

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, June 4, 1979

Time: 8:00 p.m.

ADJOURNED DEBATES ON SECOND READING

BILL NO. 2 — AN ACT TO AMEND THE FINANCIAL ADMINISTRATION ACT

MR. SPEAKER: Adjourned Debates on Second Reading, on the motion of the Honourable Minister of Finance, Bill No. 2. The Honourable Minister of Finance is closing debate.

MR. CRAIK: Mr. Speaker, we will be dealing with Bill No. 2 in the committee stage tomorrow, where we will be able to get at some of the specifics of the bill, but there were a number of questions that were raised in particular by the Member for St. Johns, where some request for information was made prior to the meeting of the Public Accounts Committee, which will deal with the bill.

So, Mr. Speaker, what I have attempted to do is go through and ferret out those items that fall into that category. And on April 18th, may I address, first of all, a question with regard to, and it reads as follows: "Firstly, would the Minister attempt to let us have samples of what will not be permissible that was used in the past in relation to surpluses?" This was the carryforward from one year to the next of surpluses, and I want to say that since it asks for the specifics here that in the year ended 1973 the previous administration deferred \$42 million of revenue and carried it forward to the year ended March 30th, 1974, and also in the year ended the 30th of March, 1974 — it must be 31, 1974, Mr. Speaker, unless the calendar has changed — they deferred \$45 million worth of revenue and carried that forward to the year ended March 31, 1975. And this procedure was repeated again in the years ended March 31, 1975 and March 31, 1976. So there was transfer of surpluses in those years from one year to the next, and the intention is to not have that repeat.

In the years ended March 31, 1973 and March 31, 1976, other revenue surpluses in the amount of \$4.7 million and \$4.24 million respectively were called revenues of those specific years, even though they had been earned in years previously. Now, I'd like to point out that under the new Financial Administration Act, this shifting of revenue from one year to another will not be allowed, will not be allowed to be carried forward.

Also, Mr. Speaker, they will find that if they review the Provincial Auditor's Report to the Legislature for those particular years, they will find a statement of changes in the financial position which adjusts these revenues to reflect in the proper years, but only in the Auditor's Report.

There was another question asked, a more direct question, and here I quote, where the Member for St. Johns says, referring to myself, "He was speaking about the power to make commitments for the future, and the power to guarantee lines of credit, again for the future. There's a limit of \$25 million on guarantees proposed in the bill. Is there a proposed limit that I haven't noticed yet on the extent of future commitments?" I reply to that, Mr. Speaker, that in Section 32 of Bill 2, which will be Section 45(2) of the new Financial Administration Act, it reads as follows: "A member of the Executive Council may, with the approval of the Minister, or subject to guidelines established by written directive of the Minister, enter into a contract on behalf of the government, which commits the government to expenditures in future years, other than a contract guaranteeing the payment of a debt incurred, or to be incurred, by any person, and the Minister shall report on such commitments to expenditures in future fiscal years in the Public Accounts of each fiscal year."

Mr. Speaker, the Executive Council will limit the amount of commitments which members of the government can enter into. It should also be noted that the amounts of commitments entered into shall be reported in the Public Accounts of the Province of Manitoba. To date, Mr. Speaker, this kind of reporting has not been available to the members of the Legislature.

A final question which required answering was asked on May the 2nd, and at that time the question that was put was as follows: "As to what has happened to the existing unused Capital Authority." Well, we've dealt with that one on a number of occasions during this Session, and I want to say that formerly, under Section 59 of the Financial Administration Act, an Order-in-Council will be prepared to terminate this Authority. This was pointed out in the Budget Speech. and perhaps

it's worthwhile to reiterate at this point. It would seem most sensible though that, before that is done, the accounts that are normally prepared by the Department of Finance are scrutinized by the Auditor, and at that point, once verified by the Provincial Auditor, will go to the process of being approved and terminated by Order-in-Council. When that date will occur, Mr. Speaker, of course, I guess, will depend on those two things happening, and I assure the members that, in the normal fashion, I'm sure that they accept an Order-in-Council will be passed and it will reflect accurately the amount of lapsing that occurs in the Capital Authority that was carried forward.

There was one other major question that I think probably was of significant importance, maybe the most significant, was the question of the closing date for the year-by-year accounts, and I indicated that the intention was to go to an accrual type procedure rather than the direct cash procedure, and that this would be a more accurate reflection of the year's activities. I think the Member for St. Johns was particularly concerned about this question, or this suggestion or recommendation and content in Bill 2.

The recommendation has really come forward from the practices that are general by the provincial governments. In the majority that has been recommended by the auditors and the accounting people that deal with the accounts. The recommendation comes forward primarily as a recommendation from that background.

I think that on that question, that whereas a fairly fixed date has been set of basically April 20th each year, but I gather that that hasn't been adhered to exactly, that sometimes, depending on when the account has been received and the cheque has been written on an account that that has fluctuated a bit; that although the April 20th date has been an official cutoff date, that in the case of transfers that can appropriately be identified as belonging to one year as opposed to another year, that that date is not always appropriate to use, and that the other provinces, and I think perhaps the larger provinces, have found it appropriate to go to the accrual method, to identify by footnote that a particular payment, even if it doesn't come in on that date but may come in some distance from it, as long as it's footnoted and put into the appropriate year, that that is the more accurate method of reflecting the books.

But I want to say that it's more of an accounting principle than it is anything else, and it would appear to me to be the appropriate way to go, but I don't want to get into the fixed position that if the Public Accounts Committee, in examination of it, feels that there is a strong reason to set a fixed date, and then give reason each year to deviate from that, maybe that is also an acceptable way.

I gather that the Provincial Auditor may have some comments on that and I think perhaps that's important because he eventually has to verify the accounts that come forward and are authorized by him as the official authority that replies to this Assembly. So what I'm saying is that I think this was a major point that the Member for St. Johns was perhaps concerned about. I can only say that the best recommendations that seem to be coming forward are that the fixed date of April 20th, or whatever the date may be, is not necessarily the best way of reflecting the financial processes for a given fiscal year, and that as long as an item is footnoted that the accrual method then becomes a more accurate method of reflecting the year's activities. And that is why it's recommended here.

I leave it simply at that, I say that it's not a matter, it's not a Maginot Line to fight over, but I think that we ought to look at it more thoroughly, and I think we ought to listen to the presentations of the accountants and the accounting people on this matter before deciding on it.

Now, in addition to that, of course there were a number of other questions that were raised. They weren't raised specifically in the tenor that they required an answer before we met with the accounting people that will go along with, and the legal people that will go along with the examination of Bill No. 2. And for that reason, Mr. Speaker, I would suggest that we leave those questions — and I know there are some others — but they will get repeated, and logically so, in the Public Accounts Committee.

I think, with those comments, I would say that we will have a go at this tomorrow morning in the Public Accounts Committee. We will have the appropriate people there, from the accounting side and legal counsel side, to look at the bill itself. We have also available the Provincial Auditor, who will have comments to make on it. We will have one missing link, and this is no criticism of the people that are available, but our legal counsel, Mr. Tallin, who was very much involved in the preparation of the bill, is not here right now and will be away for several weeks. So we will not have his fine hand available for the examination of the bill itself.

But, apart from that, Mr. Speaker, I look forward to working through this bill in the Public Accounts Committee and, as I said at Second Reading, the intent of it is to provide what the government thinks is a fuller and better accounting system for the Province of Manitoba. And I think that it represents fairly the best of hard work produced by the staff that have worked on it for some time, and who have been given their head in producing what I think is a good Act and good changes

that will bring about a better accounting for the province. And with that, Mr. Speaker, I recommend it to the Committee.

QUESTION put, MOTION carried.

BILL NO. 55 — AN ACT TO AMEND THE INSURANCE ACT

MR. JORGENSEN presented Bill No. 55, An Act to amend The Insurance Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

MR. JORGENSEN: Mr. Speaker, The Insurance Act provides for the supervision of the private insurance industry in Manitoba for the benefit of the citizens of Manitoba, and sets out certain requirements in areas such as the operations of insurance companies and agents and the contents of insurance contracts. Many of the provisions in the Act are uniform with those appearing in the insurance Acts of the common law provinces of Canada.

The Provincial Superintendents of insurance meet annually in an endeavour to achieve uniformity in the insurance legislation.

Bill 55, which is before you today, amends the parts of the Act dealing with mutual insurance companies, accident and sickness insurance, the licensing of insurance agents and other minor adjustments. The amendments to the accidents and sickness part of the bill have been recommended for uniform enactment by the Association of Superintendents of Insurance. The revised wording sets out more clearly the responsibilities of each of the insurers involved where one contract of group accident and sickness insurance is replaced by another contract of group insurance.

The amendments to the mutual insurance companies part will permit provincially incorporated mutual insurers to conduct their business on a more up-to-date basis, that is, on the cash premium basis, rather than the premium note plan, which is a handicap in the present-day marketplace. Mutual companies in other jurisdictions now operate principally on a cash basis.

Other amendments to the bill concern the licensing of insurance agents, chiefly life insurance agents. At the present time, a life insurance agent may represent only one life insurer, the name of which is endorsed on his licence. These amendments will permit a life insurance agent who has held a licence sponsored by the same insurer for at least two years, to act as an agent for more than one life insurer. Similar licensing provisions are now in effect in other western provinces, Quebec, New Brunswick, and Prince Edward Island.

Generally, the amendments pursue the goal of uniformity with other jurisdictions, the improvement of insurance services to the citizens of Manitoba, and the encouragement of the growth of provincially incorporated mutual insurance companies. For these reasons, Sir, I recommend the bill for your careful consideration.

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

MR. FOX: Mr. Speaker, I move, seconded by the Honourable Member for Lac du Bonnet that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSEN: Mr. Speaker, will you call Bills No. 14 and 18?

BILL NO. 14 — AN ACT TO AMEND THE PLANNING ACT

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Mr. Speaker, I adjourned this for the Honourable Member for Lac du Bonnet.

MR. SPEAKER: The Honourable Member for Lac du Bonnet.

MR. SAMUEL USKIW: Mr. Speaker, Bill 14 essentially deals with further involvement on the part of the government, on the part of the public, into the area of the planning of our communities throughout Manitoba, and of course, this is not a new piece of legislation, but relatively speaking, I guess it is. I believe it's no more than five or six years old, and that obviously, through experience, in the early part of the planning system, that one is to expect revisions and changes from time to time, and perhaps even a few every year.

We, of course, on this side, have had the initial experience with respect to The Planning Act, and of course I think are in a position to express some degree of concern and perhaps to provide some very positive suggestions to the government, and no doubt as the various plans throughout the province are developed, I'm sure the government will feel much more comfortable as well with some degree of experience.

So this is not a piece of legislation, Mr. Speaker, that one could classify or categorize in the area of some ideological difference of view, as between the two sides here, but really one of trying to do what is the common-sense thing to do with respect to the public planning of our development throughout the province, whether it be our municipal system or our urban communities.

I have two concerns with respect to this bill, Mr. Speaker. I'm not going to make too much of those two concerns on Second Reading because I believe that this kind of legislation requires a little more in-depth discussion at Committee stage, rather than on Second Reading, being that it's so technical in nature.

But I want to point to two things in any event. One is the amount of authority that is exercised by any authority, be it the Minister, or an approving authority authorized by the Minister throughout the province. There's a tremendous amount of power in this Act. Two Ministers here in particular that perhaps are becoming familiar with the amount of power that proving authorities have, that the government has, with respect to the rights of citizens of Manitoba, and one has to guard those rights very, very carefully, Mr. Speaker, because we live in a society where people have, to a large degree, the private ownership of properties, but which can be very much taken away from them through legislation, such as The Planning Act, that is, their private rights, as they have become to know them over the years, can be very easily removed or trampled on by legislation such as this, Mr. Speaker, if not carefully worded, and if not carefully administered. And Mr. Speaker, I say that because of the early experience when we were the government in this field, and I'm sure this government has already had some experience and some examples of what I am alluding to.

There is naturally a conflict between the aspirations of an owner of property and the aspirations of the community or the public in general. There's obviously bound to be a conflict there. The two may not always agree as to the use that a resource may be put to, whether it be buildings or real estate of any kind, Mr. Speaker. And in this connection I think that it's worthwhile reviewing just for a few moments the mechanism that we have wherein we are involved with giving approvals to people who are applying for sub-divisions or property splits of one sort or another, or perhaps even to municipalities who want to propose development plans, and where the government has a role.

In looking at the legislation and the Amendments that we have before us today, Mr. Speaker, it's obvious that if one wanted to take the most dim view of these powers, that one could argue very strongly against this bill and against the existing Planning Act. If one was to express concern, Mr. Speaker, about the administrators of the legislation, and I know in the bill and in the Act there are many references to the Minister using his discretion, the approving Authority using its discretion, and so on, and where certain decisions are made, that those decisions are final and non-appealable. And Mr. Speaker, I am a little fearful of that, especially where there is no right of appeal. I know we've discussed this before internally in government, and I have discussed this publicly with members opposite, but knowing that the Minister is not going to make the decision based on his own knowledge of the circumstances put before him but rather based on the information that is provided to him by his staff, Mr. Speaker. And I know that the approving authority authorized by the Minister is going to function in very much the same way. Of necessity, they will have to rely very much on the bureaucracy to submit to them the information that is required, on which they will then make a decision.

And so once we have put ourselves in that position, Mr. Speaker, we must make sure that there are the proper checks and balances, because if we don't — and I mean checks and balances, Mr. Speaker, at the political level because that is the only real place where you can provide the adequate checks and balances that should be proper with this kind of legislation.

The danger that one can see with this kind of a bill or this kind of an Act, Mr. Speaker, is the Minister allowing himself to slip away from it, depending almost entirely on the bureaucracy to make the decisions, and that the Minister then becomes nothing more than a rubber stamp for something that has already been decided. And that may even be true, Mr. Speaker, of the local authority, who has been given the right or privilege, or whatever, to make decisions and pass

on individual applications.

We have, in this planning mechanism, Mr. Speaker, umpteen agencies that must give comments to the Planning Districts, to the Minister; every department makes some input, for example, on given applications for subdivisions.

Now, if that input is sincere, based on criteria, based on policy, then that is fine. That is what we would hope to have, and on that basis we can make an intelligent decision, hopefully, and from time to time revise those decisions if we find that, through experience, that we have been wrong.

What concerns me here, Mr. Speaker, is that there are a multitude of people bringing forward recommendations to the Minister or to the approving authority, but in particular to the Minister. And within the bureaucratic system it's not hard to envisage, Mr. Speaker, the idea of the ideal plan in the mind of the planner, of any planner of any particular district in the province. And planners have to be idealistic, Mr. Speaker, so one cannot fault them for that, but sometimes they overlook the fact that we do have a problem of private property rights versus the public's rights, and that those may come in conflict, and that there has to be some means of redress where there is a serious difference of view and where it appears warranted that there should be some way in which a person might have his day in court.

With respect to the development plans, themselves, as they are submitted to the Minister for approval by municipalities or planning districts involving a number of municipalities, it seems to me that it's almost overbearing to want to have the section in the Act which is now being proposed, which still requires ministerial discretion on the approval of a planning district. Because first of all, Mr. Speaker, I would have taken it as a given that the province has already applied its land use and environmental policies at the very beginning and if those are adhered to that criteria has been accepted in any particular proposed plan of development. perhaps, or

Then it seems to me it's a bit redundant overly-protective perhaps — maybe that's the word — to then further exercise ministerial discretion where all of the regulations and policies of the government have been complied with within the proposed plan. It's like duplication of effort, to say the least, and at most, Mr. Speaker, I guess one has to say that it means that government wants to have the final say, even though the plan conforms to all the rules and all the regulations of the Province of Manitoba.

So I question, Mr. Speaker, the need for that particular extra discretionary power that the Minister seems to want. It almost gives him complete control, as an individual, over all aspects of public planning in the province. It seems to me that that is perhaps going a bit far.

With respect to the municipalities, the approving authorities, which may be the same thing, Mr. Speaker, I have always had the view — although you know I have to admit that our government functioned in very much the same way — that there should be an appeal mechanism so that the applicant for a lot split or subdivision or whatever the case may be has a higher court beyond the local approving authority.

The reason I say that, Mr. Speaker, is that from time to time there are situations where we have had — oh, I'm sure one could probably cite dozens of examples; I can think of a few — where there have been contests for membership on local councils, subsequent to which perhaps the defeated candidate is then applying to council for approval but there is no rapport between that particular individual and the council, or the approving authority. And, you know, if that kind of thing creeps into a planning system, Mr. Speaker, that can be not only unfair but, quite frankly, dangerous and not in the public interest. I don't believe that anybody would want to see someone denied his or her rights because of some particular personality clash at the local level or some particular personal dispute that occurred between the applicant and his local council or councillor or whatever. And that, to me, gives me enough reason to suggest that there should be some other area to which such a situation could be referred and a decision handed down. And the bill prohibits that. It specifically states that there shall be no appeal from a decision of council or the local approving authority.

I think we will probably live to regret that particular measure, and I simply point it out to the Minister for his consideration and that perhaps when we get to committee stage, Mr. Speaker, we might have a little further illumination on that area and perhaps the Minister might want to reconsider.

I know, in discussing it with staff members of the department previously, and in particular with the Deputy Minister — he has always argued, and I don't fault him for it, I think it's fair comment too — that, if there is an appeal body, that local governments tend to sort of want to approve everything in the knowledge that there's another mechanism somewhere else where the decision will be made, especially if it has to be an unpopular decision with respect to their own local constituents.

And I suppose there is logic in that argument, I suppose we have had example of that. But

I'm not sure if that is adequate enough, Mr. Speaker, to override the concern that I have pointed out, and that is that it's not unreasonable to run into, at the local level, Mr. Speaker, many situations of personality conflict for one reason or the other, and I'm sure members all know what I'm talking about. It happens quite often, especially when you're involving people that have had some involvement in local politics and find themselves on the outside looking in, and then having to apply to their adversaries for a favourable decision on a given application.

Now, that doesn't mean, Mr. Speaker, that we would want to open things up so that everything is approved and that there is nothing that should be turned down, that is not what I am saying. I'm saying that we have to have a mechanism that protects the interests of the people as a whole, and of course the overriding interest is the whole of the province, but at the same time we don't want to deny the individual his rights and fair treatment with respect to the decisions made under The Planning Act.

I think, Mr. Speaker, there is one other area of concern that I would want to touch on while we're on the generality of the bill. And that is that too often we get overly enthused about what we are trying to achieve, and don't allow a fair degree of discretion, and I don't know what the government's policy is. Perhaps the Minister will enlighten us before, or when he closes debate, Mr. Speaker. But you know, I have seen situations where certain planners believe in a very stringent regulatory system that doesn't compromise at all, and you know, I can give a number of examples. I don't think that I should have to do that. But I could point out to members opposite, and I know the Minister would be interested, and certainly the House Leader, who I believe is still in charge of the land use policy — I think I'm correct — might be interested to follow up on this point, that there is a desire on the part of numbers of people in Manitoba, a desire to locate other than in a closely knit urban setting. There are a lot of Manitobans that prefer to have the rural environment, although they may not be agriculturalists, but they would prefer to live in the countryside, they don't mind the extra travel to work. There is an abundance, Mr. Speaker, of land in Manitoba, land that is not suitable for agricultural uses within these rural municipalities that could be used to accommodate people with those desires.

I know that that runs against the grain of the planning idea, that you must put everything into communities, and you don't want to let too much leak out and slip away on you because you don't have control, and that there is a problem with respect to more roads and highways, and you can have all sorts of arguments on the other side. But Mr. Speaker, I think that it's reasonable to have some flexibility in the land-use policies and that we should be able to allow people who have an opportunity to purchase a small parcel of land that is otherwise useless, you might say, or marginally agricultural, or whatever, or where it's already of such a small acreage in size, which doesn't lend itself to viable agriculture and doesn't lend itself, Mr. Speaker, to consolidation. Mr. Speaker, I think it's reasonable to not take the blanket approach with respect to those kinds of situations.

You know, Mr. Speaker, I recall, and I don't mind citing the example, I don't mind citing the example. I recall discussing a case with one of our planners, involving a six acre parcel of land in a very densely populated area, Mr. Speaker, and the excuse of the planner was that it's good agricultural soil, and it shouldn't be approved. The person wanted to build a home on this six acre site. And you know, I had one devil of a time trying to tell the planner that you can't make a living in agriculture on six acres of land. I had a hard time to convince the planner that this wasn't rational, common-sense thinking, and that logically, where you have that kind of a situation, that's the kind of thing that demands some area of discretion on the part of the planning mechanism.

Mr. Speaker, around Winnipeg, you can drive five miles in either direction and you will spot very readily, Mr. Speaker, a plot of land, maybe 10 acres, or maybe 20, or maybe even 50, that has been left out of agriculture because of its either marginal nature or of its incapacity to produce anything because of the nature of the land and so on. There is all kinds of it available around Winnipeg, Mr. Speaker.

Now, I don't know whether we should take that solid an approach to planning that we should deny anyone the right to locate a residence on such a parcel of land. —(Interjection)— No, no, I'm not arguing for that, Mr. Speaker, there is quite a difference. But you know, there's the area of the blanket approach where you deny everything that comes before you because of very stringent guidelines, Mr. Speaker, and then there is the area of discretion where you can take into account viability, if it is in an agricultural zone, is it a viable agricultural community, is it in a position to consolidate to make it viable, or is it too far gone, or is it too marginal? There are a whole host of reasons why discretion should be used.

And it seems to me that we don't need the psychology of Toronto or Montreal or Vancouver in Winnipeg. I don't think that we're so overly populated, Mr. Speaker, that we have to deny our Manitoba citizens the right to locate where they want to locate, within reason under the Planning Act.

So, Mr. Speaker, I simply plead with the Minister responsible for The Planning Act and the Minister

responsible for land-use policies, that discretion should be the key, and look over the shoulders of the bureaucracy, Mr. Speaker, because that's where the dictatorship could occur. —(Interjection)— Yes, look over the shoulders of bureaucracy, Mr. Speaker, because that's where the dictatorship can occur. Yes. —(Interjection)—

Mr. Speaker, when the Minister knows that he has to depend on 15 bureaucrats to advise him on which he's going to make a decision, on the advice that he's going to use to make a decision, then he had better make sure that either the bureaucrats take a few lessons of political responsibility, or he is going to have those decisions haunting him, Mr. Speaker. I know that from experience — yes, yes, I know that from experience.

So, Mr. Speaker, while we agree that there's a need for proper public planning, I don't believe there is a need for a tangent — I don't believe that we have to rule out everything that doesn't conform into an urban community, a village community, or a town community, whatever you want to call it, Mr. Speaker. I think there is a lot of room for tolerance, in order that we might satisfy more fully, Mr. Speaker, those desires, legitimate desires of people who do prefer to live in a more rural environment. And if we had 100 million people and we didn't know where to put them, I would perhaps be arguing the other way. But, Mr. Speaker, we are a long way from there. And the planning psychology of the big town doesn't have to apply in spades in the Province of Manitoba. Thank you.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY McKENZIE: Mr. Speaker, I did not intend to speak on this bill until I, if I heard him correctly, the repentance and the withdrawing of the Socialist dream that him and the leader of that party dropped off on us in opposition, and the people of this province under The Planning Act, and now to listen to the Member for Lac du Bonnet, asking us to tread very carefully and maybe withdraw some of the legislation which his leader rammed down our throats with their muscle and their power in those days — us screaming and yelling, "Slow down, you guys, you've gone too far", and now we have the former Minister of Agriculture standing up and pleading with us and our minister to back off on this legislation, this Municipal Planning Act, which his leader sold everybody in this province.

Unfortunately, I happen to come from an area that agrees exactly with the sentiments of the Member for Lac du Bonnet, and I'm not sure whether I'm ill or whether the people in my constituency are ill, or whether it's because the former Agriculture Minister is now waiting for a free enterprise corporation, or whether it was the Bermuda salt air that got to him, but he's all of a sudden talking our policies, and he almost took my speech right out of my mouth on this very Act that we have before us, which his leader and his government, and his party brought before this Chamber and this Legislature. And we agreed with certain reservations that it maybe was a good thing, but now we've had a chance to have a look at it, and I have a few concerns I'd like to register in the second reading of this bill, and they go along basically similar to the sentiments of the Member for Lac du Bonnet.

I certainly know planning and this type of . . . you only have to come from the old country. If you visit England and see the problems they've had over there with this Socialist dream of planning in the old country, and how it carved that island up, and left the bureaucrats running the country where the local people have no say basically in most matters, That's some of the problems that we're facing in the province.

I agree with the principle of planning, but I don't think, Mr. Speaker, at this time, when we only have a million people in this province, we better tread very carefully, and tread very slowly, because I support the sentiments of the Member for Lac du Bonnet. I have industries that want to come in and set up in my constituency today. There's no way they can set up when you go through this municipal planning. They may get their —(Interjection)— well, I have a chap who wants to sell propane. He has to go through all this legislation of planning and he has to go through the Labour Codes and that. He put the tank on his own property, a chap by the name of Andres in Roblin. The tank's there; it's installed and ready to service the area; now they tell him he's got to move it. He's already paid \$30,000 bucks for the tank; it's in the proper perspective, on his own property, and the Department of Labour agrees that everything is in order, but under municipal planning, he can't have it there. Now there's a man who has invested some \$30,000, maybe \$40,000 of his own hard-earned dollars to service that community with the needs of the farmers, and that's our number one industry, and all of a sudden he finds he's going to have to move that unless something changes under the legislation that we had before. He's already had a directive from the municipality; he's going to have to move it.

And this is my concern. Maybe, Mr. Speaker, in this urban City of Greater Winnipeg where you have some 560,000 or 570,000, or 600,000 people, certainly, I agree that planning and the best

of planning is required, not only from the municipal, the city corporation, but from the Green Belt or the municipalities that surround this great city. I dare say, the metropolitan area of Brandon also needs a lot of dedicated and unique planning to make that city larger. But to come out in the LGD of Mountain or in some of these municipalities and try and make those people live under the same laws or the same Act at this time, we're having lots of problems.

So I'm not going to get into the nitty-gritty; I'm just going to ask the Minister and the government to tread slow and tread carefully because already municipal planning, whether it's a development plan or whether a man moving his fence from one quarter to another, he's got to go and get a permit today. You know, out in the country, who cares? Let him move his fence. But under the municipal planning scheme they have all these powers and authorities to make these decisions as the Member for Lac du Bonnet was saying. I just say slow down, let's take it with more care and more understanding of the people who are living out there than we have at the present time.

I support the need for planning in the large urban centres, but I'm having all kinds of problems with The Planning Act in its present form in these smaller communities. And who in . . . like in the Municipality of Bolton and in the village where I live can take these municipal planners on? They don't have staff or people who can compete with those chaps nor debate on it at the metro council table. It's a difficult time and I say let's tread carefully, tread slowly, and surely in another year or maybe two years from now when we can continue to improve the Act, improve the relations between the planners and the municipal people, and especially the small municipalities who likely, under this, are going to have to disappear; a lot of these small municipalities. They won't be able to survive. I don't see how they can.

So I just say, tread carefully, Mr. Minister, and let's not move too fast and when we do move, let's make sure at least the little municipalities, and the local government districts, and some of the small villages can keep up.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, I probably would be wiser not to tread into this area, but the remarks by the last speaker has caused me to desire to make a few comments. The last speaker, the Member for Roblin, kept referring to the legislation being such as though it was being imposed upon the small rural municipalities. He made reference to the Village of Bolton; he made reference to the Local Government District of Mountain.

Mr. Speaker, I find this to be somewhat peculiar because the basic intent of the planning legislation, as it was enacted in 1974, was to the effect it would not be implemented in any municipality unless that municipal council, by way of resolution, had voted for the formation of a planning district, in which it would be one of such municipalities. So, Mr. Speaker, there is no imposition, there is a voluntary involvement on the part of the municipalities in coming together to form a district.

I agree, Mr. Speaker, with the basic comments by the Member for Lac du Bonnet, that if there isn't discretion and fairness utilized on the part of those that are administering the best of legislation, then in fact that legislation fails to achieve its objectives and can in fact end up with very very distorted objectives from that which it was intended to develop.

I would like to simply make one comment though in respect to some of the approvals of subdivisions and some of the concerns that have come to my attention. It seems, Mr. Speaker, that this government upon approving a subdivision and giving easy approval to a subdivision, then sees no further responsibility on its part. I have for instance received communication from the Minister of Transportation in which the Minister of Transportation dismisses a concern pertaining to a flooding problem on the basis that the subdivision that had been approved and allowed to proceed by the municipality had not concerned itself with an improvement of the provincial drainage works, so that in fact we have a backing up of water into the subdivision which was approved by the municipality. But I would like to stress, Mr. Speaker, that subdivision was also approved by the provincial authority, and I do believe therefore that the province has no business disassociating itself or washing its hands of any responsibility once it's approved — given its approval as a planning authority to the establishment of a subdivision, in ensuring that there are sufficient and proper services provided such as roads and drainage, and yet we do have this situation, Mr. Speaker, in which a subdivision approved by way of both the municipality and by way of the province, a flash flooding situation caused by inadequate provincial drainage, and the Minister responsible for the highways in this province disclaims any responsibility on the basis that it was a subdivision that had been okayed at the municipal level.

To me that indicates that there is inconsistency, a shuffling off of responsibility on the part of the provincial authority. It's very very easy to okay or to approve a subdivision, but if that okay is to be forthcoming from the provincial level of government, then surely that provincial level of

government must ensure that its services that are presently serving that subdivision are adequate for the additional workload. And that, I would like to mention, Mr. Speaker, seems to me to be part of the difficulty that we are presently confronted with as a result of the sometimes conflict and misunderstandings between provincial and municipal authorities. I do say without wishing to be too defensive insofar as the planning legislation, that I believe the planning legislation does proceed a long way toward removing those type of situations and ensuring that there's a reasonable and rational approach toward planning.

And listening to the Member for Roblin, I'm just wondering why he doesn't request his Minister, the Minister of Municipal Affairs, the Minister representing his own political party to repeal the legislation since he appears to be so disturbed by the legislation itself. And if others in the Conservative caucus share that view, then I'm surprised that they are not joining together with their fellows to urge the repeal. —(Interjection)— You are now in the government. You now can do anything you wish, and I say to honourable members across the way, you cannot shuffle off your responsibility for the existing legislation by simply saying, "That legislation was passed by a previous government." You now have the opportunity to repeal that legislation. And if that is your conviction, that is your principle, then rather than introduce legislation to amend that legislation, then bring in a bill to repeal the legislation.

But unfortunately, Mr. Speaker, this is so typical of so much on the part of this particular government. They will say one thing, and provide us with all sorts of verbiage on one hand, but then when it comes to specific action, they will back away and their Ministers will go in the opposite direction. I would not agree with those that would request repeal, but I say to them, let them be consistent, let them be logical, let them follow through with their particular point of view rather than espousing a point of view from the back bench as though they —(Interjection)— let the Member for Roblin, let the Member for Emerson confront the Minister of Municipal Affairs in caucus. How did this bill come to arrive in this Chamber in view of the expressions on the part of the members across the way? Why isn't there a bill to repeal this legislation? Mr. Speaker, I must say that I find the attitude somewhat peculiar.

MR. SPEAKER: The Honourable Attorney-General will be closing debate. The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, just briefly I want to thank all members for their contributions to the debate with respect to this piece of legislation. I would point out that obviously it's a concern of members of both sides of the House that the planning legislation be administered in such a way that common sense is the first rule to be recognized in dealing with applications under The Planning Act.

I think with respect to the principle of the bill before us, the amendment that will allow delegation of the approving authority to a single municipality as opposed to just a planning district is an improvement in that process. There are a number of municipalities throughout this province who have been unable to reach agreement with neighbouring municipalities to form planning districts and this resolution itself will allow a number of the larger urban centres in particular to proceed with the development of basic planning statements or development plans and when those are completed, to have the final approving authority delegated directly to them.

With respect to the Land Use policies to which there has been some reference, Mr. Speaker, members will recall, during the fall of last year a number of meetings were held throughout the province and public hearings were held and submissions made with respect to those Land Use policies. The chairman of the Provincial Land Use Committee, the Honourable Minister of Consumer and Corporate Affairs, I believe, is in the final stages of preparing for the Land Use Committee a review of those Land Use policies. Hopefully they will, Mr. Speaker, be improved upon so that common sense will be used in implementing those policies, and I agree with all members, Mr. Speaker, who indicate that almost eternal vigilance must be maintained in the application of those policies to ensure that staff in various departments implementing those policies do not treat them as absolute binding laws, but are treated as guidelines and the first premise to be used in their application must be that of common sense.

I would refer, Mr. Speaker, to an example of a file I went over today with members of the staff. In this particular case, a gentleman had applied for access to the Highway Traffic Board. I believe it was turned down. In an appeal to the Public Utilities Board he was granted an Order of Access. The Municipal Planning Department in forwarding the application to the various departments — the Member for Lac du Bonnet referred to — referred it to the Highways Department and despite the fact that the applicant had an order from the Public Utilities Board granting them access, they recommended against the application because it was against the Provincial Land Use guidelines. And that, Mr. Speaker, just simply does not make sense, when a person who has a legal right

has pursued his legal remedy, has obtained an order, the highest order that he can obtain, should have a bureaucratic ruling like that recommended against the application.

Mr. Speaker, in this particular case that objection of that particular department has been overruled and the application will be granted, but as many member of both sides have indicated, there has to be almost an eternal vigilance of the manner in which land-use policies are being utilized.

Mr. Speaker, I look forward to hearing the contrary views again of the Honourable Leader of the Opposition and the Member for Lac du Bonnet at Law Amendments Committee in reviewing this Act. I would also indicate, Mr. Speaker, that with respect to this whole planning Act that will be affected by the policies that are contained in this Act, we are now seriously looking at a proposal whereby the planning approval function will be decentralized throughout the province with offices located in Steinbach; with an office located in the central area, an interlake office, so that the planning function, the approval process, can be done completely through the districts and the final approving authority can be delegated to the district offices. I think that will be an improvement, Mr. Speaker, in having the offices, the people living in those areas, familiar with local conditions dealing with applications in those areas and having final approval delegated to them.

Mr. Speaker, I think these are part of some of the improvements hopefully that are being made in the planning approval process, and I commend the Bill to members for Second Reading.

QUESTION put, MOTION carried.

BILL NO. 18 — AN ACT TO AMEND THE NATURAL PRODUCTS MARKETING ACT

MR. DOWNEY presented Bill No. 18, An Act to amend The Natural Products Marketing Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Mr. Speaker, I adjourned this Bill for the Honourable Member for St. George.

MR. SPEAKER: The Honourable Member for St. George.

MR. BILLIE URUSKI: Thank you, Mr. Speaker. This piece of legislation that has been presented to the House must, I believe, have caused some great consternation within the Tory caucus. I can just see one member across the way, the Honourable Minister of Consumer Affairs. I can just visualize the gnashing of the teeth and grinding of his comments with respect to this piece of legislation.

Mr. Speaker, if ever there was a piece of legislation, that in view of the statements of the Conservative Party, who govern the Province of Manitoba, this is one piece of legislation that would be hypocritical to any party. If you read their statements over the last number of years, to now present such a piece of legislation, one would wonder what went on in the back-rooms to have this piece of legislation pass their caucus. Mr. Speaker, for a party and members —(Interjection)— oh, they don't have caucus — my colleague for Kildonan mentions that they don't have caucus. Maybe, this is how the Minister of Agriculture got this Bill into the Legislature, Mr. Speaker.

This Bill, I believe, Sir, is a Bill that is one that will frustrate orderly marketing in the province of Manitoba. The Minister in his few and very few comments on this legislation indicates that there is a name change, and there is a change of procedure with respect to appeals. I believe that the actions of this Minister will allow the Board, which he appoints, to do the work that he does not want to be responsible for. They will make the decisions that he does not wish to be responsible for and carry out the unpopular decisions that the Board will make.

Mr. Speaker, all we have to do is look at, recently, the inquiry into hog marketing in this province of Manitoba. Mr. Speaker, we had a committee set up by this Minister. With this Minister, the committee went around this province, or at least to Alberta and to Manitoba; they started with meetings. With whom did they start meetings? The Manitoba Packers, who this committee went to see first. They didn't go to the Hog Board to discuss the problems that they foresaw with hog marketing in this province. They didn't go right to the area that they perceived as the problem area, they went to the meat packers — it was the first place that they went.

MR. SPEAKER: The subject matter of this Bill is somewhat different than the report that he is dealing with.

The Honourable Member for St. George.

MR. URUSKI: Mr. Speaker, I am dealing with the whole question of marketing within this province of Manitoba. In this legislation, Mr. Speaker, there is certain sections dealing with actions that the Manitoba Marketing Council, as the change of name will — this Act proposes to change the name of the Manitoba Marketing Board — will deal with certain appeals that may be brought to it by producers or by other parties.

Mr. Speaker, I am bringing out to you, Sir, what I see happening when appeals will be brought before this Marketing Council by none other than the Meat Packers' Council and the packers of Manitoba, against the Manitoba Hog Producers' Marketing Board and this relates directly to the study, Sir, that was conducted by this Minister of Agriculture in this province of Manitoba. The study, Sir, that was conducted primarily for the benefit of the meat packers in this province had nothing to do with the producers. In fact, Sir, this committee went around this province and did not hold open meeting with producers in Manitoba. They held what was known as . . .

MR. SPEAKER: Order please. May I suggest to the Honourable Member that he stay with the subject matter of the Bill. The Honourable Member for St. George.

MR. URUSKI: Thank you, Mr. Speaker. I certainly am staying with the subject matter of this Bill — there is no doubt about it.

Mr. Speaker, those meetings that were held throughout this province by this Board that was dealing with an investigation into hog marketing — marketing of natural products in this province — they went around and held these meetings but not open and public meetings. They got staff to go ahead of this committee . . .

MR. SPEAKER: Order please. May I suggest to the honourable member he stay with the subject matter of the bill, not the report of some other Committee. The Honourable Member for St. George.

MR. URUSKI: Mr. Speaker, Sir, I submit to you, Sir, that I am sure, and I am making my case to tell you, Sir, that what led up to this piece of legislation, these Amendments to The Natural Products Marketing Act — the report on hog marketing in this Province of Manitoba had great impact on these amendments, was one of the founding issues that led to the Amendments that are being proposed by the government today, Sir, and that is the reason for my remarks. In order to be able to point out to you how they arrived at their decision, and what the intent of the government is, behind this Committee report, I have to dwell, Sir, and I would hope that you would allow some latitude about the workings and how the Board developed its recommendations —(Interjection)— well, it may be in the mind of the Minister of Consumer Affairs that it's sheer fiction. I will deal with his comments a little later on, Sir, that it may be sheer fiction in his mind.

This Committee that was dwelling on hog marketing in this province never even had the intestinal fortitude to meet with producers. What they did, Sir, is they sent staff ahead of them, contacted a few producers that were . . .

MR. SPEAKER: Order please. May I suggest to the honourable member once more that he stay with the subject matter of the Bill. The Honourable Member for St. George.

MR. URUSKI: Mr. Speaker, I am attempting to, Sir, deal with the principle of marketing and orderly marketing, which is the principle of The Natural Products Marketing Act. Mr. Speaker, if the Minister of Consumer Affairs, the House Leader, now wants to define the nature and the scope of every — wants me to deal with specific Amendments, when we're talking about the principle of the legislation, Mr. Speaker, I don't know what we are moving to in terms of latitude on the principle of open marketing, natural products marketing, in this province. This opens up the entire latitude of marketing of products that are produced in this province. It deals with a whole host of items, Mr. Speaker. It deals with this Minister's inaction and inability to deal with national marketing in terms . . . All I have to do, Mr. Speaker, is recount to you, Sir, some of your words, if you wish, dealing with legislation, Amendments on national marketing, or words of the Honourable Member for Rock Lake, or words of the Minister of Consumer Affairs, or words of the Minister of Highways, who unfortunately isn't here tonight. I will, Sir, in terms of showing to you what open latitude there is in terms of dealing with the debate on marketing as it relates to agricultural products within this Province of Manitoba.

And one of those, Sir, one of those products that is handled through the Manitoba Marketing Council and the Manitoba Marketing Board is hogs, Sir, is the hog industry. The hog industry has

a producer elected Board, which has overseeing it the Manitoba Marketing Board, Sir. Now the changes that are proposed in this Act are made to change the name of the Manitoba Marketing Board to the Manitoba Marketing Council, Sir, and I suggest that this relates very directly in terms of the Amendments in this piece of legislation.

Mr. Speaker, those meetings that were conducted in this province led up to this, to the changes in this legislation, I suggest to you, Sir. Those meetings which started without even talking to the producer Board, they started with meetings with whom? The meat packers, Manitoba packers. And who did it end with? Some Winnipeg packers. You know, Mr. Speaker . . .

MR. SPEAKER: Order please. Again I must appeal to the honourable member to stay to the subject matter of the bill at hand, and confine his remarks to the subject matter of the bill. The Honourable Member for St. George. The Honourable Member for Lac du Bonnet on e point of order.

MR. USKIW: A point of order, Mr. Speaker. The bill that is before the House has to do with the marketing of natural products, agricultural products. It encompasses all commodities that fall under the purview of The Natural Products Marketing Act. The Member for St. George is alluding to the committee that was set up, which gave advice to this Minister on Amendments to this bill, to The Natural Products Marketing Act rather. This bill emanates from those recommendations, and it deals with the whole parameter of products covered by The Natural Products Marketing Act.

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSON: On that same point of order, I draw your attention to Citation 739 on Page 225 of Beauchesne's, which states, "On the Second Reading of an Amending Bill, it is the principle of the Amending Bill, not the principle of the Act, which is the business under consideration. Debate and proposed Amendments must therefore relate exclusively to the principle of the Amending Bill," and my honourable friend, as you have so correctly pointed out, Sir, is straying very far from the principle of the Amending Bill.

MR. SPEAKER: Order. Order please. The Honourable Member for St. George on the same point of order.

MR. URUSKI: Yes, Mr. Speaker. The point of order is this: The Amendments to this Act relate to disposition of appeals which the Manitoba Marketing Council will be able to deal with, and overrule, on behalf of appeals made to the Manitoba Hog Marketing Board, by whom? By anyone who feels that he has wrongly been dealt with by the Hog Marketing Board, who can take his appeal to the Manitoba Marketing Council, Mr. Speaker. The hearings that dealt with hog marketing in this province, I foresee appeals going to none other than the Manitoba Marketing Council who will have the authority now to handle those appeals, and that is the basis of my contention and my remarks in respect to the very principle of this legislation and not of the overall Act, Mr. Speaker.

MR. SPEAKER: I've listened to the arguments of the Honourable Member for St. George, the Honourable Government House Leader, and again I draw your attention to Section 739, "and on the Second Reading of an Amending Bill, it is the principle of the Amending Bill, not the principle of the Act which is the business under consideration. Debates and proposed Amendments must therefore relate exclusively to the principle of the Amending Bill." On that basis I have to ask the member again to keep his remarks to the content of the Amending Bill. The Honourable Member for St. George. The Honourable Member for Ste. Rose on another point of order. —(Interjection)— or Lac du Bonnet.

MR. USKIW: Mr. Speaker, within the bill that is now before the House there is reference made to the powers of a Marketing Council, supervisory powers and powers of veto over decisions of all marketing Boards in Manitoba. The Member for St. George is now discussing, and has been discussing, the authority of the Marketing Council over and above the Manitoba Hog Marketing Board, relative to complaints that are presented to it from time to time once this legislation is passed. He is totally relevant to this bill.

MR. SPEAKER: May I point out to the Honourable Member for Lac du Bonnet and the Honourable Member for St. George that as long as his remarks are relative to the actions of the Manitoba Council, they are completely within order. The Honourable Member for St. George.

MR. URUSKI: Thank you, Mr. Speaker. I am pleased that the representations that have been made

to you have at least not fallen on deaf ears, and that the remarks that I have tried to express in terms of the amendments to this Legislation, in terms of dealing with appeals, I wanted to draw out and bring out to this House what I foresee happening in terms of the handling of the appeals; and the way that I see the Minister handling the situation in terms of the appointments that he makes to the Manitoba Marketing Council, and the way that the appeals will be coming forward.

And the way that the appeals will be coming forward, Mr. Speaker, certainly emanate very clearly from the representations that were made to the report of the Hog Marketing Co-ordinating Committee that reported to the Honourable Minister in December of 1978, and I wanted to

MR. SPEAKER: Order please. May I again suggest to the honourable member that he stay away from reference to another report. He is dealing with the appeal decision of the Manitoba Marketing Council only.

The honourable member may continue.

MR. URUSKI: Mr. Speaker, I want to point out to you, Sir, and to other members in this House, that this report dealt with marketing, and dealt with complaints that the Manitoba Meat Packers had against the Hog Marketing Board.

Mr. Speaker, I foresee the Manitoba Marketing Council being faced with appeals brought before it by the Manitoba Meat Packers Council, or packers alone, against the orderly marketing procedures that have been established by the Hog Marketing Board, and these were reported, Sir, in this report to the Minister.

I want to tell you, Sir, that the report, in terms of dealing with the complaints of the packers, completely, completely left out any recognition or any discussions with the producers of this province. It was a report, Sir, that dealt with complaints of . . .

MR. SPEAKER: Order please. Order please. May I point out to the honourable member once more, he is out of order when he starts referring to a report.

The Honourable Member for St. George may continue.

MR. URUSKI: Mr. Speaker, one of the recommendations, it seems that the Minister of Agriculture has . . . I don't know what has transpired, but it seems that one, in debate in this Chamber, is not allowed now to speak to or refer to a report that deals with marketing, deals with appeals that will be brought to the Manitoba Marketing Council, which is being brought into being by the amendments of this Legislation, and which will deal with . . .

Mr. Speaker, I want to deal with some of the comments, and I said that this piece of Legislation probably had a very difficult time, if the Conservative Party ever caucused. I'd like to deal with some of the comments that have been made with respect to orderly marketing, or amendments to The Natural Products Marketing Act, dealing with controls which this Act, in terms of its amendments, deals with; deals with amendments which allow the producer boards to control the quality and quantity of regulated products, and to impose penalties on the producers for over-production, or for the production and marketing of contaminated products, for allowing them to control their quality in their production of goods. And that was a quote, Sir, from the Honourable Minister of Agriculture's remarks in terms of introducing this Legislation.

Now I want to, when he brings in amendments to The Natural Products Marketing Act dealing with controls in terms of chickens, in terms of the I can just visualize the Minister of Consumer Afproduction of eggs — fairs, who was dubbed the Red Rooster in this Legislature, going around this province and cutting off chickens' heads — when, Mr. Speaker, his colleague, the now Minister of Highways, when he spoke on amendments dealing with The Natural Products Marketing Act, spoke about. And I'd like to quote from Hansard, of July 19, 1972, Page 4343. —(Interjection)—

And I quote, Mr. Speaker, the . . . Yes, 1972' Harry J. Enns, Member for Lakeside, now the Minister of Highways, and I quote: "And, Mr. Speaker, contained in this Bill is the potential of giving over the future productive capacity, the potential of our production and all that it has, into the hands of that particular political hierarchy which is centered in eastern Canada, that the First Minister knows, as the Member for Fort Garry knows, and the Member for Morris knows; and with the passage of this Bill, there is potentially at least giving the Minister of Agriculture the power of putting into the hands of eastern potentiate the destiny of western Canada and western Canadian farmers.

"Then — now, Mr. Speaker, this is not an exaggeration — "we grow barley, oats and wheat here in western Canada. Then we, with our taxpayers' money, we subsidize it to the tune of up to \$15 a ton to see that it gets shipped to Ontario and Quebec. And then, Ontario and Quebec, they then decide to grow multi-multi-chickens; and then they have too many chickens, and then

they decide that we should start killing chickens. So now, we have to start killing chickens, including here in Manitoba.

Mr. Speaker . . .

A MEMBER: Unquote.

MR. URUSKI: Unquote. These were the words of the Minister of Highways, the then Member for Lakeside. We had him concerned with the elimination of — in fact, accusing the former government of killing chickens in Manitoba. Mr. Speaker, the very, the very amendment in this piece of Legislation, Sir — and I will quote from the Act — just that one —(Interjection)—

From the Bill, Section 11, Mr. Speaker. “ Mr. Speaker, the quantity, quality, variety and class-grade of regulated product under this jurisdiction that may be marketed by imposing penalties” — should be (f), actually — “determine the quantity, class or variety of pullets, or laying hens, that may be raised, or kept at any time, or in any place, by a person engaged in the production of pullets or eggs.”

Well, here we will have the Minister of Consumer Affairs, the Little Red Rooster, going around this province and checking every hen that is laying every egg in the Province of Manitoba. Mr. Speaker, but we even go further than that. We have the Minister of Agriculture, who, in committee, agreed that there was a problem with national marketing in terms of the Agreement signed by the Manitoba turkey producers in this province, dealing with the change in national marketing schemes. The Minister, who indicated that he would come back and undertake to investigate and change what the turkey producers of this country did.

We haven't heard from him, Sir. The very suggestion of the Member for Lakeside that we are Balkanizing this country, Sir, is being allowed by the Minister of Agriculture. It is being allowed by this Minister of Agriculture on the basis of his inaction, the basis of his very statements that he made when he brought in amendments and changes to the Broiler Marketing Scheme, and he allowed the turkey producers to change the marketing quotas in this country. He, Mr. Speaker, the Minister of Agriculture of this province, is one who is Balkanizing this country; is one who is allowing orderly marketing, Sir, to go down the drain. How can a Minister of the Crown on one hand purport to be supporting orderly marketing, and bring in certain amendments to the Act, and then on the other hand, go around and decry, want the open-market system, decry and attack, for example, the Wheat Board.

He went around and attacked the Canadian Wheat Board, Sir. He went around and he indicated that orderly marketing was what defeated Otto Lang in the last election, Sir. Orderly marketing is what . . . You know, Mr. Speaker, it was the farmers that defeated Otto Lang. —(Interjections)— It was the tampering of that Minister, that former Minister in charge of the Wheat Board, that caused his defeat.

MR. SPEAKER: Order. Order please. Can we get back to the subject matter of the Bill, please?

The Honourable Member for St. George.

MR. URUSKI: Mr. Speaker, we will talk about the amendments in this Legislation, in dealing with appeals before it. Mr. Speaker, this Minister is abandoning his responsibility to the producers of this province. The amendments that he is bringing in, he will allow, he will allow his appointed board, so that he can sit idly by and say, “Well, look, I'm not making the dirty decisions. I'm not making all those harsh decisions on the boards in terms of allowing the meat packers to have their way, in terms of the regulations or the recommendations made of the Hog Marketing Co-ordinating Committee. That all negotiations should be openly discussed and negotiated among all affected parties; final authority for a major change in selling should rest with the Manitoba Marketing Board.”

Mr. Speaker, that very amendment will allow the meat packers in this province to have complete say in how hogs are marketed in this province. You know, we have had statements by the Minister of Consumer Affairs, dealing with marketing, dealing with marketing, Mr. Speaker, the Minister of Consumer Affairs. I'd like to quote him again, because he spoke about chickens. I think that his remarks were very interesting in debate in this Legislature.

In 1972, Page 3962, when he spoke on amendments, and I quote the Minister: “There should have been an effort, as there was on the part of the former Leader of this Government” — I presume he was speaking about Walter Weir, the Honourable Walter Weir, yes — “to do everything to encourage the development of the meat industry, and the processing of meat in this province, so that we could have been able to take advantage of those markets that become available to us. And then, once having got our foot into those markets, to keep them. To keep them by keeping

our costs down, our quality up, and our prices competitive."

Those were the very words that the Minister used. Well, MR. Speaker, he was speaking about allowing the producers to be in an open and free competitive market, and he was really indicating, he thought he was defending the packing industry in this province, but he was not, Sir. And the packing industry in this province, or in western Canada, has been indicted by a study that was done on the — and I quote the study — "The Competitive Position of the Canadian Pork Industry", done by the Alberta Government, by the research station in Lacombe, Alberta, and it indicates, and it indicates, Mr. Speaker, amongst one of the recommendations dealing with the matter of hog marketing. It said, "Spurred by the charge" — and I quote from the recommendation — "Spurred by the charge of inefficiency in hog processing, the Food Prices Review Board, Western Packers have terminated hog operations in several locations since 1975. Currently, 90 percent of the western hog slaughter occurs in nine plants located in three cities — Winnipeg, Saskatoon and Edmonton. Producers have been told that the price of this efficiency has been and will be extracted from the price of hogs."

So that the producers, in effect, will be paying for the inefficiency of the packing industry in this province, Mr. Speaker.

"The Food Prices Review Board missed the crucial point relating to inefficiency, namely the antiquity of Canadian slaughter facilities. Most of the western hog processing is performed in facilities constructed prior to 1940. The situation is better in eastern Canada, where several modern plants are in operation. Viewed as a whole, however, hog processing facilities are not competitive with the U.S. in terms of efficiency or potential product quality."

So, Mr. Speaker, the efficiency, in terms of dealing with the efficiency of production, the farmers of this province in terms of hog production, are very efficient. Mr. Speaker, it is the industry that is very inefficient. And who is doing the complaining with respect to hog marketing in this province? It is not the producers, it is the industry. And the industry is bent on covering their inefficiency out of the prices that farmers will receive. And their complaints that they have made to the Minister's Board, will allow the Manitoba Council, Marketing Council, to deal with those complaints, and certainly will take the control of marketing away from the producers, and back to the industry. As was the case, Mr. Speaker, in many of the years prior to 1969.

We had it in the turkey industry, where the former Leader, or the former Minister of Government Services, sat, and he wasn't the Minister of Agriculture, but he held up. He was the Minister of Industry and Commerce in the former Tory Government prior to 1969, who held up a plan dealing with orderly marketing of turkeys in this province, for months. In fact, over a year, Mr. Speaker, kowtowing to the whims and the pressures of the industry, the packing and the feed industry in this province.

And that's what will happen, Mr. Speaker, in this Legislation. The Minister of Agriculture is neatly trying to disassociate himself out of the responsibility that is rightly his. He will be calling the shots anyway, Mr. Speaker, because his shots will be called by the appointments that he makes to this Board. Mr. Speaker, that's how he will be calling the shots in terms of this Legislation.

but it is so interesting, Sir, that we have comments made by former members of opposition, from the Tory side, dealing with the changes with respect to the Canadian Egg Marketing Board that, Mr. Speaker, it's hard to visualize the Member for Morris sitting here and allowing this Bill to go through when he made comments previously to matters which he thought were directly related to the legislation, which had nothing to do with amendments that were brought forward dealing with this specific amendment now in Section 11; dealing with the number of chickens that a farmer can have.

I'd like to quote him again, Mr. Speaker, of July 7th of 1972: "Mr. Speaker, if we are to take advantage" and I quote the Member for Morris, "take advantage of the opportunities that are available to us, then we've got to rid ourselves of the depression complex that seems to grip honourable gentlemen opposite and seize the opportunities which are available. And rather than restricting production as they are doing, and what they propose to do even further in this piece of legislation, that we should remove all those restrictions and encourage our producers to go out and seek those markets, Mr. Speaker." And I go on to further quote: "and the tragedy of this situation, Sir, is that while we in this province pursue this depression complex, this restrictive approach, this balkanization of this province, there are other producers in Canada, particularly in other provinces, and British Columbia, who are taking advantage of the opportunities that lie before them. They are going to seize those markets, Mr. Speaker."

Can now the Minister of Consumer Affairs get up and support a piece of legislation which will further control the production of eggs? Can you imagine, Sir, this minister who toted around this province and wanted to market and sell eggs to every producer in this province because the Canadian marketing agency was making such a mess, that this minister of this government will now get up and vote to cut some chickens heads off? Because he will be the minister of cutting chickens heads

off. He will be the wringer, Mr. Speaker. The Minister of Consumer Affairs is going to be a wringer in this province. Well, Mr. Speaker, maybe he forgets, conveniently, Sir, the speeches that he made in this House dealing with marketing. I haven't dealt with, Sir, the Member for Rock Lake, who as well made certain speeches to this House in terms of orderly marketing, who himself spoke about marketing and marketing boards and restrictive practices of marketing boards.

I want to quote him as well, Mr. Speaker, from page 3893 of Hansard in 1972, and I quote the Member for Rock Lake, and I see some of the sections of this Bill, Mr. Speaker, the farmer is going to be regulated right down to the single cattle beef that he might sell through a local butcher or what have you. In many areas, Mr. Speaker, that the government is trying to enforce on the agricultural industry, I can't help but feel the number of policemen that they are going to have to hire to control the gestapo agents and I'm sorry to say, Mr. Speaker, if I use this expression, but I can't help but feel that it fits this kind of legislation that we are now faced with, that they are going to have to enforce all these rules and regulations that they are imposing upon the agricultural industry.

Well, Mr. Speaker, we have the gestapo from Rock Lake and the gestapo, the Minister of Consumer and Corporate Affairs, along with the Minister of Agriculture, going out and chopping heads off, Mr. Speaker, with respect to amendments in this legislation. They may, Mr. Speaker, not —(Interjection)— We have now the Member for Rock Lake saying: "Making the best of a mess." Mr. Speaker, for a party who has spoken time and time again about open and free marketing, Mr. Speaker, to bring in these controls and these measures of further control, but maybe those measures of control that they are bringing in are meant to do one thing; to please their free market friends who really want to control things, to have the say in the marketplace. That may be what is really behind this legislation, Mr. Speaker, and I don't doubt, I don't doubt one bit that that is the intent. You just mark my words, Mr. Speaker, it will be a short six months and you will see, even sooner than that; you will see the meat packers of this province going before the Manitoba Marketing Council and complaining, making all the complaints that they made to the Minister's Board dealing with marketing. And mark my words, Mr. Speaker, you will see decisions handed down that will force the hog producers of this province into total slavery to the meat packing industry in this province.

MR. SPEAKER: The honourable member has five minutes.

MR. URUSKI: Thank you, Mr. Speaker. This piece of legislation, there is no doubt in my mind. I wonder . . . I will certainly be watching to see how the members on the government side will vote on this restrictive piece of legislation, which as I have quoted from many of the speeches, I wonder how it got through caucus, but as it's been suggested to me, they don't have caucus meetings. So maybe some of the rural members — I'd like to hear from some of the rural members — how they can support such restrictive legislation with respect to the Minister of Agriculture and the other members to go out in this province and strangle chickens that laid too many eggs. Or, Mr. Speaker, deal with appeals against their producers, against the marketing wishes of their producers through their board. Their board will be restricted by the rules and the meers appointed to the Manitoba Marketing Council that they will deal with, Mr. Speaker. I wish to see how the government members now will get up. What a difference eighteen months makes, Sir, and we will see how they will . . . maybe even the Member for Roblin will tell us about the chickens and regulations and marketing from his constituency how he opposes restrictive measures and how he will get up and now maybe vote for this legislation. I wait for the comments of other members. Thank you, Sir.

MR. SPEAKER: The Honourable Meer for Emerson.

MR. DRIEDGER: Thank you, Mr. Speaker. After listening to the Member for St. George, there are many things that I would like to say here today. I hope I can get it in the proper priorities. There has been a great dramatization that has been going on, and he's basically never got around to the basic Bill itself. He's talked of the Hog Commission; he's talked of what members said eight and ten years ago, but he never really spoke to the Bill itself. But, Mr. Speaker, I want to compliment you on drawing to his attention that he was out of order a few times and, Mr. Speaker, what it did, it finally sort of teased the fox out of his lair, because the previous Minister of Agriculture finally got on his feet and had to interject and straighten out the situation a little bit.

MR. SPEAKER: I would like to direct the honourable member's attention back to the Bill that's before us. The Honourable Member for Emerson.

MR. DRIEDGER: Thank you, Mr. Speaker, my apologies. But considering the latitude that you allowed the Member for St. George, I thought possibly I could skate on the thin edge a little bit too.

When we're talking of the Bill itself, it's a very simple Bill. There are a few amendments in there and the only reason the Bill is here basically is because of the egg count situation. And while the Minister of Agriculture was trying to correct that situation, we tried to clean up the act a little bit. But, the members opposite, they have to try and make a ploy out of this thing; playing games, it was said.

I would like to at this time, talking of the Marketing Board, Mr. Speaker, just go back a few steps over the years and cite a few past examples when the previous Minister of Agriculture had the reins in his hands of the marketing boards, I was at that time a dairy farmer and producing milk, and I would like to use a few examples here. One specific month, my milk cheque was supposed to be \$3,400 for production of milk, and I was fined \$3,000 for that month for over-production. Later on, after I had to leave the dairy business and I went to the real estate business, I had occasions at various times of being involved in the sale of dairy operations. And one thing that happened after we had a buyer and the seller agreed on a price, it had to go to the Manitoba Marketing Board, and from there to the Manitoba Senior Board, which we are now referring to as the Manitoba Council under this Bill. And regardless if both parties agreed and the financing companies agreed, or the Farm Credit or whatever it was; they still had the decision as to what price you sold it for. It could have been sold . . . if they decided it was sold — it was worth \$150,000 and the parties involved sold it for \$160,000 — they cancelled the deal; good-bye. No transfer of quota; without transfer of quota, no sale.

I could go on for quite some time, Mr. Speaker, but I want to try and keep around the context here. But what happened during those years of the previous administration was, we had tremendous unrest in the marketing boards. The farmers and the marketing boards were uneasy; there were a lot of problems with it. And when we were discussing this Bill here today, I asked the members opposite whether they have consulted with the eight various marketing boards that are concerned with this thing. I dare say not one of them has met with them. Possibly the Member for St. George met with the turkey board. The minister, I know for a fact, has had occasion to meet with all of the boards, their representatives, in discussing exactly what's being presented here. It's not traumatic. Certain other things were considered at various times. It's a very simple Bill, and the Member for St. George has spent almost forty minutes, thirty minutes, dramatizing Hog Commission, and what the members opposite said ten years ago, a member who is involved himself in a marketing board. You never zeroed in on the individual things as such. What it does, it gives the Manitoba Council, which is just a change of name, the right to rule on a decision. They can't change the rules of the marketing boards; they can agree in whole or in part, but they can't write the rules for the marketing boards.

But the previous Minister of Agriculture had a design in mind. He wanted to control the whole thing and he had it just about there. One more election and he could have. . .

MR. SPEAKER: Order, order please. Again may I suggest to the honourable member that he confine his remarks to the subject of the Bill at hand.

MR. DRIEDGER: On Bill No. 18, Mr. Speaker, my apologies, but I feel that my discussion possibly is almost as close as the Member for St. George's in talking about the Hog Commission, what is not involved in this Bill at all. On Bill No. 18, Mr. Speaker, the Member for St. George in one instance accuses the present Minister of Agriculture of reneging all responsibility. Five minutes later he's talking of the honourable minister wants all responsibility. Mr. Speaker, that is what I was trying to sort of get at, because the previous Minister of Agriculture was doing exactly what the Member for St. George was saying with this Bill. He was trying to get all the responsibility.

Mr. Speaker, the basic purpose as I stated before, of this Bill, is to correct a situation with the egg count. This is the only province at this stage of the game that has so and so many eggs per chicken. Other provinces you know, they've reversed the situation around, and we're the only ones that are that way.

But the previous Minister of Agriculture did not dare open up this Act at all because there were so many things that people were unhappy with and I'd like to compliment the Minister of Agriculture for having brought in these things, and I would like to hear from more members opposite when they discuss the Manitoba Marketing Boards, exactly what their position is. They haven't zeroed in on anything except camouflaging around the whole picture. And with that I'd like to compliment the Minister on the way he set this thing up. He has consulted properly with the various boards, they have agreed to it, and I would hope that everybody can agree with this bill. Thank you.

MR. SPEAKER: The Honourable Member for Lac du Bonnet.

MR. USKIW: Mr. Speaker, it's indeed an interesting evening. We are reminding our friends opposite of their opposite position that they are taking to this question from the position they took only five or six years ago, and the Member for St. George did that very well. I appreciate, Mr. Speaker, that the Minister of Agriculture doesn't have the advantage of recalling the debate that took place in this Chamber on many occasions during the course of the last several years. But truly, Mr. Speaker, the philosophy of that group as represented in this Chamber at that time was that marketing boards were really agencies that took away people's freedom and that the less of them we have the better and that we ought not to extend their power. That was in essence the philosophy of the opposition at that time to the question of control over the marketing of natural products. And of course, Mr. Speaker, we debated at length at that time on national marketing mechanisms, provincial marketing mechanisms, and the checks and balances that were contained within both systems and how they complemented each other.

The essential part of Bill 18, Mr. Speaker, the operative part in particular here is the area of more control. That's really what this Minister is trying to do, but he is trying to do it, Mr. Speaker, without appearing to be doing it. And that is, of course, what this is all about. The Minister is trying to finesse himself out of a confrontation with the people who have voted for him. But the people that he does not want to support in their efforts for proper, orderly marketing of their agricultural product.

Mr. Speaker, the Minister is the only person through an Order-in-Council supported by his colleagues that has the powers to pass on to marketing boards in this province regulatory powers. Every marketing board that functions in Manitoba is now regulated by an Order-in-Council passed by whatever government happens to be in office at the time. So this Minister has the control over all marketing boards. He now wants to make it appear as if there is going to be a third party that is going to exercise control in order that whatever negative decisions are made vis-a-vis the marketing boards, that they shall reflect on his appointed board and not on his office. That's essentially the substance of this bill.

But Mr. Speaker, he's hoping that the farm community will overlook the fact that this Minister is going to appoint the members to the marketing council as defined in Bill 8. He is hoping that they would not take notice of that, and that their fight is really going to be with the Marketing Council and not with this Minister.

Well I suppose, Mr. Speaker, it may work for a couple of weeks, or maybe until there is a serious confrontation, and until, Mr. Speaker, a Marketing Board loses its right to make a decision because of Bill 18 and the bad decision will be either reversed or modified by the Marketing Council, after which there may be a court action to enforce the ruling of the Council. At that stage, Mr. Speaker, the farm group will be at the Minister's doorstep and they will be asking him, "How is it, why is it that we are now subjected to harassment by the Marketing Council and even a court of law? Because, Mr. Minister, you have empowered us to make a decision, a decision which you are now taking away from us through a decision of your appointed body, the Marketing Council and enforced by the courts in Manitoba. A decision that shall be enforced by the courts."

Now Mr. Speaker, you know, it's just too cute by far. I don't think that it's going to take too long before the people involved in Marketing Boards in Manitoba are going to twig on to what this is all about. Mr. Speaker, this Minister thinks that he will have the luxury of saying, "I didn't do it. It was that group of five over there that have made that decision and I can't do anything about it, because the Act says that if you don't agree, you don't comply, that Council may refer the matter to the courts and the courts are final. So you argue with the judge." That's really what he wants to tell them.

But you know, they wouldn't be in that position if we didn't have this bill. And it is a bit absurd, Mr. Speaker, because if the Minister doesn't want to empower a Marketing Board to pass certain rules, by-laws, regulations, he has it within his power not to do so in the first place. He doesn't need a mechanism to overrule a power that he has already delegated to a Marketing Board. You know, what are we doing here, Mr. Speaker? I think what we are doing is chasing our own tail, that's what we're doing. The Minister passes a regulation empowering a Marketing Board to do a whole host of things with respect to the marketing of their producers' product.

But Mr. Speaker, as the Member for St. George alleged a moment ago, there are some people that may not like a regulation or ruling adopted by that Marketing Board, and so they would like to complain to someone. Well, to date, Mr. Speaker, they complain to the Minister. And Mr. Speaker, I think you should be aware that when I was the Minister of Agriculture, not too long ago, one of the people that complained to me about the Hog Marketing Board, Mr. Speaker, was the present Minister of Agriculture. And Mr. Speaker, he didn't receive great satisfaction from me. Yes, this Minister was in a position to complain to me because he didn't believe that the Hog Marketing

Board should have all of the authority that it had at that time, because he happened to be in the marketing business as a private entrepreneur and he wanted part of the action. Yes, he wanted some of the control of the marketing of pork in Manitoba, and the regulations did not permit him to do so, you see. Yes, that's what we're talking about, Mr. Speaker. —(Interjection)— Yes. So, Mr. Speaker, the Minister —(Interjection)— it is true. He said that he was going to review the marketing practices in Manitoba of natural products marketed by Marketing Boards and he did that. The Member for St. George alluded to a committee report out of which came these amendments, Mr. Speaker, directly.

Yes, the Minister is embarrassed because the Hog Marketing Board, not too long ago, passed certain regulations that were within their power to do, Mr. Speaker, within their power. Canada Packers, Swifts, yes. They came to the Minister's door and they said, "We mustn't allow this." So the Act had no way of stopping the Marketing Board from changing their method of marketing, Mr. Speaker. So the packing industry said, "Mr. Minister, you've got to change that Act. We've got to have a means around this impasse. Yes. We would like to be in a position to appeal the decision of the Board."

That's really what happened, Mr. Speaker. And this Minister said, "Yes, that's right. We are friends, aren't we. Yes, we will do something about this. That's right. That is right. We know who our political support is. Yes, we know. And since ideologically, philosophically, we don't believe in Marketing Boards anyway, perhaps we can water them down somewhat." That was the kind of response that he was able to give to those pressure groups, who, Mr. Speaker, believed that farmers should put their product up on auction and that they should do the bidding.

But Mr. Speaker, they never put up the carcass of . beef for auction, no. They advised every distributor in Manitoba what the price will be tomorrow morning. They don't say, "Well, give me a bid." They only want farmers to market that way, Mr. Speaker.

MR. SPEAKER: Order please. The hour being 10:00, when this subject matter next comes up, the honourable member will have 30 minutes.

The hour being 10:00, the Housesis adjourned and stands adjourned till 2:30 tomorrow afternoon. (Tuesday)