

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Monday, July 19, 1971

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees. The Honourable Member for Logan.

REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. WILLIAM JENKINS (Logan): Mr. Speaker, I beg to present the Seventh Report on Law Amendments.

MR. CLERK: Your Standing Committee on Law Amendments beg leave to present the following as their Seventh Report.

Your Committee has considered the following Bills and has agreed to report the same with certain amendments as agreed to by the Committee:

No. 50 - An Act to amend The Consumer Protection Act.

No. 54 - An Act to amend The Liquor Control Act (2).

All of which is respectfully submitted.

MR. SPEAKER: Ministerial Statements: Tabling of Reports. The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): In connection with the report, I beg to move, seconded by the Honourable Member for Killarney that the debate be adjourned.

MR. SPEAKER: There is no motion on the floor; for the Honourable Member for Rhineland's information, we are under the new procedure which is just a notice of a report to the committee.

MR. FROESE: Mr. Chairman, under Rule 68 (a) (2) it says that all reports are to be received and on the basis of that section of the rules, I think I'm quite in order. I think there should be a motion to receive the report.

MR. SPEAKER: The Honourable House Leader.

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management) (Inkster): Mr. Speaker, I'm sorry that I can't speak with a great deal of knowledge about my honourable friend's point but I believe that the new rules require that the reporting stage of the bill, that after reporting stage there has to be 48 hours notice when amendments can come in, when the bill is being reported.

MR. SPEAKER: Correct. The Honourable Member for Rhineland.

MR. FROESE: On that same point of order. I felt that after the report had been received you had the number of hours grace. I think that's the way it should be.

MR. SPEAKER: Ministerial Statements; Tabling of reports.

MR. FROESE: Mr. Speaker, on a point of order . . .

MR. SPEAKER: There is no point of order any more. I think it's been explained to the Honourable Member for Rhineland. He should check the rules, read them himself and then he'll be qualified to raise the question again. -- (Interjection) -- The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, on a point of order, if it's a point of order, for the benefit of the Honourable Member from Rhineland. My understanding is that within or after 48 hours has taken place or has passed, a motion will in fact be put and at that time he's going to be in a position to deal with that matter and discuss it at that time.

MR. SPEAKER: That is the impression I have too. Notices of Motion; Introduction of Bills; Oral Questions; Orders of the Day. The Honourable House Leader.

MR. GREEN: Mr. Speaker, the Law Amendments Committee is still in its deliberations. I expect that they will be completed some time this evening. I'm requesting that the Mace remain on the table and that the Speaker informally leave the Chair, members go to Law Amendments Committee to return at the call of the usual warning signal.

MR. SPEAKER: Thank you. The Honourable Member for Arthur.

MR. J. DOUGLAS WATT (Arthur): Mr. Speaker, on a point of privilege, if I may. I would just like to make a few comments, short and non controversial. I spent some time in the hospital and I had letters and cards from members from all around the House. I refer first to the government side, to the Party Whip, to the Premier. Frankly I was a little surprised

(MR. WATT cont'd.) when I received a card with a very long list of the members on the government side but it was very much appreciated and I thank you very much.

I thank the members of the Opposition parties including the party that I represent - and I must say that I was somewhat surprised when I received some recognition from that party. . . I just wanted to take a moment of your time to thank all those in the House and refer particularly again to the Press, thank the Press for their contribution and for their well wishes during the time that I was in the hospital. Thank you.

MR. SPEAKER: The Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition) (River Heights): Mr. Speaker, through you to the House Leader, I think there's one point that we'd like to clear up. Some of the members who are not on Law Amendments and who are not on Municipal Affairs have been waiting on the assumption that we are going to be dealing with some of the bills that are before us for second reading; and the question will be that in the event we do complete Law Amendments we will go back to second reading tonight; but if we do not complete Law Amendments tonight, is it the intention to call these bills tomorrow morning or are we going to go into Municipal Affairs?

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Mr. Speaker, the next item after Law Amendments Committee will be completed, we will be back in the House. In other words, the next order. But I fully expect it will be completed tonight at some stage.

MR. SPEAKER: I am leaving the Chair to return at the will of the Assembly.

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Sitting Resumed

GOVERNMENT BILLS

MR. SPEAKER: The House Leader.

MR. GREEN: I wonder, Mr. Speaker, could you call Bill No. 113.

MR. SPEAKER: The proposed motion of the Honourable Minister of Agriculture. The Honourable Minister.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): Mr. Speaker, I know that the hour is late and I - Oh, I guess I need my second reading.

MR. USKIW presented Bill No. 113, The Farm Machinery and Equipment Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member.

MR. USKIW: Mr. Speaker, I suppose it would be appropriate for members opposite to talk about the hour of the day and when we are introducing legislation which will affect the rural parts of Manitoba, I simply . . .

MR. WATT: . . . about the same time that we introduced agriculture last year or at the last session?

MR. USKIW: I don't know if it's the same day, it's the same time. There are very many changes in the Farm Machinery Act that are being proposed. In fact it's a new Act that will highlight many changes from what we've had in the past.

One of the important ones, of course, Mr. Speaker, has to do with the question of the definition of a vendor which is much clearer now than it was in the old Act, defining the manufacturer or supplier of machinery to a dealer as being the vendor. There are obvious reasons for that of course, one of them being that it was often difficult when dispute arose to determine who had the responsibility to deal with those disputes or problems that arose with respect to the servicing of farm machinery and repair parts.

One of the other important things that we are going to deal with or that we are proposing in this bill is an improved part service. The Act provides that within seven days of placing an order for parts they should be delivered if those parts are for machines that are ten years old or less. There is also an emergency repair part service that is being proposed that suggests that at any time of day or night on any day of the week that a person can place an order for an emergency service. There is also, of course, provided in the Act a deterrent so that farmers would not abuse that section. The deterrent is a \$10.00 fee that may be charged for

(MR. USKIW cont'd.) . . . every service that a dealer must enter into after the normal working hours, or during holiday periods. I think members opposite that are familiar with the nature of the industry would appreciate what we are trying to do with that provision, and while I know it's a stringent provision, I think I could say at this point that I am quite prepared to listen to alternate suggestions in the committee when the manufacturers or dealers make representation. It may be that they have an idea that could be considered and an amendment brought in at a later stage.

This bill provides for the establishment of a Farm Machinery Board which will have the responsibility of administering the Act, of dealing with disputes between the farmers, the dealer, the vendor and the assignees as well as disputes between the dealer and the vendor. As you notice in the bill, we have a provision here for the first time dealing with the question of dealer-vendor relationship.

One of the important features, Mr. Speaker, is the question of delivery of new machinery pursuant to any contract entered into. There are provisions here that give the farmer a greater degree of protection wherein the dealer or vendor is not able to provide a service in accordance with a contract entered into. The options are many but one of them is that one is able to cancel a contract five days prior to delivery date if the dealer or vendor informs the purchaser that the machine is not going to be delivered within that period. It also provides that the dealer must make refund on any deposits on that contract. If a purchaser accepts late delivery, the dealer or vendor will have to provide an alternate machine or pay a normal rental rate for the time period lost prior to delivery. If the dealer wishes to withdraw from this kind of a situation he has an opportunity to do so 15 days before the date of delivery of any machine by cancelling the contract.

One other very important provision in this bill, Mr. Speaker, is the extension of the trial period, and in this area, too, I want to say that we are flexible and are prepared to hear representation on this point, and that is the extension of the trial period of any machine from a normal 8 days to the 90 day period which is suggested in this bill. We have found that over the years that many people were not satisfied with machines after a one week trial period because due to weather conditions and many other factors that enter the picture they were not able to properly determine the efficiency of the machine and its capability to perform the kind of work that it was intended to. This is an area that I think we can agree there might be some flexibility on. If we can get representation it might convince us of another approach to deal with this problem.

One of the important provisions in this bill, Mr. Speaker, is the provision of warranty services on an hourly basis. For every tractor that is purchased, the bill provides that there shall be a warranty period of 1000 hours, and 300 hours on every combine. A normal one-year warranty provision is extended for field equipment. There is also a pro-rated warranty period extended beyond the normal warranty, and that is 2000 hours on a tractor and an additional 400 hours on a combine with respect to parts, labour, transportation on the engine and transmission, with a limit of 5 years. This is a new section. I think members opposite that have been familiar with the problems of warranty services would appreciate what we are trying to do here; and again this means that there will be a requirement on the manufacturer to place hour meters on these types of equipment in order that they might conform with the legislation.

One of the new provisions also is that warranty is going to be provided to subsequent owners wherein it has not been used up by the first owner or purchaser. If defective parts on any machine cause damage to other parts, there are provisions within this bill that provide for a warranty on parts that were damaged as well even though they were not the cause of the damage and this covers the labour, parts and transportation.

Where a dealer or vendor assigns their rights, there are provisions in this bill that make the assignee, dealer or vendor responsible for warranty services. If a dealer goes out of business a vendor shall be responsible for warranty and repair services. This is a very important provision, Mr. Speaker, because many people have experienced a great deal of difficulty because of close-out of dealers for one reason or another and wherein repair parts and services related thereto were not available for a long period of time.

I think one of the most interesting parts of the new Act here has to do with the section dealing with repossession. This Act conforms with the Consumer Protection Act, or this section rather, conforms with the provisions contained in the Consumer Protection Act. A lien holder under this section could only apply for leave to the Board before he can repossess and

(MR. USKIW cont'd.) he must mail a copy of that application to the purchaser. This is I think one of the more important areas with respect to the relationship between the purchaser and the dealer and the vendor. A purchaser may object to repossession within one week and the Board shall consider the application for leave to possess within three weeks and give notice in writing to both parties. A purchaser may redeem his equipment within ten days of repossession; and a purchaser also has the option of revoking leave to repossess to Court of Queen's Bench. There are many checks and balances on both sides of the question. A lien holder may sell a repossessed piece of equipment, but any surplus profit over the debt on that machine must be returned to the purchaser. In the event that a lien holder realizes - or doesn't realize the full amount of the debt, a repossession means under this Act that he has fully recovered and has no further recourse to the purchaser. That conforms with the section in the Consumer Protection Act.

Assignment of earnings can only take place through application to a judge of the County Court and that these assigned earnings may not exceed 50 percent of total earnings. The Farm Machinery Board will be charged with the following responsibilities: to investigate complaints; enforce the regulations; establish rental rates; recommend to the Minister on safety factors; and prepare a brochure that will be provided for the dealers and which the dealer will have the responsibility of providing to the purchaser with each new machine that he sells, so that the purchaser will have full knowledge as to the protection under this particular Act with respect to warranty services, emergency part services and so forth.

The repossession sections also apply to the sale of used equipment and so does the assignment of earnings section apply to used equipment; that is the only area which applies to both the new and used farm machinery sales.

One of the other important areas, and long overdue, Mr. Speaker, is the question of some provisions in the Act to allow for better company dealership relations. In this Act we have a large section which provides for certain guarantees. The important ones, of course, are where a dealer is closed out either voluntarily or on request of the company, that there are full buy back provisions in this Act where the company must refund 100 percent of the cost of the machine and transportation on that machine if it's unused, or on unused parts. The vendor must also furnish to the Minister a copy of all the franchise agreements between the vendor and the dealers throughout the province.

One other provision that we have in this bill, Mr. Speaker, is one dealing with the interchangeability of parts. We are hoping to get agreement with the manufacturers and the dealers to allow for the interchangeability of parts between certain machines.

Mr. Speaker, I'm advised that that covers the subject matter, and indeed it does. I should hope that members opposite would give the kind of support that I think they should. I simply want to indicate that you have been given an opportunity, explanatory notes, to fully appreciate the content of this bill, and I don't think that I could be accused of not providing all the information as early as possible.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Mr. Speaker, allow me to begin my relatively brief remarks with respect to this bill by at least alluding to the remarks of my honourable friend and colleague, the Member from Rhineland, that it's strange that this government chooses to introduce its major programs in agriculture at some time beyond the bewitching hour of midnight, or somewhere in that time, but that's -- I don't necessarily say that as a critique, because, you know, the whole business of farming and agriculture, there's a bit of mystique involved, the farmer that puts his seed in the ground in the dusky hours between midnight and dawn and prays to whomever you pray to, that it will grow and prosper and pay the taxes that governments of whatever stripe they are, impose on him; and Ministers, whoever they are, you know, expect them to pay for the various expenses that they have. Mr. Speaker, are you about to rise to cut me out of order because I was just beginning to wax poetic at this midnight hour, but really, I want to get down to the bill, and I recognize the importance of this bill, because I recognize in the gallery, two eminent agronomists who have joined the press gallery to take in this intense agricultural debate that we are about to engage in in this bewitching hour at a quarter to one, and I want to assure them that they will not be subject to any disappointment.

Mr. Speaker, the bill before us, without any jest, is a very major and important bill, and I should like to make a few comments with respect to the history of how this bill is at its present state before us, simply that - and forgive me, Mr. Premier and members opposite -

(MR. ENNS cont'd.) that it was, of course, the previous administration that long ago recognized that there were some difficulties, some major difficulties facing the purchaser of farm equipment, the farmers of Manitoba, with respect to agricultural equipment, and saw fit to set up, supported by the then Opposition, the New Democratic Party and the Liberal Party, set up a Standing Agricultural Committee to look into the state of affairs with respect to the sale of agricultural equipment here in Manitoba. And about the same time, Mr. Speaker, the Federal Government, prompted no doubt by the wise advice offered by the members of the Conservative Party opposite at that time, also set up a Royal Commission, an enquiry with respect to the same subject, the same of farm machinery in Canada, namely the Barbour Commission.

We felt at that time, prudent as we were, Mr. Speaker, and that's a phrase that we no longer hear too often in this House, because, you see, at that time Manitobans had the privilege of a government that had some concern, some feeling for how we spent the taxpayers' money, and knowing that we, being Manitobans and being Canadians, were going to pay a million dollars or plus for an investigation and enquiry into the same subject matter, namely farm machinery, as glamorous as it is, that perhaps we should desist from carving out and carrying out that massive kind of full-scale investigation; perhaps we should just kind of sit back albeit that we may be doing the farmers a disservice for a short time, but that it would be in the greater interest to be privy to the collective wisdom of Canadians farmers, Canadian farm organizations, Canadian manufacturers and the greater Canadian government, and help us to arrive at the kind of legislation that would truly benefit the farmers of Manitoba. This the New Democratic Party wisely assented to while they sat on these honourable benches. This the Liberal Party assented to while they sat -- no, pardon me, I was a little wrong -- the Liberal Party sat here and the New Democratic Party sat there -- and generally, Mr. Speaker, what I'm trying to say is, it was agreed by common consent in this House that it was the prudent -- that's a nice word, Mr. Speaker -- the prudent thing to do to not spend unduly the taxpayers' money to allow Monsieur Barbour to complete his investigation with respect to farm machinery across this broad land and Dominion of ours, and come up with certain suggestions that we could all apply to our individual jurisdictions; and for that reason, Mr. Speaker, I may make the point because undoubtedly, undoubtedly the Minister of Agriculture, unscrupulous as he is, is going to go through the regions of this province and say, "Now we're doing things for you, Mr. Farmer; now we're enacting legislation, and now we're going to do things that the Conservatives never did." And in the meantime they were a party, Mr. Speaker, as you are my witness, as you are my witness, Mr. Speaker, they were a party who suggested to us that we should bide our time and listen to what all wise men had to say with respect to farm machinery.

Now, Mr. Speaker, let me say even prior to that, and let me pay some respect to a member that, those who remember him in this House, we had a lot of respect on all sides of this House, and I refer to the late Harry Shewman, the Member for Morris, who was the chairman of the Agricultural Committee prior to his passing away, and who sat and served as chairman of that committee as we instigated the investigation that led to the formation of this particular Act. The late Mr. Shewman has done many services to the industry of agriculture in this province, to name but a few: The Hog Commission; his daily services here in the House; and latterly the services as chairman of the Agricultural Committee . . .

MR. SPEAKER: Order, please.

MR. ENNS: . . . with respect to bills before us.

MR. SPEAKER: I prudently listened to the honourable member. I realize he needs a slight introductory remark, but I wonder if he could choose his words prudently and attack the bill one way or the other so that we could get the process of the House served. The Honourable Member for Lakeside.

MR. ENNS: Thank you, Mr. Speaker. I would expect some latitude from you, Sir, relative to the late hour that we're sitting and the pressures that we have been under during the day. We have served so well the posture and position of the Opposition in amending so much of the bad legislation that the government has tried to foist on the people of Manitoba. I could name but a few of them. We just straightened up the Snowmobile Act for the Minister of Transportation.

MR. SPEAKER: Order, please. I believe the honourable member is reflecting on procedure in committee and in the House. I think we are dealing with the Farm Machinery Act, and I'm certain the honourable member can apply himself to that Act. Would he do so? The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, I want to assure you that you will not have to call me into line on another occasion; I will refer specifically to the Act, Bill No. 113, The Farm Machinery and Equipment Act, that we are now dealing with at the hour of six minutes to one o'clock at night, in the eminent presence of agrolgists from Montreal visiting us in the Press Gallery, and this is indeed an important occasion.

Nor, Mr. Speaker, I want to assure the Honourable Minister of Agriculture that most and many of the provisions provided in this Act, dealing with this Act in principle, Mr. Speaker, are the kind of suggestions and provisions that we endorse, that we look forward to in seeing it passing. Some of the unanswered questions that I can't answer now, and I will desist from attempting to analyze now, can only be answered by that unique feature that we have in the Province of Manitoba, and while they, the people's government, are trying to do away with it, let me tell you, Mr. Speaker, it is unique insofar as it is one of the few jurisdictions in Canada that allows this kind of representation. That is, the public representation at Law Amendments where those persons most directly affected by any Act, Legislative Act that we pass in this Chamber, have an opportunity to express their views before us before the Act becomes final; and I have some concern, some reservations, and no doubt will have some amendments to make to this Act, because at first reading, Sir, there are implications that would suggest to me that the price of tractors is going to rise \$300.00 on Day One this Act is passed; that the price of combines is going to rise \$500.00 the day this is passed.

I don't know what kind of service this is to Manitoba farmers. I don't know how reasonable the demand that this government is making of farm dealers to be open 365 days a year, 24 hours . . . including Sundays and holidays. That's what's incorporated in this Act - 365 days a year. And they have labour legislation, Mr. Speaker -- I see you're tuning down the volume, Mr. Speaker, and I apologize because I might have got a little excited - but I'm referring to this specific section -- no, I can't refer to specific sections because we're dealing in principle, but I'm referring in principle to the specific sections that we well accept, that provide for emergency repair part service, and the way the Act reads I think when we talk about, you know -- well, let's get rid of 90 percent of the government and talk to the few of the farmers that are left in the House -- when we talk about emergency repair part service, most of us have in mind seeding time and harvest time, you know, but the way the Act reads, the way the Act reads it says that the dealer or the vendor has to provide 24-hour service day or night, Sundays and holidays included, for any equipment that he sells during the course of its normal use.

Now, what about when you sell a barn cleaner to a dairy farmer and it's used 365 days of the year? What about when you sell a combine to a farmer? That's fine. You can set out the emergency repair part service is going to be used from August 15th to October 15th, but the dairy farmer that you sell a forage harvester to, who uses it from June 15th to July 15th, he's got to be presented with 24-hour service to him. To the seed man that you've sold a seeder to, you've got to provide emergency service to him from April to June 15th. To the fellow that you sell a snowblower to, you've got to provide 24-hour services including Sundays, New Year's and Christmas Day because you sold him a snowblower.

Well, I see a caucus taking place between the Minister of Agriculture and the First Minister, and if I've achieved anything then perhaps I've encouraged a few more posturings. I think it's one thing, Mr. Speaker, that Law Amendments has lately suggested to us that we would hope these fellows would have caucused their bills a little bit more, would have less amended, would success in expediting the business of government if they did caucus their bills from occasion to occasion.

Mr. Speaker, I'm going to not abuse the late hour of the night. There are many features of this bill that, as I indicated earlier, that we endorse; I think that there are many features of the bill that we have to hear some very serious representations from all segments concerned - the purchaser, the farmer, the dealer, the vendor and also the manufacturer. But, Mr. Speaker, before I let these hamstrung socialists get away with anything, let me raise, you know, kind of an ugly spectre that I really suspect them of - I really suspect them of. Mr. Speaker, they'll pass this bill. They'll see to it that Case and John Deere and International and Massey-Harris and a few others can't do business in this province, and eventually they're going to buy . . . Versatile or something like that, and exempt them from the provisions of this bill and you'll have, you'll have, Mr. Speaker, the captive audience that all socialist totalitarian states look for, and the farmers in Manitoba will end up with an inferior product, higher prices and

(MR. ENNS cont'd.) nowhere else to shop - and nowhere else to shop. And if you want to doubt my word, then go to Eastern Europe or anywhere else where this is the case. This is simple fact, Mr. Speaker. Now I just want to at least leave them with that suggestion so that at least I can be in the . . . of having said, "Yes, that former Member from Lakeside said it was going to happen in 1971."

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): Mr. Speaker, I beg to move, seconded by the Honourable Member for Virden, that debate be adjourned.

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

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Could you call Bill No. 94, Mr. Speaker?

MR. SPEAKER: Would the Honourable House Leader tell me where it is?

MR. GREEN: Oh I'm sorry. It's on Page 3 of the Order Paper, just at the top of Second Reading.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Agriculture. The Honourable Minister.

MR. USKIW presented Bill No. 94, An Act to amend The Natural Products Marketing Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable the Minister.

MR. USKIW: Mr. Speaker, this particular amendment is one that is necessary because of a number of events that are taking place, the interest on the part of fur ranchers or fur -- not fur ranchers, the wild fur farmers that need some marketing arrangement because of their difficulties in the marketing of fur. This was originally thought to have been a matter that would have been introduced by the Minister of Mines and Resources but since there were two or three other items that Agriculture had to introduce at this particular section, we decided to combine the two into one, so I hope members opposite appreciate that it's one bill instead of two.

They are also an extension -- not an extension; we are trying to correct something that has been an oversight in the Act for a long time, and that is to specifically define honey and milk as being products governed by the Act which really were, but not legally, to this point apparently, an oversight of, I suppose, members opposite in years past.

One of the important areas in this particular bill, Mr. Speaker, is the provision to allow for a Marketing Board of Commission to control product at the processing level. The reason for that is to accommodate any arrangement that may be arrived at as between provinces. And we have had a request from the broiler people that they are prepared to enter into some arrangement but that Manitoba, unlike most other provinces in Canada, doesn't have sufficient legislative authority under their Marketing Act to allow it to become a partner in a Canadian marketing system. Also, in the event that Manitoba enters into a market-sharing arrangement on milk through the Canadian Dairy Commission, we must give the Milk Control Board some authority to administer that particular market-sharing arrangement, and there's a provision in this bill to do so.

Those are the three basic changes or amendments that are being proposed at the present time.

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

MR. EARL McKELLAR (Souris-Killarney): Mr. Speaker, I just want to say a very few words on this bill. This bill really frightens me, for a very good reason. When anybody thinks they're putting cattle under a marketing bill, I get frightened silly, and for a very good reason, because the Federal Government have been debating this very thing for the last year and a half and they've never yet got this bill passed. And why didn't they get it passed? Because the farmers don't want it. And why in the name of the world your government would put cattle under the Marketing Board Act here is more than I'll ever know. I know why you want to put swine under it; that's a very good reason. Because you want to bring in compulsory marketing for hogs, and if you want to do that, I know that's why they're in. So why do you want to put cattle? For the life of me, the cattle livestock industry or the cattle, it's the only bright spot we have in the whole farming picture today and you're wanting to drag it right down with the rest. Right down with poultry, broilers and everything else. So let's leave cattle alone. Let's leave it out of this bill.

(MR. McKELLAR cont'd.)

I'm going to move an amendment when it goes to committee for that very reason. Who has asked for you to put cattle in here? Who is asking it? I bet there hasn't been a person that asked that cattle be put in this Act. Not one person. -- (Interjection) -- No it isn't. No it isn't . . . It isn't there; it isn't there at all.

Mr. Speaker, we've had so much socialism thrown at us today that I think it's about time . . . that the livestock men in the province of Manitoba be left alone, be left alone -- (Interjection) -- and there'll be more to come, I know. But every time there's more to come I'm going to stand up and holler and holler and holler. That's the only language, Mr. Speaker, and I'm sure when this bill goes to committee, I'm sure there'll be many farm organizations in here telling the government of the day what they think of including cattle. It's bad enough for the Federal Government to be blamed, but why didn't the Provincial Government take their lesson, take the lesson that was learned from Bill 176, and I hope that when this goes to committee that the government of the day have second thoughts about including cattle. If they want to include poultry, fur bearing animals, why I hope they do so at the invitation of these very industries, because I don't think it's right and proper to tie the industries down under a Marketing Act unless these people vote for this particular change to be made. So with those few words, Mr. Speaker, let's not increase those . . . , let's decrease them.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Rock Lake.

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

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

MR. SPEAKER: The House Leader.

MR. GREEN: Would you call Bill No. 108, please, Mr. Speaker?

MR. SPEAKER: Proposed motion of the Honourable Minister of Agriculture. The Honourable Minister.

MR. USKIW presented Bill No. 108, An Act to amend The Milk and Dairy Products Control Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister.

MR. USKIW: Mr. Speaker, the large part of this bill is a sort of a tidying up arrangement. We have some sections in the present Act that are not very definitive and I'm not going to go over the minor technical changes that are being proposed; I'm simply going to outline the areas of substance.

We are proposing to expand the board from the present three to a larger board. The suggestion here is seven - and it's my inclination, by the way, to amend that to provide no less than five; that is one of the changes, to allow for representation from a cross section of the industry as well as the consuming public.

A number of sections only deal with the administration of the board, decisions that are arrived at by quorum and so forth, but in clause (g) of subsection -- oh, I can't make reference to specific sections but, Mr. Speaker, there is a problem here of the board having access, proper access to records, and as we understand it, that to some degree the board has not been able to carry out its intended function without a minor amendment to the Act. That's one of the things that we are doing in this particular bill, is to give them authority to prescribe the kind of record that must be kept by licensees.

One of the other areas of authority that is being extended is in the area of transportation. We've had some problem there of allocating the transportation system and this will give the Milk Control Board to be very much more decisive, and indeed this was requested by the Motor Carrier Board some time ago, that the Milk Control Board take jurisdiction of the franchise trucking in the milk area. So that this is the intent of one of the changes being proposed.

One of the sections in the bill provides that the board would be given full authority to obtain any records or documents necessary to carry out its responsibility. At the present time, a company can refuse to give evidence or documents and be subject to a fine only, on refusal, and this does not allow for that kind of escape. It does give authority for the Milk Control Board to in fact get all the information that is necessary for its operations.

MR. SPEAKER: The Honourable Member for Arthur.

MR. WATT: Mr. Chairman, I'd just like to ask the Minister a question. Have the dairy people requested that the Milk Control Board be increased from three to seven?

MR. SPEAKER: Order, please. The Honourable Minister will be closing debate if he answers. The Honourable Member for Rock Lake.

MR. EINARSON: Well, Mr. Speaker, I just want to make a few comments on this particular bill. After the, I think, the delightful and most interesting oration that my colleague from Lakeside gave this evening, I don't have to add comments or words of wisdom in that regard, but I do want to say for the record, I think that it's not usual where one comes to the attention of any one Minister on the government side, but when we're dealing with our agricultural bill such as this one, as the Member for Lakeside mentioned on 113, it's unfortunate they don't seem to recognize that the agricultural industry is that important that it should be brought in, it seems though, after the hour of midnight, where a proper time could be given to scrutinize these bills.

I do want to say that I don't know why -- my colleague from Arthur mentions the fact about the number on the board being increased from three to seven. I wondered about that myself, and I don't know why the increase is necessary. There have been so many boards that this government have either increased or created, and it seems as though it's all for one definite purpose. I don't think I have to indicate what that may be, Mr. Speaker, to this government. I think that's a foregone conclusion.

The other area is that where they have made some changes here in the bill, and that's basically the principle, the Minister indicates the powers that this board has, and this is one area that I am very concerned about; are these powers granted without a court order? And it's like other legislation they've brought into this House whereby a director is given authority without a court order, and this could become very dangerous, Mr. Speaker, to say the least. I know from my own experience on the government side, when others that are not elected, answerable to the people, I think that this is an area where one has to be as democratic as possible when you're considering legislation. Those are the comments I want to make, Mr. Speaker. I look forward to seeing it going to Law Amendments.

MR. SPEAKER: Are you ready for the question? The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, this bill will be going to Law Amendments, I would assume, after it's passed today or if not, the Agricultural Committee tomorrow, if passed today - or this morning - and this was more or less agreed. I want to again highlight the fact that there is a snooper clause provided in this particular Act which may or may not have been considered in the light of the basic change of position that the government has taken with respect to other Acts, and I think that this particular clause, without dealing with it at this time but dealing in the principle of the right of seizure of books and records and examination, has to be considered in the light of the total change that is taking place and the proposal to try and place some checks and balances on any administrative body or licensing authority with respect to reasonable access and at the same time to be able to provide protection for individuals. And I hope that this section, these particular sections would be considered in the light of discussion that has taken place in Law Amendments over the last few days, and that in fact there would be appropriate amendments brought forward to change the section so that it would be consistent with the basic position that has more or less been arrived at by way of a consensus between the Opposition and government as to how this should operate, and I look forward to seeing such changes brought forward at the appropriate time in the committee stage tomorrow morning.

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

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

MR. SPEAKER presented the motion.

MR. SPEAKER: All in favour, please say aye. Against, say nay. In my opinion -- (Interjection) -- I am in the midst of taking a vote.

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

MR. SPEAKER: Debate will continue. The Honourable Member for Rhineland.

MR. FROESE: Yeas and Nays, Mr. Speaker, on that motion.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Again, it's quarter after one and I think what we're trying to do is try and facilitate proceedings. There was some general understanding between government and the Opposition that there be an attempt made to try and have the Agricultural Committee meet

(MR. SPIVAK cont'd) tomorrow and to provide it with sufficient bills for it to be able to deal with them, and this was one of the bills more or less agreed to go on and . . . representation made. Now I wonder if the Honourable Member from Rhineland, in view of that, in view of the fact that this would facilitate the committee meeting tomorrow and provide sort of a course for the whole day, would possibly agree to proceed with the bill now, and then would have the opportunity in committee to be able to possibly deal with this later.

MR. GREEN: It would appear that the honourable member has no seconder for his motion to adjourn.

MR. SPEAKER: He did have.

MR. GREEN: Well, Mr. Speaker, I'd like that to be confirmed. That's usually not the case but in this case I'd like it to be confirmed as to whether the Member for Rock Lake did in fact second the motion to adjourn -- (Interjection) -- He says no.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier)(Rossmere): Mr. Speaker, I'm wondering if the Member for Rhineland would take into consideration the fact that this bill is a relatively short bill, that if it's agreed that it goes into Agricultural Committee tomorrow morning he'll have an opportunity to consider the bill in its specific sections in sequence. Further to that, he will have additional opportunity to consider the bill and when it comes back to the House in report stage for third reading, he'll have an opportunity to deal with it at that time either by way of giving notice of amendment or in any other way, and it would greatly expedite the business of the House if this bill could be allowed to pass to committee now and be taken up in committee tomorrow. There are really a number of consequent pieces of other House business that would be greatly expedited as well, and so on that basis I appeal to the honourable member to consider the bill in committee tomorrow.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I was unaware when I made the motion to adjourn that the Member for Rock Lake was not agreeable, so therefore the motion doesn't stand and the government doesn't accede to adjourning anyway, so I'll let the matter go because I would have to peruse the bill before I could speak on it and I think there are things in it that need to be checked.

MR. SPEAKER put the question on second reading, and after a voice vote declared the motion carried.

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Mr. Speaker, could we go to Bill No. 96?

MR. SPEAKER: Proposed motion of the Honourable the Attorney-General. The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, we've examined this bill and we are quite in sympathy with the intent. We're prepared to let it move along.

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

MR. SPEAKER: The House Leader.

MR. GREEN: Bill No. 98, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Attorney-General. The Honourable Member for Brandon West.

MR. MCGILL: Mr. Speaker, I would like to have this matter stand. (Agreed)

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I understand that although the Honourable Member for Roblin is not here, that this matter can be called.

MR. SPEAKER: Which one is that?

MR. GREEN: Mr. Speaker, Bill No. 99, please.

MR. SPEAKER: The proposed motion of the Honourable Minister of Transportation. I took that under advisement and I gave my ruling this morning. The question is open. Are you ready for the question? The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, with regret I adjourn the debate. I move, seconded by the Honourable Member from River Heights, to adjourn the debate.

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

MR. GREEN: Bill No. 109, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Attorney-General. The Honourable Member for Brandon West.

MR. MCGILL: May I have the matter stand, Mr. Speaker?

MR. GREEN: Bill No. 111, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Minister of Municipal Affairs, The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Speaker, when this bill was introduced in the House I was naturally quite concerned because it has wide reaching implications for the various rural municipalities throughout the province. Immediately, Mr. Speaker, I contacted the various representatives of the Union of Manitoba Municipalities who had not received a copy of the bill. Quite frankly, Mr. Speaker, this rather surprised me; it surprised me that the Minister of Municipal Affairs who is in charge of the municipal affairs for the Province of Manitoba would not even have the courtesy to send the executive of the Union of Manitoba Municipalities copies of amendments to the Municipal Act which he is proposing.

Mr. Speaker, I have always worked under the assumption that if I was going to do something which affected another individual - and we have seen this happen in the House here before where a member of the House was going to speak he would give some indication of what he intended to do - I cannot find that the Minister has given any indication to the Union of Manitoba Municipalities that he intended to bring this amendment in; brought it in at this stage where we're in speed-up; the normal course of mail, and I assure you that it's not the provincial jurisdiction, that the handling of the mail is such that over the weekend even if the copies were mailed out when we received ours in the House, that the executives would just have received them this morning. However, I have not received any phone calls to the effect that they have received them.

This bill likely will be going to the Municipal Committee for amendments and we find in the House that today, for instance, we just received copies of Hansard covering last week, the publication of the debate in the House is three, four or five days late, and I'm sure that those people who are vitally concerned with the implications of this bill will in all probability not receive their copies of the debate that went on in this House until after the bill has received second reading and gone through committee, so that they will be unaware of what is going on in matters which vitally concern them. I think it's most unfortunate, Mr. Speaker, because the affairs of the municipal corporations of this province I believe are quite rightly their jurisdiction and any amendments which affect their government should be brought forward with their wholehearted close support, or in cases where they differ, having every opportunity for dialogue in order to resolve some of the differences.

Now the Minister in bringing this Act forward has stated that much of the bill is house-keeping, but, Mr. Speaker, I think there is more than just housekeeping involved in this bill. There are a few fundamental areas which I believe are worthy of more than just cursory examination; these, Mr. Speaker, I think need dialogue with the local government authority and I regret the fact that the means of communication with regard to some of these things is minimal to say the least, and in fact they may be too late. I realize the position we're in in the House here, that we're attempting to clean up the legislation. There have been speeches made before, Mr. Speaker, about bringing in legislation in time for members and interested parties to have an adequate look at it so that the proposed amendments that are brought forward to any act are indeed the amendments that are required and are requested by those that the act so vitally affects.

With these few remarks, Mr. Speaker, I find that it's not convenient for me at this time to bring forward concrete proposals, but I assure you that every effort will be made to get the advice of those that this act concerns and we hope that when this does reach committee that representation will be forthcoming.

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

MR. McKELLAR: Mr. Speaker, I beg to move, seconded by the Honourable Member for Rock Lake, debate be adjourned.

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

MR. SPEAKER: The House Leader.

MR. GREEN: Bill No. 117 on the last page of the Order Paper, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Member for Flin Flon. The Honourable Member for Flin Flon.

MR. THOMAS BARROW (Flin Flon) presented Bill No. 117, an Act to validate By-law No. 559 of the City of Thompson, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Flin Flon.

MR. BARROW: The purpose of validating By-law No. 559 of The City of Thompson is to provide the only means that now exists to enable the City of Thompson to pass a by-law authorizing the construction of a sewerage lagoon system and to obtain a loan from Central Mortgage and Housing Corporation. The Municipal Act enables the city to construct public works and to borrow monies for that purpose provided the authorization for construction and borrowing is done before the works are constructed.

The City of Thompson because it had temporary funds available arising from the sales of land constructed the public works without first complying with the requirements of the Municipal Act. In consequence only a statute of the Legislature can authorize such a by-law being passed since no authority exists for this procedure in The Municipal Act. The obtaining of the loan from Central Mortgage and Housing Corporation is important to the city because it's indicated in paragraph 3(c) of the agreement CMHC will forgive payment of 25 percent of the principal amount and 25 percent of the interest if the project is completed to the satisfaction of CMHC on or before the 31st day of March 1975. This represents a forgiveness of \$45,000 in principal money alone with interest in addition. If the statute validating the by-law is not passed at the present session it is believed that this opportunity to obtain the loan of forgiveness of \$45,000 plus interest will be lost to the city. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): Mr. Speaker, I move, seconded by the Honourable Member for Brandon West, that debate be adjourned.

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

MR. SPEAKER: The House Leader.

MR. GREEN: 65, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Member for Osborne. The Honourable Member.

MR. IAN TURNBULL (Osborne) presented Bill No. 65, The Manitoba Mental Health Research Foundation Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Osborne.

MR. TURNBULL: Mr. Speaker, this bill is one that will allow the funding of mental health research in Manitoba. Up until now a great deal of money that is made available for mental health research is given to agencies that wish to do such research on the basis of their . . . at scientific evaluation, scientific criteria. Such criteria and evaluation are not always appropriate for the kind of mental health research that needs to be done in the Province of Manitoba. The bill therefore is one that will enable monies to be collected and allocated for the purpose of mental health research on criteria that are not only scientific but also criteria that are appropriate to the kinds of research that will be done in the future.

I don't wish to at this late hour take the time of members with this bill, but I could point out that one of the principles of funding that are provided for in the act would be to make monies available on criteria that would give some attention to regional needs and I think that factor in itself is one that should commend itself to this House.

The applicants that would be capable of receiving money under the provisions of this bill would certainly be applicants that are qualified, investigators that are qualified in the disciplines that are related to mental health research.

I would think, Mr. Speaker, that the bill might well be commended to the House for an early and speedy passage.

MR. SPEAKER: The Honourable Member for Brandon West.

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

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

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Bill No. 107, Mr. Speaker - Page 3 of the Order Paper.

MR. SPEAKER: The proposed motion of the Honourable Minister of Municipal Affairs. The Honourable Minister -- order. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, on a point of order. We have co-operated in the sense that we recognize that the government intended to go through the bill, but 107 is a bill that should not be introduced at this time - not at 1:30. It's too important; it requires sufficient public

(MR. SPIVAK cont'd.) attention and concern; it requires a legitimate debate, and I feel quite honestly that . . .

MR. SPEAKER: Order please. I must remind the honourable member that he rose on a point of order. I fail to see the point of order. We are on government business. A bill may be introduced. Does the Honourable Leader wish to speak to the same issue.

MR. GREEN: Mr. Speaker, with leave of the House, I would just like to indicate that I just slipped by that bill; it's not as if it wasn't going to be called tonight. The fact is that the Minister's remarks are going to appear; we have not opposed any adjournments except with regard to one, so I didn't see any problem in calling it. However, if my honourable friend doesn't want it called tonight, then we'll call it tomorrow morning.

Mr. Speaker, that's the extent of the business for tonight. My understanding is that there is general agreement that we would come to the House tomorrow at 9:30, that we would deal with the routine proceedings and then go immediately to the Agricultural Committee to consider those bills that have been referred to Agricultural Committee; that following Agricultural Committee we would come back into the House and deal with the matters on the Order Paper. I would expect Agricultural Committee would not take a long time - I could be wrong - but nevertheless we would be calling this bill tomorrow, so that the honourable member will have notice of that. Is that agreeable to everybody concerned, because we haven't sent notices on Agricultural Committee.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I think it's agreed that Agricultural Committee would be called and that in turn we would go through the normal proceedings in the morning. I think there was some discussion about the possibility of the remaining period of the morning being allowed for both government and opposition to caucus to be in a position to deal with the variety of amendments that may be proposed, both in Municipal Committee, and at the same time to give us an opportunity to deal with the bills. As I've indicated before, one of the problems of the adjournment tonight has been the fact that these bills have not been able to be caucused among our own members, and we really require that time if we're really going to facilitate the proper handling of the matters here.

My suggestion would be that after Agricultural Committee that we be allowed that opportunity to be able to deal with those matters that are before us and be in a position to come back in the House and then deal properly with them. I think this will facilitate the general way in which we are trying to carry out our activity.

MR. GREEN: I take it that what the honourable member is . . .

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, on the point of order, if I may raise one . . .

MR. SPEAKER: By leave, we're speaking all on procedure . . .

MR. FROESE: . . . and calling an Agricultural Committee meeting at this hour and trying to adjourn the debate on one bill before which is going to that Agricultural Committee; I think I should have been advised at least on this matter that, first of all that the bill should pass, and secondly, that a meeting of this type was coming up. With no notice, I don't think this is fair play.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I believe that it's incumbent on the government to call a committee meeting, that there is no notice required of this meeting. It is not unusual to call meetings in the morning of committees that will meet in the afternoon, and therefore, Mr. Speaker, we are proceeding in that way. I take it that honourable members would prefer that we adjourn the House when we call Agricultural Committee until 2:30 in the afternoon. That's acceptable. So that we would then come into the House at 9:30, call Agricultural Committee, and adjourn until the afternoon.

I move, Mr. Speaker, seconded by the Honourable the Attorney-General, 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 Tuesday morning.