

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Wednesday, March 27, 1968

Opening Prayer by Mr. Speaker.

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

HON. STERLING R. LYON Q. C. (Attorney-General)(Fort Garry) introduced Bill No. 7, The Presumption of Death Act; and Bill No. 18, an Act to amend The Manitoba Evidence Act.

HON. DONALD W. CRAIK (Minister of Mines and Natural Resources)(St. Vital) introduced Bill No. 36, an Act to amend the Fires Prevention Act.

MR. SPEAKER: Before the Orders of the Day may I direct the attention of the honourable members to the gallery on my left where we have 70 students of Grade 8 standing from the St. Norbert Elementary School. These students are under the direction of Mr. Vigier and Mr. Bose. This school is located in the Constituency of the Honourable the Attorney-General. And on my right there are 84 students of Grade 8 standing from the John Pritchard School. These students are under the direction of Mr. Leberdeff. This school is located in the Constituency of the Honourable Member for Brokenhead. On behalf of all the Honourable Members of the Legislative Assembly, I welcome you all here today.

Orders of the Day. The Honourable Member for Wellington.

MR. PHILIP PETURSSON (Wellington): Mr. Speaker, I would like to direct a question to the Honourable the Minister of Public Utilities and ask whether it is a fact, as stated in the newspaper last night, that the Manitoba Hydro has authority to adjust rates without permission of or reference to the Public Utilities Board and without holding public hearings.

HON. STEWART E. McLEAN Q. C. (Provincial Secretary)(Dauphin): That is the legislation, yes, Mr. Speaker.

MR. PETURSSON: I'm sorry I didn't. . . .

MR. SPEAKER: I don't believe the honourable member heard your reply.

MR. McLEAN: Mr. Speaker, yes, that is the legislation.

MR. PETURSSON: Well then may I ask another question? Mr. Speaker, are there other utilities which have similar privileges?

MR. McLEAN: Mr. Speaker, just quickly off the top of my head at the moment, I do not know of any others.

MR. SPEAKER: The Honourable the Member for Seven Oaks.

MR. SAUL MILLER (Seven Oaks): Mr. Speaker, I'd like to direct a question to the Minister of Municipal and Urban Affairs. Last spring the province in conjunction with CMHC commissioned a Toronto consulting firm of Murray V. Jones and Associates to prepare a plan for the development of the Town of Churchill. Could the Minister tell us whether she has received this report, and if so, will copies be made available to members of the House and when those copies might be made available.

HON. THELMA FORBES (Minister of Urban Development and Municipal Affairs) (Cypress): Mr. Speaker, I have received a copy of the report. It came to my office, I believe it was just last week - one day last week - I'm not certain of the date. We are looking at it and when we are prepared to release it we will let the honourable members know.

MR. RUSSELL PAULLEY (Leader of N.D.P.)(Radisson): A supplementary question if I may, Mr. Speaker. Was this a report of a secretive nature that it cannot be revealed, or is there contents in the report of such a nature that it would be prejudicial to the public if the report was made available prior to my honourable friend perusing the same?

MRS. FORBES: No, Mr. Speaker. This is a report that is a partnership report between the Federal Government and ourselves and it will be a joint announcement as soon as we have permission from CMHC and ourselves, as soon as we are both ready, and I think that will be quite soon. But we will both announce it at the same time.

MR. PAULLEY: May I ask one more supplementary question then, Mr. Speaker? Has my honourable friend requested of CMHC or the federal authority permission to make the release public?

MRS. FORBES: Yes, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. PETER FOX (Kildonan): Mr. Speaker, I have a question of the Minister of Industry and Commerce. I didn't give him notice of it. I note that Mr. N.S. Bergman has been appointed as Economic Research Analyst Grade IV to the government at \$1,026.00 per month. Is this a civil service post? If so, was it advertised and open to competition and were there other applicants? What qualifications were required for this position and did he fill the qualifications? And since this appears to be the same gentleman who was President of Manitoba Chamber of Commerce, will he still retain the office?

HON. SIDNEY SPIVAK Q. C. (Minister of Industry and Commerce) (River Heights): Mr. Speaker, I'd like to thank the Honourable Member for Kildonan for giving me notice. In answer to question No. 1: Yes, it is a civil service post. It was not advertised and not open to competition. The position became vacant recently as a result of the promotion of a staff member. With the approval of the Civil Service Commission it was not considered in the public interest to go to the expense of advertising this position because recent experience in attempts to recruit staff of this type by advertising have proven not fully effective, and because of the extensive qualifications of Mr. Bergman and because he was known to the department and known to the Civil Service Commission of the province.

The answer to question No. 2: Normally this position, which is referred to as a Senior Consultant position, requires a university degree plus experience in business and/or regional development activities. As to Mr. Bergman's qualifications, he holds a Bachelor of Arts Degree from the University of Manitoba; he's widely experienced in the challenges of regional development in Manitoba; in 1958 he was appointed Industrial Commissioner for the City of Brandon and he was then later Manager of the Brandon Chamber of Commerce; he served as a member of the Committee on Manitoba's Economic Future; he serves as a member of the committee on Manitoba's Transportation Committee; he has also served as a member of the Wood's Labour Legislation Review Committee. He has served several terms as Director of the Canadian Chamber of Commerce. In 1965 he was elected Vice-President of the Manitoba Chamber of Commerce and he is just completing his term of office as President of the Manitoba Chamber of Commerce. Earlier this year he was appointed Regional Director of the University Scholarships of Canada and he was recently appointed as a member of the Targets for Economic Development to 1980 Commission.

In answer to question No. 3: The annual Meeting of the Manitoba Chamber of Commerce is now being held. Mr. Bergman will not be running for office. His appointment is effective as of April 1st of this year and, in addition, his participation in the Manitoba Transportation Commission and the Targets for Economic Development to 1980 Commission will terminate.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, a supplementary question. Is it not a standard and customary practice to advertise this type of a position?

MR. SPIVAK: It is. Occasionally there are appointments that are made that are not advertised.

MR. SPEAKER: The Honourable Leader of the New Democratic Party.

MR. PAULLEY: Mr. Speaker, a further question on this matter. If I understood my honourable friend correctly, he made some statement to the effect that advertising has proven ineffective, or not effective in advertising through the Civil Service Commission for positions of this nature, if I heard him correctly. I wonder if my honourable friend would indicate what he means by that statement.

MR. SPIVAK: I wonder if I can repeat exactly what I said. With the approval of the Civil Service Commission it was not considered in the public interest to go to the expense of advertising this position, because recent experience in attempts to recruit staff of this type by advertising have proven not fully effective.

MR. PAULLEY: Well, that's the point now. I wonder if my honourable friend would indicate what he means by "not effective".

MR. SPIVAK: This was a decision of the Civil Service Commission.

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Mr. Speaker, a subsequent question on the same point. Does the Minister mean by his statement that there was no opportunity for other people in the civil service to make an application? Was this not boarded in terms that we normally recognize within the civil service?

MR. SPIVAK: This appointment was made with the concurrence of the Department of Industry and Commerce and with the full approval of the Civil Service Commission.

MR. MOLGAT: Mr. Speaker, that does not answer my question. My question is: Was this not at least bulletined within the Civil service? Is the Minister telling the House that there was no advice within the civil service through the normal appearance of this position on bulletins permitting other members of the civil service at least to apply?

MR. SPIVAK: Mr. Speaker, the answer is yes, and I'm satisfied that this procedure has been followed in the past.

MR. T. P. HILLHOUSE Q. C. (Selkirk): . . . . . advise me as to whether or no any other person in Manitoba would have the same qualifications as this successful appointee if the government had advertised?

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, just before the Orders of the Day, I want to direct a question to the Minister of Municipal Affairs. Does the government plan to introduce legislation enabling St. James and Assiniboia to amalgamate at this Session since there is an April 4th deadline?

MRS. FORBES: No, Mr. Speaker, the government is not introducing that legislation.

MR. DOERN: A supplementary question. Has there been a request from either of the City Councils to introduce such legislation?

MRS. FORBES: The request, if there has been one, has not been made to me.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN (Inkster): Mr. Speaker, I'd like to direct a question to either the Provincial Secretary or the Minister of Health, whichever is more in a position to answer the question. It relates to the United Health Foundation Incorporated which apparently is going to be involved in the provision of health insurance of various kinds in the Province of Manitoba. And my question is: How are the directors of this organization going to be chosen; who in the future will have a right to belong to this organization; and how are the directors - - is there any provision for the directors of this organization to be responsible to some group or to be changed in one way or another?

MR. McLEAN: Mr. Speaker, the corporation of which the Honourable the Member for Inkster speaks is a corporation established under the provisions of the Manitoba Companies Act, and the provisions of that Act would apply in respect of all of the matters to which the honourable member has made reference.

MR. GREEN: Well, Mr. Speaker, a supplementary question. I am quite aware that the incorporation has been granted under our Companies Act. However, under the new Companies Act it's not necessary for a non-share capital corporation to submit its by-laws, which says . . . . .

MR. SPEAKER: Order, please. I wonder if this would be the time to go into the detail of this particular subject. I wonder if the honourable member would not have an opportunity on another occasion.

MR. GREEN: Mr. Speaker, can I just then ask the Minister. . . .

MR. SPEAKER: If the honourable gentleman has a question, I'd be very pleased to hear it.

MR. GREEN: Yes, Mr. Speaker. I would just like the Honourable Minister, in view of the fact that these details are no longer available to us, whether the Minister can determine from that corporation the answer to the question that I previously put?

MR. McLEAN: Mr. Speaker, in my opinion I would have no authority to require those details of which the honourable member has spoken. My authority as Provincial Secretary extends only as far as the provisions of the Companies Act.

MR. GREEN: Mr. Speaker, that may or may not be the case, but may I ask the Minister to do this, not with his authority but because he has some influence in the community, and perhaps that information would be given to either him or to the Minister of Health since I take it that we are interested in this question.

MR. McLEAN: Mr. Speaker, with the greatest goodwill in the world, I think that would be a dangerous course on which to launch.

Mr. Speaker, before the Orders of the Day, if I may, I would like to have distributed the omissions from our list of Deputy Ministers and similar persons and it's of interest that we discovered one more and so this has four on it.

MR. SPEAKER: The Leader of the Opposition.

MR. MOLGAT: Mr. Speaker, I'd like to direct a question to the First Minister. The

(MR. MOLGAT cont'd.)... Throne Speech mentioned amendments to The Electoral Divisions Act. Could the Minister indicate when we might expect this legislation?

HON. WALTER WEIR (Premier)(Minnedosa): Very soon, Mr. Speaker.

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

MR. CRAIK: Before the Orders of the Day, I would like to table the Return to an Order of the House, No. 18, dated March 18, 1968, on the motion of the Honourable the Member from Birtle-Russell.

#### ORDERS OF THE DAY

MR. SPEAKER: The adjourned debate on the proposed motion of the Honourable Member for Seven Oaks. The Honourable the Provincial Secretary.

MR. McLEAN: Mr. Speaker, may I have leave to ask that this matter stand?

MR. SPEAKER: The proposed motion of the Honourable Member for St. John's. The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I adjourned debate to take a closer look at the Order for Return and to check it out. On checking the same Order out I find there are certain things that -- or certain information that I would like to obtain in addition to what is asked for, and consequently I have prepared an amendment to the Order for Return and I would move, seconded by the Honourable Member for Portage,

1. (a) the number of loan payment extensions that were made in each of the years 1960 to 1967 inclusive.

(b) the total amount of these extensions for each of the years 1960 to 1967 inclusive.

2. The number of business firms having borrowed from the Manitoba Development Fund since its inception in 1958 that

(a) went into receivership while indebted to the Fund.

(b) had to sell or change hands because of financial difficulties.

(c) the amount of money involved in each of these cases.

MR. SPEAKER presented the motion.

MR. SPIVAK: Mr. Speaker, I move, seconded by the Honourable Minister of Mines and Natural Resources, that the debate be adjourned.

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

MR. SPEAKER: Second reading of Bills. Bill No. 10. The Honourable the Provincial Secretary.

MR. McLEAN presented Bill No. 10, The Securities Act, 1968, for second reading.

MR. SPEAKER presented the motion.

MR. McLEAN: Mr. Speaker, perhaps a few brief comments would be in order on a fairly extensive Bill.

The present securities legislation in Manitoba is contained basically in a statute of 1929 with some revision in 1932, and of course over the years amendments from time to time, but basically the legislation has been in existence for quite some time. The Department of the Provincial Secretary and Public Utilities have been considering this matter and giving consideration to a new Bill which would bring us up-to-date and be an effective measure in today's times, and so the Bill that is before us represents the result of that consideration.

In 1966, a new Securities Act was enacted in the Province of Ontario, and that Bill followed what is known as the Kimber Committee Hearings and the consideration of the subject of securities, and also the Kelly Royal Commission which was appointed to deal with what is known as the Windfall Oils and Mines matter which was the subject matter of a Royal Commission. And, as I say, following the Kimber Committee and following the investigation that arose on the other matter, a new Ontario Securities Act was enacted in 1966.

There followed in 1967 new securities acts in the provinces of Saskatchewan, Alberta and British Columbia which followed in large measure, if not totally, the principles of the new Ontario Act. And this Bill which is now before the members is one which is based on the Ontario Act, which incidentally has been considered by people who are expert in this field, that is the Ontario Act, as being one of the best, if not the best in Canada at the present time, embodying as it does all of the modern concepts of dealing with matters relating to securities. And so we have adopted the principles and the approach, and indeed this Bill is modelled on the Ontario Act and it has one of the central features - one of the important features that we consider, is the fact that it thus would make our legislation here uniform with that of Ontario,

(MR. McLEAN cont'd.). . Saskatchewan, Alberta and British Columbia, and that is an important principle in our opinion because of the interchangeability of matters pertaining to securities and the marketing of them and other related matters.

This fact also melds with another matter in which we are very much interested and that is the principle of a central authority in Canada dealing with the subject of securities, and the Province of Manitoba has been engaged, along with other provinces, in considering this principle, and as a matter of government policy we are in favour of a central authority, and even though we don't have what might be called a central authority, as much uniformity as possible and this will enable us to do so. This Bill, in our opinion, will make it possible for us to move into any degree of central authority with regard to securities that we are able to achieve as provinces and that will be a good thing for Manitoba as well as other provinces.

I direct members' attention to the fact that this Bill provides for a securities commission whose function it would be to supervise the matter of the issuing and sale of securities in Manitoba and to carry out the functions which are assigned by the provisions of this Bill. This generally is a function now performed in Manitoba by the Public Utilities Board, and as I think I may have indicated when this Bill was in the resolution stage, it does not necessarily follow that there will be a completely new commission in the sense of personnel. It may well be that all of the members of the Securities Commission could be those who are members of the Public Utilities Board or there may be some crossover as between them. All I'm wanting to indicate is that the people who will serve on the Securities Commission, and of course no decision has been made on that score as yet because the Bill is not through the House, is that it does not necessarily mean that there will be a new group of people who will be discharging this function, but in any event, the body that will be looking after the matter of securities will be known as the Securities Commission.

I would also point out that there will be certain amendments required to our Companies Act in order to tie in with the amendments in this Bill, and those amendments are presently in the course of being put into final form and will be presented. They are companion measures to this Bill and do not in themselves of course contain any principles, but rather are designed to assist in the administration of this Act.

Generally speaking, one could describe this Bill, as providing for what would be called disclosure type legislation in relation to Securities. And to understand that terminology I think, as I understand it, it would be correct to say of our present legislation that it is of a discretionary type, and so we're proposing to replace the discretionary type of legislation with disclosure type legislation, and there are many measures in the Bill whose objective is to upgrade or expand or strengthen the details of disclosures that are required to be made, of course as one will understand, for the protection of investors.

Now it's difficult perhaps and it would be too time-consuming for me to go into too much detail about the Bill, but all I would like to do is to indicate some of the principles that are embodied in this Bill and thereby indicate the general approach that is being made.

I mention first that the content of prospectus and the procedures relating to the filing and delivering of them is set out in some detail and the legislation in that regard is strengthened and improved. Provision is made for a simpler narrative type of prospectus which we believe will be better understood by the investing public.

There is a mandatory obligation to solicit proxies with every notice of a shareholders' meeting. That is a new departure from our present arrangements.

There is provision for reporting of trading by insiders and liability for improper trading by insiders. Reports in this regard are to be open to public inspection and must be publicized or published.

Annual financial statements of the affected corporations are to be filed with the Commission, and these of course must be audited statements.

Takeover bids are regulated by the proposed Bill, which requires delivery of a takeover bid, circular, and fixes the terms and conditions of each bid.

The Bill proposes to tighten the trading rules and carries regulation and stock exchanges - that is to say that applies to the regulation of stock exchanges - and goes further than the present provisions in this regard.

There is provision for a cooling-off period for rescission of securities contracts. There is a right of rescission which is provided for 90 days - that is for a 90-day period - where a prospectus contains an untrue statement of a material fact or omits to state a material fact.

(MR. McLEAN cont'd.)...

And there are stiff penalties for violations of any of the provisions of the Bill.

We believe, Mr. Speaker, that this Bill provides additional protection for Manitoba investors and it is put forward on that basis. It is up-to-date and in accordance with the latest legislation on this subject elsewhere in Canada. It will be noted that the Bill is to come into effect on proclamation and it would be our intention to proclaim it at the earliest opportunity, although I should point out that the officials who are more familiar with this than I am personally have informed me that it will take several months to make the necessary arrangements that would have to be in place before the actual proclamation of the Bill. But I simply mention that the proclamation would take place just at the very earliest opportunity when all of the necessary arrangements had been made.

We have taken the opportunity, Mr. Speaker, of asking a committee of people who are knowledgeable in this field to examine our proposed Bill with a view to advising us, and these people have represented the department and the Public Utilities Board, a Professor from the Law School, a number of lawyers who are knowledgeable in this field, a representative of the Investment Dealers Association and of the Winnipeg Stock Exchange, and we have endeavoured to avail ourselves of the advice that they are able to give us in connection with it. The Bill will go, if it receives the approval in principle of the House, to the Law Amendments Committee and it would be our intention to invite those persons to our committee to assist in giving an explanation of the Bill to the Members, or an explanation of any of the provisions of the Bill to the members that would be helpful.

But I'm going to propose one other thought, Mr. Speaker, one other suggestion, because of course this is not a matter where there's likely to be too much difference of opinion as to the principles. But in order that there may be the widest possible opportunity for a complete understanding of the provisions of the Bill, we propose that on Monday, the first of April at 11:00 o'clock in Room 254, that the Deputy Minister of Public Utilities and the Director of the Companies Branch and the Chairman of the Public Utilities Board and other people who are associated with them in their work will be available in Room 254 and I would invite any member of the House, Mr. Speaker, to attend for the purpose of obtaining information and assistance, and that of course will not be the Law Amendments Committee. It will be completely without prejudice as far as those who attend are concerned and solely for the purpose of providing explanations that may be helpful to the members in making any comments that they would wish to make in Law Amendments Committee or in advancing any thoughts that they may have with regard to it. So I would extend that invitation to any member who would like to do so to be present and avail himself or herself of the assistance of the departmental people who have been working with the provisions of the Bill.

Mr. Speaker, I present this as being a good Bill for the investing public of the Province of Manitoba and I recommend its acceptance.

MR. HILLHOUSE: Mr. Speaker, I wish to move, seconded by . . . .

MR. PAULLEY: Mr. Speaker, I wonder if my honourable friend would permit me to ask a question before he presents the motion. May I suggest, Mr. Speaker, that my asking the question does not indicate participation in the debate and I would in all due respect ask that if the Minister is prepared to answer my question that it not be construed as him taking further part in the debate, and closing it. My question would be: he made reference to the fact of changes in the Companies Act in concert with the Bill that we have before us. My question to my honourable friend is a two-pronged one. First of all, are we to receive the proposed changes to the Companies Act soon so that we can consider the same in conjunction with this, or alternatively, is this Bill going to be held up for a period of time until we have the Companies Act before us so that we can consider the two together?

MR. McLEAN: On a point of order, Mr. Speaker, if I may indicate without exhausting my right to speak in relation to this, the Companies Act amendments will be here very soon but I do not think that that Bill would have any effect on our decision regarding the one presently before us because all of the principles are embodied in the present Bill. The others are what lawyers might call housekeeping items.

MR. SPEAKER: Moved by the honourable member — did you have a . . .

MR. SAUL M. CHERNIACK Q. C. (St. John's): . . . if I may speak if the honourable member is prepared to let me.

MR. HILLHOUSE: Well, subject to my right to adjourn.

MR. CHERNIACK: Mr. Speaker, I.....

MR. SPEAKER: Order please. I take it that you have the permission of the ....

MR. HILLHOUSE: I have no objection if the member for St. John's wishes to speak, as long as the adjournment will stay in my name.

MR. SPEAKER: I will attend to that. The Honourable Member for St. John's. I'm sorry.

MR. CHERNIACK: Mr. Speaker, I rise with the feeling of astonishment at the speed with which the Honourable the Provincial Secretary has moved on this Bill. I don't mean the few days of delay in which he stood it, but rather the fact that he is already forecasting a meeting on April 1st with an opportunity to discuss this matter with certain experts -- April 1st is less than a week off, am I right? It happens to be April Fool's Day, and I'm sure that that is not a matter that would influence the Honourable Minister. But this Bill may not even be out of this House by April 1st, and members may not have had an opportunity to learn from the debate that may yet take place in this House on the second reading, and I wonder how we could possibly intelligently enquire into the matters that these experts will be available to go into with us without having had the benefit of this debate or indeed of the study.

I say that I was astonished to see the speed with which this has come forth, or what is planned for it, because when one looks at the length of the bill, some 125 pages, when one weighs it and when one considers the importance of the subject matter with which it deals, then I cannot help but marvel at the fact that the government has not been able to come up with other legislation which I would have thought would have priority over this Bill. And I'm thinking along the lines of this Bill, that is, the Honourable Minister said that this is a matter for protection of Manitoba investors. Surely they don't deserve any priority or significantly greater attention than do the consumers of this province who have had to wait for some time now in order to get legislation brought in by the government for protection of consumers on matters which have been before committees of this House for quite some time and which involve a Bill which by length and by weight is considerably less than the one that is now being discovered.

In connection with another debate in which I expected to participate, I had ready with me a quotation from the Honourable Provincial Secretary of March 9, 1967, Page 1533 of Hansard, where he says - and that was dealing with consumer protection - "that a proverb comes to mind, that it is better to travel hopefully than to arrive." Frankly, I don't quite know what it means and possibly the Minister will yet explain the benefits of travelling hopefully as being better than arriving, but certainly he feels, apparently in this case, that he's in a hurry to arrive rather than travel hopefully, because we've been travelling hopefully along with him in the driver's seat for some years now waiting for consumer protection, waiting for the expropriation bill which has been sitting around on our desks for some time, waiting for an ombudsman, even the limited form in the Citizens Remedies Code, waiting for other legislation which was promised by this government, and we've been travelling hopefully with him. Some of us are reluctantly travelling along, many of us feeling that we've been dragging him along with his feet firmly entrenched in the mud as we attempted to drag him along, to arrive, and here we find that he is planning to arrive so quickly that he is already forecasting the time when it would be advisable for us to meet with a group of experts without a committee being given an opportunity to explore for itself what are the problems involved.

Now this legislation looks like it ought to be worthwhile legislation, but certainly if this House has time to deal with this, surely it will have had time to deal with these other matters which are still on the agenda to be dealt with. And I notice, Mr. Speaker, that it is being referred to the Law Amendments Committee rather than to the committee which has been the committee used for studying of detailed, difficult and comprehensive legislation such as I've already referred to.

Now I for one would like to help the Minister arrive in many respects, not only in respect of this Bill - and I for one intend to try and learn enough about this Bill to be able to participate in debate on it - but I don't know whether I have the ability to travel that quickly along with the Minister, especially when I am weighed down by the onerous responsibility which I for one accepted in dealing with these other matters that are being postponed again by this government and which are in the hands of the Committee on Statutory Regulations.

So that I have expressed my astonishment, let's put it, at the speed with which the Minister is now travelling. I am looking forward to learning more about this but I am wondering

(MR. CHERNIACK cont'd.)... whether it is because of the Manitoba investors that this has to be done so quickly. Why aren't we being given the opportunity to study that we've had with other bills? Why aren't we being given the time to deal with the other matters which I consider more urgent, maybe only because they've been on our desks for longer, and have that set aside on say Monday, April 1st, when the Committee on Statutory Regulations could be meeting and dealing with this long-delayed material rather than dealing with this Act which is so newly before us.

I listened carefully to what the Minister said. I am not satisfied that he made his case as to the urgency to arrive. I intend to travel hopefully along with this and see whether the need to arrive so quickly will become apparent. I am not aware of any abuses that compare at all with the abuses that we've discussed with this other legislation. The Minister has not dealt with any of the abuses. I'm not aware of the dangers to the extent that we are aware of dangers in other legislation on which this government has been practically asleep, and traveling very slowly. Therefore, I think that should be clarified to us so that we can understand better just what is the urgency and why it is that we must arrive in this case rather than travel hopefully as we apparently are doing in the other cases.

MR. SPEAKER: Moved by the Honourable Member for Selkirk, seconded by the Honourable Member for Lakeside, that the debate be adjourned.

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

MR. SPEAKER: The adjourned debate on second reading on the proposed motion of the Honourable Minister of Agriculture. The Honourable Member for La Verendrye.

MR. ALBERT VIELFAURE (La Verendrye): Mr. Speaker, the Bill before us is Bill 27, an Act to amend The Horned Cattle Purchases Act, and I imagine that to most people this seems like rather an insignificant Bill because horned cattle themselves are something that one really maybe doesn't appreciate or hates so much until he gets a good bump from one of them at one time or another. However, if one looks at the damage that is being done by horned cattle through the years, one finds that it is really something that causes great losses to the people of this province.

Now first I must say that I am sorry that we don't have more information on this horned cattle fund. Although we did get the annual report, I think we could have discussed this in a better way or more intelligently had we been given the happenings of the fund through the years. The information I have is that the fund was established in 1939 and really hasn't accomplished too much because we still have a lot of horned cattle. Now, I realize that many of the cattle producers themselves are in favor of abandoning or lifting the penalty on horns, and I think I can understand their reason, because in many cases they are the ones that are really contributing to the fund, are being penalized by the deductions, and they haven't really been the cause of the horns.

I think the failure of the fund has been mostly because the deductions themselves have not been used expressly to encourage, or to force I would say, the removal of the horns. Although I realize that the associations that have received the benefits of the fund are in themselves good organizations that have done a lot of good to the industry at large, they have contributed back to the people that were paying for it only partly; and I refer here for example that the fund, from the information I have, has been to promote, to help the Bull Purchase Assistance, the Animal Science Department, to promote artificial insemination. Some grants have been made to the Sire Indexing Station at Douglas and the Livestock Protection Society. While I certainly do not want to criticize any of these organizations, however, the fact that the ones that have been paying for the fund are the stock growers and these associations have benefitted certainly only partly to the ones who have really paid the full shot of the fund.

The damage done by horned cattle is certainly not easy to estimate exactly. The Honourable Member from Lakeside and myself made it a point of spending half a day at the packinghouses in St. Boniface this week in looking over the carcasses there to try and establish, to get a first-hand view of the damage that was done. And really, it's a sad sight to see for example some beautiful line of carcasses who are choice beef and you see amongst them a few carcasses that will be immediately taken off the line from the prime buyers, I would say, just because there has been a horn bruise. And certainly somebody has to pay for that, and the damage, although hard to estimate at that time, is certainly very costly to all those concerned.

Now another fact I think, another happening that is very hard to estimate as far as



(MR. VIELFAURE cont'd.)... damage is concerned or cost to the people producing beef, is for example a buyer standing there and going to bid on a load of cattle where there is for example one horned animal. Well, any buyer who is smart will just not be interested in buying this load because he knows very well that tomorrow when the beef is rail graded there will be a lot of damage on these carcasses and therefore a lower return for the animals purchased. So this again I think is another fact that shows how important the damage -- or costly, I should say, the damage by horned cattle is.

Now the legislation before us says that we should suspend the deductions for now because, if I understand the Minister, it hasn't done a good job, and I think we all agree that the job hasn't been done. However, I doubt very much that this is the right step to take, because I would predict right now that we will have to be back here with legislation in a very few years to re-establish some kind of a penalty in order to stop these losses. As you can see from the annual report, the income from this fund was \$87,000 last year and the operation cost was about \$17,000, which leaves you with a net profit of about \$62,000.00.

Now as I said before, I can understand why, when many of the producers who are not themselves producing cattle with horns and see this kind of a figure and seeing grants being made to different organizations will tend to express the opinion that it should be discontinued. However, we have a problem with us and I don't think that by just suspending the fund we'll correct it. I certainly think that we should look to some legislation that will contribute more or make better use of the fund, to make sure that the steps that are taken will be that the money deducted from the horns will be used specifically for the removal of horns, or we could even go into -- I think there could be a lot done in the way of research, for example, to breed out horns, because really if we're practical, what we're doing here, we're producing horns and then we're penalizing ourselves by the horns causing the damage. So I think we could do a lot of research in breeding out horns and also in educating and supplying people with every possible means to see that horns are removed at an early age.

MR. SAMUEL USKIW (Brokenhead): Mr. Speaker, I move, seconded by the member for Seven Oaks, that the debate be adjourned.

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

MR. SPEAKER: Second readings. Bill No. 12. The honourable the Provincial Secretary.

MR. McLEAN presented Bill No. 12, an Act to amend The Garage Keepers Act, for second reading.

MR. SPEAKER presented the motion.

MR. McLEAN: Mr. Speaker, in 1958, legislation was enacted to provide in the Garage Keepers Act that in respect of farm vehicles, farm machinery, that the lien of a garage keeper for repairs done to a farm vehicle would continue even though the vehicle was released from the possession of the garage keeper, provided that the garage keeper carried out certain steps; namely, having an acknowledgment of the person for whom the work was done and who owed the account, and also provided that a lien was registered within a stated time period in the office of the County Court Clerk. This was done to facilitate the release of vehicles upon which repairs had been made and was considered to be in the interests of not only those who owned the vehicles concerned but in the interest of the persons who had performed services in respect of them.

The provisions in this Bill are to extend that principle to motor vehicles so that the same provisions will apply in the case of work done on motor vehicles by garage keepers. It will enable them to release the vehicle and at the same time to retain their lien for the amount of their account, provided that the same steps are carried out. It is put forward on the basis that this will be a matter of convenience both to those who have work done on their vehicles and to those who perform the services concerned, and on that basis I recommend it to the House.

MR. CHERNIACK: Mr. Speaker, I appreciate the explanation of the Honourable Minister. This, I think, takes care of the one item of the Citizens Remedies Code that was not brought to the Committee on Statutory Regulations and I think it's a proper matter to bring forth. I must admit that I'm a little bit nervous about the eight days which appears to be a hiatus between the release of the vehicle and the registration period for the lien, and the dangers that may result of a person purchasing an automobile within that eight-day span. This is something that I think we should look at in Committee, and I might be inclined to suggest that the lien holder, the garage keeper, should not be protected until the lien is actually registered

(MR. CHERNIACK cont'd.) . . . so that a purchaser would know that once he has made his search and obtained a certificate showing that there are no registrations that there can't be a potential one about to be registered within a few days after the sale.

Now I confess I haven't studied the Bill closely enough to make sure that my assumption is correct, that there is that hiatus. As a matter of fact I think it's ten days, not eight days. But I think that that is something we should look at because vehicles are bought and sold, second-hand vehicles are bought and sold privately quite a bit, and there is the danger, especially I would think out in the country where there's less facility to get at the registrations, for things to go astray. I don't want to impute bad motives on any business people but there is the danger of retroactive liens being set up and I think we've got to watch ourselves insofar as that is concerned.

So that with that general caution, I for one am pleased to see that the Minister has brought this forward now as being one of the matters referred to in the Citizens Remedies Code which has been on our desks for - two years?

MR. SPEAKER: Are you ready for the question?

MR. LEONARD A. BARKMAN (Carillon): Mr. Speaker, I beg to move, seconded by the Honourable Member for Turtle Mountain, that the debate be adjourned.

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

MR. SPEAKER: Bill No. 15. The Honourable the Minister of Municipal Affairs.

MRS. FORBES presented Bill No. 15, an Act to amend The Planning Act, for second reading.

MR. SPEAKER presented the motion.

MRS. FORBES: Mr. Speaker, the Planning Act now provides that a planning scheme shall be known by the name of the municipality or the local government district to which the scheme applies. Now where a scheme covers all or a portion of one or more municipalities or local government districts, the title to that scheme becomes quite cumbersome. For example, there's a scheme covering part of the Whiteshell and the Rural Municipality of White-mouth, the Rural Municipality of Lac du Bonnet and the Local Government District of Pinawa. Now this name would be quite cumbersome as the title would have to carry the names of all of these municipalities or local government districts, and the amendment to the Act would permit the Director of Planning to approve the name of a scheme which he considers would best represent the whole area covered.

The other amendment in this Act is to encourage planning on a regional basis rather than purely on a municipal basis. The Act as it now stands does provide for one or two municipalities or local government districts to enter into an agreement providing for planning on a district basis, but this amendment would permit municipalities to act jointly on an area basis rather than a municipal basis. I recommend this Act to the honourable members.

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

MR. SPEAKER: The Honourable the Minister of Education. Bill No. 20.

HON. GEORGE JOHNSON (Minister of Education)(Gimli) presented Bill No. 20, an Act to amend The Public Schools Act, for second reading.

MR. SPEAKER presented the motion.

MR. JOHNSON: Mr. Speaker, there are about four sections to this Bill No. 20. One deals with the -- just stating that a Board of Trustees may deduct up to six percent from an employee with respect to pension funds. Since most funds, including the Teachers Pension Fund, provide for the deduction of six, it was thought desirable to increase the amount deducted for employees who are not teaching to the same figure of six percent.

The other amendment provides -- under the present 525 of The Public School Act only the owner of property can appeal an assessment classification and I understand that there are some cases where the Branch was in error, the Assessment Branch itself, and listed property as farmer-residential which could be listed as commercial or other property, and this amendment would provide that anyone including the provincial assessor might appeal classifications.

Another section deals with providing for the classification of assessment and notice of assessment with respect to those divisions who came in as of the first of January as unitary divisions, of which there are 11.

Another provision here -- and I would like to explain to the House that Section 263 was brought in -- one provision here amending one amendment that's being proposed here, I would

(Mr. Johnson cont'd.) . . . . . like to make an explanation. Under one Section 263 of the Act it states that a teacher must be in the employ of a School Board for two years before being entitled to a reason for dismissal. Under Form 6, which is the teachers' contract form, it says that - and this is a contract which every teacher must sign with the school district and it must be approved by the Minister - and apparently under Form 6 it states that the board "shall" on request give the other party the reason or reasons for terminating an agreement. To us in the department and to our solicitors and the advice of our solicitor, this conflict should be resolved and it was proposed in this Bill to bring the contract 6 into line with Section 263 which states after the two-year period the reasons should be given.

I should point out that since the Bill was printed I have had representation from the Teachers Society asking the department to look at this in the light of certain evidence and reasons which they have brought forward, which I would therefore suggest we allow the Bill to go to Law Amendments where we can straighten out any misunderstanding of the legality or the legal position, one or the other, and clear the matter up. But these are the four provisions with respect to Bill 20.

**MR. MILLER:** Mr. Speaker, just a clarification on this. I gather from what the Minister says that this is an attempt to make changes so that it would coincide or be parallel to the security of tenure clauses in the agreement, and yet is there any validity or any need to make these two things coincide in any way? In the one case, under security of tenure a teacher cannot be dismissed unless a reason is given and - and this I think is the key point - and under the security of tenure clause or the protection of security of tenure the teacher can ask for arbitration or a review board to hear the case. The existing legislation as it stands, not this revised one but the existing one, simply says that the board shall give a reason, but insofar as a review is concerned or arbitration is concerned, that's left at ministerial discretion and the Minister may or may not, depending on how he feels or in the light of the situation, may order an arbitration or review but he's not obliged to. But all that the school board is obliged to do is give a reason of why this teacher is being released.

Now in Greater Winnipeg in the last year or year and a half there was a situation such as this. It created quite a furor. I don't think that this type of legislation is going to resolve the problem; I think it's going to aggravate it. I think it's not unfair at all that when a teacher is released or when a teacher's contract is not renewed, that that teacher should be told why the school board no longer desires to renew the contract. That's all they have to do. They don't have to fight over it, they just have to say, "We don't want you because in our opinion you're no good"; or "We don't want you because in our opinion we can't afford you." Whatever the reasons are, they are entitled to say them. But I think it's only right that the individual teacher, having been signed on, should be given some reason.

Now this legislation, if enacted in its present wording, will deny the right to the teacher for any of this information. The board can simply terminate or not renew a contract without comment and without giving the teacher any indication as to the whys or the wherefores. I think you should be very careful in this type of legislation because I think that the idea that a person should be notified and should have some understanding of why he is being released, this is a right that I think he's entitled to and I don't think we should deprive him of it. As I said, he can't go beyond that. He can't insist on arbitration until he has security of tenure, and I'm suggesting that he should have it. But surely this legislation will deprive him of what little he has, and all that he has really is the right to ask for the reasons why of dismissal.

So I would like the Minister to keep in mind when this goes to Law Amendments or to whatever committee it's going to go to, and at that time perhaps modification in the wording can be made or changes in the legislation itself.

**MR. BEN HANUSCHAK (Burrows):** Mr. Speaker, I wish to move, seconded by the Honourable Member for Kildonan, that the debate be adjourned.

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

**MR. SPEAKER:** Bill No. 22. The Honourable the Provincial Secretary.

**MR. McLEAN** presented Bill No. 22, an Act to amend The Manitoba Hydro Act, for second reading.

**MR. SPEAKER** presented the motion.

**MR. McLEAN:** Mr. Speaker, just a word. When this Bill was in committee at the resolution stage, I think that practically everything that could be said was said. It is to increase the borrowing authority of Manitoba Hydro, and I had rather expected that when we were in the Committee of Utilities and Natural Resources that we might have reached the point of being

(MR. McLEAN cont'd.)... able to ask for an explanation or at least for any information on the Bill. I'm recommending, Mr. Speaker, that this Bill go to the Committee on Utilities and Natural Resources from second reading, if it receives second reading, at which time there will be an opportunity for further explanation and I think that's the proper committee for the Bill.

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

MR. SPEAKER: Bill No. 38. The Honourable the Provincial Secretary.

MR. McLEAN presented Bill No. 38, an Act to amend The Manitoba Telephone Act, for second reading.

MR. SPEAKER presented the motion.

MR. McLEAN: Things happen so fast around here, Mr. Speaker, it's hard to keep in touch. The same comments, Mr. Speaker, about this Bill with respect to the previous Bill No. 22. We discussed it in Committee - at the Committee stage. It proposes to increase the borrowing authority of the Manitoba Telephone System, and here again I am suggesting that the Bill go from second reading to the Committee on Utilities and Natural Resources. The telephone system people will be there and I think that would be the proper place for this Bill to be considered in committee.

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

MR. SPEAKER: Bill No. 50. The Honourable the Minister of Municipal Affairs.

MRS. FORBES presented Bill No. 50, an Act to amend The Municipal Act (1), for second reading.

MR. SPEAKER presented the motion.

MRS. FORBES: Mr. Speaker, I believe that this Bill requires a little bit of an explanation. The Municipal Act provides that a village should have a population of 500 people and a municipal taxable assessment of some \$300,000 in order for it to be a village. Now the Village of Foxwarren has a population of 239 people and a municipal taxable assessment of some \$209,890. The Council of the Village of Foxwarren were of the opinion that by rejoining the Rural Municipality of Birtle that municipal services for Foxwarren could be supplied or provided by the rural municipality at a lesser cost and it would also do away with the necessity of having administrative structure in the Town of Foxwarren. For this reason they negotiated with the Rural Municipality of Birtle and the Rural Municipality of Birtle agreed, and so Foxwarren applied for an Order-in-Council for disestablishing the Village of Foxwarren. That Order-in-Council, Mr. Speaker, was passed and became effective on December 31st of 1967.

Now the section of the Municipal Act which is being amended wipes out the by-laws of the Village of Foxwarren when Foxwarren was disestablished. The amendment here will maintain the by-laws in force and effect until they are amended by the Rural Municipality of Birtle.

Now there is a particular aspect here that affects the Department of the Attorney-General and I believe, Mr. Speaker, the Honourable the Attorney-General would like to speak to this.

MR. LYON: Mr. Speaker, while the amendment is cast in general terms, it will have the specific effect of permitting the operation within the disestablished Village of Foxwarren of a beverage room within a hotel which in the absence of this general legislation would be forced to revert back to the old basic licence of beer parlour. Now this comes about because of course while Foxwarren was a Village it conducted a referendum pursuant to the provisions of the Liquor Control Act and permission was gained from the electorate to have this kind of licence in the town and subsequently an entrepreneur did establish such a business and converted his premises to a beverage room. He is now faced, in this particular instance, with the anomalous--he and the town are faced with the anomalous situation that they voted for a particular kind of licence; the licence was granted; the investment was made; the establishment was put into place; and presumably the people of the town and the area have been utilizing the establishment, and they find that because they disestablished as a village they are now part of a rural municipality which has had no such vote. And the Commission - the Liquor Control Commission is in the further anomalous position now, in the absence of this legislation, of having to refuse to issue a beverage room licence to an existing beverage room because of the disestablishment procedure that took place.

Now, ordinarily one would say, well they chose for this so they should take the consequences of the Act. However, it was apparent that this particular kind of situation, as well as others, may well not have been contemplated in the Municipal Act when villages

(MR. LYON cont'd)... disestablished. And so we have before us the general provision which says that where any village disestablishes and falls back say into a RM status, that the existing by-laws of that village remain in force and effect until such time as they are altered by the new government which is the Rural Municipality.

There is a further part to the amending section which says that in the case -- it's better to read it I think -- but no such by-law" - that is the RM can repeal any by-law that was in force or effect - "but no such by-law shall be repealed or altered unless it could have been repealed or altered by the municipality that passed it." That is to cover the situation where local options were required as in the case of the Liquor Control Act or other statutes that do require local option legislation. The RM cannot repeal - after this Act is passed - will not be able to repeal the by-law which was in force in the Village of Foxwarren. But in any case the RM could not, of its own motion, repeal such a by-law in the absence of a vote.

The government were requested by the Rural Municipality of Roblin to bring forward this particular legislation because they said that it was not their desire when they disestablished to cause the trouble that has occurred with respect to this one licensed premise. However, the Bill is brought forward by the government in general terms to accommodate this situation should it arise in any other municipalities, and in particular terms though it is mentioned in order that the House may be fully aware of the fact that this is the particular circumstances that bring forth this legislation.

Consideration was given to bringing in a private Bill with respect to Foxwarren but that was discounted - that idea was discounted because it is possible that this situation could arise in other municipalities and it was thought, after consultation between the law officers of the Crown and the representatives of the Department of Municipal Affairs, that it was better to couch the amendment in general terms as it appears here and to implant it in the Municipal Act where it could be utilized on future occasions.

And so I commend this Bill to the House. I have tried to outline as succinctly as I can the particular circumstances which gave rise to the general legislation, and I hope that the House will see fit to approve. I should mention one final thing before sitting down, that the Bill is made retroactive to the 1st of January -- or to the 31st day of December, 1967, which was the date on which this village disestablished. Since that time the licence has been continued on by the Commission but the licence in these particular premises must be renewed on the 1st of April of this year, and the Minister will be asking the House, if they see fit, to put this Bill through this week in order that it could receive Royal Assent on Friday - at which time the interim supply will also be hopefully ready for Royal Assent - in order that there can be a continuation of the services provided by this licence. Now that of course is -- the House has the sole control over whether or not that happens, but I suggest this as one mode of procedure to the House and hope that they will be able to accommodate this request.

MR. RODNEY S. CLEMENT (Birtle-Russell): Mr. Speaker, I would say very briefly that I want to thank both the Minister of Municipal Affairs and the Attorney-General for bringing this Bill through with such short notice. This situation was discovered approximately four or five weeks ago when the Reeve of the Municipality of Birtle -- and I would like to correct - I know the Minister said inadvertently the Municipality of Roblin - it's the Municipality of Birtle -- came to me about it and the owner of the particular beverage room was set back very - I can't just think of the right words - put out. All of a sudden he found that he was going to be out of business on the 1st of April.

The municipality, the reeve and the council had a meeting and decided if anything could be done they would go along wholeheartedly with it, and when the Ministers were approached - the Department of Municipal Affairs - a great deal of haste and a lot of thought was put into it, and rather than have me bring in a private Bill it was thought this situation could and may arise again. And so in order to put it through, the unanimous consent I believe is necessary, and I as the Member for Birtle-Russell would appreciate the members of the various parties if they would allow this to go through. Thank you.

MR. SPEAKER: Are you ready for the question?

MR. PAULLEY: Mr. Speaker, I might say that I can appreciate the difficult situation prevailing in this instance. I do wish that the government would act just as speedily in the provision of health care services for the citizens of Manitoba as it is in this particular instance. I'll be talking about that - or consumer protection - I'll be talking about that on a separate occasion though, Mr. Speaker. I just want to indicate that we have considered the

(MR. PAULLEY - cont'd)... proposition contained within this Bill before us and I assure the Member for Birtle-Russell - without payment - that as far as I'm aware there will be no hesitancy as far as we are concerned in having this Bill forwarded.

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

MR. SPEAKER, Bill No. 26. The Honourable the Attorney-General.

MR. LYON presented Bill No. 26, an Act to amend The Reciprocal Enforcement of Maintenance Orders, for second reading.

MR. SPEAKER presented the motion.

MR. LYON: Mr. Speaker, very simply, this amendment confirms the fact by statute, by amendment to this Act, that there is a right of appeal. There was some question raised by the Law Officers of the Crown in the conduct of an earlier appeal as to whether or not this appeal right, which is a statutory right, was properly contained within the Act or clearly contained within the Act, and in order to make certainty double sure we're bringing forward this amendment which is really to clear up what we have assumed always to be the case. It is made retroactive to 1961, which was the date on which the legislation was passed by this Legislature and proclaimed, in order to ensure that appeals that have taken place since that time are covered by this amendment.

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

MR. SPEAKER: Bill No. 41. The Honourable the Provincial Treasurer.

MR. EVANS presented Bill No. 41, an Act for granting to Her Majesty Certain Sums of Money for the Public Service of the Province for the Fiscal Year ending the 31st day of March, 1969, for second reading.

MR. SPEAKER presented the motion.

MR. EVANS: Mr. Speaker, the principle of this Bill is quite clearly stated in the short title, The Interim Appropriation Act for 1968. I have heard no questions or discussion on the matter; I would be glad to discuss anything in connection with it. However, I think it's a practically routine manoeuvre that is generally granted by the House each year and I commend it to the House now.

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

MR. EVANS: Mr. Speaker, I wonder if the House would be inclined to, by leave, permit the further stages of this Bill to be entered into now, that is to conduct the Committee stage and consider third reading, and if advisable to pass it.

MR. MOLGAT: Mr. Speaker I have no objection to that; it's a routine matter. We expressed our opinions the other day on Committee of the Whole as to our view of the whole thing, but we have no objection.

MR. PAULLEY: We have no objection either, Mr. Speaker, except I want to use this occasion in granting our approval for proceeding with this matter, our basic objection in the delay in the calling of this Session. If we had of met at a proper time, in due order we could have considered the problems facing Manitoba, and also I might frankly confess that at one stage we had figured that possibly we would withhold interim supply due to the inefficiencies and the deficiencies of this government, but on reflection we've decided that at least the Civil Service should receive payment for the next little while, and after they are assured of that payment then we will tackle the government with full vigor.

MR. EVANS: Mr. Speaker, I have always recognized my honourable friend as not an obstructionist.

MR. EVANS: Mr. Speaker, I beg to move, seconded by the Honourable the Attorney-General, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider Bill No. 41, an Act for granting to Her Majesty Certain Sums of Money for the Public Service of the Province for the Fiscal Year ending the 31st day of March, 1969.

MR. SPEAKER presented the motion.

MR. LYON: Mr. Speaker, before the question is put, I wonder if I might also ask the House, particularly when my honourable friend the Leader of the New Democratic Party is in such a euphoric mood -- euphoric - that's a good word - as to whether or not the House would be disposed to consider the Bill, Municipal Act (1) which has just been passed as second reading, in Committee of the Whole and to put it through in the light of the request that was made by the Honourable Member for Birtle-Russell and our desire to get Royal Assent on Friday.

MR. MOLGAT: No objection from our standpoint again, Mr. Speaker. We recognize the position of this Bill and are prepared to proceed.

MR. PAULLEY: We understand the position of the government and we'll bail them out in this instance.

MR. SPEAKER put the question 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 Arthur in the chair.

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: Committee proceed. ( Bills No. 41 and 50 were read section by section and passed.) Committee rise and report. Call in the speaker.

Mr. Speaker, the Committee of the Whole House has considered Bill No. 41 and Bill No. 50, directed me to report same and ask leave to sit again.

IN SESSION

MR. WATT: Mr. Speaker, I beg to move, seconded by the Honourable Member for Springfield, that the report of the Committee be received.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried. BILLS NOS. 41 and 50, by leave, were each read a third time and passed.

MR. LYON: Mr. Speaker, I beg to move, seconded by the Honourable the Provincial Treasurer, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the report of the Special Committee on Rules, Orders and Forms of Proceedings of the Legislative Assembly referred to this Committee by Resolution of the House on Friday, March 8, 1968.

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

#### COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: Committee proceed. The Honourable the Leader of the NDP Party.

MR. PAULLEY: Mr. Chairman, I believe that the only item that is outstanding is the matter on Page 33A dealing with Orders for Return -- I'd say that's subject to correction. I'm not sure whether my friend the Honourable Member for Lakeside had something else; but anyway, if you recall, Mr. Chairman, the last time the committee met we had under consideration a proposition from our group as to an amendment to the rule dealing with Addresses for Papers and Orders for Return. At that particular time there was some confusion which arose as a result of the manner in which the amendment which I had proposed read, and since that time the Clerk has been kind enough to have typed copies of our proposition for consideration of the groups, and if it's in order then, Mr. Chairman, I would like to formally move what proposition we now desire to make.

I want to draw to the attention of the committee that there has been an addition made in our present proposals over and above that which we were talking about the last time the committee met. Our general proposition is to the effect that when a minister of the Crown indicates an Address for Papers or an Order for Return is accepted by the government, that there would not be any debate at all, due to the acceptance of the proposition. Well, we thought that was clear-cut and we still do.

Then we thought of another possibility which might arise, which could lead to, even though originally a minister of the Crown had indicated acceptance, that there was a possibility of another situation arising which may lead to a debate on the Order for Return, and that is if a member of the House wished to amend the Order for Return. Now, it so happens that that situation arose this afternoon when the Honourable Member for Rhineland did amend an Order for Return, and could lead to a debate on the amendment which could reflect on the main motion for the Order for Return. So we have suggested clarification on that point and I trust, Mr. Speaker, that my brief explanation is understandable.

And then there is another proposition, Mr. Chairman, that I wish to now draw to the attention of the committee for its consideration, and it deals with the question of Notices of Motion for Orders for Return in between sessions of the House. At the present time, there is provision in the proposed rules to the effect that prorogation of the House shall not have the effect of nullifying an Order for Return. We're going a little further now and suggest that a member may give a Notice of Motion in between sessions for an Order for Return or an Address for Papers, and that if the government is prepared to accept it, it shall notify the member who seeks the information accordingly and shall deal with the order as though it had passed in effect by the House, because it is just seeking information. But if the member is not so notified by the government of the acceptance, the same shall be dealt with as if the government had refused to accept the order. Now this is a departure, I appreciate, from normal but we feel that it would expedite the business of the House and give the information to members that they desire to obtain.

So therefore, Mr. Chairman, I would like to move the following:

1. - and I'm dealing of course with the proposed rule on Page 33A - That sub-rule (1) as proposed be amended by eliminating all of the words following the words "Address for Papers" appearing in the second line thereof, and substituting the following: "same shall be debated as a substantive motion unless the government indicates acceptance thereof, in which case there shall be no debate; providing, however, that if a member wishes to move an amendment thereto, he may be permitted to do so and a debate may then follow."

2. That the following words be inserted in the first line of sub-rule (2) immediately following the present words "sub-rule (1)" "the mere moving of the motion or";

3. That the last paragraph of the proposed rule by numbered number (3);



(MR. PAULLEY cont'd)

4. That the following be added as paragraph (4): "A member may give notice of motion for an Order for Return or an Address for Papers at any time prior to a session of the House, and the government shall be forthwith notified thereof. If the government is prepared to accept the same, it shall notify the member to that effect within 14 days and shall deal with such order as if it had been passed by the House at the preceding session. If the member is not so notified of the acceptance of the order, then same shall be dealt with as if the government had refused to accept the order and thus the same may be debated."

MR. CHAIRMAN: Are you ready for the question?

MR. LYON: Mr. Chairman, we had the opportunity to consider this initial amendment as proposed by the Leader of the New Democratic Party in the two or three days it has been before the House, and then we saw as well on the printed sheet his proposed amendment to it which he has just explained. After considering the work of the committee and looking back at the change that the committee more or less agreed upon while we were sitting considering the rules between sessions, and having regard to the fact that this is a new procedure with undoubtedly some kinks still to be ironed out of it, I think we all agreed at the time, as a matter of fact, that we would have to observe the operation even if the rule was initially proposed to see if it met with the wishes of the proper conduct of business in the House. But having considered all of these matters, we are of the view that it would be the better part of wisdom, I think, to retain the amendment that was agreed upon in committee as a starter, and see how that works out, and after this session, if we find that there are any problems developing with it, then of course we're always free at a subsequent session to deal with any of the new ideas that have been proposed by the Leader of the New Democratic Party. But by and large we think that it probably would be advisable at this stage to go with what we have presently printed on Page 33A of the Report of the Committee, see how that works, and then if we have to make improvements on it at a subsequent session we can do that. So, with regret, because I think we have had a fair degree of unanimity throughout these matters, I would have to tell my honourable friend, Mr. Chairman, that we would not be disposed to accept his original amendment or his sub-amendment at the present time. These matters can still be kept under consideration but we would rather prefer to carry on with the rule that we hammered out in committee as it appears on Page 33A of the report.

MR. MOLGAT: Mr. Chairman, we had a preliminary debate on this matter the other evening, but we did not at that time have the copies, and I want to thank the Leader of the NDP for having supplied us with them in the meantime.

It seems to me that when we discussed this in committee originally, it was a compromise. Members of the committee recognized that if the present rules - I'm not speaking now of the proposed rules, but the rules that we operate under in the House right now - were to be abused by the Opposition, there was a possibility here really of delaying the operations of the House, because the Opposition could load the Order Paper with Orders for Return and Address for Papers, and every day go through a lengthy debate on each of them and prevent the work of the House; while this had not happened, that it was still a possibility, and would not be in the interests of the functioning of the Legislature. So, with that in mind, the compromise that we had arrived at was that if members wished to debate Orders for Returns and Address for Papers, this being normally Private Members business - they normally come from our side of the House; they could of course come from the government side too, but it's still a Private Members resolution - that it would be proper in that case for the debate to take place on Private Members Day. It would still not prevent Orders and Addresses from being presented each day if they were acceptable, and this is the purpose of the sub-clauses outlining the basis of what's determined to debate or not, they could go forward immediately; but if a member moving it, or some other member, wished to debate it, then he would do so on the day set aside for Private Members business. This appears to me to be a reasonable compromise.

Now the proposal that we have before us would suggest that they could be debated on any day unless the government says it accepts the paper or the order. If the government accepts it then there can be no debate at all. It seems to me there could be circumstances, Mr. Chairman, where a member does want to speak on it even if the government is prepared to accept the order, because he may want to explain some reasons as to why he's putting the order forward; there may be some background information that he wishes to give even if the

(MR. MOLGAT cont'd)...government is prepared to accept it; he may want to clarify the matter, and yet he wouldn't be allowed to do so under the proposed amendment. It seems to me that we would lose by that proposal, and therefore I'm not prepared to support the amendment as it is proposed. I think I would rather see us proceed on the basis of the arrangement proposed, or before us now, and which had been agreed to in committee, and see how it works out. I think that the House would lose by tying itself into a situation where a member could not speak on his own motion simply by the fact that a Minister across the way gets up and says, "I accept it." The member still may want to bring out some matters of further interest and he would not be allowed to do so.

MR. PAULLEY: If I may, Mr. Chairman, I appreciate the position taken by the honourable member who has just taken his seat. Quite frankly, we thought that we were suggesting a very reasonable proposition to the House in this proposal, because we feel that the purpose of Orders for Return is seeking information, and if we have in our Orders for Return the questions pertaining to the information that we seek, and the government says, "We'll give you the information," then surely that is all that we are seeking. I would suggest that if a member wishes to debate on something that the government is going to produce for his or her benefit in any case, it could be done by a substantive motion apart from Orders for Return; and this could be done, and irrespective -- irrespective, Mr. Chairman, as to whether or not the order is transposed or carried over to the next day which is Private Members Day, some member, who having been assured by the government that the information that he is seeking will be forthcoming, can dominate a considerable portion of Private Members Days for debate that he may only be interested in.

Now, over the years that I've had the opportunity of taking part in revisions of the rules, it seems to me that private members' time has been eroded and has been subject to restriction after restriction. Why, might I ask, Mr. Chairman, should it be that the debate take place on Private Members Day seeking information from the government? That's what we're here for, as members of this Assembly in the interest of government continuously seek information. And what happens toward the latter part of the session with our Private Members' resolutions? We just simply don't have time enough before prorogation to adequately deal with Private Members' resolutions.

We're into estimates now, and we changed the rules insofar as estimates are concerned. There used to be unlimited time for estimates, now it's 80 hours; and who are the sufferers as a result of this? The private members who wish and desire information from government. And our proposition here was to stop that erosion. Now my honourable friend, the Leader of the Opposition, said that the committee that was established did consider many aspects insofar as this particular section of our rules, and I agree with him we did, but I'm sure that he would agree with me that as far as I was concerned representing the New Democrats there was the reservation at all times that what came out of the rules didn't necessarily mean agreement completely.

So, Mr. Chairman, it seems obvious - of course, it is obvious - that what we thought was a practical method of giving to the members information that they were seeking, a method which we thought would really find acceptance within the whole of the House, is going to be rejected by both the Government and the Official Opposition. We'll, of course, have to accept the decision of the majority. But I do want to emphasize, Mr. Chairman, we considered we were being responsible. We consider that if a private member wishes to argue about information that the government was prepared to give him in any case, it shouldn't be at the expense of the rest of the private members in the Assembly. And this is the basis of our proposition. We've lost time, a lot of time, devoted to private members' resolutions since the rules were changed - I believe that the Honourable Member for Lakeside can suggest to me -- I believe it was in 1955 we had a revision, 1953 or 1955 --(Interjection)-- 1951. We've had two or three changes since that time; we've had more limitations on the debate on the Speech from the Throne. At whose expense? The private members' expense. We have more limitations now on the budget debate. At whose expense? The private members. And we're having more and more restrictions placed upon the private members in this Assembly. However, as I said, Mr. Chairman, it seems that what to me - and I may be bragging in this respect - was one of the most statesmanlike suggestions made in respect of the rules, namely our proposition, is going to be rejected. We have to accede to the majority, but I think that the government and this House is missing an opportunity to forward the business of Manitoba without curtailing

(MR. PAULLEY cont'd)...further the time allocated to private members' resolutions.

MR. LYON: ...our standpoint we're certainly not, by indicating lack of support for the amendment, demigrating the value of the suggestion. We think it was worthwhile, and as a matter of fact I think we asked for time to give it more thought. The fact that we don't at the moment agree with moving quite this rapidly into this field doesn't mean that we don't appreciate the value of the suggestion. I'm sure it will be kept before us in years to come.

MR. MILLER: Just a point of clarification, Mr. Chairman. If, since this amendment is not going to be accepted, am I to understand that if an Order for Return is put in, if the government refuses to accept the Order for Return or doesn't want to accept it in the form presented, is the member then precluded from debating it on that day? That is, if it's not Private Members Day. It may come up on a Monday or on a Wednesday or on a Thursday. How does he signify that he wishes to debate it? Does he have to signify to the Speaker, in which case does it come to the -- is it referred to Private Members Day to the bottom of the Order Paper or to the top of the Order Paper? --(Interjection)-- Same position as what? It's a new item. In other words it goes to the bottom.

MR. LYON: ...same position, Mr. Chairman, as Orders for Return on the regular Order Paper.

MR. MILLER: In that case a member could, knowing there may be a resolution in Private Members resolutions on the Order Paper, by asking for an Order for Return knowing that the government will reject it, a member can then ask the question, have it rejected and have it put on the Order Paper the very first in line before some other private members' resolutions which have been standing in the Order Paper for some time. And that way get ahead of everybody else. This would be the net effect of it.

MR. LYON: I'm making the presumption, Mr. Chairman, that of course no member knowingly would ask for an Order for Return which he knew was not permitted under the rules or by statute. I think the situation that my honourable friend speaks of is hypothetical. The areas where government, in my limited experience, where government refused an Order for Return on a discretionary basis have been very rare indeed. Usually the basis for refusal is statutory or rules of the House, and I would presume that members would not cast their Orders or their questions in such a way as to infringe against the statute or rules.

MR. SIDNEY GREEN (Inkster): Mr. Chairman, I think that the explanation just offered by the Honourable the Attorney-General doesn't satisfy the question that was posed, because as the question was posed I think the Member for Seven Oaks is of the misunderstanding that he can only speak if the government refuses the Order. Now I'd like to make it plain that a member could move an Order for Return and that appears on Monday, let us say. He doesn't have to get a refusal before he can speak. He can get up and move his motion and signify that he wishes to debate. At that point the Speaker says, "This is..." or however the mechanics work; it's moved to Private Members Day, in which case it's at the top of the Order Paper. Is that correct? Now then, members have had resolutions on for, let us say, one or two or three times which is the length of time you are going to be able to let it stand, or maybe it's not even stood; it's something that has not yet been reached. But I may be able -- and I'm not suggesting that I or any other member would do this, I'm saying that the rules, as you are formulating them, will permit this. A person can put in an Order for Return relating to the subject matter, the subject which is presently on the Order Paper in a private member's resolution, then discuss, for no apparent reason because the government might be willing to give him the papers, discuss the material in that Order for Return, pre-empt every other private member who has a resolution, by being first on the Order Paper on an issue in which the government has indicated they will give him the papers.

Now that's what is going to happen, I suggest, to Private Members Day, and I think that the Leader of our Party has clearly indicated that this can result in a major encroachment on the time afforded to the private members' resolution, and if one person does this then my experience would indicate to me that it becomes a steamrolling type of tactic, and by the time we are half way through the session we may have the private members' resolutions all at the bottom of the list and a bunch of Orders for Returns being -- where the subject matter of our debates will change from substantive resolutions where we are putting a position which we are asking the House to accept, to debate which will not even go to a vote, which will not put substantive positions, which will be requests for papers which we know we are going to get but which we will nevertheless have the right of every member of the House to debate for forty

(MR. GREEN cont'd)...minutes. And I suggest, Mr. Chairman, that this is the most serious encroachment of debating time that makes itself felt in these rules, far more serious than what the Leader of the Opposition says that we intend to do. All we are intending to do on this side of the House, is to say that if the Order is acceptable it won't be debated; if it's not acceptable you debate it on government time, on the regular time, because it is a government issue then. It's an issue where a member of the Legislature has asked for papers and the government is refusing to give it to them. It is a substantive issue and on that basis there is need for debate and it should be at the expense of the government.

MR. LYON: The proposition that is raised by the Honourable Member for Inkster I think is not a new one in that the practice that he complains of could, in fact, be carried on at the present time by honourable members if they so wish to do it, but this is, I think, where common sense comes to play in the matter because 90 percent of the resolutions, roughly, that are moved for Private Members Day are moved by members of the Opposition. Ninety percent or better of the Orders for Return are moved by the same members. Common sense seems to indicate to me that those same members will not be wanting to, in effect, foul their own nest with respect to similar resolutions. This has been the effect in previous years.

Now, if a member has a resolution on Medicare and then he moved an Order for Return asking for Address for Papers on certain aspects of that same topic, he has the choice, I suppose, to debate it under either heading, subject of course always to the restriction in our own rules and to the interpretation by Mr. Speaker that he will advise that member that there cannot be repetition in debate, and I think there are sufficient safeguards through common sense, through the interference, which is not the correct word, but through the injunctions by Mr. Speaker to make sure that debate is carried on in a reasonable fashion. I don't suggest any more than the Leader of the Opposition, or I'm sure the Leader of the NDP, that what we are suggesting here is going to be the answer for all time. I think we're going to try it out and see how it works. But I think by and large that the situation, the potential situation that my honourable friend from Inkster sees arising, Mr. Chairman, probably will not come to pass unless this House gets into such a vexatious mood that it's prepared to cut off its own nose to spite its own face. I don't see the situation coming about. I can't visualize my honourable friend from Inkster participating in this kind of nonsense and I'm sure no other member of his party or of the Official Opposition would try to so distort the rules as to pre-empt time from other members of their own party from discussing matters of public concerns which are properly brought forward as resolutions on Private Members Day. They could - they could. But I think that the common sense and the judgment of honourable members of the House will almost prohibit it from taking place.

MR. GREEN: Mr. Chairman, why is this present change being requested? For that very reason. The Honourable the Attorney-General says that this is not something that we could ever imagine, but the reason that this rule was being just considered by the three parties was because it was felt that there was taking place in the House substantive debates on questions where the only consideration was an Order for Return, and that first appeared, I think -- well I can't say the very first time that it happened, but it started to happen a great deal more last year than it had happened previously, and that's why we were considering a new rule, for the very reason that the Attorney-General now says, "Well I don't envisage that type of thing happening." The reason that the rule is now being considered and the reason that we say we have a better answer than what is now suggested by the House, is that there developed a practice of taking part in substantive debate on Orders for the Return of Papers. And if you want to stop that, then we say that our way is the way to stop it.

MR. DOUGLAS CAMPBELL (Lakeside): Mr. Chairman, I so frequently agree with my honourable friend the Honourable Member for Inkster that I hesitate to correct him on this occasion, but let me say to him, Mr. Chairman, that this is not the basic reason why this rule is before us now. The basic reason - and I think I am responsible as much as anyone in the House for protesting about the previous practice - was that some of us felt here, and I voiced it on many occasions, that the Private Members time was being taken up unduly with government business, particularly in the form of consideration of government bills in Committee of the Whole House on what was, according to our rules, the Private Members Day, and this could take, if you ran into some contentious bills, could take a great deal of time.

And then the other thing, although it didn't take as long as a rule, but the other matter of Committee of the Whole discussion preceding a money bill. I had raised this on more than

(MR. CAMPBELL cont'd)...one occasion as being unfair to the Private Members time. Well then, when we got into the discussion in the rules committee I must say that the government, in my opinion, the government members there acted quite fairly, and I thought understandingly, in the way in which they listened to our complaints with this regard, and I think we got that reasonably well resolved. In fact, I think we got it cured as far as I can anticipate the situation. And that to me was a major advance and I must say that in my understanding of the difficulties here up-to-date, they have not been generally as between the private members on the one side themselves, but rather as between the private members - I should say the opposition members - as a whole, and the government, and this was a tug of war, if you wish, between the time allotted to government days and private member's days, and as I understood the genesis of this particular rule, it was that in return for the government agreeing to what we wanted with regard to placing the full time of those government bills and money resolutions discussions on government time, that they, as a sort of a quid pro quo, were asking - and I thought asking fairly - that this area should be assigned, if a debate developed, to the Private Members time.

Now, quite frankly I have to say that I think that is a fair position to take and, like the Honourable the Attorney-General, I just can't visualize the fact that the members of this side of the House -- I can imagine the members of that side of the House doing anything, but I can't imagine the members of this side of the House being so unfair and unreasonable with one another that they would try to outsmart one another, so to speak, on the matter of Orders of the Day and Addresses. I just don't think that would happen. That it could happen I admit; that it could happen. But really I don't think that is the question before us now. The question was essentially one between allocation to the government and allocation to the private members, who in general means the Opposition, and I think the arrangement that was made was quite a fair one. I've said before, I repeat, that I think the government members on the committee acted with a great deal of understanding and co-operation and I think this is a major advance. Now it won't be perfect, I'm sure we'll find that it isn't perfect either, but as the Honourable the Attorney-General has said, we'll maybe find through experience that we can improve upon this, but I do think that for the time being it's a fair and I really believe a proper allocation of this problem that was developing into a bit of an area of concern in the House here.

MR. PAULLEY: Mr. Chairman, I just want to say I appreciate the remarks of the Honourable Member for Lakeside. I'd just like to point out one fact, I think, in this case though, that possibly hasn't been touched on. I'm sure my honourable friend would not discount this viewpoint that we happen to have in our present proposition, and I agree with my honourable friend that when we were considering the matters in the committee it was in an attitude, in a spirit of give and take. But we feel sincerely that, as far as private members are concerned, in our present proposition there is a little give, or continuing by giving, by giving up the right to debate an Order for Return which is accepted; so I think, in that context, Mr. Chairman, the Honourable Member for Lakeside would agree with me that there is some give on our part to that right on the acceptance of an Order for Return, and the balance would be that if the rejection occurs on a day which is devoted to government day, then the debate should take place at that time almost as a penalty, I might suggest, in some respects, almost as a penalty for rejection if it occurred on their day. But anyway, Mr. Chairman, I think the matter has been pretty thoroughly discussed. I would like to make this suggestion to my honourable friend, the Member for Lakeside - it was still in the spirit of give and take that our proposition was made.

MR. CAMPBELL: I realize that. I certainly realize that, Mr. Chairman, and I say, as the others have, that I think it has been a well worthwhile debate, but on this matter of giving up the right to debate if an Order is accepted, my understanding is that you don't give up the right to debate it, you just move it to the Private Members Day, and I repeat that it seems to me that the basic issue here is the distribution of time between the government side of the House and the opposition side of the House, and whether my honourable friends to my left like it or not, in this area at least we're kind of in the same boat; and I do not think that we will take advantage of one another and I think this will work out reasonably well in total.

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

MR. CHAIRMAN: Report be adopted as amended?

MR. CAMPBELL: I guess there's a formal -- are we making formal motions on these? I'm not sure. But there is the one matter remaining about the prorogation of the House not having the effect of nullifying an order. I took it that it was agreed in committee, two things:

(MR. CAMPBELL cont'd)...that if the Order or Address were not down when the House rose, that it would be sent out to the member who had asked for it, if ready, in recess and that at the same time copies of that Order would be given to the leaders of the different groups, and then that the Order itself would be placed upon the table when the House met.

Then I also understood that in addition to that, that we had some discussion - maybe there was no full agreement on this - that Orders which had not been ready during the recess would be laid upon the table of the House as early as possible. Now, neither of those points is contained in the rule as we read it. It simply says: "shall be brought down during the following session without renewal of the Order." Well, this is exactly the House of Commons rule, I believe, and perhaps there's no reason of having anything more than that in the rule book itself, but I would like confirmation of the fact that these other two points have been agreed to. They are partially covered in the minutes and I was just wanting to raise the point here.

MR. LYON: Yes, I think they can be confirmed, Mr. Chairman, subject I think to these minor changes. The practice would be, if an Order were ready between sessions, I think the desirable practice would be for the minister concerned to file those Orders with the Clerk and then the Clerk attends to the distribution in the regular way. I think that has been followed on an ad hoc basis with some orders that were filed during this past recess. And then at the next session, for the sake of the record, the minister would indicate that Order number such and such, which had previously been answered, is now being laid on the table, in order to keep the journals of the House up-to-date, but otherwise I think that was the agreement.

MR. CHAIRMAN: Report be adopted as amended?

MR. MOLGAT: Mr. Chairman, before we complete this part of it, there's the discussion that we had in committee which is not in the report, and that was at the suggestion, as I recall it, of the Queen's Printer, who appeared before the committee with some proposals to improve the printing and reduce the costs of much of our material that comes before us, particularly the Orders of the Day. And he showed us comparisons to the Orders of the Day of last year which had become quite voluminous at one stage, and another method of doing it by numbering. I don't think that there was any conclusion reached, although I think the general feeling of the committee was that we should not proceed as far as the recommendation made at that time by the Queen's Printer, which was that all of the resolutions would simply be referred to by number. But it seemed to me that we had arrived at a reasonable agreement that we might try at least the first step in this regard, and that was to assign to each one of the private members' resolution a number, in sequence as they are presented to the Clerk of the House, and that at least on government days when we are not going to be dealing with these resolutions, that simply the number would appear on the Orders of the Day.

This would mean considerable cutting down of the printing. For example, on today's Orders we have a total of 12 pages and only four deal with government business, so from five to twelve could appear on the one page, simply Resolutions No. so and so and so on, so we would eliminate some printing. Now, I'm not proposing that we should do that on Private Members Day, because I think there's some advantage on Private Members Day for all of the members of the House and to prevent any confusion, of having the resolutions directly before us, but I wonder if we couldn't - I don't know, this shouldn't be part of the report - but could we possibly complete our discussion on this and if we arrived at something that was agreeable to the House, then possibly this could be tried out during the course of this session?

MR. LYON: Mr. Chairman, my understanding was that there had been agreement in the committee on this point which has been raised by the Leader of the Opposition. Unfortunately, the minutes don't seem to back up that understanding of mine, although I remember the debate occurring in the committee and the Queen's Printer being present and the Leader of the Opposition suggesting an amendment to the procedure suggested by the Queen's Printer, and I thought that there had been pretty general agreement in the committee that this usage or practice could then be followed with respect to the daily Order Paper. I don't know that it's necessary to ingraft that as part of the recommendation of the committee; I think it's sufficient if we indicate here on the record that if the Clerk whose responsibility this is, now has the authority to begin numbering the resolutions, that the resolutions will then appear in full form on the Order Paper, as I understood what we agreed to, on Private Members Day, but on government days - that is, on Mondays and Wednesdays and Thursdays - the resolutions would not appear in their full form, they would appear by number and with a very short

(MR. LYON cont'd)...title attached to them.

Now, that starts to get complicated as we explain it across the House, and I wonder if maybe we shouldn't put in a sentence and just confirm in the report that we make to the House, that it was agreed in committee and that agreement is confirmed in this Committee of the Whole, that the Clerk is authorized to prepare the Order Paper by numbering the resolutions and by printing those resolutions only on Private Members Day. I think that would be sufficient to give him the guidance that he would need, because it's only a usage or a practice that we would be talking about, not a formal rule of procedure of the House. So, if there is general agreement, I see no reason why we couldn't so authorize the Clerk to proceed. I think it would be a good first step toward the objective that was set forth by the Queen's Printer, and I don't think it would do any harm whatsoever to the conduct of business in the House.

MR. PAULLEY: Mr. Chairman, I don't see any objections at all to that. It was considered in committee, not to a detailed extent, but I think it'll be worthwhile trying it and then if it doesn't work out, well we can ditch it. I don't know who consulted who at the time the present system was set up, but I think this would be an advance and so as far as I'm concerned I think it's worthwhile for a trial. The Queen's Printer did attend the committee meeting with some slightly different propositions. I believe it was the Leader of the Opposition that came up with this proposal. I think it's worthwhile trying and we have no objections at all.

MR. LYON: ...it in the report. Do we wish to do that? I think it might be helpful to the Clerk to have something to fall back on.

MR. MOLGAT: Could it be suggested then that the words be added at the end of the report that it is the recommendation of the House to the Clerk that henceforth the resolutions be numbered in sequence as they are turned in to the Clerk, and that on other than Private Members Days they appear on Orders of the Day simply by number, short title, and mover --(Interjection)-- and whoever might hold the adjournment, correct.

MR. PAULLEY: I was just going to suggest for you to make the suggestion that where it's amended a notation be made of the fact of the resolution being amended.

MR. MOLGAT: Yes, if there are amendments of course. In other words, really a brief form rather than receiving the whole of the resolution, just a synopsis of what it is.

MR. PAULLEY: Resolution No. 1 as moved by so and so, as amended by so and so...

MR. CHAIRMAN: Agreed? Do you wish me to read this? Do you wish me to read this into the record now as the Clerk has taken it down?

"That the Clerk be authorized to print Private Members Resolutions on Orders of the Day and only on Private Members Days, while on government days, that is, Mondays, Wednesdays and Thursdays, Private Members' would be referred to by numbers in sequence."

MR. MOLGAT: I'm not concerned about the wording exactly, Mr. Chairman, I think as long as we have the intent of what it is that we want to do.

MR. LYON: ...wording to this effect, and I'm sure the Clerk can put it better than any of us. "The committee further recommends that the Clerk be authorized to number all private members' resolutions in sequence, and that he be not required to reprint the full body of each resolution on the Order Paper for government days, but that he be required to print them on Private Members Days. "...if we work it out now, because we're going to be reporting back to the House momentarily, and they will want to be apprized of what we've agreed to. Perhaps I could just hand this piece of paper to the Clerk and they can work it out in the meantime because there may be some other matters that we will want to discuss.

One of these matters, Mr. Chairman, would be the question of the date on which these rules come into effect. Now, presumably there would be -- I'm looking back now to the procedure that was followed in 1951, and - this is on Page 205 of the journals of that year - this item appears: "The report of a Special Select Committee appointed to consider the advisability of revising the rules, orders and forms of proceedings of the House was considered in Committee of the Whole, reported with certain amendments, considered as amended, and on motion of Mr. Turner, concurred in." So that technically we could move out of this committee now and very quickly then put a motion of concurrence in the Report of the Committee, but that being the case, I think the Clerk's office would require probably until next Monday, we could concur in the rules to take effect as of and from Monday the first of April, is it? If that would be satisfactory. I'm merely seeking the advice of the committee now as to the procedure we should follow when we emerge from committee. And then there must be a date on which the new rules come into effect. If that date is not acceptable, perhaps we

(MR. LYON cont'd)... could hear other suggestions, but I think in the interest of the Clerk he would require at least over the weekend to get prepared for this.

MR. MOLGAT: Mr. Chairman, the proposed rules have been printed in the Hansard for the second day of the House and I think most of the members have also received this draft. As I recall it, we have made very few changes, have we not, in the course of the committee's discussion? Are there any amendments to speak of?

MR. CHAIRMAN: Oh, there's just a slight addition... On Rule No. 103, sub-rule (1)(b): "at least once in each week during two weeks in an issue of a newspaper published in English and having a wide circulation in the province."

MR. MOLGAT: The operative rules, then, insofar as the House, there is no problem. We have printed copies. We have this plus the Hansard, so as long as this is the basic rule, as far as I'm concerned, I see no reason why we couldn't go on the new rules as of the first of April.

MR. PAULLEY: I would like to make one suggestion, Mr. Chairman, as to the effective date of starting in -- what is the Monday following the Leadership Convention in Ottawa -- on the 8th rather than the 1st. I say this because we are going to adjourn as I understand the agreement for Thursday and Friday of next week in any case, to allow our friends to our right to attend some event that's taking place down in Toronto. --(Interjection)-- It's Ottawa is it? Gosh, you know there's been so many events taking place down in Ottawa with the Liberal Party that one gets confused even as they do. But apart from that I'm just wondering, instead of Monday, it would only mean a matter of 2 1/2 days or 2 days and then we could start in fresh. It will allow the Liberals to start with a new Prime Minister, new Leader, we'll start with some new rules. Maybe we can abide by our rules better than they do theirs down there. It will give us an opportunity of studying them and also give the staff a few extra days to iron out any difficulties they have. It'll only mean that we operate for two additional days in any case. I make that suggestion, on the 8th.

MR. LYON: We have no strong objection to putting it over to the 8th; I think the 1st is equally acceptable. I think as far as the House is concerned, the House could start today but we must take account of the position of the Clerk's office. The Clerk has let it be known that if he had over the weekend he would be ready but if there's any strong disposition to go to the 8th we're not going to fight it but I see no real reason for it when the --(Interjection)-- No, no, no, not at all.

MR. MOLGAT: Mr. Chairman, we're the Party of action and we're prepared to start tomorrow morning if that's agreeable to the House - but Monday is acceptable as well.

MR. CAMPBELL: Mr. Chairman, I'm very encouraged by the events of the last few minutes because I'm glad to see that it's generally recognized in the House that next week marks an epical event in the history of Canada and that we're willing to date things from that time recognizing its importance, and then I'm --(Interjection)-- that was for the adoption of the rules, yes -- Then I'm encouraged also to hear the Honourable the Attorney-General, Mr. Chairman, when he is discussing what procedures we should adopt here to go back to 1951 recognizing that that is the administration that he should copy. But I want to reciprocate in kind and quote to him the procedure that was adopted in 1960, just to show that I can be big hearted too. On the 3rd of March, 1960 the Honourable Mr. Lyon moved that this House doth concur the report of the special select committee appointed by this House on such and such a date to consider rule so and so and a debate arising and the Honourable Mr. Lyon having spoken the debate continued with Mr. Prefontaine taking part. But I think it's exactly the same procedure and I'd suggest that it's the proper one to pursue and the precedent my honourable friend has been following is one that I commend to him for general application.

MR. LYON: ... agreement then I would propose when we emerge from Committee to move concurrence in the rules, the rules then to take effect on the 1st of April.

MR. PAULLEY: Mr. Chairman, if we go by the document read by my honourable friend the member for Lakeside of '60 version of my honourable friends of '51, we'll commence them tomorrow morning because on concurrence if its my honourable friend's intention as soon as the Committee rises, to move and vote on concurrence, it's a fait accompli as of that time, not on the 1st of April. Is that not correct?

MR. LYON: The wording of the motion, Mr. Chairman, I presume will be "that the House doth concur in the report of the Committee of the Whole, the said rules to take effect on April 1st."



MR. PAULLEY: ...departing from past procedures.

MR. LYON: Well ... for good reasons, for good reasons.

MR. CHAIRMAN: Agreed? Committee Rise.

MR. MOLGAT: Mr. Chairman, before the Committee rises, one last point on this question of printing. In view of the fact that I don't think too many of us are experienced printers, the Speaker being one, could we ask the Clerk of the House that after having tried out this procedure, they in some way report back either through the Speaker or through the Chairman, to the House as to how it's working out. Whether it is in fact showing economies and on any further suggestions they may have for the improvement?

MR. CHAIRMAN: Before the Committee rises, I'm not quite sure now whether there's agreement on the numbering of the private members Bills and Orders for --(Interjection)-- and resolutions, yes. Is this to be left with the Clerk?

MR. LYON: ...agreement on it, -- one piece of paper attempted rather awkwardly to suggest some words that might be used. We thought that in the intervening time the Clerk was probably polishing them up so that by the time we got back into the House that he could read -- or the Chairman of the Committee could read back these words, having to do with the numbering of the Resolutions and so on. I presume that that's being done.

MR. CHAIRMAN: ...section here then and I read to the Committee "that the Committee further recommends that the Clerk be authorized to number all private member's resolutions in sequence and that he be not required to reprint the full body of each resolution on the Order Paper for government days but that he be required to print them in full only on private member's days.

MR. CAMPBELL: Mr. Chairman, I would think that following the discussion that we have had here that the Clerks would have no difficulty in working the procedure out from that.

MR. CHAIRMAN: Agreed? Committee rise and report. Call in the Speaker. Mr. Speaker, the Committee of the Whole House had adopted a report on Rules, Orders and Forms, subject to amendments and recommendations with respect to the Order Paper and private members resolutions.

#### IN SESSION

MR. WATT: Mr. Speaker, I beg to move, seconded by the Honourable Member for Springfield the report of the Committee be received.

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

MR. SPEAKER: Having taken care of that item of business, listening to the debate it seems to me that someone's going to have some grey hairs, and you know who. The adjourned debate...

MR. LYON: Mr. Speaker, just before we call that item we have a motion of concurrence which I'll have in your hand momentarily. Mr. Speaker, I beg to move, seconded by the Honourable the Provincial Treasurer, that this House doth concur in the report of the Committee of the Whole which considered and adopted with certain amendments the report of the Special Committee on the Rules, Orders and Forms of Proceedings of the Legislative Assembly and that the House further concur in the said rules having force and effect in the Legislature as of and from Monday, April 1st, 1968.

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

MR. SPEAKER: The adjourned debate on the proposed motion of the Honourable the Attorney-General. The Honourable Member for St. John's.

MR. CHERNIACK: Mr. Speaker, I do not consider that today has been the most eventful day in the legislative history of Manitoba and I now have the temerity to suggest that the contribution that I propose to make is of some importance, which may be questioned by some but in my own mind is very obviously so. I am concluding the remarks which I started to make some time ago in connection with the report of the Committee on Statutory Regulations. Mr. Speaker, I think in all sincerity that next to the betrayal of the government of its Medicare program, it's lapse in respect of this committee is the most serious in the session. I feel that it is very well to be casual and to speak about these things are in the works but I think its most serious when the government take this lackadaisical attitude, be it because of elections or be it because of candidacy for leadership of their party, that these very important issues have been allowed to lie dormant for so long without any action.

I forecasted the last time I spoke on this, that had I not said it for him, the Honourable

(MR. CHERNIACK cont'd) . . . the Attorney-General would say that parliament is a continuing organism and that parliament will continue to exist and work, and then of course I think I've already made the speech of the Honourable the Provincial Secretary today where he would say "it is better to travel "hopefully" than to arrive." Well, Mr. Speaker, this is the very point on which I have been speaking and which I want to conclude today.

We dealt with the Consumer's Protection Act which has been set aside and still not ready to go; we dealt with the Expropriation Act which has been set aside and is not yet ready to go; we dealt with the question of the ombudsman which is still lying around whilst Alberta has passed an Act which was recommended highly by the Manitoba Bar Association, an Act which the Premier of Quebec has announced is one in principle which he is going ahead with; we have dealt with these various matters and now I'd like to come to legal aid and indicate to the House that in 1966 the Honourable the Provincial Secretary on April 25th-- and it's not yet 2 years Mr. Speaker, so I guess he may think that we're still travelling hopefully -- spoke on the matter of legal aid and said the proposals in the report require some considerable negotiation with the Law Society of Manitoba. He says, "I wish to be quite frank and say to the members of the House that we have not been able to carry out the negotiations that would be necessary for the purpose in mind." Almost two years ago it was reported that we have not been able to carry out the negotiations; and in effect, Mr. Speaker, the report we are dealing with today still says we are not ready to go ahead with that report, because the fact is -- and I don't recall whether the Honourable the Attorney-General said so or not -- but the fact is that the recommendation being made in this report is only to spell out what is now being done and has been done for quite some period of time. No change has been proposed. Indeed, Mr. Speaker, no change was discussed by this committee. This committee had nothing to do with the decision which it made on the question of legal aid except to hear what one of the Ministers involved read out to it at the last meeting and said this is the position this committee is taking, which in effect is no change from what the government has been doing up to now. And the committee did not discuss this question of legal aid except to listen to two comprehensive well thought out briefs presented by the Manitoba Bar Association which is becoming dusty by the fact that it is a repetition year after year of what has been suggested, and recommended, by a prior committee of some two or three years ago for consideration. So that the legal aid proposed is no different from what it has been and the legal aid proposed has not been explored by the committee to this day.

Now let me move on, Mr. Speaker, to the question of compensation for victims of crime. I recall the, to me, very satisfying occasion in this House some two years ago to have a member of a minority group present a resolution which was endorsed by members of the other parties and voted upon unanimously for consideration, this principle of compensation, at which time I don't think there was any legislation on this continent. There was in England, there was in New Zealand.

Well today, Mr. Speaker, this Committee had the benefit of a report by one of the eminent jurists of Manitoba, a person who has served in government and on the Bench and is now in retirement, who gave us a 72-page report on the entire question of compensation to victims of crime, a man who had the opportunity and took advantage of it to travel both to New Zealand and to England to ascertain what is happening there and who gave a very very detailed report on what has been done and what ought to be done, not just historical but full of recommendations of what attitude should be accepted by the government. As of now, Mr. Speaker, there is legislation of various kinds in Great Britain, in New Zealand, in Australia, in the State of California, in the State of New York, in the Province of Ontario, in the Province of Saskatchewan. We are still sitting around talking. We have never in Committee discussed this 72 page report given to us by the Honourable Mr. Schultz. We heard him make the presentation; we discussed it briefly with him on a question and answer basis; we have never in committee discussed it. And we find just recently on the 21st day of March of this year a report by a committee of some 22 people who are considered to be experts on this question recommending that each province introduce a publicly administered system of compensation to its victims of crime. The proposals are broad and they encompass all the factors that are brought into being when a person is innocently injured and suffers loss because of a crime. The report which I'm reading from, the Globe and Mail of March 21st, concludes with the following paragraph: "The report which was presented yesterday to Federal and Provincial Governments" -- and I'm waiting to get a copy of it from this government which I would

(MR. CHERNIACK cont'd)... assume received the report -- "concludes after its lengthy study that the Canadian legal system is preoccupied with catching, punishing and rehabilitating criminals and little or nothing is being done apart from general welfare provisions to assist the victims of crime even if they are physically injured or killed or financially ruined or dependents deprived of financial support." Mr. Speaker, the report does say something of a positive nature. The report makes a recommendation. It says, "Your Committee recommends that legislation be introduced to authorize compensation to be paid to persons injured while assisting police officer." This is the extent of the recommendation. You know, Mr. Speaker, that this committee never considered this recommendation; that this committee never discussed this recommendation; that this recommendation was brought to the Committee by whichever Minister wanted to assume the responsibility for it -- there being two that have been mentioned -- as being a statement by the committee. And indeed because the government has control of the committee by sheer weight of numbers it becomes a recommendation of the committee. Never discussed!

And had it been discussed, Mr. Speaker, I would have reminded this committee of a letter which I received from the Chief of Police of Winnipeg dated February 23rd, 1966, which as I recall I read into the record two years ago where he says, "It's a good idea." But he says, "Please be advised that our record system does not record names of any persons who have been injured whilst assisting police. I have made inquiries amongst the senior officers and no one can remember an incident of this kind." And then he goes on to say that this is worthwhile legislation. It may make people freer to come to the assistance of police officers and he endorses the principle. But what he says here -- and mind you he didn't make an exhaustive survey obviously, it's just his speaking from his recollection and that of other senior officers - what he says here is that what the government is proposing to the committee will not cost the government one cent because actually there are no cases that have been brought to the attention of this committee where injury has been suffered under the narrow, confined circumstances described in this committee. So I consider it an empty gesture.

Faced with that, Mr. Speaker, is a letter which the committee received and which has not been read into the record of this House and I would like to read it, Mr. Speaker. Members of this House may recall the occasion of a man who has a -- I think it's a secondhand store on Logan Avenue -- who was attacked and who was injured by an assailant who has yet to be found. And it passed in the day's news and after a little while as I recall it, the news was this man was still in a coma. This letter is dated November 20th, 1967, Mr. Speaker, and I'd like to read it into the record. It's addressed to Mr. Charland Prud'homme and was brought to the attention of this committee.

"Dear sir, Only a victim of crime and his family can understand and feel the full importance of the above legislation. My husband was a victim of a vicious attack and robbery in his store on Logan Avenue in September, 1966." That was over a year prior to the date of this letter. "This happened around noon with all the traffic and pedestrians passing his place at that hour. The luck was all with the beast who did it as not one person saw or heard anything. He is still at large and I often wonder when will he strike again. This was the second of such cruelty in this same store. The only difference being my husband survived." And I recall the previous occasion was a murder. I'll go on with the letter. "After two months of being in a coma, and months of physical anguish, he is still a mental and physical wreck and will be for the rest of his days. The mental anguish our children and myself went through then and I'm still going through can never be compensated for. We took a terrific loss in the robbery and in the disposal of the business but I am at least thankful we can carry on our home. Had this happened when our children were young, I shudder to think of the result. A family ruined through a beastly crime. At least compensation in such circumstances would help the family carry on. In my own case I would be in a position to perhaps make my own life a little easier by taking in some help and not worry about the financial end of it. The burden of caring for a person with brain damage day and night for an indefinite time is very exhausting physically and emotionally. There is no adequate amount of compensation for that and for the anguish endured on hearing of the attack or of the days of horror later. Even if it is too late for us to benefit surely someone else will if this legislation goes through. I'm hoping a letter like this will be an eye-opener as to how a criminal act can ruin not only the victim himself but also his wife, children, home and business. If there's anything I can do further in this regard, please call on me. I cannot appear personally but I hope this letter will take

(MR. CHERNIACK cont'd)...my place." The letter is signed and is a record of this committee.

Mr. Speaker, this is the type of assistance that was contemplated when I brought the resolution, and in all these other states and jurisdictions of which I speak, this is the type of assistance which this government has rejected in its report. The government says that the remaining questions be further reviewed by the Standing Committee. That to me is the character of this government in the last number of years. This government that was so full of enthusiasm when it was young and is now so jaded as to ignore these very important matters. And that is the accusation I make and which I think is perfectly justified by the record, Mr. Speaker, on -- I'm coming to a close...

MR. SPEAKER: The honourable member realizes that there's only a moment or two left having spoken on this subject for some considerable time when it was last before us.

MR. CHERNIACK: I did not intend to do more than complete my forty minutes which I'll do in one more minute, Mr. Speaker.

I would like to think that the people of this province are aware of the, I say, casual attitude of this government in the matters of consumer protection and the other matters dealt with in this report by permitting the continued delay of the work which was promised a year ago, two years ago and more. I would like to think the people of Manitoba will have something to say soon and not wait for election time to appeal to this government and censure it for its lack of action in this regard.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I beg to move, seconded by the Honourable Member for Gladstone, that debate be adjourned.

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

MR. SPEAKER: It is now a minute to the half-hour. I'm prepared to call it 5:30. The House is now adjourned and will stand adjourned until 2:30 tomorrow afternoon.