

THE LEGISLATIVE ASSEMBLY OF MANITOBA

9:30 o'clock, Wednesday, August 5, 1970

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees.

REPORTS BY STANDING COMMITTEES

MR. SPEAKER: Adjourned debate on the proposed motion of the Honourable Member for St. Boniface and the proposed motion of the Honourable Leader of the Official Opposition in amendment thereto. The Honourable House Leader of the Liberal Party.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, in view of the announced intention of the government to make some basic proposals by way of amendment of Bill 56, I would like to give the right to anyone to speak but still like to keep the adjournment.

MR. SPEAKER: Are you ready for the question?

HON. ED. SCHREYER (Premier)(Rossmere): Mr. Speaker, on a point of order, do I understand the honourable gentleman to be asking to have it stood for the meantime?

MR. SPEAKER: Agreed to have it stood?

MR. G. JOHNSTON: Mr. Speaker, with the right of anyone who wishes to speak to do so.

HON. SIDNEY GREEN, Q. C. (Minister of Mines and Natural Resources, Inkster): Mr. Speaker, I just think the honourable member should be aware that it will stand this morning but if he intends to participate in the debate, I take it that he will have to participate this afternoon.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, on the same point of order. Will the government be making a statement if it is stood?

MR. SCHREYER: Mr. Speaker, that is correct. Certainly some time today. As the honourable member knows, each sitting is a separate sitting, etc.

MR. FROESE: Yes, I realize that.

MR. SPEAKER: Agreed that the adjournment stand in the name of the Honourable House Leader of the Liberal Party? (Agreed) Notices of Motion. Introduction of Bills. Orders of the Day. The Honourable Member for Rhineland.

ORAL QUESTION PERIOD

MR. FROESE: Mr. Speaker, before the Orders of the Day are dealt with, I would like to ask the First Minister whether he can report any progress in connection with getting approval for the southern farmers, the farmers in southern Manitoba that were flooded this spring. Is there any relief going to be coming forward for them?

MR. SCHREYER: Well, Mr. Speaker, as the honourable member knows, there have been discussions and negotiations with the government of Canada with respect to the cost-sharing of flood damage compensation and there has been considerable difficulty in coming to agreement with the Federal Government as to the kinds of flooding that would be regarded as the kinds of flooding compensation for which it would be eligible for under the program. I'm not aware of the latest developments there. I do know that the department, the Minister of the Department of Mines and Resources has been looking into this and has been in communication with the appropriate federal authorities. But as the Honourable Member for Rhineland will appreciate, based on past years' experience, there are certain kinds of flood damage that have been deemed as eligible for compensation under the federal-provincial sharing formula. Other kinds of flooding damage has not been accepted for purposes of federal - provincial cost-sharing, and we do not have any final agreement between the two senior levels of government in that respect.

MR. SPEAKER: The Honourable Member for Churchill.

MR. GORDON W. BEARD (Churchill): Thank you, Mr. Speaker. I would like to direct my question, I suppose, to the Minister of Industry and Commerce or the First Minister, in respect to Churchill Port Authority and Mr. Jamieson's announcement of dissolving the National Harbours Board Authority. Could someone give us some information in respect to what we can look forward to in the immediate future?

MR. SCHREYER: Mr. Speaker, as the honourable member knows, the administrative arrangement up to now has been for the Federal Government to administer each of the major ports of Canada under the aegis of the National Harbours Board, and it was because the Port of Churchill was being administered by the National Harbours Board that some felt - and I indicate that I had shared that view - that perhaps the National Harbours Board was not promoting the utilization of the Port of Churchill as much as could be expected, and consequently we began to think in terms of establishing a Port of Churchill promotion authority that would be quite apart from the day to day operation and management of the Port but which would be a group that would be established to promote the Port's use, get more tonnage moving through Churchill. This idea must be put in reserve - must be put aside for the meantime - I say for the meantime because we know now that the Federal Government, the Department of Transport in particular, is considering the disbanding of the National Harbours Board as we now know it and will instead be cooperating with provincial and local government authorities in the establishment of Port management authorities that would be, in large part I suppose, run by local port authorities such as, for example, the Toronto Harbours Commission. The Port of Toronto has been under local type management for many years. If this is what actually evolves in the course of the next twelve months, then it seems to me the case that can be made for a port promotion authority is greatly reduced, because a local group managing the port, or provincial or whatever form it takes, will be more interested in promoting the use of the Port of Churchill than the past arrangement. So we have to just keep it - keep the idea of a promotion authority now in reserve until we have a very clear idea of the Federal Minister of Transport's concept.

MR. BEARD: A subsequent question, Mr. Speaker, then. Since it's an about turn as far as the Federal Transport Department in respect to who operates and who develops the authority, have they indicated that they would be ready to make any funds available for the development authority?

MR. SCHREYER: Well, Mr. Speaker, that is precisely the nub of the question and there has been and will be further communication with the Federal Minister of Transport to see just how they intend to handle the cost arrangements - cost-sharing arrangements - for operating a port authority that is more locally oriented than under the National Harbours Board.

MR. BEARD: Another subsequent question then, Mr. Speaker. I have had considerable communication with the Hudson Bay Route Association and now the Norman Regional Development Authority for Northern Manitoba. There seems to be a fair amount of interest in getting involved in the Churchill Development Authority. Would there be some encouragement to these organizations?

MR. SCHREYER: I can tell my honourable friend that that certainly would be the hope and the inclination because we do have the experience of the Port of Toronto Authority to guide us. The Port of Toronto Authority for years has been other than that of the National Harbours Board. It has been more a locally oriented group and my information is that it has worked very well, so certainly the information would be towards the same kind of arrangements with respect to the Port of Churchill and the involvement of such groups, representative of such groups as the Hudson's Bay Route Association and the Northern Manitoba Development Corporation.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. LEONARD H. CLAYDON (Wolseley): Mr. Speaker, I have a question for the Minister of Transport. There's a report in the newspaper indicating that there's an inspection going on at the border of Vu-Pak trucks carrying bread from Fargo to Winnipeg. I wonder if the Minister would confirm if this is in fact true and what is the purpose of the inspection and to what degree is the inspection being carried out?

HON. JOSEPH P. BOROWSKI (Minister of Transportation)(Thompson): Mr. Speaker, I am not aware of any inspection by our department.

MR. SPEAKER: The Honourable First Minister.

INTRODUCTION OF GUESTS

MR. SCHREYER: Mr. Speaker, I wonder if I might draw your attention, Sir, and through you members of the House, to the presence in the Gallery of the Premier of Alberta and his wife. I know the Premier is sort of on vacation if that seems possible for premiers to be these days. I just thought, whether or not you had been let know, Sir, that we do have a very welcome guest this morning in the person of the genial Premier of the Province of Alberta.

ORAL QUESTION PERIOD (cont'd)

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Thank you, Mr. Speaker. I direct a question to the Honourable the Minister of Mines and Natural Resources. Can the Minister confirm whether or not his Director of Water Control has received an application for a licence to flood Southern Indian Lake?

MR. GREEN: Mr. Speaker, I'm quite sure that no such application has been made.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, I'd redirect the question to the Honourable the First Minister. Can the First Minister confirm or indicate to the House whether or no any further decisions have been made with respect to the Hydro Electric project at Southern Indian Lake?

MR. SCHREYER: Well, Mr. Speaker, I can advise the Honourable Member for Lakeside that a board meeting of Manitoba Hydro was held last Thursday, I believe, and that a form of recommendation will be forthcoming from Manitoba Hydro Board. I have not received it to date. Perhaps the Minister of Finance, who reports for Manitoba Hydro, is in a position to add something further although I suspect that he has received no communication as yet.

HON. SAUL CHERNIACK, Q. C. (Minister of Finance)(St. John's): Mr. Speaker, I must inform members of the House that I've not seen my mail for the last 22 hours. As of yesterday morning, nothing has been received. I hope to get around to checking my mail as soon as possible.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, I would like to direct a question to the Minister of Tourism and Recreation. Since there is still apparently a very large stock pile of Manitoba Centennial licence plates, I wonder whether the Minister might look into the possibility of making these plates available to American tourists and Manitoba residents at a nominal cost.

HON. PETER BURTONIAK (Minister of Tourism & Recreation)(Dauphin): Granted the member has asked that question but I would like to know first of all how many plates are available and maybe the price that the member might have in mind.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. CLAYDON: Mr. Speaker, I'd like to address this question to the Minister of Transport and ask him, did he visit the border point for the purpose of checking on and ordering Vu-Pak trucks carrying bread to be inspected? Did he visit the border point?

MR. BOROWSKI: Mr. Speaker, I see the Member for Wolseley has picked up the same nasty habit as the Member for River Heights about interrogating members in the House. May I say to him that there was a report submitted to me that there was bread brought in illegally into Manitoba. I've asked our Transport Board to check it out; they did check it out and they tell me that whatever was being done illegally has now been legalized. I never visited the border at any time.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, a supplementary question to the question asked of the Minister of Tourism, firstly of the Minister of Tourism and Recreation. Would the Minister consider having the independent insurance agents help them in the distribution of the licence plates that he has on hand? Secondly supplementary question, Mr. Speaker, to the Attorney-General. Could the Attorney-General indicate what illegal practice was being carried out or pursued by the company mentioned by my colleague the Member from Wolseley, Vu-Pak I believe it was, at the border which apparently no longer is being practiced?

HON. AL. MACKLING, Q. C. (Attorney-General)(St. James): Mr. Speaker, I've read fragmentary reports in the news media and I'm not certain as to whether or not there has been an actual contravention of any statute. I really can't inform the honourable member any further than what he's already been advised.

MR. ENNS: Mr. Speaker, the Honourable Minister of Transportation -- (Interjection) -- yes. Yes. The Honourable Minister of Transportation has indicated an illegal action by a company . . .

MR. SPEAKER: Has the honourable member a question?

MR. ENNS: Will the Attorney-General undertake to examine and report to this House precisely what the illegal action was that this company, this Vu-Pak Company here of Winnipeg was engaged in that prompted the Minister of Transportation's search-and-pursue policy or whatever it was.

MR. MACKLING: Mr. Speaker, I can assure the honourable member that any concern of the House is the concern of my department and if it's a matter on which I feel that I must report, I will.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SIDNEY SPIVAK, Q.C. (River Heights): Mr. Speaker, my question is to the First Minister. I wonder whether the First Minister would undertake to inform the Minister of Transportation that a person is innocent until proved guilty.

MR. SCHREYER: Well, Mr. Speaker, that fundamental principle of basic law is well understood by everyone on this side, and I'm surprised, I'm surprised that the Member for River Heights is that uncertain about it that he should feel that it has to be mentioned.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Speaker, in accordance with the Manitoba Hydro Act I've received the annual report for the year ending March 31, 1970, together with a formal letter of transmittal. It's in typewritten form and I am filing it in accordance with the requirements. I'm informed that the printed copy should be available towards the end of the month, at which time I will make certain that the copies are distributed to all members. I am therefore filing the annual report which I have received, together with the letter, the official letter enclosing same.

MR. SPEAKER: The Honourable House Leader of the Liberal Party.

MR. G. JOHNSTON: Mr. Speaker, my question is for the Minister of Transportation. Several times during the session I have enquired of him of the results, if any, of an investigation in the Highways Department at Dauphin. On Friday and on Saturday, in all of the news media there has been reference made to it and there has been interviews by the Minister. My question to the Minister is since he is discussing this publicly in the news media will he report results of his investigation to this House?

MR. BOROWSKI: Yes, Mr. Chairman, I did undertake to inform the House as soon as the report was received. I received the report last Thursday, I believe. I was in the House Friday all day; the Members of the Opposition chose not to ask the question. I didn't want to get up and speak on it for fear it may appear that I am trying to start something. The newspapers asked me, I did make a statement and I'd like to briefly outline what has transpired in the Dauphin situation.

The Attorney-General has had his department lay charges against a former district engineer, Mr. Daniels and an Aide III, Mr. Obie. I have suspended two other individuals; there will possibly be further suspensions and demotions. There will probably be a charge laid against a contractor by the Tax Department for fraud on taxes and also a charge laid by our department for fraud against our department and possibly Water Control. It appears there has been a lot of clock shaking and some machines have been operating with as much as four clocks on them and that means they got paid for four machines while in fact one machine was running.

The road that was "missing", the stories you have read about a road missing, 20 miles of it; the Criminal Investigation Branch has discovered the road and they photographed it. I'm going to be assigning a couple of engineers from our department to study the road and report on it and report to the department. We are told we have to get some opinions from engineers to give us an estimate of what the work should have cost. There has been discussion about the Ministers, the previous Minister of Highways, which is the present Leader of the Opposition, the Member for Lakeside and of course, Mr. McLean, who is a magistrate in Saskatchewan now. I don't know to what extent they were involved; they were Ministers and it seems to me that they knew or should have known what was going on. My only suggestion would be that perhaps the present Leader of the Opposition and the Member for Lakeside should be suspended from the Legislature pending an investigation.

MR. WALTER WEIR (Leader of the Opposition)(Minnedosa): Mr. Speaker, on a point of order, a point of privilege, I might say. I think that unless the Minister has some charges that he wants to lay against me and my colleague, the suggestions of our suspension from this Legislature are completely out of order and I demand a retraction.

Mr. Speaker, while I'm on my feet may I say that there's more in that comment that he made that should be retracted other than that, but I'll let it go for the moment.

MR. BOROWSKI: Mr. Speaker, it just occurred to me I forgot to mention one other thing. In the report there have been questions raised by the witnesses that were questioned

(MR. BOROWSKI cont'd.) and there were charges made publicly by the individual that was responsible for the initiation of the investigation charges of kickback that were made against the previous government. May I also say that this will be dealt with also, of charges of kickback to the Conservative Government.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Yes, on a point of order. The question was asked by the Honourable the House Leader of the Liberal Party; a reply was given in some detail. My point of order is that we should take great care to observe the well-known practice, which is a good one, that matters that are sub judice where charges have been laid and the matter is obviously destined to be going before the courts, not be a subject of further comment in this Assembly. Beyond that, of course, there was another point before you, Sir.

MR. SPIVAK: Mr. Speaker, on a question of privilege. This is the second occasion within a year in which McCarthyism has been used by the Opposition deliberately -- Mr. Speaker, I'm on a point of privilege and I'd like to be in a position to continue . . .

MR. SCHREYER: On a point of privilege. . .

MR. SPIVAK: . . . this is the second time, Mr. Speaker, that I have witnessed in this House McCarthyism being used deliberately on the part of the government. Now, Mr. Speaker . . . I'm on a point of privilege.

MR. SCHREYER: Oh, I'm sorry. You are on a point of privilege now?

MR. SPIVAK: Yes. Mr. Speaker, the Minister of Transportation is not the Attorney-General and the Minister of Transportation's knowledge of law is rather limited.

Mr. Speaker, the Minister of Transportation has an obligation not to attempt to try any individual or any member in this House in a court of public opinion where there is the possibility of a legal charge being laid. Once a legal charge is laid, then we have a procedure under our rule of law which allows the court to make an adjudication on that charge and any representation that the government may feel is justified to prove the case is tried in a court of law in procedures and rules that we have inherited and developed over the years. We have deliberately, Mr. Speaker, allowed this so that we could not use this Chamber as a means to attempt to try and prove one person guilty by saying he is guilty so that the court of public opinion would judge him to be guilty without the opportunity for a fair trial. -- (Interjection) -- Yes, I agree with you. I think the First Minister is correct but the only problem is he didn't tell his Minister of Transportation before he just spoke.

Now, Mr. Speaker, what we have witnessed is probably the greatest breach, the greatest breach of the tradition under which we live. We've had a Minister who has stood up and has indicated that there are going to be some charges laid, he's referred to a report which we do not have tabled in front of us -- and Mr. Speaker, that report better be tabled in front of us, there's been enough reference made to it that we have a right to know what it contains -- because it may very well be that his interpretation of what the report says is not the interpretation that I or someone else may have and I have every right at this point, he having now made the charges, to at least know what that report contains.

Secondly, he's indicated that the Tax Department, which is a federal jurisdiction, is going to lay charges, and I'm not so sure that he knows that or I'm not sure that he's in a position to ensure that that will happen and he has absolutely no right to suggest that. If a charge is laid then he has a perfect right to stand up and say that the charge is laid, but to make a suggestion that it will happen, how does he know? Who is he? And then to make some particular references to Ministers, as he did on television, so he can start to fight the election now, I think is rather ridiculous and is a breach of everything, Mr. Speaker, of everything that we have attempted to do in our society which is to allow a person to be considered innocent until proved guilty and not tried in a court of public opinion. Mr. Speaker, the reference to a kickback goes back again last year to another McCarthy situation. If there is a kickback then charge someone. -- (Interjection) -- Yes, well do it.

But Mr. Speaker, to stand here or to suggest on the outside of this Chamber that such and such has happened without laying the charge, I think is unworthy of his position as Minister, is a reflection on the government and indicates at this point what type they are because of the position that they found themselves in today. Mr. Speaker, in doing this I rise in suggesting that the Leader of the Opposition has asked for the retraction on the part of the Minister of Transportation and I suggest that this is owed to the Leader of the Opposition and to the Member for Lakeside and to the other former Minister whose name he's mentioned because by imputation he has discredited him, and frankly, he has no justification; it is an abuse of his privilege

(MR. SPIVAK cont'd) In this House and he should recognize that what he has done has attempted to try and prove them guilty and in this respect he's become a persecutor and a prosecutor.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, the question was asked as to whether a particular investigation had been completed, whether the report had been received and whether any charges had been made. The latter part was not asked. I think it would clarify to have a

MR. G. JOHNSTON: On a point of order, Mr. Speaker, perhaps I should remind the First Minister I said that because the Minister had made public through the media interviews with respect to an investigation at Dauphin, would he make the report in this House because of that.

MR. SCHREYER: So, Mr. Speaker, it is clear then that the question was asked as to whether the Minister would make the report in this House. It seems to me that it was in order, is in order to reply along the lines of indicating whether or not certain allegations were investigated, whether the investigations were completed, what charges, if any, were laid and how the matter was being proceeded with. I would concede this much to the Honourable Member for River Heights, that going beyond the allegations made during the course of the investigation, going beyond merely indicating what the nature of the charges being filed were, is perhaps improper in the context of procedure here.

Now, I must say that I did not understand the Minister of Transportation to be making any charges, to be making any accusations over and above those -- (Interjection) -- Well, all right. This is the difficulty of the situation because it seems to me that we must have Hansard before us in order to really be satisfied whether or not any charges or accusations were made by the Minister that went beyond those actually filed by the Attorney-General's department and which are therefore sub judice at this time; although I certainly accept the admonishment that it is not in order to get up in this place and give any expression of views on the part of a Minister of the Crown with respect to a matter that is sub judice at the time.

MR. SPEAKER: Order, please. I would ask the Honourable First Minister to comply with the point of privilege raised by the Honourable Leader of the Official Opposition. I do believe that he did go beyond what the question called for.

The Minister of Transportation.

MR. BOROWSKI: Mr. Speaker, would you clarify your statement please?

MR. SPEAKER: I believe that the matter, I believe that the matter of privilege that was raised was quite clear and I would ask the Honourable First Minister to comply therewith.

MR. SCHREYER: Are you directing to me, Sir?

MR. SPEAKER: The Honourable Minister of Transportation.

MR. BOROWSKI: Mr. Speaker, I'm not sure just what you're suggesting.

MR. GREEN: Perhaps I could indicate that the Speaker is referring to the point of privilege raised by the Leader of the Opposition and that point is what he is referring to. If the honourable member wishes to have that recalled to him, perhaps the Leader of the Opposition can recall his point of privilege.

MR. WEIR: Well, Mr. Speaker, seeing as how I've been asked on the point of privilege, it's interesting to note that the person that was concerned wasn't paying any attention. I asked for a retraction. I've asked for a retraction of the statement that was made that Ministers of the day, including myself, the Member for Lakeside and Mr. McLean were involved in and that there should be a suspension of two of us from this Legislature. That didn't appear to mean anything to the First Minister either, but Mr. Speaker, that's what the Minister said, that we should be suspended from this Legislature. Mr. Speaker, as far as I'm concerned, if the Minister has some charges he wants to lay, he'd better start laying them and not start laying charges by standing up on the floor of the House because it's strictly beyond the rules of this Chamber.

MR. BOROWSKI: Mr. Speaker, when the court finds the Leader of the Opposition innocent, I'll be very happy to apologize and withdraw.

MR. SPEAKER: Again, I would ask the Honourable Minister of Transportation to comply with the matter of privilege raised and that the matter proceed.

MR. SCHREYER: Mr. Speaker, if I may respond to the point raised by the Honourable Leader of the Official Opposition. The position of this government, as it would be of any government, may I add, is quite clear; that where a matter comes to the point where charges

(MR. SCHREYER cont'd) are laid and it comes before the courts or is sub judge, then it is entirely improper and out of order and uncalled for to voice any opinion as to the guilt of innocence of the persons involved, but to leave it to the courts to determine; nor is it proper to make any reference to additional parties or persons involved in that same alleged case. Therefore the Honourable the Leader of the Opposition is perfectly in order and within his rights in requesting and demanding that any statement that in any way suggests culpability or involvement is simply out of order and should be retracted.

MR. SPEAKER: Order, please. I believe there was a direction given from the Chair and I do not believe that it is debatable.

MR. BOROWSKI: Mr. Speaker, I answered the question that was asked of me, a question I promised to answer for several months now and if the Opposition doesn't like it they can go to hell.

MR. WEIR: Mr. Speaker, on a point of further privilege, I would suggest to you, Sir, that your options have been closed and your actions are clear.

MR. G. JOHNSTON: Mr. Speaker, on a point of order. On a point of order, the House Leader has a duty to perform now and I believe it is to present a motion to the House.

MR. GILDAS MOLGAT (Ste. Rose): Mr. Speaker, I rise on the questions of the privileges of this House, not just alone the privileges of the members who have been abused. A Minister of the Crown does not have the right to get up and do what this Minister has done this morning. A Minister of the Crown has some clear-cut obligations and certainly he cannot come in this House and impute motives of any kind to anyone; but he did much worse than that this morning, and this is an abuse, Mr. Speaker, of the whole of the House because every member becomes involved and we simply cannot permit a House to operate on that manner.

Mr. Speaker, there is no way out except a clear-cut and complete retraction because the very fact that the statement has been made and will be reported in a sense already puts certain members of this House under a cloud, an unfair cloud. Mr. Speaker, there must be a total retraction or the Member must leave this House.

MR. ENNS: Mr. Speaker, I wonder if I may not add to that point of privilege insofar as my person has been involved. Let me say to you, Mr. Speaker, precisely on the point raised by the Member for Ste. Rose, insofar as that what has happened this morning will be reported, all I can do is at least stand up and hope to receive equal coverage with respect to the media and state my case.

Last fall when the question of kickbacks arose, initiated by the First Minister, and when the First Minister returned, I for one accepted, I for one accepted his explanation that while the use of the term "kickbacks" may have been an indiscretion, it was not an implication by the Premier that he was using it with reference to individual members of the past government of which I . . . Leader of the Opposition or other members were there.

His Minister this morning has used it precisely in the manner that we charged was a McCarthyite tactic last fall. Let me tell you, Mr. Speaker, that I was Minister of Highways for a short time; I was a very busy minister at that time, at the same time . . .

MR. SCHREYER: I rise on a point of privilege.

MR. ENNS: I would like to finish my point of privilege, if I may. I was Minister of Highways at the same time that I was Minister of Agriculture. The present members of the Treasury Bench would be the first ones to admit that they are not aware of every "i" that is dotted or "t" that is crossed in a civil service amounting to some 7,000. Nobody - nobody within the Department of Highways or within the area, the public of Dauphin, ever reported to me of any of the incidences that have been referred to recently by the Minister of Transportation. Now that doesn't suggest to me necessarily that there wasn't some wrongdoing in some areas - that could well be. I'm simply stating the case that a Minister does not always have the opportunity of following, as this Minister apparently has, every highway truck or every highway engineer to see whether every load of gravel gets placed in the right place.

I just want to make the record very clear that the matter was never reported to me, that I was not aware of it, and that unless the Minister of Transportation tables that report which would indicate precisely where and on what occasions it was brought to my attention, that he can make a liar out of me, then his call for suspension from this Chamber I take very seriously. In fact, Mr. Speaker, I rather suspect that simply a retraction at this point, or indeed even a naming of the particular Minister or member involved, will hardly satisfy me. I think we want to deal with the report - now.

(MR. ENNS cont'd.)

I think the report obviously is completed. He has indicated that the report is in the hands of the Attorney-General, the charges are being drawn up. Now there are a few things that I should at least be able to know, and if among other things I'm facing an election, I'd like to also know whether I'm facing a court case, and if so for what reason, and I haven't thought this out all that seriously and I'll be consulting with my colleagues but I rather suspect that I may voluntarily wish to suspend myself from this Chamber until that report is tabled, until we can see what the report contains, because from the reports that were made in the newspapers there was a whole listing of possible wrongdoings, and right alongside of it the fact that there was no proof or there was no evidence. It was innuendo on innuendo and if that's what we heard and if that's what it contains, then Mr. Speaker, we have a very serious situation here indeed. But I did want to take the occasion that the morning offered me. Mr. Speaker, to indicate to you in the most clear and precise terms that I had at no time any knowledge of what the Minister was speaking about this morning.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I would like to take advantage of this opportunity to speak to the point of privilege. I believe I understood the Member for Lakeside correctly when he -- as I understood him he was making a distinction as to the connotation or sense with which I made use of the word "kickback" last year, and I don't know why he raises it at this particular time, except since he has I don't mind re-confirming to him, and if he will read Hansard he will see, that I was using the term in the sense that it's connoted that there was a returning of a certain amount of funds to the political party in power at the time, and I went further to say that this was a practice that had considerable general application over the years in our country and different provinces. I did not relate it to any particular minister, and I think my honourable friend will realize that this was so. What is before us at this time is considerably different, and I simply must take the position that it is not in order to make reference, in this House, to persons who are being charged pursuant to an investigation and it is not in order to make reference to persons who may be charged pursuant to an investigation or who may not; the point is that once a given subject matter goes before the courts sub judice it is just not proper in any way at all to make reference to the nature of the investigation or charges and to make reference to it in this House. I take that position and I want honourable members to know that, and in conclusion, may I say that any investigation report that has been made in the normal course of the administration of justice doesn't lend itself to tabling in this House.

MR. ENNS: It does now.

MR. SCHREYER: My honourable friends will appreciate that this is not the way in which

.
A MEMBER: We appreciate it - what about him?

MR. SCHREYER: Well, I'm trying to get some understanding of the matter on both sides. It seems to me that in the administration of justice, an investigation report is something that is made available to the courts and those who have to adjudicate, and it is not tabled in the Assembly, and any statements that are made pursuant to that report that are made in this Assembly must be retracted. I can see no other course of action.

MR. WEIR: Well, Mr. Speaker, as I said before, I rise for a final time and as far as I am concerned, Sir, your obligations and those of the First Minister are clear within the rules.

MR. SPEAKER: The House Leader

MR. FROESE: Mr. well, I have a reason to -- (Interjections) --

MR. WEIR: Mr. Speaker, I have some privileges in this House. I have some privileges in this House and I'm not about to sit around while the Minister of Transportation is thought about from all sides, because retraction under those terms is no retraction at all, Sir, is no retraction at all. And may I say with all the keffuffle that's gone on, a retraction now would mean very little by the Minister of Transportation, and I say, Sir, that you have an obligation without further delay or further pussyfooting around.

MR. BOROWSKI: Could the Leader of the Opposition indicate what he would like me to retract?

MR. GREEN: Mr. Speaker, this question arose a few moments ago. I asked the Leader of the Opposition to indicate -- my recollection is, I believe I heard it correctly, that the Leader of the Opposition wants the Minister of Transportation to retract those remarks

(MR. GREEN cont'd.) which -- (Interjection) -- Yes, I believe that the Leader of the Opposition asked for a retraction, the Speaker confirmed that a retraction should be forthcoming. I am not trying to confuse the issue. I'm sorry if I . . . Well, Mr. Speaker, I am trying to repeat for the honourable member that the Leader of the Opposition requested, and the Speaker confirmed, that he retract those remarks referring to two former Ministers of the previous administration who are now sitting in this House, who it was suggested be suspended from the House pending investigation of their activities concerning the activities in the report he mentioned. That was my recollection.

MR. BOROWSKI: Mr. Speaker, if that is what he wants me to retract, then that's the part I certainly will retract.

MR. WEIR: Mr. Speaker, it goes further than that. It goes further than that. Even the First Minister has indicated the extent to which the Minister's remarks were out of order. Well in terms of my -- well in terms of a retraction I want a retraction of all those things that are out of order. I want a retraction of all those things that are out of order because it's the privilege of the House. Well if we have to identify them all again, you've done it about three times, Mr. First Minister, through you Mr. Speaker, and if it has to be done again, I'm -- it's just beyond me, because as far as I'm concerned we live within the rules of the House and it doesn't matter which side it's on, we have to do that, and as far as I'm concerned anything that goes beyond the definition, I accept the definition for the most part that the First Minister has given. The extent to which the answer should have gone is really the only thing that should be left on the record of this House. While I can say that the First Minister has retracted, Mr. Speaker, his reference to me and my colleague, he has still left an imputation against the former Minister Mr. McLean, and I've got no intention of allowing that to stand on the record of this House either, any more than some of the other things that he said.

MR. SCHREYER: Mr. Speaker, I rise not to argue, not to debate this particular point with the Honourable the Leader of the Opposition. The question was asked as to the nature of the investigation, or rather whether the report would be tabled here, and in the course of replying to that question the Minister of Transportation made references going beyond the question, made references to views as to whether or not certain persons were in some way involved or knowledgeable or implicated in the subject matter of the investigation. The Honourable the Leader of the Opposition objected to that and demanded a retraction which he has now received. I would suggest to him that the retraction applies to all of the expression of view with respect to persons in this House that were somehow knowledgeable, allegedly knowledgeable or involved in the subject matter of this investigation. So I think that what the Honourable Leader of the Opposition has demanded be retracted has been retracted; certainly with respect to the Honourable the Leader of the Opposition and the Member for Lakeside it has been retracted. There is a third person involved who is not in this Assembly but I'm not clear that there was any expression of view by the Minister of Transportation as to his alleged innocence or involvement. There does remain this point to clear up, I admit, but once that is cleared up then I suggest that the requirements of the House would have been met.

And may I say again and may I say it with all the emphasis I can muster, that it is a long-standing, well-respected and important procedure and rule of this Assembly that comment by legislators in this Assembly with respect to a subject that is a matter of investigation in the course of the administration of justice, that is sub justice, it is just simply not to be tolerated.

MR. SPEAKER: Well I would hope that the honourable members would accept the retraction offered by the Minister of Transportation together. . . Order please -- coupled with the explanation thereof and further elaboration by the Honourable the First Minister. I believe that it is a rule of the House that one member could offer an apology or retraction on behalf of another.

MR. WEIR: No Mr. Speaker, I'm not prepared to accept it because the qualification must come from the Minister himself and not from the First Minister. The First Minister has no right to extend the retraction on behalf of the Minister of Transportation. It would have to be, in my view, extended by the Minister of Transportation himself.

MR. SPEAKER: The Honourable Minister of Transportation.

MR. BOROWSKI: The Leader of the Opposition is concerned about the statement I made about a colleague of his who is not here. I believe what I said was that he was involved, and when I said he was involved, that he knew what was going on or should have known, and of

(MR. BOROWSKI cont'd.) course there is no question about that. -- (Interjection) -- Well just a minute. I did not say that he was guilty of misusing public funds. I said that he knew, or should have known, and I stand by that statement, and that doesn't find him guilty at all. He will be called no doubt to clear his name in court and I expect that he will do it.

-- (Interjections) --

MR. SPEAKER: I must -- order, please. I must say to the Honourable Minister of Transportation that I have grave doubts as to the propriety of that type of statement at this particular time. The Honourable Member for River Heights.

MR. SPIVAK: Well Mr. Speaker, on the point of privilege. Mr. Speaker, this is a rather sad day for Manitoba, because I say this to you, for this reason, Mr. Speaker, that for the -- and there's an attempt on the part of the First Minister to diffuse the issue, but notwithstanding that, notwithstanding that, Mr. Speaker, -- (Interjection) -- It's a point of privilege, Mr. Speaker.

MR. SCHREYER: Well I rise on a point of parliamentary privilege, just to ask you, Sir, just to ask you, Sir, that if the honourable member is rising on a point of privilege that he should attempt to state the substance of the point of privilege rather than commenting generally.

MR. SPIVAK: I intend to, Mr. Speaker. I believe it is an attempt to diffuse the issue, and I think the First Minister has attempted that, but I must say to the government benches that I believe that you should have risen above your partisan position because I believe what has happened has lowered the level of debate and proceedings in this House to a low that I think is intolerable. Regardless of what the political consequences may be in the next 45 days or 35 days, regardless of what happens, to have had this situation develop and to have allowed it to continue without in any way indicating to the Minister of Transportation his very serious position, I think is a very sad day, and I say that quite honestly. If we are going to be lowered to the level of the mediocrity that has now taken place in this debate, then, you know, where do we go next? How low are we going to get?

Now the Minister of Transportation just stood up and said he either knew or he should have known. Well, Mr. Speaker, there is a big difference between the charge that someone knew and the charge that someone should know. -- (Interjection) -- Well that's what he said. He said he knew or he should have known, and there's a big difference, Mr. Speaker, between that allegation of knowing or he should have known. -- (Interjection) -- Well, that's not a charge in the legal sense but that's a charge in a political sense which is exactly what he did. And, Mr. Speaker, I must say to you that I am one who respects the intelligence of the Minister of Transportation, and he's one who knows what he does and he's one who knows what he says and he's quite aware of the consequences of what he has done. And he's really not prepared to retract; he's prepared to maybe pull back a little bit if it'll mean that the others can save face and we can get over on the next round of business. But he really isn't prepared and he's not prepared to retract, and Mr. Speaker, this is apparent by his last remarks and I suggest to you that his original charges, as he has made them, still stand in his mind and that they are unworthy of being expressed in this House.

MR. SPEAKER: Order please. I'm sure the honourable member will agree that the retraction that has been offered by the Honourable Minister of Transportation should be accepted at its face value.

MR. SPIVAK: Mr. Speaker, I'm just suggesting to you that the retraction is no retraction. He has not retracted, Mr. Speaker.

MR. FROESE: Mr. Speaker, on a point of order, I think the Honourable Minister in making the statement, and I would quote, "that the members could go to Hell", I think this is unparliamentary; it's very derogatory; it's completely uncalled for and I think it should be retracted as well.

MR. DOERN: On a point of order, it would seem to me that we could sit here forever and never entirely resolve this question to the satisfaction of certain members of the House -- and I agree that there is a problem and that the honourable -- (Interjection) -- Mr. Speaker, the Leader of the Official Opposition outlined certain parts of the statement of the Minister of Transportation and he asked that they be withdrawn, and I think that the Minister of Transportation retracted that part of the statement. The exact line of demarcation, the feeling as to the true intensity and the sincerity of the statement, all these questions can never be fully resolved to the satisfaction of all members of this House. I think the Leader of the Official

(MR. DOERN cont'd.) Opposition asked for something and I think he was given it by the Minister of Transportation. I think that although this will not entirely satisfy the members of the Opposition, I think they should accept it because we have some important work to continue here and we'll sit here forever if we wait to meet the fine points of the members of the Opposition.

MR. SPEAKER: The Honourable Minister of Transportation.

MR. BOROWSKI: May I just say something about the word "hell" that was used here. We were called Nazis and Communists and Fascists and I was saluted by the Member for Fort Garry in this House with a Nazi salute. I didn't hear anybody on that side complaining

MR. BUD SHERMAN (Fort Garry): Mr. Speaker, on a point of privilege . . .

MR. BOROWSKI: . . . and they're complaining because I used the word "hell", which he has himself used and which other members of the House use.

MR. SHERMAN: Mr. Speaker, on a point of privilege, I want a retraction of that allegation that he was saluted by -- the Minister of Transportation has just said that he was saluted in this House by the Member for Fort Garry with a Nazi salute. I want a complete retraction of that statement which is an outright untruth, Mr. Speaker.

MR. BOROWSKI: It's unfortunate that the raising of a hand can not be recorded in Hansard. The fact is that he did raise his hand in a Nazi salute.

MR. SHERMAN: Mr. Speaker, this is intolerable, that the Minister of Transportation should lay such an allegation; would lay such an allegation at my door - and I don't wish to get into personal questions and personal records - but either at my door or at the door of any member of my family, Mr. Speaker, and I won't be able to sit in the same Chamber as the Minister without a complete retraction of that statement. That is the most ugly allegation that has ever been made against me or any member of my family.

MR. SCHREYER: Mr. Speaker, if you require any more guidance on the point of order before us, let me say first with respect to the exchange that has just taken place between the Minister of Transportation and the Honourable the Member for Fort Garry, that I am not personally aware of any so-called salute that he is alleged to have made. I can tell him this, that there are at least two of my colleagues who know that that was done by someone who sits very close to him at this moment. I don't know that that's relevant to this debate, it took place in the Standing Committee and -- (Interjection) -- and furthermore, the objection that was being raised by the Minister of Transportation as to the kind of reaction that we had from the Member from Fort Garry in recent weeks was so intemperate as to be unfair, and perhaps he was referring to the muffled jackboots - and that's recorded in Hansard, let there be no mistake about that. I'm not sure that any retraction is necessary on either side. There was a strong feeling of view obviously on the part of the Honourable Member for Fort Garry and he expressed it in that way, but in a way that was highly - highly offensive to those of us on this side.

But is that anything new in the parliamentary system? Because my honourable colleague, or my honourable friend the Member from Fort Garry should know as well as anyone here the extent to which passions can be aroused in a legislative or parliamentary body. He sat through the debates which took place in the House of Commons as I did in early 1966 and he will know to what extent the passions can be inflamed in a forum such as this. Therefore, I don't think that it's called for to ask for retractions with respect to certain inflammatory words or passages that persons may use.

But what is before us is a completely valid point of privilege raised by the Honourable Leader of the Opposition which I understood had been settled, if not completely at least in large part, in the sense that the Minister of Transportation did retract that part referring to the two honourable members opposite. I went beyond that to say that this was a parliamentary practice and requirement, that I simply will not tolerate any deviation from, on the part of my colleagues, matters that are sub judice and in the course of investigation under the administration of justice, that there be no expression of opinion or views on the part of a member or Minister of the Crown in this Assembly. I don't know what more the Honourable Leader of the Opposition wants unless he is referring to a third person . . .

MR. ENNS: On a point of privilege, am I being investigated at this time? Am I being -- I cannot accept the First Minister's explanations, as nice as they sound. They sound very nice and parliamentary about the concept of subjects that are under sub judice or whatever -

(MR. ENNS cont'd.) and I'm not a lawyer and I should have my lawyer speak for me, - but the implication becomes clearer and clearer all the time that I am now under investigation, and if I am under investigation I want to know about it and I want to know about it now.

MR. SCHREYER: . . . the interruption in the course of my statement on the point of order, let me digress then to answer the honourable member's question, that there is no such investigation of him. I am not aware of it, never been advised of it, and if by any chance whatsoever, by whatever odd one out of 1,000 or 1 million that were so, I would want to know immediately and I would advise my honourable friend of that as well at the same time. I do not believe that this is involved at all.

MR. WEIR: Mr. Speaker, on the matter of privilege, the First Minister has wondered what I wanted. Well, Mr. Speaker, I had indicated what I wanted in terms of it earlier, and when I asked for the Minister of Transportation to expand himself on the explanation that the First Minister had made, the Minister himself stood up and opened the whole question again. He didn't do anything to close it. He repeated the charges and told the members of the House to go to hell. Now the First Minister can say all he likes, Mr. Speaker, that his Ministers will not talk about something that is sub judice, but his Minister has done it, after the First Minister had said that he shouldn't do it - three times the First Minister has said it at least - and notwithstanding that, the Minister of Transportation stood up in his place in the House and did it again and told members on this side to go to hell. Now, Mr. Speaker, I don't know how much members on this side of the House be expected to take before the Chair asserts its authority, before action is taken in terms of a matter of privilege of this kind. We've been debating for much longer, much longer than the rules of our House would dictate that we should.

MR. SCHREYER: Mr. Speaker, just one point then following on what the Honourable the Leader of the Opposition has just said. There has been a retraction by the Minister with respect to his reference to members opposite. Now if the Leader of the Opposition would care to indicate, to specify what particular other words or other reference he wishes a retraction, then of course we can get down to it, to understand just what he means, but the Honourable Leader of the Opposition has not indicated what additional reference or words are offensive in addition to those that were retracted already.

MR. WEIR: Well, Mr. Speaker, I'm surprised that I need to go through the exercise again. Certainly I think all matters that are sub judice would qualify within the terms, in just a narrow definition, and certainly any reflection on the former Minister, Mr. McLean, because he's the only other person that was mentioned by name in terms of the further discussion - and I presume only and it was a case where charges have been laid - the only other person's name that was mentioned was that of Mr. Daniels, the former District Engineer, but in those terms that's the only other person that was mentioned by name. But, Mr. Speaker, as a matter of precedent of this House, I would suggest that any matters that have been sub judice, would normally be sub judice, would be retracted by the Minister, because if they're not - if they're not, Sir, I would suggest that I have a right and other members of the House would have a right to speak about matters that are sub judice within the House. This is really what the rules are based on, this is why we challenge them when these things happen, because if they're allowed once they can be allowed to continue.

MR. SCHREYER: May I suggest this to the Honourable the Leader of the Opposition, that on as fundamental a point as a statement being made here on a matter that is sub judice, that I have already said that it is simply not in keeping with the practices and rules of this House and I have indicated as Leader of this government that there is a retraction complete in that respect because it is simply the kind of practice that cannot be acceptable. So I say that it is retracted, the entire reference in this Assembly to a matter that is sub judice. Now surely that should suffice my honourable friend.

MR. WEIR: Mr. Speaker, I must say that it does not suffice because the man that made the statement is the man that must retract. I am not satisfied with the retraction of the First Minister in terms of his government, particularly - particularly when the Minister reopens the question again after the First Minister had retracted in that forum. In other words, the charge has been repeated notwithstanding that - or a part of the charge. So, Mr. Speaker, there is only one place that the retraction can come from and be satisfactory.

MR. SPEAKER: The point of privilege has been made sufficiently clear by the Leader of the Official Opposition and I believe that we've spent sufficient time on this matter this

(MR. SPEAKER cont'd.) . . . morning, and I would ask the Honourable Minister of Transportation to -- I'm certain that I need not give him a lesson in what to do, as to how to conduct himself in a manner and bring this thing to an end.

MR. BOROWSKI: Mr. Chairman, I'm not a lawyer and I'm not familiar with the procedure that's followed, but I remember distinctly when the South Indian Lake issue was before the court it was debated in this House by all sides. May I also bring up another point and let the members decide . . .

MR. SPEAKER: May I remind the Honourable Minister that this is not an opportunity for debate on a variety of issues. I've asked the Honourable Minister to comply with the request for retraction that was made and I would appreciate the matter being brought to an end and let us proceed with the Order Paper.

MR. BOROWSKI: If they can speak I can speak.

MR. MOLGAT: Mr. Speaker, I submit that the House Leader has no alternative under this circumstance but to protect the members of this House. The members can not permit this sort of performance to continue, otherwise what rights do private members have in this House? We can be abused, insulted, accused, and there's no means of defence. Mr. Speaker, the House Leader must act.

MR. GREEN: Mr. Speaker, in view of the fact that I'm being called upon to act - and I did rise to my feet shortly before you made your request to the honourable member - and there is nothing thus far that has happened which by the rules requires me to act, but I know my responsibility. I just feel that there may be a misunderstanding and I ask the honourable members to -- (Interjection) -- Well, Mr. Speaker, in view of the fact that I have the responsibility in this regard, I hope that I will be heard out for one minute, that the Honourable Leader of the Opposition asked for a retraction of certain matters. He repeated it and then I, in order to make perfectly clear what was being asked to be retracted, stated what I thought he wanted to be retracted. He indicated assent to what I had said and then the Minister retracted.

Now the honourable member now has a different suggestion and that's -- (Interjection) -- no, I don't say that the honourable member is shifting ground, don't misunderstand me, I just asked to be heard out. The honourable member now says that much of what the Minister of Transportation said was out of order and he wants the out of order parts retracted, and Mr. Speaker, I think that on that score it is not a precedent in this House nor have I ever heard it before - not that I disagree with his remarks that out of order remarks are retracted, I think that the Speaker merely declares them to be out of order. There's a difference between making remarks which impugn upon the integrity or otherwise of members or which are points of privilege which deal with members being suggested to have been . . .

MR. MOLGAT: . . . privilege of the House.

MR. GREEN: Well, Mr. Speaker . . .

MR. MOLGAT: I understood, Mr. Speaker, that you asked the honourable member to withdraw. That was your decision, Mr. Speaker. The House Leader is debating your decision. What is the control of this House? What protection do private members have, Mr. Speaker? You made a decision; the House Leader is debating your decision now.

MR. GREEN: Mr. Speaker, I'm not debating your decision. The decision that the Speaker must make before any -- (Interjection) -- well, Mr. Speaker, let the Honourable Member for Ste. Rose sit and I urge him, because he is a parliamentarian, I urge him to listen for one second. The Speaker in order to call upon the House Leader to exercise responsibility must name an honourable member. That has not been done. I have requested the privilege of this House before that has been done, and since I have the responsibility and my honourable friend has pointed it out to me, to indicate that what the honourable Leader of the Opposition is saying and what he said on several occasions is that all of the words that were out of order should be retracted. Now do honourable members in this Assembly really agree that out of order words are words that must be retracted? I am suggesting that out of order words - and I respect the honourable member's right to ask for a ruling as to whether the words were or were not out of order - the Speaker then rules that they were out of order and they are then taken to be out of order, and if that is what the Leader of the Opposition says has to be done, then I urge upon you, Mr. Speaker, to consider whether that is not the appropriate way of dealing with out of order words, because if everybody had to withdraw out of order words we would never have the end of that. And Mr. Speaker, I respect what the

(MR. GREEN cont'd.) Honourable the Leader of the Opposition is saying. I'm saying that he said the words are out of order, he claims the retraction of out of order words, and all I'm saying is that the appropriate action for out of order words is for the Speaker to declare them out of order.

MR. WEIR: Mr. Speaker, I know that you've ruled discussion of this matter out, but the House Leader having taken part I think I just want 30 seconds to say that my use of the words "sub judice" was a simple means, without going into detailed words, really for . . . of the Minister of Transportation.

My real concern is the areas in which people named were involved, because that is the greatest part and it involves all of the places where, in my view, people's names weren't really required in context of the question that was answered, or was asked and then answered, in any way, shape or form. The use of "sub judice" was a convenient means of covering it without being explicit in terms of words, but Mr. Speaker, as far as I'm concerned, I think the intent has been clear all along.

MR. GREEN: Well then, Mr. Speaker, may I again - because I did this before and possibly it had some results - may I ask whether the honourable member wishes the Minister of Transportation not to retract his out of order words but to retract those words that related to a member of his administration and which related to individuals, and merely to retract that part of his address?

MR. WEIR: Mr. Speaker, certainly all of that, including any reference to kickbacks or where anything that may very well have been contained within the statement. It wasn't a short thing that could be taken down.

MR. GREEN: Then, Mr. Speaker, may we have it again clarified, that the honourable member wishes the Minister of Transportation to retract those words which related to a previous member of his administration, which gave names of people who were charged and which related to kickbacks, and if that retraction were given, can we then proceed with the business of the House?

MR. WARNER H. JORGENSEN (Morris): Mr. Speaker, I think the First Minister pretty clearly defined the whole context in which the remarks are being asked to be retracted. He stated quite clearly that when a matter is sub judice that there is no call upon any Minister of this Crown to make any statement, even in reply to a question. The Minister's answer to that question should have been, "Since charges are intended to be laid, I don't intend to make any statement at this time" and anything that he said beyond that, should be retracted because it's not just a question of being out of order; it's a question of a breach of the privileges of the members of this House that we're complaining about, not a question of just being out of order.

MR. SPEAKER: May I repeat again to the Honourable Minister of Transportation I believe the point has been made sufficiently clear by members of both sides of the House and I would ask him to govern himself accordingly.

MR. SCHREYER: Mr. Speaker, the irony is that -- (Interjection) --

MR. SPEAKER: I would ask the Honourable Minister of Transportation to govern himself accordingly.

MR. SCHREYER: . . . point of order, and it's a suggestion that might be acceptable to most if not all, including yourself -- (Interjection) -- On a point of order I'm speaking, that in view of the circumstances . . .

MR. WEIR: Mr. Speaker, under the circumstances I don't think a point of order -- this is the same as with the bells ringing in the House; a decision has been made. I'm assuming -- everybody else, I think, was cut off.

MR. SCHREYER: I wasn't speaking on anything having to do with the Speaker's decision or as he has stated it thus far. My point of order was merely to rise to suggest to Mr. Speaker that if he regarded it as in any way helpful we should consider the advisability of perhaps recessing for half an hour.

SOME MEMBERS: No. No.

HON. SAMUEL USKIW (Minister of Agriculture)(Lac du Bonnet): Mr. Speaker, if I may rise on a point of order?

MR. SPEAKER: Order. Order please. I do not believe there is a point of order at this time. I would ask Mr. Borowski to comply with the request made of him.

MR. GREEN: Mr. Speaker, I wish to first of all make clear that I am acting in accordance with the Rule 14 (1) of the House which gives me no alternative and which requires certain

(MR. GREEN cont'd) . . . measures to be taken by me, and that on these measures I have no discretion whatsoever; that it is not a matter of a personal choice, it is a matter of my responsibility as the House Leader. Mr. Speaker, with those few words I would move, seconded by the Honourable the Minister for Cultural Affairs, that the honourable member be suspended from the service of the House for the remainder of this sitting.

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

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I would like to address a question to the Honourable the Minister of Agriculture. In view of the prairies facing an already operating cash shortage, and according to reports this will accelerate before the end of the year, could he give us any reason why the Wheat Board would be reducing the price of durum . . .

MR. SPEAKER: Order please. May I ask the ladies and gentlemen in the gallery for their cooperation. At this point business is proceeding and it's very difficult for honourable members to make themselves heard. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, the question is to the Honourable the Minister of Agriculture. In view of the prairies already facing an operating cash shortage and according to press reports this will be accelerating further before the year-end, could he tell us why the Wheat Board would be reducing the price of durum wheat when the production in the States is already down by 60 percent?

MR. USKIW: Mr. Speaker, I'm not aware that that is the situation but if it is I will undertake to look into the matter.

MR. FROESE: On the question of cash shortages, is the government planning any programs or any action to alleviate the cash shortage on farms?

MR. USKIW: Mr. Speaker, we have had a number of discussions about the whole agricultural situation ongoing for some time with the Government of Canada. We will be meeting again in the very near future and I hope to pursue that particular question.

MR. SPEAKER: Orders of the Day. The Honourable House Leader.

ORDERS OF THE DAY

MR. GREEN: Mr. Speaker, will you call Bill No. 87 for Third Reading.

MR. SPEAKER: Bill No. 87. The Honourable Member for Kildonan.

BILL No. 87 was read a third time and passed.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable Minister for Cultural Affairs, that Mr. Speaker do now leave the Chair and the House resolve itself into Committee of the Whole to consider the following Bill, Bill No. 134.

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

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, the First Minister is proceeding on this Bill. He is just out of the Chamber for a moment. He is being called. If there are members who wish to speak, they may proceed.

MR. CHAIRMAN: We're also waiting for the legal counsel. Would it be agreeable to pause a moment, for honourable members? (Agreed)

The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, I might advise you that with respect to Bill 134, which was before us the last sitting day and which we are taking up now, that amendments that were tentatively put forward by certain members, the Member for Ste. Rose, the Member for Fort Garry, the Member for Osborne, have been typed up and are available by way of separate copy for each member and can be distributed, and I think we should agree to proceed with the arrangement agreed to last sitting day, that is, to proceed with clause by clause, coming back then to the clauses where certain amendments have simply been tentatively put forward and the clause has been held over. So perhaps, Sir, you could start at that clause where we left off last day.

MR. CHAIRMAN: We're at the stage of Section 4 of the Bill - 62(6)(b). The Honourable Member for River Heights.

MR. SPIVAK: At the conclusion of this debate, the reference to the fact . . . been corrected, Section 4 - I have the Act here . . .

MR. CHAIRMAN: I would ask the members to pay attention. The debate is now resumed.

MR. SPIVAK: You're talking about subsection (d), is that right?

MR. CHAIRMAN: I'm talking about Section 4, subsection 62(6)(b). Is the honourable member talking about (d)?

MR. SPIVAK: I'm sorry.

MR. CHAIRMAN: I'll just proceed to that point. Section 4 - 62(6) . . .

MR. SPIVAK: Just on (b), the question "in the electoral division" was to be eliminated. I'm not sure whether the amendment was agreed on at the last time or not; it was to be considered.

MR. SCHREYER: Yes, Mr. Chairman, that is correct. In fact, the Legislative Counsel will be distributing copies now of each of the four amendments that were tentatively put forward last day. The Honourable Member for River Heights will note that one of the four proposed amendments does cover the point that he is raising, that is to delete the words "in the electoral division" - delete those four words and simply substitute the words "the residential address of each candidate" etc. Is that the point he was making?

MR. CHAIRMAN: On the proposed motion of the Honourable Member for Osborne, that clause (b) of the proposed new subsection (6) of Section 62 of the Election Act as set out in Section 4 of Bill 134 be struck out and the following clause be substituted therefor: (b) the residential address of each candidate. Are you ready for the question?

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

MR. CHAIRMAN: Section 62 (6) (c).

MR. SCHREYER: There again, Mr. Chairman, there is an identical, I shouldn't say identical but a similar kind of amendment which proposes to simply delete the last words of line (c) with no substitution, simply deleting the words "in the electoral division" and I believe that that too was proposed by the Member for Osborne.

MR. CHAIRMAN: On the proposed motion of the Honourable Member for Osborne, that clause (c) of the proposed new subsection (6) of Section 62 of the Election Act as set out in Section 4 of Bill 134, be amended by striking out the words "in the electoral division" therein.

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

MR. CHAIRMAN: Section 62 (6)(d) -- passed? The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, this is where we . . . I indicated to the First Minister that with the definition that we now have of "recognized political party," the problem of the name identification I think is real. It may not be considered serious but I think a serious situation could arise, because any group of people who would be able to form under the recognized political party section, I don't have the definition section in front of me, but I think . . . could call themselves whatever they want, and if that's acceptable that's fine, but we could very well, and I just point this out, could have on the ballot a Social Democratic Party, which is fine, but which he may personally be a little bit concerned about, because I think the intent is not to cause confusion here. The intent here is to try and have the recognized political parties identified - and I have no objection to that - and I am wondering whether there shouldn't be some consideration given to this section to be able to prevent what could be an abuse by any number of people who would join to cause confusion on a ballot, rather than to actually form a recognized political party and conduct a campaign accordingly.

MR. SCHREYER: Well Mr. Speaker, the point made by the Honourable Member for River Heights is certainly understood by me. I recognize the problem he is referring to. May I say, however, that it's a matter of judgment which is the greater problem, the possibility of proliferation of groups that will group together for the purposes of electoral campaigning and in that way qualify for having the group name or party name put on the ballot, as would be possible with the passing of this section. One has to weigh that against the other problem which is that of having electoral law that is too restrictive and which militates against the possibility of new groups coming into political action from getting recognition on the ballot. Quite frankly, I am of the distinct view that some of the electoral law in some jurisdictions of this continent - I don't want to name any provinces or states in particular - have requirements, have such requirements for party listing and getting names on the ballot that are so stringent and restrictive that it seems to be working against the basic intent of democracy which is to

(MR. SCHREYER cont'd) let the different groups contend and put their positions forward and have the public aware of their existence and aware of their proposing, so if we must err, I would prefer personally to err on the side of leniency, and if in the light of experience it proves to be something that is being taken advantage of for the sake of nonsense, then it can be remedied. So while I acknowledge the member's suggestion does have some substance to it, I think the problem he puts forward is not likely to be so significant that we should change the basic wording of this section.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Chairman. There is one question that comes to my mind when you deal with this section (1), and this is the responsibility of the voter and the wishes of the voter when he marks his ballot. You will have the name of a candidate plus the name of a political party on the ballot, and it's going to be very difficult to tell whether the voter is voting for the candidate as a person or for the political party whose name is on the ballot. And if in some future time the member that is elected subsequently wants to change his political affiliation to some other recognized party than that which appeared on the ballot when he was elected, does this necessitate that the election procedures that have taken place would have to be cancelled and a new election held? Because it would be very difficult to tell whether the member had been elected as an individual or as a member of a party.

I pose this question quite seriously because I think that there would almost be an obligation for a member who does want to change his political affiliation, to resign and a new election held, just because of the fact that the name of the political party was on the ballot, and I would ask the First Minister if he has considered this seriously when he posed or proposed putting the name of the party on the ballot, and whether it would be legally possible for a member to change his political affiliation without resigning.

MR. CHAIRMAN: The Member for Rhineland.

MR. FROESE: Mr. Chairman, I personally am in favour of designating on the ballot the party the member is trying to be elected for. Certainly we are electing members to this House so that that portion of the ballot takes precedence to the party affiliation. There is no doubt in my mind about this, because we are electing people; we are electing members to this Legislature; and I certainly am for this action. Certainly I'm not ashamed to be identified with a certain political party and I am sure that other members who will be running in the future for the same cause, they should have the right to do so. Certainly it will identify them and people will be sure who the Social Credit or Conservative or NDP candidate may be.

MR. SCHREYER: Mr. Chairman, just to make comment relative to the views expressed by the Honourable Member for Birtle-Russell. He raises the problem of the designation of party that goes on the ballot in the case of someone who has changed his political affiliation at some point between one election and another, and adopts the party designation that, well, is unique, which applies only to himself. May I simply point out to the Honourable Member for Birtle-Russell that this has not, and I don't see how this can cause any significant problem. There is in the riding of Kenora-Rainy River, in the both federal and provincial jurisdictions, members who have for years designated themselves, in one case a Member of Parliament, in another case a member of the Ontario Provincial Parliament, who have always designated themselves and had themselves designated for all official purposes, as Liberal-Labour, unique in that it is the only place in Canada where such a designation has been used by the individual incumbent at both levels of government and recognized as such by the news media and in official documents as well wherever reference is made to the incumbent and his political affiliation. So I really don't see that there is a significant problem here in the case of those individuals, members who may choose to designate themselves in a particular way.

MR. CHAIRMAN: On Section 4, 62 (6) (d)—passed; (e)—passed; Section 4—passed. (Sections 5 to 8 were read and passed, also sections 171 to 177 (2) were read and passed.) 178 (a)—passed — the Honourable Member for Souris-Killarney.

MR. EARL MCKELLAR (Souris-Killarney): Mr. Chairman, on Section 178, I see it's thirty days after the election day they must file statements with the Chief Electoral Officer. I was wondering what the present Act, is that the same as the present Act or is that a change from the present Act?

MR. SCHREYER: Mr. Chairman, I believe that that is a change but I'll have to consult with the Clerk on that. (Interjection) — Yes, I can advise the Honourable Member for Souris-Killarney that the present provision of the Act is 60 days after the official tabulation.

MR. MCKELLAR: Mr. Chairman, I would just like to say a word about that because I think it's very important. I am one of those who, while has not gone through as many elections as some members of the House such as the member for Ste. Rose and the Minister of Labour, but I realize, I think this is too short. I know from personal experience in the rural constituencies, when you travel around, and many of the people, these firms, newspapers and everything, don't submit bills only till the end of every month. Now what happens if an election is such that you can't get these statements and can't get them cleared up? I can see real problems. I don't know whether I can move an amendment but I would like to see thirty days removed and the sixty days replaced back to where the original Act is. That's my personal position. I can see real problems among rural members, maybe city members too.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I wonder if we could have an explanation why the time is shortened. Is there any special reason for this? If there is, I certainly would like to know so that when we do vote on the question that we will be informed. Certainly I have no objection to extending the time to what it was previous or to some other time and not have it unnecessarily shortened.

MR. SCHREYER: Mr. Chairman, the reason for having the 30 day provision in the bill here is one that might not impress honourable members very much. It was thought that by shortening the time it would simply make for more expeditious handling of all of the filing of records and documents that have to be done anyway after an election. It was suggested to me by those who are more involved with electoral machinery than myself - I'm not referring to Mr. Clerk but by other advisors - that the 60-day provision let it just drag on too long and simply caused many members or candidates, previous candidates to simply put it off, put it off and let it slide, and this in itself was undesirable but I can advise honourable members that there is no difficulty really on my part in changing the time period back to 60 days. On reflection I think that it is always better to give a little more time. It may make things a little more difficult for the Chief Electoral Officer's office because he has to wait longer before he receives all of the records and documents, and drags out the time before which he can close the books. However, rather than have prolonged discussion on it, and bearing in mind that the member for Souris-Killarney is right in this sense that sometimes it does take quite a few days, if not weeks, before you do get all the invoices back in and so on, I would move - I think we can do this without further ado - I would move that the word "thirty" in the first line be substituted by the word "sixty".

MR. CHAIRMAN presented the motion.

MR. FROESE: I just wanted to make sure that there's nothing in the Act that would prohibit a session being called and that members could take their seats prior to that, is there? There is nothing that would involve this at all?

MR. SCHREYER: Well, I suppose a lawyer would be a little concerned at this point, having just agreed, as we have, to a change in one clause of the bill, whether there are consequent changes that have to be made elsewhere in the bill now, or as the term goes, you know, *mutatis mutandis*. But if my recollection of the Bill is accurate, I don't think that there are any consequent changes that flow from the change we have just agreed to.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSEN: . . . this bill pretty frequently, but I don't think this amendment would have any effect whatsoever upon the admissibility of a member to this House which is contingent upon simply the return of the election writs, which have nothing to do with the expense statements.

MR. CHAIRMAN: On the proposed motion of the Honourable First Minister that Section 178 of The Election Act be amended by striking out the word "thirty" in the first line and substituting therefor the word "sixty".

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

MR. CHAIRMAN: (Subsections (a) to (d) of Section 178 were read and passed.)
Section 178 - The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Chairman, I want to move an amendment adding a new section to 178, and this is one I mentioned in my comments originally on second reading of the Bill having to do with people who come and work during the course of the campaign. If we are going to list people who make donations, then as a donation can be in kind, I suggested to the House then that we should also include anyone who becomes involved from outside of the

August 5, 1970

4207

(MR. MOLGAT cont'd). . . province particularly. I'm not suggesting we make a list of all the people within the province. So my motion, Mr. Chairman, is that Section 178 of the Bill be amended by adding a new subsection (e) to read as follows: "(e) a detailed list giving the names and addresses and regular occupations of all volunteer workers and all paid workers, whether full-time or part-time, who help during the course of the election and who are not residents of Manitoba."

MR. CHAIRMAN presented the motion.

.continued on next page

MR. CHAIRMAN: The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Chairman, insofar as the exact wording, if the Legislative Counsel has some changes in wording I have no objections whatever. The whole thing, I mentioned in my original comments and I think there was agreement from some of the government members at that time, is that we should put all the information out, and where we ask for donations, with a list of who gave donations - and similarly a donation can be in kind - and so as to be fair to everyone it should be listed in that way.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: There is one point, Mr. Chairman, that requires clarification from the Honourable Member for Ste. Rose, perhaps further justification from him. I have to agree that there is good reason for providing information with respect to donations in kind, if you like, for the services of electoral canvassers who are paid by someone on behalf of the party, because that is purely a donation in kind, but in the amendment proposed there is reference to volunteer workers as well and I'm not sure that a volunteer canvasser or election worker is to be regarded as a donation in kind on the part of someone, except the individual who is volunteering his service. I would have no difficulty in agreeing to this amendment if it were not for the reference to "volunteer" workers. Paid workers - yes, fine.

MR. MOLGAT: Mr. Chairman, please note though that I am referring here purely to people who come from outside the province; I'm not asking for people within the province who become involved in election campaigns - I have no objection. But the difficulty is, and the Minister of Mines and Natural Resources in commenting on my original statement indicated exactly what I was concerned about, when he said he had some people who came from Newfoundland, took their holidays to work for him. Well, where do you draw the line then? Is it holidays or is it time off that either a company is giving or a union is giving or another political party in another province is giving or what have you? How do you determine it? That's the reason that I thought we should include, so that it would be quite clear, anyone who came in from outside the Province of Manitoba. Those are really the only ones I am concerned about and I think we have to put in "volunteer" because otherwise we'd end up in a problem, are they on holidays or are they not on holidays; are they on time off or are they not on time off; what's the setup? So I qualify it specifically to non-residents of Manitoba.

MR. SCHREYER: Mr. Chairman, I don't mind in the least some pioneering with respect to the writing of law and it may well be that when you take that approach you make a few mistakes along the way. I think that the proposal of the Member for Ste. Rose has merit and should be tried. If there is some particular difficulty, an impracticability about it, well, we'll learn through experience and we can consider and discuss and debate changes at some subsequent time.

Therefore, I would suggest that the amendment is acceptable, although I make it clear that if a person is - so it can be incorporated in this section - that if a person is offering his services on a purely volunteer basis it is not calculatable as a donation in kind which is a requirement elsewhere in the Act. I see no conflict, and all in all I think the proposal is worth trying and I indicate support for it at this time.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. BEARD: Mr. Chairman, the First Minister's last few words -- I wonder if I could get the First Minister's attention for just a minute on this. He spoke as if the volunteer labour which in the province would be classified in a different way, that it would be classified as -- did he mean to say that it would be classified as a donation?

MR. SCHREYER: I can try to clarify that for my honourable friend. If a person is an election worker and he is canvassing while his time is being paid for, while he is receiving, in other words, a wage either from the Party directly or by some other group, nevertheless he's receiving payment for his services and that clearly would be a donation in kind and would be calculatable under the terms of this Bill. If the person, on the other hand, is offering his services on a purely voluntary basis and is not receiving any pay for that period of time in which he is so working, then that is not a donation in kind of services but merely volunteer electoral activity. I believe that answers the question put by the Honourable Member for Churchill.

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

MR. EARL McKELLAR (Souris-Killarney): Mr. Chairman, I can see real problems in deciding whether it's voluntary or whether it isn't. Now a man could be on holidays, and he's getting paid for holidays during his holiday time, and he's getting paid for his services because

(MR. McKELLAR cont'd.) of the law of the land, the company he works for are told that they have to provide him with two weeks holiday or three weeks holidays. Now that particular man, is he going to have to file, or is the candidate going to have to file his services as a donation? Now I can understand a farmer's position, a farmer could work forever for a political party - and he doesn't have to because he's not earning anything anyway right now, it's quite easy for a farmer. But I can see real problems where employee - now an employer is a different thing at all - it's pretty hard to estimate his time. I don't find the Act clear enough according to the wording of the Act. When a man's on holidays, if he's on holidays he's still getting paid and the same with this - now a school teacher, let's look at the school teacher. Some school teachers are paid for 10 months; others are paid for 12. How is the candidate--a candidate can really be in a tough spot with some of these rulings unless they're clear enough, and I for one, if I do run in another election, I don't want to be caught in a real squeeze about three months after an election by being charged for not filing the proper statement.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. BEARD: Mr. Chairman, the reason I had brought this up was that it did concern me because in the rather, I suppose off-hand manner in which some of us conduct our campaigns, and in which in some cases donations, I suppose, if you got right down to the fine point, are given in respect to time and really it's not considered that. Somebody may say, in a casual manner, you're in town for the day, I'll take half a day off and give you a hand, and it's going to be rather difficult for us to guesstimate - and it's almost guesstimating how much it would be - and it would be very unfortunate if, after the election was over, somebody could go round and say, well, you had maybe 20 people working half a day for you that you didn't put down, and in some cases neither the candidate or his agent or his campaign manager actually may even know anything about it. You know, they're distributing literature maybe or things like that and they take on the job to do it for you but they may get time off from the person they're employed by to do that, and I can see where if somebody took a week off and really got down to working politically and was given that week off by a company - and we'll say an insurance company gave somebody a week off - then I could see where that would apply, but it would be very difficult for the ordinary politician to be able to assess what was contributed to him in half-days, particularly the new politician coming into it right off - new, amateur type that didn't know these rules and regulations, it could break them. I can agree that maybe there should be some assessment made or some attempt to make an assessment, but it would be unfortunate if an election were ruled out just because somebody had neglected to put some half-days that somebody had contributed.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, it is not really that difficult to distinguish between voluntary election work or canvassing and that which is really a donation in kind.

Let me try to explain it this way; that if an individual decides that he wishes to canvass for a particular candidate then he may do so and that is volunteer electoral effort; there is no problem. Let us say, in the second case, that an individual goes to his employer and requests time off without pay to canvass and work in an election campaign. That, I suggest, would be purely voluntary effort and not donation in kind. If a trade union or a company were to give an employee regular pay for a given period in which time that person were to go to work in an election campaign, that is not, in the normal sense of the word, individual volunteer effort; it is work being done for value or for consideration, for pay, and is purely a donation in kind and would have to be shown as such under the provisions of this Bill.

Now the only nuance of difficulty that I can see is the case raised by the Honourable Member for Souris-Killarney. Mind you, I don't agree with his interpretation but I can see that it causes a little more difficulty. A person who has holiday time coming to him may decide to take his holidays to coincide with an election campaign - one should admire his great interest in the democratic process but one would wonder about his common sense - but anyway the point I make is that a person has entitlement to holidays and if it's holiday with pay as many arrangements are these days, that shouldn't matter because that's his time, that's his holiday time. The fact that he has pay coming during the holiday is something he is entitled to by law or by collective agreement or contract, and so his holiday time is his own time and if he wants to devote it working in an election campaign, that is voluntary effort. So it is clear, I suggest, that it is only in the case where an individual is requested or instructed by his company or his trade union to go to work in a particular campaign for a particular candidate, while at the same time

(MR. SCHREYER cont'd.) . . . continuing to receive regular salary, that is clearly donation and would be shown as such.

MR. CHAIRMAN: The Honourable Member for Ste. Rose.

MR. MOLGAT: Insofar as the amendment I proposed, it would apply strictly to people outside Manitoba and would mean anyone who comes in from outside to help. So there would be no problem there of donations in kind or anything; anyone from outside.

MR. SCHREYER: Mr. Speaker, I have indicated that it is worth accepting and trying to apply.

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

MR. CHAIRMAN: Section 179 -- The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, with respect to Section 179, there was a real problem with respect to transportation costs, particularly in northern ridings north of the 53rd parallel, those ridings which contain quite a number of remote communities especially where transportation costs are simply not to be compared with those in the rest of the province and certainly not to be compared with urban electoral divisions.

Therefore, I wish to move an amendment that would be more realistic with respect to transportation costs in northern ridings, and for that matter with respect to rural ridings as well, and so I move, seconded by the Honourable Attorney-General, that the proposed new Section 179 of The Election Act as set out on Page 5 of the Bill 134 be struck out and the following substituted therefor:

"The cost of transportation of a candidate or his official agent in a rural constituency or in a constituency all or part of which lies north of the 53rd degree of north latitude during a provincial general election, as substantiated by invoices or receipts therefor, shall not be included for the purposes of calculating the amount of expenses of the candidates that are limited under this Act."

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

MR. CHAIRMAN: 179 as amended - passed. Section 180. The Honourable First Minister.

MR. SCHREYER: There is a minor amendment with respect to this section, Mr. Chairman, that does not in any way change the meaning of it and that is to -- well I shall move it. I move, seconded by the Honourable the Minister of Youth and Education, that the proposed new Section 180 of the Act, as set out in Section 8 of the Bill, be amended by striking out the words "representing a recognized political party" in the second line thereof.

MR. CHAIRMAN: The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Chairman, I wonder whether on this one as well the First Minister would be prepared to consider the change in timing. We changed the timing on 178 and here again we come to the 30 days. This is the report for the individual candidates and I wonder whether you'd be agreeable to change that one to 60 days as well.

MR. BEARD: Also on that one, Mr. Chairman, if I'm not mistaken, on (d) of 178 it had a statement of all individual donations received exceeding \$100.00 and on this one it's \$50.00. Shouldn't it be \$100.00?

MR. SCHREYER: I'm sorry, Mr. Chairman, I was concentrating on the suggestion of the Honourable Member for Ste. Rose, whereby he suggested that the time limit be changed from 30 to 60 days and that would seem to be, if this were agreed to, it would be being consistent with the change we agreed to in 178. I'm sorry, I didn't hear the Honourable Member for Churchill.

MR. BEARD: Well I was just wondering, Mr. Minister, on (d) of 178 we agreed on \$100.00 donations. A statement of individual donations received exceeding \$100.00 and now in 180 we have dropped it to \$50.00. This again will cause maybe some problem.

MR. SCHREYER: The reason for the two different amounts, \$100.00 in one case and \$50.00 in another, is that it was -- if the Honourable Member for Churchill will note, Section 178 refers to the official agent of the entire political party, and it is felt that in the scale of operation of the political party of the entire province that the amount could be somewhat higher and was set at \$100.00. In the case of individual constituency candidates, the official agents should be required to furnish information with respect to donations in excess of \$50.00 because in proportion, there is a difference in proportion of size of operation and amount of monies handled and spent between the individual riding and the party headquarters office. That's really the reason for it.

(MR. SCHREYER cont'd.)

I have to say that one figure is as arbitrary as the other, but there is a proportion that should be kept in line and that's why in the one case it's \$100.00 and in the other case \$50.00. I might add that we did not see any -- we just did not regard it as practical to require the reporting of amounts as low as 10 or 15 or 20 dollars, there would be such a minutia of detailed data that the official agent would have to give, and as the Honourable Member for Churchill I'm sure would appreciate, this would be great annoyance to, and pose some problems to, official agents and candidates and it wouldn't be all that significant anyway having the smaller amounts recorded.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. BEARD: They could make them both consistent. I'm not saying that the 50 should be brought to 100. I just wondered whether the 100 should be dropped to 50 maybe and then there would be no confusion in the minds of people that were wondering. It's a straight donation and for the party bookkeeping, they have to keep books or they should be keeping books, and if they're doing it properly they could make submissions for \$50.00 donations just as well as they could starting at a 100, and if it was kept consistent then there would be no reason for somebody saying they misunderstood at a later date. I know it's going back but . . .

MR. SCHREYER: Well, the honourable member's suggestion has some merit to it, the merit being that the one requirement of recording with respect to individual constituency accounts would be the same as that of the entire provincial party accounts, and so there's some merit of course in suggesting consistency of amount.

On the other hand I say again, and I say it with a little more emphasis, that the scale of operation between a constituency campaign office and official agent is quite a bit, much much smaller naturally than that of a provincial party office, therefore I think there is some argument, some justification for having the lower amount in the case of the constituency candidate's official agent and a higher amount beyond which there has to be specification in reporting on the part of political party offices and political party headquarter official agents.

MR. CHAIRMAN: The Member for Rhineland.

MR. FROESE: Mr. Chairman, if I understand correctly, certainly the candidate could submit his list and that same list could be used by the party afterwards. There's nothing to say that a \$50.00 item cannot be included as such and shown as such. It just means that on the other hand that all over 100 must be reported.

MR. SCHREYER: I think the honourable member's fear is not really justified because the political party official agent will have to simply set forth in the return that would be submitted to the Chief Electoral Officer a sworn statement indicating all revenues and expenditures by item and all revenues or donations from individuals or groups in excess of \$100.00. Now there is no possibility of the constituency official agent showing as a donation the same donation that is filed by the political party official agent. After all, only one of the two can have received a donation -- only one of the two can have received a particular donation. A donation can only be made to one group . . .

MR. CHAIRMAN: The conversational level is a little too high here.

MR. SCHREYER: I think the honourable member recognizes the argument.

MR. CHAIRMAN: On the proposed motion of the Honourable First Minister that the proposed new Section 180 of the Act, as set out in Section 8 of the Bill, be amended by striking out the words "representing a recognized political party" in the second line thereof.

MR. SCHREYER: On a point of order, Mr. Chairman, I think it would expedite matters if you would allow in that same motion the striking out of the word "thirty" in the first line thereof and substituting the word "sixty", which I believe was what was requested.

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

MR. CHAIRMAN: Section 180 as amended -- passed. (Section 181 to 184 of Bill 134 were read section by section and passed.)

MR. McKELLAR: Section 180, I wasn't -- was the word "thirty" changed to "sixty"?

MR. CHAIRMAN: It is.

MR. CHAIRMAN: (Sections 185 to 188 of Bill 134 were read section by section and passed.) Section 8 -- The Honourable First Minister.

MR. SCHREYER: First of all on a point of order, Mr. Chairman, I just want to have assurance that all of the amendments that were before us will be gone -- all of the proposed amendments will be gone back to those that we have not yet dealt with. Now the Member for

(MR. SCHREYER cont'd.) Ste. Rose had a number and these were prepared over the weekend and have been circulated. I'm not clear whether all of those have been dealt with. I think there is one still outstanding and that means we have to revert back to a particular clause. And I believe that the Member for Fort Garry had an amendment which has now been prepared and we'll have to go back to the appropriate section for that purpose as well. May I finally indicate that I propose to suggest an amendment with respect to the last clause of the bill, the commencement date.

MR. CHAIRMAN: Perhaps the Honourable Minister could deal with the commencement of the Act and then we could return to the other amendments.

MR. SCHREYER: Well, Mr. Chairman, I would like to move, so that it can be formally before us, that the words "on the day it received the royal assent" be deleted and the appropriate words substituted that will indicate it will come into effect on a date set by proclamation. I'm sure that Mr. Clerk can advise on the appropriate -- Legislative Counsel can advise the appropriate drafting of that.

MR. CHAIRMAN: On the proposed amendment of the First Minister so that Section 8 should read as follows: "that this Act comes into force on a day fixed by proclamation."

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

MR. SCHREYER: Mr. Chairman, it's at this point that we should revert back to two different clauses or sections of the bill so that the Member for Ste. Rose may move an amendment. I think perhaps two amendments, and the Member for Fort Garry should be advised that his can come up as well.

MR. CHAIRMAN: The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Chairman, my first amendment would come in following Section 2 and reads as follows: "THAT bill 134 be amended by adding thereto immediately after Section 1 thereof the following section: Subsection (2) of Section 7 repealed. 1(a) - Subsection (2) of Section 7 of the Act is repealed." Now, Mr. Chairman, the effect of that is simply to remove from the Act the section which allows for deferred elections, a later nomination day in some electoral divisions. That is simply removed from the Act.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: May I just indicate something which I have already put on the record, and that is that this government, while it recognizes that there may be some pretty large administrative problems to cope with if we repeal the deferred election provision of the Election Act, nevertheless we are so much opposed in principle to the idea of deferred elections in one or two ridings at the time of a general election that we are prepared to not only accept the amendment offered by the Member for Ste. Rose but to warmly endorse it.

It seems to me that having, as the present Election Act provides and which we're proposing to amend now, that there may be deferred elections in up to three constituencies at the time of a general election, goes so much against the ideal, goes so much against the grain of having the people make their choice in a way that is uninfluenced by a decision already taken by a majority of ridings. It impinges so much on the worthwhileness of having elections in those one or two or three ridings where they may be deferred that we simply must resolve that, that there shall not be any deferred elections.

Now that will mean perhaps -- well it will mean, I'm sure, that there will be a greater restrictiveness on government of the day as to when it calls an election and I don't see anything so terrible about that. It'll also mean perhaps somewhat greater expenditure on the part of the Chief Electoral Officer's office because it may require helicopter transportation or some combination of transportation a little more expensive than would be possible when you can defer an election and then use the cheapest mode of transportation possible. But after having taken everything into account, it seems that so far as the principle is concerned there can be no question but the amendment proposed is one that should be supported.

MR. CHAIRMAN: The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Chairman, I just want to thank the First Minister for his comments on this bill - or on this amendment. Certainly the whole question of deferred elections, to those of us who have been involved across the province - and I know his colleague the Minister of Labour is shaking his head - we have run into this constantly, that the people in northern Manitoba felt that they were second class citizens, that they did not have the same open vote or free vote as the rest of the province, that they were in essence being asked at times almost to rubber stamp a decision made in other areas.

(MR. MOLGAT cont'd.)

I recognize that there may be some difficulties. I think that they are going to be less and less as time goes on, as our communications improve and we get landing strips at the isolated communities. Certainly if we were able to conduct elections in Manitoba 100 years ago, and in the intervening years under much more difficult conditions, we can do that now throughout the whole of the province at the one time. I think that it is in the interest of the whole of the province and particularly the people of the north who have felt that they were not being treated fairly.

MR. BEARD: I would agree with this, Mr. Chairman. I think that probably we've come to the time where we can live with this in the north. I've been called everything else, but since the Member for Ste. Rose decides to call me a rubber stamp now, I don't know whether you wish to have him withdraw that or not.

MR. CHAIRMAN: On the proposed motion, are you ready for the question?

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

MR. MOLGAT: Mr. Chairman, the next amendment is that Bill 134 be amended by adding thereto immediately before Section 2 thereof the following section: Subsection (3) of Section 12 repealed and substituted.

1 (b) Subsection (3) of Section 12 of the Act is repealed and the following subsection substituted therefor: "Time for receiving nominations. 12 (3) Nominations may be received by the Returning Officer at any time between the date of the writ and 1:00 o'clock in the afternoon of the day fixed for the nomination of candidates." I so move.

MR. CHAIRMAN: On the proposed motion of the Honourable Member for Ste. Rose. The Honourable First Minister.

MR. SCHREYER: Well Mr. Chairman, I just want to indicate very quickly that there is nothing in this amendment that poses any difficulty or problem. In fact, I say it is a desirable amendment in that it clarifies something that is already possible. It has always been possible under the Election Act for a candidate to file his papers any time between the time that he became a candidate of his party, so chosen, and the official deadline for the filing of the official nomination papers. This amendment serves to clarify that, confirm that and clarify it, and therefore is acceptable and desirable.

MR. CHAIRMAN put the question on the proposed motion of the Honourable Member for Ste. Rose, and after a voice vote declared the motion carried.

MR. CHAIRMAN: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Chairman, I'll be brief on this point if the amendment proposed by the government meets the point that I raised in committee in discussing this section of the legislation on Friday, and I feel that it's satisfactory for those of us who labour through this world under a common appellation or nickname that has come to identify them more widely and regularly than their Christian names do. I would just say that in support of it that I reiterate, Mr. Chairman, that I was speaking for a great many people in the same position in the House of Commons, and here the First Minister would agree, there are or there were at last count, I think five - at a fairly recent count anyway - five members who were better known by their nickname and better known politically by their nicknames than by their Christian names, one of them the Honourable H. A. Bud Olson, the Minister of Agriculture, and since this practice of being able to use a nickname has been legitimate, has been permitted in the past, my point was that I hoped the new legislation would not eliminate that privilege. The government's amendment provides for retention of that privilege and so I wish to speak in support of it, Sir.

MR. CHAIRMAN put the question on the proposed motion of the Honourable Member for Fort Garry and after a voice voted declared the motion carried.

MR. CHAIRMAN: Bill 134, preamble passed; title passed; bill be reported. The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Chairman, on the motion that the bill be reported, during the course of our discussions I think we found that there are still a number of improvements to be made in the Act itself and I don't think we really had an exhaustive study of the various sections which can be improved. It was also found that with the number of amendments that have come forward, an indication by the government that they have an open mind on the whole question, and I'd suggest that one time that maybe the best course would be to proceed to study the whole of the Act and this bill by the Standing Committee, so I'd like to move, Mr. Chairman, that the bill be reported to the House with the recommendation that it be referred to the Special

(MR. MOLGAT cont'd.) Committee of the House on the Rules and the Standing Orders of this Assembly for further study between sessions of the Legislature.

MR. CHAIRMAN presented the motion.

MR. PAULLEY: Mr. Chairman, I'd like to direct a question to my honourable friend for purposes of clarification. Does he intend by his motion that we shall not proceed with giving third reading and either the Royal Assent or Proclamation of the amendments that have been considered by the House, or the committee, until after the same has been considered by the Committee on Elections and Privileges?

MR. MOLGAT: Mr. Chairman, my intention is that the bill be treated as a number of other bills have during the course of this session, one just recently on the question of deferral of taxation for certain areas in the Metropolitan region; others on optometrists have been referred to committees that will sit outside in between sessions, and the reason for the referral of the others was that it was felt that they needed further study and needed improvement, and I think that the discussion we have had on this bill indicates that there is a good deal of review still to be made in the Election Act and that even some of these proposals have not been, well not unanimous but also have not been very clear to some of the members of the House as to what the effect would be and so on, and I believe that we would be producing a better bill by referring it to the committee as we have with other bills on which further study was required.

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, just a point of order, it's not a substantive point, but I believe the honourable member checked us up once - does his motion refer to the subject matter of the bill or the bill? Because I don't believe that the House can, that we can make a recommendation to the House that the bill be referred to a committee. I think it has to be the subject matter of the bill.

MR. MOLGAT: Well, I would be happy to amend my motion if that is required, but my intention was that we would do the same with this bill as with the two that I mentioned and which are going to be studied because they needed more study, and be studied in relationship with the present Act, so subject matter is fine.

MR. CHAIRMAN: The Honourable Member for Shineland.

MR. FROESE: Mr. Chairman, I would like to have a clear understanding of this motion. I take it that the bill will be passed but the subject matter of the bill will be referred, but that the bill will still, once it's passed, become law. Is that not . . . because I think the bill should be passed.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, on the very point made by the last speaker, the Honourable Member for Rhineland, he is indicating that, you know, whatever course of action we follow with respect to taking a closer look at the election law that we have on the statute books, the member is not arguing against that but he is suggesting that we should not do it in such a way as would prevent or preclude the proclamation of the legislation we have just passed - or passed through the stages, I should say. And I am inclined to share the view expressed by the Member for Rhineland that there are no doubt a number of things in our present Election Act that we should want to look more closely at and in more detail at, and this can be done by an appropriate committee of the House, and the Member for Ste. Rose or others are free to move, to sponsor resolutions or Private Member Public Bills to amend the Election Act, but that should not in any way preclude the possibility of proclaiming the legislation that is contained in Bill 134. I don't know why the Member for Ste. Rose insists on attaching the possibility of any additional changes in the election law to Bill 134. It can be done by other means and a committee such as he suggests, can meet in any case inter-sessionally or any time, but it doesn't have to be done by attaching all that to Bill 134, which can stand by itself.

MR. CHAIRMAN: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Chairman, with respect to this particular motion, the motion of the First Minister to change the date of proclamation from Royal Assent to the date of proclamation by the Cabinet indicates that the Cabinet presumably wants to give it some further thought and consideration and I realize they can't make changes in it without bringing it back to the House but they are reserving the position of being able to examine the contents of the bill, if necessary even bring it back to the House again before it was proclaimed, and I feel that the motion by the Member for Ste. Rose is a legitimate motion at this time and would be prepared to support it in sending it on to third reading.

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

MR. MCKELLAR: Mr. Chairman, I would just like to say a word on the motion of the Honourable Member for Ste. Rose, and I support the motion. One thing I would like to bring up at this time, about five months ago we had a meeting of Privileges and Elections Committee, and I think we had two short committee meetings at which we did nothing, and the report came back saying that the Privileges and Elections Committee should be reappointed and look into the Elections Act regarding the charges the Premier made in B.C., in the general election in B.C. Now this committee was never reappointed and now we find the First Minister bringing in a bill dealing with amendments to the Elections Act, of which many of the amendments are justified but many of them in my opinion only can cause great problems for the new members, the new candidates that are going to run for their first time, and I know many of the problems that many candidates have had and if this bill is proclaimed about one month or two months previous, then the individual candidates who are intending running in an election, whenever the election might be, will have great problems trying to sort themselves out, and they will have nobody to advise them because many people won't be acquainted with the new sections or new amendments to the Elections Act. Now I agree, it doesn't really matter to me what committee this goes to, but all I want to say to the First Minister and the members of his government, the report of the Privileges and Elections Committee reported that this committee must be reconstituted to deal with the Elections Act and we, in our judgment here, in the government's judgment, have simply said this committee should not be reconstituted. Now I . . .

MR. PAULLEY: Mr. Chairman, I wonder if my honourable friend would permit an interjection to put him on the right track. I want to be of assistance to my honourable friend to announce to him that there is a Committee on Elections and Privileges that has been established at this session. It is a standing committee of the House and the personnel were selected by the committee of seven, so it's erroneous to suggest - and I'm sure it's through inadvertence - to say that the committee was not reappointed, because it was.

MR. MCKELLAR: Mr. Chairman, I realize that there is a standing committee. I am not objecting to that point of view. But what the report of the committee said, that Privileges and Elections Committee must discuss the Elections Act and any changes that might be needed and then bring in a report during this session or in-between the next session. I think this is what the report of the committee said. I'm not saying that the government can't bring in amendments because I know the rights of the government. The government can bring in amendments any time they feel like it because they are the government of the people. What I'm saying here is the government really didn't follow the report of the Privileges and Elections Committee which came into the House. Now I don't care whether it's Rules and Orders, Regulations Committee, or Privileges and Elections, name it what you want, but I do think that these amendments need further study and that's why I'm standing here to support the Honourable Member for Ste. Rose in his amendment.

MR. PAULLEY: Mr. Chairman, if I may, again I believe my honourable friend is erroneous in his approach. May I indicate what I believe to be the correct situation, Mr. Chairman, is that the Committee on Elections and Privileges has not met at this session and therefore has not presented a report. I think my honourable friend is confused . . .

MR. MCKELLAR: No.

MR. PAULLEY: If he'll hear me out I'm sure that he will understand his confusion, as I believe that the subject matter of a resolution presented to this House, a Private Members' Resolution, the subject matter of that resolution - and I don't recall the exact phraseology of the resolution, but it dealt with the matter of alleged statements of kickbacks, etc. It was on the basis of a resolution of that nature that the subject matter of the resolution was referred to the Committee on Elections and Privileges to consider, and also any other matter pertaining to the Elections Act. So I just want to put the record straight for my honourable friend, and he's nodding his head now in I believe agreement, indicating that what I am now saying is correct. But I want to also say to my honourable friend, Mr. Chairman, that over the years, as a member of this House, I have had the privilege of being on, oh, maybe four or five committees of the House that have considered amendments to the Elections Act. As a matter of fact, in the latest consolidation there are a number of amendments that have been put into effect as a result of the deliberations of the Elections and Privileges committees of the past, and a number of them were never accepted and are contained now in Bill 134, so a lot of them are as a result of past considerations of the Committee on Elections and Privileges that have been set

(MR. PAULLEY cont'd.) up and ordered to meet in-between the sessions. So I would suggest that consideration be given to that aspect. The precise matter referred to by my honourable friend was not as a result again of the report of the Committee of Elections and Privileges but referred to that committee by resolution of the House on a private member's resolution.

MR. McKELLAR: I would just like to say one final word on this matter. It is quite true what you said, but what you didn't -- what the report of the committee -- due to the fact that it only sat for an hour and a half, half an hour on one occasion and an hour on another, and we brought in the report, was the fact that we didn't have the time and we needed further time so we asked the Privileges and Elections Committee to be reconstituted at that session or between sessions to deal with that particular point. This was brought up in that resolution, and that point in that resolution has never been brought up and never been considered by that committee either before the session or after the session.

Now I don't care which committee, because I know both committees have dealt with the Election Act, that's not the point, but I would just like to say at this time -- (Interjection) -- Well, the point about kickbacks, that's the one they charge in that resolution. That's the one -- you amended the original motion, the resolution, and that's the point that has never been considered.

Now I know that maybe this amendment will stop kickbacks. I don't know whether it will or will not, but I'm not really concerned about that because most of the time I dug in my own pocket as nearly all of us done. If I won I had nothing to worry about; if I lost, I had nothing to worry about, I just tried to sell a few more bushels of grain to pay for the election. That's all that happened. But I know in many cases it's going to create many problems and this is why I say I support the Honourable Member for Ste. Rose that this should be given further study. And one of the reasons why it should be given further study is because you amended the Act and instead of coming in by Royal Assent it's coming in by proclamation. Now I don't know whether that'll really -- but I do think there is time, I do think there is time. Mind you, if there's no changes, coming in proclamation is still all right, but I think it needs further study.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, perhaps this is as good a time as any to make some comment with respect to the terms of reference that were passed by this House for guidance of the Committee on Privileges and Elections. The Honourable Member for Souris-Killarney makes passing reference of the fact -- and it is a fact -- that one of the things that the Committee on Elections and Privileges was to take under consideration and study was the problem that some of us, myself in particular, referred to on a previous occasion as "kickbacks". Of course as I explained in this House before, the term "kickbacks" can be given different connotations.

I want to say to my honourable friend, the Member for Souris-Killarney, that even a former Prime Minister of this country has admitted openly that there was something about the nature in which political parties were financed in election campaigns that was undesirable and led to all kinds of undesirable practices, and I refer to the Prime Minister that twice had to live through a scandal within his own party with regard to party financing -- the Beauharnois Scandal and the Customs scandal. The gentleman in question said personally that he was made to walk through the valley of humiliation. He wasn't happy with the nature of the arrangements and practices by which political parties were being financed for election purposes, and I say that this practice since the days of the Beauharnois scandal and the Customs scandal, while it has changed in the degree, unfortunately has not disappeared.

I don't know if it ever will disappear completely, but at least a government that is concerned with electoral law reforms should make a real effort to try to minimize if not remove the kind of practices that do cause periodic eruptions of undesirable practices, if not so-called scandal. And the practice has not disappeared, I insist, and therefore I am quite happy to have this matter -- and it will be I'm sure -- considered by Committee on Privileges and Elections at the first possible opportunity and go into the manner in which election party campaign expenditures have been financed and ways in which some of the more undesirable aspects of it can be removed.

I don't think that I however should take from that, interpret from the Honourable member's remarks that there is any good reason why, whatever has to be done with respect to electoral law study and change, cannot be done even if Bill 134 passes because as I've said already, and I think it's worth repeating, the objectives of the Honourable Member for Ste.

(MR. SCHREYER cont'd.) Rose I do not agree with. Further study and analysis of the whole of the election law, the Election Act, discussion of ways and means of changing it for the better even more, all that can be done. But why does the member insist by means of attaching all that to Bill 134 and holding up the coming into effect of Bill 134 when we already have had, in clause by clause consideration of it, the agreement of the House on its particular clauses.

I agree with the Member for Rhineland that whatever is done by the Committee on Elections and Privileges, whatever further study and analysis is made of the election law, there is no reason why Bill 134 cannot be proceeded with at the earliest appropriate and possible time.

MR. CHAIRMAN presented the motion.

MR. CHAIRMAN: Are you ready for the question? The Honourable House Leader.

MR. GREEN: Mr. Chairman, I just want to make sure that we are properly interpreting my honourable friend the Member for Ste. Rose. If his motion was passed as he understands it, does he say then that the Bill would not become law to be enacted or to be brought into force by proclamation but referred to a committee, or is his motion of this nature, that the Bill is reported to the House, that the House gives third reading to the Bill, it is then a Bill which is law upon coming to effect upon proclamation, but that a committee continue to study that Bill just as they have studied the Expropriation Act while it was law, because there is a difference. I hope that I am communicating to the honourable member. Is it the first situation, that we would not have a Bill passed on third reading which should then be looked at by a committee but while it became the law and while it could be enacted on proclamation, or is he suggesting that it not be given third reading and that it be referred to a committee? Because there is a difference. I don't think that opposite sides of the House want to disagree when there really is no disagreement, and perhaps the honourable member could make that point clear, and if so, if the motion could be properly worded, if what is being suggested is that we have an Election Act which we can bring into effect upon proclamation, but that a committee continue to study it just as we can study any other law, then there may not be that disagreement that appears to be apparent.

MR. CHAIRMAN: The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Chairman, my proposal is identical to that that has been followed with a number of other bills discussed at this session, where the subject matter or the bill - call it what you will - has been sent to a committee for study between now and the next session with an instruction to report to the next session, and that is really what I have in mind, the same thing as we dealt with the Optometrist Act or that we dealt with the Act providing for a rebate of taxes or a deferral of taxes and so on, because it was felt that the subject matter needed further study.

Now, I was not a member of the committee that looked at the Elections Act so I was not involved in the preparation or the discussions of this material. I take it that the committee did not really go into any depth study on the whole question, and so my suggestion is that if we're going to make changes in the Act, we should look at the whole thing and that this should be part of an over-all improvement in the Act. I'm one of those who believes that we have to be revising our Electoral Act. The reason I chose the particular committee to which I recommended it is frankly that that committee has been instructed by the House to look at some very precise things, specifically the relationship between the public and the Legislature, the role of the private member and all of this, and this to me ties in very much with the Election Act, that the whole process of public participation must begin by the Election Act, and that's the reason I referred it to that Committee instead of to the Standing Committee of the House on Privileges and Elections, or whatever it may be, because this committee has been given the specific and precise job with terms of references and I think we should look at the whole of the Act instead of passing bit and pieces that have not been discussed previously by a committee, and particularly when we've seen, during the course of the debate, that there are some very major changes still to be made and many amendments were passed. So that's the reason and I followed the course simply that's been used for other bills so far, that let the committee deal with it and report back to us.

MR. SCHREYER: Mr. Chairman, some of what the Honourable Member for Ste. Rose has said I can agree with, but on the other hand there are some arguments that he makes that I cannot agree with, and it would disturb me if I interpreted correctly his reference to the fact that certain amendments were made, offered by this side and certain amendments offered by the other side were accepted, it would disturb me if the honourable member were trying to

(MR. SCHREYER cont'd.) suggest that because we did accept a number of suggestions that therefore this legislation was ill-conceived and was an indication of inadequacy on the part of the government, the fact that we accepted a number of suggestions. I mean, honourable members opposite cannot have it both ways; it is often said that the government is not prepared to really listen, not prepared to accept any constructive suggestions and amendments offered by the other side. The moment we take that admonition to heart and do accept a number of amendments that appear to have merit, which we're satisfied have merit therefore we accept them regardless of the fact that they are moved by someone on the opposite side, then if someone on the opposite side subsequently gets up to say that this is somehow a sign that the government has not proceeded well, it's like trying to have your cake and eat it too. I hope that the Honourable Member for Ste. Rose did not mean that in his remarks.

Now, it has already been suggested that there is an alternative to what the Honourable Member for Ste. Rose has moved, that might be acceptable to him and to perhaps some others on the other side as well as the government, and that is to refer the subject matter of the Election Act and the subject matter of the bill that is being presented here, to refer it to a committee for further study and analysis, just as my colleague the Minister of Mines and Resources has made reference to the Expropriation Act, an allied law being referred to a committee for study even though it was law on the books at the time that it was being considered. There's nothing wrong with that and I really believe that it would meet the objective and desires of the Member for Ste. Rose. Therefore I suggest it's even more reason why the provisions of Bill 134 not be held up because there is an admitted need to consider all and broader aspects of the total election law on the books.

MR. CHAIRMAN: Are you ready for the question? The Honourable Minister of Labour.

MR. PAULLEY: Mr. Chairman, may I have the privilege of the House to correct a statement that I made to my honourable friend the Member for Souris-Killarney? I indicated to him that I didn't think that the Committee on Elections and Privileges had met. I was erroneous. My Leader has pointed this out to me. I recall now that at the time of the meeting of that committee I was in Ottawa on government business and did not attend. I meant no reflection on my honourable friend and I just want to point this out so that the record is straight. He was correct.

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, I move the committee rise.

MR. CHAIRMAN: Committee rise. Call in the Speaker. Mr. Speaker, the Committee of the Whole has considered Bill 134 and wished to report progress.

IN SESSION

MR. DOERN: Mr. Speaker, I move, seconded by the Honourable Member for Kildonan, that the report of the committee be received.

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

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable Minister of Cultural Affairs, that the House do now adjourn.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 o'clock Wednesday afternoon.