



First Session — Thirty-Fourth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

AGRICULTURE

37 Elizabeth II

Chairman
Mr. Ed Helwer
Constituency of Gimli



VOL. XXXVII No. 2 - 10 a.m., THURSDAY, DECEMBER 15, 1988.



**MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fourth Legislature**

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	LIBERAL
ANGUS, John	St. Norbert	LIBERAL
ASHTON, Steve	Thompson	NDP
BURRELL, Parker	Swan River	PC
CARR, James	Fort Rouge	LIBERAL
CARSTAIRS, Sharon	River Heights	LIBERAL
CHARLES, Gwen	Selkirk	LIBERAL
CHEEMA, Gulzar	Kildonan	LIBERAL
CHORNOPYSKI, William	Burrows	LIBERAL
CONNERY, Edward Hon.	Portage la Prairie	PC
COWAN, Jay	Churchill	NDP
CUMMINGS, Glen, Hon.	Ste. Rose du Lac	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DOER, Gary	Concordia	NDP
DOWNEY, James Hon.	Arthur	PC
DRIEDGER, Albert, Hon.	Emerson	PC
DRIEDGER, Herold, L.	Niakwa	LIBERAL
DUCHARME, Gerald, Hon.	Riel	PC
EDWARDS, Paul	St. James	LIBERAL
ENNS, Harry	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Laurie	Fort Garry	LIBERAL
EVANS, Leonard	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen Hon.	Virde	PC
GAUDRY, Neil	St. Boniface	LIBERAL
GILLESHAMMER, Harold	Minnedosa	PC
GRAY, Avis	Ellice	LIBERAL
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry	The Pas	NDP
HARPER, Elijah	Rupert's Island	NDP
HELWER, Edward R.	Gimli	PC
HEMPHILL, Maureen	Logan	NDP
KOZAK, Richard, J.	Transcona	LIBERAL
LAMOUREUX, Kevin, M.	Inkster	LIBERAL
MALOWAY, Jim	Elmwood	NDP
MANDRAKE, Ed	Assiniboia	LIBERAL
MANNES, Clayton, Hon.	Morris	PC
MCCRAE, James Hon.	Brandon West	PC
MINENKO, Mark	Seven Oaks	LIBERAL
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
OLESON, Charlotte Hon.	Gladstone	PC
ORCHARD, Donald Hon.	Pembina	PC
PANKRATZ, Helmut	La Verendrye	PC
PATTERSON, Allan	Radisson	LIBERAL
PENNER, Jack, Hon.	Rhineland	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren	Lac du Bonnet	PC
ROCAN, Denis, Hon.	Turtle Mountain	PC
ROCH, Gilles	Springfield	LIBERAL
ROSE, Bob	St. Vital	LIBERAL
STORIE, Jerry	Flin Flon	NDP
TAYLOR, Harold	Wolseley	LIBERAL
URUSKI, Bill	Interlake	NDP
WASYLYCIA-LEIS, Judy	St. Johns	NDP
YEO, Iva	Sturgeon Creek	LIBERAL

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON AGRICULTURE

Thursday, December 15, 1988

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Edward Helwer (Gimli)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Cummings, Findlay, Orchard
and Penner

Messrs. Chornopyski, Evans (Fort Garry),
Harapiak, Patterson, Roch and Uruski

MATTERS UNDER DISCUSSION:

Bill No. 28—The Agricultural Producers'
Organization Funding Act

Bill No. 29—The Cattle Producers Association
Amendment Act

* * * *

Clerk of Committees, Mrs. Janet Summers: Will the committee please come to order? We must request unanimous consent of the committee to have a substitute as Chair until Mr. Helwer arrives. Mr. Cummings.

Hon. Glen Cummings (Minister of Municipal Affairs): I would like to nominate Mr. Patterson.

Madam Clerk: Mr. Patterson, will you please take the Chair.

The Acting Chairman (Mr. Allan Patterson): The Committee of Agriculture is called to order. Since all presentations have been heard regarding Bills No. 28 and 29, we will proceed. Would the Minister responsible care to make a statement?

Hon. Glen Findlay (Minister of Agriculture): Mr. Acting Chairman, I would just say that, yes, we have heard the submissions and I think it is time to move on and pass the Bills if we can go through line by line, or page by page, whatever the committee would prefer. I think it has been clearly demonstrated through the process of the last four or five years and the presentations last night that there is need for a mechanism to put in place a funding process for an organization to carry out the operations of representing the farmers of Manitoba.

* (1005)

**BILL NO. 28—THE AGRICULTURAL
PRODUCERS' ORGANIZATION
FUNDING ACT**

The Acting Chairman (Mr. Patterson): As the Bill will be considered clause by clause, the title and the

preamble are postponed until all other clauses have been considered in their proper order by the committee.

May I suggest that if the committee wishes to consider clauses in blocks, for example, Clauses 2 to 14, that would be acceptable but it is not procedurally correct to consider a Bill page by page. If I may take a leaf from the Member for Lakeside (Mr. Enns) who was chairing a meeting the other evening, he brought to attention that the will of the committee will prevail and we make the laws. What is the committee's will? Mr. Uruski.

Mr. Bill Uruski (Interlake): Mr. Acting Chairman, can I ask the Minister whether he is considering any amendments to Bill No. 28 in terms of any substantive nature based on the presentations that were made last night?

Hon. Glen Findlay (Minister of Agriculture): We have some amendments, but I would not say of a substantive nature, no.

The Acting Chairman (Mr. Patterson): Clause by clause? Is it the will of the committee, clause by clause?

Mr. Uruski: Mr. Acting Chairman, I would like to ask the Minister, can we go clause by clause? I have some questions on Clause 3.

The Acting Chairman (Mr. Patterson): Yes, we shall go clause by clause.

Clause 1—pass; Clause 2—pass.

Clause 3—Mr. Uruski.

Mr. Uruski: Could I ask the Minister, in terms of, I guess it would be the representatives of those institutions that have been named, in the event that the persons who hold that office may be unwilling or may be even unable to accept an appointment, can the Minister indicate what protocol he will be using to appoint others to the position of the agency?

Mr. Findlay: The Lieutenant-Governor-in-Council has the authority to appoint one more member as is presently structured. If there are any of the four designated positions that cannot accept the appointment, then the Lieutenant-Governor-in-Council will appoint enough members to total five to make up the entire certifying agency.

I can tell the Member that one of the first priorities that would go into that selection would be to make sure that there is at least one woman in the group.

* (1010)

Mr. Uruski: Mr. Acting Chairman, I realize that the appointment will be by the Lieutenant-Governor-in-Council. I was asking the Minister what protocol he would use to make that appointment.

Clearly, one can accept the role of Government in terms of governmental boards in terms of those appointments and the role of the ministry and the Lieutenant-Governor-in-Council making appointments. However, if one is to at least seem to be as non-partisan as possible in this process, one has to have some idea as to protocol of the future appointments. If you are trying, and it is very difficult, and I want to point out, for example, the president of the Union of Manitoba Municipalities, these people, while good people serving in their positions, they are politicians like the Minister and all of us sitting around this table.

In fact, what we are really saying by these appointments is that the group that will make the decision, some of that group are in fact politically active people for whatever Party. The president of the union, being elected by his or her colleagues as a municipal politician, may be from whatever political stripe and I can understand that. When the Government is trying to say this "as non-partisan as one can have" there maybe should be some protocol as to seeking the advice of a number of groups and recommendations and maybe the Minister choosing. For example, I think the process in the Labour Board is that both labour and management submit a number of names and then the Minister chooses from a selection of names. That is the kind of protocol that I am speaking of.

Mr. Findlay: It certainly is going to be very difficult to not appoint people who have a conflict of interest or at least a perceived conflict of interest, and that is one of the reasons why in my mind I wanted to have distinguished individuals like these designated for these positions even though last night there was considerable malign of these people as not understanding farmers. The truth of the matter is there is always a conflict of interest if you appoint farmers to this particular position, because they will either directly or at least perceived to have a conflict of interest. In terms of your suggestion that we should designate, that somebody should nominate, I just have difficulty seeing that we can find any group in society that would be in a position to be able to nominate somebody that could serve these purposes and not have a conflict of interest in some fashion. But as I said already that the fifth person should automatically be a woman to bring that perspective and I will tell you I have thought about the W.I. as maybe one of the vehicles to arrive at a person for that position, so there will be some consulting done in that respect.

The Acting Chairman (Mr. Patterson): Is it in order for the Chair to make a comment?

Madam Clerk: No, it is not.

Mr. Uruski: You would have to remove yourself from the seat and let someone else take it.

An Honourable Member: That is why we put you there.

The Acting Chairman (Mr. Patterson): I had hoped it would be helpful, but I will get to it later.

* (1015)

Mr. Laurie Evans (Fort Garry): I have some minor difficulty with this clause as well. I have difficulty with the concept of a committee of four people. It says not less than four and not more than five, so it would seem to me it should be five, because four, then we run into the predicament of what is a quorum? I would like to see, rather than identified as a majority, that the quorum should not be less than three. These may sound like trivial things but I would be a little concerned if decisions were made by two people. If you have a committee of four, what is a quorum? Is it two or is it three?

Mr. Findlay: Clearly, my understanding of what is here is that it shall be a five member agency, and we have only designated four positions and the fifth one will be filled by appointment. As I said earlier, if one of them declines, then we appoint two people beyond this list to have the complement of five and for which, at the bottom there under 3(3) it says not less than three people. So that would serve to be the quorum as far as I am concerned.

I guess in my mind the Lieutenant-Governor-in-Council would still have the authority to appoint the Dean, the Faculty of Agriculture or his designate. It is not specified here but clearly if it was determined that he could not serve for whatever conflict reason, your next thought would be to go "or his designate or somebody from his particular area" to fill that position.

Mr. Harry Harapiak (The Pas): Well, Mr. Acting Chairman, can we not put that in the legislation then, if that is—

Mr. Findlay: Or the person holding the equivalent office. Does that cover it?

* (1020)

Mr. Uruski: Mr. Acting Chairman, the person holding the equivalent office is not a designate. Maybe Mr. Evans can iridicate—someone who is in the equivalent office would in fact be either—if there is a deputy dean or the like, but what is being designated would be different. It could be someone else within the faculty, not necessarily the dean or the deputy dean, if there is such a title.

Hon. Donald Orchard (Minister of Health): I think what is attempted to be established here in having the dean of the faculty, the dean of the school, president of the Institute of Agrologists, is—and the president of the UMM, plus a fifth person as appointed by Lieutenant-Governor-in-Council—to attempt to bring those organizations most highly involved with agriculture into the certification processes as probably the most impartial group that can do that, if you want to get to an impartial group. I realize my honourable friend, the Member for Interlake (Mr. Uruski), has some concerns about the president of the UMM, but in my 11 years of association—his has been longer—I do not think that they have ever as an organization or as a president of an organization undertaken partisan political activities.

They have agreed or disagreed with Government from time to time on specific issues, as have many

organizations, but I do not know of a political attachment. It has been an apolitical body in terms of our partisan politics which is the only one we ought to be concerned about. The person holding the equivalent office in each case can be an associate dean; for instance, if the dean is unable to serve or the associate director, or a vice-president of the Institute of Agrologists, or a vice-president of the UMM if the president is unable to serve.

I think that wording or the person holding the equivalent office confers the ability for a suitable replacement from each institution to serve on the committee given the inability of the dean, the director, the president in each of the latter two cases of being unable to serve. I do not think there is any confusion in the designation. I think it is fairly direct as to what is intended here.

* (1025)

The Acting Chairman (Mr. Patterson): Clause 3(1)—pass; Clause 3(2)—pass; Clause 3(3)—pass.

Clause 3(4)—Mr. Uruski.

Mr. Uruski: Mr. Acting Chairman, in terms of the term of office for a period specified in the order appointing the member, I guess in each of those organizations, not so much, I guess, with the dean of the Faculty of Agriculture and the director of the School of Agriculture—those are generally long-standing positions. The president of the Institute of Agrologists, I do not know what their term of office is.—(Interjection)—One year, and the president of the union, maybe a year or two. Should there be an election in-between the time of the length of the appointment, then there would have to be an appointment in-between. Can the Minister clarify or at least provide us with his intent in this area?

Mr. Findlay: When you put in an Order-in-Council, you have to put a specific person in there. I guess, in reality, we could only put that person in for a term that would be the remaining term of his particular period of office. Even the dean of the Faculty of Agriculture is really only appointed for a five-year term. So there is always a specified period to his term. I guess the Orders-in-Council have to be specific that the appointment of an individual in the office only can be the term of his office. If he stays on for another year as president of MIA, then he would automatically be reappointed, that name would be reappointed, but whoever is in the office would be the automatic reappointment through the Order-in-Council.

The Acting Chairman (Mr. Patterson): Clause 3(4)—pass; Clause 3(5)—pass; Clause 4—pass; Clause 5(1)—pass; Clause 5(2)—pass; Clause 5(3)—pass.

Clause 6(1)—Mr. Uruski.

Mr. Uruski: I want to speak to this clause to indicate that my understanding of this clause is that it is possible on the basis of the wording in the Act in the membership in Clause 3 that a decision, in fact, could be made to Members and to prevent a decision to be made by two Members.

We are talking about should the possibility occur that there are only four serving on the council or actually on the agency, three is a quorum and the majority of the quorum being two, so that in effect you could have two people making a decision if the fifth person was not there.

I want to propose a minor amendment to that. I move

THAT subsection 6(1) of Bill 28 be amended by striking out "a majority of the members of the agency then holding office" and substituting "three".

(French version)

Il est proposé que le paragraphe 6(1) soit modifié par la suppression de "la majorité des membres en poste" et son remplacement par "trois membres".

I move this motion with respect to both the English and French texts.

* (1030)

Mr. Orchard: I think I appreciate where my honourable friend is coming from on this one in terms of attempting to have 60 percent basically of the potential membership there at any time, but I just want to point out to Mr. Uruski that that is a substantially more onerous requirement than we impose upon ourselves in this Legislature.

As we all know, it only takes 10 of 57 Members to make decisions in our Chamber. That is the quorum that we need to continue with business at which we pass billions of dollars of spending from time to time and I am not persuaded that the quorum requirement as put out in 6(1) does not already give my honourable friend what he wants.

If you go to membership on 3(3), you say in such additional persons as appointed by the Lieutenant-Governor-in-Council, is it necessary to constitute an agency of not less than three members so that we are always going to have three members on the agency at any given time which is presumably what my honourable friend is proposing in terms of amendments. I do not see the justification and the value here. I think it has already been protected in earlier clauses.

Mr. Uruski: Mr. Orchard has made my point. In effect, a decision, if there are three members left on the commission, the majority of those is two, and should one be sick, two then could make a decision.

I am looking at the practicality of the situation, not in a negative sense, and quite frankly a major decision such as this really should not be made by two members. All I am trying to do is to basically try and stay away from the debate that could come when a major decision could be made ostensibly by two members of the commission who really do not want to get involved in a debate on a majority or a minority group of making a decision

That is essentially the reason for the motion, to make sure that there is at least three at any one point in time to make that, at a meeting at any one point in time. I mean, Mr. Orchard just made my point.

Mr. Orchard: I still refer back that this amendment is requiring now 60 percent membership before any business can be transacted. In our Legislature, where we pass laws and spending upwards of 4.5 billion dollars a year, we require 10 of 57 to be present which is something like, I do not know, what is that in percent? About 20 percent. We are placing restrictions on this organization that we do not feel from years and years of operation in this House that are appropriate.

Mr. Laurie Evans: I would have to agree with the Member for Interlake (Mr. Uruski) here. While one cannot argue with Mr. Orchard's figures that 10 out of 57 is a smaller percentage than what 2 out of 3 is, I think that when you are dealing with 10 people around the table, you would expect a far more rational decision on some instances than you would when you have 2 people out of 3 sitting around the table, and you run the risk, of course, with two people of them disagreeing and you are in a stalemate. So I would certainly support the concept of a quorum, which is a minimum of three should be the only acceptable quorum.

Mr. Harapiak: I would like to support that and remind Mr. Orchard, which he already knows, that 10 of the 57 are elected. If they do not make reasonable decisions, then they can be put out, whereas these are appointed and I think there is quite a difference there.

Mr. Findlay: Clearly, the intent of the Bill is three out of five. Five is to be the membership and the quorum naturally is three. So it is, in essence, just substantiating what will be the practice and preventing the opportunity that something might happen that you are down to three and a quorum then becomes two. The only reason I can think that might happen is if somebody got sick to the point he could not serve or whatever.

Mr. Uruski: That is precisely my point. If someone did get sick, you do not want—really, in essence, what I am trying to prevent is the accusation that only two people may be making a substantive decision and it may be in a very crucial time during a certification period that that decision be taken and that can become a very major debate.

Mr. Findlay: Just one more small comment. I do not disagree with the proposed amendment. I would just say that even if one was sick and we are down to four, to me a quorum, a majority, still has to be three out of four. Two out of four is not a majority. So you would have to be down to three members for whatever reason to get to fall below three as a quorum.

The Acting Chairman (Mr. Patterson): Before I read the motion, I would like to note for the record that there is a typographical error in sentence one of the motion where it was typed in as Bill No. 11 and has been corrected to Bill No. 28.

On the proposed motion of Mr. Uruski to amend Clause 6(1) of Bill No. 28, with respect to both the English and French texts, that subsection 6(1) of Bill No. 28 be amended by striking out "a majority of the members of the agency then holding office" and

substituting "three"; Il est proposé que le paragraphe 6(1) soit modifié par la suppression de "la majorité des membres en poste" et son remplacement par "trois membres", shall the motion pass?

Clause 6(1), as amended—pass; Clause 6(2)—pass; Clause 7—pass.

Clause 8—the Honourable Minister.

Mr. Findlay: Just for clarification, what we are implying in Clause 8 is that the employees of the Natural Products Marketing Council, be they employees under The Civil Service Act, would perform these services.

The Acting Chairman (Mr. Patterson): Clause 8—pass; Clause 9—pass; Clause 10(1)—pass; Clause 10(2)—pass; Clause 11—pass.

Clause 12(1)—Mr. Orchard.

Mr. Orchard: Mr. Acting Chairman, I have an amendment to the French version of Clause 1(d) of Bill No. 28. I move

THAT the French version of clause 12(1)(d) of Bill No. 28 be amended by striking out "de l'approbation" and substituting "lorsqu'il donne l'approbation".

(French version)

Il est proposé que l'alinéa 12(1)(d) du projet de loi 28 soit modifié par la suppression de "de l'approbation" et son remplacement par "lorsqu'il donne l'approbation".

The Acting Chairman (Mr. Patterson): On the proposed motion of Mr. Orchard to amend Clause 12(1)(d) with respect to the French text only, shall the motion pass?

Clause 12(1), as amended—Mr. Orchard.

Mr. Orchard: Mr. Acting Chairman, I have one more amendment to Clause 12(1). This is an amendment in both the French and English versions. I move

THAT subsection 12(1) of Bill No. 28 be amended by striking out "or receiving a request for approval of fees" and substituting "or granting on approval of fees".

(French version)

Il est proposé que le paragraphe 12(1) du projet de loi 28 soit modifié par la suppression de "ou la réception de la demande d'approbation de droits" et son remplacement par "ou l'approbation des droits".

The Acting Chairman (Mr. Patterson): On the proposed motion of Mr. Orchard to amend Clause 12(1) with respect to both the English and French texts, shall the motion—

* (1040)

Mr. Orchard: I am informed that there is a typographical error in the amendment, that it ought to read—can I remake the motion? I withdraw my former motion and remove the amendment with leave of the committee? (Agreed)

I move

THAT subsection 12(1) of Bill No. 28 be amended by striking out "or receiving a request for approval of fees" and substituting "or granting an approval of fees".

(French version)

Il est proposé que le paragraphe 12(1) du projet de loi 28 soit modifié par la suppression de "ou la réception de la demande d'approbation de droits" et son remplacement par "ou l'approbation des droits".

The Acting Chairman (Mr. Patterson): On the proposed motion of Mr. Orchard to amend Clause 12(1) of Bill No. 28 with respect to both the English and French texts, shall the motion pass?

Clause 12(1), as amended—pass; Clause 12(2)—pass.

Mr. Orchard: Can we pass page 6 in its entirety?

The Acting Chairman (Mr. Patterson): What is the will of the committee? Clause-by-clause?

Clause 13(1)—pass; Clause 13(2)—pass.

Clause 14—Mr. Uruski.

Mr. Uruski: Mr. Acting Chairman, I want to ask the Minister, in Clause 14, one of the determinations is subsection (c) is not a purchaser. I want to ask the Minister, would he oppose a motion by, for example, the Board of Directors of Manitoba Pool Elevators, if the membership of Manitoba Pool Elevators, a cooperative, decided that their organization should be involved in general farm policy actively?

They have a delegate system similar to other organizations. They have a structure that is widespread throughout rural Manitoba. They have probably the largest membership, albeit in a commodity area, and the Minister has spoken to their meetings as I have in the past, dealing with a wide range of policy issues. If that organization decided, the membership decided, they were prepared to be involved in broader policy issues than their own commercial issues, this section would prevent that as I read it. The Minister can advise me if not. But if they so decided, would we as legislators be in the position of saying to farmers, no, because you belong to this organization you cannot take on the role of a policy making body.

Mr. Findlay: The intent here is to prevent people who are purchasers, and they clearly are. The reason we have this is because they would have a vested interest beyond farming, a vested interest in being a grain company. The idea is to have an organization that purely can represent all issues related to farming in a no-conflict situation.

The other thing is, the delegates, certainly they are elected; it is a democratic process. The delegates do perform certain levels of farm policy representation as they see fit, but do not forget they already have a checkoff system. That was clearly identified last night by the representatives of Manitoba Pool, that in their

fee structure running the company there is money allocated to the farm lobby activities they are in. So they already have a checkoff, No. 1; secondly, they have a vested interest which we were trying to avoid here so that we have pure farmers without vested interest able to represent farmers. So basically my answer to your question would be, no, we would not want to allow them under any circumstances to be the qualified organization.

Hon. Jack Penner (Minister of Natural Resources): I think Mr. Uruski is quite aware, as I am, and having been a delegate of Manitoba Pool for a number of years, one of the responsibilities delegated to the delegate body is, No. 1, the maintenance of the company for the benefit of the farm community because it is a cooperative, and its main responsibility being the gathering and marketing of commodities.

So that is priority No. 1 with an organization such as that, being a commercial cooperative, and it cannot function any other way. It gives them, however, and their district set-up, it gives them an opportunity to deal in large part with numerous agricultural issues that affect the farm community. However, it narrows their scope of lobby efforts substantially far more than any elected farm organization that would have its primary responsibility delegated as being a lobby group for the farm community.

Mr. Uruski: I guess this thinking really gets to the heart of the issue of all of us here basically saying we know what is the best for the farmers. I guess that is what this discussion is all about. I have no idea whether the membership of that organization wishes or does not wish, probably it is the latter as Mr. Penner points out, that they would have even no desire to look at that other option. But I guess I can see the argument of the possible conflict of a large commodity organization saying we are now going to take on an added role and the difficulty that entails. I can see those arguments. But whether it should be our role to say, no, you cannot use a different vehicle to set up a separate arm, because it is possible to have both the commercial interests and have the general policy interests. I put that on the table and I appreciate the comments that have been made.

The Acting Chairman (Mr. Patterson): Clause 14—pass; Clause 15(1)—pass; Clause 15(2)—pass.

Clause 16(1)—Mr. Uruski.

Mr. Uruski: Mr. Acting Chairman, I have substantive amendments to both Sections 16 and 17 that I would like to present to committee and then explain those amendments. I move

THAT section 16 of Bill No. 28 be deleted and the following substituted:

Certification

16. The agency shall certify as a certified organization any organization that meets the requirements of Section 14.

(French version)

Il est proposé que l'article 16 du projet de loi 28 soit supprimé et remplacé par ce qui suit:

Accréditation

16. Le Bureau accrédite les organismes qui répondent aux exigences de l'article 14.

And be taken as well with respect to both the English and French texts, and I will move both motions because they are in tandem. They deal with what I am getting at in terms of Section 17.

I move

THAT section 17 of Bill No. 28 be deleted and the following substituted:

Referendum

17(1) Where one or more qualified organizations are certified under section 16, the agency shall cause a referendum to be held of the producers.

Notice of referendum to producers

17(2) Where a referendum is to be held under this section, the agency shall, at least 60 days before the referendum, provide notice, by advertisement in rural and farm newspapers, of the date of the referendum, the subject of the referendum, and the procedure for any other organization to apply to become a qualified organization for the purpose of a referendum.

Vote and membership fee

17(3) In a referendum under this section, a vote cast in favour of a qualified organization by a producer designates that organization as the one to which the producer's membership fees are to be remitted under section 25.

Referendum to include opt out option

17(4) A referendum held under this section shall include the option to vote against the certification of any qualified organization as a certified organization.

Eligibility to vote in referendum

17(5) The agency shall determine all matters respecting the conduct of a referendum including which producers are eligible to vote.

* (1050)

(French version)

Il est proposé que l'article 17 du projet de loi 28 soit supprimé et remplacé par ce qui suit:

Référendum

17(1) Lorsque un ou plusieurs organismes admissibles sont accrédités en vertu de l'article 16, le Bureau fait tenir un référendum auprès des producteurs.

Avis de référendum

17(2) Le Bureau doit, au moins 60 jours avant le référendum qui doit être tenu en vertu du présent article, donner par voie d'annonce dans

les journaux ruraux et agricoles un avis concernant la date du référendum, le sujet sur lequel il porte et la procédure que doit suivre tout autre organisme pour devenir admissible aux fins d'un référendum.

Vote et droits d'adhésion

17(3) Le vote exprimé en faveur d'un organisme admissible par un producteur dans le cadre du référendum visé au présent article signifie que les droits d'adhésion du producteur doivent être remis à cet organisme en application de l'article 25.

Option

17(4) Le référendum visé au présent article doit donner l'option de voter contre l'accréditation d'un organisme admissible.

Qualités requises pour voter

17(5) Le Bureau tranche toutes les questions concernant la tenue du référendum, y compris la question de savoir quels producteurs sont habiles à voter.

Mr. Uruski: Mr. Acting Chairman, I so move those amendments. We have heard presentations made to this committee, I believe, from members of the public. Although some of the farm organizations may not accept a referendum in the process, I believe that the essence of my remarks on second reading of this Bill relate to the diversity of opinion within the agricultural community and that farmers should be allowed to join the organization of their choice.

What I see occurring is that over a period of time this kind of a provision within this legislation will attempt to push existing farm organizations to build the kind of umbrella organization which still may be disagreeing on certain policy issues but moving them to work closer together and still recognizing and accepting each other's philosophical differences which may occur from time to time but yet being moved into an area of cooperating and working together.

This amendment really is an attempt on our part to recognize that difference and to allow farmers the opportunity to clearly make a choice as to which organization, and there may only be one that may come, but in the event there is one organization only that comes, that farmers be given a clear choice as to whether they wish to support that organization or they wish the opt out and that, in fact, be the opt out clause in this legislation.

Mr. Findlay: I guess I have difficulty to analyze what direction the amendments are going. Are you saying that you want to vote on something and if a person loses the vote he still has the opt out provision, that he can have it both ways?

Mr. Uruski: What I am saying is that this section allows for—if there are three organizations or four organizations to come forward, the farmer, by that referendum, designates which organization he or she shall support; as well, rather than the write-in to opt

out in the collection of fees, he or she will designate and clearly show by that referendum whether they want to support any organization. That, in fact, is the process that is designated by these amendments.

Mr. Findlay: Clearly, what the Bill does is give exactly that provision. It does not force anybody to pay a checkoff to a particular organization. In fact, it gives anybody that wants to form any organization or commit fees to any other organization a clear right to do so. They have the continuous opportunity to opt out which means they are not forced to submit to whatever organization is the qualified one. I think that prevents the antagonism that would develop as a result of this vote, which to me is clearly going to build walls between the eventual possibility of them ever getting together, this will further divide the farm community. The intention of the Bill is that given a bit of time as we move into this, people have the opportunity to opt out; and, as time goes on, they see that the organization is performing well according to what they want to see happen or they get involved in the delegate process, they see that the organization is doing good things, then they have the option to join in as time goes by. I think the Bill clearly allows that freedom of choice that the Member seems to want and allows it in a direct way without the antagonism of a vote in the farm community which would clearly accentuate the divisions that are already there. We want to reduce those divisions, not increase them.

Mr. Uruski: Quite frankly, while votes on certain issues may from time to time appear to be divisive, they certainly, in my mind, clear the air—whether it is a provincial election which we all have gone through, some of us on more than one occasion—and the will then of the producers is clearly shown. If producers decide that there is a difference in some of their approaches, should they be given the right to support the organization or if there are two or three different than the one that is there in a general policy way? I want to make it clear that while, in a general policy sense, I do take a different approach in this area than that from a marketing vote—and I have put that on the record before and I do not want it to be mistaken—I do take a different approach in those two instances.

But when you look at the rest of this legislation, we see that what will occur on the basis of future sections if there should be an attempt to challenge a certification, there will be great difficulty, if not an impossibility, of ever challenging the initial certified agency because of the provisions in the legislation—not a total impossibility but a virtual impossibility by virtue of Section 20 and in terms of this legislation.

I am basically saying let us recognize the diversity of opinion that exists. Let us not hide from it and say we will cover it up and subsume it in one large organization because in political reality it will not be subsumed. There will be ill will notwithstanding because there will be producers who will say I do not want to belong to any organization; I think all of them or any of those that are on this list are not going to do a job for me and I do not want them. Should we respect that? As well, some will say that I like this one rather

than the other one. Then this would be the option that they could choose and they would make a clear choice.

Mr. Findlay: Clearly, if a producer does not want to be involved in any organization, that is the way it is today and that is the way it will be the day after this Bill is proclaimed. There is no requirement of any mandatory membership in this or any other organization.

In regard to the attempt to challenge by another organization at some two-year period down the road, I think it is clearly possible to do that in quite a democratic process because if the certifying organization over the next two-year period or over the second two-year period proves to the farm community that they are not doing the job, they will have significant opt out and those people may very well decide, hey, we have to get another organization together here and go for certification because we really represent the majority, not the one that is certified.

So there is a continuous vote going on and if the people that are being checked off fall to say 10 or 15 percent of the total farm population, that is a pretty clear signal to the certified organization that they are not doing the job and there are a lot of people out there left to form another organization with greater membership and apply for certification. The mechanism is there to accomplish everything you want.

I think that the 16 and 17 amendments here, the way they are presently structured, would clearly contravene the basic desire of the Bill and I would not support them.

* (1100)

Mr. Penner: I guess Mr. Findlay covered basically what I was going to say. I am just wondering, if we did what Mr. Uruski is asking this legislation to do, whether any other legislation covering any of our other farm organizations, be they marketing organizations or other, could ever survive based on those very principles that you seem to be expounding at this time.

I appreciate very much your concern for the right of the individual to choose at all times, but I would suspect in agriculture, numerous areas of legislation, as there should be, on the other side of the argument that you are making that you might be involved in one of them. I would wonder if, for instance, marketing legislation could ever survive the test that you are saying should be included in this legislation. I am not quite sure where you are coming from in that argument.

The Acting Chairman (Mr. Patterson): Mr. Orchard.

Mr. Orchard: No, Mr. Uruski might want to reply to that.

The Acting Chairman (Mr. Patterson): All right. Mr. Uruski.

Mr. Uruski: Through you, Mr. Acting Chairman, to Mr. Penner. At the preface of my remarks, I indicated that I do take a different approach when it comes to

marketing versus a general farm organization. The marketing legislation, as I always view it, is a union of sorts and they are bargaining on behalf of a commodity that I produce. I accept that if the majority of producers vote for a marketing checkoff, then all of us will benefit or we may not benefit but we can remove those people there, but I accept that mandatory checkoff.

However, whoever is certified in this group in terms of a general farm organization is a political group not in the sense of partisan politics in terms of Conservative/NDP. They are, in fact, a political group lobbying on behalf of general farm policy and they should be recognized as such and I accept that. If they are a political group, and I accept their existence because that is certainly the right of anyone to join a lobbying political group, then there should be the allowance of wider opinion within that group and my amendments allow for that to exist by the possibility of having more than one group certified by the agency.

Mr. Penner: I accept the argument that Mr. Uruski makes in that they are a political group. Most farm organizations are political in nature. However, you sort of infer that they might be partisan political at times. I think if any organization of an agricultural nature at any time becomes partisan in their approach, they will self-destruct. I think history has shown that very clearly. So I think the fear that you have or seem to be expressing would automatically be dealt with by the community at large if that did occur.

I think those kinds of safeguards need not be written into legislation. They are there and will automatically be dealt with by the community at large simply by the fact of allowing, under this legislation, a person to get out whenever they choose to. If the organization that is certified at any time deviates from what the average wants out there or what the general community wants out there, they will withdraw their memberships and indicate very clearly to the certified organization that we need a different approach.

That different approach might well be instigated or a new organization might be instigated by that approach as was an organization in this province not too long ago, and it was done by a few people that were very dedicated to put in a place a general organization and I think we all appreciate that; however, that same thing is not prevented here. That same sort of action is not prevented by this legislation. This legislation simply deals with putting in place funding for an organization that is chosen. The opt outs are very clear under the legislation as written. I would not be able to support the amendments to this section to deal with that.

Mr. Orchard: Mr. Acting Chairman, I want to just comment that I cannot support either of the amendments that are proposed here and I know my honourable friend from the Interlake will not find that surprising.

I think we have to go right back to square one. What are we attempting to do here? What is the philosophy behind the Bill and behind the farm community and the farm organizations? I think it is universally recognized apolitically across both sides of the House,

all three political Parties, that we need to have a voice of the farm community that is deemed to be a reasoned voice representing a majority view in the farm community. You are never going to have, in the farm community, a unanimous opinion voiced on every topic. That just is not the nature of farmers as individuals. They are the most individual businessmen out there.

So when you approach the philosophy of wanting to having a unified voice for the farm community, you have one of two ways to do it as Government. You pass a Bill which makes all producers of agricultural products under some dollar value or over some dollar value required to pay membership as is done in other provinces, and Government can choose to do that or you can maintain the present system of voluntary organizations. I think it is fairly clear that the latter is not a reasoned approach.

An Honourable Member: No.

Mr. Orchard: No, it is not a reasoned approach because as organization after organization have indicated, including the NFU—only they think it is an advantage—their membership recruitment consumes too much of their time and they do not spend enough time developing policy approach and innovation to agricultural policy. Therefore, what the farm organizations, with few exceptions, have asked for in legislation is the ability to fund through a checkoff mechanism. Now we could achieve, in essence, the compulsory membership by saying there is no opt out and have that as part of this legislation, but that is not what we have done.

The organizations that support this legislation have agreed to its frailties, that being the up-front opt out, so that every producer has, at the time he delivers his first commodity and receives his first or her first pay cheque after this legislation is proclaimed, the ability to say I do not want to contribute. That is the greatest referendum there is. That does not in any way restrict any farm organization from continuing to try and secure membership and receive funding. What it does do is allow an impartial agency and this is where the strength of this Bill is.

We have removed from the Legislature, from the partisan views of political Parties that change from time to time in Government, the ability to decide which organization in Manitoba ought to receive the automatic funding and represent the voice of farmers. Now that is an ability to choose which organization, but the farmer, the individual producer, still has the ability to do what my honourable friend is attempting to do in his referendum by saying I do not agree and I will not support that organization as chosen by the impartial agency. Every producer in this province has a vote every time he sells a product and that is the ultimate in democracy to determine which organization shall represent farm view.

* (1110)

Let me assure you that if, for instance, and the fear seems to be by presenters last night that KAP is automatically going to be the group that receives

certification to represent the farm community in Manitoba. At first blush, that is probably a logical conclusion because they have the most substantial membership paid up right now if that is one of the important criteria that the selecting agency chooses, and it is. That is only logical. Democracy says that the majority view takes precedence. Now all those other 22,000 farmers who belong to neither the NFU nor KAP can opt out if they so desire.

Let me assure you that the onus is more on an organization with this legislation to perform than without this legislation because now they are not going to put the recruiting effort into membership drives and collection of funds. They are going to rely on their performance as an organization representing farm opinion to maintain the voluntary contribution to checkoff because the easiest thing to do is to use your opt out in this legislation as a producer. I think, as the president of KAP indicated last night when the example of Brokenhead R.M. came up, that is the quickest method by which disapproval of policy of the organization is going to become evident by the physical opting out.

Let me assure you that if KAP were the agency to receive the funds and they all of a sudden stopped representing majority farm view in the eyes of many, many producers, you would see the voluntary membership drive of the NFU take off like a prairie grass fire and that would become the certifying agency immediately within a year.

All of the protections are there. As a matter of fact, this legislation probably creates more onus to represent farm opinion in a reasoned and rational way than without legislation because, as I have said earlier, they no longer are going to be recruiting to fund their organization. They are going to rely on their performance as viewed in the eyes of the farm community. I cannot see the need for this except that it may serve a purpose of my honourable friend or they want a referendum and have nothing emerge in which a farm organization can represent Manitoba farmers' viewpoints.

Section 17(4), even if there is only one farm organization applying for certification, this amendment will require a referendum. If the majority says we do not want that, that means there is no organization and that is ludicrous. If there is only one organization wanting to receive funding under this checkoff, which is still voluntary, even if they are designated the organization to receive the money, you still want a referendum and have to have people turned down. In other words, this amendment, if one wanted to be literal in its interpretation, is telling Manitoba farmers the NDP do not want you represented by any major group because you are giving the right through this, if there is only one agency applying for that funding or one farm organization applying for the funding under the agency, that a referendum can still deny that. I cannot see the value of that if, as I stated earlier, the concept of a unified farm voice is supported apolitically amongst all three political Parties currently in the Legislature and I still believe it is.

Mr. Acting Chairman, I simply say that these amendments accomplish absolutely nothing in terms of making this organization represent farmers. It does

not contribute to unity or to cohesion in the community because all of the checks and balances of abuse are in this legislation because regardless of who is the designated farm organization as selected by the agency, producers still have the option to not contribute, and that is the ultimate expression of democracy and puts, as I said earlier, more pressure on the selected agency to perform in a reasoned, rational and representative fashion of the farm community.

Mr. Laurie Evans: While I will not be supporting the amendments, I must indicate that I have more sympathy for the amendments than what my honourable colleague from Pembina indicates here, because to me, I would prefer a mechanism that did give farmers an opportunity to put their John Henry or their cheque or whatever it is beside something saying, yes, I want to be represented by a particular agency, but I cannot come up with a mechanism that I feel is appropriate to have that done. I also feel strongly that you have to have one organization that is certified to represent the farmers of Manitoba. For that reason, I cannot support the amendments.

I have some concerns, though, listening to my colleague from Pembina here, regarding this as the ultimate in democracy. I do not regard an opt out procedure as the ultimate in democracy, because what you are really saying here is that of the 27,000 farmers in Manitoba, in order to have a likelihood of a change from the first organization that is certified to another one, you have to have 50 percent or more of those who are automatically in but are deciding to opt out, because if the major decision by the certifying agency is based on membership, then even though you have two applying and one challenging the other, I cannot visualize, in the short term at least, the likelihood of that second agency ever being able to demonstrate a membership that is greater than the first one that was certified. So while I have some sympathy for the amendments, I do feel that there is a necessity and some urgency in getting one agency certified and letting this thing go forward and see how well it works.

I do have some reservations with it, Mr. Chairperson, but I cannot support the amendments because I do not support the concept of having more than one agency certified at any one particular time.

Mr. Uruski: Mr. Acting Chairman, just a few brief comments. I have heard comments like this as being the ultimate of democracy and the like in terms of this legislation. We just heard last night members of albeit a commodity group who did have a checkoff which was up front and people could opt out. Knowing human nature, people did not opt out when they could have in the organization at the time that the checkoff was in place—did have revenues of something like \$200,000. When a true voluntary provision was put in that people had to opt in, then those revenues went from \$200,000 a year to \$20,000 a year.

There was the commitment of producers saying to that organization, here is the value that we see in that organization and we are going to put our money where our mouth is. That is true democracy. We are not going that far here, but let us recognize that there is a

difference of opinion. The Member for Pembina (Mr. Orchard) did say that there is not always unanimity in the farm community and never will be, he says, and I agree with him. As legislators, we should be saying let us recognize it and let farmers make that decision, but clearly the legislation says we are going to allow you to make a decision after the fact if you do not like what we are doing or that we do not like something that happens.

What really occurs, and I am surprised that Mr. Orchard talked about and mentioned that the work that was done on recruitment is time consuming, but that work is necessary for the kind of relationship that has to be built and the commitment that has to be built for any organization.

Mr. Acting Chairman, if the performance of that organization is not good—and let us look at KAP. If KAP was not doing a proper job, their recruitment would not be as good as it is, because performance added to their recruitment. It has been their performance in the public eye, not just going door to door that added to the recruitment and the membership. It has been their performance in the public eye of the farm community that says I am going to join. Otherwise, they would not have had the 5,000 members or whatever membership they have to date. Clearly it was that performance that added to the recruitment base. It was a voluntary recruitment and I am sure that those members who are in KAP or the NFU are committed members. They will be there unless something drastic turns them down. This allows for that diversity in the farm community and allows farmers to make that choice.

* (1120)

Mr. Findlay: Clearly, farmers do make the choice and they make the choice up front. It is not after the fact as the Member said in his comments. They make it up front before the money is deducted, and I do not like the idea that he is confusing what is presently in place in Bills 28 and 29 with what was in place in Bill C-25. Bill C-25, you had to pay your money and then you claimed it back at the end of the year. That is completely different from the up-front opt out where the producer makes the choice before the money is deducted. There is no question.

In regard to recruitment, there is no question in my mind that if KAP becomes a certified organization they are going to have to recruit people to get them to not send in the opt out, and if they find people sending in a pretty high percentage of opt out, they are going to have to get back out there and recruit to get them to join, so the recruitment is still going on, although in a more structured fashion than at present. I think that in time you will see that this will work reasonably well and allow choice at the farmer level and not restrict the presence of any other farm organization.

Mr. Penner: One short comment. I appreciate what Mr. Uruski has said and what he has put on the record. I just want to close by saying that I think referendums do have a place. I would like to, however, indicate that

my view of the results of referendums are often based on emotional arguments instead of the evaluation of true performance. I would suggest that the legislation and the mechanisms being put in place as to how people will choose to get in and out will be based largely on the performance of the organization. That kind of evaluation I think in the long term will serve the farm community well.

The Acting Chairman (Mr. Patterson): On the proposed motion of Mr. Uruski to amend Clauses 16 and 17 of Bill 28 with respect to both the English and French texts, shall the motion pass?

An Honourable Member: Mr. Acting Chairman, are we voting on the amendment to 16?

The Acting Chairman (Mr. Patterson): On Clause 16 only then, shall the motion pass?

Mr. Orchard: No, Mr. Acting Chairman.

The Acting Chairman (Mr. Patterson): Shall I call Yeas and Nays? The Yeas, please raise your hands; the Nays. The Nays have it.

Clause 16(1)—pass; Clause 16(2)—pass.

On the proposed motion of Mr. Uruski to amend Clause 17 of Bill No. 28 with respect to both the English and French texts, shall the motion pass? All those in favour of the motion, please raise your hands; those against. In my opinion, the Nays have it, the motion is lost.

Clause 17(1)—pass; Clause 17(2)—pass; Clause 18(1)—pass.

Mr. Uruski: Mr. Acting Chairman, just for the record, I wanted to indicate that I did have amendments on 18(1) to follow up on the question of certification and results of a referendum there, but they are meaningless without the amendments in 16 and 17.

The Acting Chairman (Mr. Patterson): Clause 18(2)—pass.

Clause 18(3)—Mr. Evans.

Mr. Laurie Evans: I have some concerns with 18(3). What I would like to see considered at least is that in 18 the word "may" after agency be changed to "shall."

An Honourable Member: What line?

Mr. Laurie Evans: This is 18(3), Review by agency.

Before certifying a qualified organization under subsection (1), the agency "shall." In addition to that, Mr. Chairperson, I would like to see under 18(3)(b) where it reads, "to make its decision, including holding hearings," add as well "or conducting a referendum."

The rationale for that is that while we heard last night from the legal side that one can include that or interpret that 18(3)(b) as including the opportunity to conduct the plebiscite or referendum, it is not specifically

indicated. I cannot see any reason why, if you are going to specify that holding hearings is something that should be considered, why the conducting of a referendum should not also be one of the options that the certifying agency would consider.

Mr. Findlay: Just one comment. If you add in the option of conducting a referendum, then I think you have to leave the word "may" rather than "shall." Because if you put "shall" in there, you are requiring that they do something.

Mr. Laurie Evans: No, I do not think so. You are saying that they shall (a) review the lists and take whatever steps or proceedings that it considers necessary or desirable to make, including holding hearings. I do not think you are saying that they have to hold a hearing, so I do not think by adding "or conducting a referendum" forces them to do it. They have to consider all these as possibilities if they are having some difficulty in arriving at a decision.

Mr. Findlay: You want to put "shall" in after agency, then leave (a) as it is and at the end of (a), and "may" for (b).

Mr. Laurie Evans: That would be acceptable. My concern is to bring it to their attention that holding a referendum is a possibility.

Mr. Orchard: I think if we did as you suggested, Mr. Minister, I do not really think it would accomplish a great deal different if you would have the agency "shall" and then (b) you would have it reworded "shall may take." I do not think that would pass the English grammar, No. 1.

What the operative clauses is, you are instructing the agency to do two things. First of all, they must review the list instead of "may." Secondly, in their considered opinion, take whatever steps or proceedings that it considers that it, being the agency, considers necessary or desirable to make its decisions.

You may have a circumstance wherein you have two organizations of 3,000 members each that are both applying for certification. In that case, you may want to hold hearings to determine whether, and I will use an example that is going to be openly up for accusation of being an elitist, but you may have 3,000 members of one organization who sell less than \$1,000 worth of produce per year. You may have 3,000 in an organization that sells in excess of \$50,000 per year. And then the agency must consider who represents the farm community. I think hearings would determine the type of "farm membership" that belongs to each organization. They would make their decision basis what they think views best the agricultural community.

If you really had a circumstance where the 3,000 was spread equally throughout the whole spectrum of farmers, they may have to hold a referendum to see which one, but it does not instruct them to do it. I think that is one thing we want to avoid; it is no compulsion. I think by replacing "may" with "shall," we are just simply providing two definitive instructions to the agency

that they must review the list. I think that is good. I think they would do that anyway. I do not see any difficulty with that, just with that single change of a word, if you were to propose that as a motion.

Mr. Findlay: I do not know if you have an amendment drafted but we already have one that covers basically that principle of adding on those two words.

Mr. Orchard: I think we just one the one word though, just "shall."

Mr. Findlay: "Shall" or conducting a referendum.

Mr. Orchard: Oh, yes, sorry.

Mr. Findlay: Those two words we have added on, I believe.

Am I right in assuming that the general feeling is that "may" will become "shall" and conducting referendums we added at the end of (b).

* (1130)

Mr. Orchard: Can I offer a suggestion for review? If we amend it in the fashion that 18(3) would, the operative clause would end after "agency." We drop the word "may"; and in (a) we would say "agency" and we would add the words "shall review"; and then (b) we would say the agency "may" take whatever steps necessary, including holding a referendum. Is that reasoned?

Mr. Laurie Evans: Well, that would be acceptable to me, Mr. Chairperson. Perhaps to expedite things, I would be bringing up exactly the same thing under 20(3) where the review of the agency, so the same wording would be appropriate for both.

Mr. Orchard: I could make it verbally if that would help, Mr. Acting Chairman.

I would move that both the French and English versions of clause 18(3) be amended by striking out the word "may" as it appears in Line 3 after the word "agency".

Further amending 18(3)(a) by inserting before the word "review" the word "shall" and (b) amending 18(3)(b) by inserting the word "may" before the word "take" in the first line and replacing the period after "hearings" with a comma and adding "or conduct a referendum".

The Acting Chairman (Mr. Patterson): Clause 18(3), as amended—pass; Clause 19(1)—pass; Clause 19(2)—pass; Clause 20(1)—pass; Clause 20(2)—pass.

Clause 20(3)—Mr. Orchard.

Mr. Orchard: I propose that we amend Clause 20(3) in both the English and the French versions by striking out the word "may" as it appears in the third line after "agency", and adding to Clause 20(3)(a) "shall" prior to the word "review", and further amending Clause

20(3)(b) by adding the word "may" prior to the word "take" in the first line, and replacing the period after the end of "hearings" with a comma and adding "including or conducting a referendum".

The Acting Chairman (Mr. Patterson): Clause 20(3), as amended—pass; Clause 21—pass; Clause 22(1)—pass.

Clause 22(2)—Mr. Orchard.

Mr. Orchard: Can I make the same amendment without going through it again? It is exactly as written for the previous two amendments, striking "may" after "agency", putting "shall" before "review" in Clause (a) and "may" before "take" in Clause (b), replacing the period with a comma, "or conducting a public referendum."

The Acting Chairman (Mr. Patterson): Clause 22(2), as amended—pass.

Clause 22(3)—Mr. Orchard.

Mr. Orchard: Mr. Acting Chairman, I have an amendment that I would propose. I move

THAT the French version of subsection 22(3) of Bill 28 be amended by striking out "seconde" and substituting "deuxième."

(French version)

Il est proposé que le paragraphe 22(3) du projet de loi 28 soit modifié par la suppression de "seconde" et son remplacement par "deuxième."

The Acting Chairman (Mr. Patterson): Clause 22(3), as amended—pass; Clause 23(1)—pass.

Clause 23(2)—Mr. Uruski.

Mr. Uruski: Is it required—I want to ask that question that the purchasers who keep the records and books—and I am not certain that there be a remuneration or at least an acknowledgment to that services provided. Is that provided anywhere? I have not been able to catch it in these sections about the provision for payment for the collection of dues here or is it somewhere else in the legislation?

Mr. Findlay: I have given consideration to that. It is my feeling that under 9(d) that power exists. 9(d) says, "exercising and performing any other powers and duties assigned to it by this Act and the regulations." It could be in the regulations that the organization negotiate a fee for the services rendered. That is one way to handle it; the other way would be, if he so chose it could be put in, I would think, as 25(3), that the purchaser is to receive remunerations for cost of administering.

Mr. Uruski: . . . Is it . . . before you would add another clause? . . .

Mr. Findlay: That was from another option that exists. If you believe it is covered adequately in 9, which I kind of think it can be under the regulations, I think that

the issue is covered and I think the organization would be forced to negotiate that fee anyway with the purchasers on a basic rate of some nature.

Mr. Uruski: The Minister has basically given that commitment that it shall occur and whatever form it takes as long as we are sure that likely that will happen but the powers do exist there, so that in fact that negotiation and that agreement does exist in the fee if his advice is that this is covered in the regulations, I am satisfied with that.

Mr. Findlay: I guess another option would be to strengthen regulatory powers under 38 but certainly the detention is there. I think the commitment is there. It will happen.

I would have to say that in Bill C-25, it was not in there but yet they ended up doing it.

The Acting Chairman (Mr. Patterson): Clause 23(2)—pass; Clause 24—pass; Clause 25(1)—pass; Clause 25(2)—pass.

Clause 26—Mr. Orchard.

* (1140)

Mr. Orchard: I would propose the following amendment to both the French and the English versions of Section 26.

I move

That section 26 of Bill No. 28 be amended by striking out the words "other amount" and substituting the words "greater amount".

(French version)

Il est proposé que l'article 26 du projet de loi 28 soit modifié par la suppression de "autre montant" et son remplacement par "montant plus élevé".

The Acting Chairman (Mr. Patterson): Clause 26, as amended—pass.

Clause 27—Mr. Orchard.

Mr. Orchard: I have an amendment to Clause 27 and it is to the French version only.

I would move

THAT the French version of section 27 of Bill No. 28 be amended by striking out "du paragraphe 25(1)" and substituting "de l'article 25".

(French version)

Il est proposé que l'article 27 du projet de loi 28 soit modifié par la suppression de "du paragraphe 25(1)" et son remplacement par "de l'article 25".

The Acting Chairman (Mr. Patterson): Clause 27, as amended—pass; Clause 28—pass; Clause 29(1)—pass.

Clause 29(2)—Mr. Uruski.

Mr. Uruski: On 29(2), I move

THAT clause 29(2)(c) of Bill No. 28 be amended by striking out the following:

for a period of two years from the receipt of the objection.

(French version)

Il est proposé que l'alinéa 29(2)c) soit modifié par la suppression de ce qui suit:

pendant une période de deux ans à compter de la réception de l'opposition.

Mr. Uruski: Essentially what it is is that the period of opting out has to be covered or it is there on an ongoing basis until basically the organization contacts that person and convinces he or she that they should rejoin. It will be basically an opt in, a permanent opt out.

Mr. Findlay: I guess one of the reasons it is here is because technically the certification or the lifetime of the certification is two years. There is certainly a possibility that a different organization could be certified at some point on two-year intervals. Therefore, we ask the person to reinstate his objection to being checked off because we are dealing with a different organization. That is what is behind it.

Mr. Uruski: I thought that, but given the process that is in place, if a new organization were certified down the road, that organization would be given the task of writing that they intend to check off because there is a new entity. At that point in time, the farmer would then be given the clear option, because there is a new entity, of making that decision all over again. You have a new agency and a new group is certified and a new group will be collecting. So if there is a new group collecting fees, then each individual farmer who is not a member of that organization should receive that letter saying that this new agency wishes to collect from that farmer. That is what I see as the process.

That being the case, then really the issue of the two-year opt out is really not required because you are really starting up something brand new and obviously the certifying agency has had to get the views of the farmers in order to allow the new group to be certified. Somehow they have said we consider you, whether by membership or by what other considerations that they have made, you are the new group. If there is a new group—obviously if I was part of the old group, I will want to make that decision, and if I want to make that decision whether now I am going to opt into this group, I should be sent a letter. That is the way I see the process going, and the Minister can correct me if I am wrong.

Mr. Findlay: Apparently, there is the other situation where the first organization continues on. What we are doing is giving every individual a choice every two years to declare their membership. There are two situations that can develop. One is that somebody has opted out the first time around and we are asking to reaffirm that and he may object. I have to continually affirm my position that I do not want to be a member. The other side of the coin is that those people who did not send

it the first time, in other words were not checked off, will continually be checked off without any other option down the road to opt out.

So we are giving them every two years a chance to make a decision on opting out. We are giving them every two years a vote on the organization. So there are two ways to look at it. One, you are requiring the objectors to restate their position; the other is you are giving the supporters a chance to reassess their position.

Mr. Uruski: I would say to the group that does become certified, that is where the role of going out and recruiting and on the doorstep discussing, that really should be the function of the certifying agency to go into that community as was stated last night. If we see a significant opt out, I believe that organization has its work cut out on Day One or within months after they received to say can we recruit these people? That onus is on them to be recruited.

My understanding was basically to say if, under Section 25.1, meaning that we are then remaking people's decisions, should we not place the onus on the certified organization to really get out and recruit to convince members that they should join and leave that onus on whichever organization there is, rather than putting the farmers in a position of the farmer reacting rather than putting the onus on the organization?

I think there has to be some onus on the organization to in fact get out there and recruit. Otherwise, basically they say, hey, maybe they will forget next time around, when the second year comes around, they will forget so they will not opt out and they are in. This way, if we are really saying that the farm organization is to be in tune with the farm population, we put that onus on them to go and recruit because you are going to have the difficulty in the event of there being a new organization, you are going to be required to send a letter to every farmer and then there could be confusion in that process.

I would say that if I were part of the old organization and someone new comes in, I want to make that decision whether I want to swing my allegiance over or whether I want to opt out because I think that is essentially—if the legislation is as you say it is, I am not sure that it will occur. Given your statements that that could happen, then why not leave it to the farmer to decide?

Mr. Laurie Evans: My view on this is that once a person has opted out, they should not be brought back in again as long as the same agency is certified. My view would be that if the certified agency changes, they should all be back in. In other words, the opt outs are all null and void when there is a change of a certified agency. Until that change occurs, I do not think a farmer should be expected to renew the fact that he wants to opt out on a biannual basis.

Mr. Findlay: I guess one other point of view can be that if the organization is functioning and doing things for the farm community and serving the farm community,

the mechanism you are proposing is pretty easy in finding somebody standing back saying I will not contribute, I will just take the benefits.

This is requiring every two years to reassess whether they are getting benefits and putting a challenge on the producer to make a decision every two years. I do not think that is unduly unfair. He is going to get benefits from the presence of the organization and if he is not getting benefits then he just reaffirms his position by casting his ballot of opting out.

Mr. Laurie Evans: My view is that it is the responsibility of the agency. They will know who has opted out. It would seem to me that it is their responsibility to go out and try to convince those that have opted out to opt back in. I do not think they should automatically be opted in and then run the risk of not realizing that they are back in until they find that they have had a deduction taken from them and then they are faced with the problem of having to get a rebate from the fee. I think the onus should be on the agency to go out and try to recruit those and bring them back into the fold.

Mr. Cummings: I think the arguments that we are hearing make the assumption that the certification process is virtually a rubber stamp process. By recertifying the agency every two years, then that agency is undergoing a fair bit of scrutiny at that point and I think it is reasonable to expect that there may be people out there who would be quite willing to become involved if they see that the agency has been recertified.

Mr. Orchard: I was just going to make the observation that if we do not speed along, and I do not want to disrupt reasoned debate on this, but we have 40 minutes to attempt to pass both these Bills. Otherwise, we are going to have to reschedule this committee again.

An Honourable Member: Let us go on.

* (1150)

The Acting Chairman (Mr. Patterson): On the proposed motion of Mr. Uruski to amend Clause 29(2)(c) of Bill 28 with respect to both the English and French texts, shall the motion pass? All those in favour, please say Yea; all those opposed, please say Nay. In my opinion, the Nays have it.

Clause 29(2)—pass; Clause 30—pass.

Clause 31(1)—Mr. Uruski.

Mr. Uruski: I am sorry to take us back to the 29(2). I wanted some clarification on (d) about the refund. Is it possible that there may be a partial collection made before an objection is received? Is that possible under the Act? Now if it is not possible, then my comments—I guess that is really my question. Is it possible to have a collection made before or like on a first time? This would only occur, I am assuming, on a first time before an opt out has taken place. Is that possible?

Mr. Findlay: I guess I do not see anything that would prevent the total refund. I think it would be in the interest

of the organization to always give that total refund if an objection was filed.

Mr. Uruski: I could see the provision—we were just talking with Mr. Penner—where something twigs on me mid-year and maybe a portion of my levy has only been paid and I opt out, I can accept the proposition that what I have paid in up to then stays. However, there may be the instance, and I guess what I am referring to is before on a first-time applicant, is the legislation clear that there is no deduction made until a return of a letter is received or is there a time frame before that deduction can be made? I guess that is what I am trying to get at.

Mr. Findlay: There is a period of 45 days there from the time the letter is sent until deductions will occur.

Mr. Uruski: It is a 45-day period before a deduction will occur?

Mr. Findlay: That is right.

Mr. Uruski: So really there cannot be a deduction made. There is that 45-day period for the opting out, that is really what—

Mr. Finlay: Yes.

Mr. Uruski: Okay.

The Acting Chairman (Mr. Patterson): Clause 31(1)—pass; Clause 31(2)—pass; Clause 31(3)—pass.

Clause 32(1)—Mr. Uruski.

Mr. Uruski: I move

THAT section 32 be amended by adding the following:

Referendum to include opt out option

32(4) A referendum held under this section shall include the option to vote against the designation of any organization under this Part.

(French version)

Il est proposé que l'article 32 soit modifié par l'adjonction de ce qui suit:

Option

32(4) Le référendum prévu au présent article doit donner l'option de voter contre la désignation d'un organisme visé par la présente partie.

Mr. Orchard: The argument we visited quite earlier so I do not think any debate is necessary. We have said this is not a viable option, and I would ask the question be put.

The Acting Chairman (Mr. Patterson): We proceed through the first clause 32(2)—

An Honourable Member: No, you are on 32(1).

The Acting Chairman (Mr. Patterson): I am sorry, but the amendment is for 32(4).

Mr. Uruski: I know. It is a new amendment, but it is actually to 32—

The Acting Chairman (Mr. Patterson): Okay. On the proposed motion of Mr. Uruski to amend Clause 32 with respect to both the English and French texts, shall the motion pass? All those in favour, please say Yea; and those opposed, please say Nay. In my opinion, the Nays have it. The motion is defeated.

Clause 32(1)—Mr. Uruski.

Mr. Uruski: Mr. Acting Chairman, on 32(2), I think I mentioned to the Minister privately on 32(2)—have you an amendment about a petition?

Mr. Findlay: Just on that, if we are going to do something on which you are referring, we would have to do it in 32(1) by striking out “shall” and putting in “may” on the fourth last line with the idea that if the petition that was submitted by the organization was deemed to be a sufficient commitment, that at least 60 percent of the producers were prepared to be checked off, there is really no need to have a referendum.

Mr. Uruski: Mr. Acting Chairman, the point that I made to the Minister some time back is, is if 60 percent of producers agree that a checkoff should be there and there is a petition and it is sufficiently clear that it is a clear signal, why would we want to put the organization through the cost of a referendum if the majority of producers, at least 60 percent voting for it, why spend that money?

Mr. Orchard: So in other words, Mr. Acting Chairman, by leave of the committee we would have to revisit 32(1)—

An Honourable Member: We have not passed it yet.

Mr. Orchard: Oh, we have not. Okay. So I would propose the amendment

THAT the word “shall” as it appears in the fourth last line of section 32(1) be replaced by the word “may”.

The Acting Chairman (Mr. Patterson): On the proposed motion of Mr. Orchard to amend Clause 32(1) with respect to both English and French texts, shall the motion pass?

Clause 32(1), as amended—pass.

Clause 32(2)—Mr. Orchard.

* (1200)

Mr. Orchard: I would propose

THAT both the French and English versions of subsection 32(2) of Bill 28 be amended by striking out the words “eligible to vote” and substituting the word “voting”.

In other words, 60 percent of those who cast their ballot are required.

(French version)

Il est proposé que le paragraphe 32(2) du projet de loi 28 soit modifié par la suppression de “habiles à voter” et son remplacement par “qui votent”.

The Acting Chairman (Mr. Patterson): On the proposed motion of Mr. Orchard to amend Clause 32(2) with respect to both the English and French texts—pass; Clause 32(2), as amended—pass; Clause 32(3)—pass; Clause 33—pass.

Clause 34(1)—Mr. Orchard.

Mr. Orchard: I have four amendments in Clause 34(1). I do not know how the committee wishes to proceed. We could move all of the amendments and pass them en bloc or move them singly and pass them individually.

The Acting Chairman (Mr. Patterson): What is the will of the committee?

Mr. Orchard: Mr. Acting Chairman, I would propose the motion

THAT both the French and English versions of clause 34(1)(c) of Bill 28 be amended by adding the words “for the purposes of funding the program of the organization” after the word “organization”.

(French version)

Il est proposé que l’alinéa 34(1)(c) du projet de loi 28 soit modifié par l’adjonction de “afin de financer son programme” après “l’organisme”.

In other words, it is just putting a more stringent requirement on how the organization would use the funds so collected. They cannot use it for extraneous purposes, in other words.

An Honourable Member: For the purpose of what? What was the addition?

Mr. Orchard: For the purpose of funding the program of the organization so that it is more narrowly constrained as to what the organization may use those funds for. They cannot go out and, for instance—

An Honourable Member: Run a lottery.

Mr. Orchard: Yes, or enter a business or whatever. They have to be a farm policy lobby group, just that it narrows the use of the funds.

An Honourable Member: No, not a farm policy.

Mr. Orchard: No, but I am using that as an example, for the purpose of the program, funding the program of the organization. It just restricts the use of the funds.

The Acting Chairman (Mr. Patterson): On the proposed motion of Mr. Orchard to amend Clause 34(1)(c) with respect to both English and French texts—pass.

Mr. Orchard: Mr. Acting Chairman, I would propose

THAT both the French and English versions of clause 34(1)(g) of Bill 28 be amended by adding the words "and to furnish copies of them when requested to do so by the agency" after the words "agricultural products".

(French version)

Il est proposé que l'alinéa 34(1)(g) du projet de loi 28 soit modifié par l'adjonction de "et d'en fournir des copies à la demande du Bureau" après "agricoles".

The Acting Chairman (Mr. Patterson): On the proposed motion of Mr. Orchard to amend Clause 34(1)(g) with respect to both the English and French texts—pass.

Clause 34(1)(h)—Mr. Orchard.

Mr. Orchard: Mr. Acting Chairman, I would propose a further amendment to both the French and English versions, and that amendment be

THAT clause 34(1)(h) of Bill 28 be amended by striking out "purchasers and" after "requiring".

(French version)

Il est proposé que l'alinéa 34(1)(h) du projet de loi 28 soit modifié par la suppression de "aux acheteurs et" après "enjoindre".

The Acting Chairman (Mr. Patterson): On the proposed motion of Mr. Orchard to amend Clause 34(1)(h) with respect to both the English and French texts—pass.

Mr. Orchard: I have one more amendment to 34(1). I would move

THAT subsection 34(1) be amended by striking out "and" at the end of clause (g), by adding "and" at the end of clause (h), and by adding the following as clause (i):

- (i) respecting methods to ensure that the fees paid to the organization are properly used for the program of the organization.

This further reinforces the first amendment I made to 31(1)(c).

(French version)

Il est proposé que le paragraphe 34(1) soit modifié par l'adjonction, après l'alinéa h), de ce qui suit:

- i) prendre des mesures pour faire en sorte que les droits versés à un organisme soient utilisés régulièrement aux fins de son programme.

The Acting Chairman (Mr. Patterson): On the proposed motion of Mr. Orchard to amend Clause 34(1) with respect to both the English and French texts—pass.

Clause 34(1), as amended—pass; Clause 34(2)—pass; Clause 34(3)—pass; Clause 34(4)—pass; Clause 35—pass; Clause 36—pass.

We can take as a block, Clauses 37(1) through Clause 42. Shall the clauses pass?

Mr. Findlay: We are on Clause 38, on the red ink there. It will be giving the refund to the purchasers, something to cover their costs for collecting the fees to strengthen the new regulation in that respect.

Mr. Orchard: Mr. Acting Chairman, I would propose

THAT both the French and English versions of section 38 of Bill 28 be amended by striking out the word "and" at the end of clause (b), by relettering clause (c) as clause (d), and by adding the following as clause (c):

- (c) respecting compensation to be paid by the certified organization to purchasers for the reasonable costs incurred by purchasers in the collection of fees under Part III; and

My understanding of this amendment is that we simply allow through regulation the ability to provide reasonable compensation to those collection agencies in response to the presentation by the Elevator Association last evening.

The Acting Chairman (Mr. Patterson): On the proposed motion of Mr. Orchard to amend Clause 38 with respect to both the English and French texts, shall the motion pass? (Agreed)

Clause 38, as amended—pass; Clauses 39 through 40(2), inclusive—pass; Preamble—pass; Title—pass.

Bill, as amended, be reported.

Thank you, gentlemen. I shall ask Mr. Helwer to take the Chair, please.

* (1210)

BILL NO. 29—THE CATTLE PRODUCERS ASSOCIATION AMENDMENT ACT

Mr. Chairman, Edward Helwer: The Cattle Producers Association Amendment Act.

Clause 1—pass; Clause 2—pass.

Hon. Donald Orchard (Minister of Health): Section 3 through to Section 8, pass, Mr. Chairman.

Mr. Chairman: Shall the clauses pass? (Agreed)

Mr. Orchard: Mr. Chairman, may I have leave to withdraw my motion to pass a whole series of Sections 4 through 8, inclusive?

Mr. Chairman: Leave has been granted. Okay, 4 to 8. We will start on Section 9 then —{Interjection}— Oh, Section 3. I am sorry. You want to go back to 3?

Section 3—pass; Section 4—pass.

Section 5—Mr. Orchard.

Mr. Orchard: Mr. Chairman, I have a motion that both the French and English versions be amended in the following manner:

THAT the proposed new section 9, as set out in section 5 of Bill 29, be amended by striking out the word "members" and substituting "the association."

(French version)

Il est proposé que le nouvel article 9, figurant à l'article 5 du projet de loi 29, soit modifié par la suppression de "des membres ou à une réunion générale extraordinaire de ceux-ci" et son remplacement par "de l'Association ou à une réunion générale extraordinaire de celle-ci".

Mr. Chairman: On the proposed motion of Mr. Orchard to amend Clause 9 with respect to both the English and French texts, shall the motion pass?

Clause 9, as amended—pass.

Mr. Orchard: Mr. Chairman, I would move that both the French and English versions of Bill 29 be amended in the following manner:

THAT the proposed new subsection 12(1), as set out in section 5 of Bill 29, be amended by striking out "confirmed" and substituting "re-enacted".

(French version)

Il est proposé que le nouveau paragraphe 12(1), figurant à l'article 5 du projet de loi 29, soit modifié par la suppression de "confirmer" et son remplacement par "réadopter".

Mr. Chairman: On the proposed motion of Mr. Orchard to amend Clause No. 12(1) with respect to both the English and French texts, shall the motion pass?

Clause 12(1), as amended—pass.

Mr. Orchard: I would propose that both the English and French language versions of Bill 29 be amended in the following manner:

THAT the proposed new subsection 12(3), as set out in section 5 of Bill 29, be amended by striking out "confirm the resolution" and substituting "re-enact the administration by-law".

(French version)

Il est proposé que le nouveau paragraphe 12(3), figurant à l'article 5 du projet de loi 29, soit modifié par la suppression de "la résolution soit abrogée, modifiée ou confirmée" et son remplacement par "les règlements administratifs soient abrogés, modifiés ou réadoptés".

Mr. Chairman: On the proposed motion of Mr. Orchard to amend Clause No. 12(3) with respect to both the English and French texts, shall the motion pass?

Clause 12(3), as amended—pass.

Mr. Orchard: Mr. Chairman, the final amendment that both the French and English versions of Bill 29 be amended in the following manner:

THAT the proposed new subsection 12(4), as set out in section 5 of Bill 29, be amended by striking out "confirm the resolution" and substituting "re-enact the administration by-law".

(French version)

Il est proposé que le nouveau paragraphe 12(4), figurant à l'article 5 du projet de loi 29, soit modifié par la suppression de "celle-ci soit abrogée, modifiée ou confirmée" et son remplacement par "les règlements administratifs soient abrogés, modifiés ou réadoptés".

Mr. Chairman: On the proposed motion of Mr. Orchard to amend Clause 12(4) with respect to both the English and French texts, shall the motion pass?

Clause 12(4), as amended—pass; Clause 13—pass; Sections 5, 6 and 7—pass; Preamble—pass; Title—pass.

Mr. Uruski, do you have a question?

Mr. Bill Uruski (Interlake): Mr. Chairman, I do not believe this Bill should be reported. I believe that it is bad policy to set up now two procedures, two separate and distinct procedures for producers of agricultural commodities for them to obtain a checkoff. What we saw here today is we all agreed on a procedure in Bill 28 to allow any group of producers to obtain a checkoff for the promotion of their commodities by amendments that we just passed in Bill 28.

On the same day, we are now changing procedures in The Cattle Producers Act from a voluntary organization to a checkoff provision without having this organization go through the same rules that any other producers will have to go through.

What will be out there is that this Government is prepared to say to one group we are going to give you one set of rules and for another group we are going to give you a different set of rules. It is discrimination in terms of one group of producers versus another in terms of the promotion and checkoff of agricultural commodities.

The Government has to, and really should, make up its mind how it is going to treat farmers, whether they are going to treat them with an even-handed approach in terms of the checkoff, or they are going to discriminate.

The provisions for a checkoff are now contained in Bill 28 for all farm groups. This is going contrary to that because we are setting up a separate set of rules for a special group of producers. The Government will not, I believe, tell other producer groups that if they do not like the provisions of Bill 28 that somehow we are going to pass a different set of legislation for them. I am assuming that they will not, but in this sense that is what they are saying. We are going to give this group one set of rules and this group another.

So, Mr. Chairman, Bill 29 is not necessary. The provisions contained in Bill 28 are adequate for any producer group, and I suggest that Members on the Government side rethink those amendments and treat producers in this province not in a discriminatory manner but in an even-handed manner by the provisions contained in Bill 28.

Hon. Glen Findlay (Minister of Agriculture): I think the Member fails to realize that this organization had a checkoff legislation in place—

Mr. Uruski: It still does.

* (1220)

Mr. Findlay: —in 1978, and we are re-enacting those sections of the Bill that that Member, when he was Minister, so rudely discharged through Bill C-90 in 1983 and took away the mechanism that was working quite well for the organization.

Bill 28 treats new organizations and new attempts by producers to organize and seek a checkoff, and this is reaffirming an organization that had a checkoff that should never have been interrupted. We are just repositioning them through re-enactment.

Mr. Uruski: Mr. Chairman, just to correct the Minister, the organization does have the power and has in its legislation a checkoff, albeit a truly voluntary checkoff. The checkoff provisions have not been taken out of the Bill. What was taken out was the upfront checkoff, the compulsory aspect of the checkoff in the existing Bill, and that was substituted by a truly voluntary checkoff.

When that was done, over the last year to last night, it was pointed to us whether farmers supported that organization. Their revenues moved from \$200,000 a year to \$20,000 a year. So, Mr. Chairman, I am not certain and I am sure Members here are not certain whether the majority of cattlemen truly support that organization. Give the cattlemen a choice and let them work under the provisions of Bill 28, rather than putting

in discriminatory provisions of one set of rules in Bill 28 and a separate set of rules for one organization in Bill 29.

Mr. Findlay: I think the former Minister should give them a chance to get their feet back on the ground and we will see if producers are going to support them or not. They have the up-front opt out. It is a clear voluntary choice if they do or do not want to be checked off to support the organization. If his allegation is right, he will find that they will get \$20,000 a year. If his allegation is wrong, he will find that they will collect more than that because people will not choose to opt out.

Mr. Orchard: Not that I want to argue with my honourable friend, the Member for Interlake (Mr. Uruski), but doggone it, I know that deep in his heart, he hopes he is wrong and that this organization gets \$200,000 a year so they can promote the industry and make Manitoba a place to raise beef, employ people and create economic wealth.

Mr. Chairman: Shall the Bill, as amended, be reported? All those in favour of the proposed motion, please raise their hands. The motion is carried.

The Bill, as amended, be reported.

Committee rise.

COMMITTEE ROSE AT: 12:23 p.m.