steward or the commission would rule and making it subject to appeal. One of them used this illustration, how could you possibly hold a hearing on whether it was a ball or a strike in a baseball game, and this is about the situation you have at the track. A steward will see something that in his judgment, in his experienced judgment constitutes a foul on the track or some kind of racing that isn't proper and he makes his decision. He's able to explain it immediately afterwards to the commission and is either upheld or over-ruled by the commission. They tell me that on practical grounds this is the only way in which a track can be run, and so it's with those thoughts in mind

(MR. EVANS cont'd) . . . that I say that I'm not able to support the amendment.

MR. T. P. HILLHOUSE, Q. C. (Selkirk): Mr. Chairman, speaking to what the Minister has just said, could he tell us where the right of appeal is granted. Was there an amendment brought in? A ruling on the track -- there is a right of appeal from a ruling made by a steward on the track, is that right?

MR. EVANS: You say there is now?

MR. HILLHOUSE: No, I'm asking you.

MR. EVANS: Under the new bill?

MR. HILLHOUSE: Yes.

MR. EVANS: Under the new bill presumably the steward, who is an employee of the commission, will make his ruling. Then presumably it will be reviewed by the commission and the commission's decision will be final. It's just one little element of an appeal -- I wouldn't attempt to say that it's a form of appeal

MR. HILLHOUSE: Would that be in the regulations? An appeal from the steward --

MR. EVANS: No, it just says -- well presumably there will be some regulations governing it, but in the mechanics of the matter the steward does in fact make the decision on the track first and now the commission becomes responsible for the final say with respect to each of those decisions.

MR. HILLHOUSE: The Honourable Member for Lakeside though, his amendment here deals with the absolute discretion to grant and refuse a licence which is given to the commission. Now to me it seems contrary to every accepted principle of justice that a commission should have an absolute discretion in such matters, because as the Honourable Member for Lakeside has pointed out, this refusal perhaps would result in a person losing his livelihood. Now I think myself that there should be a right of appeal there, but the wording is such that this commission has dictatorial powers, absolute powers in the right to refuse or grant a licence, and I think there should be a right of appeal from any decision of the commission because this is not a decision which is made say on the spur of the moment. This may be a decision -- a man applies for a licence and he refuses it. It isn't like something that's done on the track by the steward. This is something which may take time to do so there's no reason why there shouldn't be a right of appeal there.

MR. EVANS: I do suggest to my honourable friend however that a refusal of a licence to someone may indeed be based on things that have happened on a track. That may be the basic cause for declining to issue a licence. I use the illustration of a jockey who is habitually an unfair rider or uses improper techniques on a track, and those things I am informed are not subject to being written down and submitted in evidence and investigations held on them in the way that are done in courts. So I merely advance the thought that in almost every sport of this kind, in boxing, certainly in football and baseball, hockey, there are pretty absolute powers vested in the commissions that run them, and after discussing with as wide a number of people I can reach here who know a good deal about the horse racing business, I was advised without exception that these powers were necessary; that the opposite had been tried in a number of jurisdictions and found not to be possible; and that as far as British Columbia, Alberta, Ontario are concerned, and those are the main provinces now in which there is extensive racing, that this has been found necessary and is to be found in their acts at the present time.

MR. HRYHORCZUK: Mr. Chairman, the Honourable Minister centered his argument about cancellations but the section doesn't cover cancellations. The section reads, "The commission may in its absolute discretion grant or refuse to grant any licence, registration or approval required under this Act or the regulations". This is where you have somebody wanting to come into the race track, an owner say of a string of horses, and he could be turned down. It isn't a matter of cancelling a licence of a jockey or somebody else for doing something that he shouldn't have done. This deals with the granting of licences, not the cancellation of them.

MR. CAMPBELL: Mr. Chairman, with regard to the matters that happen while racing is in progress and a race is being run, and with that I have no argument at all with the Minister, certainly quickly enforceable powers are necessary there. We all recognize that, and the same if they think that saliva tests or any other test is necessary or if they think fouls have been committed by riders or anything of this kind. There has to be that area, and I do not suggest an appeal beyond what is already provided in that area, but when we get to the powers which we come to a little later on, this commission can make regulations -- and I jump to see on the last page -- those regulations requiring race horse owners, race horse trainers, drivers, jockeys, apprentices, etcetera, to be licensed or registered.

(MR. CAMPBELL cont'd)

Now this commission has the licensing or the registering of them; in another section of the act they must be licensed or registered; and this section says that the commission in its absolute discretion may refuse any of these licences. Well I don't suggest that they would take a dislike to some owner or to some jockey just because of some minor matter, but the point is that for matters that are capable of being considered at greater length, ones where a question of judgment may be involved and upon which a court or some appeal procedure would be useful, they have that absolute discretion under 12 in their own hands. I think this is separate and distinct entirely from those matters that must be quickly decided on the field at the time that the race is being held. I'd be quite willing to make my amendment differentiate between those two because I certainly recognize the first part of the argument that there's need there, but I do not think that the section as it stands is fair when you read it in connection with Section 16 subsection (c), because there they have the absolute livelihood of a horse owner or a horse trainer or a jockey or other person right in their control and I think there should be an appeal.

MR. EVANS: Mr. Chairman, this seems to be approaching an impasse and rather than go round the circle again, I just do say one thing, that the evidence which the Member for Lakeside would like to see adduced in some appeal as to whether a man should have a licence or not is almost certain to be evidence concerning fouls on a track and matters of that kind which are not subject to being put down in the form of evidence and studied and an impartial body deciding it, and I have been advised after what I think is careful enquiry that these powers are necessary.

MR. CHAIRMAN: The motion before the committee is resolved that the words "in its absolute discretion" in the first line of Section 12 be struck out and that the words "subject to an appeal to a county court judge" be added following the word "regulations" in the third line.

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

BILL NO. 52: Sections 12 to 14 were read section by section and passed.

MR. CHAIRMAN Section 15 (1) as amended.

MR. MOLGAT: Mr. Chairman, could we have the amendment on that one?

MR. CHAIRMAN: The amendment is that these words be added following the word "year" in the second line, "and upon receiving the report the Minister shall, if the Legislature is then in session, lay it before the Legislature forthwith, and if the Legislature is not then in session, lay it before the Legislature within 15 days after the commencement of the next session".

Section 15 was read and passed.

MR. CHAIRMAN: Section 16 --

MR. HRYHORCZUK: Mr. Chairman, this is a section that gives the commission the right to make rules and regulations, and the section also states that this section shall have the force of law. Now, Mr. Chairman, I don't think we should give any outside body powers as wide as all that and I believe that these powers should be retained by the Lieutenant-Governor-in-Council. I therefore move, Mr. Chairman, that the word "commission" where it appears in Section 16 be struck out and replaced with the words "Lieutenant-Governor-in-Council."

While I'm speaking to the motion, Mr. Chairman, I might also point out that during one of the discussions on this section the Honourable Minister mentioned the fact that the commission is better prepared to know what rules and regulations are required as an argument against the proposed amendment. I suggest to him that he can obtain the rules and regulations as the committee deems them necessary and if it meets with the approval of the Lieutenant-Governor-in-Council, then to pass it, but I do not think that we should give this outside body the right to make law and enforce it.

MR. EVANS: indicated, Mr. Chairman, I am not able to support this amendment because I think my honourable friend may have seen a rule book governing a race track, it's about that big, and it's not the kind of rules and regulations that can in a practical way be administered by a government department and by the Lieutenant-Governor-in-Council. So I think we must follow the example that's been set for us in those provinces which are conducting their racing successfully and follow them and not to adopt this amendment.

MR. PAULLEY: Mr. Chairman, I rise to support the amendment. I am glad to note that the Minister did see fit to bring us members of the Legislature into the picture a little by accepting the suggestion that I had made that the report from the commission should be tabled in the Legislature. But my main objection to the wording of the act at the present time is that it doesn't give us an opportunity, notwithstanding the tabling of the report to the Legislature, it does not give us an opportunity to discuss the matter insofar as the regulations are concerned and really to become familiar with the regulations.

(MR. PAULLEY cont'd)

Now the Honourable the Minister of Industry and Commerce, who I presume is going to be the Minister responsible for this act, has said that he cannot accept this premise that the Lieutenant-Governor-in-Council should have anything to do with the regulations because it's not being done in other provinces. Well, Mr. Chairman, just a few moments ago we were considering another bill dealing with matters of education and the Honourable the Minister of Education took the opposite viewpoint. In other words, we don't have to do what the other provinces are doing. We're setting off on a new venture ourselves.

Now I suggest to the Minister of Industry and Commerce that his argument that because they do this in British Columbia, Alberta and Ontario, isn't just good enough, that we here as members of this Assembly have the right to be able to consider all of these matters and consider them in this House. I think that in line with our basic democracy, that unless the regulations are regulations set up by the Lieutenant-Governor-in-Council, we haven't this opportunity.

I certainly join with the Honourable Member for Ethelbert Plains in agreeing with the purpose behind his amendment, and I think that in all due respect that the Minister of Industry and Commerce and the government should accept the responsibility which would be their responsibility if the amendment is carried. Certainly, as I read this act and understand it, the Lieutenant-Governor-in-Council will really have no responsibility insofar as this House is concerned; indeed, other than the mere tabling of a report, the commission itself will not have any responsibility to this House. This is why we are here. That's why we are elected, to come and sit in this House in order to give our viewpoint and in order to survey what is happening.

My honourable friend the Minister might say, Well, we've got a committee, the Committee on Rules and Statutory Regulations and the likes of that, but I respectfully suggest that unless the regulations are set by the Lieutenant-Governor-in-Council, or them to accept some responsibility for the regulations, that we are being precluded from fulfilling our duties as members of this House.

MR. HILLHOUSE: Mr. Chairman, I would like to support the motion of the Honourable Member for Ethelbert Plains. I think it's in line with the logic which must have motivated the Minister in consenting to the amendment to Section 15 (1). By reason of that amendment, the commission now has to report to the Minister and the Minister has to table the report in the House. It seems to me only logical, following out that reasoning, that the regulations should be made by the Lieutenant-Governor-in-Council. In other words, so that this House would have some control over these regulations. I think that this House should have control, not only over the regulations but over the commission. I think that the argument put forward by the Honourable Member for Ethelbert Plains in moving that amendment is a perfectly logical and reasonable argument and should obtain the approval of this committee.

MR. CHAIRMAN: The motion before the committee is that the word "commission" where it appears in Section 16 be struck out and replaced with the words "Lieutenant-Governor-in-Council".

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

MR. HRYHORCZUK: Mr. Chairman, Yeas, and nays -- a standing vote.

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

Yeas, 12; Nays, 26.

MR. CHAIRMAN: I declare the motion lost.

MR. CAMPBELL: Mr. Chairman, I propose an alternative to my honourable friend the Minister in this case then. If he's not prepared to have the word "commission" struck out and "Lieutenant-Governor-in-Council" inserted as the House has just decided -- or the committee rather -- then would he not approve of making the regulations subject to the approval of the Lieutenant-Governor-in-Council. In other words, the Honourable Minister in this section is asking us, as the Honourable Member for Ethelbert Plains has said, asking us to allow a body completely outside of this Chamber to make what is in effect a law of the land. I agree with my honourable friend that that is completely contrary to constitutional principles, but if my honourable friend and those who advise him have such confidence in the commission that's going to be set up, then let them take these regulations that are proposed by this commission, let them take them as being likely to be the proper type of regulation but let the Lieutenant-Governor-in-Council take this measure of responsibility, that they approve them. If they want to take them just as presented by the commission, okay, at least the Lieutenant-Governor-in-Council accept some responsibility for it. Insofar as those of us who hold this view on this side of the House are concerned, we would not then be violating the constitutional principle as greatly as we are by

(MR. CAMPBELL cont'd) doing this.

So I would move, Mr. Chairman, seconded by the Honourable the Member for Selkirk, that the words "subject to the approval of the Lieutenant-Governor-in-Council" be inserted in Line 2 of Section 16 immediately following the word "may". Mr. Chairman, the distinction will be obvious, that my honourable friend for Ethelbert Plains asked that the Lieutenant-Governor-in-Council himself make these regulations, this amendment that's presented now allows the commission to promulgate the regulations, bring them forward to the Cabinet but the Cabinet must approve it.

MR. EVANS: I think I would have to oppose it on the same grounds that we've discussed already. In the first place, I have no advisers in my department and I don't know of any other department that has any that is really familiar with the rules and would be able to recommend to council that these are in fact the rules which should be adopted or should be approved. I'm advised that it's not a practical matter to allow an outside body to take the book of rules of a race track, which is a very complicated and detached matter, and to pass upon them in detail.

I think there's also a matter of time involved, that occasionally it's required that rules be amended, and that to insert another process of an Order-in-Council becoming passed in the first place and then registered and published in the Gazette before a rule could become operative on a track -- even during the middle of a race meeting -- was not a practical matter. So here again it's a matter of -- I'm sure the principle that is being put forward by my honourable friends over there is one that we should be very careful about and I recognize this as a fact -- but nevertheless the weight of evidence that I've been able to gather has convinced me that we must repose the responsibility for the rules and the ability to enforce them in the Horse Racing Commission itself.

MR. PAULLEY: Mr. Chairman, at this point I am rather surprised to hear the Minister explain his position the way he did. He says in effect, Mr. Chairman, that there's no one in his department who is qualified to consider these rules and regulations -- the horse racing -- and yet in accordance with the provisions of this section, he's prepared, whether he has any experts or whether he hasn't, to delegate the authority for these to somebody who is not going to be responsible in any way, shape or form to the Lieutenant-Governor-in-Council or to this House.

Now I think if the Honourable the Minister hasn't got anybody in his department to advise him on this, then why should we pass legislation delegating authority to somebody -- the experts -- I often hear in this House phrases to the effect that even the experts can be wrong, and we've had that while we've been dealing with the question in relation to the flood. I can't accept the arguments of my honourable friend the Minister of Industry and Commerce that simply because of the fact that they haven't any experts in the government service at the present time regarding this matter, that he's prepared to delegate to others whose expert opinions might be all right but there may be parts of them there that those who are not experts may not be prepared to accept.

MR. HILLHOUSE: Another point I'd like to raise, Mr. Chairman, is this. These regulations will not come before the Standing Committee on Statutory Rules and Regulations and how are we to know whether or no the Commission has exceeded its authority in the regulations that it passes? We have no control over it at all.

MR. HUTTON: Mr. Chairman, I can't help but comment that there seems to be a great propensity in the opposition benches for horse racing -- (Interjection) -- It started some time ago. I have a feeling you know that if we were to accept their amendment that we'd find ourselves debating, probably next Session, why a certain horse was scratched in the 5th race and I think we have really more important things to discuss in this Chamber. I can't see how the amendments can be made which they are proposing without interjecting the whole business of running horse races in Manitoba into this Chamber on every Session that's likely to come.

MR. HILLHOUSE: Mr. Chairman, I would inform the Honourable Minister that the administration of justice is a matter of great importance to this Chamber and to the people of Manitoba.

MR. CAMPBELL: Mr. Chairman, if the Honourable the Minister of Agriculture is seriously suggesting that what we've been proposing from this side of the House is appeals, or Lieutenant-Governor-in-Council passing the regulations that deal with the scratching of some horse in the 5th race, then he either should have been paying better attention or he should take a course in understanding the English language because this is not what we've been talking about. From the very first moment it has been admitted here that the questions that arise with regard

(MR. CAMPBELL cont'd) to the conduct of the races themselves on the track, with the conduct of certain wrongful training practices or doping practices or fouls in racing, or many of these things, should be and must be left to immediate considerations; but the things that deal with the principle of whether a body outside of this House is going to make laws is a matter of very different import and it's time the Honourable the Minister of Agriculture and Conservation understood that.

MR. HUTTON: Mr. Chairman, I understand very well that if these regulations are going to be subject to the Lieutenant-Governor-in-Council, all of these regulations then will become debatable and you'll have horse racing injected into the politics of Manitoba, and this is no place for it.

MR. HRYHORCZUK: Mr. Chairman, we have scads of regulations and rules almost with every act in the Statute Books and you do not see them being discussed on the floor of the House. For a while I thought there was an expert in the government in spite of what the Honourable Minister said about no experts.

MR. CHAIRMAN: The question before the Committee is that the words "subject to the approval of the Lieutenant-Governor-in-Council" be inserted in line 2 of Section 16 immediately following the word "may".

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

BILL NO. 52: Section 16 was read and passed.

MR. CHAIRMAN: There is a new section 17 in place of the Section 17 in the bill. The new section reads: "This Act is subject to the Horse Racing Regulations Act".

MR. GUTTORMSON: Mr. Chairman, could the Minister explain what prompted them to put the other section in and then withdraw it?

MR. EVANS: It was an error in drafting.

MR. GUTTORMSON: Well, Mr. Chairman, those in the racing industry have been asking the government for extra days. It was common knowledge on the street and in racing circles that this section was in the bill. This makes me wonder why the Minister tells us now that it's an accident.

MR. EVANS: Is my honourable friend not accepting my assurance?

MR. GUTTORMSON: I asked him for an explanation.

MR. EVANS: I gave it to my honourable friend. I stated it was an error in drafting and it was never intended. When I first introduced the bill my honourable friend will remember that I said upon first introducing this bill into the House that an amendment would be provided accordingly. Now if anyone wants to say that they won't accept my assurance which my honourable friend is trying to hint at, let him say so, but otherwise I have given you the explanation and that's it.

MR. GUTTORMSON: I only pointed out to the Minister the information that was known in the racing industry, that this section was in the bill. Long before I saw it in the bill it was my understanding from those in the racing industry that it was there. That's the reason I asked him about it.

MR. MOLGAT: Is it the intention of the government to extend the number of days?

MR. EVANS: No.

The remainder of Bill No. 52; Bill No. 62; and Bill No. 63, Sections 1 to 4 were read section by section and passed.

MR. CHAIRMAN: New section 5 --

MR. MOLGAT: Mr. Chairman, what is the new section 5?

MR. CHAIRMAN: New Section 5 reads as follows: "Section 39 of the Act is amended by adding thereto at the end thereof the following subsection: (3) Where preferred shares have been authorized prior to the 16th day of November, 1964, as non-voting shares, nothing in this section gives to the holder of any such share any right to vote at meetings of the shareholders of the company."

Section No. 6 --

MR. PAULLEY: according to the amendment we had? Section 6 at present, does it not become Section 7? Does Section 5 become number 6 as a result of the amendment that we just inserted?

MR. CHAIRMAN: Yes. You're correct. Section 5 of the original bill now becomes Section 6. Then we have the new -- this former Section 5 now Section 6 -- passed. A new Section 7 has been added reading as follows: "Subsection (9) of Section 43 of the Act is amended by adding thereto immediately after the word "name" in the second line thereof the words "or redividing

(MR. CHAIRMAN cont'd) its authorized capital into shares of lesser or greater par value." New Section 7 -- passed.

New Section 8 reads as follows: "Clause (d) of subsection (1) of Section 57 of the Act is amended by adding thereto immediately after the word "restrictions" in the third line thereof the words "or shall contain the statement in legible characters that there are no conditions or restrictions on the transfer of shares and that the full text thereof is obtainable on demand and without fee from the secretary of the company."

Sections 9 to 21 (new Section 23) were read section by section and passed.

MR. STEINKOPF: Mr. Chairman, I move, seconded by the Honourable Minister of Municipal Affairs, that after Section 21 the following section be added: Section 257 of the Act is amended by striking out the words "25 shares" on the third line thereof and substituting therefor the words "\$2,500 worth at par value of paid-up capital stock,"

MR. CHAIRMAN: This new section becomes Section 24.

The remainder of Bill No. 63 was read section by section and passed.

MR. CHAIRMAN: Call in the Speaker.

IN SESSION

MR. CHAIRMAN: Madam Speaker, the Committee of the Whole has considered Bills Nos. 37, 39, 52, 62 and 63 and has adopted Bills Nos. 37, 39, 52 and 62 without amendments, and Bill No. 63 with amendments.

MR. COWAN: Madam Speaker, I move, seconded by the Honourable Member for St. Vital, that the report of the committee be received.

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

MADAM SPEAKER: It is now 5:30 and I leave the Chair until 8:00 o'clock.