



Legislative Assembly of Manitoba

STANDING COMMITTEE

ON

AGRICULTURE

Chairman

**Mr. Robert Anderson
Constituency of Springfield**



Monday, July 17, 1978 8:00 p.m.

**Hearing Of The Standing Committee
On
Agriculture
Monday, July 17, 1978**

Time: 8:00 p.m.

CHAIRMAN: Mr. Robert Anderson.

MR. CHAIRMAN: We have a quorum, gentlemen. We have three bills to consider, Bill 25, Bill 67 and Bill 68. How do you wish to proceed?

A MEMBER: Bill 25.

MR. CHAIRMAN: Is it the wish of the Committee to start with Bill 25?

MR. SAMUEL USKIW: Well, Mr. Chairman, if you're asking for our opinion, we needn't proceed at all on either of these. —(Interjection)— Well, he asked how to proceed. I'm giving him a chance to cop out.

A MEMBER: It's the first time you've told the truth in the last six months.

MR. CHAIRMAN: How do you want to do it?

MR. DOWNEY: Oh, we might as well do 25.

MR. CHAIRMAN: 25? Okay.
Bill 25, Clause 1. Clause-by-clause, gentlemen.?

MR. USKIW: Page by page, bill by bill.

MR. CHAIRMAN: Clause 1—pass.

A MEMBER: Sam, are you serious?

MR. USKIW: I am serious; page by page on Bill 25. I have nothing to say until we get to the end, Mr. Chairman.

MR. CHAIRMAN: Clause 1(a)—pass; (b)—pass; (c)—pass; (d)—pass; (e)—pass; (f)—pass; 1—pass; 2—pass; 3(1)—pass; (2)—pass; 3(3)—pass; 3(4)—pass; 3—pass; Clause 4—pass; Clause 5—pass; Clause 6(1)(a)—pass; (b)—pass; (c)—pass; (d)—pass; (e)—pass; (f)—pass; (1)—pass; 6(2)—pass; 6—pass; Clause 7 — Mr. Ferguson.

MR. JAMES R. FERGUSON: Yes, Mr. Chairman. I have an amendment on 7(1)(a), and the amendment reads:

THAT Clause 7(1)(a) of Bill 25 be amended by striking out the word "requires" in the third line thereof and substituting therefor the words "may reasonably require for the purpose of achieving its objects and exercising its powers under the Act";.

MR. USKIW: Could you repeat that again, Mr. Chairman?

MR. CHAIRMAN: You want the number repeated?

MR. USKIW: Have we got copies of the amendments?

MR. USKIW: Mr. Chairman, would the Minister explain the meaning of that change?

MR. CHAIRMAN: The Honourable Minister.

MR. JAMES E. DOWNEY: Mr. Chairman, the meaning of the change is that the information that is made available to carry out the objectives of the Act that individuals who are asked to give the information that is required under this part of the regulation, that the Association needs it to carry out the objective of the Act.

MR. USKIW: Well, Mr. Chairman, I fail to understand the beneficial change from that new wording. The Act as it now reads "requires" — and this says "as may reasonably require." What's the difference? The word "reasonable," is that the input that we're . . .

MR. DOWNEY: That is right, Mr. Chairman, the "reasonable" —(Interjection)— Yes, okay, legal counsel.

MR. BALKARAN: Mr. Chairman, "require" by itself could vest the Association with too much authority, and members might be hard put to challenge the Association when it says "we require this," it requires such-and-such information. The qualification will now put the Association in a position to make it reasonable, and not only reasonable, it must be for the purpose of the Act.

MR. USKIW: Well, Mr. Chairman, the point is, if this Association is unreasonable in what it requires who is to make that determination then, pursuant to this change?

MR. DOWNEY: A court of law.

MR. USKIW: Oh, nonsense. Who will now make it reasonable or determine that it's reasonable?

MR. BALKARAN: The recourse is always to the law.

MR. USKIW: Recourse is to the courts.

MR. BALKARAN: Yes, it's an administrative decision which the courts will then have to determine and reasonably sort away.

MR. USKIW: That doesn't make it any easier, Mr. Chairman. —(Interjection)— That's not recourse.

MR. CHAIRMAN: Order please. 7(1)(a)—pass, as amended—pass; (b)—pass; (1)—pass. — 7(2)(a)—pass; (b)—pass; (2)—pass; 7—pass.

A MEMBER: Just a moment; after 7, Mr. Chairman, did we have 7(b)?

MR. CHAIRMAN: 7(b) has been passed.

A MEMBER: Okay.

MR. CHAIRMAN: Mr. Ferguson.

MR. FERGUSON: My amendment, Mr. Chairman, is THAT Section 7 of Bill 25 be amended by adding thereto immediately after subsection (2) thereof, the following subsection:

Non-application of Clause (1)(a).

Clause (1)(a) does not apply to producers until the procedure for the refund of fees imposed by a regulation made under Clause (1)(b) is in force and effect; and who in any fiscal year of the association is entitled to and apply for, a refund of fees in that fiscal year.

MR. USKIW: Mr. Chairman, would the Minister explain the change?

MR. CHAIRMAN: The Honourable Minister.

MR. DOWNEY: If legal counsel will go ahead and explain it, Andy, please?

MR. CHAIRMAN: Legal counsel.

MR. BALKARAN: Mr. Chairman, the amendment would simply now make it possible for a member of the Association, the person who is paying the checkoff, to apply for his refund within the fiscal year, even though his refund has not yet been made available during that fiscal year, to opt out of 7(2)(a), a regulation made under 7(2)(a), that is the supply of information and the keeping of records. In other words, as now set up, the association or the member would have to wait until his refund is in his hands, and that could take a considerable length of time.

MR. USKIW: Is it the intent of this section to allow one annual application for rebate, is that it?

MR. DOWNEY: That is the intent, Mr. Chairman.

MR. USKIW: Then, Mr. Chairman, is the Minister suggesting that moneys would be held in excess of one year before they would be refunded.

MR. DOWNEY: Mr. Chairman, if you look at 7(b), the association itself may change that and have the refund of funds at a different time, but it is the intent at this time to have it that way.

MR. CHAIRMAN: 7(3)(a) — Mr. Adam.

MR. ADAM: In the event that the refund doesn't take place within the allotted time, what penalties are there to the association for not living up to its contract? Is it through the courts only? How do you solve this problem?

MR. CHAIRMAN: Mr. Adam, would you repeat your question, please, for legal counsel.

MR. ADAM: Well, the law says that there will be a refund once a year. Is that correct, or longer than a year?

MR. BALKARAN: Mr. Chairman, 7(3) as presently worded does not indicate that the refund will be received during that fiscal year. It simply allows the individual to apply for his refund within that year and to opt out of the supplying of the information in the regulation. There may be administrative reasons that might possibly hinder the actual receipt by the member of the association of the money that he has applied for. But in the meantime, he does not have to supply any information. Once his application is in, he doesn't have to comply with regulation 7(1)(a).

MR. CHAIRMAN: Mr. Bostrom.

MR. HARVEY BOSTROM: Mr. Chairman, through you to the Minister or legal counsel or whoever can answer my question, is there anything in these amendments or in amendments which are proposed to follow these, if any, that will allow a person who is automatically a member of this Cattle Producers Association by virtue of this Act, to allow him to have recourse to an arbitrator or appeal board of some type, or the courts, to allow him to appeal any regulation which is imposed on him as a consequence of the operation of the Cattle Producers Association or to, in the case of the question put by my honourable colleague, the Member for Ste. Rose, force this association to refund him his fees?

So I have the two questions, really. One is, what guarantee does the person have; which body can he appeal to to ensure that he receives his refund of fees? And what body, if any, can he appeal to in the case of a regulation which is imposed on him which he does not happen to agree with and wishes to appeal the regulation as it affects him?

MR. CHAIRMAN: Mr. Balkaran.

MR. BALKARAN: Mr. Chairman, if you go back to the beginning of this Act, you will see that this association is constituted a body corporate and politic. It is not a government agency; it is not a government department. Its by-laws and regulations made by the association are always open to challenge in a court *by certiorari*. If it is made without jurisdiction or if the association has exceeded its jurisdiction, the law is quite clear that any person affected by such a decision can take the matter to a court and have it overruled.

MR. BOSTROM: What about the second part of my question respecting a refund of fees? What guarantee does this person have that he may take this matter to a court and have his fees refunded to him within a reasonable period of time?

MR. BALKARAN: Mr. Chairman, I can't answer that. I don't know if the Minister wants to answer that. It is an administrative body and if they have the staff to be able to do that quickly. . . I suppose if there is any undue delay, that can be taken to a court as well. You know, in our system of jurisprudence, if I have sued you for a debt and the matter is dragging on over a year or two years, counsel for yourself could always bring a motion in court which is known as failure of the want of prosecution and have the whole matter dismissed. In this particular case, I think you can go for a writ of mandamus. I appreciate the fact that a member of this association will now be put in the position where he has to go to court to get that particular writ to be able to compel the association to make the refund, but in the final analysis, that is available to him.

MR. DOWNEY: Mr. Chairman, I would just like to add this, that it would be the intent, or my feeling is the intent of it would be that it wouldn't be a prolonged period of time until the association were to refund the fees that were payable to him if he did not want to participate. I would think, the way it is set up, that it would be to the interest of the association that there would be an attempt made, as administratively possible, to do it as quickly as possible.

MR. CHAIRMAN: Legal counsel.

MR. BALKARAN: I don't know if I am overstepping my jurisdiction here. Mr. Chairman, I wonder if that amendment could simply say, "will apply for and receive a refund during that fiscal year." Would that satisfy? That would compel them to make the refund during that year.

MR. CHAIRMAN: Mr. Adam.

MR. ADAM: Yes, I just wanted to say that this change does nothing to the bill. It is nothing but a snow job because what producer who sells 10 head of cattle, that doesn't get his refund, is going to take it to court? Who on earth is going to spend \$150.00 to collect \$10.00, or \$12.00, or \$15.00? It is just bloody ridiculous, and the more we deal with this bill, the more ridiculous it gets. It is just a crying shame that anybody would bring in this kind of legislation. It is unbelievable.

MR. CHAIRMAN: Order please. Mr. Einarson.

MR. EINARSON: Mr. Chairman, I hope that we can bring this thing to an end. All I want to say is that many farmers I have talked to, if you are talking about 25 cents a head, if a farmer markets 100 head of cattle in one year, that is \$25.00. Really, in application for a refund, \$25.00 is not going to make or break any one individual. So I think that what we are talking about here is a minor detail, and why spend so much time on it. Let's get on with the business.

MR. CHAIRMAN: 7(3)(a) as added—pass; (b) as added—pass; (3)—pass; 7—pass; 8—pass; 9(1)(a) — Mr. Ferguson.

MR. FERGUSON: There is another amendment here: That subsection 9(1) be amended by striking out the word and figures "subsection 10(1) in the first line thereof and substituting therefor the word and figure Section 10.\$

MR. BALKARAN: Gentlemen, I wonder if I could take the liberty to explain that there is no subsection 10(1).

MR. CHAIRMAN: Section 9(1)(a)—pass; (b)—pass; 9(1)—pass as amended; 9(2)—pass; 9—pass 10—pass; 11(1)(a)— pass; (b)—pass; (c)—pass; (d)—pass; (c) . . .

A MEMBER: Page by page.

MR. CHAIRMAN: . . . page by page? Page 4—pass; Title—pass; Bill be reported — Mr Uskiw.

MR. USKIW: Mr. Chairman, yes, we have had, the last number of evenings, a considerable amount of input by interested people in Manitoba with respect to this undemocratic, authoritarian, dictatorial

piece of legislation. Mr. Chairman, it is all of those things that I have just described.

We note with interest that there were a nuer of farm organizations appearing before this committee: the Farm Bureau, The Cow-Calf Association, the Independent Cattle Producers Association and The National Farmers Union, as well as a whole host of individual groups of people or individual people.

We note, also, Mr. Chairman, that The Farm Bureau position is not one position of complete credibility, and I say that because in the debate that went on with the Bureau here that evening, they admitted that they may be a beneficiary — a financial beneficiary — if this measure passes. To the extent that that is so, one can understand their interest in this legislation, and therefore one has to detract from their brief the importance of their contribution to this committee in support of this bill. It is not possible, Mr. Chairman, to give complete credibility to anyone who happens to have a financial interest in the measure being passed, and that is an important consideration.

So if we take the Farm Bureau out of the picture, only on the assumption that they may have a financial interest here, we then come to The Cow-Calf Producers Association, and there we find, on cross-examination of witnesses, that it's questionable whether their executive had the right to send any motion supporting this legislation or to make any representation to this government purporting to support Bill 25.

Those are the facts that came out of the hearings, Mr. Chairman, despite the allegations of the Minister, who claimed to have all these people supporting this measure before this committee. We have The Independent Cattle Producers Association opposing this thing vigorously, and likewise The National Farm Union opposing it vigorously. None of these two groups, by the way, were in a compromise position such as the other two that I have just mentioned. They were speaking for their particular associations, and then the many individual briefs that were presented — the vast majority of those were against this legislation.

Now the Minister has tried to delude the meers of the Legislature, and this committee, to thinking that he has wide support and that there's no need for a referendum. Well, let me repeat, Mr. Chairman, that if there were a referendum I wouldn't support this bill, even if the referendum carried unanimously, unless it was a bill introduced by a private member and didn't carry the stamp of government with it, because we are talking about a private association, a private organization or a private club, whatever definition you want to put on it. And as such, governments should not be compromised in their recognition of all particular organizations in the community, by having to pass a measure in support of one. We know that there are many out there, we know that there will be many out there for a long long time to come, and therefore the government's hands are going to be tied to quite a degree because of the passage of this bill.

Secondly, we know that this association, because it is introduced by government, is also facing a credibility problem. It will not be able to appear before any public body and claim to be other than a wing of a Conservative Government, or a Conservative Party, and that's tragic for the association, because that is a handicap which will haunt them as long as they are in existence, Mr. Chairman. That is a handicap that they shouldn't have to live with, and to be fair to this association, this measure if it had to be introduced should have been introduced by a Private Meer's Bill, so that government would be aloof from it, so that this association could be looked upon as a neutral new farm organization introduced by the Legislature, through a private member, but nonetheless not committed to any particular political arm of government.

And that's the importance that should be attached to what is happening here tonight, Mr. Chairman. It's a tragic thing that a government sees fit to pass a law to force people to belong to an association. That is something over which people have fought violently, Mr. Chairman. Blood has been shed over just those kinds of measures, and this government who claim to be believers of free choice, more freedom for Manitobans, are shoving this down the throats of people who want nothing to do with it. So we object in principle, all of these amendments will not satisfy us, the only amendment that would satisfy us, Mr. Chairman, is an amendment to not report the bill. That is the motion that would satisfy us. Thank you.

MR. CHAIRMAN: Mr. Ferguson.

MR. FERGUSON: Well, thank you, Mr. Chairman. I think again here that we are seeing the previous Minister's frustrations and whatever else may go with the attempts that he made, when he was Minister of Agriculture, to try to devise some scheme whereby he could bring a compulsory marketing board to the Province of Manitoba, and supply management in conjunction probably with his good friend the Federal Minister of Agriculture. It seems very strange that he has to bring different groups of people into the argument, but that is his choice, and consequently we will certainly go along with it, but we do feel that the two groups that he's pushing so hard, and he has talked so much about the control — I would like to ask him, but I won't expect an answer — what percentage

Agriculture
Monday, July 17, 1978

of the cattle population or the cattle population that are marketed in the Province of Manitoba come from The Farmers Union; and the second question will be, what comes from the Independent Cattle Producers? We are not that naive, as cattle producers in this province, that we don't know that The National Farmers Union represents nothing but the political arm of the NDP.

We are also quite aware of the fact that Mr. Usick and Mr. Uskiw, I think, formed what we called at the time of the referendum The Instant Cattlemen's Association . . .

MR. USKIW: Mr. Chairman, on a point of privilege.

MR. CHAIRMAN: Mr. Uskiw, on a point of privilege.

MR. USKIW: Yes, if the Meer for Gladstone is able to substantiate that last statement I shall allow him to carry on, but I ask him to withdraw that, because we had the witness before us the other day, he explained exactly how that association was formed, where it was formed, by whom it was started, and so on, and we don't need these red herrings thrown into this debate.

MR. FERGUSON: Mr. Chairman, I certainly would want to point out that I think I would be the last person to try to throw herring into any debate, but I would point out to the previous Minister that with the attempts that were made, and we are all quite aware of who the gold dust twins were who were travelling through the province trying to convince the people of what was going on, and the end result of their efforts was a 77 percent vote against their efforts, and 23 percent for . . .

MR. USKIW: Mr. Chairman, on a point of privilege, I should like to ask the Member for Gladstone to elaborate who he is referring to who is travelling about the province.

MR. CHAIRMAN: Mr. Ferguson.

MR. FERGUSON: Well, I might have left one out. There was the Minister of Agriculture; there was the Deputy Minister of Agriculture and there was the Chairman of the Independent Cattle Producers.

MR. USKIW: Mr. Chairman, on a point of privilege, the Member for Gladstone is making allegations that are completely false. How long do we have to put up with the nonsense of the Minister making false statements day after day and then other members of the Conservative Party? That is not correct I have not been party to the campaign of the Independent Cattle Producers Association — not for one moment. Neither has the former Deputy Minister. So let that stand on the record, Mr Chairman.

MR. FERGUSON: Mr. Chairman, through you to the former Minister of Agriculture, if that was no what was happening then I guess many of us were confused, misguided and etc., along the same line as possibly he was. But in any event, I do feel that the Minister has made a move with the backing of the cattle producers and I am quite sure that we will be quite willing to take our lump: if and when this particular effort that we're involved in doesn't come to fruition. Thank you.

MR. CHAIRMAN: Mr. Driedger.

MR. DRIEDGER: Mr. Chairman, just for clarification here, I think we heard a total of 30 briefs that were presented, covering a total of approximately 18-½ hours, the way I kept score, and when the former Minister of Agriculture, the Member for Lac du Bonnet, indicated that the majority were opposed to it, the score that I kept there were 17 that were opposed to it, 13 that were positive and out of those 17, 14 indicated they were MFU members and it was stated by these people that we have 800 MFU members in the province. So relatedly we are talking of a small group. As far as the other three briefs that did not indicate exactly their position with the MFU, two of them were related, I think, in such a sense that the Member for Lac du Bonnet cannot challenge them; because one of them happens to be a secretary and the other the husband of the secretary and the other was a member of the Independent Cattle Association, who did not indicate how many members they had. So we have to talk of a small group.

The others basically represented groups like Cow-Calf, the Beef Growers Association, etc. etc.

What bothers me a little bit is that in the news release, coming into the city the other day, the former Minister of Agriculture had indicated to the news media that he hoped this bill would go through because in three years time that he felt it would be political hay for him.

MR. USKIW: Mr. Chairman, on a point of privilege.

MR. CHAIRMAN: Mr. Uskiw on a point of privilege.

MR. USKIW: I have issued no news releases on Bill 25.

MR. DRIEDGER: Well, Mr. Chairman, whether it was or not, but it happened to come on the news, on the radio.

MR. USKIW: Mr. Chairman, on a point of privilege. I did not issue any news releases on this bill.

MR. DRIEDGER: The news media reported it on the radio.

MR. USKIW: Well, no, that's nonsense, Mr. Chairman.

MR. CHAIRMAN: Does that complete your remarks, Mr. Driedger?

MR. DRIEDGER: That's fine; thank you.

MR. CHAIRMAN: Mr. Adam.

MR. ADAM: Yes, at this time, Mr. Chairman, I would ask you, once again, to table a petition that you have received from my area that none of the members have yet had a chance to peruse, and I would like to know why that petition has not been made available . . .

MR. CHAIRMAN: It is my understanding that this petition in the hands of our Clerk and available to the committee at any time?

MR. ADAM: It is part of the representations that have been made to this committee and we haven't seen it. Are you hiding it? Or who is hiding it?

MR. CHAIRMAN: It was well known to all members of this committee that the petition was in my possession and in the Clerk's possession. No one has given any indication that they wanted to see it. So on that basis, I don't accept your argument. Does that complete your remarks, Mr. Adam? Shall the bill be reported?

MR. ADAM: This is the second time that I have asked for the petition to be tabled.

MR. CHAIRMAN: The Clerk has gone out, Mr. Adam, for copies of that petition. He will make copies of it and then it will be available to all members.

MR. USKIW: Mr. Chairman, I think to be fair, I believe it was some misunderstanding. Mr. Adam apparently understood that we would have a copy of it distributed to the committee members, which was not the case. I understand from the Clerk that he had kept a copy on file, should anyone wish to look at it. So that's not a serious problem. If we could have one copy for our caucus, that would be adequate.

MR. CHAIRMAN: The Honourable Minister.

MR. DOWNEY: I believe the Clerk has gone out to make copies for the members of the committee.

Just in summing up, for the bill before it be reported, I would just like to indicate to the members of the committee that as far as associations being set up by government, I could refer to two that I am familiar with that have been set up over the past years, one being the Dairy Producers Association Act, which was set up by government approximately 75 years ago — it has been brought to my attention — and another association of rural women, and it's the Women's Institute Act, which was introduced to the Legislative Assembly by government many years ago.

So there has been precedence set as far as the introduction of associations in Manitoba.

Mr. Chairman, just to clarify the Women's Institute Act of Manitoba, it is one that the former Minister of Agriculture — and I will give him credit — he did support it and give financial assistance to it, as we continue to do.

MR. CHAIRMAN: Mr. Uruski.

MR. URUSKI: Thank you, Mr. Chairman. Here, this evening, Mr. Chairman, we have a case of the Minister trying to hide behind the skirts of women by indicating that . . .

MR. DOWNEY: Mr. Chairman, and a fine group of women; a fine group of women.

MR. CHAIRMAN: Mr. Uruski, please.

MR. URUSKI: There is one Minister, if he can't get away with indicating to this committee and to the public in committee that there was a bill called The Red River Community College Students' Association, which was analogous to Bill 25 and when he was challenged withdrew those remarks and used the argument that it was a private member's bill, in his argument. The fact of the matter is the analogous portions that he was really talking about were the powers of the bill.

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

MR. DOWNEY: Well, no, I just wondered what point the Member for St. George was speaking on.

MR. URUSKI: Mr. Chairman, my remarks this evening are to the point of whether this bill should or should not be reported. And the remarks at the closing of this committee hearing, are, I believe, as wide-ranging as the debate has been on the bill, in terms of whether it should or should not be reported.

We had this Minister, whose credibility at every step of the way has been challenged and has been shown, that he has been, in effect, pulling everyone's leg within this province. First of all, he issues a press release when he tables the bill that there are easy opt out rights in this bill. Then when we get into the bill and discuss it in committee and discuss it in debate we find out that there is no such thing. There is only a provision that moneys shall be refunded. But what the easy opt out rights, no one knows and no one even knows here tonight, because that will be contained in the regulations of this private association. We don't know what will be contained and yet he goes out in the public and says he will have easy opt out rights. Well, if that isn't deceiving the farmers of this province, the cattlemen of this province, those of whom may not want any kind of an association or any government involvement in the beef industry, they have been led down the garden path, because even tonight he is bringing in amendments indicating that there shall be a payment at least once a year.

How can the Minister stand up and go to the farmers of Manitoba and defend this kind of legislation? He secondly has indicated that he had support from various organizations. When that's been challenged and counteracted, we find that the 4,000 letters that he was talking about were not letters of support or letters of any nature in support of this bill. Those letters were received when the Freedom Campaign was in full force in 1977 in opposition to the move dealing with a marketing board. It had nothing to do with the bill in question. We had another move by the Minister indicating that he received support from the Cow-Calf Association at their annual meeting, but we have found conflicting evidence even as late as today where the Minister, when he introduced the bill in May, indicating that he had support, yet he comes to the House today and tables a letter dated June 26, approximately a month and a half after the time that he came to the House and indicated that he had support from an association.

So, Mr. Chairman, this Minister, in presenting this bill, has had no arguments in terms of indicating that there is support for this type of measure. There is support from one little group. And they are all little groups, I have to say. I have to admit to the Minister that all the groups in the cattle industry are small, including the elite of the cattle industry called the Beef Growers. And that is on what basis the Minister has brought in this bill. He has become a — and I believe the beef growers announced it as a great move, that he was *anex officio* officer of the Beef Growers and a great friend to this association, such a great friend, Mr. Chairman, that he is now denying that a rough draft of that bill presented to the committee last Friday, was ever shown to any other groups. I venture to say, Mr. Chairman, that if one was to check the typewriters within this Legislature and look at the typesetting of legislation, one would be able to ascertain that this bill, that this draft copy, was typed somewhere within the Legislative Assembly. So that there is some move, that there has been some move by the Minister and the department to have this bill shown to these private organizations. It is highly coincidental, Mr. Chairman, that a member of his staff has come to the meetings of these private organizations and had, by coincidence, a copy of this legislation, or virtually identical legislation, which was being discussed at a meeting long before this legislation was tabled

in the House.

So we have had this Minister time and time again having to get up and deny, having time and time get up and try and justify support that he has never had. Mr. Chairman, this Minister has lost total credibility, not only to the members of this committee, but to the farmers of this province. I suggest, Mr. Chairman, that if he had any compunction, he would repeal this legislation and withdraw it.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: We have been presented by a witness to this committee, a draft of this bill, and it is almost identical as the bill before us, Bill 25, excepting it is in its original form, certainly not in any refined form. But essentially, it is the same piece of legislation. The Minister denies having had it prepared and circulated amongst farm organizations and interested groups. If he has not been involved and his department has not been involved in preparing this draft, then I have to draw the other conclusion, and that is that a private organization drafted this bill and presented it to the Minister for consideration, which he then mimicked in Bill 25, which is even worse, Mr. Chairman, because he has delegated the responsibility of his office and the government to some private organization that we know not of other than we have a suspicion who they might be' whether it be Mr. Parker or people of that nature, Mr. Klassen, I don't know.

But somebody has to take responsibility for this draft bill that was circulated amongst only certain farm groups, not all of them, Mr. Chairman, not all of them. The Farm Union people were not able to get a copy of this draft. The Independent Cattle Producers were not approached with this draft. A whole host of people have not been party to the discussions that were under way between the Minister's departmental staff and the farm groups on a draft bill. I don't care who prepared it. I don't care who prepared this bill, excepting that it is a reflection on the Minister when he tells me that he didn't prepare it. But if it happens to become the law of the province, then he has had somebody else prepare it who is not answerable to the people of Manitoba through the Assembly. That is a reflection on himself, Mr. Chairman. If he was honest about it and if he did prepare it, then he should say so and he should express his regrets that he didn't canvass all of the farm organizations. If indeed he didn't prepare it, or his department didn't, then he should be honest and admit that this bill was presented to him by some particular organization. But he has dodged all of those questions on either side, Mr. Chairman, and therefore he is leaving himself open to the accusation that he is less than candid and one could almost suggest completely dishonest.

MR. CHAIRMAN: Mr. Downey.

MR. DOWNEY: Mr. Chairman, I would just like to clarify the position. I think the opposition are completely going on unfounded assumptions and as far as I am concerned, I have clarified my position, the department's position, and would like the bill reported.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: Well, Mr. Chairman, the Minister surely has an opportunity here to clear the air. He can tell us that he did not draft this legislation. He can tell us that his department did not. He can tell us that he received it from a certain organization, which then went out and canvassed other organizations with it. But he would have to explain to me what his own department personnel were doing in promoting it. That is something we have not heard an answer to, Mr. Chairman.

MR. DOWNEY: Mr. Chairman, as far as the accusations are concerned, I answered them in Question Period today in the House. I don't think there is any need for further clarification, that to the best of my knowledge, that the draft bill by no way had come from my department, that the proposed association was discussed amongst farm groups and that all farm groups had the opportunity, as I indicated, that there was notice in all farm papers, that they had the opportunity to participate, and I feel there is no further need for discussion. I have clarified the position of myself and would like to report the bill.

MR. USKIW: Mr. Chairman, could the Minister at least indicate to us who presented this bill to him for his consideration, or for his department's consideration? Can he give us the source of this draft?

MR. DOWNEY: Mr. Chairman, there was consultation with as many farm organizations and groups as wanted to participate, plus the Conservative Caucus.

MR. USKIW: Mr. Chairman, that statement indicates further the slippery position that this Minister has brought into this committee and into the Legislative Assembly through Bill 25. —(Interjection)— It is not a matter of opinion. He has been virtually completely dishonest with this proposal. He has not been candid. He has sidestepped every question that was put to him, Mr. Chairman, and I think that's a sad reflection on how to introduce legislation into the assembly.

MR. CHAIRMAN: Mr. Bostrom.

MR. BOSTROM: Thank you, Mr. Chairman. I would just like to say a few words before this bill is reported. I want to point out that as far as I am concerned, and those in my constituency who are connected with the cattle industry, who are mainly the small producers, that this kind of a bill represents a reduction in their freedom. I believe that that is easy to see when you consider that this bill requires them by compulsion to be members. Compulsory membership is imposed on everyone without opt out rights; they are only able to request their money back, they are not able to request that they be removed from membership in this association, or to be removed from the imposition of the regulations of this bill, which are to be imposed on them. And Mr. Chairman, I believe that the regulations which can be brought out under this bill can be imposed on everyone in any way connected with the cattle industry, with no opportunity to opt out. And I say that the operation of this association, if it wants to, can impose dictatorial and tyrannical regulations on the average cattle producer, in fact, on anyone who is in any way connected with the cattle industry. These can be imposed on them by a private association which has been set up by legislation brought in by the PC government, with no opportunity for them to opt out or to have these regulations not applicable to them.

Mr. Chairman, this bill makes it impossible for them to do it without great expense to themselves which, I suppose, if they want to take it to the courts in Manitoba and to the Supreme Court, they may be able to, in each specific case, have regulations which are dictatorial and outright tyrannical take them out of the jurisdiction of themselves personally. But Mr. Chairman, given that many of the cattle producers in Manitoba are small, they are not rich people — they are average income earners, or many of them are in the low income earning bracket because of the problems that are associated with that industry — and Mr. Chairman, given that this bill requires these small producers to report information on their business affairs to a private group who may use this information against them, is a very dangerous thing to do. I believe it was pointed out very emphatically by witnesses who appeared before this Committee, that the information that can be required by this private group, this private association, can be used against them, and certainly big business interests, if they know the right information about the ages of cattle, where they are located, and all the rest of it, they can use this information against the little guy, against the little producer in this province.

Mr. Chairman, it's obvious from the actions of this bill and other kinds of bills that have been brought before this Assembly, and other actions by this PC government, that this PC government is out to cater to big business interests, and this bill is just one example of that. Mr. Chairman, this bill will be very handy for feedlots and packers, but will do nothing for the small producer. And Mr. Chairman, I believe that this bill gives freedom, all right — it gives much more freedom for big business interests to rip off the little guy, and as far as the little cattle producer in this province is concerned, this bill represents freedom is gone.

MR. CHAIRMAN: The Honourable Minister.

MR. DOWNEY: Mr. Chairman, in case the Member for Rupertsland wasn't paying attention when we introduced the amendments that if a person does not want to participate, that he is not forced to provide any information that is under this Act, and I don't know where he goes off filibustering about hurting individuals' rights, because we have amended it to the fact that no one has to provide that information, if they want to opt out of it. So, I can see no reason for his argument.

MR. CHAIRMAN: Bill be reported? Mr. Uskiw.

MR. USKIW: I want to take the Minister up on that. The Minister alleges that no one must participate if they opt out, and they don't have to furnish information, but while they opt out this association is going to presume to speak on their behalf, even though they have opted out. And that is an infringement, Mr. Chairman. They're speaking for themselves, as they should.

MR. CHAIRMAN: Bill be reported?

MR. DOWNEY: Bill be reported.

MR. CHAIRMAN: Agreed? (Agreed)

A MEMBER: Yeas and Nays.

A COUNTED VOTE was taken, the results being as follows: Yeas 6; Nays 4.

MR. CHAIRMAN: Bill be reported.

Order please. For the interest of all members, sufficient copies are available of the petition referred to by Mr. Adam, for your perusal. Mr. Balkaran will be distributing them.

BILL 67 — AN ACT TO AMEND THE FARM LANDS PROTECTION ACT

MR. CHAIRMAN: Bill 67, page by page. Are there amendments on Bill 67? (Clauses 1 to 2(b) were read and passed.) Clause by clause, then. .

MEMBERS: Page by page.

MR. CHAIRMAN: Page by page? (Pages 2 to 8 were read and passed.) Page 9 — Mr. Ferguson.

MR. FERGUSON: I have some amendments on Page 9.,

That Bill 67 be amended by adding thereto immediately after proposed new section 16.3 of the Act as set out in Section 20 of the Bill the following section:

Precedence over Section 2 of Law of Property Act.

And the next one is 16.4:

The provisions of this Act prevail over Section 2 of The Law of Property Act, being Chapter L90 of the Revised Statutes.

MOTION: That the proposed new Section 16.4 of the Act as set out in Section 20 of Bill 67 be renumbered as Section 16.5.

MR. CHAIRMAN: Mr. Jorgenson.

MR. JORGENSON: Mr. Chairman, if I may, the explanation for these particular amendments is that Section 2 of The Law of Property Act states that aliens have the right to hold land, to dispose of land — I forget the precise wording — but they have, by virtue of The Law of Property Act, have the right equal to a Canadian citizen. What this amendment simply says is that this Act supersedes that section of The Law of Property Act.

MR. CHAIRMAN: 16.3—pass. Page 9 as amended —pass; preamble—pass; title—pass; Bill be reported.

BILL NO. 68 — AN ACT TO AMEND THE REAL PROPERTY ACT (2)

MR. CHAIRMAN: Bill No. 68. Page-by-page? Page 1—pass. I understand there's an amendment on Page 2 — Mr. Ferguson.

MR. FERGUSON: The amendment on Page 2, Mr. Chairman, is that the proposed new clause 82(4)(c) of the Act as set out in Section 2 of Bill 68, be amended by striking out the word "owner" in the 4th line thereof and substituting therefor the words "registered owner other than the land being acquired by the transfer or other instrument."

MR. CHAIRMAN: Legal Counsel.

MR. BALKARAN: Mr. Chairman, that is to be consistent with Paragraph (b) of 82(3). The language is slightly different.

MR. CHAIRMAN: Page 2, as amended,— pass; Preamble—pass; Title—pass. Bill be reported.

MR. USKIW: Yeas and Nays, Mr. Chairman.

QUESTION put on the amendment, MOTION carried. (On Division)

MR. CHAIRMAN: Committee rise. Agreed? (Agreed) Committee rise.