

THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Tuesday, August 11, 1970

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions: Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Notices of Motion; Introduction of Bills; Orders of the Day. The Honourable Member for Emerson.

ORAL QUESTION PERIOD

MR. GABRIEL GIRARD (Emerson): Mr. Speaker, just one very brief question. Has the House Leader any idea of what time we'll be adjourning tonight?

MR. SPEAKER: The Honourable Member for Charleswood.

MR. ARTHUR MOUG (Charleswood): Mr. Speaker, further to a question of last night, would the Honourable Minister of Transportation inform me whether or not there are two Ministers of the Treasury Bench living in La Salle where this new road has been placed.

MR. SPEAKER: The Honourable House Leader.

HON. SIDNEY GREEN, Q.C. (Minister of Mines and Natural Resources)(Inkster): . . . for the constituency of Morris.

MR. SPEAKER: Order.

MR. EARL McKELLAR (Souris Killarney): I didn't hear his answer, Mr. Speaker.

MR. SPEAKER: Order. The Honourable House Leader.

ORDERS OF THE DAY

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 a Committee of the Whole to consider the following Bill No. 56, The Automobile Insurance Act.

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: Section 19 as amended -- The Honourable Member for Souris-Killarney.

MR. McKELLAR: I was just wondering if someone could answer me a question. We all realize that there might be three or four companies - it might be that there's three or four companies or more selling package policies. Now I would like to know what Act these insurance companies are going to be working under, whether they're going to be working under this Act or the present Insurance Act that's actually in force. Under the Insurance Act, it was mentioned this afternoon that medical statements are made public, under this Act they're not, and I was just wondering, will this create any problems to the public in settling claims? I don't know if anybody can answer me that question or not.

MR. CHAIRMAN: The Honourable Minister of Municipal Affairs.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs)(Selkirk): I don't know why the greeting. The Honourable Member for Souris-Killarney asked a question. The public corporation would be acting under the provisions of this Act; the private insurance companies handling the supplementary automobile insurance would be functioning under the ambit of The Insurance Act, as at the present time.

MR. CHAIRMAN: Section 19 as amended -- passed; Section 20 -- passed; Section 21(1)-- The Honourable Member for Fort Garry.

MR. BUD SHERMAN (Fort Garry): Mr. Chairman, Section 20. I'd appreciate an explanation from the Minister or the Attorney-General or any other legal expert, preferably the Minister, as to the meaning of that particular section, as to whether it affords protection for the individual insured or whether it militates against the rights of the individual insured and affords protection for the insurer. It all turns, it seems to me, Mr. Chairman, on the meaning and application of the term "waived" or "waiver" as used in that section, and I would appreciate an explanation from the Minister on that point.

MR. PAWLEY: Well, I would like to state to the Honourable Member for Fort Garry that the provisions of Section 20 are the provisions that now exist, to my understanding, and if this provision was done away with or was extended in the way that the Bar Association had proposed, then the tendency would be on the part of the courts to extend this, possibly to a greater extent

(MR. PAWLEY cont'd.) than what it should be extended. But this is in keeping with the present state of the law as it now exists.

MR. SHERMAN: Mr. Chairman, could I ask the Minister what is meant by the term "waiver" in this connection. Is this an action that would be likely to be taken by an insured or by the insurer? I know what it says; I want to know what it means.

MR. PAWLEY: It's a form that would be undertaken by the insurer, the corporation itself, and in order that one can best define when there is a true and actual waiver on the part of the corporation, this spells it out to the extent that such a waiver must be in writing. Now it is possible that there could be other forms of waiving considered and interpreted thus by the courts, but the only way in which a waiver will be recognized by the courts under Section 20, will be that that waiver is in fact in writing, and the waiver permits the settlement of a claim in some cases without, at a later point, denying areas of responsibility such as you have now, in which companies will often enter into waiver agreements, entering into settlements, and then afterward defending on the basis that an insured was intoxicated or impaired at the time of the accident - their insured.

MR. SHERMAN: The way I originally read the section, the way it originally struck me was that implicit in it was substantial protection for the insured, because it insists that a waiver issued by the insurer would have to be in writing, and I was quite happy with it until I heard what the Bar Association had to say about it and they used the term "waiver" as a synonym for "instruction" and if that's the case, then if you apply their argument, the Bar Association's argument is that unless I have a certain waiver and/or waiver i.e. instruction to have something done - to have my car repaired, for example - in writing, unless I make sure that that kind of thing in the settlement of my claim, in the process of settling my claim, is detailed in writing, then I'm liable to find myself with no rightful claim.

MR. PAWLEY: I recognize the honourable member's concern in this regard. It's a concern that was expressed in the Bar Association brief. The Bar Association does acknowledge, however, just as I had indicated earlier, that the provision in Section 20 is, as they have indicated in their brief, restricting it to the written waivers as in the present Insurance Act, so there is no change in the status of the law now. I have indicated the problems that would be inherent in extending the law at this point. I'm not going to be so hung up as to suggest that it's not an area that we should look into and seriously consider over the next period of time with the possibility of opening it up in the other areas, but there are real problems that would be involved if it was opened up that a waiver could be something beyond that which was in writing. It could open it up to abuse and all types of problems of interpretation and consideration in the courts.

MR. CHAIRMAN: Section 20 -- passed; Section 21(1)(a) -- The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Chairman, I have an amendment to present, that Section 21, subsection (1)(a) be amended by striking out the word "and" and inserting the word "or".

MR. CHAIRMAN presented the motion.

MR. FROESE: Mr. Chairman, when we heard the representative of the Law Society speak to us in Utilities Committee, he came out very strongly on this particular section, and if I may quote from the record, he says: "Section 21. This section isn't clear. It's not clear. I've read it; I've asked counsel to read it; I've asked people who are experienced in this accident work and insurance work to read it and tell me what it means. We generally know what the intention of the government is, but you can't tell it from that section."

And further on he goes on to say: "Now, you gentlemen are members, mostly lay people, and you should be able to read this Act and know what it says. I'm a lawyer; I'm supposed to be a good one; I've read it, and I can't make it out." And further on it says - he refers to this section; "... has been drawn by someone who has in his mind to be restrictive, who has in his mind to protect the fund and to protect the fund only."

So that's apparently the chief concern of this particular Act, to restrict the benefits, and I feel that this amendment would certainly widen the benefits. In his presentation on the particular amendment itself, Mr. Schwartz says the Act as drafted reduces the protection and narrows the benefit existing under the present law by requiring a driver to be both qualified and authorized before a coverage is provided, and enabling the plan to recover from the driver who may have been qualified but not authorized. Then here a person may be qualified but has allowed his license to lapse and there would be a failure under the section and no benefits.

(MR. FROESE cont'd.)

Earlier this afternoon we heard of the section in connection with forfeiture, but certainly that wouldn't apply under this particular section because it definitely says "and" and I feel that certainly this would be to the benefit of the people to have this amended in this way because we're bringing in a bill which is to be superior to what we have in effect now in Manitoba, and if we really mean it, if we want to give the people greater benefits, then we should certainly accept this amendment that I've put before you.

MR. CHAIRMAN: On the proposed amendment. The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Mr. Chairman, Section 21(1)(a), the words: "was not qualified and authorized by law to drive a motor vehicle;" - I think that we have to think in the context of the public plan that's being proposed in order to grasp the intent of this section. The intent is that anybody, in order to apply for benefits under the insurance plan, must be licensed to drive a motor vehicle within the Province of Manitoba and also must be authorized by law, or in fact must have the license in respect to his motor vehicle itself, in order to be permitted to drive the motor vehicle within the province. The omission of either of these two important ingredients would prevent the party from receiving the benefits of this Act under the insurance plan.

Now I would like to mention to my honourable friend from Rhineland that unlicensed drivers at the present time do not receive benefits from their insurance policy. It's part of the contract of insurance that the person must have been authorized or have a license in order to operate a motor vehicle in order to collect. This is not to say that if you should be injured or have damage caused to you because of the actions of an unlicensed operator, that you will not be able to collect benefits in respect to this plan, but the person himself will not be permitted to obtain benefits under the plan if he is not a licensed operator within the laws of the Province of Manitoba.

MR. CHAIRMAN: The Member for Souris-Killarney.

MR. McKELLAR: Mr. Chairman, I'd just like to say a word on this principle of this bill, because here again is the one reason why you can't have 100 percent of the people insured, and we've been mentioning that for a long while, and I think - the member, I think, for Assiniboia mentioned it - I think we have 95 or 96 percent of the people insured in Manitoba today. And here is the very reason why you can't have 100 percent of the people insured, because sooner or later you're going to get involved; somebody's going to steal your car, and you're not covered. Or in this case someone is going to run the car who's intoxicated, then their insurance will not apply. Now the innocent party now is really in trouble, and I mean in trouble. Now the First Minister mentioned the Unsatisfied Judgment wasn't worth saving, but in the Province of Saskatchewan they do have the Unsatisfied Judgment for this very reason, for these three sections of this book here, and it's to protect innocent people . . .

MR. PAWLEY: On a point of order. I don't want to be interrupting unnecessarily my learned friend, but I don't recall using the words, the Unsatisfied Judgment Fund was unnecessary.

MR. McKELLAR: Well, I can't remember the words, but the First Minister in his two hour and a quarter speech referred to the Unsatisfied Judgment Fund . . .

HON. ED. SCHREYER (Premier)(Rossmere): I admit to that. I said it was unsatisfactory.

MR. McKELLAR: Yes, I know. What I'm trying to mention here, that the reason why Saskatchewan has the Unsatisfied Judgment Fund is for the very same reason as spelled out in this Clause 21(1), because there are times, there are times, no matter how perfect everything is, and this spells our cases here where you're not covered. Now I realize that it's going to create a problem. I realize in society it's going to create a real problem. Sometimes . . .

MR. CHAIRMAN: Order. I find it very noisy in the Chamber.

MR. McKELLAR: Sometimes an innocent party who has come in contact with a party who has been intoxicated driving another car, gets the worst of it, and oftentimes there's permanent injury to individuals. Now that's where the problem lies. The government say they're not going to protect the innocent parties in the case . . . Now what then is done in some companies now, is that the companies do pay quite a bit of loss. Now I'm just not, because I'm not in the Claims Department of any insurance company, but I knew they do pay, then they go after the guilty person, sue them as an individual. But it does create a real problem even today and it will create a problem under this Act too, because sure enough it would be my luck or the Member for Rhineland's luck to hit a person that's not insured, and this is one of the reasons why

(MR. McKELLAR cont'd.) the government wanted to bring in their compulsory universal plan. No, I don't know what the answer is. I have no answers. But I know there's problems, there always will be problems.

MR. CHAIRMAN: Section 21 (1)(a) -- passed - sorry, we have an amendment. The amendment of the Honourable Member for Rhineland.

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

MR. FROESE: Yeas and nays, Mr. Chairman.

MR. CHAIRMAN: Does the member have support for . . . ?

MR. FROESE: Sure.

MR. CHAIRMAN: Call in the members. We're dealing with Section 21(1) and the proposed motion of the Honourable Member for Rhineland.

A COUNTED VOTE was taken, the result being as follows: Yeas 27; Nays 28.

MR. CHAIRMAN: I declare the motion lost.

Section 21(1)(a) -- passed; (b) -- passed; (c) -- passed; Section 21 (2) -- The Honourable Minister of Municipal Affairs.

MR. PAWLEY: I'd like to move a motion that subsections (2)(3) and (4) inclusive of Section 21 of Bill 56, being the Automobile Insurance Act, be renumbered as sections (3) (4) and (5) respectively, and that the following subsection be added thereto immediately after subsection (1): "21(2): Notwithstanding the provisions of subsection (1) where the driver who caused the loss, damage, injury or death was at the time of the accident a member of a household of the owner of the motor vehicle used by the driver and involved in the accident, and where the owner proves that he did not know at the time he permitted, suffered, allowed or connived at the use of the motor vehicle by the driver that the driver's license to drive or operate an automobile was suspended; or that the driver's right to obtain a license was suspended; or that the driver was prohibited under order of the court from driving or operating a motor vehicle; the onus of proof thereof being on him, subsection (1) shall not apply to him."

Now I would like to say here, Mr. Chairman, that the purpose behind this particular amendment, if you would glance at Section 21, subsection (1), dealing with the various areas in which insureds are unable to obtain the benefits under the plan, that 21(2) permits one who is a member of a household who has been operating a vehicle in which that person's license was suspended or cancelled or for some other reason, that the onus, once satisfied by the owner or the head of the household, once it is satisfied, then 21(1) does not apply. If you recall, the amendment that was earlier this session passed in respect to the Insurance Act in the Province of Manitoba, this session, that this amendment is the same and brings it into conformity with the amendment recently passed in the Insurance Act.

MR. CHAIRMAN: The Honourable Member for Sturgeon Creek.

MR. FRANK JOHNSTON (Sturgeon Creek): Mr. Chairman, this says "where the owner proves". I'd like to know, proves to who? And this is like saying you have to prove yourself innocent before your claim is paid out. I don't think that's the way the insurance companies work at the present time. If you loan your car - say somebody comes from -- a relative from somewhere else, you loan him your car in good faith and then you have to turn around and prove, if he has an accident, prove to who you have to prove your innocence. I think that the insurance companies, at the present time there is no problem in this case.

MR. PAWLEY: Well, Mr. Chairman, the Honourable Member for Sturgeon Creek asks the question: prove to whom? The present provisions, prior to the enactment of the amendment to the Insurance Act, provided that there was an onus of proof and there is under the recent amendments. There's no change in law here, that you do have to prove, because of the very nature of the situation, where somebody was in breach of the law, involved in an accident, that he or she owning the vehicle in the same household did not know that that person was not at the time of the use of that vehicle in breach of the provisions of the law, and the proof is to the courts and that's the way the proof all along has been required. There's no change here; it's a standard area of proof that is required and it's reasonable under the circumstances.

MR. CHAIRMAN: The Honourable Attorney-General.

HON. AL. MACKLING (Attorney-General)(St. James): I might elaborate a little bit further. The honourable member should reflect back on the discussions that occurred in the Law Amendments Committee when dealing with the Insurance Act. It was pointed out that the onus section in the Insurance Act was considered unfair, and so an amendment was made during this current session; and when we, in Utilities Committee, were considering Section 21 of the

(MR. MACKLING cont'd.) present bill, it was pointed out by some members, well, what about the changes that we made in the Insurance Act shifting somewhat the restriction or the rigidities of the onus provisions in the Insurance Act? And it was a valid point. And so this Act, the Public Insurance Act, is being amended to conform to that shifting of the liability, or onus, as reflected in the Insurance Act which all members apparently had agreed to. In essence, what it means is that there's not an onus of proof of the entire case on the person if he establishes that he was not aware of the breach on the part of the driver, that he was a suspended driver, or that he had no authority and so on; and then the onus is off the owner of the car to prove. But he must establish that first, and that's a prerequisite and that's considered to be a very reasonable one. It was much different prior to the amendment to the Insurance Act. The onus was completely upon the owner to establish all of the evidence necessary to make a claim.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you very much, Mr. Chairman. I am not a lawyer but I have always understood, or it's been the general understanding of people that under the British system of justice, which was established many years ago, that the onus of proof has always been on the part of the prosecution; that a person is basically innocent until proven guilty.

MR. HARRY ENNS (Lakeside): That's before Borowski came to the Legislature.

MR. GRAHAM: But Mr. Chairman, last winter when the Throne Speech was made, where the First Minister said that certain dogmas and traditions would be changed, little did we . . .

MR. CHAIRMAN: It's difficult to hear the speaker.

MR. GRAHAM: . . . little did we realize that it was changing in such a basic manner as this, and while it may be a minor point in this thing, we can see it in many different fields, where the onus of proof of innocence is becoming more and more important rather than the onus on the proof of guilt, and it concerns me to some considerable extent, Mr. Chairman.

MR. SCHREYER: Would the honourable member permit a question?

MR. GRAHAM: Yes.

MR. SCHREYER: Well, Mr. Chairman, without in any way admitting that there is such an onus section implied in this bill, I'd like to ask the honourable member if he can say whether the Wildlife Act, for example, as it has existed for many years and as drafted many years ago, contains a section whereby those who are found to be nightlighting hunting have a certain onus placed upon them under the Wildlife Act.

MR. GRAHAM: Mr. Chairman, since the First Minister raised this point, it's very interesting that it was just last winter, I believe, where a farmer came home at night with his half ton truck and his wife and told him that there was horses out in his field where he had open grain. He drove out in his truck and he was picked up because he had a rifle in his truck and some shells, and he has been convicted and the truck impounded. Very unjust, I would say, that such a thing be happening in this day and age, where you have to prove your innocence rather than have them prove your guilt.

MR. SCHREYER: Well, Mr. Chairman, I wonder if I might ask the last speaker. What he relates may well be so, I don't know. I don't know of the case. But would he be prepared to admit that there have been similar cases with convictions in years past, 1965, '62, one near Cloverleaf, Manitoba, one near north of Beasejour? There have been cases like that.

MR. GRAHAM: . . . Mr. Chairman, that there would be one individual and several others in this province who would be very unhappy with the finding of the court in that particular case I stated.

HON. SAUL CHERNIACK, Q.C. (Minister of Finance) (St. John's): Mr. Chairman, I guess I'm the third batter-up on this question. I know the sincerity with which the Honourable the Member for Birtle-Russell speaks on this, and those of us who have had our grounding in British common law recognize the problem that is created, but our society has moved on to the extent where there are many facts which are in the complete possession of the person involved where it is impossible to prove knowledge. It's very difficult to prove that someone knew something, it's much less difficult for him to prove that it was not so, in cases such as many of our criminal statutes where the onus goes. If stolen goods are found shortly after they are stolen in the possession of a person, it is presumed that that person had knowledge of that unless he can prove to the contrary. Many of our taxing statutes, I would guess practically all of our taxing statutes provide the onus; our liquor statutes provide onus in that way. Even the law on the question of negligence when a car owner, or driver rather, injures a pedestrian, the onus is

(MR. CHERNIACK cont'd.) put on him to disprove that he was negligent because the pedestrian may be completely unaware of those factors which may have come up.

Now, what surprises me is that we're having this debate again, Mr. Chairman, because it was discussed, I think it was discussed at length, in Law Amendment Committee when we were dealing with the Insurance Act; it was discussed with people present who were knowledgeable outside of the members of the Legislature, and it was agreed to -- Now I believe there was complete agreement or at least general agreement, I don't recall any great difference of opinion, and when this matter, this particular bill was being dealt with, it was raised and I think it was raised by a member of the opposition, but in any event it was agreed that we would look into this aspect and try and bring in, or consider bringing in a section similar to the one which we had agreed to only a short while ago under The Highway Traffic Act, and that was an improvement. And what we've done here is to provide that kind of an improvement which makes it possible for a person to prove that he was not knowledgeable of the fact that the person driving the vehicle was not properly authorized to do so.

MR. GREEN: We promised that . . .

MR. CHERNIACK: The Minister of Mines and Resources remembers that it was a promise made to the Honourable Member for Ste. Rose that this would be done, and we're carrying out the promise and we're bringing in -- I think, looking at it, that it's identical wording, but if it isn't identical it's the same principle as that which was agreed to when we dealt with the Insurance Act, and I think this is a good measure to bring in because it brings in additional protection to the owner of a vehicle which is involved in an accident. Now the onus provision is one which unfortunately becomes necessary and has become necessary in many statutes in the past, and is one which I think we have to acknowledge as being an important one.

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

MR. GRAHAM: Mr. Chairman, I want to thank the Finance Minister for what he has stated, and I must admit that I agree with him, but I think it he had listened to what I said at first, I was talking on the general attitude that does concern me at the present time and he admitted by himself that this is an improvement; but I ask him this; is it perfect?

MR. CHERNIACK: . . . see a perfect law.

MR. CHAIRMAN: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Chairman, I agree with the Minister of Finance completely, but when he says that we have never, he must admit this is a new amendment, a new section.

MR. CHAIRMAN: . . . members of the press gallery who are drowning out the speaker, to keep their conversation down.

A MEMBER: The press gallery?

MR. F. JOHNSTON: But he must admit this is a new section, a new amendment. Now, the explanation the Attorney-General gave me I agree with, but I am still a little confused on one item here. -- (Interjection) -- Well, that's quite true. I guess it isn't unusual, but I don't happen to be a member of the Bar Association. " . . . the driver who caused the loss, damage, injury or death was at the time of the accident a member of a household of the owner of the motor vehicle used by the driver involved in the accident, and where the owner proves that he did not know." Now what is the relevance of "household"? I could lend my car to a man and a relative of mine staying at a hotel. I don't see the reason for this "household" here. I really can't -- if it could be explained to me. I don't know why, that if my daughter who is not living in my home, that I can't loan my keys to. -- (Interjection) -- Well, I'd like it explained.

MR. MACKLING: Well, the previous precedent in court and the previous interpretation of situations where someone in a household owns a vehicle driven by someone else in that household, it's been a matter of precedent and common law that there is an assumption that the person who owns the vehicle in the household knows what the other member in the household is doing with the car, and that's why, despite the fact that could happen, the onus isn't automatic here on the person. It's relieved against as provided here.

MR. CHAIRMAN put the question on the proposed amendment of the Honourable Minister of Municipal Affairs, and after a voice vote declared the motion carried. The remainder of Section 21 was read and passed.

Section 22 as amended --

MR. WALTER WEIR (Leader of the Opposition)(Minnedosa): Mr. Chairman, would you please read Section 22 as amended?

MR. CHAIRMAN: Section 22 was deleted in the original bill and the new section: "Notwithstanding anything to the contrary in any statute or law, the insurer shall have access to all

(MR. CHAIRMAN cont'd.) documents, books, reports, records and other things and to all facilities of, belonging to or available to the Department of Transportation, the Highway Traffic and Motor Transport Board, the Taxi Board of Greater Winnipeg and the Registrar of Motor Vehicles, as the insurer may in its discretion deem necessary or desirable for the better carrying out of this Act and the regulations."

MR. WEIR: May I enquire of members of the government whether this is something that is available to the other insurance companies at the present time under the Insurance Act or whether this is a provision that would apply strictly to the Crown corporation.

MR. CHERNIACK: Mr. Chairman, I do not believe it is in the Insurance Act. I believe that all or most of the information - I have to make that qualification - is available to the public upon application and payment of a fee, but I don't want to leave the impression that I know that it is all available. I know some of it is. I can't certify that all of it is.

MR. CHAIRMAN: (Sections 22 to 26 were read and passed). Section 27 -- The Leader of the Official Opposition.

MR. WEIR: Mr. Chairman, Section 27. I have an amendment. On 26 I have an amendment to make first, Mr. Chairman. I would like to move, Mr. Chairman, that Section 26 of Bill 56 be struck out and the following section substituted therefor:

"Application of Insurance Act, 26(1) Except as otherwise provided in subsection (2), The Insurance Act applies to the corporation and to any plan of insurance established under this Act, paid-up capital and surplus.

26(2) For the purposes of licensing under the Insurance Act, the corporation is not required to have any paid-up capital stock or unimpaired surplus.

Conflict with Insurance Act, 26(3) Except as provided in subsection (2), where there is a conflict between any provision of this Act and any provision of the Insurance Act, the provision of the Insurance Act governs."

Well, Mr. Chairman, just a word or two of explanation. I think it's pretty well self-explanatory. It covers much of the discussion we've had and some that will continue through other sections of the bill; and the intent here is that if the Insurance Act is good enough to govern the other corporations that are selling insurance in Manitoba, it should be good enough for this one in areas where they are similar. If there were extensions that weren't covered by the Insurance Act that were contained in this Act, they would govern. If there was a conflict, then the Insurance Act would govern; but essentially this Act says, or this amendment says that the Insurance Act is the act that governs the sale of insurance in the Province of Manitoba, whether it's by this corporation or by any other insurance company in the Province of Manitoba, and that this company would not be subject to the requisites under the Insurance Act for having paid-up capital stock and unimpaired surplus, etc., but that all of the other things would apply, and where there was a conflict between this Act and the other Act, the Act that controls all of the other companies in Manitoba would govern.

MR. CHAIRMAN: The Honourable the First Minister.

MR. SCHREYER: Mr. Chairman, I wonder if I might ask the Honourable the Leader of the Opposition if there is a copy available of this proposed amendment. Oh, I'm sorry.

MR. WEIR: Yes, Mr. Chairman, they were distributed this morning.

MR. CHAIRMAN: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Chairman, the introductory remarks of the Honourable the Leader of the Official Opposition could well have been used when back in -- and I'm not sure of the date but I'm sure it must have been 1959 or earlier - the Crop Insurance Act - 1959 - was brought into the Legislature; and in the original Act, according to the statute before me, it was then Chapter 14, Section 20 of 1959 Statutes of Manitoba, Second Session, and is now Section 23 of the current Act which is c.310, reads as follows: "The contracts made with insured persons are not contracts of insurance within the meaning of the Insurance Act, and that Act does not apply to the administration of this Act." And the -- (Interjection) -- Crop Insurance Act. And the remarks made by the Honourable the Leader of the Official Opposition could well have been made, I suppose, at the time when in 1969 the government of the day introduced the - I have to be sure now, 1969 - yes, that was the Manitoba Health Services Insurance Corporation -- It was amended in '69 Section 4(3) reads: "The Insurance Act does not apply to the corporation, to Manitoba Health Plan or to the insurance in respect of the cost of medical services provided under this Act, and the Companies Act does not apply to the corporation."

Mr. Chairman, there's a reason for that, and the reason is that we are now dealing with

(MR. CHERNIACK cont'd.) a Crown corporation which is controlled by the government, and through it by the Legislature and is answerable to it, and there is really no need for an Act which is before - that is, the Public Auto Insurance Act - to hang upon or be dependent upon or be conditional upon or to be in any way attached to another Act except in specific. Now, we have already gone through several sections of the present bill and approved of them, which are to some extent - well, to a large extent - duplications of the relevant portions of the Insurance Act as they would apply to this; and therefore this Act will have within it the basic policy provisions and all factors involved in them in the one Act, without dealing with all the extraneous matters which would be reflected in the Insurance Act itself which deals with so many types of insurance and so many types of companies and so many types of problems which are not relevant in connection with this specific bill we have before us. And the reason I wanted to speak on this, Mr. Chairman, was that I am the Minister responsible for the administration of the Insurance Act and I have done the consulting that I felt was necessary to satisfy myself as to whether or not there was any disadvantage to having the bill in its present form in relation to the Insurance Act, and I've satisfied myself that it is not necessary and that the amendment proposed is one which is not applicable to the situation.

Now the bill itself does make the Act, bring the Act under the Insurance Act for additional insurance and to that extent there would be the same application except for the same exemption that is set out in the proposed amendment. But other than that, I'm advised that it is of no advantage, just as in the case of the Crop Insurance Act and the Health Services Act it was not necessary and was completely eliminated in both of those cases.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I have a question I'd like to ask the Minister of Finance. He mentioned that there were various sections that were not relevant, but are they inconsistent, even though they may not be applicable, but are they inconsistent with the Act?

MR. CHERNIACK: Well, the sections that I said weren't relevant are the great number of sections that don't apply.

MR. CHAIRMAN: The Leader of the Official Opposition.

MR. WEIR: Mr. Chairman, I could go into a long-winded debate over what we've been talking about but I think that that would serve no good purpose at this stage of the game and I propose to not do that at this stage of the game. I've registered my position, I intend to have it recorded and to have it recorded by a vote. I don't think that it's an unreasonable position to take. I don't think the similarities between what we have here and what we have in the Health Services Corporation or the Crop Insurance Corporation are parallels at all. The Health Services Corporation is a monopoly with no, really, no additional coverage; in terms of crop insurance it's a field that nobody else was covering in any way, shape or form and it is completely voluntary. I don't see them as completely parallel situations although I do see that the Minister of Finance can raise them and legitimately raise them as a matter of discussion here. I think that no good point would be served by us getting into a long-winded fight about it. We're going to end up the same way as we are now. I'm registering my position at this stage of the game and intend to follow it up with a vote on the section that I think is in the interests of the people of Manitoba; and if the majority of the House feel differently than I do, for the present - for the present - I live with their judgment.

MR. FROESE: Mr. Chairman, I certainly haven't checked out the sections with the statutes referred to.

A MEMBER: We can't hear you, Jake.

MR. FROESE: I said that I had not checked out the amendments that are before us with the statutes. I only feel that if the private insurance companies will be allowed to operate within a certain sphere that, as has been stated by the Leader of the Official Opposition, that they should both abide by the same rules; and I certainly would subscribe to that, because I don't think that the government corporation should work within a certain set of rules and another set of rules apply to the outside corporations which might be more difficult to adhere to.

MR. CHAIRMAN put the question on the motion of the Leader of the Official Opposition, and after a voice vote declared the motion lost.

MR. WEIR: Yeas and nays, Mr. Chairman.

MR. CHAIRMAN: Call in the members. We're on Section 26 of the bill and the proposed motion of the Honourable Leader of the Official Opposition.

A COUNTED VOTE was taken, the result being as follows: Yeas 27; Nays 28.

MR. CHAIRMAN: I declare the motion lost.

MR. CHAIRMAN: Section 26 -- passed; Section 27 -- The Leader of the Official Opposition.

MR. WEIR: I have copies of the amendment I propose to make to Section 27, Mr. Chairman, which haven't been distributed. It comes as a result of activities of today, and I didn't have it ready earlier and I'm only able to present it now. So, Mr. Chairman, without any further -- I think it will be self-explanatory so I'll read the motion, Mr. Chairman.

That Bill 56 be amended (a) by renumbering Section 27 of the Bill as subsection (1) thereof; and (b) by adding thereto immediately after subsection (1) of Section 27 thereof the following subsections:-

27 (2) There shall be a Committee of Enquiry consisting of five persons, one of whom shall be a judge of the Court of Queen's Bench for Manitoba, who shall act as chairman, and two of whom shall be appointed as provided in each of subsections (3) and (4).

27 (3) The Insurance Bureau of Canada and the Agents Association of Manitoba shall each nominate two persons for appointment to the Committee of Enquiry. The Lieutenant Governor in Council shall appoint one person from each of such nominations.

27 (4) -- (Interjection) -- It may be a joke, Mr. Chairman, but I'm serious about it.
27 (4) . . .

MR. CHAIRMAN: Order, please.

MR. WEIR: The remaining two persons shall be appointed by the Lieutenant Governor in Council from among such persons as he considers advisable.

27 (5) The Committee of Enquiry shall enquire into:

(a) the feasibility and desirability of any plan of universal compulsory automobile insurance proposed by regulations made hereunder, the premiums payable thereunder, and the coverage provided and the rights of persons to benefits under the plan;

(b) the economic consequences likely to result from any plan of universal compulsory automobile insurance to communities in Manitoba, to persons resident in Manitoba, including persons engaged as insurance agents and to insurance companies having their head office in Manitoba;

(c) alternative plans providing that no persons other than those accepted by Section 38 or by regulations made pursuant to Section 39, may drive a motor vehicle within Manitoba without adequate financial responsibility, and the cost, coverage, rights of persons and economic consequences of any such plan in comparison to the universal compulsory automobile insurance plan proposed by regulations;

(d) the cost of the provision of insurance in excess of the limits of any plan of universal compulsory automobile insurance proposed by the regulations; and

(e) the regulations made pursuant to this Act and their implications.

27 (6) The members of the Committee of Enquiry of the powers of commissioners appointed under Part 5 of the Manitoba Evidence Act.

27 (7) The Committee of Enquiry shall prepare a report of its finding on its enquiries, and such report shall be laid before the Legislative Assembly forthwith if it is then in session; and if not then in session, within 15 days after the opening of the next session.

27 (8) No plan of universal compulsory automobile insurance to be implemented hereunder shall be implemented until the report of the Committee of Enquiry established hereunder is approved by resolution of the Legislative Assembly of Manitoba.

27 (9) There shall be a Compensation Board consisting of three members appointed by the Lieutenant Governor in Council, one of whom shall be a judge of the Court of Queen's Bench for Manitoba, who shall act as chairman.

27 (10) The Compensation Board shall have exclusive jurisdiction to hear and determine all claims for compensation for loss of revenue from the implementation of any plan of universal compulsory automobile insurance, subject to a right of appeal to the Court of Appeal for Manitoba.

27 (11) The Compensation Board shall award compensation to any person who by reason of the implementation of any plan of universal compulsory automobile insurance suffers financial loss by way of;

(a) loss of income from employment;

(b) depreciation in the capital value of an insurance agency business; or

(MR. WEIR cont'd.)

(c) relocation costs where loss of employment or of business, insurance or otherwise, reasonably requires a person to relocate their residence to a point within or without Manitoba.

27 (12) The compensation to be paid in the case of a person who has lost income from employment shall be such sum as, in the opinion of the Compensation Board, is reasonable having regard to the length of the person's employment in the insurance industry, his age, the availability or alternative employment to that person, the need for retraining and other such factors as the Compensation Board may deem proper, but in no event shall the compensation exceed one year's remuneration at the rate at which that person was paid or earned immediately before coming into the force of this Act.

27 (13) The compensation to be paid in the case of a person who has suffered depreciation in the capital value of an insurance agency business shall be the difference in capital value between what it would have been had no plan of universal compulsory automobile insurance been implemented, and the actual value it has at the date of implementation of the plan of universal compulsory automobile insurance.

27 (14) The compensation to be paid for relocation costs shall be the actual cost of relocating reasonably incurred and such depreciation, the value of real estate owned by the person relocating or his spouse, as the consequence of the effect of the implementation of the plan of universal compulsory automobile insurance on the economic viability of the community in which he resided.

27 (15) Any town, village or rural municipality which suffers a loss of real property tax revenue by reason of the effects of the implementation of a plan of universal compulsory automobile insurance, shall be paid compensation in such amount as the Compensation Board may determine is reasonable.

27 (16) The compensation assessed under this section shall be paid by the corporation within 28 days of the award of compensation or the final disposition of any appeal therefrom out of the fund.

27 (17) In the event of the absence of inability to act of any member or in the case of a vacancy on the Compensation Board, the remaining member or members may exercise the powers of the Board.

27 (18) The cost of establishing the Committee of Enquiry and the Compensation Board, and of the expenses incurred by the Committee and the Board, shall be paid by the corporation.

Mr. Chairman, I think the amendment, or the motion is self-explanatory.

MR. GREEN: Mr. Chairman, I wonder if the honourable member will -- I just want to ask . . .

MR. SCHREYER: It's a lengthy amendment and I was wondering whether the Honourable Leader of the Opposition doesn't feel under some desire to elaborate somewhat.

MR. WEIR: Well, Mr. Chairman, I have no hesitation at elaborating somewhat on it, but in my view it is self-explanatory, clause by clause, and while it is lengthy and while it is rather detailed, if the committee would like to rise and consider it again in the morning, I would have no objection to that course of action. I would think that it's reasonable to give it all of the consideration that an amendment of this type deserves and to hear any comments that there might be from the government. Essentially, it has the relative content, except in more detailed form, of the amendment that was given notice by the First Minister which he intended to make in a regulatory section. This has two boards and essentially established to set out - granted in more detail and granted requiring a report of the House before action took place and so on and so forth, compared to the ones that he was proposing - but in my view the amendment as it is here warrants the consideration of all members of the House in terms of it because of the importance of the subject matter.

MR. SCHREYER: Mr. Chairman, I'd like for purposes of clarification under the rules to know whether this amendment here, which is running to three or four pages, is moved as a single motion of amendment, if it's intended to be moved that way.

MR. WEIR: Mr. Chairman, yes, it is moved as a single motion and its various subsections within a subsection, and it is an amendment to the section that is headed: "Additional powers may be given" - additional powers being given to the Lieutenant Governor in Council, and the powers of the Lieutenant Governor in Council are to establish these two boards with the conditions and the controls and the objects that they have within them.

MR. CHAIRMAN: The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Chairman, as just a member of the committee rather than anyone speaking for government or otherwise, can we, in view of the statement of the Honourable the Leader of the Official Opposition, conclude then that, if the principle enunciated in the proposal of my honourable friend is accepted or defeated, either way, that then we'll not have a debate on each subsection of the -- I just want this clarified. I know my honourable friend intimated that but I just want that clarified for my own information because I know that within the general conduct of business it is possible for individual members other than my honourable friend the Leader of the Opposition to do otherwise, and I want general agreement from all members of the committee, not just that of my honourable friend the Leader of the Opposition.

MR. WEIR: Mr. Chairman, I think it's completely unfair of the Minister of Labour to ask for agreement from this side in terms of debate in the manner in which he has, but may I say that any filibuster that has occurred on Bill 56 has been a filibuster on behalf of the government.

MR. CHAIRMAN: Order please.

MR. WEIR: Mr. Chairman, if I may. I think that I set the example in terms that I've presented an amendment that I think follows the debate that we've had in the House. I think it follows very much the debate we have in the House and I indicated that I felt the amendment was self-explanatory, and I indicated that I was prepared to have it considered without discussion on my part, which in my view is reasonable, as reasonable as I possibly can be from this side, because I think that debate on the matter would be superfluous; I think that we've had ample debate and as a result of all of the debates that we've had, as a result of all the debates that we've had, I've arrived at the conclusion that if these amendments were met it would meet the interests of the people of Manitoba and the members of the Legislature, and be quite satisfactory all the way around.

MR. CHAIRMAN: I would just -- Order please. I would like to say that I would regard this as a single motion, that this is a new Section 27 proposed by the Leader of the Official Opposition. Is that his intention?

MR. WEIR: Mr. Chairman, yes. It's a new section 27.

MR. CHAIRMAN: But it is one motion, not a series of motions.

MR. WEIR: It's one motion, but it has with it, just the same, Mr. Chairman, as Section 6 had a flock of subsections. This one has 27 (2), 27 (3), 27 (5), 27 (4) -- my arithmetic wasn't very good -- up to I believe about 16, so as far as I'm concerned I'm moving it all as one motion. I think if it was being called, it has to be called, section by section, subsection by subsection, but if it's a matter of a filibuster, my honourable friends can very well consider it's not a matter of filibuster, it's a matter of the judgment of this House and we've attempted to rationalize what we think would be a good presentation to the House, and if time is required to consider it that wouldn't be necessary in debate, we'd be happy to have the House adjourn and consider this matter in the morning.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, I don't believe that my colleague the Minister of Labour was suggesting that the Leader of the Opposition was in some way filibustering. The only point that had been raised, and I understood that there was indication that way by the Leader of the Opposition, was whether this motion was intended as a single motion, and the Honourable Leader of the Opposition indicated in the affirmative, and that's the only point that was being established.

MR. PAULLEY: I want it agreed by the House, not just by . . .

MR. GILDAS MOLGAT (Ste. Rose): Mr. Chairman, whether it's a single motion or a series, surely members would be entitled to vote on the various elements in the motion . . .

MR. PAULLEY: That's my point. That's my point.

MR. MOLGAT: . . . and not simply have to vote either for or against the whole package. I would think that the mover would expect it to be gone through each section, and each section voted upon.

MR. SCHREYER: Mr. Chairman, that is precisely the point, because it was moved as a single motion and should be dealt with that way in terms of obtaining the consensus of the House. That was the point I was trying to have established.

MR. WEIR: Mr. Chairman, . . . usual in terms of the House, because can you imagine

(MR. WEIR cont'd.) how disgruntled the government would have been had I stood up and moved 27 (2) and sat down, and then moved 27 (3) and sat down. The context of the entire motion had to be in the hands of the House for them to understand what we were talking about, and I would expect that when the motion is called it wouldn't be called Section 27 as amended, and then the amendment to Section 27. I imagine it would be (a) (b) - the way we normally call resolutions in the House.

MR. GREEN: Mr. Chairman, maybe that's what the Honourable Leader of the Opposition just said, that the motion is moved as a single motion. If it's passed, then it can be the motion as amended section by section, so that way there would be one motion to pass the amendment, which is moved as one amendment. If it's passed, then we can proceed with it section by section.

SOME MEMBERS: No. No.

MR. WEIR: The way we handle things at the committee stage is we vote on it a section at a time, and I would suggest that there would be called (a) and (b), and the renumbering of (a) and (b), then 27 (2), 27 (3) and so on; and I see no reason why it shouldn't be. Now, Mr. Chairman, if that's not the case, if that's not the case, if to do this, if I have to move subsection by subsection, then I'm prepared to move it, but I think it is the wrong way; I think that it would impede the progress of the House, but I think that the members of the House should have an opportunity to express themselves if they so desire on each of the sections, and I don't look for carrying out lengthy debates, as might be indicated, and I would hope that -- as a matter of fact, I think it's so reasonable that I would hope that they'd all carry.

MR. CHAIRMAN: . . . implication. I might say that it would seem to me, in handling this motion, that I would take the entire series of 27 as moved by the Leader of the Official Opposition, and then call them section by section. If anyone takes objection to that, I'd like to hear their objections at this time.

The Honourable Member for St. Boniface.

MR. LAURENT L. DESJARDINS (St. Boniface): Are you stating, Mr. Chairman, that you have one motion to see if the principle of the whole amendment will be carried, and if so, and only if so, you're going to go clause by clause. Is that what you're saying? Well then, if it's not that, we're going clause by clause. That's all there is to it.

MR. CHAIRMAN: Well we are, in effect, going clause by clause, but I'm going to take the whole amendment as one motion to be put into committee and then I'm going to call them one by one.

MR. WEIR: Mr. Chairman, that wouldn't be satisfactory in any way, shape or form, because it could be a blanket discharge by this House of the entire motion.

MR. CHAIRMAN: That's not what I said.

MR. WEIR: Well, then I misunderstood you. My understanding was that you had indicated that we'd have one vote on the whole motion and then if that's passed, then down the line. Mr. Chairman, this would not be satisfactory and it wouldn't be in the manner in which the activities of the Committee of the House have carried on ever since I've been in it. I would say that the motion is presented and it should be called in the same manner in which we would call sections of the bill.

MR. CHAIRMAN: Well, I would just like to clarify and then perhaps this would -- I would accept this as one motion which contains a series of subsections, 18, and we will vote on each subsection. Did the Leader of the Official Opposition hear that?

MR. WEIR: I'm sorry, I didn't.

MR. CHAIRMAN: Well I would assume that the best procedure would be to accept this as a motion and then to deal with it as a series of subsections and vote on each subsection.

MR. WEIR: Yes, Mr. Chairman, if the Chair accepts it as a motion, and that we vote, subsection by subsection, as we go through the motion.

MR. CHAIRMAN: The Honourable Minister of Labour.

MR. PAULLEY: I don't think this is possible, in all due respect. I would suggest, Mr. Chairman, that what the Honourable the Leader of the Opposition is doing is introducing a new proposition in . . . -- (Interjection) -- Oh, stop rattling your brain, I can hear it from here. What I am suggesting, Mr. -- and I've been here without legal training longer than you, and I'll be here long after you've gone. What I am suggesting, what I am suggesting, Mr. Chairman, is that there is being introduced a new concept, or a new principle into Bill . . . -- (Interjections) -- I used to go to crap games and listen to the same thing. -- A new concept is

(MR. PAULLEY con t'd.) being introduced into this bill, and I would ask the Honourable Leader of the Opposition that if the proposition that he proposes, the principle that he proposes - that is, that there shall be a Committee of Enquiry consisting of five persons - is defeated, then we do not then go through the balance of his proposition section by section, because my honourable friend, in accordance with the rules of the House, really can only introduce amendments to any particular section of the bill that is before us, and if the proposition of my honourable friend the Leader of the Opposition, his proposition of Section 27 (2) is accepted, then we will go section by section in his proposition. But if that is defeated, Mr. Chairman, I respectfully suggest that the balance of the proposition then automatically is defeated.

Now, this is my only appeal, and I'm not suggesting at all any curtailment of debate, but it seems to me that the crux of the whole proposition of my honourable friend - and I can call him my honourable friend . . .

A MEMBER: Why not?

MR. PAULLEY: Why not? I do - I do. I do sincerely call him my honourable friend. I suggest to my honourable friend the Leader of the Opposition that this is the crux of the content of his amendment and that his proposition and the subsequent clauses should stand or fall on the first proposition, and this is all I'm suggesting.

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MR. WEIR: Mr. Chairman, if I could just respond to that, I would suggest that that's the way it would work out. That's the way it would work out, because if you defeated the basic principle, like for instance if we'd knocked out the definition of universal compulsory automobile insurance in the early stages of this bill, there'd have been a change in the balance of the bill automatically, I think, as we'd go through it, if people maintained their tradition. But may I say further to my honourable friend that if we took his idea that if you voted and everything would go all the way down the line, well I've got this proposition. We have 56 other members of this House -- 55 I guess, 54 plus myself on the committee, all of whom might want to make an amendment to some of the sub-clauses that are in here that may not meet the specifications that they'd called for.

MR. PAULLEY: Yes, after the adoption of the . . .

MR. WEIR: No, no. Not after anything, Mr. Chairman. Not after anything. As they go clause by clause. For instance, I wasn't allowed to make an amendment to Section 26. I'd love to have been able to get into Section 26 this morning before we started on Section 7 - on Section 7 where -- Section 7 is about the area where the infringement on the Insurance Act of Manitoba takes place within the bill we're now considering, but I had to wait until Section 26, after the decisions had been made; and if anybody thinks that I gave in easy, the reason I gave in easy was that the debate in principle had largely taken place on other sections of the bill before we got to the point where I could establish my position.

Now, Mr. Chairman, I didn't complain over the fact that the procedures were such that we went clause by clause and that I couldn't deal with Section 26 at that stage of the game. The practice of going through the House is clause by clause of the matter that is before us, and I have legitimately moved an amendment, and I think it's open to amendment, each one of those clauses, by any member of this House that sees fit to make an amendment, and I have a right to apply my judgment to any amendment that they want to make.

MR. PAULLEY: And I respect your judgment.

MR. WEIR: Well, thank you. It's one of the wise thoughts that you have presented to the House in the last few days.

MR. PAULLEY: That's right and if you could only get that within your own caucus, boy, you'd really enhance your leadership.

MR. WEIR: Mr. Chairman, I don't want to waste a lot of time. I've tried to make a point without taking a lot of time; I tried to make a point that I think that there is no other way to proceed except section by section with the matter that is before us.

MR. GREEN: Mr. Chairman, it may be that, although two different things are being said, if we understand each other they could amount to the same thing. The Minister of Labour says, and I agree with him, that the amendment is moved as an amendment; that once the amendment is passed, there's no danger that we will not go clause by clause because then the motion has to be read as amended and each one is -- well, just hear me out because I don't think it will be an argument but I'm trying to find out whether it will be. The Minister of Labour says that the motion is moved as a single motion; that, if it's passed, then you go clause by clause because the motion read as amended is 27(2), 27(3), and then the procedure that the Honourable Leader of the Opposition describes, that people may want to make amendments to the motion as amended, would be available to every member of the House and we would go clause by clause.

However, the Minister of Labour, for practical reasons, says okay; let us suppose that we vote, and we could by agreement do this, on 27(2) and that goes down, would the Leader of the Opposition then agree that it would be unnecessary to read 27(3), 27(4), 27(5), 27(6)? Because, if so, and you did indicate affinity for that position because if 27(2) does down, the others become meaningless, that if that's the case, then really it doesn't matter which position we adopt because if we do pass the motion 27(2), it becomes the principle and we would have to do the others; if we defeat it we wouldn't have to go clause by clause.

MR. WEIR: Mr. Chairman, if this is going to be the routine that we accept with all bills, government bills as well as amendments by the Opposition -- well, Mr. Chairman, an amendment is a motion. Mr. Chairman, is there something less significant about a motion that is moved by a member of the Opposition than a bill that is presented by the government?

MR. GREEN: Do you want an answer to that question?

MR. WEIR: Yes.

MR. GREEN: All right, let me then answer it. You yourself indicated . . .

MR. CHAIRMAN: Order. I don't know whether the Leader of the Official Opposition has relinquished the floor.

MR. WEIR: Well I didn't . . . quite frankly but . . .

MR. GREEN: Well, I asked if you wanted an answer . . .

MR. WEIR: Well, I stood glaring at you because I couldn't understand the statement that you had made, Sir.

MR. GREEN: Well, I asked you did you wish an answer . . .

MR. WEIR: If you'd allow me to finish . . .

MR. GREEN: Well, he said he wanted . . .

MR. CHAIRMAN: Order.

MR. WEIR: If you'd allow me to finish, if you'd allow me to finish, because I would say that it would be a matter of course if 27(2) was defeated, that certainly we wouldn't be calling recorded votes on the balance that was related to that committee, but when you get down to the point of 27 something else, where we're calling for another committee that is related to another purpose, we might very well be interested in that one for a recorded count again.

But again, you're talking about the operations of the House and we haven't called for a recorded count on everything that has been an infringement on the Insurance Act. We've called for a recorded count on the things we felt were important. This is the way this House has operated ever since I've been in it and this is the first time that I ever knew of that somebody was asked to take all of the sections and group them all in one. I don't know of it happening all the time I've been in the Legislature, Mr. Chairman. The practice and the procedure - and do you know what? I might have been more receptive to this point of view the day before yesterday, but it's as a result of a ruling of the Chair, supported by the House, that if we approved it, if we approved it generally speaking in total, members of this House might be prevented from making an amendment.

Well, Mr. Chairman, I just tell you, a matter that's once considered, and it doesn't even have to be all that close, all it has to be is the same subject matter, all it has to be is the same subject matter, Mr. Chairman, and the rules of the committee that were challenged by this side but supported by the government side indicated that it couldn't be introduced again, so that I am just a little hesitant, Mr. Chairman, to move in and to take any blanket approach, any blanket approach to any of the sections. I see no reason why the regular procedure of the House can't prevail and can't serve as well as it has in the last hundred years.

MR. CHAIRMAN: The Honourable Member for St. Boniface.

MR. LAURENT L. DESJARDINS (St. Boniface): Mr. Chairman, I'm not too sure about the rules but I think we could save a lot of time. Instead of saying we're going to make one motion, on the general principle, and then if it's passed clause by clause, - even if we don't do this and to satisfy everybody in this House, there is one motion that can be made - 27(2) that it be a committee of inquiry consisting of five persons. Now, if that is defeated, you're certainly not going to make a motion that the remaining two persons shall be appointed by the Lieutenant-Governor. Now, and that will go down to 27(9) - that would automatically dispose of up to 27(9) - and I think this is what the Leader of the Opposition is saying. Now this is something else: "There shall be a compensation Board" and if that is defeated, the others will be finished. That's it.

MR. CHAIRMAN: Are we ready to proceed? On the proposed motion of the Honourable Leader of the Official Opposition, that Bill 56 be amended (a) by renumbering Section 27 of the Bill as subsection (1) thereof and (b) by adding thereto immediately after subsection (1) of Section 27 the following subsection 27(2): There shall be a committee of inquiry. The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, there is another aspect of the rules that I believe should be taken under consideration, and that is that there is reference in this motion to expenditures of money which I believe is acceptable as a motion only on the part of someone of the Treasury Bench.

Now I know it could be contended that the money that is involved is to be paid out, not out of consolidated revenue but from some other source and my contention, and I submit, Sir, that whatever be the source, if it be a public source it is a money bill or a motion having to do with the expenditure of public funds, whether it be from consolidated revenue or a public corporation and I, Sir, imperfect though my knowledge is of rules of parliamentary procedure, know of no precedent of that kind whatsoever.

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MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: I would have to take exception to that. I agree if it's government funds, but we're establishing a corporation here and once it will be operating, the moneys will come from that corporation, the moneys will be paid in by the public. I can't see where the Lieutenant Governor in Council should in this case . . .

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: The Honourable Member for Rhineland may put forward the argument that because it is a public corporation that is established by Act of the Legislature, that therefore a member of the Legislature can put forward a motion that has the effect of expending public funds, but Mr. Chairman, under the rules of parliamentary procedure, there can be no motion authorizing the expenditure of public funds, whether it be from consolidated revenue or any agency thereof or corporation thereof except by a member of the Treasury Bench.

MR. CHAIRMAN: The Leader of the Official Opposition.

MR. WEIR: Mr. Chairman, I think probably I'd like to say a word or two about that because I think the First Minister has a wrong contention, because while a Minister sitting in the House does have a special place over other members of the House, it's only related to the extent that he has a message from His Honour, that he has a message from His Honour - and may I say, Mr. Chairman, that my privilege in this House is exactly the same as the Minister of Municipal Affairs or any other member of the Treasury Bench in the extension (Treasury bunch is probably - I made a slip there but treasury bunch was probably the right word, but I hadn't intended it that way) - but may I read to you Beauchesne 246, subsection (3) on Page 207: "The guiding principle in determining the effect of an amendment upon the financial initiative of the Crown is that the communication to which the royal demand of recommendation is attached, must be treated as laying down once for all" - in other words the way it's found in the bill - "unless withdrawn and replaced" - which hasn't been done to my knowledge - "not only the amount of a charge but also its objects, purposes, conditions and qualifications. In relation to the standard thereby fixed, an amendment infringes the financial initiative of the Crown not only if it increases the amount but also if it extends the objects and purposes and relaxes the conditions and qualifications expressed in the communication by which the Crown has demanded or recommended a charge. This standard is binding not only on private members but also on Ministers whose only advantage is that as advisors to the Crown they can present new or supplementary estimates or secure the royal recommendation to new and supplementary recommendations."

So Mr. Chairman, if this is out of order, if this is out of order - and it's up to this House to decide - if it's out of order so is any other amendment, so is any other amendment that is proposed by any member of this House regardless -- (Interjection) -- Oh, that's right - or an extension, or an extension. If this is interpreted in this way by this Chair, I'm looking for the same kind of a ruling on any amendment that is made on this or any other bill in terms of this Legislature by any member of the House, not just private members.

MR. CHAIRMAN: The Honourable Minister of Labour.

MR. PAULLEY: I wonder Mr. Chairman, if I may remind my honourable friend the Leader of the Opposition and some of his colleagues, an endeavour that was made, and may not be necessarily a comparable situation, but I think a similar one when I, as Leader of the CCF Party, first of all, and following that, the Leader of the New Democratic Party, -- (Interjection) -- I am an old man but I have - I confess, Mr. Chairman, that I am an old man. . .

MR. GORDON E. JOHNSTON (Portage la Prairie): A nice old man.

MR. PAULLEY: . . . a nice old man - that I'm not so sure of and if I hear from my addle-headed friend, this is questionable - but I thank you for calling me a nice old man, and I confess to that to say I'll be 61 in November, and it does appear that we'll still be in session in November if we have to continuously listen to such nonsense as we're listening to this evening.

But I want to ask my honourable friend whether he recalls, and maybe the Member for Swan River was in the House at the time, at the time when I, as a member sitting opposite, attempted to have increases made in the benefits respecting Workmen's Compensation, and the then Attorney-General, Mr. Lyon, arose in this House on a point of order and said that it was incompetent for me as a private member, or a member other than a member of the Treasury Branch, to increase benefits in respect of Workmen's Compensation. I argued that I had that right - and what was the net result Mr. Chairman? The government of the day, and

(MR. PAULLEY cont'd) I think that I am correct, that the government of that day included the now Leader of the Official Opposition in this Legislative Assembly, argued that we had no right to impose on the treasury either directly or indirectly any charge on the treasury of Manitoba. I respectfully suggest, Mr. Chairman, that notwithstanding any citation of my honourable friend the Leader of the Opposition, that he should recall the debate that took place at that time. And if I remember correctly, too, that at that time the then Leader of the Liberal Party, the member who is now the Honourable Member for Ste. Rose, joined with me in suggesting that we had the right, but by a vote of the House, armed and abetted by Beauchesne and May and all the rest of the authorities, said that we did not have the right; and now we have my honourable friend the Leader of the Opposition taking the absolute reverse position than he did at that particular time. So I suggest to my honourable friend, in all fairness to the old man, that maybe he would reflect on the discussions that took place at that particular time - I believe it was 1965 or 1966 - memory fails sometimes elderly citizens - I may be out in my years, but I'm not out . . .

MR. GIRARD: On a point of order, Mr. Chairman. I wonder if we could accommodate our senior citizen by simply recessing for 10 minutes rather than having to have him engage so seriously till information comes to us.

MR. PAULLEY: Mr. Chairman, I would suggest that we do not recess. I would suggest to my honourable friend who has just spoken, that it may enhance his education if he would only listen to the old rooster, you see, because, Mr. Chairman, I'm so sure that the honourable member who represents that great constituency of Emerson has so much to learn of parliamentary procedure that it would be well for him to listen to me; and I would suggest, too, that even the Member for Lakeside, even the Member for Lakeside and other members opposite, could learn just a little bit if I could but penetrate between their ears what has transpired in the past. So I respect -- and I would say my old colleague and friend, used to be Souris-Lansdowne, now Souris-Killarney, and I respect his intelligence, I believe he has some, I respect, I'm sure that even he can learn from some of the experiences that the Dean of the Legislature has gone through since 1953.

MR. CHAIRMAN: I would like to ask advice from members of the committee on the following point. It seems to me that the crux of the matter may be this. If these funds come out of Consolidated Revenue then they clearly require a message from His Honour. The question is, does this motion which apparently takes funds out of the corporation itself, is that related in any sense to that point. If it is, then it may be out of order. If it is not, then perhaps it is in order. The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, it's precisely on the latter part of your remarks wherein you raise the question that unlike payments out of the Consolidated Revenue Fund, which under rules and precedent clearly is not possible to authorize such payments out of Consolidated Revenue by motion of other than a member of the Treasury Bench, that's acknowledged, you raise the question whether there is any difference as to the acceptability of a motion which also authorizes the expenditure of public moneys but from a source other than Consolidated Revenue. I have just made some enquiries and my earlier contention is borne out - there is no precedent, but no precedent for that; and furthermore, I can cite as a precedent for such a similar motion being ruled out of order by Mr. Speaker Lamoureux, that in the case of the Canada Pension Plan, where a motion was moved by someone other than of the Treasury Bench for the payment of moneys, not out of Consolidated Revenue, but out of the Canada Pension Plan funds themselves, it was ruled out of order as being simply unacceptable in that it authorized the expenditure of public moneys by a motion by other than a member of the Treasury Bench. There are many other precedents, Mr. Chairman, and I am having them brought to my attention in due course.

MR. JAMES H. BILTON (Swan River): I wonder if the First Minister would answer a question? Was the Canada Pension Fund established at the time the Speaker made the ruling? Was it in the past and in the present when he made that ruling?

MR. SCHREYER: Mr. Chairman, may I simply point out that whether a corporation or public entity is established, is about to be established, makes no difference. The hypothetical aspect makes no difference to the basic and fundamental rule of procedure that expenditure of public moneys cannot be authorized by motion, except by motion sponsored by someone of the Treasury Bench.

MR. CHAIRMAN: The Member for Ste. Rose.

MR. GILDAS MOLGAT (Ste. Rose): Mr. Chairman, I think we've had a very interesting discussion but it seems to me that the facts are that Mr. Chairman read the motion and having -- (Interjection) -- the House Leader says it doesn't make any difference. The facts are that once Mr. Speaker or when we are in committee, Mr. Chairman reads the motion, the motion is before the House. Had there been objections prior to Mr. Chairman reading the motion, then perfectly proper, but the fact still remained that Mr. Chairman has read the motion and at the moment that he read the motion, no objection was raised.

Mr. Chairman, we were on to 27 (2), you had passed (a) and (b) before objection was raised and we were into the motion at that point.

MR. PAULLEY: Oh, come on. You've been around for a few days too, you're almost as old as the old man.

MR. SCHREYER: Mr. Chairman, speaking to the point of order, I hardly know what to say in response to the contention put forward by the Member for Ste. Rose that because the motion was read by the sponsor, or whether it was read by Mr. Chairman in whole or in part -- yes I said, or by Mr. Chairman in whole or in part, the question was raised as to its acceptability under the rules and the Chairman was attempting to indicate whether it was or was not in order. Quite frankly I'm surprised that the argument should be put forward that because a motion has been read out, without any ruling by the Chair, that it therefore is in order, because it was put to Mr. Chairman as to whether or not the motion was in fact in order.

MR. MOLGAT: Mr. Chairman, in the very effect of reading a motion by the Chairman or by the Speaker is the acceptance of the motion. There are dozens of precedents in this very House, where the Speaker has proceeded to read a motion and once he has done so, he puts it before the House. Well my friends can say no all they want but those are still the facts of what has happened here on innumerable occasions when the Speaker has taken the motion and before he reads it to the House some member objects, but once the Speaker receives the motion, reads it before the House, the Speaker has accepted the motion.

MR. CHERNIACK: May I direct a question to the Honourable Member for Ste. Rose as to what we do when actually if indeed a message from His Honour is requisite. Now is he trying to say that if the Chairman started to read - and he certainly didn't read the amendment, he didn't get anywhere near finishing because the only time it was read was ready by the Leader of the Official Opposition and then there was discussion and the Chairman as I recall it, it's not important, what he said actually, but he only got to about two or three lines of what was being said when the question was raised on the question of a message from His Honour. Now are we going to ignore that aspect of it, are we just playing with whether it's within the rules or outside the rules or are we talking about expenditure of public funds.

Now there is no corporation yet, assuming the bill is passed there can be a corporation if the board is appointed, in which case the board would have no money, the board would then have to come to the provincial Minister of Finance for money and as far as I can see, in regard to any of the aspects raised in this amendment dealing with the setting up of the Board, payment of expenses of the board, payment of compensation indeed, then it seems to me that that clearly is an expenditure of public funds - the public funds to be raised by the corporation are public funds and the mere aspect of compulsion in the payment of the premiums to car owners is a form of collection of public funds. Now either we deal with this in a manner which is correct or we ignore and flout the entire tradition relating to the message from His Honour.

MR. FROESE: Mr. Chairman, it has been pointed out that this Act will not become effective until June 30th of next year. In the intervening time we will have another session. This House at this current session will not authorize any money, they don't have to. It can be done at a future session, so I can't see the reason why we should be so anxious about this very matter at this time. There will be another session in between which will authorize the necessary funds.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: I don't suppose that those last remarks were in any way relevant to the point of order that is before us. I don't know what your recollection is, Sir, of your reading of the proposed motion, but if the Honourable Member for Ste. Rose is trying to contend that the reading of the motion is an indication automatic of acceptance then I would, one would be prone to use the same technical argument, I don't think it's a good one, but even on

(MR. SCHREYER cont'd.) that ground, even on his grounds, the fact remains that you did not read the motion; you entered into a reading thereof and a question was raised as to the acceptability of the motion, the sequence with which it should be accepted and the acceptability of the motion itself; so that the motion was not read by Mr. Chairman, I don't believe.

MR. CHAIRMAN: The Honourable House Leader -- I'm sorry I would ask the Honourable First Minister to repeat his last sentence or so. It seemed to me important and I'm not sure I understood it.

MR. SCHREYER: Mr. Chairman, I was simply raising the point that for one, I don't accept the argument, the contention that the mere reading of a motion by the Chairman is an automatic acceptance of it, as being in order under the rules, particularly when there is some point of order being raised at the time. But actually, Mr. Speaker, my recollection is that you did not read the motion; in fact you came no where near to reading the entire motion before there was someone rising on a point of order, questioning the acceptability of the motion, for reasons already stated.

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, I'm going to try and be brief and follow up on that one point. The Honourable Member for Ste. Rose advances the proposition that the reading of a motion means that it is in order and I suggest that he hasn't presented any precedent or citation to support that decision. He has said that members tried to make their objection. Mr. Chairman, I would like to make this point, that members tried to make their objection as soon as possible and I think that that is the rule, but it doesn't thereby follow that an objection not having been made, that an inadmissible motion becomes admissible. Mr. Chairman, it would just be unthinkable that the Chairman's acceptance of a motion relieves the necessity of a message from His Honour; that's just not a sound proposition.

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

MR. MOLGAT: Mr. Chairman, it may well be that the House Leader thinks it's not a sound proposition. There are many propositions advanced by the same honourable member which I think are extremely unsound, so his conviction of soundness is not the basis on which I make my decision.

The fact still remains that on many occasions in this House it has been accepted that when Mr. Speaker reads a motion before the House, it is then the fact that the motion is accepted. Now my honourable friends say that's not the case, they are not prepared to accept that. Well I don't have all the Hansards here for 17 years, Mr. Chairman, that I can go back to instantly, but I know that that has been the case. If my honourable friends say it's not, fine, there may be a point here, that the full of the motion was not read, that is a debatable point, but the fact that in the past it has always been accepted that once Mr. Speaker has read a motion it is before the House, is without any question, and I am positive that there is in Beauchesne a statement which says that a motion is not properly before the House until it has been read from the Chair and that once having been read from the Chair, it can only be dealt with by being amended, defeated, but not challenged. There is no . . .

MR. PAULLEY: Mr. Chairman, would my honourable friend permit a question:

MR. MOLGAT: Certainly.

MR. PAULLEY: Is not my honourable friend referring to the motion for the adjournment of the House under our rule whereby a motion is presented to Mr. Speaker in prior time, if he deems it in order, then it is read to the House and it is deemed to be in order. That is the situation that I would suggest, Mr. Chairman, that the statement of my honourable friend the Member for Ste. Rose is perfectly correct in. That is a peculiar circumstance, and where Mr. Speaker has had priority, I believe it's half an hour, to presenting the motion, to deem as to whether or not it is in order, at that particular time, then that is done, but - well I just ask my honourable friend a question, I could go on with the point of order, but I leave it at that.

MR. SCHREYER: Mr. Chairman, . . .

MR. CHAIRMAN: The Honourable First Minister. Well I would like to make a comment which may or may not clarify matters, because I find it rather confusing. The Member for Ste. Rose has said that when the motion is read by the Chair or by the Speaker that this is an indication of acceptance and I was in fact following that line of procedure, that I was proceeding to read the motion on the grounds that I felt that it was in order, but I was in the process of reading or completing my reading when an objection was immediately raised and that's where I find the whole problem, namely that I had not completed or was in the process of completing the

(MR. CHAIRMAN cont'd.) reading when an objection was raised in a latter section of this long motion, questioning the acceptability of the expenditure of funds and that's where we stopped. Now I don't know whether that means - I sort of am unclear in my own mind as to where we go from there. The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, by your own words, the very fact that you have said that you were in the process of reading when someone rose on a point of order, is an indication that you did not read it. You were beginning to read it and did not complete doing so and the question of its acceptability was raised, therefore the motion was not read. I think everyone can conclude that. The motion had not been read. Part of it had been read.

May I for your consideration, Sir, indicate further with respect to the question of the acceptability of a motion that would provide for the expenditure of public funds, that rulings have been made under the aegis of citation 235 and others; in the case of a motion that would have presumed to have authorized payments out of the Canada Pension Plan, there were other motions presuming to do the same with respect to the payments or costs that would have had to be incurred by Air Canada and by the Canadian National Railways and in those circumstances the motions were not accepted on the grounds that they were authorizing payment of public funds and therefore were not acceptable under the rules.

MR. CHAIRMAN: The Honourable Member for Arthur.

MR. J. DOUGLAS WATT (Arthur): On the point of order, I just want to say a few words and to agree with what the Honourable Member for Ste. Rose has said. He is perfectly right that when a Speaker or Chairman has accepted a motion and put the question, the debate then is on that motion, and the debate as far as I'm concerned now is on the ruling that the Chairman has made by accepting, because he did call Section 27 subsection (2) and I'm sure that Hansard will clear this, that he did call Section 27 subsection (2), and that is when the debate arose on whether the whole amendment would be acceptable for consideration. The motion was read by my Leader and heard by the whole House and this has been done continually in the 10 or 11 years that I have been in here, not necessarily re-read by the Speaker or by the Chairman, but it's a matter of perusal by the Chairman and consideration and it is up to the Chairman then to decide whether he accepts the motion or not; and in fact, he did accept the motion and he did call Section 27 subsection (2) for consideration and that is when the debate arose.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, I suggest that the person that is in the best position to determine whether he read the motion is the Chairman himself, and unless my memory is playing strange tricks with me, it's clear that the motion was far from having been read and that it was when you started to read it, a point of order was raised. I might go further and suggest that perhaps one reason the point of order was not raised a little sooner was because the distribution of the amendment had not taken place until after the verbal reading of it and therefore it was humanly impossible, practically speaking, for anyone to raise the point of order sooner. But in any case, the point of order was raised before the motion was read by Mr. Chairman. This is what I believe to be the case. I submit it was far from having been read and only you, Sir, are in a position to know whether you read the entire motion.

MR. CHAIRMAN: The Honourable Member for Swan River.

MR. BILTON: I think we are hung up on the fact as to how this matter was approached and it always has been the accepted practice that the Speaker or the Chairman of committee having introduced the name of the member moving the motion, that is the formal introduction that he has accepted it, at least that is my opinion and -- (Interjection) -- no this is true. I say to you, Mr. Chairman, how often have we said with lengthy material that goes to the Speaker or goes to the Chairman of committee, "dispense", and the same applies to that, as it does to this; that you have formally accepted, in my humble opinion, the motion when you, as I recall it, you said, moved by the Leader of the Opposition - having done so, there was your formal acceptance it seems to me, and he went on from there.

MR. SCHREYER: Mr. Chairman, may I suggest on the basis of the last argument that if that is the contention of the Honourable Member for Swan River, that I am sure without too much difficulty I can advise him of many if not hundreds of instances, in which Mr. Speaker started to read a motion, some honourable member rose in his place and raised a point of order, at which time it was then gone into by Mr. Speaker or Mr. Chairman as the case may have been, in order to look for its acceptability under the rules. This has happened hundreds and hundreds of times and to argue that as soon as Mr. Chairman simply reads a few words of a proposed

(MR. SCHREYER cont'd.) motion that that means automatic acceptance under the rule, is simply going in the face of well-established fact, because I say again, Sir, hundreds and hundreds of times has it happened that a point of order has been raised after the first few words of a motion have been read.

MR. CHAIRMAN: I would like some opinion, if I could ask for it on that very point, that if the Chairman is in the process of accepting a motion by reading it - if he is in the process of accepting it or has accepted it by reading it and an objection is immediately registered in the middle or at the end of that reading, whether that could in effect cause him to reconsider and rule the motion as not accepted.

The Leader of the Opposition.

MR. WEIR: Mr. Chairman, I hadn't really intended to get into this debate on the point of order. I was going to really accept your judgment, Sir, but I can't help as a result of the way that points have been made, reminding you of an occasion when I'm sure members opposite would like to forget, just as soon forget it, was the evening, I believe, of June 25th, 11:30, 12:00 o'clock, 12:30, 1:00 o'clock at night, when there was a motion by the Honourable Member for Portage, the Leader of the Liberal Party, related to an amendment to the Liquor Bill No. 3, Liquor Bill No. 3 which was challenged, which was challenged after the Speaker had read the motion, was challenged by the - I think he was the temporary House Leader, certainly the former House Leader, I think it was the present Minister of Labour, who challenged it and the Speaker ruled that it was in order, he having previously accepted it. That is an incident that occurred at this session of the Legislature, Sir, and I point out to you that the decision that has been made, that has been hardly won, or won in a very difficult manner, was that you, Sir, were proposing to proceed clause by clause, and that had you completed 27 (2) I don't think you had any intention of reading all over again the whole amendment but had intended to read section 27 (2) call for a pass or discussion or what have you, at the end of 27 (2), so the fact that you hadn't read the whole motion, in my mind, doesn't really enter into it in this particular case that we're talking about.

So, Sir, I leave the judgment in your hands, I think I've got my mind made up on it and will take my course as a result of your decision, but I would remind you of a precedent that occurred, and I think it was, if my memory doesn't serve me right, it was the anniversary of the 1969 election as I recall, which was June 25th and it was well after the regular adjournment hour.

MR. CHAIRMAN: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Chairman, I learned from a former premier of this province that one of the things one should often do is go back to our own rules and I wonder if this would be of any help. Rule 49. Any vote - and I pause on that word "vote" - resolution, address or bill introduced in the House for the appropriation of any part of the public revenue or of any tax or impost to any purpose whatsoever, or to impose any new or additional charge upon the public revenue, or upon the people, or to release or compound any sum of money due to the Crown, or to grant any property of the Crown, or to authorize any loan or any charge upon the credit of Her Majesty in the right of the province, shall be recommended to the House by a message from His Honour, the Lieutenant-Governor before it is considered by the House.

Where His Honour the Lieutenant-Governor recommends a vote, resolution, address or bill to the House by a message, the Minister introducing the vote, resolution, address or bill, shall before or at the time of introducing the vote, resolution, address or bill, announce the recommendation to the House and lay a copy of the message on the table of the House.

Mr. Chairman, this has not been done - it just has not been done, and I don't see how we can vote on any matter when we do not have a message from His Honour, and to me it's just that plain. We can debate at length at what stage you were interrupted, but the fact is, Mr. Chairman, you have to recognize that you had a four page amendment there and although the Honourable Leader of the Official Opposition reads clearly and precisely, yet you cannot expect, nor can he expect that members of the House must react immediately to the problems that may be raised; and the fact is that you had only read as I recall it, three or four lines, when you were interrupted. I'm not sure at what stage, the -- I think it was the First Minister that interrupted you, was standing and trying to attract your attention -- but surely we are not going to proceed contrary to this rule alone, and I know that Beauchesne and probably May have things to say as well, but our own rule makes it very clear, and this is a matter where money is involved. Indeed what happens if an inquiry commission is established and the costs are

(MR. CHERNIACK cont'd.) incurred and nothing is proceeded with and the corporation doesn't acquire any money with which to pay these expenses, whether it be by loan from the treasury to the corporation, which doesn't exist, or money paid out of the treasury, it's still moneys charged - the wording I refer to is "or upon the people".

MR. CHAIRMAN: The House Leader of the Liberal Party.

MR. G. JOHNSTON: Mr. Chairman, I can appreciate your problem in asking for guidance of the House, but I would direct you to Page 29 of the rule book, Rule 62 (1), "the rules should be observed in a Committee of the Whole House insofar as they are applicable, except the rules as to the seconding of motions and limiting the number of times of speaking."

Mr. Chairman, I refer you to Page 21 of our rule book, Rule 38, the heading is "decorum in debate": "When a Speaker is putting a question no member shall enter, walk out of, or across the House or make any noise or disturbance." Mr. Chairman, I'm suggesting you were putting the question, you were putting the question -- now, my friends opposite mutter and moan and say no and ah, but, if this precedent is established in this House, this means that anyone can interrupt whether it's before the last period of the question you're putting, then it becomes a precedent that whenever someone in the Chair or the Speaker's Chair is putting a motion, that it can be debated and it can be questioned and ruled out of order and so on.

I suggest to you, Mr. Chairman, that the question was being read by yourself, while, to be fair, there was no one who said "dispense", I admit that, but you were putting the question and someone on the government side decided that they would like to raise an objection and they tried to raise the objection and we have heard - the Minister of Finance, by his own mouth, one moment ago, brought in other arguments, other arguments, he was trying to argue the question, and I'm suggesting to you, Sir, that you should be putting the motion.

MR. CHAIRMAN: The Honourable Member for St. Boniface.

MR. DESJARDINS: Mr. Chairman, there's too many points here and it's getting confusing. First of all, somebody mentioned the fact that you've read a motion doesn't make it in order, but I think we can disregard that because - it might be, I don't know - but this is not the case.

Now the Leader of the Opposition can't have it both ways. He says that you read the first part, that was one motion, and therefore they should have had a vote, and if you kept on reading you were out of order or he was out of order when he read the whole thing - you can't have it both ways. And he stood in his seat and he said that as far as he was concerned, he was moving one motion and he wanted co-operation; so if he was moving one motion, it says in our rule book here that motions shall be put from the Chair be put from the Chair before being debated, and a motion is not put until it is completely read or unless the Chairman has been asked to dispense and we have heard that this has not been the case and if this was more than one motion, well then you could maybe debate some motion but then when you come to the last one, when you have to spend money, it would be felt that it would be out of order, what would we do with the rest of it. So this is ridiculous.

And another thing - I wonder if the Minister of Finance - even if you passed a rule like this, has the Minister of Finance or the Treasury Board the right to advance money on something that was passed by somebody else? So let's decide, if a motion was not put, somebody got up on another point of order but they interrupted you, there was a point of order to find out if it was one long motion or other motion, and we were discussing - I was the last person that spoke on that. I said all right, there's two motions in effect. If you vote the first one down, you've got to jump to 27 (9) and then we'll go ahead. Then I sat down, the First Minister got up and said "there is something else", on the same point of order, so I think that this is definitely

MR. CHAIRMAN: . . . to pose to the honourable members, is this question of the entire motion versus the subsection by subsection account.

MR. DESJARDINS: That was the point of order, because you were asking, directing, we were trying to assist and to see if it was one motion or if it was a number of motions, and on the same point of order, the Leader of the Opposition got up and he said, No, I'm trying to help; it is only one motion. And then we started debating, well, if this is the case how would we debate and how many votes are we going to have. I spoke last on this thing. I think my suggestions were accepted and then the First Minister got up and he said, Well, there is something else, there's another point, the question of you need a message from His Honour because there's money involved. I think this is quite clear, Mr. Chairman.

MR. MOLGAT: That is not correct, though.

MR. CHAIRMAN: The Honourable First Minister.

MR. MOLGAT: That is not correct, Mr. Chairman. You had completed reading (a) and (b).

MR. CHAIRMAN: I'm sorry. I recognized the First Minister.

MR. SCHREYER: Mr. Chairman, the Member for Ste. Rose again suggests that you had completed reading paragraphs (a) and (b) and that somehow should make a difference. This is precisely the point that I was trying to impress, Mr. Chairman, on the House, that the rule of procedure as to when a point of order may be raised.

I indicated to you, Sir, already in this point order, this debate, that it is in order to raise a point of order at any time during the reading of a motion or even thereafter, and I would go so far as to say that it is even in order to question the acceptability of a motion once debate has commenced, and I have that on good authority. Therefore, the suggestion as to whether you read one word, 100 words or the entire motion is entirely irrelevant. Mr. Speaker, I am appalled that the suggestion should even be made that it is not in order to question the acceptability of a motion under the rules because you read a word or 10 words. Actually the number of words read is immaterial. If you wish, Sir, I can read further citations on the matter, but if you really find it necessary, perhaps you should take it under advisement.

MR. CHAIRMAN: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Chairman, it well may be, as the First Minister says, that he bases his argument on good authority, but I submit that other arguments that have been advanced in this particular phase of debate are also based on good authority, as were the remarks made by the House Leader of the Liberal Party a few moments ago having to do with our own rules when the First Minister was out of the Chamber.

Now the Minister of Finance says that he's not sure to what stage we'd got or at what stage we were when the difficulty arose. Well, he may not be sure but several of us are fairly sure that the Chairman had read (a) and (b) and was calling 27 (2). He had read (a) and (b) and was calling 27 (2) which would indicate that he had accepted the motion.

Now the decision was to go clause by clause and as my Leader has said, there was obviously no intention on the part of the Chairman to read the whole motion, to read the whole 18 sub-clauses. He was only intending to call Clause No. 2 which is what he did and to proceed on that basis. But extending that argument further, if, let's assume that he had been planning to read the whole motion, surely this is an argument in semantics and illogic because no one on that side of the House and probably no one on this side of the House would have waited and listened to the Chairman go through the whole motion again. Someone would have shouted "dispense", so it's illogical to assume that the whole thing would have been read again. We were working on clause (2), (a) and (b) having been read, clause (2) was called and that would seem, Sir, to constitute acceptance of the motion.

MR. DESJARDINS: Mr. Chairman, the records show that the Leader of the Opposition stated that he is presenting one motion, and let him deny that now, and my honourable friend is not right because we didn't vote on (a) and (b). There was no vote on (a) and (b). You didn't ask for any vote. -- (Interjection) -- You didn't ask for any vote. You read it but did we vote on it? How can he go to 27 (2) if (a) and (b) hasn't been voted on?

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, if I may, even if one were to accept, even if one were to accept the argument of the Honourable Member for Fort Garry, and therefore debate the point on his grounds, which I submit are not valid grounds; but let us assume that his grounds are valid and that the clauses were being entered into separately.

I would like to refer to Citation 70 of Beauchesne - it's very clear - "Any member is entitled, even bound, to bring to the Speaker's immediate notice, any instance of what he considers a breach of order. He may interrupt and lay the point in question concisely before the Speaker. He should do so as soon as he perceives any irregularity in the proceedings which are engaging the attention of the House. The Speaker's attention must be directed to a breach of order at the proper moment, namely the moment it occurred. A point of order may be taken after a debate has concluded." A point of order may be taken after a debate has concluded, let alone before it starts.

Mr. Speaker, I am just appalled at those who would argue that because the Chair has started to read a motion that it is an indication of acceptance, because, Mr. Speaker, there

(MR. SCHREYER cont'd.) are two ways in which a motion can be ruled as out of order: first, on the initiative of the Chair, but the Chair alone does not have the prerogative of raising a point of order as to the acceptability of a motion; it also lies with any honourable member of the House and therefore may be raised at any time. And if necessary, I can, through Hansard show that this has happened many hundreds of times, thousands of times over the past many years of parliamentary procedure.

MR. CHAIRMAN: I'm prepared to rule at this time if honourable members would allow me. The Member for Souris-Killarney.

MR. McKELLAR: Well, on a point of order, I'd just like just to say a word or two. As a former Chairman of this House in the year 1969, it was my interpretation of this very rule, that I was not satisfied that this rule should not be debated, that I would not read this rule and I would take it under advisement. Now the Chairman had the right to not deal with this amendment tonight or until such time as he was satisfied, and had he did this, you could have brought up all your arguments for the next 15 minutes without having dealt with on points of order or any other means. I was always told, and this is why you have to be so careful as a Chairman -- it's not an easy job and I sympathize with our Chairman, because we've got a very difficult job to do, especially this Bill -- but once a Chairman makes a decision, this amendment is in order and he says the words "that the motion moved by the Honourable Leader of the Opposition" -- then he goes on (a), (b) and so on. The motion is in order and has to be debated.

Now mind you, this has always been my point -- I never agreed with that entirely, but as long as we had a Speaker, and the motion went to the Speaker, whether it went to the Chairman or the Speaker, and the Speaker started to read that, that motion was in order and had to be debated. -- (Interjection) -- No, Sir. When he started to read it. This is my interpretation of the rule. Now I don't bother with the books because I don't think -- you can read every book in the world but common sense has to enter the picture. This is where I speak.

MR. CHAIRMAN: I would now like to give my ruling on this question to bring the matter to a head. I would like to attempt to re-explain what in fact I attempted to do and then to refer to Beauchesne. It was my impression, and the amendment was a long one, that on a cursory examination that the amendment appeared to be in order and on that basis I proceeded to accept the amendment and I was in the process of reading the motion for its acceptance. However, as I had no sooner concluded reading the first section, the Honourable First Minister raised a point of order, drawing to my attention the last section of the Bill which deals with the question of whether or not the motion would require an expenditure of funds which would cause that section or the entire motion to be out of order. It seems to me that that question would still come before us and the Citation of 70 (2) in Beauchesne, "that any member is entitled, even bound to bring to the Speaker's immediate notice any instance of what he considers a breach of order, he may interrupt and lay the point in question concisely before the Speaker." It's my impression that that was done at the first opportunity and I would consequently rule that the motion should not be accepted at this time until the question dealing with the last part of the proposed motion of the Leader for the Opposition, namely 27 (18) is decided, and when that is decided, then it would seem to me we could determine whether the motion is or is not in order.

So I would therefore rule that I have not or should not have accepted the motion and that it is only when this House decides on the admissibility of Section 27 (18) that we can then proceed as to whether or not the motion is in order.

MR. GREEN: Mr. Chairman, then I take it that you have ruled, firstly, that you have not accepted the motion, that you were in the process of accepting it; a point of order was brought to your attention, which has caused you to say that it has to be decided first whether this requires amendment, and on that point I think that the rule that was read by the Minister of Finance is quite clear, that this does require a message and therefore the motion is out of order.

MR. CHAIRMAN: Well, I would just like to make that clear, that at this point I would like to put before the committee the question 27 (18), of whether or not the entire motion is in order or that subsection thereof. When we decide that, then I would like to proceed on the question of whether or not the entire motion is in order. If we have agreement on that, then I think the entire committee should divert its attention to 27 (18) and discuss that. Is the Minister of Finance supporting what I've said or is he dealing with 27 (18)?

MR. CHERNIACK: Mr. Chairman, I'm supporting what I understood you to say and that is that you do not accept this motion in order and you want more discussion on (18).

MR. CHAIRMAN: I will not accept the motion until I've heard arguments on 27 (18).

MR. CHERNIACK: Well, I want to relate - (18) deals of course with the Committee of Inquiry. So does 27 (2) deal with the Committee of Inquiry. 27 (2), the proposed 27 (2), provides for the appointment of certain people to make up a Committee of Inquiry; 27 (9) deals with the appointment of a Compensation Board. That, too, is referred to in (18). Further than that, 27 (11) proposed, deals with awarding compensation, and then 27 (16) says Compensation shall be paid by the corporation within 28 days; and 27 (18) then provides that the expenses of both the Committee of Inquiry and the Compensation Board shall be paid by the corporation.

Now, Mr. Chairman, the Honourable the Leader of the Official Opposition clearly said this is one motion; he said I am bringing this motion and it is obvious that it is a complete package. There can be variations in words but the principle in this amendment are clearly the establishment of a Board of Inquiry which will hold hearings, call witnesses, I believe it has that power -- yes, it can act as, has power, commissioners under the Manitoba Evidence Act, clearly an expenditure of money, so very clearly an expenditure of money, that that alone is part of the package. The next one is the Compensation Board which have exclusive jurisdiction to hear and determine all claims for compensation, and then in effect, order it to be paid. It's not even a recommendation that's involved, it's an order for payment. And, Mr. Chairman, the order for payment is public money and it would be completely wrong to accept the principle that - well, we're asking that somebody else pay it when that somebody else is nothing but a Crown agency without any funds and without any opportunity to amass any funds until all this is through.

So, Mr. Chairman, you speak of (18) and I speak of the whole amendment of the Leader of the Official Opposition which in his opinion is one amendment and which is all a package. You cannot proceed to appoint a committee and give it powers under the Manitoba Evidence Act without at the same time authorizing the expenditure of money, and (18) was only the summary of where the costs should be charged, how they should be allocated, but in the end, Mr. Chairman, it involved -- actually the only way would be a cheque issued by the Province of Manitoba; the Minister of Finance would have to issue a cheque, be it by way of a loan, be it by way of an advance, be it by way of a grant, be it by way of a loan with a forgiveness feature, because obviously the loan would be to somebody that can't repay it, which brings us right back into our rule, which I read earlier, 49, brings us right into the package where all the money that is involved in this package is public money, Mr. Chairman, and I don't feel that anyone can bring that in without the authority of the Treasury. I think, Mr. Chairman, it's not limited to (18), it's the whole motion, the one motion presented by the Honourable the Leader of the Opposition, which is not in order for that reason.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Earlier I made reference to Citation 70 of Beauchesne, a rule of our own book which is very specific on the matter, and lest it hasn't been brought to your attention already, is our own rule 49; and both paragraphs 1 and 2 of Rule 49 are very explicit on that subject. Therefore, Mr. Speaker, I submit that there clearly is a case here of the motion being not acceptable under the rules.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, on a point of order, I feel that your ruling should not be accepted because we have too many precedents; it's always been a precedent in the past that once the motion was read -- and we already had debated as to what procedure we'd take in passing the whole amendment, so it was no longer a question of whether the amendment . . .

MR. CHAIRMAN: Well, I would ask the honourable member not to reopen that question.

MR. FROESE: I think your ruling should be challenged.

MR. CHAIRMAN: Well, if the member wishes to do that he knows the procedure. We're now dealing with the question of whether or not this involves the expenditure of public funds and requires a message from His Honour. I would prefer that the member expressed his views on that.

I would rule that because of the fact that in the proposed motion of the Honourable Leader of the Official Opposition, the moneys would be required directly from His Honour and I would consequently rule the motion out of order.

MR. WEIR: Mr. Chairman, I regretfully challenge your ruling.

MR. CHAIRMAN: Call in the Speaker.

IN SESSION

MR. SPEAKER: Order, please.

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, while in the Committee of the Whole, the Leader of the Official Opposition moved an amendment to Section 27 of Bill No. 56. The amendment involved 18 subsections. I must decide that I have not accepted the amendment since moneys would be required from the Consolidated Fund directly or indirectly under Rule 49 (1) of our rules.

MR. SPEAKER put the question "shall the decision of the Chairman be confirmed" and after a voice vote declared the motion carried.

MR. WEIR: Ayes and Nays, Mr. Speaker, please.

MR. SPEAKER: Call in the members. Order please. The question before the House is shall the decision of the Chairman be confirmed.

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

YEAS: Messrs. Allard, Barrow, Beard, Borowski, Boyce, Burtniack, Cherniack, Desjardins, Doern, Evans, Fox, Gonick, Gottfried, Green, Jenkins, Johannson, McBryde, Mackling, Malinowski, Miller, Paulley, Pawley, Petursson, Schreyer, Shafransky, Toupin, Turnbull, Uskiw and Uruski.

NAYS: Messrs. Barkman, Bilton, Claydon, Craik, Einarson, Enns, Ferguson, Froese, Girard, Graham, Hardy, Henderson, Johnston (Portage la Prairie), Johnston (Sturgeon Creek), Jorgenson, McGill, McGregor, McKellar, McKenzie, Molgat, Moug, Patrick, Sherman, Spivak, Watt, Weir and Mrs. Trueman.

MR. CLERK: Yeas 29; Nays 27.

MR. SPEAKER: I declare the decision of the Chairman confirmed. The Honourable Member for Elmwood.

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: (Sections 27 and 28 of Bill 56 were read and passed) Section 29-- The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Chairman, Section 29 - I move that subsection (1) of Section 29 be amended by inserting in the third line thereof after the word "compulsory" the following words "public liability and property damage".

MR. CHAIRMAN presented the motion.

MR. CHAIRMAN: The Honourable Member for Riel.

MR. CRAIK: Mr. Chairman, I'd like to speak and explain, give some of the explanation behind the motion which I've presented although I believe that the wording of the motion indicates clearly the intent behind it.

Effectively, what the motion does is it says that if we are to be subjected in Manitoba to a monopoly compulsory insurance scheme operated by the government, then let's keep it to the areas where the government may have a responsibility in protecting those people who are on the public roads, and it effectively excludes, Mr. Chairman, the requirement on the individual to carry insurance to protect his own property which he may in fact not wish to protect and therefore has his rights of an individual infringed upon by the state.

I believe, Mr. Chairman, that consideration of this is to be given to a body which may or may not make recommendations of this sort, but I think, Mr. Chairman, that after what we've gone through in this Legislature over the period of the last few months, that there is probably no one who in Manitoba is better versed in the pros and cons of the argument than the members of the Legislature are at this time. Mr. Chairman, to delegate the responsibility to make this decision to an advisory body or any other type of a body would be to abdicate, would be to abdicate the responsibility which is vested in the elected member when he takes office. Therefore, Mr. Chairman, I suggest to you that rather than postpone the decision and delegate it to a body which the indication is is going to be thrust upon the members of this House with the threat of an election hanging over their heads, which some members seem to feel is a substantial threat and which I personally do not think is a threat, therefore will not influence the way in which I vote, although I'll say at this time that probably my own position as an elected member could be used as one where, if I was interested only in elected office, that there would be substantial reason for me to state at this time that I should preserve my present position.

So, Mr. Chairman, speaking from that position, let me say that the threat of an election should not cause the members of this Chamber to start referring to their principles as

(MR. CRAIK cont'd.) "hang-ups", which has been done in this House and which, if they were intended seriously, makes a complete mockery of the position of the member of the Legislature, and if we have come down to this position where we are prepared to call our principles hang-ups and to sacrifice them for political expediency or for trade-offs, then I suggest, Mr. Chairman, it's high time that we had an election and let the people decide whether we have principles or whether in fact, our principles were hang-ups.

Now to get back to the motion directly, the Prime Minister of Canada said that the government had no business in the bedrooms of the nation. Let me make an analogous statement that the Provincial Government at a lower level has no business telling the individual of this province what he must insure for his own benefit. They may well launch an argument that says the state and the government can tell the individual who he must protect when he uses his vehicle on a public street or a highway, but the government has no business telling me or any other person in Manitoba what he has to insure, whether it's his house or whether it's his life or whether it's his vehicle, and the intent of the legislation before us is to do that, and there is no question about it. This is the full intent of the government plan, is to bring in collision and comprehensive insurance, and, Mr. Chairman, the intent of this motion here is to suggest that if we are to have this abortion thrust on us, which the government has given an inadequate argument for, a half-baked economic argument, a half-baked sociological argument and a long history of promises to the public that this was going to be brought in by virtue of the fact of it having been a party platform, and in spite of the fact that most members of the government in their own minds know that the public of Manitoba do not want it - do not want it - there's no question about it, they do not want it, and I don't expect all government members to believe that but I know that some of them do, and I know that most of the people on this side do. There is only one reason that we are getting this government plan thrust upon us and that is it's party policy. It's not in the best public interest, and the upheaval, the economic upheaval, the social upheaval, the hardship being thrust upon the people that are being affected, just does not justify what we are attempting to force many people to go through, and this argument has been gone over and over and over again and I don't intend to belabour it further at this point.

I wish simply to come back to the point of the argument which I'm attempting to make here, and not to waste the time of this House; the hour is late; I had hoped that this argument had probably been thrashed out earlier in the debate which would delineate the area of public responsibility, where the government did have a responsibility and where it did not have responsibility. Unfortunately, this has never been done, and, Mr. Chairman, I'm going to say in all honesty I've never seen and never experienced, and hope I never experience again a measure of this sort which I said earlier in this debate, three months ago, wafted its way into this Legislature like a ruptured duck and it's going out the same way. I sincerely hope that in the interests of common sense that a measure of this size is not brought in by government anywhere under the conditions that this one has been brought in, and with the wishy-washy justification for it that has been presented to the people of Manitoba who are asking the question daily: Why won't the government tell us? Why can't you tell us? Why can't somebody tell us what they are giving us? How can you vote on it when you don't know what you're getting? So, Mr. Chairman, it simply comes down to an argument, I think, at this stage, that if we're going to have it thrust on us, let's at least salvage and try and define what is an area of government responsibility and what is not, public liability and property damage are, on the public roads. If it is being inadequately covered by the industry at the present time, which I don't think is true, then this area should be acted on. Again I vote against this principle too, but as a salvage effort I would support it over the other part of it; and the second part is the protection of the individual against himself, first-party insurance, which I contend has no business in a government scheme and which I contest should not go to an advisory body, and if certain members of the Legislature wish to duck the responsibility at this time, it won't surprise too many, but I think if they live by their conscience they know very well that collision-comprehensive first-party insurance has no business being thrust on the individual by a state monopoly.

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

MR. WATT: Mr. Chairman, I don't intend to make any lengthy speech and I'm speaking again on the same subject that I spoke this morning, and again I state my position in that I represent the position of at least 90 percent of the people in my constituency. And again I want to say to the back bench that I would like to hear somebody in the back bench on the

(MR. WATT cont'd.) government side, or on that side of the House, get up and justify their position in supporting a bill that is an infringement and a violation of human rights. I want to hear somebody get up on that side of the House, and this morning I particularly referred to the Member for Winnipeg Centre who I thought would, but the First Minister got up and answered for him and he rubber-stamped immediately what the First Minister had said and sat down, so there is no point in appealing to him, but since there are not too many left in the back bench . . .

MR. CHAIRMAN: Order please. I would suggest . . . -- (Interjection) --

MR. WATT: What is the point of order?

MR. CHAIRMAN: Order please. I'm asking for order.

MR. WATT: I'm sorry, I thought it came from the other side of the House.

MR. CHAIRMAN: I would suggest to the member that he stay within the confines of the amendment and not bring in the whole principle of the bill at this moment.

MR. WATT: All right, Mr. Chairman. I'm just through speaking, Mr. Chairman, and I don't take up too much time in this House, but what I say is precise and to the point, and I'm saying now to the back bench again, will one of them stand up and give me some good reason why they on that side of the House should force me to put on collision insurance or fire insurance or anything else on my private property. Maybe the Member for Rupertsland possibly might get up and give some justification for his position if he is going to support this bill on third reading.

MR. CHAIRMAN: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Chairman, I rise to support the amendment. As much as I have stated on previous occasions that I do not like the monopoly type bill that is before this House at the present time, in order to save the industry in the Province of Manitoba I think the points of the Member for Riel are well taken. This is the only way that it may be possible if the government stays out of physical property damage, comprehensive fire and theft and the supplementary coverage. I see no reason for the government to go into that area at all, because if the government does proceed I see nothing else but complete destruction of the automobile industry and particularly the three companies, Manitoba-based companies that are involved. Because the Minister of Municipal Affairs has stated on previous occasions that the government is prepared or is proceeding with \$100 deductible on collision and also a supplementary coverage in respect to third party liability, if this is the case . . .

MR. PAWLEY: Mr. Chairman, I think that on a point of order, I have never indicated that we are proceeding with a \$100 deductible, or any other particular deductible. I indicated that the deductible would range between the \$100 mark and the \$200 mark.

MR. CHAIRMAN: I don't think the Minister has a point of order. It's a debatable point but not a point of order.

MR. PATRICK: Mr. Chairman, there is not much difference. The Minister himself just stated at the present time that deductible will range anywhere from \$100 to \$200. Well, what's the difference? It's somewhere in that range and it may be \$100.00, and if that is the case, I see no way how the present industry can survive because there will be very little business, if any, because once you have acquired through the government or are forced to get your \$100 deductible on the collision section, who will be prepared to pay another \$35 or \$40 to insure his \$75 what's left, because he'll probably be buying a \$25 deductible under the physical property damage. So if this is the case - and the Minister has not told us, he says the deductible will be between \$100 and \$200 - if the government does proceed, I see nothing else happening except destruction of the three Manitoba based companies.

I see no way how the Wawanesa can stay in Manitoba if they'll have no reason to stay here, if you will proceed with the physical property damage up to \$100 deductible. I see no way how this company can stay. I can say the same thing for Portage Mutual and Canadian Indemnity, because really what you are doing, the government is proceeding to go into the business completely, in total you might say. You'll have \$50,000 third party liability, and sure, there may be some people who may wish to increase their third party liability to \$100,000 or \$125,000 or more, but under the present set-up what I have heard so far in the news reports, and from the Minister himself, of Municipal Affairs, to say that anywhere the deductible under the physical property damage will be between \$100 and \$200, and let's assume it is \$100.00, and if it is, then I say to the government, and I appeal to the government to stay out completely of the physical property damage, comprehensive, fire and theft as well as supplementary coverage,

(MR. PATRICK cont'd) because if you do proceed into this area, I again state to the government that you will have a complete destruction of the Manitoba-based companies in Manitoba which will probably pull out of this province and destruction of the whole industry. I don't like it, but I would agree to what the Member for Riel has stated, that the government says it's compulsory and they are prepared or forcing this bill on the people of Manitoba, then I say the responsibility should only stay with a minimum limit and strictly in the third party liability where it affects the injury to other people or damage to property of other persons. And as I say myself, if I don't want to cover my car, I think it's my responsibility, it's my right that I shouldn't insure collision section, and I think it's the same right that many people in the province have. If somebody runs his car into a telephone and, say, demolishes it or smashes it up, I think it's his responsibility to make sure that he carries coverage, and many people don't. I know in fleet coverages today in the province of Manitoba there are many people that do not carry collision, and even if you go to \$200 deductible there are many old cars, why should they be charged any rate at all, or paying anything? Because usually, in most cases, the older cars will not be worth anywhere in that price range.

So I appeal to the government, if the bill is forced on the people, I think they have no right to go in physical property damage and I appeal to the government to stay out of that area. I think the amendment is proper and the points that were mentioned by the Member for Riel, I think were good points.

MR. CHAIRMAN: Are you ready for the question?

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

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

MR. CHAIRMAN: Call in the members. The question before the House is the amendment by the Member for Riel that subsection (1) of Section 29 be amended by inserting in the third line thereof after the word "compulsory" the following words: "public liability and property damage".

A COUNTED VOTE was taken, the result being as follows: Yeas 27, Nays 27.

MR. CHAIRMAN: You can't be counting right.

MR. CLERK: Nays 28.

MR. CHAIRMAN: I declare the amendment lost. 29(1) (a)--passed; (b)--passed; (c)--passed; (d)--passed; (e)--passed; (f)--passed; (g) . . . The Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Chairman, on section (g) regarding this surcharge, and the Minister of Municipal Affairs on the government side, and many times, has been speaking that in the province's plan of Saskatchewan that there is a payback of 85 percent. Now, I would like to get something clear. Is the surcharge based upon the accident record, or will it be based upon the accident record of the driver, and after so many accidents, then you decide that his rate is dropped to 75% or 60%, or where is the danger point going to be? How is this calculation going to be worked out?

MR. PAWLEY: Mr. Chairman, insofar as the surcharges are concerned, the clause makes it possible to work out the exact determination of the method of surcharges that will be imposed in Manitoba. Insofar as the Province of Saskatchewan is concerned, that relates to the question asked by the Honourable Member from Sturgeon Creek, surcharges will relate to a number of various areas. First, there will be a surcharge in respect to younger drivers, those that fall into the category of being 25 years of age and under. The amount of that surcharge in Manitoba will have to be yet ascertained. In the Province of Saskatchewan that surcharge is \$3.00, which appears to be hardly worthwhile if you are going to in fact impose a surcharge for younger drivers. (b) In Saskatchewan a surcharge is levied in respect to those that have been in an accident in which they have been (a) 50% or more to blame; and (b) in which the cost of the damage exceeds the sum of \$100.00, then a surcharge is levied.

In addition, surcharges are levied in Saskatchewan in respect to convictions, and the amount of the surcharge depends upon the number of demerit points. The more serious the offence, the greater the surcharge, and I would like to say this to the Honourable Member for Riel, that he was asking a question in respect to a certain document which he had before him last evening. The Automobile Insurance Act premiums includes all premium charges: surcharges re young drivers, conviction surcharges, etc. All charges are within that premium income figure. The statement he was reading from was therefore grossly incorrect in that it suggested that there were additional charges in and above the premium income figure.

MR. CHAIRMAN: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, all I can say about the Minister's last statement to the Honourable Member from Riel that he says they are perfectly incorrect, he says, but I'd like him to prove him wrong, and I would like him to prove him wrong by getting together with the man who wrote this, who worked for the Saskatchewan Government Insurance, which has never been done in this province, working with anybody, and prove him wrong. There's the figures. Can everybody -- what I'm really coming back to is the surcharge -- can everybody expect in Saskatchewan to have an 85 percent payback if you are going to -- can everybody expect to be treated the same way in having an 85 percent payback? Does everybody have the same thing in Saskatchewan or regardless of the accidents? What about, as you say, in fleets and things of this nature? Will they all have 85 percent paybacks or will they all be guaranteed the same?

MR. PAWLEY: No. First, the honourable member made reference to this document sheet. If the honourable member would spend a half hour, as I did this afternoon, he would be able to find the errors in the calculations, the figures, etc. for himself. I intend to deal with those errors at the appropriate time in dealing with amendments before this House. I'll leave that debate in respect to this sheet at this time except to tell the honourable member that it's grossly incorrect.

The second question was in reference to, and I would defer to the honourable member that I -- (Interjection) -- Oh. No. You know, I don't think the Honourable Member for Sturgeon Creek is even serious, can be serious in asking that question. The question, as I understand it, is: can I guarantee to each motorist in the province that he will receive a return of 85 cents on each dollar invested, each motorist? And all that we have indicated is that by the way of experience in the closest jurisdiction which we have to us that is applicable, this has been the experience, and certainly I'm not going to go -- yes, under the compulsory plan. I'm not going to go to each motorist in the Province of Manitoba and guarantee. I'd be irresponsible in doing so.

MR. CHAIRMAN: The Honourable Member for Riel.

MR. CRAIK: Mr. Chairman, I wonder if the Minister would -- he's indicated he's going to take this up on another amendment. Would he be good enough to provide me with the reference material that he has dug up, showing these facts? -- (Interjection) -- Well, I would imagine that perhaps it might be in their Annual Report of the Saskatchewan Insurance Company.

MR. PAWLEY: . . . just that the honourable member, in doing the research himself, as I have done, might refer to the Saskatchewan Government Insurance Annual Report; he might refer to the Motor Vehicles Branch for their calculation of figures in Manitoba, and also refer to the Motor Vehicles Branch in Saskatchewan for their figures, and if he goes to the source and checks the figures, he will find very well what I am speaking of tonight, and he, too, will be astonished at what he will discover, and I will be dealing with that in more detail later.

MR. CRAIK: So I gather, then, that the Minister is not willing to present this sort of documentation?

MR. PAWLEY: I am, but I -- there's a time and place for everything and I do feel that in respect to the particular amendment which we are dealing with now, this information is not relevant and I'm waiting for the proper time to deal with this.

MR. SCHREYER: May I ask the Honourable the Member for Riel if he is wishing some indication as to what section or clause of the bill that this would be dealt with?

MR. CRAIK: Mr. Chairman, the reason I asked it is that I made the claim on the basis of information that was in my hands, and I gave the member, the Minister, the reference and he had the same information which was given him; therefore, he could check the calculations on which I based claims. I'm just simply asking him to reciprocate.

MR. CHAIRMAN: (g) -- The Member for River Heights.

MR. SIDNEY SPIVAK, Q. C. (River Heights): Mr. Chairman, I think there may have been a misunderstanding of the question that was posed by the Honourable Member for Sturgeon Creek and it relates to the question of surcharges. I have to do this by asking some hypothetical cases but I think it's a question of understanding what the government's intention is. Assuming a person will have received from the corporation, if the basic plan is introduced, a statement which would indicate his premium to be a certain figure -- and there are obviously going to be variations of that figure -- if the loss ratio, if the loss ratio is equated to an 85 percent or an 80 or an 81 percent, I'm not arguing the percentage, but to whatever average

(MR. SPIVAK cont'd) percentage that is incurred, is it to be assumed that there will not be a surcharge to the individual if, as a result of accidents that may occur, there is not an amount to be paid out by the corporation as a result of claim damage to an amount at least equal to the 80-81 percent claim ratio which is the average?

MR. PAWLEY: The Honourable Member for River Heights is somewhat confused. The ratio which we have been dealing with today has been one in respect to the ratio of net claims incurred to net premiums earned in respect to the jurisdiction as a whole. There's no attempt to relate that to each specific individual.

MR. SPIVAK: I wonder, are you sure in Saskatchewan there is not an attempt to relate a loss ratio to the actual, in terms of claim payout, to the actual premium paid by a person who owns one car, two cars, three vehicles or four vehicles?

MR. PAWLEY: The person owing one, two, three or four vehicles?

MR. SPIVAK: I'm asking if you are aware of the fact that in Saskatchewan there is a ratio in terms of a surcharge based on the claim payout over a certain percentage which is equated on the net payout that has been determined by the corporation?

MR. PAWLEY: No. The surcharge in Saskatchewan is a stated amount, a specific amount that is charged in respect to, as I mentioned before, the number of demerit points or the accident or any other particular area. It's not based upon a loss ratio. It is an attempt, however, to spread the cost of accidents over those that are most responsible or most likely to be responsible; and secondly, to create a deterrent insofar as those that are potentially more likely to be involved in accidents. Now, to suggest that it's an attempt in each individual case to relate it to an 85 percent loss ratio is not correct.

MR. F. JOHNSTON: Mr. Chairman, I'll table this document and I'll read from it, and it's a letter from the Saskatchewan Government Insurance Office to a person in Manitoba and it's signed by an official of the Saskatchewan Government Auto Insurance Office. And it starts out: "A review of the claims experienced and the loss ratio with respect to the operation of your motor vehicle fleet covering the past licence year has just been completed. It was noted that the actual loss ratio was 112 which is, at very least, 47 percent over and above the danger line fixed for licence plate insurance." And it goes on to say the reasons why, etc., and the bill attached places this man, actual loss ratio of 239 percent, permitted loss ratio 65 percent; adjusted loss ratio 189, and he's been reduced to 51 percent.

Now we have fleets in Manitoba. I would suggest if you had the brief of Mr. Parsons that was given at the hearings regarding fleets that he insures, Mr. Parsons' largest customer has 1,400 licensed vehicles which it owns, costs \$100 each to insure. Here again, are we in a position at the present time to know what we are doing before we go into insurance? The Honourable Minister is the man who was with the committee. He was with Mr. Blackburn, he was with the rest of them at the committee; he is supposed to be the expert. If the others over there aren't, he should be and he doesn't know what the devil's going on because he's never studied insurance in Manitoba with any experts.

MR. SPIVAK: Well, Mr. Chairman, the Honourable Minister of Municipal Affairs, I gather, has received some advice not to answer that, and Mr. Chairman, may I say this, notwithstanding the tenor of the remarks of the Member for Sturgeon Creek, notwithstanding that, may I say to the Honourable Minister of Municipal Affairs and to the government that there's something that has to be answered here, because in addition to the letter, attached to it is a statement from the Saskatchewan Insurance Company, I believe of this month or last month or the month before - it's very recent - in which it indicates that the loss ratio fixed, the loss ratio fixed by the Saskatchewan Insurance Corporation is 65 percent.

MR. WALLY JOHANNSON (St. Matthews): Garbage!

MR. SPIVAK: Who said garbage? Who said garbage? We are going to table that document. We'll table it. And I want to tell the Honourable Member for St. Matthews if you think it's garbage . . .

MR. PAWLEY: Will the honourable member permit a question?

MR. SPIVAK: Yes, I will in one second. -- (Interjection) -- No. I will in one second.

MR. PAWLEY: Well, I would like . . .

MR. SPIVAK: Well, Mr. Chairman, I have the floor. I want to tell the Honourable Member for St. Matthews, if you think this is garbage then that's fine, but I'll tell you what I think.

MR. PAWLEY: Would the honourable member submit to a question?

MR. SPIVAK: We have all night. Mr. Chairman, I want to tell the Honourable Member from St. Matthews and the Honourable Minister of Municipal Affairs and the members of the government side, you don't even know what it's about; you haven't the slightest idea. -- (Interjections) -- That's right. And I want to tell you something. I want to tell you that that indicates that in the category - and this is why we're talking about surcharges - in the category of the people who are involved with the Saskatchewan Government Insurance Company there is a loss ratio of 65 percent fixed. Now there's nothing wrong with that but I think it's a little bit misleading to suggest, a little misleading to suggest if we're really going to follow Saskatchewan - and after all that's what we're intending to do here; I don't know of any new pioneering of initiative that's going to be used by this government in connection with this Act - we're just duplicating Saskatchewan here, and Mr. Chairman, I'm suggesting and I want the Minister of Municipal Affairs - and he may have to take this under advisement - I want him to explain how a fixed loss ratio of 65 percent is applied against a company who has a fleet and who therefore must pay a surcharge, must pay a surcharge because their loss ratio is higher than the fixed loss ratio of 65 percent.

MR. CHAIRMAN: The Honourable Member for Riel.

MR. CRAIK: Mr. Chairman, since the Minister of Municipal Affairs has attempted to answer the question at this time, I want to have it clarified if he can do so. The figures that I gave indicated driver's licence premiums over and above regular driver's licence charges at \$3.00 a piece worked out to \$1.4 million. The surcharge on young drivers is \$200,000; the conviction surcharges \$2.2 million, and the hospital payments that are indicated as being carried by the Saskatchewan Hospitalization Commission, or whatever its name is, works out to \$400,000, and the debt carrying charges equated to what has been indicated in Manitoba as loss plus interest at \$1 million, adds up to \$5,400,000. Now, what portion of that is the Minister saying is grossly - whatever he said? Are you saying that the \$5,400,000 is entirely included as premium in Saskatchewan, or what portion is?

MR. CHAIRMAN: Section (g) -- The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Well, I would like to make one comment. First, it really concerns me a little bit, in this House when you do attempt to deal as positively as you can with questions, that immediately the honourable member - and I'm not saying this in a state of anger - but he should see fit to, with his usual sarcasm, in return try to divert the issue from a real effort to obtain the facts of the issue, and in reference to his suggestion that members over on this side didn't know what they were talking about, I have never for a moment suggested that members across the way don't know what they're talking about. I've attempted to appreciate your views, your thoughts, but never for a moment would I ever suggest that the Honourable Member for River Heights - and you won't find anywhere in Hansard - any other members over there don't know what they're talking about, because I assume that you, too, are trying to sincerely come to a reasonable decision in respect to the matters that we're dealing with, and I really think that that type of suggestion is really not in place if we're going to be attempting to truly get to the problem at hand.

Now, when I was answering the question from the Honourable Member for Sturgeon Creek, I was speaking in reference to the car owner, the individual car owner, and in reading the letter that was tabled I see it's in reference to a commercial fleet and I agree that there are different rules and standards that are set up insofar as large commercial fleets are concerned, and my answer is related to the car owner; and if the Member for Sturgeon Creek in his original question had made reference to the fleet, then I apologize because I didn't hear inclusion in his earlier question of a reference to commercial fleets.

The Honourable Member for St. Vital -- Riel, I'm sorry - I'm always getting the two areas mixed up here - made reference to - and I want to very quickly deal with so that he can also research his information - to the document which he questioned us on last evening, and first I would like to point out to the honourable member, if he would like to make these points he could check them through: Comparison of average motor vehicle insurance costs, 1968. Now, the reference in respect to the Province of Manitoba is approximately the correct figure for 1968. The correct figure for 1968 is \$23,320,000, not 29,600,000 as indicated in his document. Secondly, the figure given for the Province of Saskatchewan for 1968 was \$24,900,000 and if he would check - no -- a very, very interesting -- if the Honourable Member for Riel would like to check, he would be surprised to find that the year that was used for Saskatchewan was the 1969 year and not the 1968 year that was used in respect to the Manitoba

(MR. PAWLEY cont'd) year, so two different years were utilized in comparing the two figures.

The 1968 year is \$23,857,851 in respect to the Automobile Insurance Act premium, so your two figures are wrong to begin with because one takes one year and the other takes the other year and then the figures aren't even correct for the respective years.

The second matter of very much interest is that, Province of Saskatchewan, it's shown as additional insurance costs, driver's licence premiums, surcharge on young drivers, conviction surcharges, for a total of \$3,800,000. Now if you will check, and I'm not asking you to take my word for it, but if you will check, you will find that these should not be shown as additional charges but these are charges that are already included within the Automobile Insurance Act premium figure, so in fact what was being done is that figures were being duplicated in the Saskatchewan experience in that they were pulled out of the total premium figure and put down individually in order to inflate the total cost of insurance in the Province of Saskatchewan, and I'm sure this wasn't an intentional thing; it must have been an error by the person that was preparing the document.

Further, a very interesting — and I would suggest tomorrow morning that the honourable member check; I must admit the source of my information was the Honourable Minister of Transportation this afternoon and maybe sometimes — I think the Minister, I think I can rely on him, and the Province of Manitoba will show the number of registered vehicles on the document that you showed the House — 380,000; the total number of vehicles in 1968 in Manitoba were 414,000. In the Province of Saskatchewan it shows the total number of vehicles in 1968 as 474,000, when in fact the correct figure in Saskatchewan for that year was — I had it here, but take it from me it's 534,000, which again, of course, shifts the entire picture. Your vehicle, the total number of vehicles are incorrect in respect to each of the two jurisdictions.

There were some other errors here in preparation but all that I might say to you that if you average them out, and I must tell you that it's a very interesting document because it did give me a thought as to how I could prove some of the figures that the Honourable Member for River Heights was asking because if representatives of the insurance community should present this document to us as proof of what they are doing, and if we find the figures are in error and we substitute therefor the correct figures, then I would assume that possibly this may help to ease some of the doubts that are in the mind of the Honourable Member for River Heights, because we are naturally very concerned about his doubts and if I can do anything to remove those doubts I would be very pleased to do so. But if you take those average figures, you will find that in the Province of Manitoba — I shouldn't even be quoting this, but in 1968, and check my arithmetic because I've been doing it very quickly tonight and I must admit I haven't had the many hours and time and the opportunity to prepare a document so carefully as this one was obviously prepared, and my figures show that the 1968, the average cost of insurance in Saskatchewan was \$57.00, in Manitoba it was \$67.00, and I believe the Honourable Member from St. Matthews has been working out comparable figures for 1969. They were \$64.00 in Saskatchewan for 1969 and \$86.00 in Manitoba.

Also, you have to keep in mind in these figures that in the Manitoba coverage there is not the no-fault coverage for every motorist in the province that you have in Saskatchewan, there is not the basic collision coverage for everybody in the province of Manitoba as there is in Saskatchewan, and there is not the compulsory insurance that covers close to 100 percent of the motorists in the province of Saskatchewan as there is in Manitoba. Now, in all fairness, I'm not going to suggest that because we are able to find correct figures and substitute them that the original methodology used by the gentleman that prepared this isn't correct, but these are the figures that I've been able to obtain this afternoon in a short period of time in answer to the questions posed by the honourable member last evening.

MR. CHAIRMAN: The Honourable Member for Riel.

MR. CRAIK: Well, Mr. Chairman, first of all, let me say that I trust that the government side is applauding because after four months something has spurred the Minister into giving some facts and figures to the House that have been put relatively into layman's language and if his facts and figures are correct we don't intend to discredit you, but let me say, first of all, that you attempt to, you leave the impression that you are casting aspersions on the work that is done here, attributing it to the industry. Oh yes, no question about it.

MR. PAWLEY: On a point of privilege, I thought I was very careful to give the gentleman that prepared this document — I'm not even sure who it was and I don't mean to use the

(MR. PAWLEY cont'd) name - I gave him credit for, I'm sure, having tried very hard to . . . the calculations.

MR. CRAIK: That's right. This particular man, as you recall if you were at the hearings, was an individual; he worked in Saskatchewan in the insurance industry. He's not an agent. He works for an insurance company but he did develop these on his own and it was a personal brief and it could be full of errors. No, that's not what the Minister said. He attributed it to the industry as he gazed lovingly and longingly at the press gallery hoping that they would gather. . .

SOME MEMBERS: No, No.

MR. CRAIK: That's right. That's exactly what the Minister was doing. Now let me say, first of all, he's also, he said -- and look at the mistake he made in Manitoba. He says it's 29 and it's only 23. Well he erred on the safe side, didn't he? He wasn't trying to overstate his case.

MR. PAWLEY: No, I'm afraid that the honourable member . . .

MR. CRAIK: Let me finish. Let me finish. I let you finish.

MR. CHAIRMAN: Order. I would ask the Honourable Minister that unless he has a point of order or a point of privilege, which is still rarer, to allow the member to continue and then to disagree with him or participate in the debate later.

MR. CRAIK: Well, the Minister, from what you could see from this side of the House, was trying to, he was attempting to say that the man was in error and was stretching the point and was using figures that were incorrect, and if he has in fact added in figures to the Saskatchewan costs - and again I don't think he was incorrect in adding them in to come to the total which he said - but the Minister also attempts to leave the impression that the man certainly was stretching it by being 23 instead of 29, which only put it onto the safer side, and when he increased the number of vehicles more in Saskatchewan, or about in the same ratio as it did in Manitoba, it didn't make that much difference, but finally we are getting to the answers I want, which I asked, and without the editorial I think I am getting the answers, and that is whether or not the conviction surcharges and others show up. Now it still leaves the debt carrying charges at probably a million dollars and the medical costs, the hospital costs probably at around \$400,000, which is a million and a half dollars which still is not accounted for.

MR. PAWLEY: First, Mr. Chairman, the honourable member and I may have misled him in this particular respect. If he would again take his pencil, when I had referred to the Manitoba premiums earned for 1968, I thought I had given him the figure of \$29,320,000. In his comment to me he said I had given him a figure of \$23,000,000. The \$23,000,000 figure that I had given, \$23,857,000 was the Insurance Act, the basic compulsory premiums in Saskatchewan for the year 1968.

Now, I didn't realize I was editorizing or looking at the press gallery. I don't recall whether or not I glanced in that direction or not, but the honourable member has asked another question of me, and that is in respect to the Hospitalization subrogation. There is no hospitalization subrogation in the Province of Saskatchewan. The Public Insurance Corporation pays the hospital costs itself. The cost is not thrown onto the Saskatchewan Hospitalization Fund. In the case of the medical, there is no subrogation. In other words, the Saskatchewan Medical does pay, it is my information, these costs itself, but before the honourable member feels that this is going to make a tremendous difference to his credit, it is my understanding that in the province of Manitoba last year, the total amount of the medical was less than \$75,000 to \$100,000 in the year 1969 -- or for the quarter it was -- I'm sorry; for the quarter it was around \$15,000. That's correct. We only had the information for the one quarter.

Now insofar as the honourable member is concerned, I would suggest that rather than his challenging these figures tonight, he might want to do this averaging out himself and see if the averages he arrives at are the same as the averages I arrived at. Mine was done very quickly on the spur of the moment. He may have some differences; I think they will be minor; and outside of that, I think the basic information I gave him is correct this evening.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, there were two parts to the statement that the Honourable Minister of Municipal Affairs made. One related to the letter that was introduced and its attachment by the Honourable Member from Sturgeon Creek. Mr. Chairman, the concept that the members on the other side do not know what they are talking about does not relate in the

(MR. SPIVAK cont'd) personal way that the Honourable Minister of Municipal Affairs — yes, I said that; I said that. Does not relate in a personal way, but rather to the fact that one of the very real criticisms we have had on this side from the very beginning is that we do not know that much information and that it became pretty apparent from our observation that the government members didn't know that much information in connection with it, and one of the things that has been concerning us on the regulations from the word "go" is the fact that this was a blank cheque.

Now, it's a very interesting thing because I'll stand, I mean I'll sit if someone wants to stand up and say that I'm wrong. I think this is the first time that there is an indication that those who operate fleets will be working under a different kind of permitted loss ratio than those who drive a single car. Now I'll sit down, and the Minister of Municipal Affairs can stand up. I do not know of anywhere in the hearings or anywhere in this House where that suggestion has been made. The suggestion of surcharges, yes, but nowhere an indication that there would be a permitted loss ratio for a fleet which would be less than what would be offered to the individual.

MR. PAWLEY: I hadn't realized that those words, that the honourable member should have thought that he heard those words from me. I made that reference in respect to Saskatchewan. In Manitoba, I made no representation. Because this is the enabling clause that we are now dealing with, those terms of reference will have to be determined in the future when the bill is passed.

MR. SPIVAK: I take it, Mr. Chairman, and this is the interesting thing, then the government has not made a decision, that that's the other conclusion. The government has made a conclusion on this — or has it? Do you know whether the Saskatchewan experience is going to be duplicated . . . ?

MR. PAWLEY: The answer is no. There has been no final decision.

MR. SPIVAK: There's no final decision. Now I'm not saying that. I'm not asking for the final decision. I'm simply saying that the government has made no decision. That's right. What you're simply asking for is enabling legislation.

MR. PAWLEY: Would you permit a question?

MR. SPIVAK: Yes, I will in a few moments. You are asking us to give you enabling legislation for you to make a determination of what you will do. Now, you have several options open to you. If you want to do it very quickly, you will follow Saskatchewan. If you want to change it you can, and you are asking us in this House to, in fact, give you permission to do it. Now that's nothing unusual, others will argue, but there's something that disturbed me when I saw this, and I wasn't aware of this and I don't know how many members in this House, and this is when I say when we're talking, but I wonder how many members on the opposite side knew this, that in effect, in the fleet area in Saskatchewan, there is a permitted loss ratio and it was 65 percent. I think that's pretty pertinent. If the permitted loss ratio is 65 percent and anything over that has to be paid by way of a surcharge under the Saskatchewan section, in the sections referred to I guess in the letter . . . Mr. Chairman, I'll allow the Minister of Municipal Affairs plenty of time to say whatever he has to say.

MR. PAWLEY: . . . a question.

MR. SPIVAK: No. I'm simply saying that if in fact this is the case, this is the disadvantage that all of us have in dealing with the total bill before us, and our argument that at this point we really don't know what we are talking about. I say we don't know what we are talking about, including the members opposite.

Now, I'm not saying that you're not going to work out a scheme, but surely industry at this point should have some idea. Now I don't know whether, as an example, there are more fleet operators in Saskatchewan. I would suspect that there are. And I wonder, Mr. Chairman, as well, and I don't know this, I don't know whether the rating system, the surcharges, how they are charged, whether the surcharge is averaged over category or not, and this is the kind of information that we do not have, and even in a sort of cursory observation, I, and I think the Member from Sturgeon Creek, when we saw this became a little bit concerned because it obviously isn't consistent with some of the tenor of the remarks that have been made, not that there was an intention to mislead, but just the tenor of the remarks of what the people were supposed to believe would happen. And I wonder whether — and I say this to the Minister of Municipal Affairs, it's not a question of trying to convince me or the members on the opposite of this, you have to convince the people of Manitoba, and in spite of — and I've

(MR. SPIVAK cont'd) said this before - in spite of what you may say, you haven't convinced the people of Manitoba yet and you are not going to be able to convince them until you are able to tell them facts, and if there is one thing that's been consistent in the editorials and the comments of people on the outside it is the desire to get information, and you are asking us to give your approval without giving us that information, and in the course of it you've also indicated that you haven't come to the decisions. Well, I'm not so sure that the practise would not have been better to have come to those decisions and to have given it to us.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: The honourable member, having permitted a question now - he likes to allow questions at the end so I'll ask him a question. Is he not aware that it is, in fact, common place for regulations to be drafted, not only weeks but months after a statute has been enacted, and that therefore it's an indication that the details, decisions on details and operating principles pursuant to an Act oftentimes are arrived at weeks, months after the enactment of a statute. Secondly, I would ask him if he is aware that even after a government has decided to write up certain regulations, they may decide not to proclaim them -- or, I'm sorry, certain sections in a bill, they decide not to proclaim them. For example, the case in British Columbia where, with respect to insurance again, that section of the Act there pertaining to the immunity feature under \$250.00, that it was not proclaimed, so obviously the government, if it knew, changed its mind and made a different decision.

MR. SPIVAK: . . . so we can start to deal with first principles. We don't even know what first principles you are talking about. No, we don't. The Minister of Municipal Affairs does talk in terms of a surcharge on the driver under 25, and I must say that I think there are some people in Manitoba who believe that the drivers under 25 are going to be averaged and we are going to be paying an even amount and there was not going to be a surcharge. That's right. That's right. Well, they're shaking their heads, but I know Mr. Chairman, I've sat in this House, I've listened to the presentations. If this is the principle on which we are going to be going, this is fine, but surely we shouldn't be asked to give you the blanket cheque and then go ahead and do whatever you want. What we are asking for is the kind of principles, and the only way you can work out the principles is when you know . . .

MR. CHAIRMAN: I would point out to the honourable member that we are dealing with the specific section on surcharges and I don't want him to go into a general debate on the bill itself. I think he should restrict himself to the section at hand.

MR. SPIVAK: Mr. Chairman, I am referring to first principles in connection with surcharges, and that's what I'm talking about, because I don't know whether anyone on this side - the government doesn't seem to be too interested - but I don't know whether anyone on this side or even the people of Manitoba have any idea what they are talking about. But what they are asking is for the ability to be given, in this section, to be able to do whatever they want afterwards, and I'm suggesting we now know, and it's only by accident, that there is a specific surcharge, if you want to call it, permitted loss ratio for fleet. We now know from the Minister of Municipal Affairs that those under 25 will be charged a surcharge, or it's likely that this will occur; and how many other things are going to happen that we do not know about? And they are asking us to pass this. They are asking us to allow them to do this.

I suspect, Mr. Chairman, that if someone had really understood what was going to be done, that they would have been in the position, because there have been other bills in this House where regulations are going to be promulgated but the Minister involved -- and it's not the Minister because he only reflects the government's position -- is only in a position to talk principles because they have been decided, because the basic gut of what he's going to be taking, the matter has already been determined. I'm answering your question. Oh yes, I'm answering your question. There are criteria and principles that are at least enunciated and known. We don't even know what they are relating to surcharges. What you are asking for on this section is a blanket cheque to do whatever you want. That's what you are asking us to do; and I'm suggesting to you that while regulations may in fact be declared, there is some indication on the basis of principles in what we're going to be involved, because in effect, Mr. Chairman whether the First Minister wants to consider this or not, this is partly a tax, and you cannot divorce - he's shaking his head in agreement - this is partly a tax, and if you will accept that this is partly a tax, then at least the principles upon which the taxation should be levied should be known.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: The honourable member uses the word "tax". I'd like to know in what sense he uses that word "tax" because the term "surcharge", as I understand it in relationship to this Act, has more to do with driving record, etc, and relates more to premium costs and not to general taxation. If that's what he means, I can't agree with him. But anyway, I say again to him that if he is in any way trying to imply that it is not commonplace for regulations to be promulgated, drafted and promulgated weeks and months after a statute is passed - in many cases amounts have not been determined at the time of the passing of a statute but are determined later by regulation - if he's trying to imply that this is not so, well then we cannot agree, because it is commonplace.

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, I just wonder if the honourable member would look at the Health Services Insurance Act and what they got a blank cheque for in this Legislature, (a) Designating the benefits to which an insured person is entitled under this Act. Accepting services rendered by medical practioners from the services in respect of which an insured person is entitled to receive benefits. Designating benefit periods. Fixing the amount of premium. And a whole page and a half of this. And I'll tell you what is bothering my honourable friend. The powers that he is talking about and the discretion that he is talking about is now held by the insurance industry in the Province of Manitoba.

MR. SPIVAK: Yeah, I know.

MR. GREEN: Well you know, but the fact is that has never bothered you in the past. The fact that it's been held by the industry has not been a problem, but now that it will be held by the public representatives of the people, it is a problem, and that's your problem.

MR. CHAIRMAN: May I just say before the debate continues that we've heard this debate before on both sides and I would ask members to keep that in mind. We're dealing with, again, Section (g) and the surcharge, and I don't think the general debate on regulations should be made every time we deal with a specific section. We certainly don't need a full-blown debate; perhaps references.

MR. SPIVAK: My suspicion is the Honourable Minister of Mines and Natural Resources has it within him.

Mr. Chairman, I only hope, and I'm sorry the Minister of Municipal Affairs is not listening, but I would only hope that his admonition of me and his words of moderation would be applied to his colleague the Minister of Mines and Natural Resources, because, Mr. Chairman, if we want to get into the debate that the Minister of Mines and Natural Resources would like to get in, which is the continual rehashing of his basic thesis that we on this side are the bad guys and he's the good guys -- it really is rather ludicrous, and it's 12:00 o'clock and I think . . .

A MEMBER: We're very tired.

MR. SPIVAK: Mr. Chairman, there are two points I would like to make to the Premier. First, to the Premier may I say that the government involvement in the auto insurance industry and the manner in which it will provide its service and charge for its service to the people whom it is going to be delivering its service to, because of the manner in which the control is exercised by the government, is in the nature of a tax. Mr. Chairman, I'm one who believes that the Canada Pension Plan is a tax; I believe this is a tax; I believe that the surcharge is a tax.

MR. SCHREYER: That's certainly not my interpretation.

MR. SPIVAK: I know that's not your interpretation, but I am suggesting that once the government has the power . . . Well, Mr. Chairman, if the Honourable Minister of Mines and Natural Resources is worried about what I said before, we should strike out from the record everything that he said before.

Now -- (Interjection) -- Mr. Chairman, if you accepted that proposition, I believe Hansard would be much thinner than it actually is right now for this session.

Now Mr. Chairman, there is another interesting proposition: the \$86.00, which was the average, I guess, in Manitoba for this year, which was the calculation in arithmetic the Member for St. Matthews has mentioned - I believe that figure was \$86.00, if I'm correct. It would be interesting, Mr. Chairman, then to make the comparison June of next year to see whether, when the premiums are arrived at and we make our calculations, whether we're going to come up with an \$80.00 average and we're going to have the \$6.00 saving. That's going to be very interesting, Mr. Chairman.

MR. SCHREYER: Mr. Chairman, on the point of order.

MR. SPIVAK: Mr. Chairman . . .

MR. SCHREYER: Well, on the point of order. I really believe . . .

MR. CHAIRMAN: The Honourable First Minister has a point of order.

MR. SCHREYER: Mr. Chairman, I submit to you, Sir, that the Honourable Member for River Heights is not dealing with the subject matter of Clause (g) but is going beyond that, far beyond that, in a way that debate in Committee of the Whole stage really under the rules is not . . .

MR. SPIVAK: Mr. Chairman, when the First Minister was asked . . . of this, the Minister of Municipal Affairs is the one who brought this in. In answer to the Honourable Member for Riel with respect to surcharges, he mentioned \$86.00 was the average this year. I'm saying to the Premier, if there's a \$6.00 saving it will be \$80.00 next year, taking into consideration whatever increase in terms of labour costs are concerned.

Well, it will be very interesting to see next year, Mr. Chairman, if the plan is introduced, whether in fact - and "if" the plan, and that I guess is still a question - if the plan is introduced, whether it will be \$80.00 or \$81.00 or \$90.00.

MR. CHAIRMAN: Section 29(1)(g) -- The Honourable Member for Souris-Killarney.

MR. MCKELLAR: Mr. Chairman, I'd just like to say a word. I want to get some information on surcharges. I want to find out if people over the age of 70 are going to be surcharged and I want to find out if they're going to have to have a medical examination. I would like to find out if people with one eye are going to be surcharged, people with one leg are going to be surcharged, and one arm. I want to find out if the surcharge -- and I'm not acquainted yet -- will this surcharge money go to the corporation or will it go to Consolidated Revenue? I want to find out also, and I don't know if this is the right and proper place to find out, will the moneys collected from the package policy be kept separate from the compulsory sections? Will it be two companies or one company or one associate, and how are you going to operate these companies?

Also, will this surcharge money be collected in the middle of a term? And I mean that - in the middle of a term, after the offence is committed and the person's been charged in court. Will this money be charged or will you wait till the end of the year to collect this surcharge?

MR. PAWLEY: All I can say, Mr. Chairman, the questions posed by the Honourable Member for Souris-Killarney are certainly many and involved, and all that he has done is emphasize the importance of us getting this bill passed as quickly as we can so that we can get this committee set up that we are proposing by way of amendment so that we can study these many interesting facets raised by the honourable member, so that they can be dealt with by way of regulation at that time.

MR. MCKELLAR: Due to the fact that there are a large number of people driving cars over the age of 70, and they are just as important as the people under 25, and you have already told these people under 25 they're going to be surcharged, I think it's right and proper that you should tell these pioneers of our great country and our great province whether you're going to surcharge them. I think it's that important. I honestly do.

Now I want to ask you one question. There's a great emphasis brought out tonight about the average amount of insurance paid per vehicle, and I want to bring out one little fact which has never been explained here, for the benefit of the members of the government. There are more than twice as many farmers in Saskatchewan as there are in Manitoba. That's one fact. There are more than twice as many farm trucks in Saskatchewan than there are in Manitoba, and everybody knows what's the price of a policy. I can give you a five-point policy for around \$38.00 for any truck, \$38.00 to \$40.00 on any truck, and I can sign you up right now if you want. I got the bag here too. This is a fact of life. There are more farmers; in fact, the farmers and their families form a large part of the population of Saskatchewan and you cannot compare Manitoba with Saskatchewan; and it's an actual fact because I can out-rate your \$80.00 anywhere you want.

MR. PAWLEY: Would the honourable member submit to a question?

MR. MCKELLAR: Sure.

MR. PAWLEY: I wonder, you know, the honourable member -- I was referring to a sheet that was distributed at the Public Utilities Committee and I know the honourable member's interest, and he was present when the sheet was distributed. Did he challenge or

(MR. PAWLEY cont'd) suggest to the member submitting the sheet at that time that it was irrelevant, that you can't compare Saskatchewan and Manitoba?

MR. McKELLAR: That's right. That's what I'm telling you.

MR. PAWLEY: Did you raise it at that time to the member submitting it?

MR. McKELLAR: Well, for anybody who knows the facts, why should you challenge anybody, because I don't really think it's necessary.

MR. PAWLEY: Why are you challenging it now?

MR. CHAIRMAN: (g)--pass? Section (h) . . .

MR. MOLGAT: Mr. Chairman, I don't want to delay proceedings but a question was asked. Well, the Attorney-General can shake his head all he wants -- (Interjection) -- Well, Mr. Chairman, I . . .

MR. CHAIRMAN: I would ask the member to proceed without interruption.

MR. MOLGAT: Well, then, talk to the Attorney-General. A question was asked and I am curious as to what the answer is. Has the government decided that the surcharges will apply to special cases such as mentioned by the Minister, or has that decision not been made?

MR. PAWLEY: The answer, Mr. Chairman -- I thought I had given an answer. The answer was no; this was the reason that it was most important that we get the committee set up so that we can deal with these questions whether those over the age of 70, with one eye, should have an extra surcharge or not.

MR. MOLGAT: That decision has not been made yet. All right. What decision has the government made as to where the surcharge will apply?

MR. PAWLEY: We haven't, and that, Mr. Chairman, I think proves that the thought that a committee should be set up is more than just a window dressing; it's a very important area insofar as what we are doing. This committee is going to have some very important and heavy responsibility.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: I wonder if I might ask the Honourable Member for Ste. Rose whether he is of the impression that when a statute is passed -- and let's talk about the federal level now, because I assume that my honourable friend the Member for Ste. Rose has interests in more ways -- well, without reading anything into that, I feel that my honourable friend the Member for Ste. Rose does follow important legislation passed at the federal level, and I would ask him whether he's of the impression that regulations that are drafted pursuant to an Act, that always the decisions relative to those regulations have been made prior to the passage of the enabling statute. Is that his impression?

MR. MOLGAT: No, I certainly don't for one moment think that, and my question really was for information, and I regret that some honourable members thought that it was otherwise, because I understand that some statement had been made by the Minister that there was to be a surcharge on people under age 25, and if that was said, then I think that the following question by the Member for Souris-Killarney is very much in order. If the government has already reached a decision of a surcharge on people under age 25 -- (Interjection) -- Well, but I understand the Minister made that statement.

SOME MEMBERS: No!

MR. MOLGAT: That's the question. If that decision is reached, then what other decisions have been reached on surcharges?

MR. CHAIRMAN: The Honourable Minister.

MR. PAWLEY: . . . in fairness, that insofar as those under the age of 25, that I had certainly given indication that it would be a like impression to have some surcharge in Manitoba insofar as those under the age of 25. I do say that I have given that impression. I have also referred to the surcharge in Saskatchewan as being \$3.00 for younger drivers and I have made statements to the effect that either you have no surcharge at all, if it's only going to be \$3.00, or at least you have a more substantial one.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, the government having taken the position that at this point they do not know the answers to the questions because they -- (Interjections) -- No, no. I am saying they are taking the position that they do not know the answers to questions but this is to be determined by the corporation and that's what this legislation provides. Having taken or arrived at a conclusion, may I ask how is the government in a position, when we now have evidence from Saskatchewan which would indicate a specific loss ratio for fleet that varies

(MR. SPIVAK cont'd) from private cars, how is the government in a position to be sure that, without applying Saskatchewan directly, that there will be an 85 percent loss ratio? If we are applying Saskatchewan's experience, which is what the Pawley Committee report said and with what the statements that have been made on the opposite side, we're applying the Saskatchewan experience, we at this point do not know our surcharges which are a factor in this determination, and this is going to be worked out by the Commission, how are we going to be sure that any of the claims that have been made are going to be made, and how are we to determine or how are we to arrive at a conclusion that the information that you are giving, if you haven't arrived at a decision, is correct?

MR. SCHREYER: Well, Mr. Chairman, I can tell the honourable member that it's all really very simple, that it's all really very simple; that there are certain views that are held by the government with respect to some of the matters that have been discussed under this clause, but we have not taken what one might call a final decision because it seems to me that the appropriate way to make that determination is in the process of the actual drafting of the regulations. Furthermore, may I say to him that when he raises the question about relating the cost aspects under the proposed plan here in Manitoba to that of Saskatchewan, that we do intend, in large part, we anticipate an actuarial experience relative to Saskatchewan of a certain proportion and kind, and there will be some modifications in the proposed plan, some modifications which will have the effect of changing the operation somewhat from that of Saskatchewan, but the anticipated actuarial experience relationship is something that we have been working on and have a pretty good idea as to what it will be. In the totality of the operation of the two respective plans, we certainly anticipate an actuarial experience, relationship of a certain kind.

MR. SPIVAK: Well, Mr. Chairman, earlier, or a few days ago when the Premier made his statement, he indicated that facts taken so far in judgment takes us from that. Now what he really is saying is that this is a judgment. You're saying that the 85 percent is a judgment. -- (Interjection) -- Oh, yes, you are.

MR. CHAIRMAN: I wonder if we haven't already had this debate.

MR. SPIVAK: No, Mr. Chairman. Mr. Chairman, this is rather pertinent to the whole question. Yes, it's pertinent to (g).

MR. CHERNIACK: On a point of order, Mr. Chairman.

MR. CHAIRMAN: The Honourable Minister of Finance, on a point of order.

MR. SPIVAK: Well, Mr. Chairman . . .

MR. CHERNIACK: On a point of order, Mr. Chairman, I think that any member is entitled to know what section or subsection we are dealing with. Could you inform me?

MR. CHAIRMAN: Well, the committee has before it 29(1)(g).

MR. CHERNIACK: Thank you, Mr. Chairman.

MR. SPIVAK: Well, Mr. Chairman, for the benefit of the Minister of Finance, 21(g) provides that surcharges can be added to or determined by the corporation, and I have indicated in my opinion that's a tax, and groups and classes of people are going to be in a position to be taxed by the corporation. I am suggesting, Mr. Chairman, that we ought to know the principles along which this is going to be based, and I'm suggesting . . .

MR. GREEN: . . . point of order.

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, the honourable member is discussing the principle of the bill which was passed on second reading after 20 -- Mr. Chairman, the member is discussing the principle of the bill and whether it should be passed. Once we assume that the bill should be passed, which we assume at second reading, the question is -- (Interjections) -- well, if the honourable member would let me make my point of order, I would like to proceed to do so. Once we have passed the principle of the bill, the Legislature has said, "We want this type of plan." I know that we haven't said it in unanimity, but we have said that we are satisfied that we want this type of plan. We are now debating whether within this type of plan regulations should be permitted to be proceeded with by the Lieutenant Governor in Council to enact surcharges. Does the honourable member say in debate that we should not have surcharges, or we should have them? He is now going back, Mr. Chairman -- and I think it's about time we had a ruling on the honourable member's remarks -- he is now going back to say, "How have you, in view of the fact that you don't know whether you are going to impose or not impose surcharges, how have you really induced the Legislature on second reading to pass

(MR. GREEN cont'd) this bill which you said will produce certain economies for the Province of Manitoba?"

Now, Mr. Chairman, he hasn't only done it on this section, he's done it on every previous section, and I know, we all know, that he is opposed to this bill . . .

MR. SPIVAK: And you're for it.

MR. GREEN: I am for it. Right. That's right. It's a simple matter but, Mr. Chairman, the question of who is for and who is against and the principle of the bill is, I submit, and was decided on second reading. We then go into committee and the committee deals with the bill clause by clause and sends it to the House.

We are now into Committee of the Whole, having approved of the plan; and, you know, one would think from listening to what honourable members opposite have said, and the honourable member took out Beauchesne today and he said that the principle of the bill cannot be argued and an amendment cannot be put on in the committee stage which is against the principle of the bill, which indicates, Mr. Chairman, that in debate at this stage we are not to go back to the principle of the bill, and I submit that the honourable member, not only on (g) but on numerous previous sections -- and I say that, probably despite my remarks, on some future sections he will again be debating the fact that he doesn't like the bill, and, as he said, I like it, and I submit that that is out of order.

MR. CHAIRMAN: Just before we continue, before we continue, our recording engineer requires time to change a master tape, so we will all pause for a moment.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, on the point of order. The ridiculous proposition that the Minister of Mines and Natural Resources presents can be simply illustrated by the fact that all that would be required would be a bill that would provide, by regulation, that the government could do anything that they want, and having agreed on that, then we couldn't discuss the regulation on the same principle of what he is talking about. Now, Mr. Chairman, let me say this to the Honourable Minister of Mines and Natural Resources, and on the point of order. All that we have ever asked for was to spell out detail, or spell out the criteria. Now, we have discussed the principle of the bill. We are now discussing the clauses and we are now dealing with a subsection that gives certain rights -- and I say they are rights to tax and you can quarrel on that -- and I'm asking for someone to spell out the criteria or to indicate the detail. Now, neither the criteria nor the detail have been given to us, and I then put the proposition, and I think I have a right to put the proposition, on that basis the evaluation and judgment that 85 percent of the claim ratio will be paid back to the -- (Interjection) -- I'm not looking for anybody, Russ, but you may be. No, I'm not. I don't know who you were looking for, Russ, but I'm not.

MR. PAULLEY: Okay, I didn't know who you were looking for.

MR. SPIVAK: Mr. Chairman, unfortunately because of the Honourable Minister of Labour I'm going to have to repeat this whole thing over again and I'm sure that he will enjoy that.

MR. PAULLEY: I never said a word. I was just looking up on high.

MR. SPIVAK: Mr. Chairman, on the basis of the proposition that we do not have the criteria nor the facts on this section, and because this section in dealing with the surcharge deals directly with the amount of money to be taken in, in addition to the basic premium, by the corporation out of which the total amount of claims will be paid back, then we only can draw the conclusion that the claim that 85 percent will be paid back, Mr. Chairman, is a judgment and a political judgment rather than based on factual information. And Mr. Chairman, whether the Minister of Mines and Natural Resources thinks that we are rehashing this or not, one way or the other, may I suggest to him that until we have that criteria, until we know where we stand, until we have statistics and facts and until we know either you are going to duplicate the Saskatchewan plan, in which case then we know what the criteria and the facts will be, until we know that, Mr. Chairman, then we cannot draw the same conclusion that the Honourable First Minister may like to draw, the political judgment that 85 percent of the claims ratio will be paid back.

MR. CHAIRMAN: I would think on that point, if I may, that the Member for River Heights has given his view on section (g), the government has given its view. This has gone several times. I think the best way to resolve it is to vote on the section. Section (g)-- passed?

A MEMBER: Nay.

MR. CHAIRMAN: Hearing a nay, I would ask for a clear voice vote.

MR. CHAIRMAN put the question on section (g) passing, and after a voice vote declared the motion carried.

MR. SPIVAK: Ayes and Nays, Mr. Speaker.

MR. CHAIRMAN: Call in the members. We are dealing with section 29(1)(g).

A COUNTED VOTE was taken, the result being as follows: Yeas 28, Nays 27.

MR. CHAIRMAN: I declare the section carried. Section (h)--passed; Section (i)--passed; Section (j). The Honourable First Minister.

MR. SCHREYER: I defer to the Honourable Member for Morris if he wishes to make a point, but I was rising to indicate that after the passage of (i) I was prepared to have the committee rise. I understood (i) had been passed.

MR. CHAIRMAN: (i)--passed. Committee rise. Call in the Speaker. Mr. Speaker, your committee has considered Bill 56, reports progress and asks leave to sit again.

IN SESSION

MR. RUSSELL DOERN (Elmwood): 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 Minister for 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 9:30 Wednesday morning.