

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Thursday, April 13, 1967

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions

Reading and Receiving Petitions

Presenting Reports by Standing and Special Committees

Notices of Motion

Introduction of Bills

Orders of the Day

MR. GILDAS MOLGAT (Leader of the Opposition)(Ste. Rose): Before the Orders of the Day, I beg to move, seconded by the Honourable the Member for Lakeside, that the House do now adjourn to discuss a definite matter of urgent public importance, namely the judgment handed down by Magistrate Harold Giles declaring the Manitoba Vegetable Marketing Act to be ultra vires and outside the jurisdiction of the Province under the British North America Act.

HON. STERLING R. LYON, Q. C. (Attorney-General) (Fort Garry): ... the question, Sir, without hearing debate. I know you've had an opportunity to consider this but if we could help Your Honour in consideration as to whether or not it's in order we would be pleased to do so. Naturally I am suggesting, Sir, that it is not in order because the urgency of debate it is obvious on the face of it is not present.

MR. MOLGAT: Mr. Speaker, if I may on the same point of urgency. The matter I think is exceedingly urgent because unless we get some answers today from the government there are some very serious problems arising. If the Act is ultra vires what happens to all the regulations under the Act and how do people who now are licensed and pass prosecutions and so on? The matter cannot be allowed to sit because the whole Act is in jeopardy.

MR. SPEAKER: Order please.

MR. LYON: ... respect, Mr. Speaker, this is not the case. I'm confining myself to the point of order as to the urgency of debate which is the only question presently before Your Honour. What my honourable friend apparently is basing his motion upon is a judgment or a decision that was handed down in a magistrate's court this morning declaring according to the resolution moved by my honourable friend that The Manitoba Vegetable Marketing Act, the whole Act be ultra vires outside the jurisdiction of the province. This is a decision - I take my honourable friend at his word this happened. I have not heard of it. I am sure the law officers of the Crown would have brought it to my attention if they considered it of sufficient importance ...

MR. MOLGAT: ... submit a copy of the judgment to the Department of the Attorney-General.

MR. LYON: Fine. But I'm suggesting to my honourable friend and to you, Sir, that dealing only with the question of the urgency of debate, which is all that is before us, there is a form already set aside for the disposition of judgments whether they're in a Magistrate's Court, County Court, Court of Queen's Bench, Court of Appeal or whatever, where these matters can be decided. The fact that one magistrate has a certain view with respect to a certain section of the Act does not make that view binding on this Legislature or for that matter binding on any other court, and if the law officers of the Crown so advise an appeal can be taken against it, that is the form in which areas such as this are rectified. So I'm suggesting there is no urgency of debate because it is a matter that even if what my honourable friend says is true and even if what the magistrate says is true, and if the Supreme Court of Canada should say ultimately in about three years' time that this matter is ultra vires, the Province of Manitoba then, and only then, does the Legislature come to deal with it.

My heavens we had the Orderly Payment of Debts Act on the Statutes of Manitoba for thirty years -- it was ultimately declared, from a similar Act in Alberta ultimately declared to be ultra vires -- and ultimately it was repealed here. But to suggest that this kind of circumstance provides the area for the urgency of debate that is suggested by my honourable friend really does not meet the requirements of the sections of our own rules or of the judgments or the decisions that we have from Beauchesne, because the test that must be met in urgency of debate is that the matter must be discussed today as a matter of public interest. It's an extraordinary remedy that's provided in the rules and I suggest that I can see no circumstances here because of the decision of one magistrate which is not binding on anyone, which I now see

(MR. LYON cont'd.) a copy of and which I haven't even read yet, that this should be sufficient in itself to delay the proceedings of a Legislature of Manitoba I suggest is just not comprehensible.

MR. MOLGAT: Mr. Speaker, if I may, I would like to say first of all that I resent very much the statement, "even if what I had to say were true." I'd like to tell the Attorney-General that when I get up in this House I speak the truth.

MR. LYON: If I said that, Mr. Speaker, I apologize to my honourable friend. I didn't mean to impugn his motives. I merely said that I hadn't seen it nor did I know the extent of it. I'll read it while he's talking.

MR. MOLGAT: Mr. Speaker, I'm quoting directly from the judgment that was handed down this morning.

MR. SPEAKER: I must inform the House that the Honourable Leader of the Opposition met with the rules and that the copy of this motion has been in my hands for the hour as required. I have given it sincere consideration during that hour from every point of view that I can think of and in my judgment, reaching away from the considered opinion of the Honourable the Attorney-General's legal training, I couldn't help but feel that the matter was in order and I was prepared to approve of it. So I am therefore going to read the resolution: "That the House do now adjourn to discuss a definite matter of urgent public importance, namely the judgment handed down by the Magistrate, Harold Giles, declaring the Manitoba Vegetable Marketing Act to be ultra vires and outside the jurisdiction of the province under The British North America Act." Does the Honourable Leader of the Opposition have leave to proceed?

MR. MOLGAT: Mr. Speaker,

MR. JACOB M. FROESE (Rhineland): Could I have the copy before you start?

MR. SPEAKER: A copy of the motion?

MR. FROESE: No, of the judgment.

MR. MOLGAT: I'm sorry I only had one extra copy of the judgment at the moment, Mr. Speaker, and I gave one copy to the Attorney-General.

Mr. Speaker, I thank you for your decision in this matter. The reason that I feel this is an urgent matter, Mr. Speaker, is that the magistrate in ruling on this this morning did not simply say that a section of the Act is ultra vires but said in fact that the whole of the Act is ultra vires. I think that it is therefore urgent that this House discuss this matter now and not simply refer it to a later date because we may not get the answers that we require from the government on the matter as to what action will be taken.

This is an Act that had considerable discussion in this House on a number of occasions in the past. We have asked many questions of the government in the past about the method by which it had proceeded to set up The Vegetable Board in particular under the general Act which is Chapter 35 of the 1964 Statutes. We were critical of the government proceeding without a vote in the case of The Marketing Board, that it was under discussion in this particular court case. Subsequently the government after considerable delay appointed a commission to investigate the operations of the Board. We've been asking the Minister of Agriculture several times during the course of this session for the report of that commission. We still have not obtained it. Now we find ourselves, Mr. Speaker, in the situation where this morning in the Provincial Magistrate's Court in a case between the Queen and Albert Sunka with Mr. R. C. Flett appearing for the Crown, Mr. Henry D. Monk and K. P. Regier appearing for the accused, Magistrate Giles ruled that the Act is ultra vires. Now Magistrate Giles went through the whole of the Act itself and finds under Section 3, Section 3 which reads: "The purpose of this Act is to provide for the promotion, control and regulation in any and all respects of the marketing by the producers thereof of natural products grown, raised, harvested or caught within the province."

Magistrate Giles has ruled that that section is against The British North America Act in that it applies not just within the Province of Manitoba but in fact applies to marketing outside the Province of Manitoba as well. He says, and I quote directly from his judgment on Page 3: "In my opinion Section 3 of the said Act sets forth the purpose of the Legislature in clear and unequivocal language. In the absence of any ambiguity if the Legislature did in fact exceed the jurisdiction granted to it by The British North America Act, it cannot then correct this deficiency by merely stating that it did not intend to exceed its own competence as it purports to do by subsection (1) of Section 39. Similarly subsections (2) and (3) of Section 39 purport to create severability of the Act whether or not it exists and to provide that if part of the Act is ultra vires then the remainder shall be in full force and effect." He goes on then and quotes

(MR. MOLGAT cont'd.) from some other authorities, in particular from another judgment in the case of Lord Aitkin the Attorney-General for British Columbia versus the Attorney-General for Canada in 1937, and he finishes off by saying: "In my opinion Section 3 of the Act has not been carefully framed as suggested by Lord Aitkin and purports to regulate the marketing anywhere of produce grown within the province." And finally on the last page of his judgment, Mr. Speaker, the magistrate says: "The wording of Section 3 of the Act does not permit the doctrine of severability to arise and hence the Act is ultra vires in its entirety regardless of the fact that the other provisions of the Act and the regulations made pursuant thereto are largely, although not entirely, interprovincial in nature."

And so, Mr. Speaker, we are faced with the situation today - we've had an Act on our statute books since 1964, but in particular we've had a Marketing Board dealing with potatoes and vegetables which has been the subject of a great deal of controversy in the Province of Manitoba. I don't know how many convictions, although I would like to know from the Minister of Agriculture whether there have been other convictions, but when this particular case came to court we now find that it is ultra vires. Well then what is the province going to do?

MR. LYON: Mr. Speaker, on a point of order. My honourable friend says the Act is now ultra vires. I suggest that he really confine himself to the fact, which is, one magistrate has expressed one opinion that the Act is ultra vires. If my honourable friend wished to say the Supreme Court would do that, fine, let him say so, but I couldn't.

MR. MOLGAT: Well, my honourable friend then, is he telling me that he intends to appeal the case? Is that the statement he's making?

MR. LYON: I'm just trying to help you out.

MR. MOLGAT: The situation is that the judgment rendered this morning says that the Act is ultra vires - a magistrate appointed by my honourable friend opposite. Now, if the government then is prepared to get up now and say that it will immediately appeal the case that's one situation, but the situation nevertheless exists, Mr. Speaker, that there is at present a problem under the Act. Are we going to proceed with the boards that are presently in operation; are there going to be other prosecutions or is the government going to proceed now with an amendment to this Act? What exactly is going to happen, because there is here a serious problem?

Had there not been all the controversy over this whole situation and the difficulties which have arisen in various parts of the province over the administration of this Act, the situation might not be as urgent, but it has been a subject of considerable public concern. Therefore I submit that it is urgent that the government declares its intention.

HON. DUFF ROBLIN (Premier) (Wolseley): Mr. Speaker, I'm not one of those who are learned in the law but I think that as the subject has been raised I should make a comment or two about it.

First of all I think I should say that I'm indebted to my honourable friend for providing me with a copy of the judgment, because, as he probably would assume, I have not seen a copy of it so far, so that the statement he makes is news to me. But it is clear from the judgment as I have been able to scan it, that as my honourable friend has stated, the legality of the law has been called into question. The magistrate declares it to be illegal. Now that of course is a matter of real concern. I suggest it's a matter of real concern whether or not there is any other element of controversy surrounding the whole matter, and there certainly is an element of controversy in this case, but even whether or not that was so, it is still a matter of real concern.

I note my honourable friend said that the judgment was handed down by a magistrate appointed by this government. Well, I'm perfectly sure he did not mean to imply by that there was anything of an irregular nature, but the mere fact of his making his statement makes it necessary for me, I think, to stand and to draw attention to the fact and to make it clear that we have every confidence, and as I'm sure he has, and I'm sure this is only a slip of the tongue, that the magistrate has done his best to produce a fair and equitable judgment in the case.

Well now if one will recall the statute, one knows that in the case of these marketing Acts, the question of constitutionality is a very difficult and serious question because there's been more cases than one in which the constitutionality of marketing legislation has been called into question. This was recognized when the Act was drafted, because as you will be able to conclude from reading the judgment, and indeed from reading the Act if it were before us now, that the fact that some part of it might be ultra vires was recognized in the original drafting, and an effort was made at that time, which this House then thought was suitable, that if there

(MR. ROBLIN cont'd.) was by chance any portion of it that was ultra vires, it would not invalidate the rest of the Act. That is what we tried to do, recognizing that there might be this possibility of a portion of it being ultra vires, because of the extreme difficulty of drafting airtight legislation in this field with respect to constitutionality, we tried to protect against that by incorporating this clause which indicated that if indeed part of it was found to be unconstitutional, it did not invalidate the whole Act.

Well the magistrate said that we didn't do that properly. The magistrate says that that saving clause which we thought would guard against this kind of a situation arising, really is not effective, in his opinion. I'm not learned in the law, so I defer to that opinion. No doubt the legal officers of the Crown will consider whether there should be an appeal. If there is an appeal, we will have to wait the result of that and see what happens, but it was obvious from the start that one runs into this kind of difficulty with respect to constitutionality and we had endeavoured to protect ourselves in the first instance in the way in which I have described. The magistrate now says that this really doesn't do what we had intended it to do in the first place.

So I think the only thing we can do as responsible people, is to say that we must now take the magistrate's finding under consideration. It would be wrong for me or any of my colleagues this afternoon to attempt to come down with a solution to this problem, because the problem is not fully exposed in all its dimensions, as far as we're concerned. So I think that what we should do this afternoon is to take note of the fact that this judgment has been rendered, to have it submitted to the law officers of the Crown to see whether they think an appeal should be launched against it, and when we see what action is then decided upon, we can decide what to do next.

Ultimately, if the courts sustain the magistrate through the whole cycle - we don't know yet how far it would be in good judgment to carry this matter - if they sustain the magistrate, then the Legislature must decide what to do about the law. But in the meanwhile I think it would be wrong for us to attempt any "off-the-cuff" or extemporaneous statement of policy with respect to the matter. It will need to be carefully studied to see what the next course, and the best course ought to be. We shall try to undertake this study and to render our judgment as to what should be done next, as expeditiously as possible because of the importance of the matter concerned.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party) (Radisson): Mr. Speaker, I'd like to take just a brief moment or two in connection with this matter of urgency and certainly it is of vast public importance. I think it would be proper for me first of all to restate the position that the New Democrats have taken historically in the matter of marketing boards, be they vegetable marketing boards - as long as they're producer boards - and that is that we believe that, and still believe despite the judgment of a magistrate, that this is a field of human endeavour in which the producers should band themselves together in order that they may be able to conduct the business of the commodity, whatever it may be, that they are producing. So as far as we are concerned, we view this with grave concern, lest this House or lest the judgment of one of the magistrates of the - I presume it's the lowest court, and I don't mean it's a low court, but the lowest court in the Province of Manitoba - that the judgment of a single magistrate of this level of justice should be sustained in his decision to the detriment of the basis of marketing boards or marketing board legislation in the Province of Manitoba.

Now the Honourable the First Minister has suggested that the law officers of the Crown will be considering this matter and taking due action, or not taking any action. I would like to suggest to my honourable friend the First Minister and to the Attorney-General that there be no question of doubt that action be taken, for surely the legislation, which may be faulty in some areas insofar as the manner in which it was compiled or legislated upon, should not be subject to being declared ultra vires by a magistrate of the court of the level to which this was.

So I want to urge the First Minister and the Government of Manitoba to take this matter in the serious vein that the Honourable the Leader of the Opposition prompted him to introduce his resolution today, because we can upset, I suggest, not only the question of the marketing vegetable producers' board but other producers' boards as well if we accept the judgment of a magistrate and I appeal to the government to make sure that our legislation is not going to be considered as being ultra vires on the judgment of a magistrate of any of the lower courts in the Province of Manitoba.

MR. T. P. HILLHOUSE, Q. C. (Selkirk): Mr. Speaker, it may be true that this is the decision of a police magistrate and it may also be true that legally that decision is not binding

(MR. HILLHOUSE cont'd.) on any other police magistrate in Manitoba, but nevertheless, that decision will be treated with respect by all magistrates in Manitoba and as long as that decision remains, I question very much whether any magistrate in Manitoba would proceed to determine any other charges laid under this Act until a court of higher jurisdiction passed on the judgment that has been today delivered by the magistrate in question.

I realize that the Crown will appeal this case, because the implications of this decision are so far-reaching that they affect almost every provincial taxation statute. They even affect your Liquor Control Act. They affect your Bill 56 insofar as you are taxing goods that are coming in from another province. This decision cannot remain without being challenged and in my opinion it is a matter of the utmost public importance that the Crown or the government make an immediate decision to appeal. We, through this marketing board, have built up a very profitable industry in this province. It is a multi-million dollar industry and that industry must not suffer as a result of any indecision on the part of the government.

MR. FROESE: Mr. Speaker, I am very interested in this whole debate and especially the matter that has been brought forward by the Leader of the Opposition. To me it feels as if there's a breath of fresh air over our whole marketing board situation. -- (Interjection) -- I don't mind if the other members laugh about this because I don't believe in controls on marketing and also on production. I don't believe in this kind of stuff and I've argued this point time and again in this House. I still maintain that these boards are taking on too much authority through the regulations that they bring forward under the various Acts and certainly I have great interest to see what will happen because of this and whether this judgment will be maintained by the higher courts or sustained. Certainly I think we have every reason to go further on this, and if this is the case, then we should free our public from too much regimentation.

MR. SIDNEY GREEN (Inkster): Mr. Speaker, I think the position taken by the Honourable Member from Rhineland is somewhat indicative of the position that this House finds itself in today. The Honourable Member for Rhineland, whose views I respect and whose sincerity is without question, is one member amongst 57 and he now gloats over the fact that his opinion, the one member, has been sustained over the elected representatives of the people. I assume that when this Act was passed, it was passed by a majority of this Legislature, and we feel, Mr. Speaker, that the legislation of this Legislature should be sustained; that every effort should be made to see that it is sustained and that the administration of the Act continue, just as the administration of any other Act would continue, pending the final outcome of the decision before the courts. And I hope, Mr. Speaker, that there won't be any other occasion when I am addressing the House on other matters, and people say the subject is now before the courts, because this subject is now before the courts, and for some magic reason we are discussing it in the Legislature. So I hope we won't have that type of objections put forward again when we are discussing something which is before the courts. But in any event, Mr. Speaker, what I am suggesting - there have been numerous other cases of this kind (someone says the matter has been decided). I've had cases which were decided and appealed from and decided again and when I wanted to discuss them, I've been told "It's before the courts," so let's not try to create a double standard. All I'm saying here, Mr. Speaker, is we've had other situations. Our careless driving legislation was ruled invalid by a magistrate . . .

MR. SPEAKER: I might make it clear in the honourable gentleman's mind the person that was before the magistrate this morning, that brought this on, was acquitted.

MR. GREEN: Was acquitted, yes. But the matter of the ultra vires or otherwise of the legislation is presently before the courts, and, Mr. Speaker -- (Interjection) -- I won't argue about it a great deal; it's moot; we're discussing it. There were areas of our Highway Traffic Act declared ultra vires; we never ceased prosecuting under The Highway Traffic Act because one magistrate declared them to be ultra vires. Other parts of legislation, from time to time - I can remember in particular a section dealing with the cancellation of licences - was declared ultra vires; we never ceased dealing with the statute because one magistrate had declared it ultra vires and I would urge this administration to do everything legally within its power to sustain, first of all the legislation, and secondly to continue to administer the legislation while the question is still undecided.

MR. DOUGLAS CAMPBELL (Lakeside): Mr. Speaker, I've always taken a great interest in this type of legislation and have had a long experience with it but I still don't pose as an expert on it because it's a very complicated, complex subject, so I do not intend to attempt to pronounce on the merits of the judgment. I certainly do agree with others who have spoken that action should be taken by the administration immediately to see that the proper measures

(MR. CAMPBELL cont'd.) are put in step to get a final decision on this matter. I gather that, from my limited knowledge of the law, Mr. Speaker, that until such action is taken, as my honourable friend from Selkirk has said, that this judgment will be respected; it will be paid attention to. And I would hazard the guess that no prosecution would succeed against anyone who violates what appears to be the present regulation of the particular marketing board while this judgment remains unappealed.

So the question that I come to there, and I think this is one point that really underlines the urgency of discussing the matter now, is where do the producers stand. I'm not going to give them legal advice, I suggest that they should get it from more qualified sources than I, but I think it is incumbent upon the Attorney-General's Department to immediately give the producers, both the ones who support the present board principle and those who do not support it, advice and guidance as to where they stand. In the absence of that advice and guidance I repeat that I think that the stringent regulations that have characterized the Vegetable Marketing Board are off as of today.

MR. LYON: No, no, no. Don't repeat that.

MR. CAMPBELL: That's not right eh? O.K. then. I say then this way - that if they are not off, that I would hazard the other guess that if anyone violates the regulations as they are presently drawn and is accused or is brought before the court for so violating them, that there isn't a magistrate in Manitoba that will convict that person during the time that this judgment remains unappealed. -- (Interjection) -- Well then my honourable friend isn't so ready to contradict me this time.

MR. LYON: That's your opinion, Mr. Speaker; it's certainly not one that would be shared by too many lawyers.

MR. CAMPBELL: My honourable friend isn't as sure about contradicting me as he was the first time. He agrees with me on this latter one. He agrees with my opinion. Well if he doesn't then he's not as quick as usual to state his. However, maybe we'll have the benefit of that advice later on. But here we have a time of year when a lot of the vegetable growers are wanting to get the last part of their crops marketed and I think that it's incumbent upon the Attorney-General's Department to give them accurate advice as to how they stand. And I certainly don't ask him to accept my opinion in the matter, because I have been known once or twice, Mr. Speaker, to not have my law exactly bullet proof.

However, in my opinion, Mr. Speaker, this judgment does call into question some other important organizations. For instance, the Hog Marketing Commission also operates under this same Act. I would think that there is one great difference there; that is inasmuch as it is voluntary that it probably wouldn't be challenged in the way that this one would, but still according to the judgment as I read it I would think that it also is subject to question now. Mr. Chairman, I would like to comment on what the Honourable the Attorney-General said when he was debating the point of order, as I understood him to say that this was not binding upon anyone. Well it was binding enough that it acquitted the man who was accused before the Court this morning and I restate my position that I think it would acquit anyone else who would be proceeded against in the interval.

And might I also comment on what the Honourable the First Minister said, Mr. Speaker, when he suggested that he thought in a casual glance over the judgment that the difficulty lay in the fact that the Legislature had not properly done the job that it set out to do in guarding against one part of the Act being found to be ultra vires and saying that the rest should remain in effect. That's not the point of the judgment as I read it, Mr. Speaker. The point of the judgment as I read it has to do with the fact that the Manitoba Act appeared to deal with marketing outside the province as well as inside and I would suggest that that is the real key point of this particular judgment.

MR. SPEAKER: While it is not my thought to cut off any debate in this matter I wonder if all facets have not been aired to the benefit of all concerned, and we may proceed from that point.

MR. LYON: Well, Mr. Speaker, perhaps I could add a word or two in furtherance of the remarks of the Honourable the First Minister. The judgment is now in the hands of the Deputy Attorney-General for his perusal. I thank the Honourable Leader of the Opposition for providing us with a copy of the judgment across the House. While I can't presume to say what the opinion of the law officers of the Crown will be, my own opinion would be immediately that the judgment would have to be appealed immediately.

My honourable friend from Lakeside did ask one or two questions though I think the

(MR. LYON cont'd.) answers to which can be given. He says where do the producers in Manitoba stand today and I say to him and to the producers, and I hope the press will carry this, they stand in exactly the same position today as they stood yesterday; there is no change. The Natural Products Marketing Act has been brought into question by one magistrate but that is still the law of the Province of Manitoba. That particular decision can be appealed; the administration of that Act, prosecutions under that Act continue. That is always the case with respect to magisterial decisions. We've had - the Member for Inkster pointed out - decisions under various Acts where certain particular sections have been challenged and held to be - by a magistrate held to be ultra vires. And the Crown's practice here and in other provinces has been what? To continue to prosecute under the self same sections until a Superior Court of jurisdiction gave judgment upon the question.

I can't put my finger on the authority, but I'm confident that somewhere in the body of the law, there is the, either the statement or certainly the custom or the practice is that magistrates, that the magisterial courts are not courts which are set up primarily to deal with constitutional matters and that judgments of courts of that level which deal with constitutional matters are not binding. Now I can't unfortunately quote the authority for that but it is my firm opinion and recollection, but in any case, this is the practice that follows. I'm particularly concerned, as I'm sure the honourable members across the way are, that there be no panic among producers or anyone interested in the marketing boards of Manitoba because the situation vis-a-vis those marketing boards vis-a-vis their administration, is exactly the same today as it was before the judgment was handed down. And assuming that the advice that we get is what I anticipate it will be, my honourable friends can be assured that the appeal will be undertaken immediately and will be prosecuted to the best of the ability of the law officers of the Crown; and in the meantime we'll carry on with the law of the province as it stands.

MR. HILLHOUSE: Would the honourable member permit a question, Mr. Speaker? Was the Crown advised that the constitutionality of this Act would be challenged?

MR. LYON: I couldn't answer that, Mr. Speaker.

MR. ELMAN GUTTORMSON (St. George): Mr. Chairman, would the Attorney-General permit a question?

In his remarks he said that the producers were in the same position today as they were prior to the magistrate bringing in this decision. If a producer were to violate the Act as it stands on the Statute books today, would a magistrate deal with the case before the appeal has been heard?

MR. LYON: That, Mr. Speaker, is a hypothetical question of course, but maybe I can be of some help to my honourable friend. That would be up entirely to the individual magistrate. We have, what is it? - 40 magistrates in Manitoba. The other 39 are not bound by this judgment of the court - and I am in no way impugning the judgment of this particular magistrate at all, no way impugning it by saying that - this is merely the law as it is. One magistrate cannot bind another magistrate, his decision is not binding. That was the reference that I made in my earlier remarks, and so it is entirely conceivable, in fact, it has happened on scores of cases before where sections have been called into question, the constitutional validity of them - one magistrate could say that one section of an Act he thought was ultra vires; at the same time, in different parts of the province other magistrates are proceeding with cases under the self same section with full knowledge of the existence of the judgment by the magistrate and neither convicting nor acquitting under the section, because they are not bound by that. So it is entirely conceivable in the hypothetical circumstances that my honourable friend mentions that cases would be proceeded with and would be dealt with by magistrates. It would be entirely up to the individual magistrate, however, as to whether or not he agreed with the particular decision that is before us today.

MR. GUTTORMSON: . . . question, but how would the magistrate arrive at that decision then unless he'd heard the evidence? My point is, would he hear the case to start with until a decision had been brought down by the higher court?

MR. LYON: Oh yes he could. Yes, sure. He could, and they have.

MR. SPEAKER: I wonder if the Honourable Leader of the Opposition would care to withdraw his motion of adjournment in order that we can proceed.

MR. MOLGAT: Yes, Mr. Speaker, I believe that that is the normal course of events. I would just like to say a few words in closing the debate then, as I . . .

MR. ROBLIN: . . . right to close the debate in this instance. I think not.

MR. MOLGAT: Mr. Speaker, I would refer you to Hansard Page 582, on Monday, 15th of March, 1965, when on a similar motion I did close debate and it was accepted at that time. I stated prior to making my comments that I was closing debate and it was accepted by the Speaker.

MR. LYON: Mr. Speaker, on a point of order, the fact that that procedure might have been accepted does not constitute a precedent. It could only constitute a precedent if there had been argument on the point and the Speaker had ruled. The fact that my honourable friend may have gone ahead against the rule, without the knowledge of either the Speaker or the other side of the House that does not constitute a precedent and I suggest that we must make reference to Section 46 of the rules, "subject to sub-rule (2) a member who has moved a substantive motion or the second reading of a bill may reply, but not a member who has moved an Order of the Day not being the second reading of a Bill, an amendment to previous question, an adjournment during a debate or an instruction to a committee."

I think reference must be had to that section and to the determination as to whether or not this is a substantive motion. I don't think the rule itself provides us any guidance in this connection.

My impression, and I reserve there is not the right, I'm not trying to stop my honourable friend from closing debate if there were such a right in existence, but I doubt very much if that right does exist.

MR. PAULLEY: Mr. Speaker, on the point of order, may I suggest that as a committee is in the process of being constituted to review the rules and as the Leader of the Opposition has indicated he had that privilege once before, that we allow him to close debate at this time and have the matter under consideration for a firm ruling at the time we are considering the Rules of the House.

MR. ROBLIN: Mr. Speaker, I would like you to rule on this matter if you don't mind, Sir, because my firm impression is that when the debate has run its course then the mover asks permission to withdraw the motion but that there is not a right to close the debate and it seems quite important that that should be determined. I don't know just how you wish to deal with this, Sir, but it has been my impression from some experience in this House, that that is the case. And if in 1965 we didn't do that I can offer no explanation on it but I really think that that is not the rule; the rule is that the mover then asks permission to withdraw his motion to adjournment and then the House proceeds, but that he does not have the right to speak again in the sense that he closes the debate. I must say that I think this is covered in Beauchesne, I'm just trying to find it, but I'm unable to lay my finger on it at the moment.

MR. SPEAKER: I'm wondering if the Honourable Leader of the Opposition in order to bring this matter to a head, in that he spoke quite extensively in moving this motion, I wondered if he would consider that sufficient unto the day and withdraw the motion.

MR. MOLGAT: Mr. Speaker, I am prepared to do that. I would ask, however, that this then not be considered a ruling by yourself, if we may, until such time as the Rules Committee has an opportunity to proceed with it and I will forego any ...

MR. SPEAKER: ... feeling in speaking the way I did.

MR. MOLGAT: Very well. I then ask leave of the House to withdraw the Motion, Mr. Speaker.

MR. ROBLIN: Leave is given as far as I'm concerned and I thank my honourable friend for his co-operative attitude.

HON. STEWART E. McLEAN, Q.C. (Provincial Secretary) (Dauphin): Mr. Speaker, a short time ago, the Honourable the Member for Lakeside asked if I would provide a list of the salaries paid to Deputy Ministers and others of like rank and I have these and would ask the Page to be kind enough to distribute them.

MR. ALBERT VIELFAURE (La Verendrye): Mr. Speaker, I'd like to ask a question to the Honourable Minister of Agriculture. I am informed that the report of the Enquiry Commission into the Vegetable Marketing Board was handed to him on Monday. If true, has he changed his mind as to publishing the report on May 15th?

HON. HARRY J. ENNS (Minister of Agriculture and Conservation) (Rockwood-Iberville): Mr. Speaker, the report has been sent down for printing. My answer to this question is still the same as before; we were given to understand it will be three or four weeks when this report will be available to members of the House.

MR. GUTTORMSON: Mr. Speaker, I'd like to direct a question to the Minister of Utilities. There was a report in the newspapers to the effect that The Manitoba Telephone System have

(MR. GUTTORMSON cont'd.) agreed to award contracts to some firms with regard to cable television without putting it out for tender. I understand - the Minister can correct if I'm wrong - that they divided the city into two sections and one firm was given one half and the other firm was given the other half and this was not put out for tender. Could the Minister indicate why.

MR. McLEAN: Mr. Speaker, the answer to that question will require a few minutes, because I have the full details here and I appreciate the opportunity of giving this information to the House.

The first question, the matter of the exclusive rights to the two sections of the city, that is not correct. Neither one of the companies has been granted exclusive rights to any area. This is provided for in Article 4, paragraph (b) of the agreement which reads as follows: (and I now quote from the agreement) "The Telephone System may make similar agreements. Notwithstanding anything contained in this agreement, the Telephone System shall have the right and shall be free to enter into similar agreements with other persons, firms or corporations for the same objects and purposes and on the same terms as herein contained in the territory or in part of the territory covered by this agreement, as shown in Schedule A hereto, or any addition to the territory shown in such schedule. In addition the right to grant similar contracts to other firms or corporations."

The Telephone System has reserved to itself the right to supply CATV service if it so desires, throughout the metropolitan area. This is provided for in Article 13 of the contract which reads as follows: "Article 13. Telephone System reserves the right at any time to supply CATV service throughout Metropolitan Winnipeg or any part thereof through its own cable distribution system, equipment and other plant facilities, excluding the cable facilities supplied under this agreement; and should the Telephone System supply such CATV service, it shall not affect the rights reserved to the Telephone System under Paragraph (a) of Article 4, and Paragraph (5) of Article 8 of this agreement."

"Establishment of Rates: The rental rates provided for in the agreement were not arrived at by negotiation with either of the companies but were fixed by the Manitoba Telephone System at a figure which will provide for all the System's expenses in connection therewith, and in addition, will provide a satisfactory rate of return. These rates were not known to the companies until they received the contracts on April 6, 1967." And I might just add in here that the rate of return to the Telephone System is calculated at a much higher - that is, will return to the Telephone System a much higher rate of return than they normally earn from their usual activities.

In connection with the rates to be charged by the CATV company to its subscribers, the System's contract with the CATV company provides for maximum rental and installation charges under Article 5, Paragraph (d) of the contract and these are set out as installation charge: \$10.00 - which is a once only charge - and a monthly rental charge of a maximum of \$5.00, which is within a matter of a few cents the charge that is made in practically all other jurisdictions in Canada, in this respect.

The Manitoba Telephone System does not grant franchises for the supply of CATV service. The Federal Department of Transport is the only authority with jurisdiction to grant licences for the carrying on of CATV business and if any public hearings were to be held, they would be held by the appropriate federal authority, namely, the Federal Department of Transport.

I think perhaps, Mr. Speaker, that answers the questions put by the Honourable Member for St. George and it will make it quite clear that no exclusive contract has been granted and that the Manitoba Telephone System stands ready, of course, to do business with any other company on the same terms and conditions as has already been offered to the two companies in question.

Mr. Speaker, I should say that a statement by the Manitoba Telephone System has been made to the press today, which will be substantially what I have just provided to the members here.

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, I'd like to direct a question to the Minister of Education. There's an article in the paper yesterday concerning a Sex Education Course that's being prepared for the Winnipeg schools and there's a section in here which I would like to ask his opinion on it. It pointed out that they were going to take advantages of opportunities within the class to explain different aspects, for example, when a teacher intercepts an obscene note, she could use it for a class discussion. I'd like to know whether the Minister and his Department are engaged in the preparation of pamphlets or guides on this

(MR. DOERN cont'd.) question for the assistance of teachers.

HON. GEORGE JOHNSON (Minister of Education) (Gimli): Discussions on family life and sex education are now going on between the gentleman who was reported in the press at the advisory board level and at the committee level at this stage.

MR. DOERN: A supplementary question. It mentioned that they would not have this course brought to various organizations until it was approved by the Department of Education. Is the Winnipeg course now before the Department for examination?

MR. JOHNSON: The matter is at the discussion stage just now. I haven't got the details with me but I recently read of a committee report on this matter.

ORDERS OF THE DAY

HON. GURNEY EVANS (Provincial Treasurer) (Fort Rouge): Mr. Speaker, I beg to move, seconded by the Honourable the Attorney-General, that Mr. Speaker do now leave the Chair and the House resolve itself into Committee of the Whole to consider Bill No. 56.

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

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: The Honourable the Provincial Treasurer.

MR. EVANS: Mr. Chairman, there's one matter remaining open in Committee stage of the Bill and I may ask the members if they are willing to re-open another section of the Bill and consider an amendment that I would like to bring forward. -- (Interjection) -- Well, I hope that my honourable friend will find it a suitable amendment to make.

I move that subsection (4) of Section 24 of Bill 56, be amended by striking out the word "six" in the second line thereof and substituting therefor the word "four". I think this refers to the period we discussed before, during which prosecution may be initiated, or whatever the case may be. I've had the advice of the Attorney-General, who makes the point that the period of six years is longer than is customary for a summary conviction case. I find that other provinces use six years; I suppose the fact of the matter is that until we have some experience, we don't know. The Attorney-General tells me that it would be more appropriate to have a shorter period and I am proposing four years.

Now, Mr. Chairman, perhaps I should let you have my copy. I believe the Legislative Counsel may be with us soon, but in the meantime I'll let you have my copy. -- (Interjection) --

I'm informed also this is now the same period as the Income Tax Act.

MR. MOLGAT: Mr. Chairman, I would have a question on the matter that I brought up, then, on the record keeping. How long does a businessman have to keep records of his sales, because unless the Minister advises me differently, I assume that in order to be able to protect himself or prove anything in case of a prosecution, the vendor would have to keep the actual bill of sale. Now this means, as I mentioned yesterday, in the case of restaurant operators, each individual sales check. Is this correct? If it is, is it realistic to expect people to keep those types of records for a period of four years?

MR. EVANS: My honourable friend raises a question that's difficult for me to answer. It would seem to me that it would be at least prudent for a business concern to keep the documents for the period in which he may be - what is the right term? - sued, or prosecuted? But that will be a detail of administration that I expect will be handled by directives issued by the taxation office.

MR. HILLHOUSE: . . . changed this from six to four years. Don't you think that four years is still quite a long time?

MR. LYON: . . . four years. My understanding, and this is hearsay information, I haven't checked it in the statutes, my understanding is that The Income Tax Act had a similar provision for six years and they've just recently reduced it to four. It was felt in the light of the fact that we're getting into a new statute, we could try it at four; if the period needs to be extended, it can be extended. If it can be reduced, it will be reduced. But I think -- starting off with the experience of the Act it was thought this would be a reasonable and a moderate period.

MR. HILLHOUSE: What I had in mind, of course, was The Excise Act, I think, where there's a limitation period of two years and I thought if you had the same period in this Act it would be much more reasonable.

MR. EVANS: The reason for asking for a period of longer than two years is that we will have 24,000 vendors, at least, to be inspected and perhaps there will be a good many cases in the beginning when there will be inadvertent actions on the part of the vendors that must be corrected and it's my feeling that we should have a longer period than two years to cover such a large number of accounts. Now my honourable friend will know that I haven't got a basis of experience to tell what is absolutely necessary to cover 24,000 vendors. My present opinion is that four years is the minimum.

MR. HILLHOUSE: Apart from fraud, are your audits going to be conclusive?

MR. EVANS: I don't understand what my honourable friend means by "conclusive".

MR. HILLHOUSE: If I'm a retail dealer and my books are audited by your Department as to collection and remission of sales tax and they're certified as of a certain date that I have remitted all sales taxes collected, is that going to be conclusive? Or can any action be brought against me arising out of some audit which was made prior to that date and in respect of which I was given an O.K.?

MR. EVANS: I don't know. We expect to follow the same practice and really use largely the same staff as those that have been auditing the other taxation statutes and I've heard of no difficulty in that regard.

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

MR. CHAIRMAN: Subsection (4) of Section 24, as amended --passed.

MR. EVANS: Mr. Chairman, may I invite the committee to consider again Section 17? Have I permission to continue? I've been trying to give a good deal of consideration to the point that was raised in debate that a very severe handicap might be put upon vendors if their books were seized and taken out of their premises. I can see difficulties for example if someone lost use even for a short time all their Accounts Receivable ledger and therefore was unable to collect monies owing to him and yet for example his bank might require the collection of those monies or he would foreclose. So I would like to make provision to make it possible for the vendor to carry on his business or to ensure that he will. I have always considered that he would have access to these records but it seemed to me advisable to make provision the Taxation Branch have power to copy whatever records they require and then submit the copies as evidence to a court, returning the originals to the vendor so that he can carry on his business in the meantime.

For that reason, I move Section 17 of Bill 56 be amended by adding thereto at the end thereof an amendment which is ready for distribution, if I'm right - and is being distributed and perhaps my honourable friends can follow me as I read it: "(7). Where any book, record or document has been seized examined or produced under this section the person by whom it is seized or examined or to whom it is produced or any officer of the Treasury Department may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Minister or by a person authorized by the Minister for that purpose to be a copy made pursuant to this section is admissible in evidence and has the same culpative force in any court or enquiry as the original document would have if it had been proven in the ordinary way."

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

MR. CHAIRMAN: New subsection (7) now in Section 17. Section 17--passed as amended.

MR. MOLGAT: Mr. Chairman, before we leave the Bill, the Minister went back to a section today and I approve of that action. I wonder if I could invite him to have a look at one other section. The reason I do so, Mr. Chairman, is that we had an extensive discussion on it yesterday and I proposed an amendment which was not acceptable. The only reason I bring it up now is I have just received on my desk this afternoon a copy of an Act to amend the Retail Sales Tax Act in Ontario.

MR. EVANS: I think ... Bill 56.

MR. MOLGAT: Yes it is Bill 56 as a matter, Mr. Chairman, and I thought there was an amendment here to their Act which the Minister might want to reconsider. I refer to Page 6 of the Bill, Section 3, subsection (9). Now I realize it passed. Do I have permission of the committee just to say a very brief word?

The amendment that Ontario passes this year is as follows - and it's also Section No. 9 by the way - so the Minister might be prepared to simply take it holus bolus. "Where tangible personal property subject to tax under this Act is accepted at the time of sale by a person or a vendor on account of the price of other tangible personal property sold, the purchaser shall pay a tax at the rate provided in subsection (1) calculated on the difference between the fair

(MR. MOLGAT cont'd.) value of the property sold and the credit allowed for the tangible personal property accepted on account of the purchase price in trade." In other words, simply saying that doing away with the same general time principle in hours and accepting the principle that where there is a trade-in the tax is payable only on the difference. I know that this is an amendment to an Ontario Act that has been in operation since 1960-61; they have now seen fit to make an amendment simply covering all trade-ins and I would like the Minister to reconsider his position in the light of the experience which Ontario has had with this bill.

MR. EVANS: Mr. Chairman, I think I would have to see the Ontario regulations and interpretations before I knew the full impact of the amendment that they're proposing this year. I read that section and determined at that time that I couldn't understand the full implication of it until I saw the regulations and how it was going to be administered. I note with interest what my honourable friend has said. I was aware of the provision but I'm afraid I haven't changed my mind.

MR. MOLGAT: Mr. Chairman, I think there was one more item outstanding. It's not in the Bill but the Minister mentioned it during one of his speeches on the Bill, and that's the matter of Indians. He indicated then he was looking at this and would be I presume making a statement to us at a later date. Once again, in the Ontario amendment that I received today their Section 67 exempts "tangible personal property situated on a reserve as defined by The Indian Act (Canada) when purchased by an Indian; and tangible personal property purchased by an Indian off the reserve when delivered to the reserve for consumption or use by an Indian." Now has the Minister checked further and can he make a statement now as to what the position will be in the Province of Manitoba?

MR. EVANS: Mr. Chairman, I have checked further and I am continuing to check further. I find it's a pretty complex matter and I'm not prepared to make a statement at the present time or to offer an amendment.

My reasons are as follows: that there are considerations beyond those of taxation that must be taken into account. Those who are in charge of matters affecting the Indians seem to be of two minds. One is that we should not make further differences between people of Indian descent and those of other Manitoba citizens by setting them aside, designating them, making special provisions for them and otherwise making them different from other Manitobans. My impression of the latest thinking with regard to dealing with people of Indian descent is that as rapidly as possible they should be given equal rights and treated on exactly the same basis as everyone else concerned. I think that's a principle that everyone would agree with.

If we were to consider such a measure there would be several detailed matters that would be of concern. In the first place the effect of my honourable friend's suggestion - or not of the suggestion but of the proposal, would be to relieve those Indians from the necessity of paying the sales tax on liquor, for example, and would give them (a) a special advantage, and (b) might not be socially desirable. And then there are so many difficulties about distinguishing between Indians, which in this context would mean Treaty Indians, and what are referred to as Metis. I have not been able to see my way through that distinction. And then there are other people not of Indian descent who are in difficult circumstances, some of them as difficult as many of the Indians that are referred to, and we would be setting up a further distinction between people of the same economic standing or the same economic power by making one set of people by reason of race to have a special advantage over other people of a different race. I think those are broad general considerations which must be given full weight and I have not been able to do so to this stage of the bill. I will continue the study which I understand will take, or I believe will take, a considerable period. The proposal will receive sympathetic consideration but I am not thereby indicating any present intention to make a variation on the basis of race for any class of Manitoba citizens.

MR. MOLGAT: Mr. Chairman, I'm prepared to await the final report from the Minister. I want to point out that I wasn't speaking of a breakdown on the basis of race. I think the real problem is in the minds of the Indian that on the reserve certain rights were granted to them and that they are not for example subject to our education structure, this is supplied to them by the Federal Government, and I know that the Treaty Indians have brought this up specifically with regards to the sales tax.

MR. CHAIRMAN: Preamble--passed; Title--passed. Bill be reported. Committee rise. Call in the Speaker.

Mr. Speaker, the Committee has approved of Bill 56 with amendments and ask leave to sit again.

IN SESSION

MR. JAMES COWAN, Q.C. (Winnipeg Centre): Mr. Speaker, I move, seconded by the Honourable Member for Souris-Lansdowne, that the report of the Committee be received.

MR. SPEAKER presented the motion.

MR. MOLGAT: Mr. Speaker, I beg to move, seconded by the Honourable Member for Lakeside that the report of the committee be not now received and that Bill 56 be referred back to the committee.

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

MR. LYON: Yeas and Nays, Mr. Speaker.

MR. MOLGAT: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

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

YEAS: Messrs. Barkman, Campbell, Cherniack, Clement, Dawson, Desjardins, Dow, Doern, Froese, Green, Guttormson, Hanuschak, Harris, Hillhouse, Johnston, Kawchuk, Miller, Molgat, Paulley, Petursson, Shoemaker, Tanchak, Uskiw, and Vielfaure.

NAYS: Messrs. Baizley, Beard, Bjornson, Carroll, Cowan, Craik, Einarson, Enns, Evans, Hamilton, Jeannotte, Johnson, Klym, Lissaman, Lyon, McGregor, McKellar, McKenzie, McLean, Masniuk, Roblin, Shewman, Spivak, Steen, Weir, Witney and Mesdames Forbes and Morrison.

MR. CLERK: Yeas, 24; Nays, 28.

MR. SPEAKER: I declare the motion lost.

MR. PETER FOX (Kildonan): Mr. Speaker, I was paired with the Honourable Member for St. James. Had I voted, I would have voted for the motion.

MR. SPEAKER: Adjourned debates . . .

MR. LYON: We have now completed that item, we move onto second readings, and I would ask you, Sir, if you would call the following four bills before reverting to the regular order on the Order Paper. Bill No. 69, Bill No. 82, Bill No. 83, and Bill No. 94. I'm sorry, Sir, we apparently haven't voted on the main motion yet, that the report of the Committee be received.

MR. SPEAKER: I am sorry, I erred for a moment. It appears I must ask the question as to whether or not the report be received.

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

MR. SPEAKER: We now go to . . .

MR. LYON: Bill No. 69, Mr. Speaker, and thereafter Bill No. 82, 83 and 94, all standing in the name of the Provincial Treasurer.

MR. EVANS presented Bill No. 69, an Act to amend The Tobacco Tax Act, for second reading.

MR. SPEAKER presented the motion.

MR. EVANS: Mr. Speaker, the amendments being proposed to the Tobacco Tax Act are technical. I think there is no matter of important policy involved and at committee stage I would like to give notice now that I propose to introduce an amendment to Section 2 of the Bill as printed, having to do with the seizure of books. I think the provision that was made in the Sales Tax Act is probably better than the one we have here and I propose to incorporate the same provisions in this thing. However, that is dealing with the detail of the Bill.

I would like to draw the House's attention to the fact that this amendment makes it clear that the tax is to be paid at the time the person receives the tobacco rather than at the time that a contract or an order was given. The present wording of the Act provides that the tax is to be paid either at the time of sale or delivery. First of all it's unclear and second, it's unfair to some people to leave them under the impression that they may have to pay the tax at once on a long term contract for the delivery of tobacco and consequently the provision in the Act means that they have to pay the tax only at the time they receive the tobacco.

It's required also that a dealer who imports tobacco directly from another country must become his own collector in that case. The tax is collected on tobacco at the wholesale level. There are retailers who may import tobacco direct and there is no requirement upon them to collect the tax for themselves and remit it to the government. This imposes the obligation on such dealers to remit the tax to the government.

The only other provision has to do with seizure of books and I ask my honourable friends to wait until the committee stage and allow me to introduce an amendment before we decide the matter.

(MR. EVANS cont'd.)

Those are the principles in the Bill.

MR. MOLGAT: Mr. Speaker, I don't rise to object to the Bill, just to ask the Minister a question in particular as to the reason for the Bill. Has it been found that there have been infractions to the Act on importation from other provinces and is this the purpose of the Bill? I would gather from Section 2 - well we have two section 2's I presume the way it reads here now - anyway the second 2, of Section 1 - that this will force anyone who imports to immediately notify the Minister. Now is this the purpose, to tighten up because people have been importing and we have not been getting the tax?

MR. EVANS: Mr. Speaker, I'm not - I would be closing the debate. I am not aware of any number of infractions, I'm not aware of any infractions. It's proposed because the Taxation Branch felt that they did not have clear power in these cases and they wish to have it.

MR. SPEAKER: Are you ready for the question?

MR. PHILIP PETURSSON (Wellington): Mr. Speaker, ...

MR. EVANS: On a point of order, Mr. Speaker, I might invite my honourable friend to consider that I have closed the debate.

MR. SPEAKER: I believe the honourable gentleman will get the opportunity of asking the question in Committee.

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

MR. EVANS presented Bill No. 82, an Act to amend The Motive Fuel Tax Act for second reading.

MR. SPEAKER presented the motion.

MR. EVANS: Mr. Speaker, this amendment to the Motive Fuel Tax Act also makes some technical corrections and at committee stage I shall also offer an amendment dealing with the seizure of books to bring it into line with the provisions that were adopted under the Sales Tax Act. But there could be a situation arise in which someone without intending to, put coloured gasoline into a vehicle not entitled to use it, and in that event, we want to give power to that person to pay the tax and consequently to escape prosecution for having coloured gasoline in the tank. As the Act stands at the present time there is no power to pay the tax on coloured gasoline. This provides the power to do so, under the circumstances that I mentioned.

This amendment also provides the same provision as I mentioned under The Tobacco Tax Act, namely, that the tax becomes payable at the time of delivery of the motive fuel, not at the time that some long term contract is entered into or some sale is made. Consequently a similar provision is offered here.

I would like to draw honourable members' attention also to an anomaly in Section 22 of the Act as it presently exists. Because the reading of that section is as follows: "Every person who when lawfully called upon to do so makes a false or misleading return." That seems to me quite impossible that anybody should be lawfully called upon to make a false or misleading return.

So the purpose of the amendment to the Motive Fuel Tax Act as presently offered is to make technical corrections of that kind.

MR. SPEAKER: Are you ready for the question?

MR. SAUL CHERNIACK, Q.C. (St. John's): Mr. Speaker, I didn't really review this Act too carefully, this Bill, but what was just said by the Minister about the purpose to make it possible for a person to retroactively pay a tax on a wrongful act of putting in the colouring I think will lead to abuse or may lead to abuse. I haven't yet found just where it is that the provision is made for relieving him of the obligation under the Act by paying a tax, but I'm wondering what controls there will be to make sure that this person has really made this mistake, rather than a deliberate act. It seems to me that we ought to watch carefully, and possibly when we are in Committee, just what the procedure will be to insure that persons can't just come along and shrug their shoulders and say well you caught me, so let me make amends by paying the tax. I admit, as I said, that I haven't too carefully studied that provision.

But whilst looking at the Bill I note that at the bottom of the first page is an authority to seize records, books of accounts, etc., and I don't want to launch into a debate which will be redundant, but this specifies "that the Minister, or a person authorized by the Minister for the purposes of this section." I think that we are entitled to clarification as to the nature of the person that may be so authorized along the lines that was already discussed under sales tax, because if we accept the principle to apply as we did, as the Minister did on sales tax, I

(MR. CHERNIACK cont'd.) don't really see that there would be any difference.

MR. EVANS: Mr. Speaker, I think I can relieve my honourable friend from St. John's mind, that I have already announced my intention to introduce an amendment in Committee to make the provisions of this Section 5 of the Bill, Paragraph (1) (a) to correspond with the provisions that we have made under The Sales Tax Act.

I should be very happy to provide additional information about the enforcement provisions, the circumstances under which this tax will be allowed to be paid on coloured fuel and I'll be prepared to do so at that time. I think the authority for it derives from Section 1 (a) of the Bill under which the use of coloured gasoline, or coloured motive fuel, rather is limited to authorized uses and has the effect of requiring the tax to be paid under circumstances where it's used for an unauthorized purpose. I am sure that this will not be abused and I'll undertake to have a further discussion on the enforcement and the provisions there for guarding the public purse.

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

MR. EVANS presented Bill No. 83, An Act to Amend The Gasoline Tax Act, for second reading.

MR. SPEAKER presented the motion.

MR. EVANS: Mr. Speaker, I think I don't need to emphasize or give any further detail to what we all recognize, that the farm economy is in difficult circumstances and the government's intention to do what it can to relieve the farming industry. I don't want to refer to another debate but I think it can be cited, that there is another advantage and that is to keep food costs as low as possible. This principle was kept in mind as we considered the Sales Tax Act, both by way of providing exemptions for the food itself when marketed, and also in the purchase of farm equipment and other supplies to assist the farming industry in their work.

Farm trucks are a key item in the farming operation - and by farm trucks, I think I should say here that we mean trucks having an FT licence. The House is aware that Professor Gilson has studied this matter and has pointed out that the most important period, as far as the farming industry is concerned, is from June 1st to October 31st, and he gave as his opinion that it was not desirable or in his opinion, the correct thing to extend it beyond that period. He advocated special registration procedures and advocated that farm trucks should be regarded as farm trucks only so far as they were serving farm purposes and I don't doubt that that principle would commend itself logically to a great many people. It's against the administrative rock that that particular ship founders.

The Bill does not follow the Gilson recommendations exactly, for the reason that I have just mentioned, namely the administrative impossibility of carrying it out adequately. In the first place the timing doesn't really match the farming operation in these days. I'm informed, although honourable members will recognize very readily that I'm not an expert in the field nor am I experienced personally, that before June, the farm trucks are needed for the preparation of the land and for seeding and in preparation for seeding, hauling supplies and so forth, and after October, trucks are needed for marketing, both grain and livestock, and these patterns are sometimes bent into artificial shapes by the quota system, which from time to time puts quite artificial patterns on the marketing of farm products, notably grain. And so after some considerable discussion in which my colleague, the Minister of Agriculture took some part, and I had his advice and the advice of his staff, I've come to the conclusion that farming being essentially an all year round operation now, when you consider the marketing aspects and the preparation for the farming operation aspects, that it is an all year round operation.

I refer also to the fact that I don't believe the purposes for which a farm truck is being used can be established or can be policed, because who is to tell what a farm truck is being used for at a particular moment. And I think of the problems of the enforcement officers and the inspectors because I can think even in my limited experience of a great many circumstances in which a farm truck could well be on the road and not able to prove that it was engaged in a farming operation. The operator might well say I'm engaged in something essential to the farm but what evidence does he have, what evidence should the inspector ask for, what evidence could be proved in court as to the purpose for which the truck was on the road at that particular time. I'm informed that there could be an emergency call at almost any time of the day or night to go to a veterinarian; there might very well be occasions when this would happen in the middle of the night. One can understand the difficulty that the enforcement branch would have in trying to determine whether indeed it's a farming operation when, at some perhaps unusual time of day or some unusual day of the week, that the farmer finds it necessary to go and get a spare

(MR. EVANS, cont'd) part for one of his farm machines, surely, directly connected with a farming operation, essential operation, an operation for which the farm truck is particularly intended.

And then again, what about the times when the truck is empty. What evidence is there? What is it doing? What's it doing at night? Or conversely, if someone put a bale of hay permanently in the back of a farm truck, how would it be possible to tell whether he was in process of delivering that bale of hay somewhere and not engaged in some other kind of operation? And so I gave a good deal of study and my department did, and several departments of the government did, to the concept of the purpose for which the truck was on the road at the given moment; and here again, came up against administrative procedures that we thought were insuperable. And so it has been decided to allow the use of coloured gasoline in farm trucks for 12 months of the year and the purpose does not have to be proved.

We believe that this is a contribution of some magnitude to the farming industry. I think I answered a question in the House at some time in the past that it would be expected to be in the order of two to three million dollars, probably closer to three than two; and at the same time we believe that we have met the principal objectives held out by Professor Gilson in his report. And with these considerations in mind, I have laid before the House the measure that will provide the use of purple gasoline or coloured gasoline, tax-free gasoline, to farmers to be used in farm trucks.

MR. CHERNIACK: Mr. Speaker, I wonder if the Honourable Minister would permit a question? Has he favoured the House with a copy of the Gilson Report?

MR. EVANS: Not yet. I find that copies have now been delivered to my office. I'll be glad to see that they're distributed and I'll take the occasion to table a copy formally or whatever copies are required on the table of the House. I'd be glad to send now for the copies that have arrived in my office and see that they're distributed to the House.

MR. CHERNIACK: . . . Mr. Speaker, and my contribution will only be that I trust that this will be done by the time we deal with it in committee so that we will have the benefit of the recommendations, whether or not the government agrees with them.

MR. VIELFAURE: Mr. Speaker, I'd just like to say a few words on this Bill. Having brought resolutions practically every year for the last three or four years asking for this kind of legislation, I must say that I certainly approve of the Bill in principle to allow the use of purple gas in farm trucks.

I'm sorry that we did not get the Gilson Report before. We were told I think last year that the reason our resolution wasn't accepted was that the report was not out. Now the Bill is before us and we haven't seen the report. It would certainly be very helpful to us in discussing this matter if we did have the report.

Now I agree with the Minister that this is not an easy Act to pass inasmuch as giving exactly the amount of gas that should be given to farm trucks. However, I think it is deserved, I should say, by the farmers in this province, that they should be allowed to use purple gas. This is what we have been asking for and there is no exact way, I think, of presenting it, so there will definitely be some unqualified use, if I'm using the right word, as far as purple gas is concerned. However, I would like to point out that in my opinion most of the farmers will make proper use of the law. I think we should encourage the farm unions, the farm organizations to try and pursue their members to make sure that it is not abused.

However, I would like to point out that, in my opinion, the Minister should be very careful in making sure that nobody uses this law and gets a farm licence and makes use of purple gas for purposes other than farming. For example, in the small towns, I think the PSV truckers have done a terrific job of serving the communities, and certainly we wouldn't want anybody getting a farm truck licence and being allowed to use purple gas for actually transporting somebody else's product. This would be a direct violation of the law and would, in my opinion, be detrimental to the PSV operators who have to pay the tax on the gasoline. I don't think you will see too many farmers making use of their own trucks to transport their own product which otherwise would be transported by the local PSV operators. I don't think there'll be too much of that because in most cases it is not a paying proposition. I'm talking now of the ordinary sized farm. However when one starts to haul somebody else's product because of the fact that he can enjoy a lower priced gas then this is where I think it is important that the law should be enforced.

There are many other matters in this Bill which I really cannot define and I'd like the Minister to give us some explanation on Section 3, for example, "that the payment of tax at the

(MR. VIELFAURE, cont'd) time the gasoline is received rather than at the time it is purchased." I'm not exactly clear on that point and I'd like the Minister to give us some explanation on that particular aspect.

So, Mr. Chairman, with these few comments I would not want to appear that I am against the Bill; I am one that has asked for it. I know that we have found out ourselves in discussing it before that it was not so easy to apply exactly the amount of gasoline, and I think that making it the way it is now was the right way. However, I think all measures should be taken that nobody should make use of this law to - how would I say - use the privilege of a farm licence, which really should not be granted, to make use of purple gas.

MR. SAMUEL USKIW (Brokenhead): Mr. Chairman, I wish also to concur with the legislation before us. I don't agree though that, in principle, that I appreciate the fact that we are in a position in Manitoba where we have to look at agriculture in a very charitable manner. I would be much more pleased if we were in a position to say that agriculture is enjoying economic stability, economic buoyancy, by which means they would not have to have concessions, but in view of the fact that we all on both sides of the House recognize the farm income position, I feel that this is necessary at the present time. But I am hopeful that we look at the over-all farm problem so that we don't create a situation wherein our society it may appear that we are trying to favour certain segments with regard to this type of taxation.

MR. FROESE: Mr. Speaker, no doubt this Bill will be welcome news to the farm people of this province. This is something they've been waiting for some time and which has also been the matter of debate over the last number of years, and it is now coming to pass.

I would like to ask the Honourable Minister whether the sections dealing with the seizure of books and the appeal section, whether it is the same as the other bills and whether he intends to make any changes on that as he proposes to do on some of the other bills that have been before this House.

I think the other question has already been raised by the Honourable Member for LaVerendrye so I will not repeat what he has said. Thank you.

MR. EVANS: Mr. Speaker, if there are no further points raised, I would like to comment on the remarks that have been made. My honourable friend from La Verendrye raised the question about the possibility of allotting to a farmer a proper amount of such gasoline to be used tax-free. That idea commended itself to those of us who studied the Bill and tried to find some practical way, and I'm afraid in so many cases we just came up against the practicability of doing so. We discovered that it would require the analysis of each farm's operation to discover whether he needed a farm truck to go a long way or a short way, how far or how near was he from the nearest marketing town, how many trips to town did he have to make - that would depend again on how much grain he had and the yields that particular year - and so on and so on, and there were a great many difficulties in that case.

At committee stage I will be very pleased to discuss the difficulty that may arise, although it may not, in preventing people who are engaged in the hauling business or have PSV licences - because it's obvious that they will not be allowed to use the coloured gasoline in their trucks - but to make sure that those who do have a farm licence don't do haulage work or do what is called upon to be done under a PSV licence. I am sure this is not a new problem because it's now of course forbidden for anyone with a farm licence to do that kind of thing. It may make it more attractive than ever for people to try to use it in that way and it may well be that we'll have to consider more stringent enforcement or have more people doing it. If that turns out to be the case, we will endeavour to take action accordingly.

With respect to the provision of paying the tax at the time the gas is received, this is similar to a principle that we discussed under another measure. This is to relieve people from the necessity of paying tax on any gasoline, not necessarily purple, at the time that they make a long-term contract for the delivery of a large quantity of gasoline. It means that they can be called upon to pay the tax only at the time they take delivery of a given quantity and the tax will apply only to that quantity. So it's a measure I think to relieve some ambiguity in the Act and to make it quite definite that the tax is to be paid only at that time.

I'm sure I agree with my honourable friend from Brokenhead that no one would wish, as it were, to cast any unfavourable light on the farming industry as a result of this measure. I hope no words of mine could be read that way because they weren't intended that way. I don't have that view and I hope that I didn't convey that impression. If I did, I withdraw it now because I do not have such a view. I think the important farming industry has been having some difficulties and it is right in such circumstances to recognize them.

(MR. EVANS, cont'd)

My honourable friend from Rhineland asks me if the sections on appeals are the same as the matter of seizure of documents. Appeals under this Act are the same as those in the sales tax Act, and I have to tell that standing here I'm not able to say, but I'd be very glad to enter into details on that when we come to the committee stage of the Bill.

Consequently, I hope I've touched on all the matters that my honourable friends commented on and I commend this second reading to the House.

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

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MR. SPEAKER: Bill No. 94. The Honourable Provincial Treasurer.

MR. EVANS presented Bill No. 94, an Act to amend The Revenue Act, 1964, for second reading.

MR. SPEAKER presented the motion.

MR. EVANS: Mr. Speaker, the purpose of this amendment to the Revenue Act of 1964 is to remove from that Bill items which are now to be taxed under the sales tax Act. It has no effect on the rate of taxation; the rates happen to be the same. The Revenue Act deals with the tax on electricity, telephone service and certain other products, and by removing any mention of the tax payable in respect of telephone services -- and amends Part X of The Revenue Act which deals with the school tax rebate. The effect of the amendments to Part I is to transfer it to The Revenue Tax Act.

The effect of the amendments to Part X is first to cut off the present school tax rebate system as of the 1st day of January, 1967, but allow rebates for school taxes paid in respect of 1965, 1966 and 1967 or in subsequent years or in subsequent -- I should read that again because the emphasis is important -- or in subsequent years to continue to make rebates on those properties not located within a foundation municipality or a foundation local government district. Second, to institute a revised method of paying the school tax rebates whereby the municipalities deduct the amount of the tax rebate at the source and the Provincial Treasurer reimburses the municipality on application. Rebates for school taxes levied in respect of 1965 and 1966 will continue to be paid under the present method. There is no time limit with respect to the application for those years. Third, to limit the application and payment of the school tax rebates from 1967 on to those areas which are not included in the new Foundation Program.

MR. GUTTORMSON: Mr. Speaker, am I to understand the Minister correctly then, that if a man has a \$200.00 tax bill and he is entitled to a \$50.00 rebate, he would pay the Municipal Clerk \$150 at the time of this payment and then the municipality would then turn and submit a bill perhaps at the end of the month. On what basis would the municipalities submit their bills to the government to collect the rebates? Is it done on a monthly basis, weekly basis or upon what basis? Could the Minister tell us when he's closing the debate, please?

MR. SAUL MILLER (Seven Oaks): Mr. Speaker, there are two points here I would like to get clarification on. One is Section 54, subsection (b) with regard to the limitation on deductions. The point I'm interested in is they have one line that says "the amount to be deducted is paid before a date fixed in the regulations." I'm wondering why there's any date to be fixed in the regulations if it's understood clearly that so long as any area is not within a unitary division or in a foundation division then this method of repayment or prepayment of taxes will be made and they'll always qualify for the rebate. So I'm wondering why there's any reference at all to any specific date. So long as the tax is paid, whether it's paid in arrears or paid in that annual period, the municipality certainly should be able to deduct the \$50 -- if that's the amount -- from the amount of the taxes paid. I'd like clarification on that.

The other is in subsection (4) dealing with the length of time that the municipalities might have to wait for the refund. Is it the intention to add these all up and let them accumulate and then send one cheque to the municipality, or is it the intention to do this on a monthly basis, because I would point out to the Minister that to the extent that the moneys are not available to the municipalities they cannot function; they are financially handicapped because they're lacking these fifty dollars that accumulate in the way of refunds -- or rather in reductions. These are the two points of clarification I'd like an answer on.

MR. JOHN P. TANCHAK (Emerson): Mr. Speaker, I agree with this part of the Act and I think it is high time that a more sensible system of tax rebate was instituted. Therefore, I agree with that. But there's one question I'd like to ask the Minister. We know we had a lot of controversy about the expense of the present system, the expense of rebate to the people of Manitoba, and now I'm wondering what the expense will be on this new system. What fees or what interest will the municipality be allowed for their services?

MR. FROESE: Mr. Speaker, I too wish to go on record as concurring in the Bill before us. I think it's a very welcome one in that we will have the deductions made at the source, which is the municipal office in most areas in this province. I'm rather puzzled by a certain section in connection with auditing. Is it the intention of the Minister to have special audits made for the purpose of this Bill in connection with the rebates? I take it that all municipalities are audited and that those audits would suffice, or is that not the case. Will special audits be required? I think the other matters I will raise when the Bill gets to committee.

MR. EARL DAWSON (Hamiota): Mr. Speaker, I just wanted to ask the Provincial Treasurer one question - and this was some time ago prior to the last election in June. I believe the First Minister in reply to a question that was asked of him in regards to the rebate said that one of the reasons they were making the rebates in Winnipeg was the fact that the Secretary-Treasurers had made a request that if they handled them in their offices they thought they should receive some sort of remuneration, and I think he used the figure of 50 cents per each rebate, and I wondered if he could tell us at this time - my friend from Emerson, the Honourable Member for Emerson has mentioned the thought that the municipality should get some type of compensation for handling this - so I thought you could handle the two questions at the same time.

MR. EVANS: Mr. Speaker, if there are no further questions, my honourable friend from St. George asked about a detailed procedure with respect to conduct of this business in the municipal office. It would seem to me -- I'm not able to answer in detail as to how the municipality would conduct its business. The legislation requires the tax be paid in full and only at that point is the refund to be made. Presumably it will be done at the same time that the taxpayer is in the municipal office, and I think we can have a further discussion in detail concerning those cases in which a taxpayer might mail in his taxes to the local tax office as to whether it's technically correct for him to say that he is paying his tax of \$200, in the illustration used by my honourable friend, and at the same time giving himself the rebate and here's my cheque. I think that's a technical detailed question that I'm going to ask my staff to take notice of, and if my honourable friend will allow me, I'll not give a definite answer on that at this point. At committee stage I'll be prepared to discuss fully the question of the periods at which the municipalities will be required to send in the money or the periods at which it will be discussed.

My honourable friend from Seven Oaks refers to a particular section of the Bill, although he does raise a broader question as to why there should be a limitation with respect to a day to be fixed by regulation. It's a detailed matter and I'll ask him if he will let me discuss that matter as we come to committee again, pointing out in addition I did not come armed with the detailed consideration at this time because at second reading it's the principle of the Bill.

My honourable friend from Emerson and from Hamiota both raised the question as to whether any allowance is to be made to the municipality for their bookkeeping trouble. I'm not aware of any, although I'm subject to correction, if my staff tell me that there is no allowance provided. My impression is that there is no allowance provided to the municipality for their trouble in this connection. I think any trouble to which they are put would be far more than offset by the advantage to them of being able to collect their taxes that much more easily. With respect to the \$50.00, at least the collection is assured and doesn't cost them anything.

I am sure it will be left to the administration to decide whether any further audit is required. I'm not aware of the requirements of the auditing profession but it would seem to me that if an adequate audit is now conducted of a municipality's affairs I would not want to duplicate the audit, and if there are further details that I should have in that connection I'll bring them to committee as well.

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

MR. SPEAKER: I believe we have come to the end of those four bills.

MR. LYON: Yes, Mr. Speaker, and if you would now revert to Page 1 of the Order Paper and call Bill No. 68 and the succeeding bills.

MR. SPEAKER: Adjourned debates on second reading of Bill 68. The Honourable Member for St. John's.

MR. CHERNIACK: Mr. Speaker, I have been looking forward to participating in this debate on medical care insurance and I feel as if this party is the party which is actually proposing this measure, inadequate as it may be, because listening to the speakers from the other two parties, I have come to the conclusion that they are approaching this Bill with a great deal of reluctance and with something less than enthusiasm.

On reviewing what was said by the mover of this Bill, the Honourable the Minister of Health, I came to the conclusion that he was lukewarm about the entire proposal which he was bringing towards us. He referred to the fact that in 1962 the government took the stand that the plan should be a voluntary one and pointed out that at the last provincial election the government continued to advocate such a policy, provided that it would be possible to implement it with the terms and conditions laid down by the Federal Government, and of course he points out that he never ceased to attempt to influence the Federal Government to change what is the basic principle of the Federal Government's enactment.

(MR. CHERNIACK cont'd).....

He speaks of the principle of need with its complementary voluntary aspect as the principle which the government advocated and would wish to provide for in the Federal Statutes, and of course he accepts this Bill, and I say that that is an indication of how lukewarm he is about the Bill and what it carries with it. He argues with the Bill and says it doesn't seem practical for the Provincial Government to proceed on the plan which the Federal Government is not willing to support. In other words, he is not prepared to accept the responsibility, which of course is his, and to carry out a measure which he thinks is right, but capitulates to what he thinks is wrong because the Federal Government has indicated that it is prepared to support medical health insurance under certain basic principles which include the four principles which he reviewed.

Then again he quarrels with those principles. He speaks of the fact that the province is forced to bring in a compulsory plan and says that he cannot accept, in this concept, membership in a service such as the Manitoba Medical Service because it is not a public authority and public authority is part of the Federal Government's principle, so he rejects public authority as being the proper administrative jurisdiction for carrying out the purposes of the Act.

He quarrels with the principle of 90 percent and wants to bargain at 80 percent. And again quarreling with the principle of the comprehensiveness of the Act, he says we could do nothing, or the government could step in on its own, or it can join this Federal plan, reluctant though he is as is obvious from what he has said. I think, therefore, it is fair to say that the mover of second reading for this Bill is lukewarm.

But if he is lukewarm and he is the spokesman for the government, and the Conservative Party of this province in this respect, the Honourable the Member for Selkirk is much colder than lukewarm and throws cold water on the entire scheme, because when one reads what he had to say and one listened to him - and it's reported on Page 2138 of Hansard --(Interjection)-- I'm sorry, I'm very glad for that correction. I meant the Member for St. Boniface who is sitting in the seat of the Member for Selkirk at the moment. I referred to him but it is the Member for St. Boniface, and I apologize to the Member of Selkirk for attributing to him something that he did not say or an attitude he did not indicate, although he may share it, that's up to him to say.

No, the Honourable the Member for St. Boniface threw cold water on this. He spoke of the inadequacy of the number of doctors that are available for the Province of Manitoba. He criticized the progress or lack of progress that has been made in the problem of hospitalization and he said, "I agree that we are not ready for this hospitalization and we are suffering now." Then he referred to the mentally ill as not being accepted in the plan and he speaks about compulsion. He says - and I quote from Hansard - "I think that we should get this thing straightened out before we go in this Medicare. I believe this, and I should say that I am speaking for myself, not necessarily for any party. I am speaking for myself." And reading through it, he says, "So we are going to leave this, we are going to go backwards in this to take something else." I think he means in the hospitalization program. "I am not too sure that this is right. I feel that we have good care." He says he is not in favour of the compulsory plan and he says that he might decide to vote against it or he might decide to vote for it, when he was asked by an interjection, and said "You'll have to wait and see." But he didn't keep us in doubt too long because he says, "Well this is forced on us; we have to accept this compulsory plan," and he says then, "I don't think you are too serious when you say that I'm going to vote against it."

So now we find that the Honourable the Member for St. Boniface who criticized the plan, criticized the timing, at first suggested that he might consider voting against it but now says, well we are forced to and therefore we are going to vote for it. --(Interjection)--Oh, he said he's going to vote for it. Well now the interjection of the Honourable the Member for St. Boniface would indicate that there is still doubt as to how the Liberal Party stands on this Bill and he is right, because I will come soon to deal with the other speaker who spoke from the Liberal Party, and I indicate that I for one have no idea how this party is going to vote nor do I know what stand it has, all I know is it has a tradition or a history of having given lip-service to the principle since - is it 1919? - but we will yet see how they stand. So far, apparently, they are holding us in doubt.

The Honourable Member for St. Boniface again spoke of - and I quote again - "If you are talking about priority, I think that we should watch our list of priorities and I will say again that we need to look at, when we are talking about ability to pay, not only to the individual

(MR. CHERNIACK cont'd)...but also the ability of the province." And he concluded, Mr. Speaker, with the information to the House that he had to give it to us because we weren't sure, but he did tell us: "I will certainly vote for this bill." And he gives the reason. Why? Because he says he doesn't think this is funny - and I don't either - he says, "I think that is the only way we can get this money from Ottawa." That is the approach that the first man who spoke on behalf of his Party -- spoke from his Party, that is the Honourable the Member for St. Boniface made sure to indicate that he is voting for the Bill because this is the only way that we can get this money from Ottawa, and I repeat again he made it clear that he was speaking for himself alone.

MR. LAURENT DESJARDINS (St. Boniface): Mr. Speaker, I would inform the honourable member that I wasn't the first man that spoke from this Party.

MR. CHERNIACK: Well I'm glad for that information. I will have to see who did speak before him and refer only to the fact that the Honourable Member for St. Boniface, a member of the Liberal Party, was very cold in his approach to it.

But he was followed by the Honourable the Member for Turtle Mountain who disagreed with the Honourable Member for St. Boniface only to the extent that he didn't think that we were being forced by the Federal Government to take it on, and then he launched into a tirade about making it difficult or unattractive for doctors and he said, "Under this bill you are going to force doctors to either put equipment in to do the type of testing in the rural areas" - which is covered by the Bill - "or what?" He says the young doctors will not tolerate that. I must confess that although I listened carefully to what he said, I still don't understand why doctors will be forced to bring in expensive equipment that they don't find necessary to have now, but he seems to think that they will and he says, "I believe we are getting good medical care and for gosh sakes why are we going to take away all these incentives from one class of people - the doctors," and asks who is going to benefit. Well, Mr. Speaker, he spoke of incentives being taken away from doctors. He has not, to my understanding, indicated what incentive he is talking about, because he spoke of the doctor who goes from house to house and many times doesn't even send a bill under the present system, whereas under the other system he would be paid for his work. And he says don't remove these incentives from the doctors.

So I would say that the Honourable the Member for Turtle Mountain in what he said is opposed to this Bill. He didn't say that. He did say, when he was asked if he would vote against the plan, that he might do that, and he says this is not a party deal; I don't agree that Ottawa has forced this. But he did say, "It's a disastrous scheme in money, but it's more disastrous in the fact that you're not going to have the personnel to provide the services in the outlying areas." Thus I conclude that the Honourable the Member for Turtle Mountain was not lukewarm like the Honourable the Minister of Health, and not cold as was the Honourable the Member for St. Boniface, but actually adverse to it.

Now I understand that there is a conference going to be held in Ottawa to further discuss these matters and one wonders, with the attitudes that I feel I have a right to suggest are those of Liberals and Conservatives, what will happen to this plan? How will it be further curtailed and possibly completely destroyed? And remember, Mr. Speaker, we are not talking about medical health services; we are talking only about medical insurance limited to the services of a doctor. That's all it is, it's just insurance. Even then, the parties that have expressed themselves so far, both in Ottawa and here, of the Liberal and Conservative colour, do not accept the real need for a much broader form of health services based on the needs of the people of this country, and of course of this province, based on health and based on education as being vital matters in Manitoba.

There's a lengthy report prepared by Mr. Andrass, the Director of the Legislation Department of the Canadian Labour Congress, on medicare schemes, and he points out the opinion of the Congress that to think of medicare in terms solely of the services of the medical practitioner, however important these may be, is to fail to provide a truly comprehensive service of health care. He says that what is required is a program of health care which is truly comprehensive in scope, including not only hospital and medical services but also dental and nursing care, drugs, prosthetic appliances, as well as the services of what are known as the paramedical personnel, therapists, visiting homemakers, nurses' aids, medical social workers, and so on.

And of course what he says has been said in much greater detail by the Hall Royal Commission which brought in a report describing the needs of the people in terms of health

(MR. CHERNIACK cont'd). . . . care, and I want to read just a few excerpts from that report. The statement that the only thing more expensive than good health care is inadequate or no health care; and the statement that the bulk of the expenditures to be made on health care will be made even if there are no programs, and this has to be stressed again and again because people don't seem to realize that medical services are now being paid for, and the purpose of this medical care insurance scheme is to distribute the risk or the cost in a different way. "Such increases" - and I'm quoting from Hall - "Such increases as will occur will result from higher quality services and an increase in volume of services received by the public who were previously uninsured."

And then the Hall Commission reports - and the Honourable the Minister of Health had occasion to almost echo what was said - and I quote again: "The right to education is one now universally recognized in Canada. It is an entrenched right which no one would dare to challenge." I sometimes wonder about that statement because there are members in this House who might even want to challenge that. "It is now beyond question that all our young people must be better educated and more competently trained if Canada is to survive in this highly competitive age of specialization and automation. It is equally true that health services are as much an investment as education. Health services and education must now be regarded as twin endeavours advancing mankind. Neither will attain its full potential for good if one is allowed to lag behind the other. Progress in one must be paralleled by progress in the other, and the fruits of this progress must be available to all."

The Hall Commission dealt with the number of man days of labour lost through illness and its consequent economic loss which was estimated in 1963 to be 100 million man days, \$1,630 million, or about 3.8 percent of the gross national product for that year. And he points out of course it could not all be prevented but suggests that there are substantial savings that would be brought to the people of Manitoba and Canada if this could be reduced. And he points out that in the same year the Canadian school children in Grades 1 to 13 lost 4.4 percent of all pupil days because of illness. This is a factor which affects education.

The Hall Commission, like the previous report I read, deals with the fact that it is important to provide medical services, dental services, prescription drug services, optical services, prosthetic services, home care services. It deals also with the question of mental retardation, surgical services, maternity services, new-born care, dental services where provided by dentists in conjunction with maxillo-facial surgery, prosthetic and orthodic devices, etc., but points out there the need to provide for paramedical services as well.

And let me point out something that I had occasion to point out previously here, Mr. Speaker, that the use of a qualified person to do what he is trained to do is essential in order to release a more highly skilled person to do what his training enables him to do better than or more demanding than that of a lesser trained person. It is a pity, I think, for an ophthalmologist to have to prescribe glasses if a properly trained optometrist, with less training than the ophthalmologist, can do that job and release the ophthalmologist to do the surgery and the treatment and the care that is needed for the eyes. It is a pity to have a doctor give an injection or change a surgical dressing if a nurse could do the same thing. I am suggesting that this first step in the proceedings may actually bring people to doctors for services they might be able to get from paramedical help at a lesser cost to the community but at a greater cost to the individual. I'm pointing that out to indicate that without bringing in the paramedical people into a scheme and making it possible to make use of their services, we are using more highly skilled and more expensively trained people to do a job which a lesser trained person can do as well.

The Hall report sets out that a seven-year crash program is envisaged to provide more health personnel and deals with the needs in a crash program of health, and we'll come to that. The Commission also recommended that psychiatric services in prisons and penitentiaries be improved to deal adequately with the problem of addiction and other psychiatric disorders.

Well, like it or not, Mr. Speaker, and I say like it or not to both the Conservatives and Liberals, this is only a first major stride in this direction but it's only a beginning. It must work with goodwill and further steps must be taken to provide the recognition of the government for its responsibility to provide health care universally as a matter of right. The Honourable the Minister for Health in 1966, on Page 1002 of Hansard, was speaking on the full development of human resources, and he said: "Education" - at that time he said it - "is a first priority, and then the preservation of the health of the population is also of prime concern to society for the seeds of education only attain full fruition in a healthy person." I give these words back to

(MR. CHERNIACK cont'd)....the Honourable the Minister and I suggest that he frame them, even though they be his own, and keep them always in his mind and look at this first step of a - what he calls compulsory - medical services insurance plan as just being the beginning of the objective which he set for us last year and which I think he must continue to strive for.

The achievements of the government in the field of health will only be measured in terms of improved health services. This was the intent of the motions that this Party brought to the Legislature over the year, in the last few years brought by the former Member from Seven Oaks, Art Wright.

Now the four conditions that were imposed by the Federal Government, if they could be looked at in terms of education not health, then what would we see? It must be non-profit and administered by the provincial public authority. That's what we have in education. The Department of Education and the school boards are responsible for education. It says that all the services rendered by the medical practitioner must be provided for, and of course in education we provide it through educationists. It says that not less than 90 percent, rising to 95 percent in three years, must be covered. What do we have in education? We have availability to 100 percent of the children. Although many choose to have private schools and deal with their education in other ways, the availability is there and it's paid for, and it's not an extra expense to them to acquire. And a fourth condition imposed by the Federal Government is that it must not impose a minimum in excess of three months to acquire the services. They call it portability although three months is not very portable, but in education it's immediately portable. You move from Ontario to Manitoba and you can go to school tomorrow - the child can go to school tomorrow. So if you apply these four principles to our accepted approach to education, they come in on all fours.

But this Bill is a first step. The intent and purpose of the object is to provide insurance for residents of Manitoba in respect of the cost of medical services, that's all. There's no reference here to the public responsibility of the government as to the purpose and quality of performance, as to the assessment of community needs, as to the introduction of preventative standards, as to the working towards improvement of health standards, as to the evaluation of results. It's not in this Bill at all, and I suggest that it ought to be as that first step to look ahead to the next steps that have to be undertaken.

So now we have that this government is organizing a non-profit agency to represent the people of Manitoba in arranging to share the costs of the purchase of medical services; that's what it is. This government, on behalf of the people and for the people, is on a non-profit basis preparing now to provide the cost of the purchase of medical services. This government is therefore representing these people who are the consumers of that service, and the structure of the board, I suggest, has to reflect the fact that it is a consumer that is involved that the government is acting for and must indicate the role of the board, and it has to provide an even greater, if not at least equal, protection to the consumer as it does to the providers of the service.

We find that the Bill proposes that seven members of the Board shall include two nominees of the Manitoba Medical Association. Well, who are the others? Why is it not indicated the role the others will have to play? They are the consumers, or should represent the consumers, and I think it should specify the qualifications of the others, not a man shall be taken from the Chamber of Commerce but rather that the selection will be made of the other five from nominees proposed by the Chamber of Commerce, a consumers' organization, the farmers' group, the labour group, the Welfare Council. There should be some indication or recognition by this government of the qualifications, the status of the other five members of the Commission, to indicate that it is a consumer board - and that's what it is - because it must represent all the people, both the consumers and, as indicated, the providers of the service.

That's why it's important that it be a universal plan because universality means all the people. It cannot be voluntary as to contribution, and this is so because it is a bulk purchase of services and it has to average out all the risks over a lifetime at the lowest possible cost for maximum coverage.

The report from the Saskatchewan Commission has come to hand just recently and on Page 28 of the report is an indication - I don't know how many members can see it - of a graph of services per beneficiary by age and sex, and to those who can't see it, I'll indicate that it shows a dip towards the beginning. The high usage is up to age one and it's much greater for boys than for girls. The usage drops to ages five to 14 and 15 to 24 and then rises again high

(MR. CHERNIACK cont'd)...at age 70. To provide universality of coverage at the lowest average cost you must have coverage for the people at the low end of the scale because they were in their first year at the top end and they're going to end up again at the top end later, and in order to provide an equitable distribution of costs they've got to be included; they've got to take their share and not just pitch in to the insurance scheme when they know they are high risks. They should be involved when they are low risks as well so as to create that lowest possible cost over the lifetime of a person, not just a selected time when he may be the highest risk or to select a time when he may be the poorest risk.

We find, Mr. Speaker, that in Saskatchewan the moneys raised to provide for the scheme were \$6 million in premiums, \$17 million by way of grants from the Consolidated Fund. The only compulsory aspect of this scheme is the provision of the moneys to operate the scheme at the lowest possible cost for the benefit of all members of the province. Patients may volunteer out, just like the Honourable Member for St. Boniface and I might well decide in education that we would opt out of education and send our children to private schools as I did and I believe he did - that was our privilege - but we made our contribution all the same.

Doctors may opt out, but I suggest that if they refuse to recognize this plan then they shouldn't take the money either direct or even through the medium of a post office as was provided in Saskatchewan. They can opt out, and they should if they feel there is some principle involved in that - that is a few that might want to - but if the cost of this plan is to be controlled, then obviously the expenses must be reviewed and there must be review over use and abuse, as was suggested by the Honourable Member for St. Boniface, both by patients and by doctors. This is something that we have to admit and the Act provides the possibility to do it.

The Act does provide for negotiations with the Manitoba Medical Service, and I suggest that negotiations aren't the right word; I suggest that there should be a take-over of the services of the uses of the facilities of the MMS. It has the experience; it has the information; it has the trained personnel; it should be an expropriation, if you want to call it that, for this government to take over the Manitoba Medical Services as its vehicle for carrying on this medical insurance program.

The Honourable the Minister last year on Page 1003 referred to the fact that discussions were being instituted by his department with the medical profession to prepare an orderly introduction of the scheme, and I find that in Saskatchewan, after all that fuss that was raised - and I'm reading again from this report which I have in my hand - "that the number of doctors per capita has increased year by year since 1961" - year by year - in spite of all the fuss that we have heard, there has been an increase of doctors both in number and in number per capita. We find that in 1963 there were 854 resident physicians in Saskatchewan that had at least one account in the year from the commission and in 1966 there were 977, an annual rate of change of 4.6. We note the same, in those who received more than \$4,000 from the commission, an even greater increase of 5.1; and in those who received more than \$10,000 a year in Saskatchewan the increase was from 551 doctors in 1963 to 668 in 1966, an annual rate of change of 6.6. So all this talk about scaring away the doctors of Saskatchewan is not supported by the facts that are shown here.

As a matter of fact, the Financial Post of only last week, April 8th, on the editorial page had reference to the Saskatchewan scheme and states - and I don't think they're particularly favorable to the scheme - "Saskatchewan's compulsory medicare program continues to frustrate the dire predictions of its most severe critics. The government scheme continued through 1966 without crippling provincial finances, the health of its population, or the supply of doctors. The number of practising physicians in fact climbed by five percent during the year." And it concludes, "Four years of existence does not establish the permanent unqualified success of compulsory medicare" - that's their editorial comment - "but on the other hand", they say, "it is evident that the gods have had second thoughts about instant catastrophe for the plan." And this is a "go-it-alone plan", Mr. Speaker. It is the courage of a province to accept its responsibility regardless of the attractions or the incentives provided by government at Ottawa.

And yet I think we should be somewhat disturbed by a very recent report of a speech made by Dr. Duncan Kippen, who I believe is the Vice-President of The Manitoba Medical Association, and who spoke only last week to the Lions Club in Winnipeg. Dr. Kippen reviewed the trend of the treatment of the sick that was the doctor's earlier duty to the preventative medicine, and he spoke of the increasing demand for medical services at a time of failure to produce more personnel. He spoke of the need to create a climate more attractive to medical men and of his

(MR. CHERNIACK cont'd)....fears. I believe his fears are valid. But he then indicated fears of this plan and of government control which were quoted in the press.

Before I refer to what he said in his address, I want to indicate I received a letter from him dated April 11th where he arranged to send me a copy of his address and stated: "I think you will agree that the quotations which disturbed you were somewhat out of context as is so often the case. In this address I attempted to point out that any Medicare plan which is established in Manitoba should provide room for flexibility according to changing social concepts. The medical profession must have an important voice in these decisions which ideally should be between representative of the public and the profession, and as I understand it, the Legislature at least once a year would consider the over-all operation of the plan without the individual day to day decisions being embroiled in the political arena." This is a fear, and I understand his fear and I don't quarrel with it, but in his letter he suggests fears which were reported in the press - I mean in his address - and where he spoke originally about the need for doctors to feel secure, he said that the medical profession in its relationship with government bodies must retain sufficient freedom and flexibility to advise on long-range savings from programs that may seem initially expensive. I'm sure there's no quarrel with that concept because he says "to advise" - and I see that there should be no problem there - "to decide" I think would create a problem because these are the providers of the service, not necessarily the ones who judge requirements.

But then he said that in Manitoba the government has established a potentially dangerous monopoly, dangerous in that it disallows any such provision for the establishment of any private pre-paid medical scheme, not that such a scheme may ever be needed, he says, but he says I see no valid reason for legislating any possibility, however remote, out of existence. To me, this is a contradiction. He doesn't conceive that the scheme may be needed, but still he thinks it should be available, and he does not point out why it should be needed. "This action by the government," he says, "might suggest a cognizance of the fact that better coverage could possibly be obtained under such a scheme." And I say of course, that's why they're in it, lukewarm as they are about it. And he says, "Assuming this did happen," he submits that "not only would the government's plan be a bad one, it would undermine the very basis of free enterprise that forms the bedrock of our society."

Now we have this doctor speaking in terms of the economic structure of society and says the bedrock is free enterprise. Well, that's the question which has to be answered, Mr. Speaker. Should free enterprise play a role in health services when it is not doing a job? Why are we here, why are we discussing a Bill that the two free enterprise parties, one in Federally and the other Provincially have brought in before us? Because there has been failure of the free enterprise system in providing the proper health services needs for the people and that's why they are bringing it in, reluctantly, as I think they are doing so. He says that one of the immediate results of such action would be to materially hinder the establishment of an atmosphere vitally essential to induce Manitoba Medical School graduates to remain in Manitoba. These are scare words - and you realize of course the Doctor wasn't happy about having had them taken out of context - but he does point out...

MR. SPEAKER: Order please. I know the honourable gentleman has sufficiently powerful lungs, but I do believe there is far too much conversation going on around the House whilst the honourable gentleman is addressing the House.

MR. CHERNIACK: Thank you, Mr. Speaker. He points out that our own medical college graduated approximately the same number of doctors in 1965 as it did four years ago before in 1961, and most of these qualified people leave for other parts of Canada and the United States. Now I ask the Minister, what have you done about it? What are you doing about increasing the number of doctors that are graduating out of our own medical school? You knew this was coming; we've talked about it; the Hall report said that there has to be a seven-year crash program - hospitals, nurses, doctors - what has the government done to prepare for this? Here we have the Vice-President of the Medical Association saying "nothing has been" - well, he didn't say nothing has been done - but he does indicate that there has been no progress in increasing the number of graduates, and this is what the Honourable the Member for St. Boniface referred to when he spoke about hospitalization.

MR. SPEAKER: The Honourable gentleman has four minutes left.

MR. CHERNIACK: Thank you, Mr. Speaker. Dr. Kippen concludes, "We must come to grips with the inevitable social trends and medical services and work towards the creation of a social and financial climate in which the medical profession can attract increasing numbers

(MR. CHERNIACK cont'd)...of students and graduates to meet the ever-increasing demands of our modern society." I agree, Mr. Speaker - I agree, but I wonder whether the attitude expressed by Dr. Kippen in his address will help the Honourable the Minister of Health in working together with the doctors to carry out these objectives stated by Dr. Kippen. And therefore I must ask the Minister, what has he done in preparing the road with the medical profession as he indicated a year ago that he would do.

I think these are the things that he must consider and that he must report to us on, and I say advisedly that he must report on because I still believe that he's very lukewarm and unenthusiastic about what is in this plan. It has so many facets with which he disagrees and with which the quoted members of the Liberal Party have disagreed.

Well, to recapitulate, Mr. Speaker. The Conservatives and the Liberals are both, at best, lukewarm to this development in health services in Manitoba. They had better recognize, Mr. Speaker, that not only is there a need to expand along the lines which I have indicated but they must also recognize that there is a demand of the people for these services, and as long as they fail to recognize - well I shouldn't say that because they are recognizing it - they are being dragged along by the people of the country and of the province into accepting this type of scheme, which is contrary I believe to their basic philosophies, because they recognize that the demand is there. I imagine they recognize the need is there and they are therefore attempting to satisfy the demand and deal with the need, although I believe that they are the least suited to do so - and I speak now of both parties - because basically and philosophically I think they don't accept what this plan, as a beginning, has in mind.

If they are not prepared to do this with enthusiasm and with dedication, I say they should admit it, they should speak in philosophies and they should say we can't or we won't or we don't know how to do it and get out, because that is the answer with the attitude that they have expressed so far on this debate. And if they get out, we who feel that this was our program - and we share it willingly with those who lately come to realize the need and the demand - we are prepared to do it, Mr. Speaker. This we have been saying on the election platform and in the House; we have been saying it sincerely and we have been saying it consistently. We have not been wishy-washy about it, as I suggest the Honourable the Minister of Health has been about it in introducing the Bill, as I suggest the Honourable Member for St. Boniface and the Honourable Member for Turtle Mountain have been in this debate. And I sincerely hope that as the debate continues and more is discussed, that we get a much more positive attitude from at least the majority on both sides of the House to indicate that this is a worthwhile program that will be carried on and that this is only a first step in that direction.

MR. SPEAKER: Are you ready for the question?

MR. FROESE: Mr. Speaker, I would like to move, seconded by the Honourable Member for LaVerendrye, that debate be adjourned.

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

MR. LYON: There are a few minutes left and I understand the speaker on the next Bill would prefer not to start right now. In that circumstance, I would be prepared if you would call us, Sir, to move Bill No. 73 and then 75 thereafter if we have time to complete it.

MR. SPEAKER: Did I understand the Attorney-General to say ...

MR. LYON: 73.

MR. SPEAKER: Second reading of Bill No. 73. The Honourable the Attorney-General.

MR. LYON presented Bill No. 73, an Act to amend The Attorney-General's Act, for second reading.

MR. SPEAKER presented the motion.

MR. LYON: Mr. Speaker, just a brief word in connection with this Bill; I think we discussed it at the Resolution stage. This is the Bill that gives the special authorization for the revision of statutes and empowers the Attorney-General to appoint the revising officer, who is of course already on the job and busy working at it; and also will give us the authority for the loose-leaf system of revised statutes which we hope to get into with the new revision of statutes and generally will provide for a continuing consolidation based on the next revision of statutes.

There are three main items, the first of which I have dealt with. The second is a companion item and provides for the establishment of a special committee of the Assembly on law revisions. This is similar to the procedure that was followed in the 1954 Revised Statutes. I dealt as well with the continuing consolidation. There is a further section that is complementary to the previous section dealing with revisions and consolidations providing for the repeal

(MR. LYON cont'd)...of all previous statutes when a consolidation or revision is enacted by the Legislature.

There is a final section of the Bill which has no relation to revision of statutes. It provides for authorization for the court to allow costs in favour of the Crown where a Crown-employed lawyer has appeared on a case in the same way as they could allow costs where a retained counsel appears on a case. This provision is similar to that contained in The Metro Winnipeg Act, Winnipeg Charter, and a number of other municipal Acts throughout Canada.

MR. SPEAKER: Are you ready for the question?

MR. PAULLEY: Mr. Speaker, there is just one question I have in connection with Bill 73 and I certainly don't want to delay the Bill going through. It seems to me that in one of the sections there may be a departure from the normal, in that it appears to me as though there are definite instructions to a future Legislature in the event of this particular one being dissolved and it doesn't seem to me that this has been done before. It may have been done - maybe my honourable friend the Attorney-General can indicate whether or not such was the case - but there is one section contained within the Bill, if I read it correctly, where it states that "notwithstanding whether this House is dissolved or not, then the succeeding Legislature shall continue in the revision."

I don't know, it seems rather peculiar to me that if the complex of this House is changed - and it most assuredly will as the result of any subsequent election, Mr. Speaker - the boys that are over there and the girls that are over there certainly will not be there after the next election. I wonder whether or not this isn't going beyond what is normal insofar as legislation is concerned; namely, a directive to a yet unelected succeeding Assembly. I wonder if my honourable friend could put me right on that point?

MR. FROESE: Mr. Speaker, I have a question and I would like to direct it to the Minister in connection with this Bill, and that is whether we could not also have a consolidation of the regulations so that we would have a complete record of those as well. Today, we are happy to get the annual reports of the regulations in bound copies, which I am sure that members of this House would appreciate getting a consolidated and revised copy of the regulations as well.

MR. BEN HANUSCHAK (Burrows): Mr. Speaker, there's one aspect of this Bill that I would like to draw to the attention of the Honourable the Attorney-General, and it is this: as I read the Bill, it seems to confer somewhat greater powers on the Minister than probably the Minister himself wishes to assume. I'm looking in particular at Section 6 which gives him the power to revise and alter the language but not to destroy any consistency, to alter language, to preserve uniform mode of expression, to state more clearly what he deems to have been the intention of the Legislature and so forth, and these matters are quite serious. They are matters that go to the courts for interpretation; they are matters over which legislators tussle; and I'm wondering, Mr. Speaker, if it would not be more advisable to have the Minister report to the Legislature in detail on any changes that he makes from time to time pursuant to the powers granted to him by this section. There is nothing within this Bill that indicates that the Attorney-General is compelled to report to the Legislature. I would therefore suggest that the Minister do give consideration to seeing to it that there is that provision made to enable the Legislature to take a look at whatever changes are made and study, give consideration to the consequences that may flow therefrom.

MR. CHERNIACK: Mr. Speaker, I just wanted to make a brief comment about my disappointment in that this Bill does not make the Law Reform Committee one which has status in this House. This government has in the past ...

MR. LYON: Nothing to do with the Law Reform Committee.

MR. CHERNIACK: That's why I'm expressing my regret. I'm not out of order I believe, Mr. Speaker, I'm dealing with the Attorney-General's Act which has in it reference to a Committee such as the Law Reform Committee, and I think it would be provident on the part of the Attorney-General to recognize that that is a committee which has status in his mind and office but not in the House. Therefore, I'm suggesting that that's exactly where it ought to be, that it ought to be in Bill No. 73 to indicate that since the government is now prepared to use the Law Reform Committee as introducing it into discussions of this House - and I'm referring now to a resolution on condominiums which is being referred to that committee, that committee which may or may not exist as far as the House is concerned - that there should be provision that this House recognize it and that the value of its reports should be made available not only

(MR. CHERNIACK cont'd)...to the Attorney-General, who probably doesn't need as much guidance as the rest of us do, and see to it that all --(Interjection)--well I've been corrected, Mr. Speaker, apparently he needs guidance more than the rest of us do - and I say there should be provision that the Law Reform Committee has status, that it makes reports available to the House so that all can benefit from its recommendations; that at least its reports should be published by the Honourable the Attorney-General in an annual report - if he would ever agree to make one - or at least in the form of other reports which he submits from other departments with which he deals. So I stress my regret and I invite the Honourable Minister to make amends now and bring in proper amendments to the Bill which would make it possible for us to deal with the Law Reform Committee in this way.

MR. SPEAKER: I wonder if I might call it 5:30, and I'm leaving the Chair to return again at 8:00 this evening.