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DEBATES and PROCEEDINGS

Speaker

The Honourable A. W. Harrison



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THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Friday, April 13th, 1962.

MR. SPEAKER: Second reading of Bill No. 100. The Honourable Member for St. Vital.

MR. GROVES: Mr. Speaker, before the House adjourned for supper, I was saying that we have to consider the possibility of the Committee of Reveiw not reporting until after the next provincial election or the possibility of them not reporting before the next Metro election. And in the event of either of these possibilities, I think we have to consider the further damage that Metro could do if allowed to carry on as constituted at the present. In the event of a lengthy period of review, I think that we should consider amendments to their Act or other measures to ensure that we will correct the existing deficiencies and that these deficiencies are corrected before they're made worse. There has been, Mr. Speaker, and I hope that in the remarks that I have to make this evening that in the event that this commission reports early that these might be taken into consideration by the committee when they're making their review. And in the event that this committee take some years to report then, I think, the government should consider, and we as members of this House should consider making some of these changes. There has been a great deal of speculation, Mr. Speaker, recently in the papers about an advisory committee. Metro Council is a small group, and like most small groups it is much easier to get unanimous decisions. This has, in my opinion, been one of the serious defects in Metro -- most of its decisions have been unanimous. There has been no individual, or no individual until such time as Alderman Taraska was elected that is, or group of individuals that constituted an opposition to the Metro Council. I think that an advisory committee of representatives from the area municipalities would serve as an opposition much the same as the Opposition serves its purpose in this House. The government here has a majority of the members and is, therefore, pretty well assured of the passage of its legislation. The Opposition being smaller in number, of course cannot prevent government legislation from passing, but it can, however, by the freedom of speech that we enjoy in this country and the rules of the House which gives them certain rights in debate, they can raise such a hue and cry as to cause the government to have second thoughts and even to amend some of their legislation and their programs; and these objections of the Opposition through their being reported in the press are an important factor in keeping the public informed as to what's going on.

To date in Metro we have not had this despite the fact that Metro is ruling over one-half of the population of the province. And this committee of advisory representatives from the area municipalities, even although they didn't have a vote and would be unable to prevent the passage of Metro legislation would, in my opinion, provide an effective opposition and prove an effective brake on arbitrary, unfair and arrogant decisions by the Metro Council. This would be a good step in the right direction and, I think, it would do much to curb Metro's arbitrary use of their power. It would do much, in my opinion to eliminate the friction that exists now between Metro and the area municipalities. And, if this group functioned as an effective opposition group, it would do a great service to the people of the metropolitan area by keeping them in touch with what's going on in the Metro Council.

Another thing, Mr. Speaker, that I think should be considered by this Committee of Review or should be considered by us in the event that this committee is going to take too long to report, is the fact that the Metro Chairman should be an elected official, and he should be elected by the area at large. I cannot join with the Premier of the province when he praised Mr. Bonnycastle the other evening. For despite Mr. Bonnycastle's acknowledged ability, he is seriously handicapped by the fact that he is not an elected official; and, in my opinion, Mr. Speaker, no appointed official in a democracy has any right to sit at the head of an elected body. I think, Mr. Speaker, that the residents of the Metropolitan area have no reason to be confident in his trusteeship when they had no say in his assuming his position, nor can they feel that he is sensitive to the needs of the taxpayers when he doesn't have to go to them for a vote of confidence. And further, Mr. Speaker, experience has shown us I think, that the Metro Council is too small; that each member is too far removed from the people that he represents and this is particularly bad where they are governed on the municipal level. If it takes 20 of us here, Mr. Speaker, to represent the same area then surely in a level of government where the representatives are dealing with the day to day needs of the people in a municipal

(Mr. Groves, cont'd.) . . . field, surely the Metro Council should be at least as large. If this were so, we would, I am sure, find amongst these 20 either one individual or a small group of individuals that would function as an opposition or a brake on the arbitrary use of power by the council as a whole.

And, Mr. Speaker, I am confident that if we had an elected chairman of Metro and if we had a larger Metro Council that the bill that we're considering tonight would not be before us. I think too, Mr. Speaker, that considerations should be given in the light of our experience with Metro to date to putting Metro on the same basis as the other cities and towns of this province in respect to capital borrowing by-laws. With a larger council and an elected chairman, my feelings might be different in this connection. But I want no part of a small powerful council or a small bureaucracy foisting onto the people of the Greater Winnipeg area huge capital expenditures where the taxpayers have no voice, regardless of Metro's assessment of their worth. The people should have a say, Mr. Speaker, and they should have the right to be sold on these projects; and I am confident that if they were sold in the right way that there would be no trouble in this regard. Mr. Speaker, I realize that there are those who will say that Metro's jurisdiction in respect of public works such as waterworks, sewer systems, is not any different from what it was before because the people still didn't have a vote on such things as sewer and water. However, prior to the inception of Metro at least before the Greater Winnipeg water district or the Greater Winnipeg sewage district embarked upon a huge program of expansion there had to be some measure of agreement amongst the area municipalities that were represented on the various boards.

And I would like too, Mr. Speaker, to say a few words on the subject of a referendum. There was a lot of talk at the time we were considering Bill 62 about a referendum, and we decided not to have a referendum. Developments since, Mr. Speaker, have convinced me that I was wrong in this respect. A great deal of the trouble that we've had with Metro in the last year and a half, I think, could have been avoided if we had had a referendum at that time. It can be argued of course that the wording of such a referendum might have been tricky; and it was argued, that a referendum would serve only to confuse a situation where there was already a great deal of speculation. When we decided, Mr. Speaker, to put the school divisions plan into effect in the province, it was supported by all of the members of this House. It was supported by the teachers and the trustees of this province. And we spent provincial money to conduct a campaign to sell to the people of this province the school divisions plan. Members of this Legislature from all parties, representatives of the teachers and the trustees, people from the Department of Education, all helped to put this plan across. At the time of considering Bill 62 if we had agreed to a referendum we would have had almost the unanimous support of this House. Bill 62 certainly had the support of the people in the Department of Municipal Affairs and by and large when the bill was ready in its final form, we had at least removed the major objections of the area municipalities. And I maintain, Mr. Speaker, now, that if at the time we had enlisted the support of all these people in support of a campaign to sell Metro to Greater Winnipeg, we could have done it. I believe that a referendum conducted along these lines at that time would have passed.

This, however, Mr. Speaker, is now water under the bridge and we shouldn't waste time quarrelling over spilt milk. I agree, however, with those who say that a referendum would serve no purpose now; because this referendum would certainly go down to an overwhelming defeat for Metro. Such a defeat would wash down the drain the good as well as the bad and I don't think, Mr. Speaker, that this should be necessary. I believe that we can patch up Metro; that we can patch it up well enough to work. And I think that this is what the Committee of Review will recommend. If, however, Mr. Speaker, the Committee of Review recommends any major overhaul in the Metro legislation, or they recommend a new approach to the problem, then I think, that we should in all fairness enlist the support of the area municipalities to sell to the people any new approach to this problem; to ask them to approve it with their votes. I admit, Mr. Speaker, that this will create problems, but I sincerely believe that if this is done that we can avoid many of the pitfalls that have developed in our present scheme.

I also wish to say, Mr. Speaker, a few words on the subject of amalgamation. Early in 1959 before this House considered Bill No. 62, I said -- and this was in our local paper -- that --

MR. M. A. GRAY (Inkster): Mr. Speaker, would the honourable member permit a very brief question before he goes to the other section of his address?

MR. GROVES: Yes.

MR. GRAY: My question is, you made an assertion "before further damage is done." I want to do it before you go to amalgamation. Can you tell me and the House, what damage has been done now, exactly, and not theoretically?

MR. GROVES: Well, I think the answer to that question, Mr. Speaker, is in tonight's paper and if the Honourable Member for Inkster thinks that no damage has been done after reading tonight's newspaper on what occurred at the Metro Council meeting last night, then I'm afraid that I can't agree with him.

On the subject of amalgamation, Mr. Speaker, in 1959 I said this -- "I sincerely believe that Greater Winnipeg is not too large to be a single government unit. It is now a single economic unit." And I went on to say -- "A totally amalgamated governmental unit in Greater Winnipeg achieved in stages, is, I believe, the ultimate answer to the many difficult situations which face us today and will face us in the future." And, Mr. Speaker, I still believe that statement to be true. Last year, or later in the same year I should say, when the government was considering what should be done about the problems of the area municipalities in Greater Winnipeg, I am on record in a letter to the Minister of Municipal Affairs, giving my opinion that when considering this Bill he should consider that the ultimate solution to the problems of Greater Winnipeg lie in one authority governing the whole area. Amalgamation, however, at that time seemed to -- and I should say before I go on that I still believe those statements to be true -- that amalgamation at the time presented some serious problems for the suburban municipalities. Their representatives, when they appeared before our committees, were almost unanimously opposed and afraid of amalgamation, so we proceeded with Bill 62 and we got Metro as we have it today.

Had Metro gone slowly, Mr. Speaker, and smoothly; had Metro cultivated the friendship and the wise counsel of the representatives on the area municipal council, I am convinced that Metro would have been an equalizing period between what we had and eventual amalgamation -- and by amalgamation I mean voluntary amalgamation, not absorption of the suburbs by the City of Winnipeg. Circumstances being as they are now, Mr. Speaker, I'm inclined to agree with those who say that amalgamation at the moment is politically impossible. Let us not rule out, however, that amalgamation could be the recommendation of our Committee Review particularly if this is an unbiased Committee of Review; and we would do well to give it some thought in the meantime. If this Committee of Review can't find a way to make our present Metro, or our present concept of Metro work, then we must look at amalgamation as an alternative; and failing that, we must go back to a system of inter-municipal co-operation with built-in assurances that it will work better than it had in the past.

We cannot predict, Mr. Speaker, what this Committee of Review will recommend. We must, however, face the fact that the bill that's before us at the moment re-opens the whole wide field of what must be done about the problems of Greater Winnipeg. Whether in the years to come Mr. Speaker, the members of this House are to consider a patched-up Metro, a new Metro, amalgamation, or back to inter-municipal co-operation, we would be well, I think, at that time to consider what Dr. Lothar Richer said as a forward to his report on municipal-provincial relations in Nova Scotia. And he said this -- "To have services performed at the municipal level is an essential feature of a democracy. Such an arrangement makes government more responsive to local needs and allows the citizen an active participation in the affairs of the community. It develops leadership and prepares local talent for work in a wider field. If, therefore, the main social functions of government should for the sake of efficiency be transferred to a higher level, a valuable training ground for democratic government would be lost. Those who complain about the decline in civic interest in municipal affairs often fail to observe that not many tasks have been left to municipal bodies which can captivate the citizen's interest." Mr. Speaker, in Bill 62, as we have it providing for a small council elected from large areas and representing over half the population of the province and providing for a city manager system which is foreign to municipal life in Manitoba, supporting a high-priced small group of civil servants, some new to this field -- I think Mr. Speaker, that in Bill 62, making these provisions which I have just listed, we have overlooked the important message of

(Mr. Groves, cont'd) Dr. Richer and I don't think Mr. Speaker, when the time comes for us to reconsider this subject, we should overlook these very wise words.

MR. W. B. SCARTH, Q. C. (River Heights): Mr. Speaker, I listened this afternoon with some interest, to the Honourable Member for Selkirk and ever since I've been in this House I've always listened with great interest to what he has said because he has upon practically every occasion before been sound. Today with every deference, I think his speech was somewhat shoddy and I think it was political and I believe he knows better than what he said. For instance, Sir, he said, "this is like a parent deserting his child." Well I can tell the Honourable Member for Selkirk that the government is not deserting Metro. I can't speak for the whole party but I know better than that -- (interjection) -- so carrying on from there Sir, going on next to the speech of the Honourable Member for St. Vital. Running down Metro has become just a bit of an obsession with the honourable gentleman and it seems unfortunate -- it seems unfortunate at a time when -- government of any kind is difficult these days -- but we've got an elected body of 10 councillors there in Metro; we've got a very able Chairman; those men are doing their best, but they are on a project, Mr. Speaker, which will take some little time yet to work out. You cannot get that kind of a thing functioning in a matter of six months or a year or so.

I happened to have been, Mr. Speaker, associated with The Commonwealth Air Training Plan in the last war. It was a new project. They got, present company excluded, the best men they could to administer it, but -- (interjection) -- that's what I said, present company excluded -- I'm a modest young man -- but Sir, we were all at a loss for six, seven or eight months and more than that. Everybody was trying his best to make things go, but it was difficult because we were tumbling over each other trying to find out what to do and nobody did know. Now Metro is not in that position by any means, but nevertheless, they have got growing pains. I have -- I don't know all the members, the elected members of Metro -- but I know this, that there are some very good men and I'm assuming that the public of Winnipeg, when they elected the Metro Council, chose the ones whom I don't know just as wisely as the ones whom they chose that I do know. I would say this Sir, that if everybody from the city council to the urban councillors to this House are going to pile on to Metro and accuse them of everything and anything, then you're simply not going to get the proper type of men to run for council. They won't be bothered. So I suggest Sir, that we consider our position. Let us within this House be fair to those men. And then again, just as to the bill, it seems to make sense, it allows the review to be brought on previous to the date set for it, and that should not hurt anybody.

MR. JOHN P. TANCHAK (Emerson): Mr. Speaker, I'm afraid I cannot agree with the honourable member who just sat down and I think I will make one of those shoddy speeches that was attributed to my friend here to the right. He warns us, or pleads with us not to criticize Metro. I'm not here to criticize Metro, and I don't think that any of the members on this side in this Session actually criticize Metro. I think that we try to criticize the people who really merit criticizing and as far as I know I do not think that I have heard Metro criticized by members on this side. We are dealing with this resolution, trying to establish a commission to review the works of Metro, and I, for one, cannot see the logic of some of the arguments in this House, and even -- I'm sorry the Member from St. John's isn't sitting here -- even the logic of NDP -- but I'm not too sure that the Honourable Member for St. John's was speaking for the party -- but at least the statement that he made yesterday seems to me to be way beyond logic. He says, I do not -- "I'm going to vote for this bill although I do not believe it will do any good at all. The only reason I'm going to support it is to give the Premier enough rope to hang himself" -- something to that effect anyway. Give him enough rope to hang himself. Well I don't see the logic of that -- (interjection) -- It seems to me that if something is worthwhile we should accept it; if it isn't worthwhile, if we don't believe in it, we should not accept it. But just simply to vote for it so as to see somebody dangling at the end of the rope -- I know what he means, politically -- he doesn't mean it literally -- I don't think it is quite right.

We all know that Metro is the creation of the Premier, or the government, but the Premier probably was the one who thought of it, and it seems to me that, as usual, the Premier was trying to build probably a little monument or something to the Conservative Party, or probably to himself, so that in the future some time, providing it did work well, it would be a monument to the Party and to the Premier himself. But if a little more time was taken and more heed was

(Mr. Tanchak, cont'd)paid to the demands and recommendations of the different municipalities, I think we would have had something very fine. The way it was created seemed to me that it acted simply as a buffer -- a buffer to block the demands from so many different municipalities on the provincial government. This way, when the provincial government has to deal with one I suppose it was easier to brush aside their demands than brushing aside the demands of so many; because you could brush aside the demand of Metro and then turn around and blame Metro for the inadequacies of Metro -- blame Metro itself. In other words pass the buck. I voted against Metro in the first place. I believe that a referendum would have been in order. I believe that if we would have had a referendum it would have given the people a chance to learn more about Metro -- how it should work and so on -- and I still believe that Metro would have been accepted by the City of Winnipeg after they would have been educated on it. And I think that it was wrong -- even at that time -- it was wrong to tell us here in the House that a referendum was out of the question, because this Metro is of such magnitude -- I'm not sure of the word he used -- that the ordinary man in the street would not be able to comprehend it. At the time I did say that I had more faith in the citizens of Winnipeg. I believe that they would have been able to discern whether it was right or wrong.

I voted against Metro, but you haven't heard me criticize Metro ever since the bill was passed; because I believe in the principle that the legislators, although I was not one of them, created Metro and it was our duty to give it a chance, give it a chance for several years. I knew that this commission was supposed to be appointed after four years of operation and I thought then if there were some shortcomings in Metro it could be improved, but I really believed that we should have given Metro a chance to do what was expected of it.

Now here we come to the logic of the Premier. I'm not going to analyse it thoroughly because there are more able men in here, but I don't see the logic in what the Premier told us last week. We know that the Premier, through the government or the government, but I know it's the Premier's work -- usually we on this side believe that most of the work on that side is done by one man anyway, and the rest -- like one of the members here says -- are good trained seals. Of course with due respect, some of the front benchers I have to give them credit, because some of them I really believe, and I give them credit, that they're doing the right thing. But it was the Premier who appointed the Chairman. Now he told us that he believes the Chairman is a capable man, he's a good man and he knows what he's doing. Then on the other hand he says we'll appoint this commission to check him to see what he is doing. Maybe he's not doing the right thing -- Metro went a little too fast. In the first place we have confidence in him and then on the other hand we haven't got too much because we are appointing this commission to study what he is doing. Now where is the logic in this? I simply think that this commission which the Premier proposes to establish is just another way to shirk their responsibilities. I myself do not believe that this commission will do too much to help alleviate this problem. It seems that members opposite always refer things. When it comes to where they should make a stand and show leadership -- what do they do? Refer it to some commission. We have a very good example when we had this margarine question a year ago and what happened -- or two years back -- what happened. Let's establish a commission to tell us what to do because we can't decide ourselves. And when the commission did report what happened in here? The Honourable the Minister of Agriculture himself disregarded the commission entirely -- and what did he do? Just created a hideous orange blob out of that -- didn't follow the report of the Royal Commission. And how can we be assured that when this commission presents its report that the honourable members across will follow the recommendations of the commission? I think it's just simply another way of stalling -- another way of showing irresponsibility and showing lack of leadership. I wonder where that leadership is. Metro was created and Metro was created by the Premier himself and I think the Premier should teach this baby to walk.

MR. J. M. FROESE (Rhineland): Mr. Speaker, I beg to move, seconded by the Honourable Member for Dufferin in the debate be adjourned.

MR. SPEAKER: The Honourable Member for Selkirk is not in his seat. Is that your seconder.

MR. FROESE: The seconder was the Member for Dufferin.

Mr. Speaker presented the motion and after a voice vote declared the motion carried.

MR. SPEAKER: Second reading of Bill No. 93. The Honourable the Minister of Agriculture.

HON. GEO. HUTTON (Minister of Agriculture and Conservation)(Rockwood-Iberville) presented Bill No. 93, an Act to amend The Crop Insurance Test Areas Act and to validate an Order of The Manitoba Crop Insurance Corporation and Order-in-Council 1521/61, for second reading.

Mr. Speaker presented the motion.

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Mr. Speaker is the Minister not giving an explanation?

MR. HUTTON: Mr. Speaker do I have to explain this bill again? I explained it when I introduced my resolution in committee. I can tell you all the things that I told you at that time. It's pretty straight forward. It enables the corporation to declare a part of a contract void because of poor management or neglect. At the present time they either have to honour the whole contract or declare the whole contract void, and this appears to be a rather unsatisfactory arrangement. It provides for changing the date at which the prices are determined in respect of the insured crops; it provides for further funds so that we can carry on the program because the reserve that was established initially has been depleted through the operation in 1961 and it validates an Order-in-Council establishing the test areas.

Mr. Speaker put the question and after a voice vote declared the motion carried.

MR. SPEAKER: Second reading of Bill No. 94. The Honourable the Minister of Industry and Commerce.

MR. EVANS presented Bill No. 94, an Act to Amend the Partnership Act, for second reading.

Mr. Speaker presented the motion.

MR. EVANS: Mr. Speaker, there are three principles in the bill. The first is to gather into one office the administration of the registration of all partnerships which are now scattered, largely in Winnipeg, but also in all the offices of the various judicial districts in Manitoba; and also to bring into the same office the registration of all corporations. The second is to establish uniform conditions with regard to the use of corporate names, to reduce the conflict that there is now between corporate names or styles and titles which are granted under the Partnership Act and those granted under the Companies Act. The third is to provide for renewal of partnership registrations every three years; the purpose being to keep valid the right to the exclusive use of names. When a partnership is registered the partners are granted the exclusive use of a name and under The Companies Act the corporation is awarded the exclusive use of a corporate name. But many of the partnerships that are registered as far back as 1883-- some of them giving the place of residence as Nelson, Manitoba -- which honourable members will recall is a town that at one time was close to Morden and then when the railway came through the town practically disappeared. Those are just illustrations of the anomalies that have grown up.

The purpose behind this is to provide reliable information for people entitled to it, to guide themselves with regard to business matters, and to enable them upon search of the records to obtain reliable information as to the partnerships -- whether there are any limitations upon a partnership. When one is entering into a business negotiation with a partnership they want to have a reliable source of information to find out who are the partners, whether or not there are any limitations upon the participation of any one of the partnerships in that partnership; a limitation such as the declaration that the interest of a partnership is limited to such and such an amount of money. One might assume in a business negotiation that one of the partners being a wealthy man had placed all of his assets behind the partnership. This might not be so. And so it is provided to renew the partnerships every three years so that the new declaration will bring up-to-date the information available to the public.

The reason this came to notice was that there have been instances of deliberate evasion of the Companies Act with regard to the use of names. There are corporations who have approached the company's branch have been declined the use of a name either on grounds of public policy or because of conflict with existing corporations. They have then incorporated under some other title, but immediately have gone across to the prothonotary's office or some other place and registered the name for which they originally applied; and there was no provision in The Partnership Act administered under the Attorney-General's Department for declining the use of that name which was not in the public interest or which was, in fact, a conflict

(Mr. Lyon, cont'd) with an existing name.

A title can be a very valuable asset to a corporation. They may have purchased that name for a cash sum; they may have invested in that name by way of advertising and publicity and other means to give that name very great value. I think one has only to think of what the cash value would be to anyone acquiring the name, shall we say, Coca Cola, Pepsi Cola, any of the well-known trade names, to realize what a valuable asset the exclusive use of a title such as that is to the people who own it. There are cases here in Manitoba where people having invested in a name of that kind have lost exclusive use of that title by the device that I have described of using the registration under The Partnership Act to gain control of a title to which in equity they were not entitled.

This matter was discussed with, we believe, all of those concerned. We've tried to hold a conference with all of the interests who might be affected by a change in The Partnership Act and the co-ordination with The Companies Act. We convened a meeting of representatives and there were four from the Winnipeg Chambers of Commerce, from the Manitoba Chambers of Commerce, from the Motor Dealers Association of Manitoba, two in number, three in fact; a representative of the Winnipeg Motor Dealers Association, the Canadian Credit Men's Trust Association, another from the Canadian Credit Men's Association and also from the Legislative Committee of the Law Society of Manitoba, and there was one other of the legal fraternity included. A good discussion was held and recommendations were received from the Law Society of Manitoba, most of which we were able to adopt; some of which we were not. But I believe that the bill when it is presented and when you see the details included in it, will be found to represent a fair consensus of the views of those directly concerned with the object of avoiding the difficulties that have been encountered and making it a more reasonable means of administering particularly corporation titles.

There is another practice growing up at the present time which I think, while there's nothing wrong with it, requires to be followed and about which information should be available. And that is the practice of corporate companies registering partnerships where partnerships are found to be the sole -- for example, partnerships would be registered in the sole name of an incorporated company. Now there's nothing wrong with this; there's nothing wrong with the practice, but I do think that it is right that anyone who is doing business with a partnership should be able to trace back to the true ownership of that partnership and be able then to come to the real owners and operators of the partnership. These are the main principles, Mr. Speaker, behind the bill.

MR. GRAY: Mr. Speaker, may I direct a question? If this bill is passed, it would mean that each company or each individual doing business either by incorporation which you have now a record, or by partnership which is being registered in the Gazette, or as an individual. Now supposing an individual, say, Gurney Evans opens up a business on his own. Does he have to register this? If not, I could come and open up a business under the same name and no one is to stop me about it because it's not registered. Wouldn't it be better if anyone is going into business and in order to avoid unfair competition because some businesses like J. H. Ash-down and T. Eaton Company are publicized by its name and if anyone opens up a business -- never mind if it's records or newspapers or grocery or anything else -- and is doing good business, advertising a lot, couldn't I come in then and open up a similar business under the same name and I being the owner? So I think it would be better if everyone that opens up a business should come here and register that he is opening up a certain business, a certain office or a certain school, such as political science and how to behave in a legislature and so on, then if it's popular, I go in and open up another business under the very same name and no one is to stop me. So I think the best thing is to see that each and everyone, the same as in the city or in a municipality if anyone goes and wants to peddle his vegetables he's got to take a licence out.

MR. HILLHOUSE: You would close the debate if you answered. I believe, Mr. Speaker, that this is good legislation. There's only one suggestion that I would make to the Minister and that is this: that in view of the radical change which is being effected regarding partnerships ceasing if you fail to register within six months, and the question of renewal of partnerships. I would make this suggestion that notice be published in the newspapers so that everyone who is operating under a partnership will know that the law has been changed. I fully appreciate the fact that ignorance of the law is no excuse but, at the same time, I think that it

(Mr. Hillhouse, cont'd.) would be a good idea to give public notice of the changes that have been effected so that those who have registered partnerships now can protect the name under which they're operating.

MR. J. M. HAWRYLUK (Burrows): Mr. Speaker, just a clarification. I think we're all aware that there have been established firms in town and business firms and law firms that have been operating for years in which the original partners have died and passed away and newcomers have come in and taken over. Does it mean that the people who come in to the new partnership have to register in their own names instead of under the old established names? And secondly, in (c) here: "to provide the future registration shall expire every three years unless renewed." Does it mean that every time they have to renew it, they have to pay the fee? Is that it? -- at the end of three years.

MR. N. SHOEMAKER (Gladstone): Mr. Speaker, my question is one of personal interest since we operate under a partnership in Neepawa. Now I'm not certain whether our own partnership is registered. I think it is; we have an agreement. But, the point is this, I understand that with the passing of this Act we will have to have it registered -- that's number one. If we fail to do that, it will expire. Now another question is: it will expire as far as the records are concerned with the government, but would it still be valid in court? We have a written partnership agreement but if you fail to register as required under this law, would the partnership agreement that is presently in force be good in a court of law?

MR. GRAY: The members of this House are trying to get free advice from the lawyers.

MR. MOLGAT: Mr. Speaker, I'm sure the Law Society will take care of the objection of the Member from Inkster. I just have a couple of points I'd like to raise on the bill before the Minister answers, Mr. Speaker. I certainly agree with my colleague from Selkirk that this is good legislation. I think it will simplify the business dealings of many people. I wonder what amount of information the Minister will request from partnerships. At the moment, companies have to submit an annual return. I think maybe we should be looking actually at the amount of information that we are now asking for in the annual return and maybe considering the expansion of that information and possibly somewhat more scrutiny by the department on annual returns. I wonder if it's the intention in the case of partnerships to also ask for additional information or merely the requesting of the renewal of the registration. I think this should be considered. I note that it's provided that within six months of the coming in force of the Act every existing registration must be renewed. Does the department intend to contact directly the partnerships presently registered and advise them of this proviso? I'm afraid that if something like this is not done in many parts of Manitoba where partnerships may have been in operation for a long time, the partners simply will not realize that this is required and we may find that a year from now or two years from now we have someone coming along with a problem, and the House will be asked to take some special action. Also in the cases of the fees to be fixed by regulation rather than in the Act, I wonder if it is the intention to have a change in the fees and whether the Minister knows now what he intends to do?

MR. EVANS: if those are all the questions, Mr. Speaker. My honourable friend from Inkster asked whether someone who has been in business can continue in business without regard to conflict of name. We would certainly not deprive anyone of the right to do business in his own name. If he is the sole proprietor of a business and has been trading under that style for a considerable time, in spite of the fact that there may be a conflict, we will, as a matter of policy, endeavour to see that he is not penalized. There will be many cases when there will be a company under one title, shall we say, Smith's Grocery in one part of the province and a Smith's Grocery in another part of the province and there is no conflict in their interests, we would certainly not interfere with that. In future grants of partnership titles we would try to avoid such conflict as far as possible by endeavouring to persuade the partners to register a slightly different name, such as the H. Smith Company and the W. Smith Company, or whatever the case may be. But it is not intended to deprive anyone of the use of their own personal names and/or initials in the conduct of their own business as a sole proprietorship, or even in the cases of double partnerships where it might be possible by some variation to make a slight difference in the names. And so we're going to try to safeguard an individual's right to use his own name.

My honourable friend from Selkirk asked about advertisements and that tied in with a

(Mr. Evans, cont'd.) question from the Leader of the Opposition. We will try by every means to reach the present proprietors and tell them that a renewal is due. We do this in the case of corporations when we find that registrations have not come in, we try to reach them first by advertisements in the Gazette, then by advertisement in the newspaper and then as far as we can trace them through telephone books to write correspondence to them. I think we would try to reach all the proprietorships in that way. There would be a great many, of course, to whom we cannot address mail because either the partnerships were registered so long ago that we can presume that they have moved or one of the partners has died or for other reasons we may not be able to reach them.

My honourable friend asked about new partners -- my honourable friend from Burrows -- asked about new partners entering a partnership. What is provided in The Partnership Act that when one of the partners dies or leaves the partnership or for any other reason, that partnership becomes dissolved and it's incumbent upon the original partnerships to cancel out and then a new partnership is formed. So I think it does not follow the pattern of corporations where the directors or shareholders of a corporation may die or sell their holdings and other people take their place. This is a different situation because if the partnership is changed a new registration is required. A fee will be required for re-registration. And in answer to that question and also the question from the Leader of the Opposition, it is not known yet just what the fees will be or what the expenses will be. In fact it is not quite yet known when we will be able to proclaim the Act. My honourable friend will have seen that it comes into operation on proclamation and we haven't yet been able to see our way through the administrative arrangements and so we don't know quite when it will come into operation. Any fees designed will be designed to recover the expenses.

My honourable friend from Gladstone raised his own case as to whether his partnership is registered or not. I have to inform him, and perhaps he got some hints from the smiles that went around the Chamber, that anyone here may now inform upon him -- the way this Act is constituted at the present time -- he may be fined \$100.00 and the informer shares in one-half of that fine -- and so my honourable friend might feel like leaving and running down the hall before anything happens. However, if he pursues the amendment that we have before him now he will see that I have come to his rescue. I have felt that my honourable friend needed protection and this, quite seriously, obnoxious provision in the Act is being removed. I think the question as to whether the partnership and the arrangements entered into under the partnership would stand up in court after the passage of this amendment which would provide for the termination of a partnership is quite a legalistic question. I think it might well be dealt with at the committee stage when we have a little more freedom to discuss and when I could call to my rescue the legal profession because I'm quite honestly not qualified to discuss that matter.

The amount of information being asked for on the Declaration of Partnership is not expected to be greatly changed from the kind of declaration that is called for now. The requirements in that connection are set out in the present Partnership Act to which this is an amendment, and my honourable friend will find that there are various kinds of partnerships and the amounts of information being called for in that connection are set out in each. The intention at the present time is not to require new kinds of information nor, as far as I'm aware, more information than is now asked for merely to keep it up-to-date. I think those were the main points that were raised.

Mr. Speaker put the question and after a voice vote declared the motion carried.

MR. LYON presented Bill No. 99, An Act to amend The Highway Traffic Act, for second reading.

Mr. Speaker presented the motion.

MR. LYON: Mr. Speaker, there is, of course, no one principle to this bill before the House, but I should like to call to the attention of the members some matters which will be of interest to them. The bill does contain a re-definition of the title of "dealer" and includes new definitions for new car dealers, used car dealers and wreckers. Provision is made in the bill for these people now to receive permits from the Registrar of Motor Vehicles subject to conditions that will be laid down in the permit given by the Registrar. The general purpose of this amendment is to permit somewhat more screening of the people who get into this field than is

(Mr. Lyon, cont'd.) possible at the present time, not from the standpoint of restricting competition or anything like that at all, but rather to have some better knowledge of the types of person that we are getting into the field of new, used and wrecking business. There is a provision in the bill for a vendor of a vehicle to provide a certificate concerning the car's condition. This certificate will be supplied by the Motor Vehicle Branch to all motor vehicle vendors in the province and will set forth certain information or certain questions which vendors will be under onus to fill in. I don't suggest for a moment, Mr. Speaker, that this is the answer to this problem of cars having some fault in mechanical condition being sold and turned out onto the road -- I don't suggest that for a moment -- but I do say that this section, along with a program of public education, educating citizens to know what their rights are when they are purchasing cars, I think, in due course, can lead to a much better situation than obtains at the present time, and so I commend this section to honourable members. Certainly it's one that we can discuss more at the committee stage but it is an attempt to get at this very difficult problem without getting into a tremendously involved administrative procedure to all of the cars that are sold.

There is another provision in the Act which I think will be of interest to any persons who own trailers. Under the present law all trailers are required to have the name and address of the registered owner painted on both sides. That is, all trailers -- house trailers, private trailers of all sorts. The amendment in the bill will relieve against this blanket provision and restricts this requirement now to delivery cars and trailers used for commercial purposes, and to trucks. I think all persons who have boat trailers and small little pick-up trailers behind their vehicles felt -- and I think quite properly -- that this was too much of an onus that they should have to put their names on the side of these small trailers.

There is another provision which I'm sure will find support on both sides of the House, that is, an attempt to re-define the offence of driving carelessly, which is deemed to be speeding, and to give it a new name -- namely that of "driving contrary to statute". Honourable members will note, Mr. Speaker, that this section is to be brought into force on proclamation and we will want to take a look at it -- perhaps get some more opinion on this section before we proclaim it, because if we were to bring it in automatically and then have it attacked in court and have the definition or the section thrown out for one reason or another, we might be left for some considerable period with no laws against speeding in Manitoba, a situation which I am sure all honourable members would not want to find, so while we are introducing this, I point out that it is being introduced subject to proclamation, and before it is proclaimed will be looked at again to determine the exact legality of the wording.

There is an amendment with respect to the leaving of motor vehicles unattended. The words "without reasonable justification" are being put in this section. I think that honourable members will agree that in a province having a climate such as we do, it's not uncommon practice on a night when it's 25 below zero for a person to go out, start his car, leave it to warm up, to warm the engine, perhaps to warm the inside of the car, before he steps in and moves away with his family. I suppose all of us, at one time or another, have done this. Technically each time we've done it we've broken the law, and we think that by putting in the words "without reasonable justification" we are giving a person in times of extremely harsh weather the opportunity, at least, to show that he had reasonable justification -- for instance, because of below zero temperatures -- to go and do what he did. At the same time, we are extending the exception with respect to this section to include taxicabs and delivery vehicles. Heretofore legally, technically, it's been improper for a taxicab driver to leave his cab running and come to your house come to your place of business and pick you up. Well everybody does it, and I think that the law should, in this case, conform to what the practice is because the practice is, I'd suggest, eminently reasonable. And the same with delivery vehicles -- milk wagons, delivery vehicles from department stores, and so on. They customarily pull up to the front of your house, leave the vehicle running for a moment, deliver their parcel and come back, and so the exception will make this possible under the Act.

There's also another section which will make it mandatory for Juvenile Courts to report to the Registrar of Motor Vehicles all cases where a juvenile has been adjudged a delinquent so that the Registrar will have a firm and up-to-date record as to the traffic violations committed by juveniles. I should say that this has been going on actually in practice, but we thought it was

(Mr. Lyon, cont'd.) desirable to make it mandatory for the courts to report these delinquencies which take the form of a breach of The Highway Traffic Act in order that this element of our driving population between 16 and 18 would be subject to the same controls and subject to the same suspension as adult drivers.

There is a new grouping of sections, of course, which reflect the new minimum insurance limit of \$35,000 inclusive for public liability property damage. The members will note, Mr. Speaker, that these sections are not effective until the 1st of July of 1963, and in this respect the amendments are complementary to the amendments to The Insurance Act which were brought in by the Honourable the First Minister a few days ago.

Provision is made for extension of the right of appeal from the Registrar's suspension pursuant to Section 134. At present, as the Act is constituted, a person may appeal a suspension pursuant to 115 -- that is, for drunk or impaired driving -- and he may also appeal a suspension by the Registrar under 134. The Registrar's suspension, of course, may be for the number of points that he has gathered or because of a conviction for a certain offence. In both cases it was made mandatory that there be shown by the appellant exceptional hardship before relief could be granted to him. Under the amendment this requirement re exceptional hardship is abolished with respect to appeals from Registrar's suspension because these are appeals which we feel should be dealt with on their own merits. Either the suspension was right or wrong and the applicant should not have to show exceptional hardship. The Board should be able to deal with it on its merits. Exceptional hardship will still have to be shown with respect to suspensions for impaired or drunk driving and I think that most members will agree that that is the proper case.

The financial responsibility limits are, of course, raised as well in the bill to \$35,000 inclusive. The levels of payment from the Unsatisfied Judgment Fund are raised from \$10,000 and \$20,000 to \$35,000 inclusive. In that regard, Mr. Speaker, there have been some questions concerning why these levels should be changed, and I merely suggest that the limits for the Unsatisfied Judgment Fund, since it was first established, have always corresponded exactly with the minimum insurance limits set by The Insurance Act, and I think honourable members will agree on reflection that this is a proper thing. A person who sustains injury as a result of a motor vehicle accident, if the accident is caused by the negligence of the other driver and the other driver is insured, he can collect under the new provisions up to \$35,000 inclusive. However, if he is unfortunate enough to suffer these injuries at the hands of a person who is uninsured, if we adopt the argument that some people use that the Unsatisfied Judgment Fund level should remain below the minimum limits, he could only collect, say, up to 10 and 20 if we were to leave it as it is at the present time, and I think the proposition is well taken that a person who has these injuries inflicted by a non-insured driver should have access to the same amount of money as though that driver were insured, and that this protection should be provided out of the Unsatisfied Judgment Fund. I really don't think there will be too much argument in principle about that, because really what it does is extend and raise the level of coverage for persons who suffer injury at the hands of uninsured and judgment-proof defendants or, in the alternative, the lesser types of cases -- the hit and run type of case where the plaintiff cannot find the probable defendant in the action.

There are some other provisions in the bill relating to changes with respect to the Unsatisfied Judgment Fund and the powers of the Crown to effect appeals. These provisions, I can mention to honourable members, have been referred to the Manitoba Bar Association and they have put forward some suggestions which we will have the opportunity to consider at Law Amendments Committee, and from what I've seen of them they may well be constructive suggestions which could be incorporated into the Act to amend what appears presently with respect to those provisions.

The final provision I would call to your attention was mentioned when the bill was at the resolution stage, and that is the increase in size of the Motor Carrier Board. Provision was made to have a maximum of five members. An additional provision is made to pay remuneration and travelling expenses to the members of the Motor Carrier Board.

MR. HAWRYLUK: Mr. Speaker, I would like to commend the government for making some changes which I think we have long awaited. I recall a few years ago back -- and maybe the Attorney-General will remember -- when I appealed to the then -- (Interjection) -- Oh, I'm sorry. No you go ahead, you have -- I'm sorry. I recall a few years ago back when I appealed to the government at the time -- and the Minister was the present Minister of Labour -- I brought a matter that I was fully aware of in which I asked for some consideration regarding the sale of these cars that were not ready for the market; that were sold indiscriminately by the second-hand dealers; and anyone could come into a lot and buy a car for \$50 or \$100 or so. At that particular time I believe the Minister thought there was no need for it but, ironically enough, two weeks after we had left the Chamber we read about this accident that happened to this girl over in Charleswood who got killed. And what happened? She bought that car for \$50 -- or somebody bought that car for \$50 -- it had no brakes; it had nothing; and she was killed. You remember that, Sir? That's the point. I mean why do we have to wait until something drastically happens before we as legislators move in; and then we move in because of an accident of a serious type or a fatality that could have been possibly avoided if something had been done by the Legislature at the time -- and I deeply appreciate this.

The reason why I say this is because if you were to roam about this city of ours and go to any high school in the district of Greater Winnipeg -- just take a chance -- take a tour -- and you'd see the kind of cars some of the students are driving. Now a lot of those are wrecks. They're allowed to go in and offer \$25; the man just says take it off the lot -- no responsibility. He went ahead and putters around and possibly juiced it up and made a "hot rod" out of it and roams the streets of Winnipeg. And they still do today. I still feel -- and I appeal to this government to do something about compulsory insurance. It's going to come. If it doesn't come in a year it's going to come ten years from now, and this government has got to face that fact. We've had accidents time and time again of irresponsible people, who possibly are adults but there are a lot of teenagers who are driving cars because the law says you can drive a car at the age of 16, and yet carries no insurance of any kind. Well what happens to a jalopy that's worth \$50 and one of those old types, one of those that can really take a beating -- I've seen it happen -- one of those old 1936 vintage hit one of the modern cars you drive today and you know what happens to your car that's worth about four or five thousand dollars. He's got no insurance and even your Unsatisfied Judgment Fund doesn't help you too much to recover the loss of limb, of life, and even that of a car. I think that this is something that we should look into now before it gets out of hand. We have more teenagers driving cars today than ever before. There's more money to be had. They don't come to Dad and say, give me a buck to drive a car around. He has enough money to go out and buy gas and drive all he wants. He can pick up his friends and the type of -- well, let's put it this way, we have all kinds of people who do not follow the rules of the road just as we have in the teenagers. I think that this is something serious; that something has to be done; that we've got to face the policy that we want anybody who comes in and registers and gets a licence that he can drive a car, he should carry an insurance, even if it's the minimum of five, ten thousand dollars. Whoever is involved gets some satisfaction that he can appeal and get some judgment on a case of that kind.

The second question that I would like to bring to the attention of the House is in regard to the age limit. I still feel in my mind that I don't think that we should allow 16-year old people to drive cars. I haven't seen anybody prove it to me that they need to drive cars in this day and age -- not a 16-year old boy or girl. I can't see it and no-one has ever proved it to me. I'd like to see any member on that side of the House tell me that there is a need for a 16-year old to be given the privilege of driving his Dad's big limousine or a jalopy, and I think it's about time that we raised the age to at least 17 or 18 before anyone is allowed to drive a car. I can't see that -- yes, on the one hand, possibly when the voting comes in, and that's something that -- the bill hasn't been discussed -- which I intend to make my point -- apart from it all, the people of the House regarding to reduce the voting age from 21 to 19 or 18, I think the bulk of the members are going to vote it down but yet we go ahead and indiscriminately allow a 16-year old boy, as a birthday present, to drive a car. Why? Can you tell me why? What's the purpose? Can't he wait for another year or two before he's given the privilege? I can't understand that and I think it's something that this government should consider, because if you look at the statistics you find that there are quite a lot of accidents that have happened by 16

(Mr. Hawryluk, cont'd.) . . . and 17 year olds in this province. A lot have happened and I can get the statistics to prove that. --(Interjection)-- Pardon me? Yes I know, but I'm talking about the group that have no responsibility as far as financial responsibility. The point that I think that this government should consider -- I think you be the first -- you have the opportunity to go ahead and set an example in this province or in Canada so that I think the other provinces would follow accordingly, but those are the two suggestions I would like to make. I think they have merit; I've talked to teachers in this regard, and I think that this should be considered in the very, very near future.

MR. MOLGAT: Mr. Speaker, once again we find ourselves with a bill that's rather difficult to discuss on sheer principle, because there are so many items involved, and I hope I'll be excused if I cover just some of the specific points -- by no means all of them. I agree completely with the majority of the changes that I have been able to check, and I haven't been able to check all of them.

I have a couple of questions I'd like to ask of the Minister. Insofar as the Unsatisfied Judgment Fund, I agree with him it should be at the same level, in my opinion, as the basic insurance that we request in the province. I see no reason why the two should not be in line and I agree with the change that he is proposing here.

I have some particular questions, Mr. Speaker, on the changes we're making here and, in fact, on our whole Highway Traffic Act with relationship to other provinces. It seems to me that we have to start working towards more relationship between our laws here in Manitoba and particularly those of our two neighbouring provinces, Saskatchewan and Ontario, and whenever we are considering changes in our own Act I would suggest to the Minister that we confer with our neighbouring provinces to see if we can't have some uniformity of legislation. Here in Manitoba particularly we have people constantly going, for example, to the Province of Ontario. Kenora is, in the summer time, the place where many Manitobans go, and if we have different laws there from those in Manitoba it merely complicates matters, so whenever we are proceeding to make changes in the Act I think we should check with these provinces to see if we can't have some uniformity.

Similarly, within the province itself, I think we should strive towards uniformity between the provincial rules and those of the municipalities. And here, if I may, Mr. Speaker, I would like to refer to one particular section in the Act and that is section 32, subsection 5, the 15 mile per hour speed limit. This always seems to be a subject of controversy here in the metropolitan area. Under the Act that we have here, the rule is 15 miles per hour; (a) within 50 feet of a curve or at a level railway crossing where you don't have good view; or (b) while passing persons engaged in construction; (c) while passing an institution of the blind; (ii) a school building or the grounds thereof during school recess or within 15 minutes after the closing of morning or afternoon school. Now that's quite clear in the Act, yet I think if we turn over to some of the municipalities we find that they have a different rule. This comes up quite frequently with people who are charged in the city of Winnipeg with going through a school zone at times outside completely of school hours, and being charged because under the City of Winnipeg rules, apparently, whenever you pass a school zone you are to go 15 miles an hour. Now surely it's not reasonable that we should have a provincial statute saying one thing and yet municipalities saying something else. I think we should strive here again to get some uniformity so that the drivers and everyone involved knows that, throughout the Province of Manitoba, the same rule applies. We'll have other comments to make, Mr. Chairman, when we reach the committee stage of the bill but those are the specific ones I would want to point out now -- uniformity between the provinces as much as possible and uniformity within our own province, I would say, essential.

MR. GRAY: Mr. Speaker, I have tried to peruse the 23 pages of the bill and I admit that I'm as ignorant of the bill -- I wouldn't want to use the same word for myself -- as before, but I'm prepared to leave it because this bill has been drafted by at least three wise men, the Attorney-General; Mr. Baillie, who is an excellent man and expert in this subject; and, I suppose, Mr. Rutherford. So as far as details are concerned, we will probably deal with them later. I'm also sure that anything they have amended in this bill is for the sake of the safety of the people, but I would like to suggest for consideration either this year or next year by the Minister, whoever is in charge of The Highway Act, and this is that in 1970 there will be the

(Mr. Gray, cont'd.) . . . centennial celebration of this province; and as our licences now have served us for many years, I would suggest that for the coming year or two that a licence suitably engraved in anticipation of this celebration is supplied all licence holders. First of all, we'll have a new plate which is fine; and secondly, six or seven years to publicize all over the world, wherever our cars are travelling, as to the centennial of this province, which is a great historical event. In many countries in Europe we celebrate 100, and two and 500 celebrations. Here it is the first century, and so I would kindly suggest this.

Thirdly, can the Minister tell us what is in the bill -- without reading it -- additional safety to prevent accidents which are increasing all the time. As far as the youth, to increase the age, I don't think that this is necessary or that this will help. A boy of 16 has the same mentality, good or bad, as a boy of 18. What I would rather suggest is to limit the age of the older people to drive cars because I think personally -- like the man that had the accident on Portage and Main the other day, he was nearly 80 years of age, although I know him personally and he's in good health, but he's still 80 years of age -- and I think a man of 80 is bound to get a heart attack quicker than a young man of 60 or 50 or 40. I think this may be considered, although probably they'll find me in years to come to run a car, but nevertheless I would try to take the risk rather than be responsible for the injury or death of anyone. I think that as far as the young man driving a car, I'm not afraid of that. They are better drivers than anyone. Sometimes they drive with one hand -- well the fault is because they have no parking space. If they would have parking space they wouldn't drive with one hand. You know, Mr. Attorney-General -- you're a young man yet. I've already forgotten those habits.

So with those few remarks -- the licence, the age limit and the safety -- now the licence and the age limit is for future consideration. I don't say to consider it now, but if you can, perfectly all right. But as far as the licence is concerned, I think you should put it on your agenda and consider it, whether this year or next year, for two purposes -- the centennial and a new plate for our car -- which you have to wash -- and the plate as it is now spoils the appearance of the car.

MR. HILLHOUSE: Mr. Speaker, I think this is an excellent bill and I wish to commend the government for many of the sections which they have enacted herein. There's one thing though that I'd like to point out and that is this, that it seems every year when we amend The Highway Traffic Act, we make it harder for a lawyer to make a living. Take for instance, you're removing the section dealing with driving carelessly. We've found a loophole in that and now you're going to plug it by calling it "driving contrary to statute." I don't know whether this is going to be found constitutional or not.

But there's one point, Mr. Speaker, that I'd like to bring to the attention of the Minister and that is this, that when you set up your Driver Suspension Appeal Board, the basis of appeal or the basis for granting of an appeal is extreme hardship. What I have found now is that some Magistrates, in charges of driving while impaired or driving while intoxicated, they do impose a suspension themselves. You have two suspensions against that driver for the same offence. You have the Magistrate's suspension under the Criminal Code, and the only way that you can appeal that suspension is through the Parole Board at Ottawa. Now the Parole Board at Ottawa does not deal with your application on the same basis as your Driver Suspension Appeal Board does in Manitoba. The Parole Board at Ottawa will not consider the question of extreme hardship. They deal with an application for a lifting of suspension on the same basis as they deal with an ordinary application for parole for a straight criminal offence; and I have run into several cases in the past where your Driver Suspension Appeal Board -- it may as well not exist as far as these individuals are concerned -- yet the suspension of their licence in each case was an extreme hardship upon them. Some of them are working at employment where they are on shifts, and with the shift work there was no public conveyance to and from their place of employment and their place of residence and the only means that they had of getting to their employment was by using their car, but Ottawa would not consider that as a ground for lifting the suspension under the Criminal Code. Therefore, as far as your Suspension Appeal Board was concerned in these cases, it may just as well not have existed.

Now I know there's nothing we can do about that because that is a discretionary power which is vested in a Magistrate under the provisions of the Criminal Code, and I wouldn't be so bold or so foolish as to suggest that the Attorney-General advise Magistrates of Manitoba

(Mr. Hillhouse, cont'd.) . . . not to make a suspension under that section, because that is a discretion which they have a right to exercise and I think most of them do exercise it in a judicial manner, but at the same time I thought it worthwhile to point that out.

MR. A. J. REID (Kildonan): Mr. Chairman, I know in second reading we're not supposed to discuss the bill section by section, but I'd like a little information on one section of this bill and that's the section dealing with moving heavy objects over our highways, like buildings and houses and so forth. I know when I was on a municipal council and anybody in that area wanted to move a house, we'd advise him to move in the winter time so there wouldn't be extensive damage to roads and so forth; but if it was required to move in the summer time, we would send our engineer over the road first to check for any flaws in the road or so forth -- condition of the road I should say -- then after this object or house or whatever was moved, the engineer went over the road again and if there was any damages it was assessed to the contractor. But in this bill, I notice, Sir, that there is a fee of only \$5.00. Well \$5.00 -- it wouldn't pay for much damage to any road. True, they have equipment with many wheels to displace a wheel base and put the weight over different sections of the road, but nevertheless the weight is still there and I was just wondering what precaution they take in this case because for a fee of \$5.00, Mr. Speaker, a person could do a lot of damage to a road and eventually the taxpayer must pay for it.

MR. SCHREYER: Mr. Speaker, it's difficult to deal with a principle when you have a bill with so many different details in it. I only have three questions to ask the Attorney-General. The use of the word "highway" on Page 1, I think we could stand some clarification as to what is meant by a highway there. The provision of the act here is that all implements of husbandry towed on the highway must have adequate lighting and so on -- clearance lights, etcetera. By highway here, do we mean the classification "other roads" as well? Now I think this is sort of important inasmuch as at this current session we passed a bill a few weeks ago dealing with re-definition of "other roads" and the word "highway". Now I would appreciate some explanation as to the definition of highway.

The second question I have has to do with the Act or the bill as it deals with playgrounds and school grounds. It says that "a person shall be deemed to be driving contrary to statute, etcetera, if he drives at a speed greater than 15 miles an hour when he passes any school grounds when the children are playing there." Would that include, I ask him, Saturday and Sunday? There are some school district boards, school boards that have been enquiring in the course of the past two years to have the school signs removed and playground signs substituted therefor. This might seem unnecessary if clause 3 on Page 11, is wide enough to include week-ends as well. I'd appreciate some clarification on that.

Finally, I would like to ask the Attorney-General whether, under this Act, any negotiations are carried out with the federal Board of Transport Commissioners regarding adequate signs and flashing lights at railway level crossings. I don't think that this is really the purview of the Attorney-General, it's a federal matter, but there must be some negotiations -- there must be a means for the Attorney-General to negotiate or to bring some influence to bear on the Board of Transport Commissioners to get more adequate railway level crossings signs and flashing lights. I know we need them in a few places in this province and I wonder if the Attorney-General knows whether or not the province has done anything toward trying to induce the Board of Transport Commissioners to act with a little more haste in that matter.

MR. D. L. CAMPBELL (Lakeside): Mr. Chairman, like the honourable member who has just spoken, I had intended to draw attention to the section dealing with the lighting on implements of husbandry. I won't take the time to any more than mention it now; but I gather that there's a change of some moment being made. I simply want to give notice that at the committee stage I would want to raise that once again because I have a great fear, so far as farm people are concerned, that if we put a very stringent regulation in here that we might find farm implements that are very temporarily on the highway. Now I have no objection at all where they're being either driven or towed for a considerable distance but I have a great fear of the temporary moving -- short distances -- and I think the act does make some distinction in that regard at the present time. If the restriction is too definite, you might find that the farmer who was only crossing a highway or going a very short distance on it, because of the liability that's placed on him, might be faced with damages where the motorist himself was to a

(Mr. Schreyer, cont'd.) . . . considerable extent responsible because of speed or some other reason. I think we have to look at that pretty carefully. I've been trying to watch that in The Highway Traffic Act for a good many years. I notice a change is being made and I'd like to check it a little more carefully when we get to committee.

Then in Section 9 of the bill, I notice that provision is being made that the rear turning signal lights can be either red or amber. I think that that's a mistake. I'm no expert at all in these traffic matters, but I think that it's come to be pretty general practice all the way through that we look at the rear of the vehicle for a red light as the standard colour, and I don't think it's a good thing -- ideas -- to deviate from that. I notice that in the very bottom line on that same page, the very bottom line of Page 4, that when we get down to certain vehicles being towed on the highway, that the light or reflector at the back must reflect only a red light rear warning. I think that's correct and I think making the other one optional is a mistake, but there may be some good reason for it that I'm not aware of now. I'd like to see it raised in committee.

Then I notice that in the middle part of that section that we have a provision for a vehicle being towed on the highway by an animal. Well, Sir, I think we're really covering the water-front when we get around to vehicles being towed by animals these times because I don't think there are very many of them. --(Interjection)-- Yes, and I was just looking at the definition of vehicle and I honestly believe that it would include a toboggan, so the dog teams might need to be checked in that way. This, however, says "an animal" -- singular. There aren't many of your Pas toboggans used just with just one dog are there? They grow the dogs, I suppose, as well as everything else, pretty big in the north. -- (Interjection) -- Pardon?

MR. EVANS: I pull my kids on a toboggan.

MR. CAMPBELL: Well that would certainly be an animal on the front of a vehicle.

MR. FROESE: Mr. Speaker, I just want to draw to the attention of the Minister Section 11 which deals with school vans. It says that: "School vans are now called school buses." I would like to know whether this is in conformity with The School Act or whether the School Act conforms with this particular act.

MR. SPEAKER: The Minister is closing the debate.

MR. LYON: Starting at the end of the questions that were asked, Mr. Speaker, the change from school van to school bus, as enquired into by the Honourable Member for Rhineland, is just a change in terminology. It has no significance to it otherwise at all. I understand that they are not known as vans now in any of the legislation. I may call them vans occasionally and so may the honourable member but, by and large, the terminology now is school buses and the suggestion has been made that we change the act to correspond with that.

With respect to the Honourable Member for Lakeside, the turning lamp section, as I recall, was put forward by the police consultants who brought to our attention the fact that there are a number of public vans or buses, commercial buses and so on, who do now actually have a large red light with an amber turning signal or a turning arrow on them. Now under the act, as it presently stands, that could be technically construed as being not a red turning signal, but I think one must agree that if you are following one of these big buses you can certainly see that amber arrow when it comes on -- it flashes at you. I think it was meant to accommodate that type of vehicle more than it was the ordinary car, although I must say that there are some English models which have the little amber arm that comes up as a rear turning signal and I think it was meant to accommodate that type of vehicle as well. I think the main point is to ensure that the turning signal is one that is clearly visible and, if that's the case, if we're satisfied that the type of equipment being put on the cars is designed for the protection of the public, I think we should go along in the act to accommodate and to acknowledge the existence of this equipment and to make it proper to have it on cars.

The towing at night section is not as bad, I can tell my honourable friend from Lakeside, as it started out to be. Of course I'm sure his government and the present government always has been under a great deal of pressure by some of the purists in the field to make sure that everything that moves on a highway has lights on all 18 corners of it. Well now, we've tried to be reasonable in this section and to provide that in those cases where a load of any sort or equipment is being towed on a highway after dark, that if the equipment covers the rear of the towing vehicle or is wider than the rear so as to obscure and block off the view of the towing vehicle's rear lights, that the equipment then being towed must have rear lights on it. Now

(Mr. Lyon, cont'd.) . . . that's basically simply what the suggestion is. If the rear light of the towing tractor or of the towing truck is obscured because of the width of what is being towed is the same as the truck or wider, then there must be reflectors or lights on it. If it's narrower and the lights of the truck can be seen, I think honourable members will see that the requirement does not come into play. At least that's my recollection as I read it. But certainly we can take a further look at that in committee if any honourable members feel that it will work a hardship. What we've tried to do though is break it down to the point where it would be reasonable, because this does always present a problem. On the other hand, I must say having had the experience, and I'm sure a number of members of the House have, Mr. Speaker, of running on to one of these vehicles or implements of husbandry being towed at night without a light, can be a pretty shocking experience. I've had the experience of practically running into a load of hay that was being towed at night or hauled at night by a tractor, and it's a pretty shocking thing to have happen. If your brakes aren't good, you can end up in the hay and you can hope that that's all that will happen to you. This is the type of thing that we have to keep in balance; that is, practical consideration for those persons who are towing on the highway after dark -- implements of husbandry and so on -- and also the safety of the travelling public. If we can reach on this point a common ground somewhere, then I think we'll all be happy.

The Honourable Member for Brokenhead raises the question of the definition of "highway." Well of course that is a very broad definition that includes practically everything. It's found in Section 2, subsection 17 of the present Act, and it says: "Highway includes, subject to subsection 4, any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles." After that description, if you can think of anything that isn't a highway, you're a pretty good man. The definition of highway is very broad.

He mentioned the question of playgrounds. I think that's covered in the present legislation. Playground restrictions apply when the playground is in use by children. Now that's the intention. I don't think there is any variation provided in the present legislation. That is the intention. We can discuss it more in committee when we get there and we have a bit more freedom, but that certainly is the intention. It always has been that way.

He raised the question about railway level crossings. That is the responsibility of the Minister of Public Works, the liaison with the Board of Transport Commissioners on these matters. Of course the Safety Branch do report from time to time to the Department of Public Works on those crossings which they find, by reason of the incidence of accidents, that should have protective signs or protective lights put on. So there is liaison in that respect, but it has been the responsibility of the Department of Public Works to work with the federal government authorities on it.

The question of the Honourable Member for Kildonan about the \$5.00 fee for the movement of large objects such as houses and so on, this fee is not intended to cover damages. This is merely a fee that a municipality can charge to make up for some of the administrative costs that they are put to. That is, giving the permit and so on and so forth, and the policemen preceding the object down the street and so on. There are other charges, of course, with respect to hydro and telephone lines that have to be paid, but this is merely to permit them to charge for the permit. If damage occurs to the highway, I presume that each of the local authorities protects itself ahead of time by including this in the permit or making some special arrangement with the person doing the towing of the large object.

The Honourable Member for Selkirk raised the question of the parole board and its power to relieve against suspensions under the criminal code. I can tell him that there is close liaison between the parole board and the provincial government in this respect. I know that the parole board will sometimes seek advice -- very often will seek advice from the highway suspension appeal board as to cases that they have before them.

The question of new plates raised by the Honourable Member for Inkster is under consideration. I'm quite happy to tell him that the Department of Industry and Commerce are trying at the present time to think up some suitable motif for the licence plates that would depict Manitoba, or perhaps depict some occasion that may be arising in the future with respect

(Mr. Lyon, cont'd.) . . . to our province and give a peculiar character to our licence plates for Manitoba which will identify them.

The Honourable the Leader of the Opposition raised the question about uniformity. I'm sure he will recall that, two years ago I believe it was, we put into The Highway Traffic Act uniform rules of the road which have been in the Act now for possibly two years and these rules of the road were drafted by the uniform law commissioners. They are standard pretty well across the country now. Most of the sections dealing with rules of the road are about the same in each of the provinces with minor variations according to changes in topography and so on. In British Columbia, for instance, they have to worry about side lights on mountain roads and so on. Well we don't obviously have that problem in Manitoba except perhaps up in the Duck Mountain or some of those perilous peaks up in that area -- in the Riding Mountains -- but the bulk of the rules of the road are in close conformity with those sections appearing in the statutes of other provinces across the country. As to liaison, certainly that is maintained. We were in touch with the provinces to the west and to Ontario with respect to these insurance changes and changes in the Unsatisfied Judgment Fund. British Columbia, Ontario and Manitoba will now have \$35,000 inclusive; Saskatchewan have given us no indication of what changes, if any, there will be; Alberta is pegged at \$25,000; so the three important provinces, Ontario, Manitoba and BC, are uniform with respect to these provisions.

The age limit of 16 -- well very often we hear that the age limit should be reduced to 14, because children come along to be licensed at 16 and lo and behold they can drive. Now they must have been learning before they were 16. This happens, but as I say, most often we hear the demand that the age should be reduced because children are driving cars at 15 -- learning how to drive them in any case. But I suppose if my honourable friends want to lower the voting age to 18 there'd be nothing illogical about raising the driving age from 16 to 18. We let them vote three years sooner and let them drive two years later. Somewhere in between we might reach a compromise on it. I don't know where we'd fit the drinking in between the voting and the driving, and that's a problem that we'd have to --(Interjection)-- Yes.

Compulsory insurance of course is a long argument that one could get into on that. I don't intend to do so tonight. I can merely tell my honourable friend that in Manitoba where we do not have compulsory insurance, that the rate of insurability among our drivers is approximately 96% -- 96% of the drivers in Manitoba have insurance and have the minimum limit of insurance and that is, I think, a very important fact to keep in mind. In the jurisdictions in the United States where they have compulsory insurance, they find that their rate of insurance among their drivers is no higher than in Manitoba, and so I think we can take some pride in the fact that the vast majority -- all but 4% of our people -- are insured. If you had compulsory insurance I don't know if you'd have any guarantee that this 4% would insure notwithstanding what the law was, so that must always be kept in mind.

If there are any other questions, Mr. Speaker, I'll be quite happy to attempt to answer them when we reach the committee stage.

A MEMBER: School zones.

MR. LYON: School zones are covered in the Act. The only point that arises under the question raised by the Honourable the Leader of the Opposition is that municipal councils are permitted to adjust minimum speeds within the municipalities now, subject to the authority of The Highway Traffic Control Board, so uniformity can be achieved in that way. I wasn't aware of any jurisdiction where the general law laid down in The Highway Traffic Act had been altered. Now there may well be cases where they've provided for a 10 mile zone. If this has been done recently I'm certainly not aware of it. It may have been done in the past. It may well be in the City of Winnipeg charter. I'm not aware of that, but the present provision is that they can only pass the bylaw after it's been approved by The Highway Traffic Co-ordinating Board, and that is intended to give some uniformity to these provisions across the province.

Mr. Speaker presented the motion and after a voice vote declared the motion carried.

MR. SPEAKER: Second reading of Bill No. 105. The Honourable the Acting Minister of Municipal Affairs.

HON. J. THOMPSON, Q.C. (Acting Minister of Municipal Affairs) (Virden) presented Bill No. 105, an Act to Amend The Local Government Districts Act for second reading.

Mr. Speaker presented the motion.

MR. TANCHAK: I would like the Minister to explain just what the regulations are on that.

MR. THOMPSON: This is a very brief bill as the honourable member will note. It simply authorizes the payment of compensation to members of advisory committees in local government districts to cover their expenses in attending meetings to the maximum per month set forth in the bill.

MR. TANCHAK: I think the constituency of Emerson is about the only one that can really boast of having committees set up like that. Am I right? Snow Lake I imagine, but they're a little different. They're not local government districts there are they? --(Interjection)-- Oh, they are. Well I was under the impression they're not. We have two such committees in my constituency. There's one at Stuartburn and one at Piney. I wish to say that they have been established for two years and the first year they really tried and worked hard, but maybe the Minister will recall that last year I complained on their behalf that they didn't seem to be getting anywhere; that different departments concerned in many cases didn't even answer for quite a long time and then their requests didn't seem to be followed up. That was the complaint.

Now as far as this bill is concerned, would each of these members have to present a bill of expenses or would every member get \$5.00 regardless of where he lives. I would think that it should be on a system of mileage because some of those members of the advisory committee have 20 miles, 15 miles, to drive, and it wouldn't be fair to go ahead and pay \$5.00 to each because even \$5.00 -- I think it's more or less an insult to give them \$5.00 -- most of these committees -- because they hear representations too quite often. Some of these committees last a whole day. The members of the committee have to pay for their meals in town and they have to drive in and I was just wondering whether they will have to submit statements before they're paid of if it'll be just a flat \$5.00 per member, which wouldn't be fair because the odd member lives right in town where they usually have meetings. They usually have meetings in the local government district building. Would the Minister explain that?

MR. MOLGAT: . . . for instance, I would like to endorse the suggestions made by the member for Emerson. As the bill now reads, it's a straight flat \$5.00 per month. Now in the case of certain local government districts this may be acceptable, but I think if my honourable friend goes to the northern areas of the province or the Interlake, he'll find that the local government districts there are very large in area and he hasn't so far set up advisory councils in these. I hope that his intention is to continue and to set these up, but when he comes along for example to the one that I know best, the LGD of Alonsa, he will find that it stretches -- well by road to get from one end of it to another is well over 100 miles -- and I think it's difficult to ask an advisory committee to proceed to do this without some mileage allowance. I think maybe the \$5.00 is fine, but he'd have to include some mileage allowance as well once he gets -- certainly into the larger areas.

MR. THOMPSON: Mr. Speaker, this provision which is set forth in the bill is certainly to cover the actual expenditures of the members of the advisory committees to that ceiling of \$5.00 a month. I must admit it's a modest beginning, but this apparently is what was asked by advisory committees in Piney and Stuartburn, in the riding of the honourable member who first spoke. It is not a flat rate of payment to each member -- it is paid in accordance with the statement which they submit to this ceiling of \$5.00 a month -- (Interjection) -- That's right.

Mr. Speaker presented the motion and after a voice vote declared the motion carried.

MR. SPEAKER: Second reading of Bill No. 108. The Honourable the First Minister.

MR. ROBLIN presented Bill No. 108, an Act to Amend The Income Tax Act, Manitoba 1962, for second reading.

Mr. Speaker presented the motion.

MR. ROBLIN: Mr. Speaker, as I indicated when the bill was before Committee of the Whole House, this bill consists of some 12 or 13 rather minor amendments to the federal income tax statute which require to be duplicated in The Income Tax Act of the Province of Manitoba. The reason for this is because, as everybody knows, in accordance with the terms of the collection agreement entered into between the province and the federal government, we undertake to abide by their regulations in that respect. Members will notice that there's no

(Mr. Roblin, cont'd.) principle running through this but we simply have some 12 or 13 different items of a rather minor character, I believe, which clarify and elucidate some of the material already contained in The Income Tax Act. There may be some questions of a technical nature which will occur to members who are dealing with this kind of thing and I hope that in law amendments committee that we'll have the income tax experts there to do their best to deal with any technicalities that might be raised at that time.

MR. CAMPBELL: I notice that there's some references to Section 63 and 64 of the federal Income Tax Act. Would the Honourable Minister just run over exactly what Sections 63 and 64 of the federal Income Tax are, so we'd have those. I see that they apply mutatis mutandis and I'd just like to know what they are.

MR. ROBLIN: Yes. The expert in mutatis mutandis is no longer able to expound in this particular arena. I wouldn't dream of substituting for him. I think the committee will be able to handle it.

Mr. Speaker put the question and after a voice vote declared the motion carried.

MR. HUTTON presented Bill No. 112, an Act to amend The Animal Husbandry Act, for second reading.

Mr. Speaker presented the motion.

MR. HUTTON: Mr. Speaker, this act makes it an offence to use an unregistered or unrecorded brand or vent on horses or cattle, and it provides for a penalty in the case that these provisions are violated. There's some concern amongst cattlemen that with the more general use of brands in the province, their usefulness will be lost unless there is a registration of the brand, and because of the growing value of cattle and the increased use of brands and the growing numbers of cattle in the province, we thought it wise to bring in these amendments.

MR. MOLGAT: Mr. Speaker, the Minister has made a very brief opening statement on this bill and the bill itself appears very simple, but actually it brings up a very large problem I believe, and that's the one of enforcement. It's all well and fine, and I'm sure the Minister is quite aware of this, to proceed with the registration of brands and having some control over that, but that's just one step. Unless you take the next step which is the enforcement of the brands, the actual registration is only of very limited value and the question immediately rises then -- what does the government intend to do in the matter of enforcement? Does it intend to check all points in the province where cattle are sold to make sure that the cattle in each case coming in are registered properly, that the seller is the one who has the ownership of the brand or who has a bill of sale from the owner? Unless this is going to be done I think this step is really not of too much assistance. I'm curious to know which groups have requested this particular action. I know there's been some concern in the province in the past, well, very few years, about the amount of rustling going on, and I believe the department proceeded not too long ago to have a series of meetings across the province with livestock men to discuss with them the question of branding, and the procedure followed in Saskatchewan, I think, was outlined at that time, but the majority of the meetings as I recall opposed compulsory branding in the Province of Manitoba. Now I appreciate he's not talking here about compulsory branding -- he's only talking about registering those brands that are being used, but still I think he realizes himself that this is only a very small step if we are really going to proceed to control this matter, and I'd be very interested in hearing from him whether he intends to continue the next steps in this or whether he intends to stop at this stage which will only be a partial cure.

MR. CAMPBELL: Mr. Chairman, my comments are something along the same line and I would like to get a couple of figures from the Minister if he has them now or can get them conveniently. He could answer at the time of the estimates rather than now if it's more convenient to him. As my leader has said, this is not a case of compulsory branding but I would think it would be correct to state it this way, that it is a case of compulsory registration if you brand, and inasmuch as I think branding is coming into more general use and I think it's advisable that it should, I'd expect that this is something that will affect a great many people. The question I wanted to ask was this -- I don't know now whether statistics are even kept as to the numbers of livestock owners that there are in the Province of Manitoba, or how many of those operate significantly to the extent that they would be interested in the brand. My guess would be that there would be 20,000 at least that keep some cattle -- not very many -- keep horses

(Mr. Campbell, cont'd.) that would be likely to be branded, but of those I wouldn't even have a guess as to how many would operate on such a scale that they might be branding. And my further guess would be -- and I haven't looked at the records for a long, long time -- that there probably are not a thousand registered brands today. Maybe not five hundred. Does the Minister know approximately how many there are, and does he know approximately how many cattle or horse ranchers or owners would be likely to be using brands?

MR. ROBERTS: Mr. Speaker, I'd like to take this opportunity just to ask a question or two which really doesn't pertain to this but it pertains to branding in general. I note that both Saskatchewan and Alberta acts of a similar nature prohibit the number branding of cattle for identification purposes. Have we such a prohibition in our Act? And is it legal to number brand cattle in Manitoba? And the second question is, concerning the registration of these brands. I presume there will be a fee associated with them because there usually is with this type of thing. How much will the government charge to register the brands, and will this be an annual fee?

MR. TANCHAK: Mr. Speaker, I received a telephone call today from one of the farmers who told me that he thinks he has four different kinds of brands on his farm. Now I'm not suggesting that he doesn't own the cattle or the horses, but he told me, "I have an old nag with some kind of a brand on it, and I have some cattle branded with home-made branding irons -- marks on them -- different kinds," and he was wondering when once this bill becomes an Act whether he would be liable to a fine if he doesn't register those brands, or would he have to change the brands. It says here that a person who brands them marks that horse . . . go ahead without permission. Well, sometime somebody may report him, that's what he thought--that he had branded cattle and some inspector comes to see, he says he wouldn't be able to prove when he branded them. Is he liable to a fine? That's what he is wondering: He was telling me, he says, "You should prepare a cell for me because I think I will be put in gaol for three months." I would like an explanation on that. Would he be--would these people be prosecuted that have a variety of brands and do not wish to stick to any particular brand?

MR. SPEAKER: Are you ready for the question?

MR. HUTTON: Mr. Speaker, I have some cattle at home and they carry brands. I wasn't responsible for putting the brand on their hide and I hope that I am not imprisoned or fined because I happened to purchase some cattle that someone else had branded. I don't think that this is the intention of the act or that the act in itself the way it is worded --(Interjection)-- Well, I think I did. No, this chap is not going to be prosecuted because he happens to be in possession of an animal that is carrying a brand that isn't his. Not at this stage, at least. I imagine that there will be some evolution to this program because it may very well be that there are unregistered brands which duplicate existing registered brands, and just what the department intends to do about this, I would expect that the man who had his brand registered will be permitted to carry that brand on. Any existing unregistered brand I would expect must be changed. I would anticipate that the department would give adequate time to cattle owners to make these changes that are required.

And then to go on from there to the question of supervision or policing -- I'd rather call it supervision. I don't think that when you pass a law that you have to have someone necessarily inspect every animal to make sure that the law is adhered to. I think the fact that the law is on the statutes and the people are made aware of the fact, that a minimum of supervision will be required, and I certainly hope so. It certainly wasn't my intention that we were going to set up a police force to scrutinize the brand on every animal and make sure that it was registered. We are a pretty law-abiding kind of people here in Manitoba and this is to ensure that the practice of branding when it's carried on, is going to, indeed, be useful in the future, that there isn't going to be so much duplication that the practice is an exercise in futility. This is about as far as I can go tonight. I haven't got the exact answers for the Honourable Member for Lakeside. I'll endeavour to get those for him. When we're talking about the livestock brand I can possibly give him those answers in respect to the numbers of registered brands that we have in the province and also in respect of the numbers of herds that may use the brands in the province. But I would assure him that we're of the opinion that there's fairly widespread support amongst the cattlemen who are using a brand to identify their animals for this compulsory registration of voluntary brandings.

Mr. Speaker presented the motion and after a voice vote declared the motion carried.

MR. ROBLIN: Mr. Speaker, I beg to move, seconded by the Honourable Minister of Agriculture, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

Mr. Speaker presented the motion and after a voice vote declared the motion carried and the House resolved itself into a Committee of Supply with the Honourable Member for St. Matthews in the Chair.

MR. CHAIRMAN: Department VI, Resolution 26, 1. Administration - passed?

MR. SHOEMAKER: Mr. Chairman, you will recall that after I had spoken five minutes on this item, the clock struck one o'clock and we adjourned for lunch. At that particular time, I had referred to the sessional paper, the annual report of the Water Conservation Act, and the complete report was "Nil". Now perhaps I should start again at that point and talk about the water conservation program of this government, or the lack of one, or something of that nature.

I noticed in the annual report there is a brief paragraph on it, on the subject of conservation of natural resources on Page 15, and the last sentence of the one paragraph says: "Active programs were conducted by representatives at Neepawa, Carman and Morden to acquaint municipalities with the advantages of organizing watershed districts." Now that may be true to a degree, Mr. Chairman, but I think, in this particular case, the reverse is almost true, because in the Neepawa-Gladstone area we started talking about soil and water conservation and got as far as organizing in 1956. So I think it was the people in our area that held meetings to acquaint the department with the advantages of water and soil conservation. However, I will admit that there have been several meetings, as the report says, "held within our boundaries."

The first resolution that I had on the Order Paper back in November, 1958, was one that dealt with and requested that the government take immediate action in appointing the commission under the act and the incorporation of the Riding Mountain Whitemud watershed. I don't believe that the Minister who holds the position today was the Minister at that time but he will recall the resolution. And the odd thing about it, Mr. Chairman, on Page 56 of the Journals of '58 and '59 it says: "It was agreed to." That is, the government agreed to this resolution of mine. Now they may have agreed to it but we haven't had too much action in that regard since that time. The honourable members will probably think that the Riding Mountain Whitemud River watershed is a pretty small little project anyway so why keep talking about it. But for the information of the members of this committee, it embraces 1.6 million acres of land and that is, according to my figures, one-seventh of all the cultivated land in the Province of Manitoba. So it is, we think, a very worthwhile subject -- not only a worthwhile subject matter but a very worthy program that the committee there has been attempting to do for the last six years.

Now I asked at the last session, Mr. Chairman, inasmuch as the Minister has the authority under the act to create a watershed authority, what was his intention in this regard, and I got quite a lecture on democracy and all that it stands for, and he said at that time that he thought the people should be given a chance to decide on some matters. And I will agree with him that it may be politically unwise to take a stand in this regard, but then on the other hand, I understand that they're going to proceed with the floodway which certainly is a much larger project than the Whitemud River watershed would ever attempt, and they're going to proceed on that without any referendum and without referring it to anybody. As a matter of fact, we haven't finished dealing with the proposed resolution of the Honourable the Minister in regard to the floodway. I think that the proposed resolution, which as you know, occupies two and a half pages in our Orders of the Day and has done for many, many days, is one of the reasons that we haven't prorogued before this date. It is certainly a resolution that tops all resolutions that I have ever seen. It has 24 "whereases" and two active paragraphs -- 24 "whereases." Now the implication in this resolution is that if you vote against it then you vote against all of the water conservation programs of this government because it does tie in the Shellmouth River, the Portage Diversion and a whole raft of other programs as regards water conservation. And I hope that the Minister in drafting this resolution does not intend to cut out all the other programs that are mentioned in the 24 "whereases" if we do defeat the proposed resolution.

Now I have a little clipping here from the -- I don't know whether it's the Free Press or the Tribune; it looks like Tribune printing to me -- but it says, and I quote: "Politicians" -- this is the Honourable the Minister speaking to the Kiwanis Club in the Royal Alex Hotel about

(Mr. Shoemaker, cont'd) a month ago: "Politicians do not rely on themselves to decide matters like the floodway, Agricultural Minister George Hutton told the Kiwanis Club at a luncheon in the Royal Alex Hotel." And he goes on to say: "Yet the question was still asked, do we need the floodway? Especially in a drought year with marshes dried up and rivers low, people ask that question. Now wouldn't reservoirs do, they want to know. The Rivers reservoir cost over a million dollars. It would take 20 that size to do the projection job, Mr. Hutton said." -- (Interjection) -- Well it says 20 here.

MR. HUTTON: A misquote.

MR. SHOEMAKER: Add another naught on it? Well all right, we'll accept that. It would take 200, to use the Minister's correction. It says: "Why not clean out the rivers, is another favourite. That would cost \$123 million, he says." Well now, Mr. Chairman, even if it does take 200 at a million dollars apiece that would be \$200 million and I think that the debate that has taken place today on this resolution brought out the point that the cost of the floodway, if you amortize the cost over 50 years -- and I think that's the intention of the government -- will cost the people of this province \$211 million -- I think that was the figure that was used and agreed on. Therefore, apparently we could build 211 dams that cost a million apiece and we'd have spent exactly the same amount of money. And if the Minister agrees and he suggests here that it would take 200 to do it, then maybe we should pursue that a little further if it's going to cost exactly the same amount of money, because 200 dams at \$1 million apiece, in my opinion, would do a lot in the way of water conservation.

MR. HUTTON: Where would you build them?

MR. SHOEMAKER: Well I'm not the engineer. You people are in the government and you people have all the experts at your disposal. But if they're not required so much the better. We'd save some money.

MR. HUTTON: I think that it's quite important that we correct right here and now the very bad and erroneous impression the honourable member is giving. The 200 reservoirs we would require, in the first instance you couldn't find locations to build them and, secondly -- and this is what was quoted in the newspaper -- if you could find them, it would cost you \$200 million to control these flood waters as compared with \$60 million. But the important thing is, there is no place to build 200 of these reservoirs on the Red River watershed.

MR. SHOEMAKER: Well, Mr. Chairman, when I suggested 200 reservoirs I meant within the boundaries of the Province of Manitoba for the soil and water conservation project.

MR. HUTTON: solve the problem.

MR. SHOEMAKER: I mean, there's still a lot of doubt in the minds of a lot of people whether we should or should not proceed with the floodway. Now apparently anyway, Mr. Chairman, on that subject matter, there isn't too much point in talking about it because I have before me -- I just happen to have, as the Honourable Member for Lakeside says now and again -- about six sheets from the Department of Industry and Commerce dated as recently as March 30th -- that's only 13 days ago -- the one headed: "A summer start planned for the Red River Floodway," -- they're going to go ahead with it. The other one, dated the same date: "Reservoirs, Canals in water program" -- they're going to go ahead with that apparently. The other one dated March 30th, 1962: "Shellmouth-Portage water plan meets 40-year need," so they're going to proceed with them all anyway, regardless of what we say.

Now Mr. Chairman, one of the problems as regards the Riding Mountain Whitemud River watershed and one of the reasons that the authority has not been set up yet -- in fact I guess you might say the only reason, and I'm not blaming this one on the Minister in particular -- but it is due to the fact that the property owners are afraid that it is going to cost them some money. I have said at several of the meetings that I think the grants -- the federal and provincial grants -- are quite substantial, but the municipal men by and large feel that their taxes have got to the point of no return and they're just afraid to enter into anything that will cost them more money.

Now Mr. Chairman, I would like to talk for a moment about the Extension Service Department -- I think it is under this one that the ag reps and home economists are looked after. I understand that there presently are about 36 ag rep districts in the province. We have an excellent one at Neepawa who has done wonders in the field of soil and water conservation but I have suggested in the past that probably we should create a few more areas to relieve the heavy

(Mr. Shoemaker, cont'd) . . . load that is presently upon some of the ag reps in the area. I think, too, that perhaps it would be wise to define new boundaries for the ag rep districts and always keep in mind the land use within the areas. Like for instance you find areas that are predominantly grain-growing areas and then you find others where they grow little or no grain, and if we could define boundaries to try and keep the various land uses within a boundary for one ag rep, that it would be helpful. I would like, too, to ask and plead with the Honourable Minister for a home economist for Neepawa. I believe that he is presently in receipt of a letter from two or three various organizations in Neepawa who are pretty concerned about this. We lost our home economist some months ago and she has not been replaced as yet, so I would hope that he would give some consideration to that.

Now Mr. Chairman, several of the speakers that have spoken on this particular item have mentioned the Manitoba Agricultural Credit Corporation and what it is doing or what it is lacking to do for the farmers of this province. Well, I have held the view, and I still do to some degree, that if they had liberalized -- that's a good word, Mr. Chairman -- and tailored the Farm Credit Act to meet the needs of the farmers in this province, then the Manitoba Agricultural Credit Corporation would not have needed to come into existence. This program, when it was introduced about three years ago, was supposed to be one of the most dynamic things that any government ever did; in fact some members said that it was the greatest thing that was done for agriculture since the rural electrification program. Well I don't think that it falls into that category at all. Just today I guess, I received my Order for a Return on some questions that I placed on this subject matter, and it's a rather interesting Order for Return I will admit. I think I have it here. I asked for the total number of applications received by the Manitoba Agricultural Credit Corporation from the date of its inception up to December 31st, 1961 -- that was the end of last year. The answer -- 3,174. Number of applications approved during the said period -- 1,325. Question: the number of applications rejected during the said period -- 575. Question: number of applications withdrawn by the applicants during the said period -- 1,056. Now that's as of December 31st, 1961, and then I have before me Hansard No. 18 dated July 3rd, 1959 -- that's nearly three years ago -- when I asked nearly the same questions and the then Minister of Agriculture said, "We have received 1,302 applications" -- three years ago, or nearly -- and now they only have 3,174 in the three-year period. It looks to me as if the farmers are not making application for loans in the same numbers that they were last year or the year before or the year before that even. It looks to me too as if the board is getting pretty tough with a lot of these loans. They've rejected 575 -- that's about 20% or something like that -- and 1,056 more withdrew their applications during the said period. Well, referring once again -- I don't really know the number -- I neglected I guess to ask the question, how many applications were presently on hand and not dealt with. I didn't ask the question so I really don't know the answer, but on page 560 of Hansard No. 18 of July 3rd, 1959, the Honourable Minister at that time is answering another question of mine, and he says, and I quote: "Suffice to say that they have approved these loans. Suffice to say too that they can inspect about 30 farms a day with the present staff that we have." Now if they can inspect -- that is if they still have the present staff today that they had three years ago and they can inspect and appraise 30 farms a day, well gosh, they should be able to clean up pretty near a thousand a month, so they should be pretty well caught up with their applications, I would think.

Just last Monday morning I called to see a lady in Gladstone who had phoned me on Saturday to see if I would call and see her. I did, and she said, "I don't know what to do." She's a widow. She has three quarters of land for sale, and she said, "I have the opportunity of selling my land for \$15,000.00. The buyers intend to borrow all of this money from the Manitoba Agricultural Credit Corporation. Now what should I do?" She said, "It's at the time of the year when I've got to decide am I going to sell or am I going to rent. I've got to do one or the other right away." She said, "When do you think that I would get my \$15,000 if I signed an agreement with them today?" Well I said, "My guess is that if they approved the loan -- and I don't see how they could turn it down because they have other land in addition put up for security -- but my guess is it would probably be August or September before you would get your money." Well she said, "That's no good to me, because," she said, "if I do sell, and I've lost my one year's rent, August or September it's going to be harvest time," and I said, "Well it isn't quite that bad. What you can say if you're sure you're going to get the money is you've lost the interest

(Mr. Shoemaker, cont'd) on the money from now until you get it." And she has a point. I mean that does run into quite a little bit of money, so she is presently in the process of drafting an agreement with the boys that intend to buy it, that if the loan isn't approved then she enters into this rental agreement. If it's approved then the boys have to pay her the interest on the \$15,000 from now until she receives it from the Farm Credit Corporation, but what I'm pointing out is that it shouldn't take this long to have a loan approved. Now in Neepawa it is true that the Farm Credit Corporation -- we are fortunate in having an inspector and an appraiser in our town, and he deals with a great number of applications, but you can get an appraisal made in a couple of weeks in the summer months or when the snow is off the ground, or it's frost free. He's right on the job, whereas with the Farm Credit Corporation you may not get an appraiser out there for two or three months. In fact a farmer from Neepawa was over to the Brandon office recently to enquire about a loan from the Manitoba Agricultural Credit Corporation and they told him they didn't think they could make an appraisal 'till July or August. Well I don't know why there should be this delay. It seems to be rather an undue delay. We all have before us the annual report of the Farm Credit Corporation, and it looks to me as if they're processing as many loans now dollar-wise in Manitoba as is the Manitoba Agricultural Credit Corporation. I think they both did roughly four millions of dollars in 1961 according to the information that I have before me, but I hope that some effort will be made to speed up on some of these loans. There is an advantage if you're 31 and under -- there is an advantage for making application to the Manitoba Agricultural Credit because of the 4% interest rate. I will admit that. Of course, if you're over 31 then the advantage is the other way.

With the Manitoba Crop Insurance Agency, Mr. Chairman, it doesn't concern me too much because of the fact there is none of the Gladstone constituency in a test area, but another Order for Return that I have before me gives reason for some concern. I note that the premiums still unpaid for the year 1961 total \$13,115.34 and there's \$919.00 of unpaid premiums from the year before that, so there's a total of over \$14,000 still due from the farmers for premiums of the last two years, and that may not seem like a large amount but it's quite a percentage of the premiums. I know that if I had that much money owing to me I'd be going after it --(interjection) --tear it up. Well a few of them do that, too.

Now, Mr. Chairman, I'm not going to be much longer. I would like to ask a couple of questions though. I asked this one yesterday and the Minister of Labour answered it, and that is in this booklet "The Record Speaks" on page 36 it says: "For the first time in history, unemployment assistance is available to every Canadian." Now is it available to the farmers or isn't it? That's a question that I would like him to answer when he gets up to reply. And then, too, the Honourable Minister will recall that before the Orders of the Day here some two or three weeks ago, I asked him to define section (1) (a) of Section 10 of the Gasoline Tax Act, and his answer was that he wasn't a legal expert on it, but it does raise the point here, Mr. Chairman, that this should be re-defined, because this is a problem to the taxation officers and it's a bit of a problem that they run into all the time because it says, and I quote: "Subject to this section any purchaser who (a) uses gasoline in agricultural work on farm land for the operation of agricultural machinery, other than motor vehicles as defined in the Highway Traffic Act." Well then, when I asked the question, would a farm welder be considered a piece of farm machinery as defined in the act, they don't know, and they don't know at the Taxation Branch, and they're running into these things all the time. I think that it should be made more clear. In fact, the Chief Taxation Officer said gosh, he wished that they would re-define it for his use, that it needs a certain amount of clarification.

There was one other matter here, Mr. Chairman, that seems to be a bit of a problem and I don't know what the Minister can do about it, and that is that we all know that in the last two or three years and probably longer than that, both of the railways, both the CPR and the CNR are abandoning certain of their rural lines. And I had to go to bat as did other members of this Legislature and try and save those lines for the farmers in my constituency. Now I think that the government should force both of the railways to draft a long-range program of abandoning lines. If it is their intention to abandon a lot of the rural lines in this province then they should declare themselves now, say, for ten years in the future or something of that kind. Because on this line that they propose to abandon what they called the Beulah line, one of the local Pool elevator people had just finished building -- I don't know how much money they managed to

(Mr. Shoemaker, cont'd) spend -- but just finished building a great big annex on the elevator, and next year they were going to abandon the line. And naturally, the farmers are concerned over this, and it happened all the way up the line; they had no intention that they were considering abandoning the line, they had spent thousands and thousands of dollars putting annexes and additions onto the elevators, and here they found themselves with an elevator on their hands. So, I think that if this government could, try and make the railways prepare a program for the next ten years or so, so that the farmers in the various areas would have ample time to make a statement in this regard.

Another matter, Mr. Chairman, I wonder if the Honourable Minister has taken any action on the resolutions that were presented to him and to the government by the Union of Municipalities. I notice that about ten of them -- seven or eight or ten of the resolutions passed in November had to do with the Department of Agriculture. No. 3 - Drainage and Water Conservation; No. 4 - Debt Adjustment Act; No. 13 - Water Conservation and Control; No. 21 - Grasshopper Control; No. 22 - Provincial Hay leases; No. 24 - Weed Control; No. 28 - Raccoon Control; No. 37 -- and there's several there that apparently are causing a great deal of concern with municipal men. I hope he has given consideration to these various resolutions.

Now Mr. Chairman, I note that it is just about the closing hour again and I don't think there is anything else that I want to talk about at this time except that I do hope that he will give consideration to some of these suggestions that I have made.

MR. CHAIRMAN: Administration 1 --

MR. HUTTON: Mr. Chairman, I doubt if there is time for me to aside the great pile that has accumulated here but I would, Mr. Chairman, move that the committee rise.

MR. CHAIRMAN: Committee rise and report. Call in the Speaker. Mr. Speaker, the Committee of Supply has directed me to report progress and ask leave to sit again.

MR. W. G. MARTIN (St. Matthews): Mr. Speaker, I beg to move, seconded by the Honourable Member for Swan River that the report of the committee be received.

Mr. Speaker presented the motion and after a voice vote declared the motion carried.

MR. ROBLIN: Mr. Speaker, I beg to move, seconded by the Honourable Minister of Industry and Commerce, that the House do now adjourn.

Mr. Speaker presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 Monday afternoon.