

THE LEGISLATIVE ASSEMBLY OF MANITOBA
9:30 o'clock, Friday, May 24, 1968

Opening Prayer by Mr. Speaker

MR. SPEAKER: Presenting Petitions

Reading and Receiving Petitions

Presenting Reports by Standing and Special Committees

HON. STERLING R. LYON, Q.C. (Attorney-General) (Fort Garry): Mr. Speaker, I beg to present the fifth and I hope the final report of the Standing Committee on Law Amendments.

MR. CLERK: Your Standing Committee on Law Amendments beg leave to report the following as their fifth report. Your Committee has considered bills:

No. 28 - An Act to amend The Devolution of Estates Act.

No. 53 - The Human Tissue Act.

No. 60 - An Act to amend The Electoral Divisions Act.

No. 61 - An Act to amend The Election Act.

No. 73 - An Act to amend The Noxious Weeds Act.

No. 80 - An Act to amend The Winnipeg Charter, 1956 (2).

No. 95 - An Act to amend The Trustee Act.

No. 96 - The Manitoba Agricultural Credit and Development Act.

No. 100 - An Act to amend The Civil Service Superannuation Act.

No. 101 - An Act to amend An Act to Incorporate the Sinking Fund Trustees of the Winnipeg School Division Number One.

No. 102 - An Act to amend The Manitoba Medical Services Insurance Act.

No. 106 - An Act respecting The Town of Souris.

No. 109 - The Statute Law Revision and Statute Law Amendment Act, 1968.

No. 110 - An Act to Validate Certain By-laws of The City of West Kildonan.

No. 111 - An Act to incorporate Banner County Racing Club.

No. 113 - An Act respecting The Town of Steinbach.

No. 114 - An Act to amend The Attorney-General's Act.

And has agreed to report the same without amendment.

Your Committee has also considered Bills:

No. 49 - An Act to amend The Manitoba Housing and Renewal Corporation Act.

No. 62 - An Act to amend The Metropolitan Winnipeg Act.

No. 63 - An Act to amend The Credit Unions Act.

No. 67 - The Clean Environment Act.

No. 75 - The Condominium Act.

No. 76 - An Act to amend The Psychiatric Nurses Association Act.

No. 81 - An Act to amend The Real Property Act.

No. 82 - The Winnipeg General Hospital Act.

No. 84 - An Act to amend An Act respecting the Incorporation of The Town of Thompson.

No. 86 - An Act to establish The City of St. James - Assiniboia, to establish The St. James - Assiniboia School Division No. 2, and amend The St. James Charter.

No. 87 - An Act to amend The Surrogate Courts Act.

No. 92 - The University of Manitoba Act.

No. 98 - An Act to amend The Highway Traffic Act (2).

No. 104 - An Act to amend The Municipal Act (2).

No. 105 - An Act to amend The Winnipeg Charter, 1956 (3).

No. 112 - An Act to provide for the making of grants to The Brandon General Hospital.

And has agreed to report the same with certain amendments.

Your Committee recommends that the Fees paid with respect to the following Bills be refunded, less the costs of printing:

No. 77 - An Act to incorporate Home and Research Centre for Retarded.

No. 78 - An Act to incorporate Home and Research Centre for Retarded Foundation.

No. 82 - The Winnipeg General Hospital Act.

No. 83 - An Act to incorporate Westminster United Church Foundation.

All of which is respectfully submitted.

MR. LYON: Mr. Speaker I beg to move, seconded by the Honourable the Provincial Treasurer that the report of the committee be received.

MR. SPEAKER presented the motion.

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

MR. RUSSELL PAULLEY (Leader of the New Democratic Party)(Radisson): I rise at this time to protest the attitude of the government which shows absolutely no respect at all for the members of this House, particularly those who are members of the Law Amendments Committee; and also that by the attitude and the action of this government and in particular, the chairman of the Law Amendments Committee, namely the Attorney-General, who is charged with justice in the Province of Manitoba, made it an obligation upon the members of the Law Amendments Committee to stay in committee until the hour of approximately five minutes to three this morning.

You, Sir, every day read to this Assembly a prayer praying that we, as members of this assembly enact just laws for the benefit of all of the people of the Province of Manitoba. In doing so, you implore us to look after the affairs of the Province of Manitoba, and I respectfully suggest to you, Mr. Speaker, this this is an impossibility when one is forced through the dictatorial attitude of government, to stay here from the hour of 9:30 in the morning, as we did yesterday, until the hour of 5 to 3, the following morning.

In addition to that, though, Mr. Speaker, I do not complain of having to work, and I have stated on a number of occasions I'm prepared to work any amount of time necessary to complete the business of this House, and if necessary to stay here another month in order that we can pass just and equitable laws. But, Mr. Speaker, the public have been deprived, I respectfully suggest, of being able to make adequate and ample representations to the Law Amendments Committee, because there were a number of bills that have been read out by the Clerk of the Assembly this morning that people had indicated that they desired to make representations upon or to consider amendments to certain pieces of legislation that the committee on Law Amendments considered early this morning.

I know that the defense of the Honourable the Attorney-General in his capacity as chairman of the Law Amendments Committee will endeavour, if he takes part in this debate this morning, he will endeavour to justify the action, the attitude of government, in a desire to get out of this House by tomorrow night. I say this is a travesty, it's a mockery of justice and it is an infringement on the public of Manitoba, to deprive persons desirous of making representation to have the opportunity in committee.

When the Honourable the Attorney-General presented the report, Mr. Speaker, this morning, of the Committee, you will note one phrase that he used. That phrase was "hopefully this will be the last report of the Law Amendments Committee", and then the Clerk proceeded to read some 30-odd bills by way of the report. Some without amendment, others with certain amendments and included in some of those bills were amendments that others desired to make representation to.

So, Mr. Speaker, the session may close tomorrow night, and if it does close tomorrow night, then I say we have not completed the job of governing Manitoba in a fair, just and equitable manner as you implore us to do every day. As one member of that committee I vigorously protest the attitude and action of government on behalf of myself as a member of this assembly and of the law amendments committee -- more important by far than my own personal discomfort of having to work so long within the period that we did, as I say commencing at 9:30 one morning and going till almost 3 o'clock the next -- but I want to protest more vigorously because we are not giving the people of Manitoba an opportunity as we should do to make adequate representations to this assembly -- and the only manner as you know, Mr. Speaker, by which they can do this, is outside of this Assembly in our Law Amendments Committee.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I would want to give support to what the Honourable Leader of the New Democratic Party has already said. I, too, feel that we are rushing things too much at the tail end of the session. We had a very large number of bills yesterday before us; there were people making representation but there were also indications of others that did not appear who had earlier indicated they would do so. I think when you go to the wee hours of the morning certainly you cannot do justice to the legislation that is before you and I too want to protest because of this.

During the earlier part of the session when we consider estimates I think it's probably a little different, because here we go toward the finalization of the legislation and I think this should not be a matter of rushing it. Why couldn't we have more of these bills brought in much

(MR. FROESE cont'd) earlier so that we could have considered them while we were doing other work at the same time. I think this should be a practice that we get more of the legislation at an earlier time, or not bring it in at all.

MR. DOUGLAS CAMPBELL (Lakeside): Mr. Speaker, I am always happy of an opportunity to criticize this government but I simply can't do it on this occasion, because while I recognize a good bit of merit in what the two honourable gentlemen have said, and there is some merit, to wit, and the blame will have to be shared I suppose by all of us who were there last evening - if there is blame - and this morning, but in fairness, Mr. Speaker, I must say that this was with the consent of the members who were there. I know of no motion that was made during last night or this morning for the committee to rise. It's true that there were suggestions made. The suggestion was made on a couple of times, or maybe three or four times, but as far as an actual motion was made, I know of no one that was put; I know of no occasion where the government used its majority to keep us sitting there.

Now that we are to blame for what is called rushing the bills through at the end of the session, this may be true, and I share with my honourable friends who have spoken the concern that we do have a tremendous amount of legislation coming in at the end of the session. I guess that honesty compels me to admit that this seemed to happen even in the good old days. I don't know why it happened that way, but it did to quite an extent with us. I think we were in this way, as in others, not quite as bad as the present government, but it seems to be a tradition that a rush occurs towards the end.

Now if this really - and this is difficult to handle I admit - if this really deprived the public of an opportunity to be heard then I would certainly share the concern, but we heard everyone who was there, everyone who was there as far as I know, and I don't think any of the people who appeared to make representations were rushed.

Now as far as the rest of us were concerned, we didn't protest too greatly and I certainly take my share of the blame for that; I can't blame it on the government on this occasion. And as far as rushing the bills are concerned, even at half past 2 this morning there was still pretty mature consideration being given to some of the points that were raised. This is true. It is true that we were passing bills page by page, but we were also bringing up particular points and to some extent arguing. I said several times I'm reserving my position, that I'm going to bring this up in the Committee of the Whole, and all of these bills are before this Assembly. It's true that if we don't go back into Law Amendments Committee then the opportunity of the public to make representation has ended, but as far as the members of this House are concerned the opportunity is still here, and once the public has had the opportunity of making representations, we do not need to rush these bills from here on.

Now, Mr. Speaker, I am in an unusual position in speaking this way, and I take my full share of the blame for what was done, because if there was any chance of us finishing this week - and I'll take my share of the blame for that too - but if there was going to be any chance of us finishing this week then we had to finish Law Amendments Committee this morning. I for one was willing to do that, but I'm prepared to take all the time that anybody wants to take from here on in, and if some member of the public will come forward and say that he or she did not have the opportunity to make representation that they wanted to make, then I'd be willing to go along with reassembling Law Amendments Committee. But I think we heard everybody that was there last night, and this morning we were still hearing delegations at 1 o'clock if I remember correctly. The delegations stayed with us pretty well.

I know that some of the members of our own group don't share my views in this regard, but I think under the circumstances that this was the right thing to do. I was a party to it; I take my share of the responsibility; and I am prepared to see the full consideration is given from here on in.

MR. SPEAKER: The Honourable Member for Seven Oaks.

MR. SAUL MILLER (Seven Oaks): Mr. Speaker, I too was a party to what occurred last night but in my opinion it was a travesty on law-making. It was a mockery of what -- (Interjection) -- they can say what they want on that side; they sat there like a bunch of sheep saying aye, aye, aye, pass, pass, pass, page 1, page 9, page 12. If you asked them whether they were turning over the sheets of a bill or a Playboy Magazine, they wouldn't know the difference. And I say this in all sincerity - and I say this in all sincerity . . .

MR. LYON: May I ask my friend a question?

MR. MILLER: No, when I'm through.

MR. LYON: Does he honestly believe that he has been in this House long enough to pass that kind of comment on . . .

MR. MILLER: Mr. Speaker, whether I've been here for two years, or I've been here so long that I'm atrophied like the member who just spoke, that's his affair - that's his affair. Perhaps he's been here too long. I can't accept the idea that we are bound by tradition somehow. I respect the Honourable Member for Lakeside, he sat there stoned like everybody else at three in the morning and I give him a lot of credit that he could take it.

MR. CAMPBELL: Could we have a definition of that word "stoned"?

MR. MILLER: Certainly. I didn't mean it in the sense that it's most commonly applied.

A MEMBER: Stone sober.

MR. MILLER: He was stone sober, there's no question. I'm not implying that at all, certainly not, and knowing the Member for Lakeside, I am sure no one would think I am. I was referring to the fact that at three in the morning, after sitting from 9:30 in the morning, one is in somewhat of a daze. I know that most members were, and although I appreciate the fact that the Member for Lakeside feels that this is tradition and one must respect tradition, the fact that we operate it this way or that Manitobans operated this way in years past is no justification to continue it.

This session, from beginning to end, is to me a denial to people of Manitoba of the rights to feel - not just to be heard in Law Amendments, but to feel secure that the legislation being presented to them . . .

HON. GEORGE JOHNSON (Minister of Education) (Gimli): On a matter of privilege, I just won't stand here and have a member of the House depict what he's saying about as representatives of our people.

MR. MILLER: Mr. Speaker, if . . .

MR. SPEAKER: Order please. Order please. Would the honourable -- order please. I've listened with some interest to what seems to me to be a developing explosive situation, and I wonder if it is entirely necessary at this particular time. I wondered if the honourable gentleman while making his comments would kindly refrain from creating an atmosphere that can be argumentative across the floor.

MR. MILLER: Thank you, Mr. Speaker. Of course -- I hope you had a good night's sleep, so perhaps you are able to curb the passions that perhaps I feel, and if the Attorney-General wishes to move over to your chair, he is privileged to do so. -- (Interjection) -- I suggest, Mr. Speaker, that if it is your hope, Mr. Speaker, that the passions not run wild, then I suggest the Attorney-General should perhaps sit quietly and just let me finish.

MR. PAULLEY: He couldn't sit quietly.

MR. LYON: Try to do it like a gentleman then.

MR. MILLER: His idea of a gentleman - his idea of a gentleman is to have somebody sit by quietly and acquiesce to what happened last night. That's his idea.

MR. LYON: Just common stability and common courtesy.

MR. MILLER: If it's common courtesy to the people of Manitoba and the people of this House to sit here until 3 o'clock and pass - bolting through - and pass things through, if this is his idea of common courtesy and the way to pass legislation, then this is what he has to accept; I can't. I'm only sorry, and I regret that I didn't have a tape recorder and a camera with me last night. I would have loved to show the people of Manitoba what their elected representatives were doing and saying and what they looked like at 3 o'clock in the morning.

MR. LYON: Mr. Speaker, I rise on a point of privilege. What the honourable member is saying is offensive to the privileges of that committee and offensive to the privileges of this House, and I ask Sir, that he be required to retract those statements.

MR. PAULLEY: Mr. Speaker, on the point raised by the Honourable Attorney-General, such is not the case. My honourable colleague said he would have loved to have had a camera and a tape recorder so that he could show the public. Now if my honourable friend the Attorney-General wants to read insinuations into that, let him do it, but it's not a breach of the privileges of the House for a member to make such a statement, and I suggest that my honourable friend the Attorney-General possibly should go home and have a little sleep.

MR. SPEAKER: Order please. Order please. If the honourable gentleman from Seven Oaks wishes to continue his remarks, would he please comply with my earlier remarks, and certainly keep his language within bounds in order to prevent the situation that has just developed a moment ago. I don't think it's doing anyone any good. I wonder if the honourable

(MR. SPEAKER cont'd) gentleman would continue in that vein.

MR. MILLER: Mr. Speaker, I would like to continue my remarks and I would like to complete my remarks, and perhaps if there was less heckling, I might finish that much sooner. I wonder . . .

MR. SPEAKER: Do I have the confidence of the honourable gentleman that he will meet with the wishes of the Chair?

MR. MILLER: Yes, I think I am, Mr. Speaker.

MR. SPEAKER: Very well.

MR. MILLER: I want to join with my Leader in protesting what happened last night, not only because I feel it's an abuse against members of this House, because I honestly feel irrespective of the comments on the other side, I honestly feel that this is not being fair to the people of Manitoba. This has been a very queer session. We were called into this Chamber on March 7th - very late in the season. You would think that having been called so late in the season that all the Bills would be ready and waiting for us, because the government certainly had months and months in which to prepare the legislation. Instead of which, we get here on March 7th and find that the Bills were not prepared; they were not ready; and Bills were coming before us very very late. Last week we were still getting new Bills.

Now if the government wishes to wind up the House and if it's their intention when they called a session that it be a short session - and it is within their control, they can do this, they have the votes, they have the power of the votes, and therefore in the final analysis they can determine the pace of the session and the rate at which it will move - but if they want to do that, then surely it is incumbent upon them to come in with the Bills and the legislation proposed so when we go into this House we have most of the Bills ready, printed and ready, so that we can study them; we can refer them to various groups or various other levels of jurisdiction where we seek their opinion and their evaluation of the proposed changes or the proposed new Bills. Then and only then can there be, I feel, a proper and meaningful debate on any subject.

Last night one of the members of this House said to me - and it was a very funny remark, we both laughed - he said to me, when the judges sit and they examine a problem, they often state that they sit back and they wonder what did the Legislature have on their mind when they passed this Bill. Well at 2:30 in the morning, Mr. Speaker, that remark was very very funny, because if one looked at the Legislature at that hour - or the Law Amendments Committee at that hour, I could see why the learned judges have their problems. There's no question that for them to try and figure out what the Legislature had on their minds when they whizzed and passed something through the Law Amendments last night would have taken the wisdom of Solomon, let alone the average judge.

But I feel very strongly that if the government is going to persist in this type of approach, if we're bound by tradition to try to wind things up at the end of the season, then I feel that it's incumbent on the government to bring before this House very early, if not at the very beginning, the Bills that are going to be considered, at least all the public bills, all the government bills, and I would suggest further that perhaps in order to accomplish this, in order to force this, that there should be a period beyond which the government cannot go to introduce legislation. We shouldn't be faced with a situation where on a given morning with three-quarters of the session gone, or more than that, we are suddenly presented with a Bill - here it is; we've got to pass it this session. I don't think it makes good legislation; I don't think it makes for legislation that is to the benefit of Manitoba generally; I think this shortchanges Manitobans. And, as I repeat, my only regret is that Manitobans couldn't be up with us last night to see how this government functions.

MR. SPEAKER: I wonder if I might interrupt this important discussion for just one moment. We have some youngsters that have come an awful long way and I wonder if I might greet them on behalf of the honourable members. They have to leave on schedule in a few moments so I'm interrupting the discussion.

We have 120 students of Grade 7 standing from the Virden Junior High School. These students are under the direction of Mrs. Shoemaker, Mrs. Wright, Mrs. Smeltz and Mrs. Bridgitt. This school is located in the constituency of the Honourable Member for Virden.

We also have with us 75 students of Grade 11 standing. I have no note of the school, however they are under the direction of Mr. A. Penner. This school is located in the constituency of the Honourable Member for Seven Oaks.

On behalf of all the Honourable Members of the Legislative Assembly, I welcome you all

(MR. SPEAKER cont'd) here today.

The Honourable the First Minister.

HON. WALTER WEIR (Premier) (Minnedosa): Mr. Speaker, I have no intention of trying to prolong this debate in any way but I think that I would like to say that I appreciate the reasoned and reasonable and fair remarks that were made by the Honourable Member for Lakeside. They knocked everything that the Honourable Member for Seven Oaks - everything that he said right into a cocked hat -- (Interjection) -- Yes, that's a good point. The Honourable Member for Lakeside has been here for some 46 years and I think probably his views on this situation can be as well accepted as anybody else's.

I think it's fair to point out that the Manitoba Legislature, unlike most of the other legislatures in Canada, has two committee stages of Bills; one outside the House and one inside the House. The one inside the House is still before us on all of these Bills and any interest that is required to be shown by the members is still available to them.

So without going any further, Mr. Speaker, as far as I'm concerned, I'm quite prepared to let the government's position be expressed by the Honourable Member for Lakeside and to pay no attention at all to the remarks that my honourable friends in the New Democratic Party have over there, and if they continue with this kind of logic they'll certainly get to the point where many of the other things that they say will be taken with the same kind of salt.

MR. SPEAKER: The Honourable Member for Brokenhead.

MR. SAMUEL USKIW (Brokenhead): Mr. Speaker, I too want to join in the protest over what happened in Law Amendments last night. -- (Interjection) -- It's not repetitious, and if it is, it bears repetition, Mr. Speaker, because I don't believe that the members of Law Amendments were quite all there in the consideration of the Bills before us last night between midnight and 3 a.m. I don't think we were all quite all there, and I notice, Mr. Speaker, that many members were absent, were absent from Law Amendments committee after about 1 o'clock, that we were really a small group of the total membership of the Law Amendments Committee that was trying to deal with the clause by clause approach to Bills before us. And I want to point out that there were 34 Bills that we dealt with yesterday in Law Amendments, Mr. Speaker, and that was certainly a substantial number of Bills to push through in one day.

I recall an incident - a number of incidents - last night, Mr. Speaker, whereby the members had to plead with movers of amendments for an explanation of what they had in mind in moving these amendments. This was true, Mr. Speaker. Members had to plead for . . .

MR. LYON: Mr. Speaker, again I rise on a point of privilege. As Chairman of that Committee, I must say that no such occasion occurred, to my recollection, whatsoever. It just did not occur, and I really can't sit still and be a party to this kind of misstatement and hyperbole - for what purpose I don't know - taking place in this House under the guise of honest debate. It is not honest debate.

MR. USKIW: Mr. Speaker, the Attorney-General must have been asleep last night.

MR. SPEAKER: Order please. I'm sure the honourable gentleman will accept the statement of the Chairman of that Committee. I personally was not there and it makes it rather difficult for me to try and determine what is right and what is wrong, and under those circumstances, as the adjudicator of this Assembly, I would hope you realize the position I'm in and be guided accordingly. The Minister has refuted the statement the honourable gentleman said, as the Chairman of that Committee. Where does it place me? I must accept it and I'm sure the honourable gentleman accepts it.

MR. USKIW: Mr. Speaker, I consider it a privilege to speak in this Legislature and I don't intend at any time to abuse that privilege, and whenever I say something, Mr. Speaker, I'm sure you will appreciate that I've always spoken what I consider to be the truth, and this is the truth, and I don't intend to accept the remarks or the interjection of the House Leader, the Attorney-General, this morning.

MR. LYON: There's another rule of common civility and courtesy which I hope is not unknown to my honourable friend which is that when a statement is made by one member in the House it is not contradicted by another. I was the Chairman of that Committee; I was in the Committee all the time when the Committee was taking place - which is more than I can say for my honourable friend - and I tell him and I say that he shall accept what I say on this, that that kind of situation did not occur. When anyone asked for a -- (Interjection) -- I'm on the point of privilege right now, Mr. Speaker. When anyone asked for an explanation, to the best of my recollection, to the very best of my recollection it was given; or if it was not given, it was

(MR. LYON cont'd) promised in Committee, in this Committee here. So I really ask my honourable friend to hew to the facts.

MR. PAULLEY: Mr. Speaker, on a point of privilege. The Honourable Attorney-General just said that when a person makes a statement, it's taken as such, and yet he takes upon himself the aura or mantle of respectability that he and only he, or his statements can be accepted in this House. And on the point of privilege, Mr. Speaker, I respectfully suggest that if my honourable colleague from Brokenhead's opinion - and surely he's entitled to his opinion - was that such occurred, the Honourable the Chairman of that Committee last night has no right to dispute what my colleague figures is his opinion, and I suggest to the Honourable Attorney-General that he too has not been in this House long enough to know all of the rules of conduct.

MR. LYON: I know the rule of courtesy and civility though, and I would suggest that my honourable friends in the NDP try to follow some of the basic ones.

MR. PAULLEY: I would suggest to my honourable friend that if he knows the rules of courtesy, he should retain his seat.

MR. FROESE: Mr. Speaker, on a point of order, I remember only too well when the Member for St. John's not only once pleaded for information in connection with certain amendments proposed.

MR. JOHNSON: Mr. Speaker, would my honourable friend specify what he's referring to for our edification, who were also there.

MR. SPEAKER: The Honourable Member for Brokenhead.

MR. USKIW: Mr. Speaker, I recognize that the Honourable Member for Rhineland left early, as many other members of that Assembly left early - including members on the government side if I may say - early in the morning, Mr. Speaker, so I don't know what the Attorney-General is trying to imply.

Nevertheless, I want to suggest to the House that this in my opinion is not a proper procedure in the consideration of legislation and that the public has a right to appear in Law Amendments Committee to make representations and they were denied that right - they were denied that right. I want to illustrate a point here, Mr. Speaker, because I recall the Honourable the Member for Seven Oaks pleaded with the Chairman of the Law Amendments Committee last night to hold Bill 62 in committee so that people that had some representations to make on Bill 62, namely the Metropolitan-Winnipeg Act, could come back today and make their representations in Law Amendments Committee, and, Mr. Speaker, the Chairman did not allow that motion to carry.

I suggest to you, Mr. Speaker, that there was a curtailment of discussion and that there was a curtailment of representation as a result of the attitude of the government, and I was very disappointed last night that we were ramrodding legislation through as if we had no time to give it decent consideration.

HON. J. B. CARROLL (Minister of Welfare) (The Pas): Mr. Speaker, I'd just like to ask a question. He implies that there was someone who wanted to appear before a bill who was denied that right. -- (Interjection) -- Art Coulter was denied the right to speak on the two sections that were being withdrawn. He was still there and he could have spoken on the rest of the bill, but the point that my friend was just making was that someone else had been there, and as I recall it's Mr. Lennox and he spoke on that bill. He spoke on that bill which was his right to do and was given every opportunity, but we certainly don't give opportunities later to let them enter into the discussion when the committee are dealing with the bill unless we want, as members of the committee, to elicit further information from witnesses that are appearing, which is not usual I might say. I know of no one who was denied the right to speak before that committee except Mr. Coulter, who will have a further opportunity to speak on those points that were being withdrawn from the consideration of Committee last night to go before a specialized committee who will be dealing with the matters in which he had a particular interest.

HON. THELMA FORBES (Minister of Urban Development & Municipal Affairs) (Cypress): Mr. Speaker, I would like to ask the Honourable Member for Brokenhead, is it not true that the committee last night accommodated one of the members, the Honourable Member for St. John's of your Party, who has left this Assembly as I understand to go on a holiday? Did we not accommodate him to hear him first in the committee last night? Could the honourable member honestly say we did not attempt to do everything we possibly could?

MR. USKIW: Mr. Speaker, I was talking in terms of what accommodation we were providing for the general public, not members of this Legislative Assembly.

MR. SPEAKER: Order, please. I wonder if this isn't getting down to more or less personalities. In my opinion, it would appear that everything has been said that can be said and I wonder if the business of the province might continue from this point forward.

Notices of Motion

MR. LYON: . . . the question on the motion that the report of the committee be received.

MR. SPEAKER: Imagine me overlooking that.

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

MR. LYON: . . . of the report of the committee, I move, seconded by the Honourable the Provincial Treasurer, that the fees paid with respect to the following Bills be refunded less the cost of printing: Bill No. 77, an Act to incorporate Home and Research Centre for Retarded; Bill No. 78, an Act to incorporate Home and Research Centre for Retarded Foundation; Bill No. 82, the Winnipeg General Hospital Act; Bill No. 83, an Act to incorporate Westminster United Church Foundation.

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

MR. SPEAKER: Notices of Motion

Introduction of Bills

Orders of the Day

The Honourable the First Minister.

MR. WEIR: Mr. Speaker, I wonder if we might pause briefly this morning before the Orders of the Day to show the respect that we usually do for one who has sat in this House and been called from this earth that we shared over a period of time. I am referring today to Mr. Francis Campbell Bell, a man who has served Manitoba, and Canada you might say, in various ways and served it well - a very very long career of public service.

Mr. Bell was born in 1892 and started his career in the bank. After a few years he moved into his first aspect of public life when he accepted the position of Secretary-Treasurer of the Municipality of Archie in western Manitoba. He was elected to the Legislative Assembly of the Province of Manitoba in 1936 and he was re-elected four times after that in 1941, 1945, 1949 and 1953, being defeated in 1958.

Mr. Bell was a veteran of the First Canadian Mounted Rifles during the First World War and had served his country in the services and went on to serve it in a public elected way. While he served the people of Manitoba in the government of that day, Mr. Bell had an interest in quite a number of the departments. He was at various times Minister of Agriculture and Immigration, Health and Public Welfare, Public Works, and Mines and Natural Resources, and he's the only Minister that I know that was ever Minister at the same time as his brother was Deputy Minister. I don't know how things worked out for the late Mr. Bell; I know that things would probably be in a heck of a state for Manitoba if the situation existed where my brother and I were Minister and Deputy Minister. But I think that the service of this family should be recognized at the same time in the consideration of the contribution that Mr. Bell and brother Jim made to agriculture at the same time.

So, Mr. Speaker, without going on any further at this point, I would like to move, seconded by the Honourable Member for Birtle-Russell, that this House convey to the family of the late Francis Campbell Bell, who served as a Member of the Legislature of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to duty in a useful life of active community and public service, and that Mr. Speaker be requested to forward a copy of this resolution to the family.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Russell.

MR. RODNEY S. CLEMENT (Birtle-Russell): Mr. Speaker, I would, at the outset, like to thank the Honourable the First Minister for the privilege of seconding this motion of condolence to the family of the late Frank Bell, as I knew him as Frank Bell. I would like to point out that I am sure it came as a shock to all of us to hear of his sudden passing because it wasn't three weeks before his untimely death that the gentleman himself was in this Legislature; he was in the Liberal caucus room and I am sure he sat in the seat behind me.

I would like to say, Sir, that in saying a few words I'm speaking not only on my own behalf but of those of our Party. I would like to point out, Sir, that Mr. Bell was a quiet, modest and sincere gentleman. He sat in this Legislature for some 22 years, ten of which he was a Minister of the Crown. I believe he was elected in 1936 and was here until 1958.

He was a devoted family man, a dedicated parliamentarian who was respected by friend

(MR. CLEMENT cont'd) and foe alike. He was, as the First Minister pointed out, a veteran of the First War where he served with distinction. I recall Mr. Bell first as a Minister of Agriculture when I entered the Legislature as a young man. He was always a friend to me and to every other member. You could go to Frank, and without any undue excitement or excess number of words, he would tell you the information you wanted and acted sort of as a father. As Minister of Highways he was able to put his estimates through this Legislature with an absolute minimum number of words, without any fanfare, and he was able to get through in very very short order. He knew his department and there was no doubt about any questions you asked him, he had the answer immediately. He had a way of getting things done, and I am sure that although perhaps three members in the front row and myself of our Party were perhaps the only members on this side of the House who served with him, I know that --I might point out that the Leader of the NDP Party was certainly here. I wouldn't like to overlook you, Sir.

I would like to say, Mr. Speaker, that Frank Bell will be long remembered by friends, his friends in the rural parts of Manitoba and in the Birtle constituency he represented. It is with pleasure that I second this motion. Thank you.

MR. PAULLEY: Mr. Speaker, I would like the privilege of being associated with the motion of condolence to the family of the late Frank Bell. As the Honourable Member for Birtle-Russell has just said, I did have the opportunity of serving in this House with the late Mr. Bell for an all too short a period of time, just one session, but during that period of time I came to realize, as has been indicated, that here we had a man of sound mind and mature judgment who was a credit to his constituency and also a credit to the Legislature of Manitoba. After Frank left the Assembly I had the opportunity of meeting him on a number of occasions in different parts of the province and he was very affable and friendly, the type of a man who deserves the honour and respect that is being paid to him today.

So, Sir, I would associate the New Democratic Party with the others who have spoken in paying a tribute to a great Manitoban.

MR. FROESE: Mr. Speaker, I have known the late Mr. Frank Bell as the Minister of Agriculture in the former administration. I have not had the opportunity of knowing him as closely as many other members of this House have, but I do appreciate, and I know others do, a man who has given so much of himself in the service of his fellowman. I think a life such as the one that has departed is of so much greater value to the people concerned, and therefore I would like to associate myself with the sympathies and condolences already expressed and that are also referred to in the motion of condolence.

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Mr. Speaker, my colleague the Member for Birtle-Russell has already spoken on behalf of our Party, but as the Leader of the Party now and as a far backbencher who sat behind Mr. Bell in those days, I would like to associate myself personally with this motion of condolence. Frank Bell was certainly a friend of everyone in the House regardless of where they sat. His very generous and kind nature was known throughout the Province of Manitoba. I think that the best summing up one can make of a man like Frank Bell is to go back to possibly some wording which was more common in older days than today - Frank Bell was a gentleman.

MR. CAMPBELL: Mr. Speaker, the remarks that have already been made with regard to Frank Bell I think are quite sufficient for this occasion, and I wish only to join with them as a close personal friend in addition to a colleague. I certainly feel a sense of personal loss in his passing, but all of us can be pleased, I am sure, that the service that he gave is being recognized in this way and he would have greatly appreciated it himself.

I think it's probably worthy of note among a group of practising statesmen to point out that Frank Bell was one of the most modest men that I ever met. Now we as a group are not noted for that particular characteristic. Maybe the public has us wrong, but the most of them don't think that we're tremendously modest, but Frank really was, and it wasn't the case, as Winston Churchill once said about one of his contemporaries, that he had so much to be modest about. Frank Bell, under his quiet and modest exterior, had a great deal of capacity and an amazing amount of character.

I'm glad that the First Minister in moving this formal resolution coupled with it the name of Jim Bell, because the two of them were a team in more ways than one. There was less than a year and a half between them in age and consequently you frequently heard the question, even among people who knew them well, which of Frank or Jim is the elder. The fact is that Jim is, but a great many - even the close friends - didn't know, they were so close

(MR. CAMPBELL cont'd) together; they worked so closely together.

And maybe I could put one other facet of Frank's accomplishments on the record by saying that, along with his brother Jim, when they were young fellows they were a couple of the sweetest little ball players that the Clearwater district ever produced. Again with their modest demeanour, they were both excellent, excellent athletes as young fellows, a facet of their accomplishment that's probably not so well known. I certainly join in the expressions of appreciation for Frank and the condolences to his family.

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

MR. PAULLEY: Mr. Speaker, before the Orders of the Day, I would like to direct a question to the Honourable the Attorney-General. Has the Manitoba Liquor Commission applied to the Utility Board to set the rates in respect of canned beer which is going to be available to Manitobans, I believe within a short period of time, at a price to the brewers over and above that that now prevails for beer in Manitoba?

MR. LYON: I will have to take the question as notice and enquire of the Commission. Offhand I would say there is no requirement for such an application, but I'll enquire into it.

MR. PAULLEY: A supplemental question then. Does my honourable friend know that the contemplated price for the canned beer will be \$3.25, as announced, as against \$3.05 for the bottled beer, the price set at the particular time.

MR. LYON: I understand that that differential obtains in most other provinces, or something equivalent to it.

MR. PAULLEY: One further question that's supplementary then. My honourable friend says that it obtains in other provinces, but other provinces may have a different method of arriving at the prices. We passed legislation - I am sure my honourable friend can answer in the affirmative - did we not pass legislation that before there are changes in any prices to be paid to the brewers that it must be reviewed and approved by the Utility Board?

MR. SPEAKER: The Honourable the Provincial Secretary.

HON. STEWART E. McLEAN, Q.C. (Provincial Secretary) (Dauphin): Mr. Speaker, before the Orders of the Day, I wish to place on the table of the House a return to an Order of the House No. 44, dated May 17, 1968, on the motion of the Honourable the Leader of the Opposition; a return to an Order of the House No. 56, dated March 15, 1967, on the motion of the Honourable the Leader of the Opposition; and a return to an Order of the House No. 61, dated March 17, 1967, on the motion of the Honourable the Leader of the Official Opposition.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, I would like to direct a question to the Minister of Education. I wonder if he could check into the following situations. I have heard rumors to the following effect and I wonder if he could investigate.

First, I was told that one or more schools in the St. Boniface constituency made an announcement in a high school asking whether students wanted to attend the rally in St. Boniface constituency, the Liberal rally. This was an announcement made for students to come to the office which seems to me to be a bit unusual. And secondly, I would also like to know - I've heard that several high schools in the Winnipeg area - and I heard two named, Elmwood and Grant Park, there may have been others - were dismissed early to see the Trudeau cavalcade or to attend his shopping centre blitz.

MR. LYON: Do you mean the Prime Minister of Canada?

MR. DOERN: Yes, the Prime Minister of Canada, the same one.

MR. SPEAKER: The Honourable Member for Portage.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, I would like to address a question to the Honourable the Minister of Municipal and Urban Affairs. Has the Minister received a legal opinion from the Department of the Attorney-General with respect to the complaint of Councillor Barber in the town of Carberry?

MR. FORBES: No, Mr. Speaker, but the Attorney-General tells me that it's on its way to me.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I'd like to address a question to the Minister of Education. Is it true that the Provincial government - this is a statement I heard - is it true that the Provincial Government receives 40 percent of the operating costs of Grade 12 from the Federal Government?

MR. JOHNSON: Mr. Speaker, I'll take that last question as notice.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. T. P. HILLHOUSE, Q. C. (Selkirk): A question to the Honourable Attorney-General arising out of the answer given by the Minister of Urban Development and Municipal Affairs to the Honourable Member of Portage la Prairie when she said that the Attorney-General advises her that the answer is on the way. My question of the Attorney-General is what does he mean by the answer is on the way? Is it coming by courier, dog sled or how is it coming? And when can we expect it?

MR. LYON: Internal government postage.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: I would like to address a question to the Honourable Minister of Education. Are reports received by Brandon University and the University of Winnipeg? If so, would he table these reports and financial statements if they are included? We are making considerable contributions to both these universities and I think we should have some reports available to us.

MR. JOHNSON: Mr. Speaker, I'll check into that for the honourable member.

.....continued on next page

ORDERS OF THE DAY

MR. SPEAKER: Committee of the Whole House.

MR. WITNEY: Mr. Speaker, I beg to move, seconded by the Honourable Minister of Education, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the following Bills.

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

COMMITTEE OF THE WHOLE HOUSE

MR. MOLGAT: Before we begin the consideration of bills, we have before us bills numbered from 9 on Page 2 to 66 on Page 3, but I think there are further bills in addition to that are there not?

MR. LYON: additional, subject to correction by the Clerk, would be the ones reported this morning.

MR. MOLGAT: I wonder if we might get a list of those before we start off the proceedings this morning by number and the sequence in which they will be taken, so members of the committee will know at this stage exactly what the proceedings will be.

MR. LYON: The list is being made up for this afternoon. They couldn't be here except by leave, and what we thought we would do is proceed in Committee with the ones before us, and if by any chance we finish before noon, we might then ask for leave to move the others in.

MR. CHAIRMAN: Committee ready to proceed. Bill No. 9. Section 1

MR. LYON: I wonder if there would be any agreement to consider some of the bills page by page?

MR. CHAIRMAN: (Bills Nos. 9, 14, 15 and 16 were read page by page and passed.) Bill No. 27. Page 1--passed; preamble--passed; title passed. Bill be reported? The Honourable Member for Lakeside.

MR. CAMPBELL: Mr. Chairman, I do not intend to repeat the arguments that I have made before, I just express my disagreement with the Bill and let it go at that.

MR. CHAIRMAN: (Bills No. 30, 32 and 47 were read page by page and passed.) Bill No. 51. Page 1 as amended--

MR. MOLGAT: the amendment, Mr. Chairman?

MR. CHAIRMAN: Shall I read the amendment? It's not that long. Section 1, subsection (3)(a)(ii)-(ii) as amended. Nothing in this section limits the generality of any preceding section of this act or affects the rights granted under any other act of the Legislature to a public utility, as defined in the Public Utilities Board Act, to use streets for, or to construct on, in or under the streets, works pertaining to the operation of the Public Utility.

MR. CHAIRMAN: Page 1 as amended--passed; Page 2 --

MR. SIDNEY GREEN (Inkster): You are on Page 2 of the . . .

MR. CHAIRMAN: Page 2 of Bill 51.

MR. GREEN: I believe my honourable friend Mr. Hillhouse wanted to speak, but if he doesn't want to speak I'll go ahead.

MR. HILLHOUSE: Which one is that? --(Interjection)-- Oh, wait a minute, yes, you are on Page 2, are you? Well I wish to move that Section 2 of the Bill be deleted. Mr. Chairman, I made a similar motion in Law Amendments.

MR. CHAIRMAN: Order please. I'll place the motion and then you can go ahead.

MR. CHAIRMAN presented the motion.

MR. HILLHOUSE: Mr. Chairman, I made this motion last Thursday in Law Amendments, and at that time I think we witnessed a spectacle which was without parallel in the annals of parliamentary democracy. On that occasion we saw a government - we saw a government voting against itself. Now how did that situation arise? Simply by this method. The government, in its partisan desire to defeat an opposition motion, voted against this motion after the principle of the motion had been accepted by the Honourable Minister of Urban Development and Municipal Affairs speaking as a Minister on behalf of the government.

Now when the Honourable Minister of Urban Development and Municipal Affairs heard my motion, she did adopt the principle enunciated on that motion on behalf of the government. She did not qualify its acceptance as a private member, she spoke as a Minister of the Crown, and my submission is that she was in effect speaking on behalf of the Crown and that when the members of her own group voted against her, they were voting against a principle which had

(MR. HILLHOUSE cont'd.) . . . been accepted by their own government --(Interjection)-- No, it isn't. Now subsequently the Honourable Minister remained silent, but I bear no ill-will towards her, as I am of the opinion that the course of action which she followed was forced upon her by the partisan attitude of her own colleagues who completely disregarded principle for what they erroneously considered to be political expediency.

It is hard for me, and I think it is hard for anyone who is interested in good government, equity and justice, to accept the proposals contained in this section, as these proposals, in my opinion, are completely repugnant to anything bearing any relationship to justice and equity. And even if they are enacted, I submit, Mr. Chairman, that they will not achieve the purpose for which they are intended and we will live to regret the fact that we ever introduced a political expediency to replace a principle in our law.

Now I would like to go back to what actually happened in Law Amendments to refresh the memories of those who are not members--at least acquaint those members of the committee who are not members of Law Amendments, and refresh the memories of those who were at the Law Amendments Committee. In the first place, my motion was moved at the morning session. Secondly, quite a number of members of that committee spoke in support of my motion and some spoke against it. The Honourable Minister, speaking as a Minister of the Crown and not as an individual, supported the principle enunciated in my motion, and in so doing, according to our parliamentary procedure, she was adopting that principle on behalf of her government.

The sponsor of the Bill then requested that the Bill be held in committee, and quite frankly, Mr. Chairman, that's where I made my mistake. I should have opposed it being held in committee, because when the committee met in the afternoon it became quite apparent to the other members of the committee who were in support of my motion that a change had taken place in the attitude of the Minister, because when the question was put the Honourable Minister remained silent.

A MEMBER: Her arm had been twisted.

MR. HILLHOUSE: It certainly had, and my motion was defeated by the government members voting as a group. Now I feel quite definitely, although I can't say what happened in the interval, but I'm quite satisfied that pressure was brought to bear on the Honourable Minister not to reverse the position which she took in the morning but to remain silent when it was put to a vote, and in so doing I think she made this government look absurd and ludicrous; it made it look like a ship without a rudder; and a navigator without a compass or a sextant.

A MEMBER: No keel.

MR. HILLHOUSE: No keel. It didn't have the ballast of the Honourable Member for St. Boniface.

MR. LYON: How about binoculars?

MR. HILLHOUSE: In addition to that, Mr. Chairman, I think that the members of the government who voted against my motion were not only voting against their Minister but they were sacrificing their Minister, and in so doing they made their own Minister look foolish.

Mr. Chairman, I'm sorry that the motion which I made in committee has caused the Honourable Minister of Urban Development and Municipal Affairs any embarrassment, and had I thought for a moment that she would have been treated so badly by her own colleagues, I would have refrained from making my motion in Law Amendments and would have made it in this committee, and by so doing I would have deprived the members of the government of the opportunity of mustering their ill-advised cohorts to support something which was untenable.

But, Mr. Chairman, since there is a principle involved for which the Honourable Minister of Urban Development and Municipal Affairs stood, and for which her colleagues sacrificed her on the altar of parochialism, dirty politics and political expediency, I feel that out of respect for and admiration for the original stand taken by the Minister, that it is incumbent upon me to renew my motion here. I hope that by renewing my motion the members of the government will repent, that they'll see the errors of their way, and that as by way of an apology to the Minister for the humiliation and embarrassment which they have caused her, they will support my motion. I further urge the members of this committee to support it, not only by way of an apology to the Minister but because it's right and it's the proper thing to do.

Now in Law Amendments in making my motion, I dealt at length with the principle involved. I do not feel that I should go further into that principle because I think the principle

(MR. HILLHOUSE cont'd.)... is well-known and well-understood by every member in this committee, and I hope that they will accept that principle and support my motion and remove from our laws something with which they can not live in the future and something which will not serve the purpose for which it has been intended, and I ask each and every member in this committee to support me.

MR. LYON: Mr. Chairman, I wonder if it would be safe to say that the Honourable Member from Selkirk was preaching from the biblical text "all ye sinners repent." It's a text that we might not all agree with. I merely rise to comment upon his one suggestion that because the Minister made a statement with respect to a certain matter on a Private Members' Bill, that necessarily that left the government rudderless and without a sextant, a compass and a few other things.

I have a vivid recollection, as a Minister of the Crown, of bringing in a bill only last year, albeit a bill in which there was no question of confidence involved, but it was the Liquor Control Act, and my honourable friend can recall the situation as well as I do when on a number of sections of that bill half of my colleagues on the front bench were voting in a much different way than I was, as indeed were some of his colleagues voting in a much different way....

MR. HILLHOUSE: Wasn't that a free vote on that Bill?

MR. LYON: It was a free vote on that Bill and it was a free vote on the Bill that is before the committee by the Honourable Member from Brandon as well. So I merely rise to say that in his long experience in the House I am sure he has seen the situation before. I have, and I'm sure that we're all going to see it again.

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, I'm less concerned, although I do agree with my honourable friend the Member for Selkirk's arguments about the position of the government with respect to this Bill. I'm less concerned with that particular aspect of it than I am with the principle of what is being done here and which the Member for Selkirk brought to our attention. I agree with him 100 percent, but I believe that what he said is worth re-stating, because when we were in Law Amendments Committee of course there is no record of what occurred other than the various recollections of the members, which as we've seen this morning is sometimes not identical, and I suppose the Minister of Municipal and Urban Affairs can always rely on the expression that a woman is entitled to change her mind, which she did in the face of all of us.

Nevertheless, I do agree with the Member from Selkirk, but, Mr. Chairman, I do think that something should be said about the road that the government is embarking on with this particular legislation. I believe - and I stand corrected if I'm wrong - I believe that this is the first legislation in Manitoba which permits the development of recreation on a local improvement basis, and when I spoke on this in Law Amendments Committee the Honourable the Minister of Welfare said that I was using a class argument. Well, Mr. Chairman, there is no greater demonstration in the bills that we have received this year, perhaps with the possible exception of the so-called voluntary medicare scheme, of class legislation than what is being brought forth in this Bill.

I ask the honourable members to recall the history of this type of recreational development. Quite often the government used to say that the development of recreation depends on a public-spirited group of citizens in a particular area voluntarily getting together, and by their spirits and by their enthusiasm creating recreational centres.

This was for a great length of time accepted by various people as a way of doing this and it also gave excuses for governments not doing it, and the government said that it would be improper to tax or to put these people in a position of requiring to pay for their recreation, of making it a compulsory feature.

For a time the government got away with that type of situation, but gradually, Mr. Chairman, I'm sure that what the people in the areas themselves found was that some people were not paying their proper share and other people were requiring to bear an unfair burden, so they felt that the fairest way of doing this was to do it by taxation.

So the principle of taxation is introduced but it's introduced on the worst possible basis, it's introduced on a class basis, because I ask, Mr. Chairman, for you to imagine what would happen, let us say in the City of Winnipeg or in Greater Winnipeg, if you went out for a local improvement by-law in the community of Tuxedo let us say, they would have very fine recreational services. They would have swimming pools, they'd have skating rinks, they'd have all the things that that community can afford and which anybody would desire - I don't blame them

(MR. GREEN cont'd.)... for wanting, and I certainly wouldn't begrudge them having it - but they would be able to do it because they would be able to get a by-law passed by a majority of their ratepayers over the opposition of people who didn't want to pay for it, because I'm sure that the majority of the citizens of that community would recognize the need for it and they would merely be calling upon the others to pay their proper share, but they would be able to pass a by-law for these services.

But then you go to the area around Logan Avenue where the people who are voting don't even live in the area. Most of the people who are voting are the ratepayers who own the houses which are rented out to people who need recreational services, God knows, more than any other area in the community, and in that area they would probably have difficulty getting a by-law passed. And if they could get a by-law passed, it would be based on the type of property that they have there which would indicate that they would be able to support far less in terms of recreational facilities than would be supported in other areas.

So what is this if it is not class legislation? We are going to divide the community up into classes and we are going to say that they are going to be able to provide recreation on the basis of class and not on the basis of need, and that's what is being pursued in this piece of legislation. And we say, Mr. Speaker, we don't disagree with the concept that there be taxation for the purpose of recreation, and we even agree to some extent at this time, and not for all time, with the concept of doing it on a municipal tax basis. I think that we have indicated that we would like to change that, but if Brandon wants to go ahead and do it that way we have no objection for the moment. We don't think that it should continue to be that way but we're prepared to support it. All that we say is that the City of Brandon should be one local improvement district and that the council of the City of Brandon should look at that local improvement district and decide which areas need recreation centres, which areas need improvement, and to do it on the basis of their responsibility as elected representatives.

Now, Mr. Chairman, I don't think that we're asking for a great deal. We got what I consider to be a material admission by the Minister of Agriculture yesterday that unless this was done on a compulsory basis - and I referred to the Credit Union Stabilization Fund - unless it was done on a compulsory basis to get those freeloaders in who weren't prepared to support the fund, the fund wasn't worth anything. We agree with that type of concept. We say that everybody is responsible for recreation; nobody can opt out, make use of the recreation facilities provided by the rest of the community and not pay for it.

So we agree with the proposition that it's public revenues that should pay for it. We don't necessarily agree - as a matter of fact we disagree that the municipalities should bear the burden of it - but if a municipality does wish to provide those services, we say that they should do it on a universal basis and not a class basis, which is what is proposed in this legislation.

MR. CHAIRMAN: Are you ready for the question?

MR. MOLGAT: Mr. Chairman, the Member for Brandon wishes to speak.

MR. CHAIRMAN: I'm sorry. The Member for Brandon.

MR. R. O. LISSAMAN (Brandon): Mr. Chairman, I listened with a great deal of interest to much of a repetition of what was said in committee. I'm sorry that there wasn't a Hansard in committee because I'd like to tell some of the local people of some of the attitudes, particularly of the NDP group, toward local government, and so on.

The Member for Selkirk talks of equity injustice. In my honest opinion I can't think of a fairer way to create a parking facility, for example, than by a local improvement district, because it means that those who use the facility will pay the greatest amount of the cost. It is quite understandable that if the facility is approved by the merchants in the area then everyone who uses and buys will be paying first of all a fee for parking, and then in every purchase he will be paying again a share of the cost, so that those who may be on the outskirts and use some outskirt shopping centre would be called upon to pay very little of the cost and those who use it a greater portion of the cost.

And then too there is the matter of the tendency, I believe, these days to try to make laws which try to make everyone conform to some magical formula. There are no magical formulas in my opinion. I think we must remain free and loose enough for various communities and areas in the province to solve their own problems in their same way. I know particularly the NDP Party would like to have all-conforming legislation, put everybody in a strait jacket with no chance for local alternatives whatsoever, and whether a person wants a thing or not, to be

(MR. LISSAMAN cont'd.)... compelled in the overall taxation for the purpose to pay for it. I disapprove entirely of this.

I might say that in the recreation you heard in committee -- the members who weren't there might be interested to know that there are seven community clubs in the City of Brandon and referendums have been reviewed by the voters for recreation, so that if this section were turned down it means that the people who want these recreation facilities, who are willing to pay for them, would be denied the facility.

Now, Mr. Speaker, I think from every view that I can think of, this is an attempt to solve local problems in a local way, and I believe that we must in this province, the same as in the nation where there are great divergences of opinion and geography and so on, allow for areas to solve their problems in their own peculiar way. I didn't hear much objection to the same method being proposed by Mayor Juba in his skyway. I didn't hear all this grandiose talk about principle and the belief that the government was prostituting justice and all this sort of talk.

So that, Mr. Chairman, I think probably the most convincing argument is that the very alderman who came down here to plead before Law Amendments Committee was the only member of the council who was originally opposed to the method proposed in this Bill, and he said that as he examined the subject, became more and more familiar with it, that he became utterly convinced that this was the only way to do it. And I think this is convincing proof that this is the way to solve this problem in a local way.

MR. CHAIRMAN: The Member for Selkirk.

MR. HILLHOUSE: Mr. Chairman, I don't know whether Brandon has a Parks Board or not or whether there has been one created under the provisions of the Municipal Act, but if there has been one, I suggest to the members of this committee that that Parks Board would have complete jurisdiction over all matters relating to recreation in the City of Brandon. And I further suggest, too, that if the City of Brandon would impose a levy of one mill they could raise \$40,000 a year for recreation throughout the whole of Brandon.

Now I don't think that they need that amount of money, but my point is this, that recreation belongs to the community as a whole and recreation today, in my opinion, with the growing incidence of delinquency, is one of the best methods of preventing delinquency, because it gives to the youth an opportunity of letting off steam with which they've got to get rid in order to be able to take their place in the community. And it would be very cheap for Brandon, even if they imposed a one mill levy and raised approximately \$40,000 a year which they don't need, and use it for that purpose.

Now Winnipeg has tried for years to adopt the principle of local improvement district for recreation, and to the credit of the council of the City of Winnipeg they have fought it, and Winnipeg today is suffering from the fact that there was no plan in respect of community recreation years back. I suggest that if Brandon wants to solve the problem and wants to act as a growing urban area, that the time to do it is now and not be means of a local improvement district for recreation. The principle is absolutely untenable.

And as to the other, imposing a local -- at least establishing a local improvement district for parking, that is the most absurd thing I have ever heard in my life, because the basis of local improvement is that the area benefited shall pay. Now can anyone by any stretch of the imagination say that because a parking space is provided in a certain area that that is the only area that's benefiting from that? Why the whole City of Brandon benefits from it. I can't see any answer to the argument that has been raised by myself and the Honourable Member for Inkster in support of the motion which I have submitted.

In conclusion, I'm sorry to see that the Honourable Minister of Urban Development and Municipal Affairs is not in her seat in the Committee.

MR. MOLGAT: Mr. Chairman, I didn't take part this morning in the discussion as to what went on in Law Amendments yesterday, but I do think that at this stage when we're discussing a municipal Bill, not to have the Minister responsible in the House at the time of the discussion of the Bill is certainly flagrant disregard of the responsibilities of the government towards the House, and the complete lack of responsibility in regard to the duty of the Minister to this Committee. Surely when we are here to discuss a Bill having to do with municipal affairs the Minister responsible should be in her seat, because if not so, then the government frankly is disregarding its responsibilities to the Committee.

MR. GREEN: Mr. Speaker, I too wish there was a Hansard so that everybody in Brandon could read what was said at Law Amendments Committee, and I hope that when my honourable friend is taking this one to Brandon that he'll let them read the whole story too, because

(MR. GREEN cont'd) in Law Amendments Committee when you raised the problem of the by-law, we offered at that time - and my colleague is going to be introducing a motion very shortly - to eliminate any necessity of a by-law. So the existence of the by-law is a problem which our Party had a very good remedy for and we'll be proposing it very shortly. You'll have a chance to deal with that.

Is there no compulsion on the part of the people who vote against this local improvement district? If you have a local improvement district and it's going to be passed by a majority of, let us say 50, 60 or 75 percent or 90 percent or 99 percent - any of those percentages - once they petition for that district, are they not going to compel that one percent, that 20 percent, that 30 percent or that 40 percent to pay for it?

MR. LISSAMAN: Which is the greater compulsion?

MR. GREEN: I would say that yours is the greater compulsion, because your program, your program compels those people least able to exercise their own choice in every other respect, least able to make use of recreational facilities that are not properted by the community. It compels them to be without. That is the greatest compulsion, and I know about that kind of compulsion.

HON. J.B. CARROLL (Minister of Welfare)(The Pas): . . . spend about half as much time doing something about recreation in his part of the province as he does in talking about it in this House, we'd have more facilities.

MR. PAULLEY: stricken from the record and the Honourable Minister of Welfare should apologize.

MR. GREEN: Mr. Chairman, a remark has been made about me and the time that I spent on recreation and my volunteer work in that area. I wonder if the Minister knows just what I have done in terms of volunteering my services for recreation. If he's making that remark knowingly, and if he does, then I'd like him to tell me what he knows about my activities in this area, because if the honourable member would enquire from anybody, he will find that a good part of my activities have been spent in recreation at all levels.

MR. CARROLL: Mr. Chairman, I will withdraw that; I didn't mean to cast any reflections on the individual. I do think, however, that recreation programs, as I understand them, are made up primarily of people working together to do things in a recreation way rather than, as the member of the New Democratic Party insist on suggesting, that the municipality should provide all of the facilities, provide all of the leaders and try to organize all of the programs. I think recreation programs have been developed that way in the Province of Manitoba, and I think the precedent of the City of Winnipeg - which is always thrown up at us - is certainly a far cry from the experience that we have in many other parts of the province. I think the experience in Brandon and the people who are most familiar with that problem should be allowed to work out this area of recreation needs themselves, because I think they know the problem much better than the members who speak from north Winnipeg from their experience in that part of Manitoba. I certainly would propose to oppose the amendment that's before us and to support the recommendation -- at least support the Bill in Committee as it's before us at the present time.

MR. HILLHOUSE: Mr. Chairman, I think that's the most illogical statement that I ever heard coming from any individual and I think it's beneath the dignity of a Minister of the Crown to be so illogical. He urges us to accept the proposition that recreation is the essence of a community working together, and that's all that my motion is asking for.

MR. CHAIRMAN: Are you ready for the question?

MR. MOLGAT: Mr. Chairman, I repeat my request to have the Minister responsible for this department in the House when we're discussing an estimate or a Bill regarding a certain department. What goes on in this government? I recognize that Ministers have things that they have to go to, but certainly, Mr. Chairman, when discussing a Bill in this House regarding a certain department it's incumbent on the Minister to be here, because I want to ask questions of that Minister. I want to know whether the officials in the Department of Municipal Affairs endorse this particular Bill in the particular section we're discussing right now, and I think that the members of this House have a right to know what is the position of the department. Are they going to recommend this in other municipalities? Is this going to be policy of this government? The members of this House have a right to know this.

MR. CARROLL: Mr. Chairman, it's a Private Member's Bill and I think every private member has a responsibility to be here, and certainly I'm sure the Minister has many other

(MR. CARROLL cont'd.)... things that she can do today. You had ample opportunity to question in Law Amendments Committee on this point if you'd wanted to the other day.

MR. CHAIRMAN: The Honourable Leader of the Opposition.

MR. MOLGAT: Mr. Chairman, there's no Hansard in Law Amendments Committee; there is in this House. I say that the Minister is responsible to be in this House, and, Mr. Chairman, if the Minister is not here, I suggest that we move on to another Bill until the Minister can be here.

MR. CHAIRMAN: Are you ready for the question?

MR. MOLGAT: No, Mr. Chairman, absolutely not.

MR. CHAIRMAN: The Member for Rhineland.

MR. FROESE: Mr. Chairman, I wish to take part in the debate as well on this particular motion to delete Section 33(a). I think that's the motion before us, am I correct?

MR. CHAIRMAN: Delete Section 2 of Bill 51. Are you speaking on this?

MR. FROESE: Yes. I note here that in bringing this clause or this part of the Bill forward, as has already been stated, apparently referendums in the past have not carried, and that they're bringing it forward in this way. In other words, we're by-passing the wishes of the people concerned. I don't think this is too good an idea and on that principle I would have to support the amendment before us.

But then, too, if we take a look at the section, it deals with two things: one with the matter of providing structures for parking of vehicles and the other one is for community centres to be operated by community clubs.

Now I know in some of the legislation that we have passed councils have complete authority in the matter of public expenditures. I know Metro has this and we have it in some other areas - I pointed this out the day before. This would be probably lessening it to some extent so that it would only apply to improvement districts, so that when improvement districts are being established that this can be done by council without the approval of the voters. This is probably a lesser evil than of having it go all the way, but still I want to go on record as opposing the principle that is still embodied in this resolution here, in that people, when an improvement district is established, those that oppose it have no recourse or have no way of opposing such a measure in that there will be no vote, and I for one do not support this principle.

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

MR. HILLHOUSE: Yeas and Nays please, Mr. Chairman.

MR. CHAIRMAN: Call in the members. Order please. We're dealing now with Bill 51, an Act to amend the Brandon Charter. The motion before the Committee, moved by the Member for Selkirk, that Section 2 of the Bill be deleted.

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

Yeas, 17; Nays, 25.

MR. CHAIRMAN: For the motion, 17; against the motion, 25. I declare the motion lost.

MR. CHAIRMAN: Page 2...

MR. MILLER: Mr. Chairman, I assume when the government defeated this Bill they were concerned — or rather this motion, they were concerned that they didn't want to deny the people of Brandon these facilities which are being requested, namely the parking in the downtown area....

MR. CHAIRMAN: Are you dealing with the motion that we have just passed?

MR. MILLER: I beg your pardon?

MR. CHAIRMAN: Are you dealing now with the motion that we have just passed?

MR. MILLER: No, I'm going to introduce a new motion on the same Section 2 of Bill 51. I intend to introduce a new motion and I would like to explain why I'm doing this. I too feel that perhaps the people of Brandon should have these facilities, and I agree that we shouldn't deny them these facilities. I do feel, however, that in principle we're approaching the matter in a completely incorrect manner. I feel that what we're doing is going to come back to haunt this Legislature and haunt the people of Brandon.

It has been suggested that recreation is made up of people getting together to do things jointly - this is what the Minister of Welfare said - and he said rather than have the municipalities do it for them, that this has been the pattern in the past. This is true, in years gone by it was very common for people in the neighborhood to get together and put together a skating

(MR. MILLER cont'd.)... rink or a little shack as a community centre, but the fact is, Mr. Chairman, that times have changed and the government recognizes that it has changed, because the government is now proceeding, by going along with this Bill, recognizes the fact that the old way of doing it doesn't work any more, that you can't depend on voluntary schemes, that you can't depend on people participating voluntarily to do it for themselves. The days of do-it-yourself are obviously over and the government recognizes this when they come out with this type of legislation, because at best voluntary participation is spotty, it's inconsistent, it does not achieve the desired effect any longer because people today are not satisfied with the kind of inadequate facilities that were available 25 or even 15 years ago. Just as we in our private lives aren't satisfied with the standards that we had to put up with 25 years ago, the people don't want low standards or inadequate facilities in their community. But there is a way out of the dilemma and the Minister of Urban and Municipal Affairs put her finger on it when she said that in principle she felt that this was wrong.

Now, why do we make a distinction between recreation and other types of facilities? I have never heard anyone, in my memory, suggest that schools should be put as a local improvement in a specific area of a town; it's always over the entire school district. This is the only sensible way to do it, although the school would be built to service only people in a specific area, and yet there has never been a suggestion that it be built as a local improvement for a certain part of the community, whether north end, south end or any other end of the community.

In the case of hospitals, we have before us in this session a bill, where in the same city of Brandon they are requesting the right to by-pass the ratepayers completely because they want a facility that is necessary to the community, and I agree it is and they should have it, not only for themselves but for those municipalities adjacent to Brandon, and there is no suggestion again that it be put through as a local improvement. It is recognized that it is a facility that is needed; therefore the government comes to us and says: Brandon is requesting the right, by council bylaw, to pass the necessary legislation municipally to make it possible for the City of Brandon to participate in the construction and the operation of a hospital.

Mr. Speaker, this is correct; this is the right procedure; and I suggest that we be consistent and I suggest we do not create barriers for the future and we do not create dangerous precedents for the future development of parking facilities which are essential in a modern society and which are going to become more and more essential as the number of automobiles per capita keeps increasing. Recreation is recognized by this government as being essential. They give grants towards assisting municipalities to hire recreation directors, and the purpose of these recreation directors is that there should be facilities in which they can function.

Now I'm not denying the right. I'm not denying the fact that in all of this matter it needs public participation, but the kind of public participation needed today is far different than a few years ago. Today the public can be pulled in and made interested in their recreational facilities when the facilities are there, and they certainly can be activated so they become very active in their community centers and in their clubs and their hockey arenas and so on, and it's the professional people on staff who help to make this possible. So if we are going to be consistent and if we are going to say that recreation is essential and needed in today's society, then we should surely adopt the same principles as we adopt for hospitals and for schools, and we don't create pockets within a community the size of Brandon or any other area.

Winnipeg was up before Law Amendments yesterday, talking about the Winnipeg Housing Authority and requesting certain rights in order to provide parking facilities for Winnipeg. There was no suggestion that because a facility might be in a certain area, that that area be designated and introduced as a local improvement. Of course not. It was recognized by the City of Winnipeg - and correctly - that the parking authority would serve the community-at-large and although it might be in the vicinity of a certain commercial enterprise, it in fact enhanced the entire area and was a facility available to the entire area and would be used by the entire area. So Mr. Chairman, if the problem is: how does Brandon get the facility? the answer is quite simple. The answer is to give them, in this Bill 51, the same rights they are asking in Bill 112, and that is the right to pass an internal bylaw to erect these facilities that are essential - and I agree that they are essential. I don't think anyone in this House has spoken against them, not that I have heard. If they have this right, they can, if the council in its wisdom deems it necessary and essential that these facilities be made available to the community, they can pass an internal bylaw; they can erect the facility they need; the taxes

(MR. MILLER cont'd.) will be imposed fairly and equitably across the entire community because the entire community is going to be benefitting.

So Mr. Chairman, I would like to move that Section 2 of Bill 51 be struck out and the following section substituted therefor:

2. The Act is further amended by adding thereto, immediately after section 33 thereof, the following sections:

33A Notwithstanding any other provision of this Act, The Municipal Act, or any other Act of the Legislature, the council of the city. . .

MR. CHAIRMAN: Order please. I wonder if members of the committee would pay attention while the member is reading his motion here.

MR. MILLER: They all have copies, Mr. Chairman.

MR. CHAIRMAN: Proceed.

MR. MILLER: . . . the council of the City may pass bylaws under section 426, 429, 430 or 430A of The Municipal Act, or any one or all of those sections, as amended from time to time, heretofore or hereafter, without submitting the bylaw to a vote of, or receiving assent of the majority of, the ratepayers of the city.

33B Notwithstanding any other provision of this Act, The Municipal Act, or any other Act of the Legislature, the council of the city may pass bylaws for acquiring land for the purpose of providing facilities for parking vehicles and for providing for the construction, maintenance and operation of such facilities on the land, and for the borrowing of money therefor, without submitting the bylaw to a vote of, or receiving assent of the majority, of the ratepayers of the city.

MR. CHAIRMAN: Are you ready for the question?

MR. LISSAMAN: I would like to remind the members of committee that the council of the City of Brandon have approached this from all viewpoints and quite obviously have rejected this method, and it would be obviously against the will of the people too, because the referendums have been defeated. Now I marvel at how people, who live far removed from Brandon, can become such experts on how to tell the council of Brandon how to conduct its affairs, and I think it's a wonderful field for evangelism. Probably if some, the member for Selkirk and some of the NDP group would move up there they might enlighten some of us backwoods type of people. I think there is an attempt here to put this on the basis of the hospitals for which I did introduce this type of bill, where it was permissible by the council without the voice of the ratepayers. This I believe is a case of life and death - hospitals; but in this instance, recreation is provided by already seven community clubs and only a small portion needs to be serviced. The council has taken the obvious proper method, under the conditions existing, to solve the problem.

MR. GREEN: Mr. Chairman, two very brief points. First of all, this Legislature also always with regard to every municipality in the province of Manitoba, sets the guidelines as to how they are to operate. If you think that that's a bad system, then you should do something about the constitution of the province of Manitoba because that is the way we operate. We have these guidelines; we create all these municipalities; and we do not permit the City of Brandon to go into programs or to levy taxation in a way in which they may think best but we don't think good for the good of the province of Manitoba. So if you are objecting to our talking about what we think is good for Manitoba, then I suggest to you your objection is ill-founded. That's what we're here for.

Secondly, with regard to the particular amendment, you people have raised this problem. The Brandon people say they can't provide recreation because they can't get a money bylaw passed. Well, the Member for Seven Oaks is removing that objection.

MR. FROESE: Mr. Chairman, the amendment that is being proposed here makes mention of various sections of the Municipal Act, 426, 429, 430 and 430A. I wonder whether the mover would not care to explain just what these sections involve, because this was given to us without notice and I would certainly like to know what these sections involve before I vote on it. Then too, Mr. Chairman, in my opinion this is not any improvement over the sections that are already in the bill; in fact, I consider it the reverse. This would give council complete control as to capital expenditures without referring them to the people concerned, and I cannot support the amendment.

MR. HILLHOUSE: Mr. Chairman, I rise to support this amendment because I think it is going to place the responsibility where it belongs, right on the lap of the Council of the City

(MR. HILLHOUSE cont'd.) . . . of Brandon, and I don't think the City of Brandon should have any objection to this in respect of recreation when they have agreed to it in respect of a debenture issue of three-quarters of a million dollars, so I think this is logic in the amendment and it places the responsibility where it belongs whereas the other section which they refuse to take out of the Act, in my opinion was inserted in that Act so that the City Council of Brandon could avoid its responsibilities.

MR. MOLGAT: Mr. Chairman, on two occasions this morning I have asked for the Minister responsible for the Department of Municipal Affairs to be invited to come to this House and be available for questioning on this bill. I think it's inconceivable, Mr. Chairman, that a government would proceed to the consideration of a bill without having the Minister responsible for the department in this House. It's an insult to the members of this House. It's a dereliction of duty on the part of the Minister. It's inexcusable on the part of the First Minister to permit this sort of a situation to continue. And I move, Mr. Chairman, seconded by the Honourable the Member from Selkirk, that the amendment be amended by adding thereto the following words: "and that further consideration of the amendment be deferred until such time as the Minister of Urban Development and Municipal Affairs is present in the House and available for questioning."

MR. LYON: I would have the question asked on the sub-amendment, Mr. Chairman, on the point of order, because it has really nothing to do with the bill. If the sub-amendment passed, how would you insert that in the bill? What my honourable friend is trying to do is, well, really beyond my ken, other than try to embarrass the Minister, but I think he can find some legal means of doing that within the rules rather than by trying to put forward this type of amendment, which I suggest is out of order.

MR. MOLGAT: Mr. Chairman, the amendment merely - if it passes the House - will merely defer consideration of this particular amendment. It doesn't go in the bill. It defers consideration of the amendment and it's perfectly in order to ask for the deferment of the discussion of an amendment. It doesn't delete; it doesn't do anything except it defers the discussion. Now certainly, Mr. Chairman, if we are faced with an amendment which involves a number of bylaws or a number of sections of the Act, it's perfectly proper for members of this House to want to know from the Department involved what the effect of such an amendment is, what the government policy is in this regard, and exactly what will be the result of voting on such amendment or voting it down; and there is no question that there is only one place for the Minister to be when there are these types of discussions - it's in her seat and available to the House.

MR. LYON: Mr. Chairman, on the point of order, I am not aware of any right of the House by motion to command any member of the House to either be in his seat or not to be in his seat, and I think that aside from the first ground that I mentioned, that my honourable friend has just made it patently clear that the second ground is even stronger than the first ground for ruling his amendment out of order. It is out of order to pass a motion demanding that any person be in his seat or be in any place. A member is not answerable to my honourable friend by motion for whether or not he occupies his seat. My honourable friend is not answerable. We can't question him as to what his doings are. It just isn't done. I know that's not good enough to say, but there is a level of accepted practice in these matters. This just isn't done. And if my honourable friend wants to start a new precedent in the House, I suggest it could lead to some very interesting and revealing results.

MR. MOLGAT: Mr. Chairman, the expert in red herrings is at it again. The motion does not command the Minister to be in her seat; the motion merely says that the debate on this amendment be deferred until the member is in her seat. It defers the discussion of the amendment until such time as the member is in her seat. It's a perfectly valid amendment, perfectly in order, and deserves the consideration of the House.

MR. PAULLEY: Mr. Chairman, on the point of order, I think that the Honourable the Leader of the Liberal Party is perfectly correct. It is within the competence of this committee to defer any particular clause for any particular reason at any time, so that the matter may be considered until either more favourable or less favourable conditions, so the motion is perfectly in order. It does not have anything to do precisely with a direct amendment to the bill. It would be perfectly in order to refer the particular clause back to the committee from whence it came, so there is no difference basic insofar as rules and procedure is concerned between that type of a motion and the motion that has been proposed by the Honourable the Leader of

(MR. PAULLEY cont'd.)... the Liberal Party. And certainly, certainly apart from the connotation of demanding the presence of the Honourable the Minister of Municipal Affairs, the motion in itself is legal, even apart from all of that, the motion for deferring consideration. And if, within that motion, further conditions or suggestions are made, it still doesn't rule it out of order. One of these days my honourable friend the Attorney-General will take the time out to read the rules of the House and the rules of procedures, and it will save him a lot of getting up and getting down.

MR. LYON: Mr. Chairman, I doubt if it is in order at this stage in the committee to say that a matter be withheld. I think it is in order always in committee to move that the section be struck out or that the committee rise. I think those are the two amendments that are permitted and I think if my honourable friend will scour the rules he may well find that that is the case.

MR. NELSON SHOEMAKER (Gladstone): Mr. Chairman, are we speaking on a point of order or is there a motion before the House, and if there is a motion, will you read the motion that is presently before the committee?

MR. CHAIRMAN: Well, the motion that is presently before the committee has already been read to the committee and copies are on your desks, but there is an amendment to the motion and I want to say here that in my opinion the motion actually concerns whether a member is in or out of the House, and in my opinion, to proceed with the amendment would have the effect of indefinitely possibly delaying the passage of this bill, and I suggest that we proceed with the motion we have at hand and that if then the Member wishes to move that the bill be not reported when we come to the end of the bill, then the motion will be acceptable. . . .

MR. MOLGAT: Mr. Chairman, on a point of order . . .

MR. CHAIRMAN: . . . should be in or out of the House, or could be in or out of the House and I

MR. MOLGAT: Mr. Chairman, when you say the Bill could be deferred indefinitely, if a bill is referred back to committee, it can be referred indefinitely? It's the same effect and yet it's perfectly valid to refer back to committee. Now, if we were discussing an intricate amendment, just introduced in the House at this stage, it's certainly perfectly proper for members of the House to want to find out from the department concerned what the effect of such an amendment would be. Now, isn't it then perfectly proper to request that the Minister responsible be available for questioning? And Mr. Chairman, I can tell you that the Minister is available because the Minister is presently in her office in these buildings, so she's within easy call. There is no problem for the government to ask the Minister to be present. The point is that the government doesn't want the Minister to be present.

MR. LYON: Mr. Chairman made an order which is not debatable - or a ruling.

MR. CHAIRMAN: I have ruled that the amendment is out of order.

MR. WEIR: . . . Mr. Chairman, the amendment that is before us, I think that I would like to say a word, because the amendment suggests to me a change in the powers of the City of Brandon that wasn't requested by the City of Brandon. It's a Private Member's Bill and therefore we're at liberty to go in any direction that we see fit in this. I might say that if it was going to be supported by the government, that I think the position of the government would be, instead of doing it for the Brandon Charter, it would be made available to all of the municipalities in Manitoba not just to the City of Brandon, and I, for one, am not prepared to support at the moment.

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

MR. MILLER: Mr. Chairman, if I might. The First Minister just said that this is a change of powers to be given to Brandon not requested by Brandon, and implied that if this was going to be done it should be done throughout Manitoba. In Bill 112, we are giving the power to Brandon which is not available to all the other municipalities of Manitoba. We do this in many ways. We passed a bill, through Law Amendments last night with regard to the centennial for the City of Winnipeg, which is not yet available to all the municipalities of Manitoba. There is time and again when this House has made changes and has passed bills which gave powers to individual cities or municipalities throughout Manitoba and they've done it on the request of these municipalities in many cases. We have, on this side of the House, urged the government that legislation in the Municipal Act be made permissive so that municipalities wouldn't have to come running here constantly for these changes, and the government has

(MR. MILLER cont'd.) . . . refused to do this. The government has insisted that municipalities have to come before this Legislature and that this Legislature has to consider each piece of legislation and each bill that comes before it on its merits. Now, what we are doing on this side of the House is looking at it on its merits, and we're following the pattern established by this government, which has denied, in the past, the municipalities the right to do what they thought was best. They've been denied this right, so we on this side of the House are suggesting that we do what is in principle correct here: we give the City of Brandon the right to have these facilities through an internal by-law. This right is granted, time and again, to various municipalities and it is not given across the board to all municipalities of Manitoba.

MR. WEIR: Mr. Chairman . . . speaking at the request of the municipality involved.

MR. HILLHOUSE: Mr. Chairman, this is permissive legislation. They don't have to use it unless they want to.

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

MR. MILLER: Ayes and Nays please, Mr. Chairman.

MR. CHAIRMAN: Call in the members.

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

Yeas, 15; Nays, 25.

MR. CHAIRMAN: I declare the motion lost. (The remainder of Bill No. 51 was read page by page.) Bill be reported.

MR. MOLGAT: Mr. Chairman, I beg to move, that Bill No. 51 be held in the Committee of the Whole House until such time as the Minister of Urban Development and Municipal Affairs be present in the House and available for questioning.

MR. LYON: Same objections, Mr. Chairman; it's out of order because of the rider attached to it.

MR. MOLGAT: Mr. Chairman, I would like the Minister, who's doing all the chattering from his seat, to tell me the section in Beuchesne or anywhere else where this is ruled out of order.

MR. LYON: If my honourable friend's common sense won't tell him that . . .

MR. MOLGAT: . . . cease the chattering and quote some precise statements of the rules, Mr. Chairman, we might listen to him.

MR. CHAIRMAN: I'm afraid that I can't find anything in the rules pertaining directly to the motion as it is written. However, on page 85 of Beuchesne, Citation 93, Section 3. "No control is conceded Ministers over orders in the names of private members, which are governed by the ordinary rules of priority."

MR. MOLGAT: Mr. Chairman, exactly what has that got to do with what we're discussing? In exactly what way is that rule in any way remotely concerned with the motion that's before us?

MR. CHAIRMAN: We're considering here a bill that is introduced into this House by a private member - the Member for Brandon - and I see no reason for entertaining motions that demands that any particular member of the House should be in his or her seat. So on this base I . . .

MR. MOLGAT: Mr. Chairman. If I may, Mr. Chairman, I would ask you to kindly read the rules. This rule has to do with the order in which bills go through the House, and no control is conceded Ministers over orders in the names, but it's not a question of control by the Minister. What the House is asking, if it accepts this amendment, is for an opportunity, before making a final decision on this bill, to get information from the Department concerned. Now surely that's the right of the House to do so, and for the government to sit there and say, "No, this isn't the right of the House," is simply arrogance of the worst order. The government has the responsibility to answer, Mr. Chairman, and there's no rule here says this amendment is not totally in order.

MR. LYON: Mr. Chairman, on a point, just to show the absolute capriciousness of this type of motion, the House could theoretically, when we come to deal with Bill 111-which I think is moved by the Honourable Member for Birtle-Russell - if it were capricious and we're to follow this ill-advised example which my honourable friend is posturing before the House today, say that the House refuses to pass the bill because the honourable member is not here, now that's absolutely ridiculous. My honourable friend would have to admit it's ridiculous. Concurrently, we could refuse to pass the bill sponsored by the Member from St. John's because he

(MR. LYON cont'd.) . . . isn't here, or for some other capricious reason, and the House just does not tolerate that kind of capriciousness and that's why I suggest it's out of order.

MR. MOLGAT: Mr. Chairman, the little dictator from Fort Garry thinks that there shouldn't be this type of capriciousness when it doesn't suit his purposes. I will therefore . . .

MR. CHAIRMAN: Order please.

MR. LYON: Mr. Chairman, on a point of privilege, I wasn't making . . .

MR. CHAIRMAN: I have made the ruling here on this motion. I ruled that the motion is centered around whether a member is or should or should not be in their seats, and I ruled the motion is out of order.

MR. MOLGAT: Mr. Chairman, I challenge your ruling.

MR. CHAIRMAN: Shall the ruling of the Chair be sustained?

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

MR. GREEN: Mr. Chairman, I would move that the Bill be not reported.

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

MR. CHAIRMAN: Bill be reported. (Bill 57 was read and passed.) Bill No. 68, page 1 . . . I didn't hear the honourable member.

MR. GREEN: Mr. Chairman, the speed at which you're going permits me not to turn the bills before you get them.

MR. CHAIRMAN: Bill No. 68, page 1 --passed; page 2 --passed . . .

MR. CAMPBELL: Mr. Chairman, there are some deletions to this bill, I believe, are there? Could we . . .

MR. McLEAN: This is the Companies Act, Bill 68, and there was no . . .

MR. CAMPBELL: Oh I'm sorry. It's 68, is it?

MR. CHAIRMAN: Did I not call 68?

MR. CAMPBELL: I took it as 60 (a).

MR. CHAIRMAN: This is Bill 68, an Act to amend The Companies Act.

MR. CAMPBELL: I beg your pardon, Mr. Chairman. (Bills No. 68 and 69 were each read page by page and passed).

HON. HARRY J. ENNS (Minister of Agriculture and Conservation)(Rockwood-Iberville): Mr. Chairman, I wonder if I may, by leave, introduce or admit to a negligence on my part in not introducing an amendment that I had agreed to at Law Amendments with respect to Bill No. 32, the Agricultural Societies Act. I would ask for leave, Mr. Chairman, whether or not this be provided; it's of a --I can appreciate that we passed it this morning in Committee here, but I had given this understanding, undertaking to both the Honourable Member for Turtle Mountain and to the Committee, it's I believe -- there's no controversial matter contained here and it deals with the matter of allowing the municipalities to more . . .

MR. CHAIRMAN: Has the Minister leave of the Committee to refer back to Bill 32? Proceed.

MR. FROESE: . . . Mr. Chairman, on this point. I wonder in a similar situation if it would be the case of members on this side, whether that would be granted by the government.

MR. CAMPBELL: Mr. Chairman, I think in this case that where the Minister had already given an undertaking that this would be done, that it would be agreeable that we should let him revert back to consideration of 32.

MR. CHAIRMAN: Proceed.

MR. ENNS: Thank you, Mr. Chairman. By leave then, I introduce this motion,

THAT Bill 32, an Act to amend The Agricultural Societies Act be amended by adding thereto immediately after the proposed new subsection (3) of section 43 of The Agricultural Societies Act, as set out in section 4 of the Bill, the following subsection:

(3A) Notwithstanding subsection (3), where any part of the property or assets of a society consists of property transferred to the society by way of gift, on the understanding or condition that the property revert to the donor or to some other person, corporation, or municipality upon the winding up or dissolution of the society, the liquidator shall observe and carry out the understanding or condition.

I have one further motion, Mr. Speaker, pertaining to the same subject. Would it be agreeable that I read them both, or . . .

The following further motion, then, is:

THAT the proposed new subsection (8) of section 43 of The Agricultural Societies Act as set out in Section 4 of Bill 32, an Act to amend The Agricultural Societies Act be repealed and

(MR. ENNS cont'd.)... the following subsection substituted therefor:

(8) If there is a surplus of property, or proceeds thereof, in the hands of the liquidator after paying the expenses of winding up and the claims of the creditors in full as provided in this section, the liquidator shall dispose of, by way of gift, the surplus to the municipality in which the society is located; but if the municipality refused the gift, the liquidator shall, at such time and place and upon such notice and in such manner as the minister may direct, call a meeting of all persons who were members of the society immediately before its dissolution, and the meeting may, by resolution, authorize the liquidator to dispose of, by way of gift, all or part of the surplus to an agricultural society, or any other association or organization approved by the minister and engaged in community service in the area in which the society operated.

MR. FROESE: Mr. Chairman, I have no objection to the first amendment proposed, the first section.

However, on the second one, I think the matter should be reversed and that the members of the society should have first opportunity and the municipality later.

Then, too, on the principle of this whole thing of introducing this amendment at this stage, I do hope that the government will keep this in mind when members of this side of the House might want to do similar things as what is being proposed here by the government.

MR. LYON: I want to make this point awfully clear, Mr. Chairman, that this motion was introduced because the Minister didn't have it with him at the time the Bill was before the Committee. It was a suggestion by one of the members of the Opposition in the Committee. He undertook to look at it; he had the amendment drafted. It's an accommodation, not to the Minister, but an accommodation and an undertaking that he gave. I think those are special circumstances; indeed they're unique circumstances; and I wouldn't give my honourable friend any undertaking at all that this would be regular procedure. If he wants to withdraw his consent, he's privileged to do that, but there are no conditions attached to his giving of consent because we will not accept any conditions, and if he wants to withdraw it the amendment can be brought in next year.

MR. FROESE: Mr. Chairman, on the other hand, he too knows that the Bill was passed on Committee of the Whole.

MR. LYON: If my honourable friend wants to withdraw his consent, we're quite happy.

MR. FROESE: No, I won't . . .

MR. LYON: But we will not accept his consent subject to conditions.

MR. FROESE: I will allow the Bill to be amended on this occasion, but certainly at the same time, as I already pointed out, that the Minister says that this will not be a condition in the future. But at the same time I think they could keep this in mind that they could accommodate the members on this side of the House when situations will arise in the future of this nature.

MR. EDWARD I. DOW (Turtle Mountain): Mr. Chairman, I might suggest to the committee that I brought this motion up in Law Amendments and the Bill was to be reported on the understanding of this amendment. Now it didn't come up this morning, but if the House does not want to give leave I'm prepared to move this amendment in third reading which would mean then the House would have to go back to committee. In my opinion, in talking to the Minister, we thought this might expedite the work of the House by doing it this way, but if the House doesn't want to do it, I'll move it in third reading and let it go back to the House afterwards.

MR. CHAIRMAN: I think I should point out here that we did pass this Bill inadvertently earlier this morning, and after the Bill had passed, Mr. Tallin pointed out that there had been a commitment by the Minister in Law Amendments last night.

MR. LYON: A week or two ago, Mr. Chairman.

MR. CHAIRMAN: Yes, that's right. (The reminder of Bill No. 32 was read section by section and passed). Bill 69. Page 1--

MR. GREEN: We've done Bill 69.

MR. CHAIRMAN: Yes, that's right, I'm sorry. Bills Nos. 77, 78, 83 and 85 were read page by page and passed.) Bill No. 88. Page 1--

MR. FROESE: Mr. Chairman, when Bill 88 was introduced to the House there was really no explanation given, if I recall correctly, and I don't know just all the reasons why we are bringing this in and why we're changing the wording on the various sections that are proposed in the Bill. But I'm just wondering about the by-election that was held earlier this year

(MR. FROESE cont'd.)... and when they had the previous election - was it annulled? I'm not sure if that's the correct term used, but certainly the people involved in the previous election in my opinion still stand condemned because of the way things went, and the Returning Officer in my opinion should not remain that way, that there should be something done to clear him if he is not guilty. If he is guilty, on the other hand, I think we should know what the government has in mind, whether these charges will be pressed or not.

MR. CHAIRMAN: (Bill No. 88 was read page by page and passed). Bill No. 89. Page 1--passed; Page 2--passed; Preamble--passed; Title--passed. Bill be reported? --(Interjection)-- I have no amendment before me.

MR. MOLGAT: There are a number of — Oh no, pardon me, I'm sorry.

MR. CHAIRMAN: (Bills Nos. 89, 90, 91, 99, 54, 65, 40, 55 and 59 were read page by page and passed.) Bill No. 93.

MR. McLEAN: Mr. Chairman, before you proceed with this I would like to report on a matter that I was asked when we were in committee related to the provision in this Bill that no taxes or grants in lieu of taxes are payable to the City of Winnipeg, and I was asked when this arrangement was made.

I can report to the members that by an agreement on the 13th of September, 1965, which dealt with a number of other matters, there is a provision that says that all lands and buildings within the Centennial Centre used for cultural purposes will not be subject to grants by the province in lieu of taxes. That agreement was signed by the Honourable the First Minister in happier days when he was the Minister of Public Works, and was signed on behalf of the City of Winnipeg by the Mayor and the Commissioner of Finance.

MR. CHAIRMAN: (Bills Nos. 93, 94 and 97 were read page by page and passed.) Bill No. 39. Page 1--

MR. EVANS: At some stage I undertook to provide a list of the outstanding capital authority that had not yet been used, and I'd like to lay on the table of the committee and ask the Clerk if he would distribute these to the Party caucuses as would be done with the Returns to the House.

MR. MOLGAT: Mr. Speaker, I wonder if the Minister would indicate what is the total amount?

MR. EVANS: I might add that some of these authorities go back to 1945.

MR. CHAIRMAN: (Bill No. 39 was read page by page and passed.) Bill No. 66 --

MR. EVANS: Mr. Chairman, I think my honourable friend from St. John, who may not be interested in it at this stage, asked me to provide some indication of the total capital borrowings and the total provision made for the Sinking Fund in the respective years, and I would like to have distributed this paper in the same way as the last.

MR. CHAIRMAN: (Bill No. 66 was read page by page and passed.) That completes the bills before us. Committee rise. Call in the Speaker.

MR. LYON: Bills 54 and 65 were done? All the bills on the Order Paper? Just double checking.

MR. CHAIRMAN: Yes, 54 and 65.

MR. LYON: Thank you.

MR. CHAIRMAN: Committee rise. Call in the Speaker. Mr. Speaker, the Committee of the Whole has considered a number of Bills and directed me to report as follows: Bills Nos. 9, 14, 15, 16, 27, 30, 32 as amended, 47, 51, 57, 68, 69, 77, 78, 83, 85, 88, 89, 90, 91, 99, 54, 65, 40, 55, 59, 93, 94, 97, 39 and 66.

IN SESSION

MR. DOUGLAS J. WATT (Arthur): Mr. Speaker, I 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. LYON: . . . third reading of bills now, Mr. Speaker starting with Bill No. 9.

Bills Nos. 9, 14, 15, 16, 27, 30, 32 and 47 were each read a third time and passed.

MR. LISSAMAN presented Bill No. 51, an Act to amend the Brandon Charter and to amend an Act respecting The City of Brandon and to Validate by-law No. 3930 of The City of Brandon, for third reading.

MR. SPEAKER presented the motion.

MR. HILLHOUSE: Mr. Speaker, I wish to move, seconded by the Honourable Member for

(MR. HILLHOUSE cont'd.)... Lakeside, that Bill No. 51 be not now read a third time but read six months hence.

MR. SPEAKER presented the motion.

MR. MOLGAT: Before the motion is put, I would hope that now that the Minister for Municipal Affairs is in her seat that we might get from her, and through her from her department, what are the views regarding the Bill itself. I attempted earlier in committee to get some explanation because I think it is important to the House to know what is the policy of the department regarding this type of Bill. Does her department recommend this Bill as it stands now? Is it the recommendation of the officials in her department? Does she intend to propose changes in the Municipal Act in the future to make this the rule for all municipalities or all jurisdictions affected by it? Exactly where does the department -- what are the department recommendations in this regard?

MRS. FORBES: Mr. Speaker, I regret that I was not in before. I think the honourable members - I hear that there was some comment - the Honourable Members, I think, will realize that I do have people to meet and I try to work it in. I have already tried to accommodate the Honourable Member from Emerson and the Honourable Member for Seven Oaks just now, so I do regret that I was not present here. However, I think that I made myself very clear in my statement in Law Amendments, and as far as I am concerned, I believe that the Premier made himself clear when he mentioned that this was a private Bill and concerned the city of Brandon.

MR. MOLGAT: I wonder if I might ask the Minister a question? Does her department recommend this amendment as it stands? Does the department recommend all sections of this Bill?

MRS. FORBES: Mr. Speaker, again I repeat that I made myself clear in Law Amendments.

MR. MOLGAT: The problem, Mr. Speaker, is that there is no Hansard in Law Amendments and I think it would be good for the House to know now exactly what is the policy of the department of the government in this regard. So if the Minister could make a statement and have it down in the record, I think it would be important for the business of the House.

MR. SPEAKER: The Minister has stated her case and I wonder if we might not proceed with the motion of the Honourable Member for Selkirk.

MR. GREEN: Mr. Speaker, I must have a great misunderstanding of what the Minister said because she has indicated that she has made herself clear, and my understanding of her position and the clarity of it was that she does not agree with this type of legislation, that she disagrees in principle with this type of legislation -- and by the way I agree with her. I think that the Province of Manitoba and the Minister of Municipal Affairs is right in saying that recreation should not be provided on a local improvement basis. I think that she has made herself clear in that position. Having made herself clear, I ask how she can reconcile the government's position in permitting a municipality to do it, because the only basis upon which that type of rationalization can be made is that I, the Minister of Municipal Affairs, being the spokesman for the government in this area, disagree with this, but if any municipality wants it and asks for it, then that will be a private matter within the purview of that municipality which I will not object to.

Now, Mr. Speaker, if this is the case, then does the Minister appreciate my suggestion at least that this is a great departure from the ordinary responsibility of the government with regard to municipal affairs? Could it, for instance, be applied to schools? Could it be applied to other things which are legislated in the Municipal Act, that if a particular municipality feels that the Municipal Act should not apply and makes its wish known through that council, that the Minister would then regard it as a private matter for that municipality not within the purview of her administration to object to? Because, Mr. Speaker, I would suggest that such a position is untenable, and for the very reason that I understood that the Minister has made herself clear that she is against this, that she doesn't feel that recreation should be provided on a local improvement basis, I think that the clarity of that position should find itself into expression in the government's position with regard to this Bill.

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

MR. FROESE: Mr. Speaker, I think the Honourable Member for Inkster made a point and one that I would like to follow up in connection with schools. Would the principle be

(MR. FROESE cont'd.)... followed if private schools wanted to be operated on that basis, that a district would be allowed to support a certain school on a tax basis? I think this is one thing that I would like to know, because if we are going to accept the principle in one area, why not accept it in another? This would certainly help our private schools, or separate schools for that matter, and certainly would be a big asset. If the government is willing to do that, I'd certainly be willing to know and probably do some work in that direction.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. LYON: I think we are speaking on an amendment by the Honourable Member for Selkirk. There is no right to close the debate on such an amendment.

MR. HILLHOUSE: No, I didn't speak.

MR. LYON: When he introduced it he spoke.

MR. HILLHOUSE: I moved the amendment.

MR. LYON: That's right. Well, there's no right to close the debate on it.

MR. SPEAKER: Are you ready for the question? Order please. I wonder if there is anything to be gained from the discussion. I believe the Minister has made her position perfectly clear and I wonder if that's not acceptable to the House. The Honourable Member for St. George.

MR. GUTTORMSON: Mr. Speaker, I would ask that the Minister give an explanation to the House. It has been pointed out that she made an explanation in the Committee of Law Amendments. There are members of this House, and I am one of them that don't belong to Law Amendments, and I wasn't present when she made that statement and I would like to hear the statement she made. I think it's a reasonable request, and I am sure that the House will grant the Minister permission to speak although she has done so already.

MR. SPEAKER: Are you ready for the question?

MR. MOLGAT: I'd be very pleased to give leave for the Minister to make a second statement. There would be no objections from our group whatever in this regard.

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

MR. HILLHOUSE: Yeas and Nays please, Mr. Speaker.

MR. SPEAKER: Call in the Members.

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

YEAS: Messrs. Campbell, Fox, Froese, Green, Guttormson, Harris, Hillhouse, Johnston, Kawchuk, Miller, Molgat, Petursson, Shoemaker, Tanchak, Uskiw, Vielfaure.

NAYS: Messrs. Baizley, Beard, Bjornson, Carroll, Cowan, Craik, Einarson, Enns, Evans, Hamilton, Jeannotte, Johnson, Klym, Lissaman, Lyon, McGregor, McKellar, McKenzie, McLean, Masniuk, Spivak, Stanes, Watt, Weir and Witney and Mrs. Morrison.

MR. CLERK: Yeas, 16; Nays, 26.

MR. SPEAKER: I declare the motion lost. Are you ready for the question on Bill 51?

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

MR. LYON: Mr. Speaker, the hour is past our regular adjournment time. I would move, seconded by the Honourable the Provincial Treasurer, that the House do now adjourn.

MR. SPEAKER presented the motion.

MR. SPEAKER: Order please. Before I put the question, I would remind the honourable gentlemen with the bills that are left that they have their motions before them, and I would ask them in all sincerity to protect them in case they are needed later in the day. It will avoid a lot of confusion if you retain them on your desks.

MR. SPEAKER put the question and after a voice vote declared the motion carried and the House adjourned until 2.30 Friday afternoon.