

THE LEGISLATIVE ASSEMBLY OF MANITOBA  
2:30 o'clock, Wednesday, March 20, 1968

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions

Reading and Receiving Petitions

MR. CLERK: The Petition of Mrs. R. Zarney, D.A. Huffield, D. Buhr and others, addressed to the Honourable G. Johnson, Minister of Education, Legislative Buildings, Winnipeg.

MR. SPEAKER: Order, please. I have examined the document presented yesterday by the Honourable Member for Assiniboia, and find the contents is an address to the Honourable the Minister of Education, when it should have been addressed to the Legislature of the Province of Manitoba assembled. Furthermore, the document does not contain a prayer clearly expressing the particular object which the petitioners had in mind. Under the House Rule 77 sub-paragraph (5), every honourable member presenting a petition shall endorse his name thereon. It is necessary for me to say that the rule in this instance tells me and leaves me with no other alternative but to rule the petition as presented out of order.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I would agree to amend the document as you request it.

MR. SPEAKER: Whatever the development, for the moment the matter is attended to, I believe.

Presenting Reports by Standing and Special Committees

Notices of Motion

Introduction of Bills

Before the Orders of the Day, I would like to direct the attention of the honourable members to the gallery. On my right we have 34 students of Grade 5 standing, from the Agassis School. These students are under the direction of Mrs. Maykut. This school is located in the constituency of the Honourable the Attorney-General.

On my left we have 69 students of Grade 6 standing, from the Oakenwald School. These students are under the direction of Mrs. Fitzpatrick and Mrs. McIntosh. This school is also located in the constituency of the Honourable the Attorney-General. On behalf of all the honourable members of the Legislative Assembly I welcome you all here today.

Orders of the Day

HON. WALTER WEIR (Premier) (Minnedosa): Mr. Speaker, before the Orders of the Day, may I lay on the table the Annual Report of the Manitoba Development Authority; Return to an Address for Papers No. 3, March 20th, 1967, on motion of the Honourable Member for Burrows; and a Return to an Order of the House No. 69 on motion of the Honourable Member for Kildonan.

And while I am on my feet, may I ask that the lists of Ministers and Acting Ministers as requested by the Honourable Member for Gladstone be distributed to the members, please.

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Mr. Speaker, will there be special copies of the Manitoba Development Authority report for all the members?

MR. WEIR: No, Mr. Speaker. It's a very small report and unless there's some desire for it -- we could have them duplicated but it's quite a general report and the ... If there's a general request for them I'd be glad to have them duplicated. It's just a mimeographed report.

MR. MOLGAT: I'll be prepared to wait until I see a copy and then determine whether we need it or not, but the Authority is one of the important items in government that does not report to this House and therefore I think the House should have some means of getting information.

HON. STEWART E. McLEAN (Provincial Secretary) (Dauphin): Mr. Speaker, before the Orders of the Day I wish to table the 50th Annual Report of the Civil Service Commission for the year ending December 31st, 1967.

MR. NELSON SHOEMAKER (Gladstone): Mr. Speaker, before the Orders of the Day are proceeded with, I would like to direct a question to my friend the Honourable Minister of Public Utilities. When I asked the other day relative to the violation of parking meters on Memorial Boulevard, I understood him to say that the situation was unchanged in the last five or six years and that it was quite in order to park cars on Memorial Boulevard indefinitely, and this has been the policy and program; but I thought my honourable friend said that the situation would be changed in the next two or three days. Now, will the House have to pass legislation

(MR. SHOEMAKER cont'd.) . . . . to deal with the situation as it presently exists, and if so, when can we expect the proposed legislation?

MR. McLEAN: Mr. Speaker, if I may - just one or two minor corrections. When the Honourable Member for Gladstone asked me the question the other day, his question was whether there had been any change from last year, and I said no. I was certainly not answering for the last five years because quite frankly I don't know what the situation was five years ago, or I don't recall what the situation was. I did indicate that while there was no change as of last week I anticipated that this week there might well be a change. I report, Mr. Speaker, that the change has not as yet taken place. It is not dependent upon legislation but rather upon regulations of the Lieutenant-Governor-in-Council and I anticipate that those regulations will be dealt with shortly, but I do have to acknowledge that my prediction about this week hasn't come out but I'm naturally still expecting that the situation will be rectified within a very short time.

MR. SHOEMAKER: A supplementary question, Mr. Speaker. Then it will be quite in order for the public to park at any meter on Memorial Boulevard without depositing money. It will be quite in order for them to do that as it has been in the past several years.

MR. McLEAN: Mr. Speaker, I really ought not to rise to answer that question except to make it quite clear that those are the words of the Honourable the Member for Gladstone, not mine.

MR. MOLGAT: Mr. Speaker, I'd like to address a question to the Minister of Education. In view of the very considerable concern about the increase in the local mill rate for the Foundation School Program, could the Minister indicate to the House what the total amount in dollars of the increase in the Foundation Program being paid at the local level will be in the year 1968 over '67? That's exclusive of the special. I realize that he may not have the information on the special levy because it's a local matter, but the Foundation levy; could he tell us what the total dollar increase will be at the local level?

HON. GEORGE JOHNSON (Minister of Education) (Gimli): That is the amount of money that the Foundation levy of 13.1 and 37.1 will bring in. I have that figure; it's estimated by the Finance Board at \$34,117,000.00.

MR. MOLGAT: Could the Minister indicate what was the levy last year under the other program of 9 mills? In other words what is the amount of increase?

MR. JOHNSON: Mr. Speaker, I could give the -- under the 9 mills how much did it raise? Well, in the 29 divisions - and there were only 29 in last year, as you recall, out of the 48 - the 9 and 33 actually raised \$24,108,000.00. I should point out to the members of the House, to give you the picture I'm not trying to be anything but candid as to what these figures are. The total estimated cost of 29 divisions last year was roughly \$74,153,000; the provincial share of 65 percent of that was \$48,199,090; the municipal share of 35 percent was \$25,953,787; the 9 and 33 actually raised the \$24,108,451 I just gave him. Therefore, the short fall on the levy was \$1,845,336.00. These figures, Mr. Speaker, are required to be published in the annual report of the audited report of the Finances Board's operations by the Auditor-General, so I am giving you information that will be just to assist you in understanding this problem.

The total estimated cost in this year's budget for 40 divisions is \$97,477,000 and the provincial share of that is approximately \$63.4 million, and I think this -- the mill rates required to produce the \$34 million, \$34,617,000 with the 24 mill differential is 13.1 on Foundation farm and residential and 37.1 on other property.

MR. MOLGAT: . . . represents roughly an increase of \$10 million . . . local levy over last year.

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, I would like to direct a question to the Provincial Secretary. I've had an inquiry from a constituent whose wife had a criminal record and I wanted to know whether a criminal record would bar an applicant from employment with the Provincial Government.

MR. McLEAN: Mr. Speaker, in dealing with persons applying for employment with the provincial Civil Service, criminal records are not checked except in those cases where the position is one in a correctional institution or where the applicant is required to be bonded, and in those two exceptions criminal records may be checked.

MR. PETER FOX (Kildonan): Mr. Speaker, I'd like to direct a question to the Honourable Minister of Labour. I did give him notice of it. Can the Minister of Labour inform the House to what extent liaison has taken place between the federal Department of Labour and his own department subsequent to the passing of the new federal Safety Code? Also, what arrangements,

(MR. FOX cont'd.) . . . . if any, have been established to work out mutually satisfactory arrangements so that regular inspection and other activities will be carried out by experienced provincial personnel?

HON. OBIE BAIZLEY (Minister of Labour) (Osborne): Mr. Speaker, I'd like to thank the Honourable Member for Kildonan for giving me notice of this question. The federal Safety Code, as he told you, was proclaimed on January 1st and this covers undertakings, of course, that are under federal jurisdiction such as interprovincial transportation, communications and banking. There have been discussions between various departments of this government and the federal people - that is, the Department of Labour, the Workmen's Compensation Board, Mines and Natural Resources, the Department of Health, and the Department of Public Works; and certainly we're prepared to co-operate quite fully with the federal people, but as yet there have been no regulations laid down and we have not negotiated the necessary cost-sharing arrangements for such services as would be rendered to the Federal Department. But I would like to assure members that when the regulations have been ordered and the code has been completed that I'm sure that we can work out satisfactory cost-sharing arrangements to carry out that duty.

MR. SPEAKER: The Honourable Member for Kildonan. Do you have a supplementary?

MR. FOX: Yes, Mr. Speaker. I wonder if the Minister would be kind enough to keep the House informed as to progress, if any is made in the near future.

MR. DOERN: Mr. Speaker, I'd like to direct a question to the Provincial Secretary. The President of the Manitoba Historical Society was quoted in yesterday's paper as having said that there have been no appointments to the Historic Sites Board for the past five years. Is this so?

MR. McLEAN: Mr. Speaker, I'm not certain about the period of five years, but certainly within my immediate knowledge there have been no appointments. The matter is under consideration at the present time.

HON. J.B. CARROLL (Minister of Welfare) (The Pas): Mr. Speaker, before the Orders of the Day I'd like to lay on the table of the House the Annual Report of the Department of Welfare for the fiscal year 1966-67.

MR. BEN HANUSCHAK (Burrows): Mr. Speaker, I wish to direct my question to the Honourable the First Minister. Am I correct in interpreting this extract from Order-in-Council 1698/67, that the Acting Minister acts in the absence of the Minister listed in the first column, or if he's for some other reason unable to act. Is that correct?

MR. WEIR: That's right, Mr. Speaker; and if they're both away, why the next column acts in the absence of both of them.

MR. HANUSCHAK: A subsequent question, Mr. Speaker. Then, in whose absence is the second last-named Minister acting when they show him there to be described as Acting Minister of Highways?

MR. WEIR: Mr. Speaker, I'm sorry. I didn't quite understand that question.

MR. HANUSCHAK: Mr. Speaker, if the Honourable the First Minister's answer is correct, that the Acting Minister acts in the absence of the Minister, then the Honourable Harry J. Enns is described as an Acting Minister of Highways. In whose absence would he be acting if he is acting in that capacity as an Acting Minister.

MR. WEIR: Well, Mr. Speaker, I don't know whether I have the ability to draw a picture or not, but there is another Order-in-Council, a full-fledged Order-in-Council which appoints the Honourable Harry Enns as Acting Minister of Highways, and he carries the total responsibility of Minister but he's there on an acting basis.

I think history would prove that sometimes it's done on an acting basis and sometimes the Minister can be sworn in as Minister not on an acting basis for two portfolios at the same time. In this particular case, the Honourable Harry Enns is carrying Highways on an acting basis, sworn in with the full responsibilities of Minister.

MR. SHOEMAKER: Mr. Speaker, on the same subject matter, I would like to ask two questions: (1) Are the Ministers enumerated in their order of significance or importance? And then, (2) Are we to take it that the Honourable Thelma Forbes is the Acting Minister of Agriculture or Acting Minister of Highways?

MR. WEIR: Well, Mr. Speaker, to answer the question, in looking at the list I would say that they are listed in the order in which the Ministers were sworn in . . .

MR. SHOEMAKER: Not necessarily in importance.

MR. WEIR: And not necessarily in importance. It works out in terms of seniority, I

(MR. WEIR cont'd.) . . . . believe, for protocol purposes or what have you, but it's the order in which they were sworn in. And the Honourable Thelma Forbes would be Acting Minister of both Agriculture and Highways as it is listed here. I think it's quite clear.

A MEMBER: There's a mistake there . . . check again.

MR. WEIR: Oh, no, that's not correct. The Honourable Mr. Witney is Acting Minister of Highways. Sorry.

HON. GURNEY EVANS (Provincial Treasurer) (Fort Rouge): Mr. Speaker, I'd like to lay on the table of the House a Return to an Order of the House No. 67, dated March 28, 1967; also Return to an Order of the House No. 78, dated April 19, 1967; also Return to an Order of the House No. 78A dated April 24, 1967.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party) (Radisson): I'd like to direct a question to the Honourable the First Minister. Has my honourable friend heard anything further from Ottawa in regard to the medical treatment of the Treaty Indians?

MR. WEIR: No, Mr. Speaker.

MR. PAULLEY: A subsequent question, Mr. Speaker. Has my honourable friend given any assurances to those concerned with the plight of the Indian in Manitoba, that they will continue to receive Medicare treatment even though the province might, in the interim, have to pick up the bill?

MR. WEIR: Mr. Speaker, I'm still assuming that it won't be necessary. The existing regulations within the Department of Health are good until the end of this month at the very earliest, and I'm still assuming that the comments made by the Minister of Northern Affairs, or whatever his title is, the Honourable Arthur Laing, that no changes were contemplated, that this is possibly still good, and so no assurances have been necessary at this point in time.

MR. PAULLEY: A further question, may I, Mr. Speaker. Is the First Minister aware or does he know whether assurances have been given to the Treaty Indian of Manitoba from the federal authority assuring them of the continuation of medical services?

MR. WEIR: No, Mr. Speaker. All I have is the report of what was said on television by the Honourable Arthur Laing.

HON. DONALD W. CRAIK (Minister of Mines and Natural Resources) (St. Vital): Mr. Speaker, before the Orders of the Day I'd like to table the Annual Report of the Department of Mines and Natural Resources for the year ending March 31, 1967.

#### ORDERS OF THE DAY

MR. SPEAKER: Orders of the Day. Order for Return. The Honourable Leader of the Opposition.

MR. MOLGAT: Mr. Speaker, I beg to move, seconded by the Honourable the Member for Lakeside, that an Order of the House do issue for a Return showing the following information for each year starting in 1950-51 to the present:

1. Highway revenue indicating the net gasoline tax, motor vehicle and driver licensing fees of all kinds and any other revenue relative to highways;
2. Provincial Treasury expenditures on highways and roads;
3. Assistance from the federal government;
4. Total spent on roads (including interest on relative debt.)

MR. SPEAKER presented the motion.

MR. MOLGAT: Mr. Speaker, I recognized in asking this information going back to 1950-51, that it might be found that I'm asking for a good deal because this is a long period. However, I believe that this information was published in past years and I have seen in government publications some years ago the breakdown exactly as I have asked for it here. That is the reason that I did go back to those earlier times so that I could have a picture across the board over a period of years to make a relationship. I would not normally be inquiring that far back because I recognize that this can, at times, put the staff to very considerable work, but I think if the Minister will check he will see that this was published some years ago and it is a question of getting the form completed. The questions are asked in the same way in which the original information had been published - I think by the Department of Industry and Commerce.

MR. EVANS: Mr. Speaker, those comments are very helpful to me because I was going to ask the Leader of the Opposition if he would help me to define some of his requests. If he's able to give me a more specific reference to the publication he mentioned I'd appreciate it; otherwise, I'll try to find it and to provide the information according to this publication that he

(MR. EVANS cont'd.) . . . . mentions. I'll try to confer with him outside the House and see whether I have the correct publication or not. I should mention to him some of my concerns. There's no difficulty whatever about such information as the net gasoline tax, the motor vehicle and driver licensing fees of all kinds, but I do have some difficulty about the phrase "any other revenue relative to highways;" and in the absence of finding guidance in the publication he mentions, I'll undertake to consult him privately, if that suits him, to get a further definition there.

I assume that under "revenue" he would not wish me to include recoveries from the Government of Canada - under highway revenues. They're treated that way for the purpose of the government accounts, but I assume since he has asked for that information in a separate part of the Return, namely Item No. 3, that he would wish to exclude it from the first part. Then I would ask him - perhaps we'll have to consult about this point as well - concerning the definition of "highways". That term is subject to a number of interpretations. I would assume he would wish to include them all, including highways, provincial roads, municipal roads, roads to resources, any roads assisted under the ARDA program, assistance to municipalities including streets in Metro and elsewhere, fireguard roads under the Forestry Agreement, and roads and trails in parks.

Now, it may not be the right moment at which to ask him whether that agrees with his definition of roads, but I had assumed that he would wish to include all of those items. So with this discussion in mind and on record, Mr. Speaker, I undertake to do my best to provide the information that the honourable gentleman requests, and I expect to be able to do it.

MR. PAULLEY: Mr. Speaker, it seems to me a departure from the norm on seeking information on Orders for Return to hold private conversations as to the intent of an Order for Return. I think that when a matter is before the House it is a matter properly to be considered within the House itself. I can appreciate the fact that there may be some difficulties in a meeting of minds exactly as to what is required, but I might say that when I looked at the Order for Return as suggested by the Leader of the Liberal Party, in Item No. 1, "any other revenue relative to highways", it's known, of course, that many of the fines that are imposed by the law-enforcing agencies are split between the municipal corporation, in some instances, and the provincial authority in other areas for speeding convictions and fines and the likes of that. Now, these are revenues that are relative to highways because of the infractions that are committed on the highways. Now I don't know as my honourable friend the Leader of the Opposition had this in mind, but certainly it does constitute revenues that accrue to the Provincial Treasury, as I understand it, as the result of highways. Now, I really am in a bind but again, my main point, Mr. Speaker, is that I think this matter has been raised before, I believe indeed by my learned friend the Honourable Member for Lakeside, as to private consultation as to the intent behind Orders for Return. I'm not really raising an objection but raising a point that has been under consideration of the House previously.

MR. SHOEMAKER: Mr. Speaker, I saw this Order for Return for the first time today and I think it will be very useful information to have when we receive the Order because it will show the relationship between the amount collected from gasoline tax, motor licence registration and driver's licences, etc., because I understood the whole basis of levying gasoline, or imposing a gasoline tax in the first place, was on the principle that those who used the roads should pay for part of the cost of same. Now I'm wondering, Mr. Speaker, whether or not my honourable friend will also include, for instance, the costs of all of the signs that have been erected over the years. You will recall, Mr. Speaker, that a year ago we received an Order for a Return showing that the government had spent \$10,200 on signs just between Winnipeg and Portage la Prairie. Now is that considered to be a cost of building roads or a cost that should be properly charged to Information Services, or the Department of Propaganda? So what I'm really saying is this: Is it considered to be that road signs of all kinds, whether they advertise the Minister or whether they are a sign informing the public as to the condition of the road, are all of these considered to be part of the cost of building our highways? I think that that information should be forthcoming.

I believe, too, that perhaps the cost of the Orbits -- and I'm not saying that they're not a good thing but I would like to know, for instance, the number of Orbits that have been purchased and placed on the highways; this is part of the highway program. And I would like to know, as well, the number that have been destroyed and replaced. I was talking to a traveller the other day who said that in one day's travel he found eleven of them had been destroyed by fire - in one day's travel. Well, surely this all adds to the cost of highways and I think it should be

(MR. SHOEMAKER cont'd.) . . . . forthcoming as well. That is, the cost of the signs of all description, the cost of the Orbits, and the replacement cost of same.

MR. MOLGAT: I beg to move, seconded by the Honourable Member for Lakeside, that the debate be adjourned.

MR. SPEAKER: Moved by the Honourable the Leader of the Opposition, seconded by the Honourable the Member for Lakeside -- (Interjection) -- Order, please. An oversight on my part . . .

MR. MOLGAT: Mr. Speaker, I'm not trying to close the debate.

MR. SPEAKER: Order, please. It has been brought to my attention the honourable gentleman had already spoken on this matter and it's questionable as to whether or not he can adjourn it.

MR. MOLGAT: I want to adjourn it and then this will be closing the debate, I realize, but my reason, Mr. Speaker, is that I want to be able to read exactly what it is that the Minister said and be in a position to give a reply as to the exact things that I want.

MR. PAULLEY: Mr. Speaker, on a point of order, may I suggest that if this is the case, possibly instead of the Honourable the Leader of the Opposition adjourning the debate one of his colleagues would, because if he adjourns the debate, then that of course precludes anybody else from taking part in the debate after they have also read what the Honourable the Provincial Treasurer has said, so I would suggest this procedure to my honourable friends on my right.

MR. MOLGAT: I have no objection. No one appeared to speak and the matter was coming to a vote. That is the reason I was prepared to move the adjournment.

MR. SPEAKER: . . . the leader of the Opposition will appreciate that, that I had not put the question. The Honourable Member for Birtle-Russell.

MR. RODNEY S. CLEMENT (Birtle-Russell): I would move, seconded by the Honourable Member from Gladstone, that the debate be adjourned.

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

MR. SPEAKER: Orders for Return. The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I beg to move, seconded by the Honourable Member for Inkster, that an Order of the House do issue for a Return showing:

1. The amounts granted and authorized for Capital Expenditures under Capital Supply for the years 1965, 1966 and 1967 for the various purposes;
2. The amounts actually borrowed for each of these purposes in the years 1965, 1966, 1967 up to and including February 29, 1968.

MR. SPEAKER presented the motion.

MR. EVANS: Mr. Speaker, perhaps I should try to clarify this Order as well. I want to provide the honourable gentleman with the information he's seeking, and with respect to Item 1, the amounts granted and authorized for Capital Expenditures under Capital Supply for the years 1965, 1966 and 1967 for the various purposes, I refer him to the Loan Act, in 1965, Statutes of Manitoba, Bills Nos. 76 and 77, Loan Act No. 1, to be found at Page 349 to 355; in 1966, The Manitoba Loan Act, to be found at Page 491 to 496 of the Statutes of that year; and in 1967, The Loan Act of 1967, pages 347 to 349. With respect to the other portion of the question, this information requires a special Return and I'll be glad to provide it for the honourable gentleman.

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

MR. SPEAKER: The adjourned debates, second readings of bills. Proposed motion of the Honourable the Minister of Mines and Natural Resources, Bill No. 21, An Act to amend The Forest Act. The Honourable Member for Inkster.

MR. SIDNEY GREEN (Inkster): Mr. Speaker, similar to the other honourable members who preceded me in this debate, I find it very difficult to ascertain just what of substance is taking place in this particular bill, and I note that the remarks made by the Minister are equally as uninforming. That is, they refer to some clarifications and with one particular section - that is, the last one - a change in the length of time which one would have to hold certain goods before being permitted to dispose of them, which of course is a change in a procedure, but otherwise it would appear at first glance that there is no great earth-shaking changes being initiated by this legislation. This troubled me, Mr. Speaker, because I'm always worried about legislation that looks innocuous, and I hope that nothing can be read into the bill that isn't there.

However, Mr. Speaker, I do think that there are some matters which may be of substance

(MR. GREEN cont'd.) . . . . and I would like to deal with them. First of all, I would like to just for a moment deal with the remarks that were made by the Honourable the Member for Lakeside in connection with some of the matters that he found of interest in the bill, and I hasten to say, Mr. Speaker, that I'm continually being educated by the Honourable the Member for Lakeside; I say that quite seriously and I certainly have a great respect for what I am able to learn from this, our dean parliamentarian in the House. However, I find some of the remarks that he made to be of less substance than what I am used to hearing from the Member for Lakeside, and as a matter of fact they give me the impression that I am right, or have been right all along, in the items which appear to differentiate the Liberal Party from the Conservative Party in this province.

We have heard ad infinitum the old sayings - the difference between tweedledum and tweedledee, the ins and the outs, and having repeated them I won't go on to deal with these cliches, but the Honourable Member for Lakeside finds apparently it worthy of note to say that the Act is going to be re-changed from the Forest Management Act to the Forestry Act and this appears to be something of some significance. Perhaps it is, and perhaps some day he will, for my edification, explain what the significance is.

He also makes a point of saying that the new Act talks about Deputies to the Minister and Assistant Deputies to the Minister. This is a difference, Mr. Speaker, and I think that these differences are the kind of differences that we would probably get if the members to my right were in office as against the present members of the government. I suspect this to be the case and I do find from some of the remarks that have been made on this bill that perhaps my expectations are justified.

But, Mr. Speaker, I think both the Honourable Member for Lakeside and the Leader of the Opposition did deal with a problem which is of more substance than I had hitherto given them credit for, and that is the question of how this legislation is affecting existing operations or existing people within the province, and this, Mr. Speaker, is what troubles me. I think that the Minister left this in a rather doubtful state when he answered the Honourable the Leader of the Opposition who questioned the Minister, and the Member for St. John's also questioned him, about whether this in some way affects the Churchill Forest Products operation, and the Minister answered correctly and gave what would be a lawyer's answer rather than an engineer's answer: it affects the whole province; which of course would indicate that it does affect that operation. And I think that this House is entitled to some more specific information so that we won't have to deal with hypothetical questions. We should be told how this legislation is going to affect existing operators, not only the Churchill Forest Products but the existing operators in that area who may in some way be affected by it, and in this regard, Mr. Speaker, I think that one part of the Act is of particular significance because of the way it is apparently being introduced in a rather, I repeat, innocuous manner whereas it has substantial overtones at least.

Mr. Speaker, one of the fears of the continued reliance on administration rather than the Legislature is that the administration will control people by regulation and will be able to control by regulation much more than was intended by the Legislature itself, and I dealt with this subject and other members have dealt with it in last year's debate, particularly on the Sales Tax when we said that the government is assuming the power to do many things which they could never get through the Legislature if they were debated in full. I would like to remind the Speaker of this House that in Saskatchewan one of the real difficult points which the medical profession was able to make against the Saskatchewan Legislature when it was introducing its Medicare legislation, was that the Act purported to legislate that the government could, by regulation, deal with the manner in which the medical profession, acting under the Act, could carry on its operation.

Now, Mr. Speaker, I don't think that the Act went nearly as far as the medical profession suggested that it went, but they certainly made effective use of this as a debating point, and therefore, Mr. Speaker, I am surprised that in this Act it seems to be an assumed right of government to say that it is going to regulate certain operators without in any way advising this House as to what makes regulation necessary, because under our democratic system the people in our community are considered free citizens except where inhibited by the Legislature. That is, if the Legislature doesn't establish their rights but in some way inhibits their rights - and I'm not disagreeing with this; I'm merely saying that this is the effective legislation - it inhibits their rights so that they won't interfere with other people. And in this Act we have a

(MR. GREEN cont'd.) . . . . section which previously said that the Legislature was going to be able -- the government, that is, was going to be able to make regulations with regard to the licensing of sawmill operators, planer operators and scalers - or at least I think that was the effect of it - and in this amendment we have the suggestion by the Legislature that the government is going to have added to this right of licensing, the right to regulate the operation of sawmill operators, planer operators and scalers.

Mr. Speaker, I say that when we give a government the right to regulate the operations of people within our community, and if this happened with regard to doctors or lawyers or grocery storekeepers or ice cream vendors or any other occupation you could think of, it would be a very serious matter, but I presume that there is nobody in the House who knows any sawmill operator, or there is nobody in the House who knows any scalers. I'm not even sure I know what a scaler is, but I assume it means taking the bark off lumber. I hope I'm not making a . . .

A MEMBER: Measuring.

MR. GREEN : Measuring the lumber. You see how wrong one can be. But nevertheless I assume . . . The fact is that I obviously, Mr. Speaker, related it to the scaling of fish so I thought it was the scaling of bark. Well I admit, Mr. Speaker, my ignorance in this regard but if I am ignorant about what a scaler is, I'm not, Mr. Speaker, I suggest with some immodesty, ignorant about what you can do by regulation and how government can regulate adversely to the free rights of citizens when given that power by a legislature. I'm asking, Mr. Speaker, because we haven't had the information from the Minister. I'm asking what there is about these operations that requires regulations; what kind of regulations are the government talking about; in what way are they going to inhibit what are now the free operations of these people so as to bring them in line with what they think is supposed to be the ideal operation; and why is their idea of the ideal operation the correct one.

Mr. Speaker, because we have had no information, then I ask specifically that the Minister advise this House in what way, for instance, are two things affected. In what way are Churchill Forest Products affected by this right of the government to pass regulations regarding the operators, and in what way are the existing operators in the north country affected by the power of this government to pass regulations? Mr. Speaker, again I ask, because we haven't been informed on the presentation of the bill: is the failure of Churchill Forest Products to have made any significant progress towards the building of their sawmill - - and Mr. Speaker, I understand that the target date is October of 1968; that's this fall -- December? December of 1968, and that the Minister could inform us as to whether perhaps tenders have gone out, and if not are the provisions in this Act in some way intended to facilitate the operation going up, the tenders being let, and that particular sawmill going into operation? Is there some relationship between regulating existing operators and that particular sawmill going into operation?

Now, Mr. Speaker, I don't like to ask questions for which I have no idea that there is any relationship, but I think that the Minister has left us in this position by not spelling out why a government needs power to regulate the operations of these people which apparently have continued without regulations up to now, or perhaps I am wrong about that.

MR. FROESE: Mr. Speaker, I don't know just how to discuss the principle of this particular bill since apparently we are amending it in so many different places. The Honourable Member for Inkster just pointed out the matter of regulations, and I have a hunch rather that this will have to do a lot with the Churchill Forest Industries because of the regulations that are going to be enabling them to be brought in. After all, under the Churchill Forest Industries agreement, the government was to pay the cost of scaling, and here we have the matter of scaling come under the matter of regulations, and I would like to hear from the Minister when he closes the debate, whether this is correct and what, if any, are the fees at the present time. I know this is probably something that we should be discussing in committee and I definitely will pursue the matter later on in committee, but if he could throw any light on the subject matter at this time, I would appreciate it.

MR. SPEAKER: Are you ready for the question?

MR. CRAIK: Well, Mr. Speaker, in closing this, I would say that most of the questions that have been asked, there has been some reference to leaving them to the committee stage. We have made note of them and will have the specific answers, but to answer a couple of questions that were placed today. First of all, there was no intention to give any evasive answer

(MR. CRAIK cont'd.) . . . . when I introduced the bill. This bill did not evolve because it's directed at Churchill Froest Industries and I didn't intend to imply that when I said it applied to Manitoba. The changes that are made in the bill are, in fact, fairly minor changes. Within the Department -- the Department has been amalgamated into the Forestry Department. The Forest Management and Forest Protection are amalgamated into one branch. This was, first of all, one reason for opening the bill up.

The other question. The scaler is the fellow who counts the cords. And as far as the other definitions are concerned, if there are any others I am sure we can go into it in the committee stage. I would like to quell any fears that there is anything very subversive about this bill because there isn't. The changes in the Act are really, after a fashion, fairly minor. I suppose this depends on where you stand on it. I know the Member for Lakeside is concerned about the 30-day clause on possession of goods following a trespass under the Forest Act. This means the possession of the trees or the equipment after somebody is accused of taking Crown forest product off Crown lands where they are in breach of one of the Acts. What it does is it reduces the holding period to a period of 30 days on both parts, whether it's the person claiming back his goods or whether it's the officer who is holding the other person's, the violator's goods. He does not have to hold them any more than 30 days if he has made a fully satisfiable attempt to locate the operator within that 30-day period. This is the main clause, I think, that is changed here, and I think that we could go into it in more detail, probably with even better answers for you, at the committee stage if this is satisfactory. I don't know if I have answered the question to the Honourable Member for Rhineland sufficiently at this point.

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

MR. SPEAKER: The proposed motion of the Honourable the Minister of Labour. Bill No. 31, an Act to amend The Employment Standards Act. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, on a previous occasion when this bill came up for second reading I hadn't checked the various sections of the bill. However, I have done this since then and I have no particular objection to the bill in principle. I'm not sure whether the Honourable Minister explained why the learner section of the previous bill is being repealed. If he has explained, I'll read up in Hansard; if not, he could probably give us the information.

I note, too, that the bill does not apply to the agricultural industry as such, because farming is exempt under the bill, so that farmers will not have to comply and give statements such as is being made mandatory of other industries. I'm just wondering if the Honourable the Minister could inform us whether standard forms are required for this or whether this is a statement of their particular firms that they may so make.

Then under Section 14 - and I can't speak on the bill unless I name the particular section - here it will be a matter for the Board to review orders once a year, and I would like to know from the Honourable Minister what is the number of orders that are given in a year and how large an order are we placing on this board to review these orders. Will this entail a lot of work? Certainly, I think, this is something that we should have knowledge of and maybe this could be given later on in committee.

MR. SPEAKER: Are you ready for the question?

MR. BAIZLEY: Mr. Speaker, I think I should thank the Honourable Members from Assiniboia and Kildonan and Rhineland for their questions and I would like to answer the one about removing "proper" from the purpose and objectives of the Act. I want to assure the honourable members there's nothing improper intended about removing it. It seemed to be an ambiguous word, and in discussions it was felt that "minimum standards" rather than "proper minimum standards" would in fact be the proper title for the objectives and purpose of this Act; rather than proper minimum standards that it is minimum standards for employment purposes.

The Honourable Member for Kildonan suggested that it was discrimination against the ladies in our society, and I have to inform the honourable member that my problem has been complaints by the male section of the community wanting to have the same advantages as the ladies have. And I must tell you, Mr. Speaker, that I for one would like to keep this special status for ladies. I don't feel that equal status is sufficient at all. I am of the old school and would like to see the special status that these folks have in our community continued.

He mentioned the fact that there was an area here where in some undertakings that the employer applied the same rate of wages to the ladies as for men if they worked similar hours, and I made the inquiry and find that application had to be made to the Labour Board to do this, and to the best of my knowledge no such application has ever been made.

(MR. BAIZLEY cont'd.)

The other point that he made was that the average work week, or the standard work week in Manitoba, was slightly less than 40 hours. I suggest to you that the 48-hour minimum standard week for men should remain. I do not feel that it would be right to interfere with the newly-organized bargaining process where hours are laid on the table and negotiated for with other fringes and so on in the package, but I think the other thing is, too, today that when we're talking about hours of work really we're not talking about working too long but really how soon can we get to the overtime rate. And I believe that this is properly a bargaining point that has its rightful place at the bargaining table.

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

MR. SPEAKER: Second Readings. Bill No. 4. The Honourable the Provincial Secretary.

MR. McLEAN presented Bill No. 4, an Act to repeal certain Acts relating to certain Corporations, for second reading.

MR. SPEAKER presented the motion.

MR. McLEAN: Mr. Speaker, this is an annual bill that comes before the Legislature to cancel, by enactment of the Legislature, the charters of certain corporations who were in the original instance incorporated by a special Act of the Legislature.

Members will note that four items in the bill refer to the Imperial Canadian Trust Company, being their original enactment and a number of amendments, and then to two others, and the Registrar of Companies has provided me with particulars in respect of the three companies concerned, and which I am glad to give this information to the House.

The Imperial Canadian Trust Company was incorporated by Chapter 87, Statutes of Manitoba 1911. This Act remains on the statute books although the Company has not been registered under the Companies Act for the past 35 years. The Company went into liquidation in 1928, at which time Montreal Trust Company was appointed liquidator, and Montreal Trust Company have now advised the Company's branch that the winding up was completed in 1944 and that the Company should be struck from the records.

The Great West Club, incorporated by Chapter 105, Statutes of Manitoba 1913, under this name. The name was changed on two occasions to its present name, the Great West Protectors Club. The members have died off and the Club has not been operated for many years. The last annual return was for the year ending December 31, 1963, and the corporation was dissolved under Section 189 of the Companies Act on February 25, 1967.

Food Distributors of Manitoba incorporated by Chapter 95, Statutes of Manitoba 1941-42. The Association has gone out of existence; last annual return filed for the year ending December 31, 1963, and the corporation was dissolved under Section 189 of the Companies Act on February 25, 1967.

MR. SPEAKER: Are you ready for the question?

MR. HANUSCHAK: Mr. Speaker, has the Honourable Minister satisfied himself that there's no likelihood of any claims being made against any of these companies? I'm thinking in particular of those that were dissolved recently, such as the last two, and in particular the last company.

MR. McLEAN: Mr. Speaker, if there are no other questions, I'd be happy to supply the answer which has been kindly supplied to me by the Deputy Provincial Secretary who has another function here, that under the terms of the Companies Act in Manitoba, even though the charters were cancelled, if there were, or are, any claims against any of these people their assets, if any, would continue to be liable for any debts.

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

MR. SPEAKER: Bill No. 11.

MR. McLEAN presented Bill No. 11, an Act to amend The Public Utilities Board Act, for second reading.

MR. SPEAKER presented the motion.

MR. McLEAN: Mr. Speaker, there are a number of points in this bill. They are in a sense distinct and separate from one another.

First, provision is made in this bill to give to the Public Utilities Board the same power for maintaining order at their meetings as is contained in the statute with respect to the Municipal Board. The Municipal Board Act and the Public Utilities Board Act were enacted at the same time. Subsequent to that, a provision was put in the Municipal Board Act to provide for this authority, and this brings this statute, the Public Utilities Board Act, into line with that.

(MR. McLEAN cont'd.)

A further provision has to do with the requirement that when a public utility is being discontinued, the Public Utility Board may require the owner to remove its works from the high-ways, or order that the owner be permitted to leave the works within them under such terms and conditions as may be fixed by the Board. There was a problem which developed in connection with the Central Heating Company about their lines. There was a question arose and it was suggested that some retroactive legislation ought to have been presented last year. We declined to do that because the matter was actually settled between the parties. We are now proposing this provision in the legislation so that there will be no question about the matter in the event of future matters of that kind arising.

A further provision relates to a section of the Act at the present time, which preserves the Board's jurisdiction over a utility which is being operated by a receiver or other officer appointed by a court, and we have proposed here an amendment which would preserve the Board's jurisdiction in the event that the public utility were being wound up voluntarily. It just merely carries over the principle that is already in the Act to this further possibility in the event that the utility was being wound up voluntarily.

The further provision in the bill proposes to expand the Board's existing jurisdiction to prohibit, under certain circumstances, the declaration or payment of dividends without the Board's authorization. The amendment proposed maintains the Board's existing power in that respect and enlarges it to cover any other distribution of the assets of the utility. In the Winnipeg Central Heating Company case, which was one that was before the Board within the past I think 18 months or so, it was found because the Company was being wound up that the Board's power to prohibit the payment of dividends was not sufficient to protect the public interest. And so, by this amendment the proposal is to widen the power to cover this other distribution and to give the Board clear jurisdiction to handle such a situation should it arise in the future.

Finally, there's a provision in this bill to deal with a problem which has come from time to time before the Legislature, where a municipal utility, and it has been principally the case of water, the supply of water for a particular industry, and there have been bills presented to the Legislature to authorize a special rate for the particular industry concerned. This has been a matter, I think, of some embarrassment to members of the Legislature, and so we have proposed - and the Honourable the Minister of Urban Development and Municipal Affairs has concurred in this proposal - that we come at it in a slightly different way by simply saying that, where it is desired to have such a special arrangement, the municipality concerned may have a by-law to make this provision, and two things are required. First of all, any, shall we say shortage - that is, any difference in the amount provided - is to be made up from the general revenue of the municipality concerned. In other words, it becomes a charge upon the rate-payers of the municipal corporation. And then a further provision that the by-law in question, which would provide this special rate and provide for the recouping of the subsidy element from the general ratepayers, that it cannot become effective until it has been submitted or received the assent of the resident electors of the municipality; in other words, it has been voted upon by the people who are going to have the responsibility, so to speak, of making up the short fall in the revenues. And we put this forward as a proposal which is fair and satisfactory, and allows these matters to be dealt with in the local situation where they're really much better able to deal with it than we are sometimes in this House. I recommend these measures to the House.

MR. T.P. HILLHOUSE, Q.C. (Selkirk): I find nothing objectionable in this bill, Mr. Speaker, and I was glad to note the inclusion of your Section 7 dealing with special agreements between a municipality owning a utility and some consumer, and I would suggest to the Honourable the Minister of Municipal Affairs that such legislation be enacted in with the Municipal Act.

MR. SAUL CHERNIACK, Q.C. (St. John's): Mr. Speaker, I find this an interesting Act in relation to the matters raised by the Honourable Minister. Of course, a board should have power to be able to discipline the people who are present, and I'm not sure that the wording is really not too extensive, but possibly that is a matter that may yet be dealt with in committee, in particular reference to the wording.

However, the point raised in relation to the privately-owned public utility, is one which of course was discussed two years ago at the time of the Central Heating Company wind-up, and if you will recall, Mr. Speaker, at that time there was the danger that the Company was

(MR. CHERNIACK cont'd.) . . . . not going to pay accumulative vacation pay. I don't really know whether or not it paid the vacation pay. I think it did not. As I recall it, it posed the problem as to whether they would pay what was due to their employees, or conversely, would they have enough money to continue for a year to give the customers an opportunity to adjust to a changed situation where they would have to spend substantial sums of money to acquire new types of heating for their homes. At that time, this matter was discussed and it was pointed out that the legislation was lacking, that we couldn't have enough control over private enterprise, and the matter was raised I notice on April 14, 1966, when some of us had an opportunity to speak on the issue. I pointed out then that, just prior to the application having been made to the Utility Board, the Company had some \$132,000 that was set aside for dividends to be paid to shareholders. That to a large extent impoverished the Company from being able to carry on those responsibilities which were moral at that time.

Well, they became legal. The Honourable the Provincial Secretary of that time agreed that this had to be done and actually indicated that he wished to bring in legislation, which he did do and he brought in the legislation referred to, but apparently it was inadequate. And it's unfortunate, but I suppose these things can happen that one cannot foresee what the problems may be. At that time, the Honourable the Leader of the Official Opposition asked as to what companies were known to be operating in Manitoba as the private companies in the public utility field, and the answer given was: The Winnipeg Central Gas Company in metropolitan Winnipeg, other gas companies throughout the province, and one small telephone company. I wonder if the Honourable Minister could give now, or in due course indicate to us, what companies are likely to be affected by this legislation, and confirm to us my impression that these companies are submitting statements which are being checked by someone now. I'm not sure if that is the case, but certainly I think it's a matter that this government, any government should be interested in, that when you grant a monopoly right to private industry to operate in the field of utilities, that the government must make sure that it will continue to be responsible. So that's all I wish to mention on that point.

Now Mr. Speaker, I do find some surprise in reading Section 7 which introduces the right of the board to deal with -- making deals, special deals for special interests. That's the way I read this section. I presume that's what it means. The Minister says occasionally it's embarrassing to members of the Legislature. I'm not sure I understand why; possibly he'll clarify it. I don't recall being embarrassed when we've had deals of this kind proposed. I think maybe the reason was that I found them unacceptable and was prepared to say so. I'm a little surprised that the Member for Selkirk is prepared to endorse this to the extent of broadening the scope into the Municipal Act. There have been discussions in this House in the past. I recall one with the then First Minister, deploring the fact that provincial governments are competing with each other in order to attract interest, with saying it's unfortunate that when Saskatchewan or Alberta makes a special deal with a special industry and Manitoba attempts to compete, you enter into a give-away policy which is damaging to all parties that participate in the giving away features, and I recall that there was agreement then. And I recall specifically the former First Minister agreeing that it was deplorable when this takes place within our own province amongst various municipalities. The Honourable the Minister referred to water supplies being the most common one. I wonder whether it could be Minnedosa or Gimli that are particularly interested in this section, because both of them apparently have some use for mass consumption of water in products about to be produced there, but . . .

HON. STERLING R. LYON, Q.C. (Attorney-General) (Fort Garry): Hope they don't put too much in it.

MR. CHERNIACK: Well, to the extent that the government is willing to sponsor and foster it, I think the government and the Attorney-General in particular, who should be most interested in the content of the product, would make sure they don't put too much water in there.

One of the reasons that I marvelled at the fact that the Honourable the Member for Selkirk endorsed this principle, is that I have not yet gotten over - and never will - the feeling of the inability to fight what some of our people have done for us and settled for us in the past, and I feel that the Honourable Member for Selkirk should be one of those to realize quickly, that if not for this principle of wheeling and dealing in order to attract industry, we might today be sitting in Selkirk on a plain that is higher than that of Winnipeg; we might all be in the capital city of Selkirk, Manitoba, if not for the fact of some people, who no doubt were property

(MR. CHERNIACK cont'd.) . . . . owners, the fathers of the then City of Winnipeg, deciding that they wanted to compete with Selkirk and see how they could induce the Canadian Pacific Railway to come through Winnipeg rather than through Selkirk, and we are all - that is all of us who are ratepayers and residents of Metropolitan Winnipeg - are paying - and particularly of course those who are in the City of Winnipeg - are paying now because of the deal that was made so many years ago by people who had vested interests, as they must have had, and wanted to build the City of Winnipeg, as they did, by making this type of concession.

I deplore the fact that Metropolitan Winnipeg suffered for a flood and that we had to build a floodway to divert waters that would not have come to us had we been in Selkirk, because of the fact, as I indicated, that Selkirk was on a much higher altitude, if that's the word in relation to water, than is Winnipeg. I deplore the fact that the vested interests of those times, whose names may be gracing the very streets on which we ride and walk throughout central Winnipeg, who owned what was then undeveloped land, and who probably made a pretty package because of the development of Winnipeg as compared with Selkirk, whereas most of us - and I think that's probably true; well, it's certainly true - that most of the people who reside in the City of Winnipeg today had no choice, no vote, no opportunity to decide or to benefit from the deal that was then made, but those of us who are second generation here, whose parents came from outside Winnipeg or outside of Manitoba or indeed outside of Canada, came because there was already a settlement in Winnipeg, where there was a railway, where there was a railway industry and that that is where they could earn a livelihood. It seems to me that had they come to Manitoba and found that the livelihood was in a place called Selkirk, the sound of which is just as pleasant to my ears as is Winnipeg, that we all would be in Selkirk and would be benefiting from what Selkirk has to offer. It's certainly closer to Gimli, I think once you recognize that that's an advantage - especially now - and we would then not be paying today the price which was determined so many years ago and which I think will take still another 20 years or so before we catch up with the CPR. So that if I interpret this section correctly, the government is now sponsoring the opportunity for communities to continue to compete with each other and to make deals that would benefit one municipality as against another.

Of course the principle is much broader than the selling out of some portion of a public utility owned by a municipality at the cost of the residents of the municipality, but the principle to me is still unfair and I'm glad I had the opportunity to point this out to the Honourable Minister. I'm looking forward to hearing whether or not he agrees with that. Unfortunately, the Minister of Industry and Commerce isn't here but surely he must feel strongly about this competition that takes place between Manitoba and Saskatchewan and Alberta and Ontario on the basis of a give-away program. Surely he feels it is wrong; surely he feels it is detrimental in the general interest. I don't know if the Liberal Party would share that feeling, because as I understand it the Liberal Party is fostering the idea of this give-away program in relation to the giving up of estate taxes, and one of the strong arguments that they present is: Well, Alberta is doing it; Saskatchewan's doing it; and for us to retain the wealthy people in our province we should do it too. Well, that's a give-away program and they have fallen for it. They're apparently committed to the program. I don't know that it was read as being a program accepted by the Party, but I've heard that both the Leader and the Whip - and the Whip and I had occasion to debate this issue on radio - that it is Liberal policy. So they have accepted that principle.

Well, I think it's a bad one and I have a feeling that the government would deplore it if they saw it in that light, so either I'm wrong about the government being opposed to this type of thing or the Minister must have been somewhat misled by thinking that this is a minor sort of a thing. I agree it isn't too vital, but to the extent that it is used to create competition between member municipalities of this province, I think it's damaging to all municipalities which are put in this position of competing on what I think is an unfair basis, a give-away basis, for industry to come in and develop this or the other municipality. So, Mr. Speaker, I'm looking forward to a debate on this issue, not necessarily in the House but in committee or on third reading, to hear whether the Minister is prepared to deal with this problem which I present to him and which I present to him only because he brought the bill here and presented the problem to us.

MR. HILLHOUSE: Mr. Speaker, on a question of privilege and with leave of the House, I think the Honourable Member for St. John has completely misunderstood the position that I took in relation to this bill.

(MR. HILLHOUSE cont'd.)

Section 7 of the Act deals with a matter in respect of which any municipal corporation has today jurisdiction to enter into such agreement. What I liked about the section was the fact that not only did it have to receive the assent of the ratepayers but also the concession given to the consumer was to be charged back to the general taxes of the municipality, and my thought was that by reason of this re-charging back there was less chance of the ratepayers assenting to such an arrangement. That's the reason why I supported it.

MR. CHERNIACK: Mr. Speaker, if I may, I did misunderstand the Honourable Member for Selkirk and I'm very glad that he did clarify his position to me. I had not understood it that way.

MR. FROESE: Mr. Speaker, I do not want to delay the passage of this bill on second reading unnecessarily. However, Section 7 of the bill is of interest to me because of the legislation that we have passed here in past years. I note that the Town of Morden came in with a bill asking for reduced water rates for their particular industry, the cannery at Morden, giving them a large concession in my opinion by reducing the water rate to 16 cents per thousand. Last year we had another bill come in from the Town of Winkler for their industry, also a cannery, but the rate here was much larger, but still it was a concession and here we legislated this into law without having the consent of the people who were imposed with the burden now of paying the difference of whatever we released them of. So that when the canneries in these towns get their water at reduced rates, this means that the residents of that locality have to pay the subsidy for this industry and I feel it only proper that we do what is contained in this particular section, that the local people concerned will have to give their approval on such a measure, and I thank the Honourable Minister for bringing this forward.

However, I would like to question him. Does this then imply that from here on no further legislation of the type that we have been passing will be legislated here through this Legislature? I think I would like to have an understanding on this. Naturally I'm not opposed if an area wants an industry that wants preferred rates and the people in the area are willing to approve of it, that's quite in order if they give their consent. I think this is what we should have.

I was rather amazed at what the Honourable Member for St. John said that the Succession Duties program such as instituted in Saskatchewan or Alberta was a give-away program. In fact, Mr. Speaker, in the first place it's a take-away program. We're taking that very money away from these people and I certainly support what is being done in those provinces, that Succession Duties are being returned. As a result, no doubt they will have the wealthier people remain in their particular province.

MR. SAUL MILLER (Seven Oaks): Mr. Speaker, I would like to just say a few remarks on this bill. I concur with the Honourable Member for St. John's and I listened with interest to the explanation given by the Honourable Member for Selkirk when he corrected what he felt was a misunderstanding on the part of the Honourable Member for St. John's in his remarks, but I wonder why he stopped there. He said he's in favour -- the Honourable Member for Selkirk said he was in favour of this bill because it required ratepayer approval and therefore there was less chance that such legislation would be approved, or such by-law would be approved, and therefore this give-away program probably would cease. Well, why do we have to beat around the bush? Does this Legislature and does this government want the municipalities to bid against each other, to vie against each other for the sake of having a business or an industry established within their municipality?

The Michener Commission and former commissions recommended against this sort of policy. They stated this was not good for the province because it simply created a situation where firms would shop around. Now, how much are you willing to pay to have our industry settle in your area? Once they got a bid they'd go to the next municipality, shop there, and where they got the best bargain, the best give-away, that's where they might settle. Why go through this routine? Why not simply give the municipalities the right to advertise tomorrow and say we will pay to any business that comes into our area, we will give them \$5,000 a year in hard cold cash because that's what you're doing. -- (Interjection) -- Make it ten, the Honourable Member for Inkster says. I'll go fifteen - I've got offers already. This is exactly what is happening in Manitoba, because whether you do it through a lowering of rates in utilities or you do it as the Town of Steinbach had to do recently in order to entice a trailer manufacturer into Steinbach - and I'm not being critical of the Town of Steinbach - because under the rules of the game that's the way they have to play it today. But we established the ground rules here

(MR. MILLER cont'd.) . . . . and do we want the municipalities to vie against each other and bid against each other? This is Manitoba. We can't perhaps control what Saskatchewan does or Ontario does, and that's regrettable because I think all of Canada suffers, but surely within the boundaries of Manitoba we can and should control what goes on and it shouldn't be by virtue of a give-away or a bargain that one business decides it will locate here instead of there.

As I say, if we're going to do it, let's cut out the subterfuge. Let's simply make it possible for municipalities to advertise that they'll pay hard cold ratepayers' cash to any business that will locate in their boundaries on an annual basis, because this is what we're doing if we lower the utility charges on a public utility, whether we give them tax exemptions as Steinbach had to do, or as other areas had to do.

And so I oppose, frankly, this amendment because it doesn't really correct the situation. All it does, as the Honourable Member for Selkirk correctly points out, because of the fact that it now has to go to the ratepayers there is less likelihood that the ratepayers will approve. But all we're doing is making it a little more difficult. If we're against it, let's eliminate it; if we're in favour of it, then by all means let's broaden it and let's give them more authority. I, for one, would like to see this concept eliminated from the Statutes of Manitoba entirely.

MR. McLEAN: Mr. Speaker, if there are no other members wishing to speak . . .

MR. SPEAKER: Order, please. The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I believe that if my honourable friend speaks he will be closing the debate. I move, seconded by the Honourable Member for Elmwood, that the debate be adjourned.

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

MR. SPEAKER: Bill No. 24. The Honourable the Attorney-General.

MR. LYON presented Bill No. 25, an Act to amend The Gas Pipe Lines Act, for second reading.

MR. SPEAKER presented the motion.

MR. LYON: Mr. Speaker, this is a procedural matter having to do with the method by which easement for gas pipelines are registered in the Land Titles Office. The amendment is a very brief one, in fact there is only one clause of the amending section which is different from the section which is sought to be repealed and that is clause (b) - although I shouldn't make reference to the section number or the clause at second reading - and there is the new subsection (5)(a) which is added to take account of previous registrations which may have occurred. This relates in turn to Section 111 of The Real Property Act which provides for the registration of documents referring to easements in this connection and the mode of registration, which is that the document itself may be filed. The Gas Pipelines Act previously said that the easement could be filed but not while it was a document -- falling within the purview of Section 111 of The Real Property Act it could not be registered as documents are provided to be registered in Section 111.

The Registrar General of the Land Titles Office has been studying this situation and has suggested to us that we make the amendment that is proposed to the House in order to bring into conformity the method of registration for these easements to make it conform with the practice as followed in the Canadian legislation, and that in essence is the principle of the bill that is before you at the present time and I would recommend its acceptance.

MR. LAURENT DESJARDINS (St. Boniface): Mr. Speaker, I don't want to oppose this bill of course and I don't know if you'll feel I'll be in order in bringing in some things that isn't in this bill. It seems to be one of the only occasions except a period of questions that we have before the Orders of the Day. I'm talking now about the installation of this natural gas. I'm talking about the pipes that bring in this gas into the different buildings.

Now you'll remember, Mr. Speaker, that during the last few years we have had a few explosions and things that could have been very serious. Last year there was an explosion in the City of St. Boniface and a building was destroyed. There was quite a fire in the middle of the winter, but thank God it was during the day because next door was a school of nursing and it could very easily have led to loss of life. At the time we were quite disturbed and we asked the Minister of Labour - I think he is responsible for the safety measures - to look into this. I know that I mentioned it two or three times last year and to him it was always a laughing matter; we never received any information. We asked him to look into it to see what could be done and he didn't do anything at all, and pretty well at the end of the session we had another one - during the end of the session last year we had another explosion. I don't think that it was as costly as

(MR. DESJARDINS cont'd.) . . . . far as property damage as the first one, but nevertheless I think it is an indication that there is a danger.

And this year we have had the same thing again. This time it was a skidoo, I think, that sheared that pipe, the gas going in the school and the school had to be closed and so on. I brought it up - I think that this is part of our duty, I think that this is something serious, something important - I brought it up to the Minister this session just last week and I think you remember his remark, "Too bad that skidoos can't read." Well, Mr. Speaker, this is not the time to be funny or ridiculous when you talk about this kind of protection for the people of Manitoba. I'm not an expert in this kind of installation - I don't know too much about it - but it seems to me that there is a danger. Right now you have these pipes going in the building, pipes that are taking this gas, and then you have two larger pipes that are supposed to act as guards, and you might have a part of a car or anything - we have had the proof - that will shear these things and it is very dangerous. This could happen in the middle of the night. Now people might want to back out, turn the key and then you'll have an explosion and the car could go.

It seems to me that we should at least have an investigation. There is definitely something wrong because we have had three examples of this over the last year or year and a half, Mr. Speaker. Are we going to wait until we do have maybe loss of life on our hands before we take this seriously? I think that the least that -- I know this is not the Minister in question but maybe the Attorney-General, in view of the fact that the Minister of Labour doesn't take this seriously, maybe the Attorney-General who is responsible for this Act will maybe when he closes the debate on second reading will assure us that something will be done, at least that we'll have a report, that the people of Manitoba will be reassured that something will happen. I don't know, maybe we'll have some kind of a grill going over that with a lock - I don't know.

It seems to me that we're careful of the danger in a lot of other instances, and for the Minister of Labour to answer me when I ask him a question such as this - are they going to do anything about that or are they going to wait until we have a loss of life - for the Minister of Labour to say "Too bad that skidoos can't read", well I don't think that this is taking his responsibility very seriously and I do hope that the Attorney-General will give the people of Manitoba some reassurance that they are not going to wait until something drastic happens, that he will give us the assurance that this will be taken care of immediately.

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

MR. SPEAKER: Bill No. 30. The Honourable the Minister of Municipal Affairs.

HON. THELMA FORBES (Minister of Urban Development and Municipal Affairs)(Cypress) presented Bill No. 30, an Act to amend The Department of Urban Development and Municipal Affairs Act, for second reading.

MR. SPEAKER presented the motion.

MRS. FORBES: Mr. Speaker, the amendments which are presented here do not embody any changes in principle. It's a bill, Mr. Speaker, to clean up the Act, to clean up particular references to other legislation that have been, over the years, amended or repealed. For instance, to eliminate some references to the Municipal Commissioner and the Equalization Board which you know, Mr. Speaker, both have ceased to exist, and also to correct some cross references to sections of some other statutes where the section numbers have been changed and to remove references to levies that were made for purposes which no longer exist. Some of the sections have been, because of various amendments such as this, they have been re-written, but there is no change in principle and I recommend it to members of the House.

MR. HILLHOUSE: I wonder if the Honourable Minister in closing the debate would deal with the question -- she has already stated there was no change in the principle in this Act. Now isn't it a fact that Section 993 of The Municipal Act just provides for one-half of the cost being charged against the municipality and this new section is going to impose the total cost?

MR. MILLER: Mr. Speaker, it's Section 10 that I would like to question the Minister on. When she closes debate I would like a full explanation of this particular clause, because if it is simply a matter of cleaning up the words that is one thing, but my impression of it, as the Member for Selkirk points out, it goes beyond just the matter of changing a few words or adjectives. In here there seems to be a greater power vested in the province now in regard to the assessing of and the collecting for certain costs. On the basis of the Minister's reply, I suppose this could be discussed at greater length in Law Amendments, but I wonder if the Minister could take this matter up at this stage in replying.

MR. SPEAKER: Are you ready for the question?

MRS. FORBES: Mr. Speaker, I would like to take this up in Law Amendments for the Honourable Member for Selkirk here actually as to what 993 of The Municipal Act does imply, but the reference here is to 10 in the old Act is to 1001 (a) of The Municipal Act and 993 has been used and this is a correction of it, but we can go into detail on the discussion of it in committee and I'll be quite happy to do so.

MR. PAULLEY: Mr. Speaker, may I direct a question to my honourable friend the Minister who has just taken her seat? I understand she made reference to this matter being considered in Law Amendments Committee. Is not the proper committee that this bill should be referred to that of Municipal Affairs, which I presume will be set up in a day or two.

MRS. FORBES: Yes, excuse me, Mr. Speaker, I should have said Municipal Affairs.

MR. PAULLEY: Fine, thanks very much.

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

MR. SPEAKER: I wonder if before we proceed if I may take a moment of the House's time and read for the edification of the members - I know some are not here - our rule 43. "No member shall engage in private conversation in such a manner as to interrupt the business of the House". I think it rather timely after eight days of debate to probably remind the members of this. I do notice that on occasion, even during prayers, there is a flipping of papers and some conversation. I would ask the honourable members to co-operate with me at that particular time.

And there is another rule that I would like to bring to the attention of the Members. "No Member shall read any newspaper in the House". Again I would ask the full co-operation of the members. I know the newspapers arrive a little early and some are anxious to read them, but there is a place to read them and that is not in this House.

So thank you for your co-operation in the future.

MR. SPEAKER: Committee of the Whole House.

MR. LYON: Mr. Speaker, I believe this motion was moved and the adjournment was taken by my honourable friend from Rhineland.

MR. SPEAKER: I beg your pardon - I had overlooked that. I had something else on my mind.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, the other night it was 5:30 before I got a chance to get up and speak on the motion. I have a few general comments to make before we go into committee in connection with the report from the House Rules Committee. I was not a member of this committee and therefore I did not attend all meetings. I attended one or two, I am not sure whether it was two or not. I think four meetings were held in all where consideration was given to the various changes that are being proposed at the present time. Some of these are of importance to me, and I always have some feelings of rather hesitation whenever they set up this committee to deal with the rules, because so far whenever this committee sat it always put on more restrictions and I, in this House, have to depend on the good graces of honourable members on so many occasions and I personally want to thank them for assisting me in allowing me to use their names for seconding and so on. However, as already mentioned, I feel that too often instead of enlarging we are curtailing and trying to muzzle honourable members' participation in the debates.

I appreciate having this report go to Committee of the Whole so that I can participate in the discussions more fully; and secondly, also to propose a few amendments. Not being a member of the committee I do not have the right to propose amendments in the special committee that was set up to study the rules and bring forward this report.

I do agree with the comments made by members speaking previously on the report. There was one item in the report in connection with the matter of having a permanent Speaker. At one of the meetings I attended there was a rather full discussion on this and I feel that probably many years will go by before we will have a permanent Speaker in this House. Certainly it does not look too promising as far as I can see it. I don't know whether we want to go into the details of the discussions that took place; maybe this will be done when we get into committee. Certainly the matter of having a special constituency for that purpose would be a requisite in my opinion so that there would not be competition for the Speaker when the election comes up from time to time. Otherwise, in my opinion, there would be contests taking place and there would also probably be disagreement as to the selection, and here I think that certain conditions would have to be laid down. With these few remarks, Mr. Speaker, I will not keep members any longer so that we can go into Committee and deal with the specific rules as they appear in the report.

MR. SPEAKER: Are you ready for the question?

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. LYON: Mr. Chairman, perhaps we could suggest, with concurrence from all sides of the House, that the best mode of procedure for considering the report of the committee would be to run over the written portions of it, that is the explanatory portions at the beginning and then move on into the schedule. I don't know if there'll be too much discussion on the first part, but whether we should call them paragraph by paragraph, whatever reasonable suggestion would meet with approval on other sides of the House would be acceptable to us. What is the most expeditious way of proceeding in this committee?

MR. CAMPBELL: As far as I'm concerned, Mr. Chairman, any method is agreeable. I'm afraid I'm not clear as to what the Honourable the House Leader means by "consider the preliminaries first". I thought only the schedule was now referred to the committee though I suppose the full report of the committee is before us. Under that heading I might at some time have something to say about the matter that the Honourable Member for Rhineland brought up of permanent Speaker, but I would suggest that the best way to proceed now would be approximately as we did in the committee, of calling the different rule numbers in the schedule, which actually is a copy of the Rules I believe, proposed Rules, and suggest to Mr. Chairman that he doesn't call them too quickly and that anyone who has any objection, raise it at that time and if there is no objection that we consider it to be passed, subject to the further procedures in accordance with the usual conduct on bills in Committee of the Whole House.

MR. PAULLEY: The only comment I would make, Mr. Chairman, and I'm in agreement with the Honourable Member for Lakeside, or the Honourable the Leader of the House. It really doesn't make too much difference how we proceed. I'm just wondering - of course I can't answer for the Honourable Member for Rhineland - it was my understanding that subject to certain reservations in a couple of specific matters, the Liberal Party agreed generally, my Party agreed generally, and possibly with those exceptions, we can almost adopt the schedule. However, I certainly can't speak for the Honourable Member for Rhineland and possibly, Mr. Chairman, it might be desirable or to our advantage to accept the suggestion of the Honourable Member for Lakeside and go over the schedule quickly, without undue haste, page by page, and then if we have any comment on those particular pages, we raise them at that particular time.

MR. LYON: ... purpose in suggesting the preamble to the schedule was that it was in the preamble that we did deal with the matter of permanent Speaker and I knew that my honourable friend from Lakeside among others would wish to comment upon it. But I'm happy to move right into the Schedule, get the bulk of that work out of the road or under way and then we can come back -- pertaining to the Rules precisely - and then we can come back to the general topic before we conclude our business in committee.

There will be a number of pages where I think it would be in order and helpful for you, Mr. Chairman, if you could call them page by page, because there will be some where there would be no changes whatsoever.

MR. CHAIRMAN: It's agreed then, we proceed - pardon me - The Member for Rhineland.

MR. FROESE: Mr. Chairman, I'm perfectly happy to go along on what is suggested here. I had thought that there might be some discussion on the matter of a permanent Speaker. If there is not well then we can proceed to the general rules.

MR. CHAIRMAN: And proceed by sections. Agreed? Just glancing through this, I see changes on ... Page 1 passed.

MR. DOUGLAS CAMPBELL (Lakeside): Mr. Chairman, it happens that my main point of all comes on Page 1 so I guess I shall lead off. This can be done with expedition, I believe, because I wish to move, Mr. Chairman, that the word "rules" be inserted between the last two words of the second line of subsection 2 of Rule 1. Now if you want to keep me completely on side by putting the question first, I'll wait until you do.

MR. CHAIRMAN presented the motion.

MR. CAMPBELL: Now, Mr. Chairman, this has been debated in the Committee and we

(MR. CAMPBELL cont'd.) . . . . were unsuccessful at that stage of getting the government to accept this suggestion, but it still seems to me that when we are making the general provision that where the rules of this House, our own rules, do not apply, or where there is no rule to govern our procedure here that we then go to the Parliament at Ottawa to accept their - I would say rules - as this is drafted it says that we accept their "usages and customs". My amendment would make subsection 2 read as follows: "In all cases for which provision is not made in the rules or by sessional or other orders, the rules, usages and customs of the House of Canada as in force at the time, shall be followed so far as they are applicable to the Assembly." My reason for wishing to have it definitely understood that it's the "rules" of Ottawa, in addition to their usages and customs, is because we find it difficult enough as a rule to agree on the interpretation of a set of rules. I think it's much more difficult to agree on the interpretation of usages and customs.

I would assume that the government of the day here would be only too glad to adopt a usage and custom that came into being in Ottawa just about a month ago. I am sure that the ones of us on this side of the House would not be willing to adopt that usage and custom. We expect it to be a question we might have to deal with almost any time now and I want it to be distinctly understood that I do not believe that we should follow that usage and custom.

I do think that perhaps there is no rule that covers that situation either. None of the Standing Orders perhaps of the House of Commons covers that situation, but in my opinion, tradition and practice do cover it. But my point, to come back to the subject under discussion, is that when we are reaching out to meet a situation, to prepare to meet a situation under which we have no governing rule ourselves, we then say, quite properly, in my opinion, that we go to the Parliament at Ottawa to take their rule, their procedure, surely we should say "rule" in addition to usage and custom. So I so move.

MR. LYON: Mr. Chairman, the point raised by the Honourable Member for Lakeside was considered, as he mentioned, in the Committee and it is true that a number of us in the Committee did take objection to this, I think for the very good reason that the effect of his amendment would be to envelop within the rules of procedure of the Legislative Assembly of Manitoba, all of the rules of Ottawa where there was any silence on the part of our rules here in Manitoba, and for that purpose it would mean that we would presumably know and agree to all of the rules, sessional orders, of the House of Commons of Canada, which have been passed, and of course again, which would have application only where there was a vacuum in our rules in Manitoba.

I don't think that we would be prepared to accept that because of course I, for one, and I'm sure that most other members would fall into the same category, would have to say that I don't know all of the rules, orders and forms, sessional orders of Ottawa and I don't know for one as a member of this House whether I agree to all of them having application here where our rules are silent. This rule, subsection 2 here, is the one that appears as I recall in the Rules, Orders and Forms of every Legislative Assembly of Canada and certainly it appears as the first rule in the Standing Orders and Rules of the House of Commons of Canada. It's derived from that - the wording is practically the same. And for the sake of the record perhaps I should read what the Standing Order is in Ottawa from which our Manitoba rule is derived. It reads as follows: "1. Procedure in unprovided cases. In all cases not provided for hereafter, or by sessional or other orders, the usages and customs of the House of Commons of the United Kingdom of Great Britain and Northern Ireland, as in force at the time, shall be followed as far as they may be applicable to this House." Our rule of course reads: "In all cases for which provision is not made in the rules or by sessional or other orders, the usages and customs of the House of Commons of Canada as in force at the time shall be followed so far as they are applicable to the Assembly." So this is really a direct derivation from the Ottawa rule.

I think it is significant that Ottawa, the Parliament of Canada, being that much closer to the United Kingdom and being of course, a daughter of the British Parliamentary system, has not seen fit, I suggest probably for the same reason that I advance now, for not adopting the rules of the United Kingdom Parliament where a vacuum exists in the Canadian rule. They have, however -- and I think this is quite proper, and I think it's quite proper for us to do it here -- adopted the usages and customs which are in effect the common law, or the decisions that have been made which can be used as persuasive guidance for the Speaker in this Assembly but no more. They're helpful guides. If our rule here happens to be in the same

(MR. LYON cont'd.) . . . . wording as the Ottawa rule, very often then the annotations as we find them in Beauchesne are extremely helpful to the members of the House and the Speaker or the Chairman as the case may be, in determining what course of procedure we should follow here. Similarly, Ottawa finds this by reference to May and Bourinot, which are the two classic texts on the rules of the United Kingdom Parliament.

So I suggest that by importing the word "rules" into this subsection, we would really be going further than most of us intend to go because we would be in effect adopting certain practices into the rules of procedure of this House (a) of which we are not totally aware, and (b) with which we might not agree if we saw what they were. Now I use one example, and here is an example which perhaps goes against my argument because we have adopted it but nonetheless we have adopted it knowingly and specifically in Manitoba in these rules that are before us. The Manitoba rule was silent on the question of Orders for Return and Addresses for Papers and the practice had grown up over the years that if these were not answered during the session that they then died and they had to be revived at the next session. It has been pointed out that the Ottawa rule is that - and this is a statutory rule of the Ottawa House - that these can be filed at subsequent sessions and need not be revitalized, so to speak, in subsequent sessions by the moving of a special order. We have, as a willing act and a knowing act of this committee, decided to import that rule into our rules in Manitoba because we think it is a good rule and we're willing to adopt it. We think that is a good practice to follow. But I suggest that there are other rules that Ottawa may follow where there is a vacuum here which we might not think are good rules and that we should therefore, as the occasion arises if we wish to adopt rules that fill a vacuum in our rule book, we should adopt them singly and we should adopt them knowingly as to what their effect is without adopting them holus bolus in a wholesale manner such as I think would be the effect if we were to agree to the amendment proposed by the Honourable Member for Lakeside.

I would suggest that this section has worked exceedingly well for us in past years without the importation of the word "rules" into it and I would suggest that we continue to operate under this present procedure, based upon the precedent from the House of Commons, and as I recall the precedent in most of the other Legislatures of Canada - although I believe there is one, at least one, where the word "rules" is put in. My memory is not accurate on the point. I think there is one but we are with the majority in using the wording that we presently find here as derived and adopted from the Standing Order No. 1 of the House of Commons of Canada.

MR. CAMPBELL: Mr. Chairman, I have no wish whatever to criticize what Ottawa does with regard to its rules or any of the other Legislative Assemblies in Canada may see fit to do with regard to their rules, but all of us, and I think particularly those of us on this side of the House, have a vital interest in getting as good rules as we can for our House and I suggest that this would be an improvement.

Now my honourable friend the Attorney-General says that he is unaware of what all of the rules are and for that reason he hesitates to adopt them. Well, Mr. Chairman, I'm sure he's even more unaware of what the usages and customs are and he's willing to adopt them. But when my honourable friend taps Beauchesne 4th Edition and says they're in here - so are the rules in there. The rules are there too and they're more direct and concise than those lengthy citations that are given there.

The point seems so simple to me, Mr. Chairman, that one of our great difficulties here is in agreeing on the interpretation of the rule. Surely a usage and custom is more difficult to interpret and agree on than a simple rule, so my honourable friend and I will not likely convince one another and I do not intend to argue it at length. I simply say that in my opinion, the motion would improve on the work that we've done. I think on the whole this committee did a good job and I don't intend to delay the discussion of them any longer at this stage.

MR. PAULLEY: I must confess, Mr. Chairman, that when the matter was before the committee on rules, I was inclined at that particular time to agree with the contentions of the Honourable the Attorney-General, namely, that maybe it wasn't necessary to qualify, as indeed the suggested motion of my honourable friend first qualifies the number 2 section of section 1 of our rules.

However, I'm inclined to agree with my honourable friend the Member for Lakeside that in view of certain happenings in another House that we should take a look, because if we were going to establish the same procedure by usage and custom in this House as was adopted

(MR. PAULLEY cont'd.) . . . . with that famous or infamous vote of 84 to 82, that we would have a lame duck government that didn't have the confidence of the legislature or the legislative assembly or of the jurisdiction. We could, Mr. Chairman be faced here in the Province of Manitoba with the same deplorable situation that we have in Canada - and I wouldn't wish that on my province - that here could conceivably be - irrespective of the political stripe of the government - that here we would be faced with a - I think the only term you could properly use is almost a lame duck government who didn't have the real confidence, conducting the affairs of the jurisdiction. And again, Mr. Chairman, I say irrespective of the political makeup of the assembly.

Now then we're pretty tight right here - I don't mean - financially speaking - at this stage.

MR. MOLGAT: Explain.

MR. PAULLEY: Well I think the vote that we've already taken this year, Sir, explains what I mean. We're a pretty tight sort of a House insofar as combined strength on either side of the assembly - and it could be tighter particularly I would suggest if the government of Canada decided to call an election.

I think in view of those circumstances that possibly we should take a second look at the suggestion of the Member for Lakeside, because what would be the net result - and it could happen Mr. Chairman, all that's necessary, all that's really necessary in this House today to change the complexes is for two or possibly three of the honourable members across the Chamber there to take a good close look at themselves and to come on this side of the House and the government could be defeated by a vote of maybe - let us say 27 to 26 or some such figure as that. And if they followed the usages and customs of Ottawa the government could say well Ottawa stayed in power and we don't have to get out. And I don't think that this is worthwhile. Maybe, Mr. Chairman, we should send a letter of thanks to Ottawa pointing out how much we can use the example that you established of a change in the Democratic concept of parliamentary procedure that we should put our House in order here so that the same thing could not happen in Manitoba. I don't recall - as I have read history, and I've tried to read some history insofar as parliamentary government is concerned - I don't recall ever reading where a government who was defeated on a tax measure has had the presumptive gall to turn around and say we're still the government. I don't want it to happen here in Manitoba; the situation could conceivably happen and if we are going to adopt the usages and customs of Ottawa we could conceivably have a government that not only doesn't have, as it does at the present time of course in Manitoba, the confidence of the people of Manitoba, because it's only got 38 percent of the total vote - it could conceivably not have the confidence of this assembly and carry on.

So, I think Mr. Chairman, in all due respect to my honourable friend the Attorney-General, the situation has changed I suggest, from the time we were considering this in the Committee on rules and I'm prepared to accept the proposition proposed by the Honourable the Member for Lakeside.

MR. LYON: Mr. Chairman, perhaps I can, without prolonging the debate too long, bring my honourable friend back to my side by suggesting to him that what happened in Ottawa really had nothing to do with the standing orders and rules of the House of Commons but rather was a constitutional decision that had to be made on it. I think my opinion in this regard, and it's only an opinion, is borne out by the fact that this self same question was put to Mr. Speaker in Ottawa and he declined I think quite properly to answer it because he said this was beyond the purview of his powers of Chairmanship of the House to determine what a government should do upon defeat of a Bill at third reading. This is one of the constitutional usages and customs and its in this field that you get a divergence of opinion as to what a government should do. You can get authorities from the United Kingdom and from Canada as well as to practices that have been followed one way and the other. But I suggest that they don't have anything to do with the standing orders of the House of Commons and that Mr. Speaker in the House when this question was put to him quite properly said "Well now that's beyond my purview, this is a constitutional matter."

I don't know whether I've succeeded in winning my erstwhile colleague back to my side or not by disclaiming that as a usage and custom that would apply under the rules. It might be a very interesting usage and custom now that it has been developed under the constitution but it certainly wouldn't be imported into the Manitoba situation by reason of this amendment

(MR. LYON cont'd.) . . . . that is proposed by the Honourable Member for Lakeside. I'm sure that every government in Canada though, every parliament in the Commonwealth, constitutionally, is looking at that precedent that was established as a usage and custom in the constitutional sense to determine what reflection its going to have upon future courses of development in those parliaments. So I suggest to him that I think he can put this to one side and that he can come back maybe and give us support on this opposition to the amendment.

MR. PAULLEY: Mr. Chairman, I'm almost moved by the words that my honourable friend - but not quite. Possibly we could overcome this constitutional difficulty by saying in our rules that the usages and customs of the House of Commons at Ottawa shall be our guide with the exception of that pertaining to the question as to whether or not a government has the confidence of the House, illustrated by such and such a particular date. I don't think we can do that. And while I agree with my honourable friend that it may not be, it may not be that the insertion of the word "rules" in here will achieve what is desired - certainly however, if there's not some further qualification along the line, as I indicated a few moments ago, the situation could prevail here in Manitoba that Mr. Speaker or the government could ask that the usage and customs of Ottawa in this regard - in the absence of a rule, or even because of a rule - should guide the conduct of this House. And this is my objection.

MR. GORDON W. BEARD (Churchill): Mr. Chairman, I didn't want to enter into this debate too much but perhaps the Member for Lakeside didn't go far enough and I'm now confident enough to get up -- I see my friend the Member for St. Boniface is back in the House but -- in respect to rules and regulations as far as I'm concerned much of the difficulty comes from the fact that they're written in so-called English language or the language of lawyers and which none of us really can understand, and I think if we would draw up a group of laymen and put our regulations back in layman's language and which all of us can understand then certainly the Speaker would not have to be referring to the law profession to find out where we stand as far as rules and regulations go. Certainly as you look at them today they're very difficult to live with in this House and with parliamentary procedure and with what has gone on in Ottawa I think that sometime at some future date I would hope that maybe we could get down to earth and put the rules down to something that we can all understand and that there would be no real discussion as to what one word means. I think we try to write too much into our rules and in that way when we start referring back to regulations or rulings that have been made 50 years ago then we're back in the horse and cart days and thinking is different altogether today. I know that this doesn't add too much to the discussion at this time but certainly I do feel that if more of our rules were in layman's language then we would all be much better off.

MR. FROESE: Mr. Chairman, I would think the amendment that is being proposed by the Honourable Member for Lakeside would just be ratifying a practice that we've been going along with for all these years. This is quite simple to me, I don't know what real objection the government has. If it's a matter such as was raised here by the Leader of the New Democratic Party that - on this 82-84 vote - well I do not subscribe to the action taken by the Federal Government in that respect either but I don't think that that is the thing that answers in here. We're dealing here more or less with the rules guiding the business and sessions of our legislature here and I think it would only assist if we acted favourably on its suggestion.

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, I believe that I am moved by the attitude both of the Member for Lakeside and my Leader with respect to their desire that we not incorporate into our procedure what occurred in the Federal House recently. I believe that that appears to be the reason for the amendment that the Member for Lakeside is suggesting. As I understand it, he wants to leave the clause as it presently stands but add the word 'rules, usages and customs.' Mr. Chairman, I'm satisfied that the Member for Lakeside somehow feels that that will eliminate that particular decision or else he wouldn't make the amendment on that basis and I'm satisfied that that's why he has some support over here. If it was confirmed in my mind that this would do this then certainly I think that that is what probably the whole House would want. However, at this moment like my Leader, what I'm concerned with is not adopting that usage rather than adopting my honourable friend's suggestion because I don't see that adding the word 'rules' does that. The term 'usages and customs' - if we adopt the usage and custom - then if we don't have a rule we look to Ottawa. If we look to Ottawa, the usage and custom I think for the moment would include the rules, but it would include this

(MR. GREEN cont'd.) . . . . usage and custom that was adopted four weeks ago. What the Attorney-General apparently is saying - and I'm not sure whether I agree with this - by adopting the usage and custom you don't adopt the rules, I rather think that if we looked to Ottawa's usage and customs where we didn't have a rule we would look at everything that they do or are able to do and would also look at their rules, but I don't think that I want to make a decision on that point one way or the other. I rather think that that's what we would do.

What we are more concerned with is that this particular rule not be adopted and I would suggest that perhaps with that in mind that this particular clause go back to committee and some advice be obtained as to what will effectively eliminate that rule, because in Canada - well in Manitoba - when we became a province I think we adopted the common law of England or the law of England which included the statutes and the common law as at 1870 - and as at 1870 we started to develop our own common law which was then based on everything that happened in England up until 1870 and our own following 1870.

Now would it be wise for this House to say in its rules -- and I don't see anything wrong with it -- and I'm not suggesting this is the solution, I'm suggesting that possibly the committee look at it, that it go back to the standing committee, that they look at this particular clause -- and I'm not even sure, Mr. Chairman, that I'm making that suggestion -- I'm questioning as to whether the House should make it. -- (Interjection) -- Right, Right. I am questioning as to whether we couldn't say that we are adopting the rules that we've enacted plus the usage and custom in Ottawa up to the black - whatever day it was - the 17th day of February, 1968, or whatever day it was. -- (Interjection) -- Well, I'm not sure that what happened in that House wasn't a suggestion that it's the usage and custom in the House of Commons that when the government can't pass its taxation Bill that it can have two out of three, that it can get the members in the next day.

If my honourable friend the Attorney-General says that that won't be in the usage and custom then I would hope that it would come back from the entire committee that this has been considered and the legal advice has been the following: that it would not be a part of our rules, solely because I think that the House is of one mind on what they want, but not on how to say it, that perhaps the people who are of one mind could come back with a statement which properly says it.

MR. CAMPBELL: Mr. Chairman, I think I should say in fairness to both the Honourable the Attorney-General and myself that this discussion was current long before the event in Ottawa that we're speaking about. -- (Interjection) -- Well I'm glad always to have my honourable friend's support. I would like it to have been based on a sounder foundation than that one but I still think, and I promised a little while ago this was my last word on the subject, I don't think that there's going to be any change in the opinion here on this matter and I'm not anxious to hold up the committee with regard to it, but I just suggest to my honourable friend the Attorney-General that the usages and customs that he appears to prefer to the rules are based very definitely upon the rules as they exist in Ottawa and I would think we would be adding to the clarity of our procedure by putting that word in. So far as the observations of the Honourable Member for Churchill are concerned my experience in the House here is not that our difficulty arises from the fact that we feel that we don't understand what the rules say, it's that different ones of us have different understandings; we're all sure we understand it but our understandings seem to be quite different at times. And I'm sure that our understandings of the usages and customs would be likely to differ even more greatly than they would on the rules.

MR. MOLGAT: Mr. Chairman, I'm not going to take any long time on this either but I want to appeal to my friend the Attorney-General on this matter. You know he was showing some remarkable improvements in my opinion there. He'd come along to a stage where he no longer took the position that automatically what came from this side of the House he should oppose, and I'm just afraid that on this one he is reverting back to that habit that he had previously, and I'd like him to look at the situation from the standpoint of pure logic.

It is obvious that the first thing we go to is our own rules and it is obvious that we will amend and change our rules to suit our needs here in the House and if we find that a rule should be in our rule book that doesn't exist then we add it. So this is step No. 1, our own rules are paramount. Surely once we leave our own area, if we are going to go to the Ottawa situation at all, the logic would be to go to that first step, the clearest step, which is the exact rule, and to go to Beauséjour and go to the rule to begin with; that if the rule doesn't

(MR. MOLGAT cont'd.) . . . . cover in Ottawa, if that first item doesn't cover the issue here, then we move on from there to usages and custom. Now to skip that one section, the rule, and go to usages and customs, seems to me to lack logic in treatment of the whole affair. It may be that the rule won't satisfy us in which case we can then determine to produce a rule to suit ourselves. Surely if our own rule book doesn't cover something then we should look at what the Ottawa rule says. If the Ottawa rule doesn't cover the problem we are faced with, then go to usages and customs; in all cases remembering that it is our own rules that determine where they cover; the only cases where we go to Ottawa is where our own rule does not have a clear statement. Now this it appears to me is the logical approach to the use of the Ottawa situation and I would appeal to the Attorney-General to look at it from that standpoint, of the logical approach to the structure, and I think he will agree that this would be a better system than to go to usages which in most cases are rather vague. I'm happy to see that the NDP are prepared to support us in this amendment because I think it would be a clarification and a logical approach.

MR. GREEN: Mr. Chairman, I just want to try once again to make myself clear, that is in my personal opinion, I think that if you go to the usages and customs you go the House of Commons Parliamentary practice and every one of those decisions of Beauchesne is based upon a rule that they had in force so you can't - it's just like looking at the common law with regard to the Sale of Goods Act. You can't look at the court decisions without looking at what the Act says, and therefore I really don't see that the use of the word is going to change what the provision now says and what my leader was concerned with and what I too am concerned with, and what I thought the Honourable the Member for Lakeside was concerned with, was the sharp angle that usage and custom veered off in with regard to a month ago. And if that's what we're concerned with, they why don't we deal with that? Why are we going to deal with a situation which - if we adopt the present rule, I suggest to you that you have, in my opinion, you've adopted that usage and custom and the two out of three rule or the four out of seven rule. So that if that's the problem -- and I don't really appreciate that the Member for Lakeside -- otherwise really creates a difficulty in my mind in any event -- but if that's the problem, then there is a difficulty, but it should be specifically dealt with.

MR. LYON: Mr. Speaker, perhaps as in many of these instances Beauchesne can be of some help to us because he does give annotations with respect to standing order No. 1 of the Ottawa rule which is the one where they of course adopt the usages and customs of the House of Commons of the UK but not, specifically not, the rules. I think it's the first annotation on Page 7 of the 4th Edition which tells us that formerly, in earlier days they did adopt the rules but then as they saw the difference developing between the Canadian system and the United Kingdom system, they struck out, I think it's in 1906, the word "rules" just as my honourable friend from Lakeside has suggested. He gives the rationale for that in paragraph 6 on page 9 where he says "there are many rules in the United Kingdom House which we have not adopted," such for instance as the standing orders respecting the weekend adjournment, the allotment of days for the discussion of the annual estimates, the appointment and quorum of committees -- some of these by the way I interject have been adopted since but in a different form -- the introduction of members, the delivery of parliamentary papers, the consideration of unopposed private business, the ballot to obtain precedence for Notices of Motion. These are but a few of the many differences between the two systems and they show that we are far from having copied the procedure of the United Kingdom House of Commons. We have however accepted its principles, which is really what usages and customs are, on the rules of debate, the three readings of bills, the budget, money resolutions, committee of supply and of ways and means and presentation of petitions -- and I just interject again, that I read in today's newspaper where the United Kingdom parliament recently has abolished committee of ways and means and committee of supply which is a new change from the existing rules that they have -- but the application of those principles is made in our own way under a practice adapted to conditions in Canada. As Canadian procedure was based on British precedents insofar as circumstances permitted them to be followed in a new country, our Legislatures from the days of the Constitution Act of 1791 naturally referred in all cases of doubt to the usages and customs of the House of Commons of the UK, of Great Britain and Ireland, but have never considered themselves bound by the standing orders enforced at Westminster which govern local practice and are not applicable to any other legislative body than the one for which they were passed. I think that perhaps better than anything I can say

(MR. LYON cont'd.) . . . . this is Beauchesne explaining why they knocked out the word "rules" in 1906 from this standing order and I suggest that we can adapt that same reasoning and logic to our own position here, why we do not wish to adopt wholesale the rules, orders and forms - the statutory rules, orders and forms of Ottawa, because our practice here in turn is different slightly from the practice in Ottawa and I'm afraid that we might be buying a pig in a poke or whatever the expression is, because we wouldn't exactly know what we were getting under these specific rules. As it is we can develop in the common law way from usages and customs -- and this isn't bad, lawyers don't mind this at all, it happens all the time -- we can have much more flexibility if we adapt only usages and customs than if we must adapt a specific rule - which we may not even like - we may not even like because we've never considered it.

I reciprocate to my honourable friend the Leader of the Opposition and suggest that if my logic isn't persuasive that perhaps he can see that there is another side to the case and that if what we are being asked to do was such a desirable thing, surely this would then have been adopted in many other legislatures and indeed in the Parliament of Canada itself; but quite the contrary in the Parliament of Canada they have struck out the word "rule" which at one time they had in.

MR. CAMPBELL: Mr. Chairman, I understand my honourable friend's position completely. He is not willing to adopt the rules which he doesn't know in total, but he's quite willing to adopt the usages and customs in total, which he knows even less than he knows the rules.

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

MR. CAMPBELL: Yeas and Nays, Mr. Chairman.

MR. CHAIRMAN: Call in the Members.

MR. CHAIRMAN: The motion before the Committee: Moved by the Honourable Member for Lakeside that the word "rules" be inserted between the last two words of the second line of rule No. 1 subsection (2).

A counted vote was taken the result being as follows: Yeas 20; Nays 28.

MR. CHAIRMAN: In favour of the resolution, 20; against the resolution, 28. I declare the motion lost.

Page 1 -- The Honourable Member for Rhineland

MR. FROESE: Mr. Chairman, I move that rule 3 subsection (h) be amended by deleting the words "by four or more members" in the last line thereof.

MR. CHAIRMAN: Are you ready for the question?

MR. FROESE: Mr. Chairman, I have made this motion on a previous occasion but since we are dealing with the rules and not being a member I wasn't able to place it before the committee and also because we have a new Premier, or First Minister, I felt that I should bring this matter forward. Probably he has a more softer heart and is more open-minded than was the previous First Minister.

I feel that Social Credit is a recognized Party across this Dominion of Canada and also in Manitoba. After all we have participated in many of the elections; just recently we participated in a by-election here in Manitoba, and having had members in the House, at one time I think we had five or six members away back in the 30's, and were it not for going into coalition I think we would have had a Social Credit Government by now. Then, too, I think and people will know that Social Credit is forming the government in the two provinces to the West and have done so for a number of years - in B.C. since 1952 and in Alberta since 1930 - and these governments actually are setting an example for other provinces to follow. The Social Credit Government in Alberta has recognized single member oppositions in the past, in fact, they divided the monies that generally go to the official opposition between several parties when they only had one representative each in the opposition in Alberta, so that this would not be a new thing at all by recognizing a party even though they only had one member in the particular House.

Considerable concessions were made to single member oppositions in the Alberta Legislature in past years. Also I am not asking anything that should not be afforded to any other parties if they were represented in this particular House. We have adopted the principle of recognizing additional parties other than the official opposition, so that here again we would not be accepting a new principle at all, and therefore I would appeal to the First Minister and to the other members of the House, of other parties, to support me in my proposition.

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

MR. FROESE: Mr. Chairman, the Yeas and Nays.

MR. CHAIRMAN: Call in the Members.

MR. LYON: . . . . if the honourable member has sufficient backing for yeas and nays.

MR. FROESE: Mr. Chairman, why is the question raised. When other members get up and ask for yeas and nays they're never asked a question.

MR. CHAIRMAN: Has the honourable member support for the motion -- for the calling for yeas and nays? -- I declare the motion lost.

MR. CHAIRMAN: Pages 1 -

MR. LYON: Mr. Chairman, in view of the hour and because of other involvements that honourable members have shortly after the regular adjournment time, I'd be prepared to move now, if there's concurrence, that the Committee rise and we will then adjourn the House.

MR. CHAIRMAN: Committee Rise. Call in the Speaker.

The Committee of the Whole has considered the report of the Standing Committee on Rules and Regulations and directed me to report progress and ask leave to sit again.

MR. J. DOUGLAS WATT (Arthur): 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.

MR. SPEAKER: I take it from the remarks I overheard that the House wishes it to be called 5:30. I do call it 5:30 and am now vacating the Chair to return again tomorrow at 2:30.