

THE LEGISLATIVE ASSEMBLY OF MANITOBA  
8: 00 o'clock, Tuesday, May 2, 1967

MR. CHAIRMAN: Section 3 (e) -- passed; the Honourable Member for Brokenhead.

MR. USKIW: Mr. Chairman, before we adjourned this afternoon there had been some indication that possibly we needn't debate this point too long. I don't know that I accept that, although I'll concur with it, in that in talking to a lot of members of this Legislature on this particular subject matter throughout the last couple of weeks, I found out that many members were not truly acquainted with the problem at hand, and the fact that they were subjected to Law Amendments on this particular subject matter for a good length of time brought home to me the benefits of debating items of importance, and for this reason I wasn't going to originally confine myself to just a few remarks, but however, I will have my opportunity on third reading so at this point I will just confine my remarks to the amendment before us, and that is the eligibility question insofar as who is entitled to vote on a marketing board orduring the referendum on a marketing board dealing with vegetables.

In the old Act we had the \$500.00 qualification - that is, a grower that sold \$500.00 of product was considered to be eligible to vote, and certainly it was very difficult, as I'm sure the Honourable Minister will recognize, it was very difficult to administer this section of the Act in that it was impossible to prove whether or not a grower in fact did sell \$500.00 worth of product; you almost had to take people at their word; so that registration procedures were extremely difficult. It was hard to determine whether some people were in fact growers or not. So for this reason I think this is a timely amendment. It seems that we are going to ask for a number of referendums on some of these commodities, and that we ought to set things straight so that we don't have people voting on the issues that have no right to vote.

Now the only thing that I'm worried about insofar as this amendment is concerned, is that I hope the Minister doesn't use this to prevent us from having a referendum if a referendum is desirable.

(When I say "us" I'm referring to growers, incidentally, and I always can't get away from the fact that I am one of them, so I hope you'll excuse that remark.) But truly, if growers desire a referendum, I hope that the Minister does not use this section by suggesting to any group of growers that "you are not all in favour of a referendum so therefore I don't know whether we are going to have a referendum and we'll just have to wait a little longer." I think if there's any indication that there should be a referendum, if there is any request, that with reasonable qualification the Minister should allow a referendum on any commodity.

So with those few remarks, Mr. Chairman, I'll just let this one go and hope that this is the type of legislation that we've been looking for all along.

MR. ENNS: I have no remarks to make at this time. I may want to sum up a few things at third reading of this bill.

MR. FROESE: Mr. Chairman, I think this is a better opportunity to speak on the bill than to wait till third reading because we have no comeback on third reading, so I would like to make just a few short remarks myself.

I remember quite well when we discussed the original bill a few years ago, and when we brought in amendment reducing the \$1,000.00 figure to \$500.00 as to those who would be entitled to vote. At that time, I brought to the attention of the Committee that in our part of the country we had many growers of vegetables, canning crops, who were restricted by a quota to a certain acreage, and therefore the income of many growers did not exceed too much above that, at least if the crop wasn't a good one, and that the people in those areas certainly should be entitled to vote. And this still holds true because they are still restricted in their acreage because of the contracts, and I do hope when the cabinet or the government decides on this matter eventually, after they've heard the growers, that this will be taken into consideration and that the growers of canning crops also be contacted or heard because none of them appeared before Committee during the discussion of this particular bill and the amendments that we are having before us.

It rather surprised me, Mr. Chairman, that when we have the New Democratic Party so anxious always to stand up for the small man, we now saw the tables reversed completely, and that here they were fighting the point for the big producer in that they wanted a compulsory marketing board. So it just shows they are willing to sacrifice principle for expediency, and when we have heard them on many occasions in connection with the Friendly Family Farms in particular in previous years, that this in my opinion is so much eyewash.

(MR. FROESE cont'd).....

I feel that the small grower should have a voice in this matter and I do hope, when the provisions are made as to who will be entitled to vote, that the small producer has a voice in this matter.

MR. CHAIRMAN: I'd like to interrupt the proceedings of the House for a minute to draw the attention of the Members to the fact that we have in the gallery 34 Wolf Cubs from the Border Community Club in St. James under the leadership of Mrs. Miguez and Mrs. Moquin. They are from the constituency of the Member for St. James. On behalf of all the Members of the Legislature, I welcome you this evening.

(The remainder of Bill 117 was read and passed.)

Committee rise. Call in the Speaker. Mr. Speaker, the Committee of the Whole has approved of Bills Nos. 68, 78, 118 and 112 with amendments, and Bills Nos. 93, 102, 105, 110, 115 and 117 without amendments, and asks leave to sit again.

#### IN SESSION

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

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

MR. LYON: Mr. Speaker, I would propose that we now call third readings of bills in the order in which they appear on our Order Paper, and then when we complete those on Page 1 and 2, by leave we might consider asking the House to deal with the bills that have just passed out of Committee of the Whole House, but we have enough starting with Bill No. 38 to keep us going for the time being.

MR. LYON presented Bill No. 38, An Act to amend The Liquor Control Act, for third reading.

MR. SPEAKER presented the motion.

MR. CAMPBELL: Mr. Speaker, I move, seconded by the Honourable Member for Birtle-Russell, that the motion be amended by deleting the word "now" and that the words "this day six months" be added at the end of the motion.

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

MR. CAMPBELL: Yeas and Nays, please.

MR. SPEAKER: Call in the members. Are you ready for the question? We are now voting on the amendment.

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

YEAS: Messrs. Barkman, Campbell, Clement, Cowan, Dawson, Dow, Fox, Froese, Hamilton, Johnston, McKellar, Shoemaker, Tanchak and Mrs. Morrison.

NAYS: Messrs. Baizley, Beard, Bjornson, Carroll, Cherniack, Craik, Doern, Einarson, Enns, Evans, Green, Guttormson, Hanuschak, Harris, Hillhouse, Jeannotte, Johnson, Kawchuk, Klym, Lissaman, Lyon, McGregor, McKenzie, McLean, Masniuk, Miller, Molgat, Patrick, Pauley, Petursson, Roblin, Spivak, Stanes, Steen, Uskiw, Watt, Weir, Witney and Mrs. Forbes.

MR. CLERK: Yeas, 14; Nays, 39.

MR. SPEAKER: I declare the amendment lost. Are you ready for the question on the main motion?

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, I would like to just make a brief comment here. I didn't have time to bring in a resolution on one thing that concerns me and I intended to move an amendment, was told that I should make a resolution, but of course we are not going to get to any of them, so I just wanted to emphasize one particular point and that is that there will now be an increased amount of alcohol sold and consumed in this province and there will be an increased government revenue as a result, and I think that the government has a responsibility now to look again at its programs of rehabilitation and education. I feel that there is not sufficient attention being paid to these particular areas and that there should be a greatly stepped-up program. For example, there are grants made to the Alcohol Education Service but they, according to the last estimates, were going to be cut and in face of the increasing amount of drinking due to the extension of hours, I think these grants should be expanded. Also, the Alcohol Foundation of Manitoba I think could use more money for rehabilitation, as could the Salvation Army Harbour Light Center for Alcoholics. Similarly, I think there needs to be spent a fair amount of money on advertising on the various media to counter

(MR. DOERN cont'd)...the increased amount of advertising that will be coming over the networks. This kind of program in terms of alcohol education and rehabilitation was called for in Law Amendments, it was called for in the Bracken Report, and I think that the government now has an increased responsibility to use some of the monies that it will be taking in in taxation for a better and a stronger program of rehabilitation and education.

MR. WITNEY: Mr. Speaker, perhaps I should just take two or three minutes of the House on this matter. Since the government has been in power, the government has done, I believe, a fair amount toward the matter of rehabilitation of the alcoholic and also a considerable amount toward the education toward the problems of alcoholism during the past few years. I just want to draw to the attention of the House the fact that since the government has been in power and during these last few years particularly, we have operated Nassau House on a very successful level. At one time it was functioning, I think, with about a dozen men; it is now constantly active with over 24. And it was only about a matter of a few months ago that the government opened a facility for females who are having difficulty with alcoholism, and that was River House. I think perhaps the honourable members wouldn't have seen it because it's just been on the television recently, but we have a film, a television program on alcohol, for high school students through the school broadcasts and that television program has received some accolades from people such as the Alcohol Education Society.

During the past two years, we have also increased the number of rehabilitation counsellors that we have in the Foundation. We took the whole Foundation and rejuvenated it, and through the past two years it has been working very well indeed. The counsellors that we have are not only counsellors who travel into industry and into labour groups and into schools and to anybody who wishes to call upon them, but we also have established some Indian and Metis alcohol rehabilitation counsellors and have been able to do some rather remarkable work in some of the Indian reservations and Metis areas, particularly in areas such as Pukatawagan, in the area such as Fort Alexander, in the areas along the east side of Lake Winnipeg up at Berens River and Black and Poplar Rivers. Good work has been done with these people in Lynn Lake and along the Hudson Bay Line, and in one of the areas where there was a particular difficult problem with alcohol, Thicket Portage, Thicket Portage now has a very active AA group functioning as a result of the placement of a counsellor of Indian and Metis extraction into the area.

The Alcohol Education Society appealed to us for an increase in their grant and the government decided that they would give them the amount of money which they had requested, which was \$42,000; and in addition we have just recently sent our Director of Psychiatry and our Director of Rehabilitation into Ontario to study the new system that the Ontario government has established, wherein they did what we did a couple of years ago but in a different manner, and that was by bringing all of the people functioning in the area of alcohol rehabilitation, alcohol education, all under one co-ordinating committee or one roof. Those men have yet to report to me but the Ontario method and the new Quebec method are both systems which have been evolved during the last two years and systems which I feel that we can benefit from. So during these past few years we have increased rather substantially the work that is being done in education. The curriculum in the school textbook has been completely revised. I believe it is up to Grade 6 now in the public health curriculum where alcohol is begun, where we mention it for the first time, and the public health curriculum in the public schools is now being renovated or changed by the same committee that has been able to do it with the lower grades, so I thought perhaps when the matter came up that it would be advisable to tell the House of some of the things that have been accomplished.

MR. PETURSSON: Mr. Chairman, if I might just ask the Honourable Minister a question on the approximate rough total, if he has some idea, of the amount of money that would be spent or is being spent or contemplated on alcohol education and rehabilitation of alcoholics and things of that sort.

MR. WITNEY: Yes, in the Department of Health it would approach about over \$200,000.

MR. PETURSSON: A supplementary question, Mr. Chairman. Does the Honourable Minister or any of the other members of government have any idea approximately what amount of money the Brewery Products and others might contemplate spending on advertising. My impression is that it would run into the hundreds of thousands, perhaps millions of dollars.

MR. CHAIRMAN: Are you ready for the question?

MR. WILLIAM HOMER HAMILTON (Dufferin): Mr. Speaker. I beg to move that **Bill No. 38** be not now read a third time but be referred back to the Committee of the Whole to **amend Sections 5**

(MR. HAMILTON, cont'd) . . . . and 30. Seconded by the Honourable Member for Pembina.

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

MR. HAMILTON: Yeas and Nays please, Mr. Speaker.

MR. SPEAKER: Call in the Members. Order please.

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

YEAS: Messrs: Barkman, Campbell, Carroll, Cowan, Dow, Doern, Einarson, Fox, Froese, Hamilton, Johnston, McKellar, McKenzie, McLean, Molgat, Paulley, Petursson, Roblin, Shoemaker, Stanes, Tanchak, Uskiw, Watt and Mrs. Morrison.

NAYS: Messrs: Baizley, Beard, Bjornson, Cherniack, Craik, Dawson, Desjardins, Enns, Evans, Green, Guttormson, Hanuschak, Harris, Hillhouse, Jeannotte, Johnson, Kawchuk, Klym, Lissaman, Lyon, McGregor, Masniuk, Miller, Patrick, Spivak, Steen, Weir, Witney and Mrs. Forbes.

MR. CLERK: Yeas 24; Nays 29.

MR. SPEAKER: I declare the motion lost. Are you ready for the question on the main motion?

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

BILL NO. 15 was read a third time and passed.

MR. ROBERT STEEN (St. Matthews): Mr. Speaker, I move, seconded by the Honourable Member from Fisher, that Bill No. 36, an Act for the Relief of Dorothy J. Ungar, be now read a third time and passed.

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

MR. STEEN: Yeas and nays, please, Mr. Speaker.

MR. SPEAKER: Call in the members. Order please. For the benefit of the honourable members that may not have been in the Chamber, we are dealing with Bill No. 36.

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

YEAS: Messrs. Barkman, Beard, Cherniack, Clement, Cowan, Dawson, Desjardins, Dow, Doern, Fox, Froese, Guttormson, Hamilton, Harris, Johnston, Kawchuk, McKellar, McKenzie, McLean, Masniuk, Miller, Molgat, Patrick, Paulley, Petursson, Shoemaker, Steen, Tanchak, Uskiw and Mrs. Morrison.

NAYS: Messrs. Baizley, Bjornson, Campbell, Carroll, Craik, Einarson, Evans, Green, Hanuschak, Hillhouse, Jeannotte, Johnson, Klym, Lissaman, Lyon, McGregor, Roblin, Stanes, Watt, Weir, Witney and Mrs. Forbes.

MR. CLERK: Yeas 30; Nays 22.

MR. SPEAKER: I declare the motion carried.

BILLS NOS. 39, 41, 62, 67, 71, 72, 73, 74, 76, 77, 84, 85, 86, 90, 99, 101, 103, 108, 111, 114, and 116 were each read a third time and passed.

MR. COWAN presented Bill No. 60, An Act for the Relief of the Town of Tuxedo, for third reading.

MR. SPEAKER presented the motion.

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

MR. GREEN: Mr. Speaker, when this bill was first put on the Order Paper I didn't think that there was a possibility in a thousand, or rather a possibility in a million, that we would be voting on it or even speaking on it on third reading because I didn't think it could possibly get that far. That, Mr. Speaker, is just how out in left field I thought this particular piece of legislation was, but I realize that my opinion in this doesn't count and that many of the resolutions that I put are apparently out in left field to some of the other members of the House, so that's not an argument against the bill.

But in discussing this bill, Mr. Speaker, in committee and at other stages, in my opinion it appears to me that there are several misconceptions which are causing members to proceed to pass this bill, and the first - and this may be a misconception on my part and perhaps a misconception on the part of other Honourable Members - is that this is a government bill. My impression is that the government has not put itself behind this bill, and the Minister of Municipal Affairs it seems to me is shaking her head that it is not a government bill, that this is a bill which has to have the support of every member of this House and every member should be voting as he sees what is contained in this bill.

So, first of all, it's not a government bill and on that basis, Mr. Speaker, I don't see how certain members of the government ranks, particularly those from the City of Winnipeg, are supporting this Bill. This is a bill which has to find favour with the members on its merits.

The second misconception - and I think that the first is a misconception that this is a

(MR. GREEN, cont'd) . . . . government bill - the second misconception stems from the second page of the bill, Mr. Speaker, which says as follows: "And whereas the Metro Corporation of Greater Winnipeg intends to assume jurisdiction over the sewer and desires to reimburse the Town of Tuxedo." So in this bill, Mr. Speaker, we are for the first time in my short experience and for the first time in the experience of any member that I have spoken to, we are legislating a desire on the Metropolitan Corporation of Greater Winnipeg; a desire, by the way, which they told us they don't have.

We've had two representations from the Metropolitan Corporation of Greater Winnipeg with regard to this bill. One was by the solicitor - he opposed the bill. He opposed it in a rather clinical manner. But we had another representative by the political Vice-Chairman of the Council, Councillor Wolfe, and he told us that the Metropolitan Corporation had no desire to pay for this sewer, so the Legislature, despite representations from the administration and from the political arm of this corporation, is saying that even though they told us they have no desire to pay for this sewer, we are legislating a desire in their minds. So that is the second misconception, Mr. Chairman, that the Metropolitan Corporation has a desire to pay for this. And by the way, Mr. Speaker, if there is a desire shown, it was a desire shown by the Town of Tuxedo, which in the top of the bill indicated that it was prepared to proceed with this project at its own expense. At its own expense.

Now, Mr. Speaker, this desire is further compounded by the fact that the bill is presented as if it's been requested by Metro. Mr. Speaker, this bill is being presented as an Act for the relief of the Town of Tuxedo; not even an amendment to the Metro Act but a separate bill for the relief of the Town of Tuxedo, because the truth is that Metro did not want this bill and has told you so twice, but in spite of that you are going to legislate a desire into that corporate personality. Well, that's apparently a good trick, but you can do it. If you try to hard enough it's a good trick, but you can do it. And this is what this Legislature apparently indicated that they wished to do in the Committee of the Whole House.

Now thirdly, Mr. Speaker, there is the suggestion here that the corporation wanted to proceed with a sewer system. Well, Mr. Speaker, I think that the people in this Legislature at least should recognize that different things happen at the administrative level and different things happen at the political level. I've heard many members say that your administrators want a great number of things but they won't get passed at the political stage, and if you went to the Department of Water Works and Waste Disposal of Metro you will see a mammoth sewer system which is composed of many sewers which the administration wishes to some day take over, but they've never ever got authority from the political arm of the corporation to take them over, and some of them they will never get authority to take over. The same thing is true of the street system. If you ever saw their projected street system you would see a mammoth street system, and anybody who has one of these streets, any municipality, could point to that street and say they have a desire to incorporate that street system. It's not true. The political arm of that corporation has never indicated that they would finally proceed with this plan. It's true that at one stage they let out tenders, but then proceeded not to go ahead with it; exactly the opposite of what is now being suggested. If they were going to go ahead with it they would have gone ahead with it at that time, and they did go ahead with various sewer systems at that time.

Now, Mr. Speaker, I would put it to you that the Greater Winnipeg members are doing a disservice to the Metropolitan Corporation itself and to the municipalities which they represent if they pursue this bill. First of all, the City of Winnipeg and every other municipality has had assets taken over which have been paid for in full and which they could not recover one cent for. Secondly, Mr. Speaker, the City of Winnipeg for years has been coming to this Legislature complaining that the levy is unfair, to the extent that the Mayor of the City keeps saying that you have overtaxed them to the extent of \$5 million vis-a-vis the other municipalities. Now we have the Town of Tuxedo in order to get a \$97,000 sewer system paid for 60 percent by the City of Winnipeg and probably another 35 percent by the other area municipalities because the Legislature is coming with a bill for the relief of the Town of Tuxedo.

Now I'd like to point out to the Member for St. Vital that his municipality has been asking for a sewer system and has proceeded with some sewer systems which they couldn't get from the Metropolitan Corporation and couldn't get them to proceed with, but nobody is going to pay St. Vital for the sewers that they had to install without Metro participation. The same thing is true of St. Boniface; the same thing is true of Assiniboia; the same thing is true of Charleswood; the same thing is true of St. James; the same thing is true of every area municipality; and none

(MR. GREEN, cont'd).... of them, Mr. Speaker, with the exception of Tuxedo, would have the audacity to come to this Legislature and say: Pay us for our sewer. It just hasn't happened, and I say that this is an audacious bill. If it's passed, it's a bill that we can expect every municipality to follow suit with.

Mr. Speaker, there's one further point that every member should be clear on, that when the town of Tuxedo went ahead with that sewer system they did so for the town of Tuxedo. The bill says the town of Tuxedo deemed it imperative that the construction and installation of the sewer be proceeded with and they paid for it. And they paid for it knowing the Metro law, and that's important, Mr. Speaker, when they paid \$97,000 they knew that the cost of that sewer could not be repaid by the Metro Corporation but they proceeded on that basis. Now, Mr. Speaker, the Metropolitan Corporation is being placed in a position where they have to do with this particular installation what they don't do with any other, because you don't in this bill even give the corporation the choice of saying whether they will or will not incorporate that sewer. You say they shall pay the town of Tuxedo \$98,000 whether they take the sewer over or not, which gives them no choice but to do it, and this is the only area where that political body will not have a say as to whether they proceed with that sewer system or not.

Now, Mr. Speaker, I say that the town of Tuxedo knew what they were doing when they took over that sewer system. I noticed some honourable members - and I was one of them - voted against an Act for the relief of a Mrs. Ungar because apparently a legal proceeding was not proceeded with when it should have been. I suspect that some of those same members intend to vote for an Act for the relief of the town of Tuxedo who were doing what they were doing with their eyes open. Now where is equity in this type of voting, Mr. Speaker? I don't see it. I say that before this bill is proceeded with, if it is proceeded with, it should be requested by the Metropolitan Corporation of Greater Winnipeg and some desire to pay the town of Tuxedo should be in evidence. What has been the evidence of desire of the Metropolitan Corporation to reimburse the Town of Tuxedo \$98,000.00? That desire not being shown, Mr. Speaker, I suggest that the Legislature wait until it is shown and I therefore move that the motion be amended by deleting the word "now" and substituting therefor the words "six months hence", seconded by the Honourable Member for Seven Oaks.

MR. SPEAKER presented the motion.

MR. COWAN: Mr. Speaker, the actions of the town of Tuxedo certainly don't warrant the strong language used by the member for Inkster. The persons who looked after, the Secretary Treasurer of Tuxedo and the Metro people involved with sewers when this was faced, they didn't consult lawyers as to whether or not if they paid cash or whether they should borrow, whether it would make any difference. They assumed that Metro could take over the cost of the sewer. They didn't go into the question of the difference between borrowing to pay for the sewer and issuing debentures or whether cash should have been paid. If Tuxedo had issued debentures to cover the cost of the sewer, there would be no doubt at all but that Metro would have paid for it - no doubt at all - it's covered by The Metro Act. Mr. Speaker, this is only a precedent for exactly similar conditions, and if by some chance this should happen again, this Legislature would be justified again in passing a similar act.

I would draw the attention of the House to the fact that Metro had written to developers and advised them that the sewer was going to be put in and developers went ahead and did some work in connection with the construction of houses on the basis of Metro's undertaking that this sewer was going to be put in, and it was only because of a question as to how the costs should be divided that Metro, after calling for tenders, decided not to proceed with the sewer. Tuxedo decided that in view of the work that had been started, in view of what had been planned, that they should take over the plans and go ahead and have this sewer constructed so that the development could go ahead as planned.

I would like to read to the members of the House a portion of the bill which recites the facts as they happened, which show that Metro did want to pay for this sewer and did want to take it over. Starting towards the bottom of the first page, I would like to read:

"AND WHEREAS The Metropolitan Corporation of Greater Winnipeg at a meeting of its council held on the twenty-eighth day of July, 1966, adopted the report of its Committee of Finance which read, in part, as follows:" - Metro Council adopted this report.

"In April of 1965, the Corporation called for tenders for the construction of an interceptor sewer on Grant Avenue, from the Charleswood boundary to Park Boulevard West, in the Town of Tuxedo. However, due to problems associated with the joint use of sewers, it was decided not to proceed with the construction of this interceptor, and subsequently Council

(MR. COWAN, cont'd) . . . . rejected the tenders received. At that time, representatives of the Town of Tuxedo stated that because of the timing involved and the uncertainty of suitable arrangements being made for the construction of this sewer, due to the fact that Council had engaged the firm of Alvord, Burdick and Howson to report on the allocation of annual costs of the sewage disposal system, Tuxedo was prepared to proceed with this project at its own expense.

'The Committee on Waterworks and Waste Disposal' " - that's Metro's Committee - " has now been informed that under the terms of the policy adopted by Council on June 23rd, 1966, on the allocation of annual costs of the Sewage Disposal System, the Waterworks and Waste Disposal Division would have constructed an interceptor on Grant Avenue in the Town of Tuxedo, and under the circumstances, has recommended that the Corporation assume jurisdiction over the sewer constructed by the Town of Tuxedo on Grant Avenue, from Chalfont Road to Park Boulevard West.

'The Committee has also recommended that the Corporation Counsel be instructed to prepare the necessary By-law in accordance with Section 149 of The Metropolitan Winnipeg Act, and that the Director of Waterworks and Waste Disposal be authorized to negotiate with the Town of Tuxedo with respect to the take-over date.

'Your Committee concurs in the recommendations of the Committee on Waterworks and Waste Disposal and submits same to Council for approval.' "

This was the report that Council adopted - Metropolitan Council - and so they wanted to take it over and they wanted to pay for it. Later on they evidently changed their minds, but we have before us a very reasonable and a very normal sort of bill that one would expect under the circumstances. This is certainly a bill which this House should pass and I trust that the members will vote against the motion to read this bill six months hence.

MR. MILLER: Mr. Speaker, in speaking to this motion, I think we should heed the words of the Member for Inkster very carefully. I've listened to the explanation made by the Member for Winnipeg Centre and I am sure that he really believes that what he has brought in here is fair and equitable, and he states and he reads carefully from the bill itself how Metro has agreed to do this and Metro has agreed to do that. The point of the matter is this, in Law Amendments two people appeared for Metro. One represented the administration; one as the Vice-Chairman of the Metro Council appeared on behalf of the Metropolitan Council. Neither one stated that they wished to pay for it; neither one stated that they wanted to take the sewer over at this time.

So no matter how you read this, it's what occurred in recent days is what I think should influence us the most. It's all very well to say that Tuxedo went ahead with this on an understanding; the fact of the matter is that Metro Council, like any other government agency - or any other government whether provincial, federal or municipal - does periodically come up with recommendations from its various committees planning certain programs, and this government should certainly understand this. On the basis of priorities, they can't buy all the programs. They have to sidetrack some, they have to postpone them, some of them for an indefinite period. And here's a situation which I can quite recognize, because when you have X number of dollars - and I've heard this in this session a number of times - there's just so many dollars and what are we going to do with it first. The Metropolitan Council, in its wisdom, decided that it had other use for the moneys which they were going to spend. They advised the Town of Tuxedo that they're not going ahead with the sewer.

Now the Town of Tuxedo on its own then proceeded to put this installation in, and when their solicitor appeared, he said the pressure by people owning property for development is what forced them to act. I can tell you this, Mr. Speaker, there isn't a suburban municipality in Greater Winnipeg which isn't under the same pressure. We're all under the same pressure. We're all under the same pressure. Developers have land; they want to sell them; they have markets for them; there is a housing shortage and they all want to move; but it doesn't mean that because they want to move and did move that this Legislature should ratify or force the Metropolitan Corporation of Greater Winnipeg to pay \$95,000 for something which I'm not convinced they want to pay. I'm convinced rather that they don't want to pay, nor am I convinced they should pay.

Even accepting the fact that some day they may have done this on the basis of priority, if Tuxedo had issued debentures as they should have under the law, it could be that two, three, four, ten years hence, Metro may have been ready to move on this particular sewer line, in which case they would have picked up the balance of the debentures owing. They would not have

(MR. MILLER, cont'd) . . . . picked up the monies back to the day of the debenture issued, so they may have picked up one year of debentures or two or three but certainly not the entire cost. They haven't done it in other areas. They did not go into Winnipeg or St. Vital or St. Boniface or Assiniboia and say, well you still owe some on this sewer line, we'll pay you back from year one. Not on your life they didn't, and yet we here are going to pass a bill which is saying to them you shall pay the full cost now whether you want this sewer or you don't want this sewer, whether you want it three years hence or four years hence.

The fact is that this sewer line is not a vital or essential part of the sewer system of Greater Winnipeg. It's a sewer line extending from a given point to connect through the Town of Tuxedo. It doesn't go beyond that; it serves the Town of Tuxedo period. I can see where Metro would certainly not be in any great hurry with this particular installation. There are more vital and necessary installations before they ever get to this. So I think to suggest that Metro wanted to do it, was under the gun to do it and had to do it, is I think not the right impression that I would want members to go away with because certainly that isn't what has come out of the hearing - that is Law Amendments. In Law Amendments they were pretty clear. They have no desire to pick this up at this time; they have no desire and there's no assurance that they would take over this sewer line if they had to pay for it either this year or next year or five years hence. If it costs them nothing, they might because they would take over the maintenance and to that extent they might relieve Tuxedo from cost, but insofar as paying for it, I'm not convinced that they would have to or want to particularly.

Now we have dealt with one other matter in this House where we were told - and I'm talking about the Bill with regard to Portage la Prairie - members of this House voted that because the town of Portage la Prairie had made an error, by virtue of a technicality had failed to comply with The Municipal Act, a small small percentage, something like hundreds of thousands of dollars worth of paving, they had failed on one very very small aspect of it to advertise properly, and as a result of that this House said we must uphold the Act. These people did the wrong thing; we should not now correct it; they should have known better.

I suggest to you that if the town of Portage la Prairie has to adhere to the Act, the town of Tuxedo which has the finances to have a solicitor - and I think they do have a solicitor - who are within the Metro area, know all about the Metro Act - and I can tell you I have heard them on the subject and they know all about it - I am sure knew what they were doing; and if they did it, and if this House felt that they had to uphold The Municipal Act with regard to Portage la Prairie, then surely Tuxedo doesn't deserve any better consideration or any greater consideration. I think it would be an injustice to all the other municipalities in Greater Winnipeg, who have not been treated in this manner, to be discriminated against by passing this Act the way it stands.

I would recommend most seriously to members that they hoist this bill six months. If the Metropolitan Corporation of Greater Winnipeg really wants this sewer line, really wants to pay for it, they will come back to us and they will request an amendment in their Act giving them the power to pay for it; but I think to pass an Act which is applied for by the town of Tuxedo would be an injustice to Metro, to all municipalities within Metro Winnipeg, and I think would be going against the policy that is established and the principles we establish in this House. If we have statutes, let's uphold them.

MR. SAUL M. CHERNIACK, Q.C. (St. John's): Mr. Speaker, I was expecting that we would receive the benefit of some comment from the Cabinet or the member thereof whose responsibility it is to deal with municipalities, the children of this government.

I did not intend to participate in this debate except to ask a question of the Honourable Member for Winnipeg Centre who is the sponsor of this Bill, but he answered the question before I needed to ask it. Today is May 2nd, I believe, and we are being asked to vote today on a bill which bears the statement that the Metropolitan Corporation intends - and that's the present tense - to resume jurisdiction over the sewer and desires - and that's the present tense - to reimburse the town of Tuxedo; and the next paragraph reads that whereas a certain section of the Metro Act prevents the Metro Corporation from reimbursing - and that's the present tense - which gives a clear picture to anybody reading this Act now or in the future that the truth has been said in this Bill. The Honourable Member, the sponsor of this Bill who today moved it, has admitted without being asked that it is not the truth today. He admitted that Metro does not today have the desire nor the intention to do as this bill says it does, and this to me is a pretty shocking state of affairs.

The Honourable the Attorney-General, who is very right and proper on many occasions,



(MR. CHERNIACK, cont'd) . . . . now is offended at the thought that we are being asked to legislate an untruth, but that is exactly it, and I hope that my rising will prompt the Attorney-General to get up and just put me in my place, that I am not saying what appears to be true -- and I'm not talking about sewers or any need or purpose or anything else because I don't really know the details that have already been expressed by some of the members, I'm only reading the bill on which I for one am required to vote. I have learned today from the mover of this bill that the statement in the present tense set out in this bill is not so, and if that isn't an untruth, then I want the Honourable the Attorney-General to set me straight. And I think also, with deference, that this not being a government bill does not relieve the Minister of Municipal Affairs from the responsibility of participating in this decision, because this matter is an intermunicipal difference.

It would appear and there seems to be a difference of opinion in spite of the fact that the Bill makes it appear to be a completely agreeable situation insofar as Tuxedo and Metro are concerned, but the mover of the Bill says it's not so, and what he brings out to prove that it seemed at one time to have been agreeable is a portion of the Minutes of the Metropolitan Corporation setting out that a report had been adopted and setting out that the Committee recommended that Council be instructed to prepare the necessary by-law. When we go through our bills here, Mr. Speaker, we don't pass them and they are not law until often they start in the resolution stage and they go through three readings and two committees, and we know they are not law and we know they don't express the intention of the Legislature until third reading passes. And here the evidence provided by the Honourable the Member for Winnipeg Centre is that it was instructed that a by-law be prepared, and that to me means that after it is prepared it has to receive first reading, and need I say second reading, and ought I to point out to the Attorney-General third reading is also necessary before the clear-cut intention of Metro is before us.

We are here being asked to vote on something which in the first place, and I say it again, appears to contain an untruth, and I state that because I am quoting only the Honourable Member from Winnipeg Centre, the mover of the Bill. I am not regarding now what was said by the Honourable Member for Inkster and I was not present when the Vice Chairman of the Metropolitan Corporation apparently stated --(Interjection)-- Well then I'm telling the truth, because I said I wasn't present when he stated it, so it's correct. All right then, the Vice Chairman apparently didn't appear, but I was present when the solicitor for Metro was here on another bill and was asked about this, and he did state that the Metropolitan Corporation did not approve of this bill.

And if now we find a doubt as to whether or not Metro is actually intending and does desire to reimburse, then I suggest, Mr. Speaker, that in all fairness this Bill ought to be stood down. That won't prevent it from coming back next year if there is validity to it. Let us remember, Mr. Speaker, that the Ungar bill of which we spoke came before this House last year and failed, and came before the House this year and passed. I would like to suggest to the mover of this motion that he see to it that the bill is withdrawn and at least re-drawn so that it does not contain misinformation, and then let's deal with it as it should be dealt with, an adjudication as between two municipal members of the Metropolitan Corporation of Greater Winnipeg. That I think, Mr. Speaker, would be a more responsible way than to ask to vote and support something which in the preamble is wrong. Now if there were no preamble, if we were asked to adjudicate on the effective portions of the bill, then I could understand that at least we are not being asked to subscribe to something which appears to be untrue.

I would like to think, Mr. Speaker, that there is an indication that this bill will be sent down for six months so it can be reviewed again or that it will be sent back to Committee so that we can hear from the parties involved, hear from the Metro Corporation, and deal with it in a judicious manner because we are asked to adjudicate as between the two municipalities, and I suggest sincerely that, since we have business to wind up, that it would not hurt one bit if this matter were stood over until the next session of the Legislature when we have a proper opportunity to hear it, to assess the facts, to make sure that the drafting is one which we can accept as being a piece of legislation with which we may disagree but which would not bring shame to us, and I suggest again that I would be ashamed, as a mere member of the Legislature, to know that something has passed when the mover of the motion has himself indicated that it does not contain the true facts in the present terms.

MR. LYON: Mr. Speaker, perhaps I should come to the defence of poor little Tuxedo, which is being rather maligned, I think, by some of the people tonight. I sometimes get the

(MR. LYON, cont'd) . . . . .feeling - and I say this with good will - that if this were an Act for the relief of some other town and the circumstances were exactly the same, that perhaps there wouldn't be quite so much objection, but this is part of the problem that Tuxedo has. But I say it in good spirit and good will. And I should also say this, as the member of the House who has the privilege to represent Tuxedo in the Legislature, I was not approached by their Council with respect to this bill at all. As a matter of fact, I heard about it after the Honourable Member for Winnipeg Centre had been approached. The mayor did speak to me subsequently to tell me that he had approached the Member from Winnipeg Centre and I enquired about the bill at that time after it was under way. I found out generally speaking what the circumstances were, not from the mayor particularly or from any of the members of the Council, but rather from the Department and other sources, and then the bill carried on on its way through the House. I was not aware that there was any great objection to be taken to it from the facts and circumstances as they had been outlined to me, and I'm like the Member from St. John's, because I was not in the Municipal Affairs Committee where this bill first went, except for only a portion of the hearings when I happened to be in there as a spectator, and I did not hear all of the representations although I did hear some on behalf of Metro and on behalf of the town. Subsequently, in Law Amendments Committee I did hear very brief representations made by, I believe it was the solicitor for the Metropolitan Corporation, and so I'm not aware that the Vice-Chairman for Metro spoke. If he did speak, I am unaware of it. --(Interjection)-- I don't know -- in what committee?

A MEMBER: Law Amendments.

MR. LYON: Well, I was Chairman of Law Amendments Committee and I don't recall the Vice-Chairman of Metro speaking on the bill. As a matter of fact, as Chairman I remember calling him one day and he chose not to speak, and I remember that because of a comment that probably somebody in the House made that this was unusual that the Vice-Chairman should choose not to speak when he had been called, but in any case my memory could be faulty on the point. I have no recollection, however, of the Vice-Chairman making any --(Interjection)-- Well Mr. Campbell, the Member for Lakeside, recalls that he spoke. I don't have the recollection. I'll defer to the judgment or to the recollection of the Member for Lakeside because he listens to what's going on and I have enough trouble . . --(Interjection)--

MR. SPEAKER: Order please. I think when the honourable gentlemen were speaking, they had the floor completely to themselves. I wonder if the same could be extended to the Minister.

MR. PAULLEY: Well, my honourable friend invited us to put him on the straight and narrow.

MR. LYON: All right; I accept the recollection of the Member from Lakeside that he spoke. I don't recall it and I don't remember what he said. My main knowledge, I must confess, of this bill is what is contained in the preamble, along with a very significant remark that I do remember, being made before either the Municipal Affairs or the Law Amendments Committee, and that was this: that Metro did have a moral obligation to pay this money.

Now I remember their solicitor saying that legally there were great conundrums in this matter because there was a specific problem with respect to one of the sections; if they'd taken it over by way -- if Tuxedo had paid by way of debenture, this bill would not be before us, but because Tuxedo paid by way of cash, because of the prohibition in the Metropolitan Act about paying cash for public works that are already paid for, this was the cause of the problem. But I do remember quite vividly that there was no great argument raised when the statement was made, and I think it was made by one or two members of the committee as well as by the counsel for the Town of Tuxedo, that there was a firm moral obligation on the part of Metropolitan Winnipeg to assume this responsibility. I remember quite well the counsel for I believe it was Tuxedo saying that the town and the Metropolitan Corporation had worked closely together on the installation of this sewer and that there was no animosity, that there was no misunderstanding about the matter at all, and that the only reason that the bill was before the House at all was because of the method of payment. And that seems to be the point, I'm afraid, that my honourable friends from Inkster and from West Kildonan and from St. John's conveniently overlook, that what is involved here is the method of payment, because if Tuxedo had paid - as I understand it, and I don't claim to be fully seized of all of the facts - if Tuxedo had paid for this by way of debenture there would be no problem; there would be no problem at all, and Metro would assume those debentures. Because Tuxedo paid for this by way of cash, they ran afoul of the technicality in the Metropolitan Act and Metro felt technically

(MR. LYON, cont'd).... that it couldn't pay, but I judge they felt morally obligated to pay, and that's why the bill was here.

Now that's my understanding, and I say it may be an incomplete understanding, but I thought that somebody perhaps should say a word on behalf of Tuxedo because I think, I really do believe that a third of the problem here is the name of "Tuxedo", and the other third is because we have some legal hair-splitters on the other side who happen to have been former members of Metro Council, and I don't think that there is an analogy between this and the Ungar bill at all. Not a bit. Because here was a clear-cut case of a municipality, as I understand it, agreeing to do what Metro had already decided to do, but was held up because of some intermediate study that they wanted to make; the town went ahead in the meantime; carried out the work; the Metro study was completed; Metro agreed that this was the kind of a sewer that they would take over; this information was apparently communicated to the town. We don't have to ask what the town said. We don't have to ask what the Vice-Chairman said before the Committee or what their legal counsel said, because here is the resolution of their Council, expressing their clear intention that under the terms of the policy adopted by Council on June 23rd on the allocation of annual costs - and so on and so on - the Waterworks and Waste Disposal Division would have constructed an interceptor on Grant Avenue in the Town of Tuxedo, and under the circumstances had recommended that the Corporation assume the jurisdiction over the sewer constructed by the Town of Tuxedo. I think it's quite clear that they are attempting to indicate by that minute, that the Town of Tuxedo merely did what they would have done had this policy been cleared, and so I really I don't see that it's worth all of the arguments and time and fuss that is being made about it by honourable members opposite. And I do believe -- I will say this; I will say this quite clearly, however, that if the bill were back in Committee there is one change I would make to it, and that is I would have the bill come into force on proclamation rather than on royal assent, but that's the only change I would make to it. There may be a present tense or a past tense problem with respect to the word "desire" or maybe it should be "desired", but aside from that fact I think the bill should pass, and deserves the support of the House.

MR. COWAN: Mr. Speaker, on a question of privilege. If this motion is voted down I'm prepared that it be moved back to Committee of the Whole for the purpose of amending the preamble and Section 2 so that we can get true statements in it. At the time the bill was drawn up the statements were true; they're not true now. So I think, as the Honourable Member for St. John's said, they should be made true and that if this motion is withdrawn or defeated I'm prepared to amend it; that it be sent back to Committee so that we can make it true.

MR. PAULLEY: Mr. Speaker, I appreciate very much the suggestion of the Honourable Member for Winnipeg Centre of the possibility of the bill being, I think as he said, referred back to the Committee of the Whole to consider certain changes, and I suggest, Mr. Speaker, that this is not sufficient. I suggest that the motion before us, the six months' hoist, if it is defeated, that rather than the motion to refer the matter back to the Committee of the Whole, the bill should be reverted back to the Committee on Law Amendments or the Committee on Municipal Affairs so that further representations or representations that may clarify the mind of my honourable friend the Attorney-General may be heard, because it seems to me obvious that while the Honourable Attorney-General was the Chairman of the Committee in which representations were heard, he must have been sleeping at the time representations were made by the Vice-Chairman of Metro in respect to Bill No. 60. I asked, when this bill was before the House here on second reading, whether or not Metro had agreed with this and the answer that I got at that particular time was "yes."

MR. COWAN: That was the case at that time.

MR. PAULLEY: What does my honourable friend mean, that was the case at that time? Was there a change?

MR. COWAN: Yes.

MR. PAULLEY: Then if there was a change, Mr. Speaker, then I say certainly that this bill should be given a six months' hoist, because if, as my honourable friend the Member for Winnipeg Centre says, there's been a change as far as his knowledge is concerned, then it might be that that change is of such a nature that the bill was based on misinformation in the original instance, and if this is the case, Mr. Speaker, then by all means the bill should be referred back so that due representation may again be heard from Metro Corporation because its solicitor and Metro's Vice-Chairman appeared before the Committee and did not agree with the contention contained in the bill that Metro acquiesced in the payment for the relief of

(MR. PAULLEY, cont'd) . . . . Tuxedo as the bill indicates.

MR. COWAN: On a point of privilege, Mr. Speaker. The misinformation is simply this: As set out in the bill it says that the Metro Corporation approved of the taking over as set out in the bill. They later changed their mind and decided they didn't approve. That's the . . . .

MR. PAULLEY: Mr. Speaker, I doubt very much whether there is a point of privilege because, as I understand it, Metro never passed the by-law. Now then, if Metro never passed the by-law; if the solicitor for Metro says that Metro, as far as he is concerned from the legal aspect, is not in favour; if the Vice-Chairman of Metro comes before the Committee and says that Metro is not in favour; then this gives proof evident to the fact that Metro is not in agreement with this bill, and it's not, Mr. Speaker, what my honourable friend the Attorney-General tries to establish, that here it is because of the fact that Tuxedo is presumably considered a wealthy municipality, that we're against it. It's not that at all; it's a matter of principle; and the same thing can happen in respect of other municipalities, be they Tuxedo, Transcona, West Kildonan, East Kildonan or anybody else, and for my honourable friend the Attorney-General to suggest such a motive on our part (he shakes his head; well so he should) --(Interjection)-- No motive? You impugned a motive to us; you certainly did. Again this illustrates I think, Mr. Speaker, how correct we are on this side of the House and in this corner, that the Honourable the Attorney-General has lapses of intelligence or lapses of memory, and I can well understand my honourable friend having to stand up here tonight as he did and say that he did not know, he did not know that the Metro Vice-Councillor, Bernie Wolfe, appeared before the Committee.

MR. LYON: I'm advised by someone who perhaps remembers better than I, that this was on one occasion when I apparently had to leave the Chair and apparently one of my colleagues was in the Chair at the time. I wasn't -- I don't recall that . . .

MR. PAULLEY: Then if my honourable, if he has no point of privilege at all, then I suggest, Mr. Chairman, he wasn't in the Committee so he shouldn't make statements that the Chairman or Vice-Chairman of Metro did not appear before the Committee - and what's the trouble now?

MR. LYON: I didn't recollect him. I was right.

MR. PAULLEY: You were wrong.

MR. LYON: So were you.

MR. SPEAKER: The Honourable Leader of the New Democratic Party did make the statement that possibly the Chairman was asleep in a committee so I wonder if he was not in order with the point of order.

MR. PAULLEY: Well, Mr. Speaker, I'm sure that the Honourable the Attorney-General will thank you for pulling him out of the fire once again. I didn't see him, or apparently he didn't see the Vice-Chairman of Metro; he says that he wasn't asleep, he wasn't there. Now I don't know, as far as my honourable friend is concerned, what basic difference there is.

Now then, in the bill as we are dealing with it at the present time, there is nothing to say that Metro decided to pay the amount of money in respect of the construction of the sewer, the subject matter of the bill, and I say to my honourable friend, the sponsor of this bill, that if he can prove, if he can prove, or the representative for Tuxedo in this House can prove that Metro have agreed to pay for the cost of the sewer, then we will withdraw our objections.

Now, my honourable friend the Member for Winnipeg Centre has indicated that he is prepared, or suggesting this bill go back to the Committee of the Whole for certain minor amendments. I challenge my honourable friend and the representative for the town of Tuxedo, to do one of two things: either vote for the six months' hoist so that this matter can be reviewed with Metro and get the truth, the whole truth and nothing but the truth, or, in the alternative, to turn the bill back to the Law Amendments Committee or to the municipal committee so that representations can be heard from the Metropolitan Corporation of Greater Winnipeg. To simply turn it back into the Committee of the Whole, as suggested by my honourable friend, will achieve nothing, because Metro will not have the opportunity of appearing in that committee. So I repeat, I say to my honourable friend the Member for Winnipeg Centre, I say to the gentleman who sits in this House as the representative for the area which contains the town of Tuxedo, one of two things should be done tonight: the six months' hoist, or send it back to Law Amendments Committee where the matter can be thoroughly and properly aired, because as I mentioned a moment ago, there is nothing contained within the bill at all to indicate that the Metro Corporation agreed to the payment of these costs,

(MR. PAULLEY, cont'd) . . . . and this was substantiated before the Committee by the Vice-Chairman of Metro.

MR. LYON: Mr. Speaker, I wonder if my honourable friend would permit a question? I know it's always dangerous to ask him a question, but is he a member of Law Amendments Committee?

MR. PAULLEY: Yes, I'm a member and you're the Chairman - when you're there.

MR. LYON: Thank you.

MR. FROESE: Mr. Speaker, I too was a member of Law Amendments Committee and I remember quite well the discussion went on in connection with this bill, and I mentioned at that time and I think it's well worth repeating, that it's a sad day when we have to go into debt in order to collect a certain grant under legislation, and I feel we should amend the Metro Act so that these things don't have to be done that way that they have to go into debt before they can collect under certain grants, and this is the case now. The people are forced to going into debt in order to collect, and this should be changed. We should not be imposing a penalty on those people that want to pay in cash and want to avoid paying large amounts of interest, and Mr. Speaker, I hope that the members of the House will see fit to support this bill.

MR. CAMPBELL: Mr. Speaker, I have been in an embarrassed, or embarrassing position so many times in my tenure of office in this House, that it's not a strange position for me to be in, so I was willing to admit to the first committee where I heard this bill discussed, namely the Municipal Affairs Committee, that I found myself in an embarrassing position because if my honourable friend the Attorney-General is the representative of Tuxedo in this House the Honourable the Attorney-General has to shoulder the additional disadvantage of being my representative in this House, and I think for just about the second time in all the years that we've been here together that I find myself in agreement with him, with my representative. But certainly I do on this case.

Now I can tell you quite frankly, Mr. Speaker, that I went into Municipal Affairs Committee - I'm not a member of it - I went into it simply because I expected that on that morning that a Portage la Prairie bill would be up and that I would hear my friend the Mayor of Portage la Prairie. He wasn't there that morning, which disappointed me, but on the other hand this bill happened to come up. I had never heard of it. My representative in this House had never mentioned it to me; nobody from the Town of Tuxedo had mentioned it to me; I'd never heard of it before; but as I sat there and looked the bill over and listened to the representations that were made - and I think this is one of the reasons that there's a difference of opinion or of recollection as to what happened in the committee, is that according to my recollection this bill was once before Municipal Affairs Committee and it was twice before, two different times before Law Amendments Committee, and so this is one of those cases where everybody can be partly right in their recollections perhaps, because I distinctly remember that one time the Vice-Chairman - if the Vice-Chairman is Bernie Wolfe and I gather it is - that he was asked if he wanted to say anything and to my amazement - I was as amazed as if Mayor Henderson had been asked if he wanted to say something and said no - because Bernie Wolfe said no. I could hardly believe it, but he did; the one time. And the other time he corrected his lapse and had something to say. I must say that he was unusually brief even then, but he had something to say on the other occasion, as I remember.

Now we've had this bill before the committee on at least two occasions, Law Amendments, and once in Municipal Affairs, and my recollection is that the most thorough airing that it got was the first time, at Municipal Affairs, because both solicitors at that time made what seemed to me to be rather complete statements and eventually, against my better judgment, I got into the argument myself. I was intrigued by it because I -- nobody had ever told me about this difficulty having arisen. I knew of the development that was going on down a little bit south and east of where we live, in Tuxedo; I knew of this development going on - my wife makes me drive her around to look at the houses. It doesn't cost anything to look so I'm willing to do it once in awhile. It does take a little bit of gas but a fellow has to be big about these things at times. So I was well acquainted with this development, and I was intrigued by the discussion when it came up. And when I was finally moved to get up and say something about it because I'd been reading the bill over and listening to Walter Ritchie who was Counsel for the Town of Tuxedo before the committee - and incidentally, he was quite emphatic in saying that he had not been consulted before the Town of Tuxedo had got themselves into this predicament, which my legal friends would say: "It kind of serves them right for not consulting their lawyer first," and I heard Mr. Lennox speaking on behalf of Metro on that occasion; and Mr. Speaker, as I remember the discussion, Metro, the spokesman for Metro

(MR. CAMPBELL, cont'd) . . . . never contradicted for one moment what the Attorney-General has tried to place before you here tonight, that there was a moral obligation by Metro. He never contradicted that. In fact he practically said, as I understood his submission there, he practically said; "We find ourselves in this position, that because we had started, and in good faith, and called for tenders on this sewer, and then for some reasons decided that we couldn't go ahead with it . . ." - I think they found out that it was contrary to their policy and they discussed the situation with the Town of Tuxedo before the Town of Tuxedo took over the very plans, had the same engineers, and proceeded to do this job, and the one place, as the Honourable Member for Rhineland has mentioned, the one place that the Town of Tuxedo got themselves in wrong was that having some money on hand they paid for it instead of floating debentures or taking a loan out for it. Had they done either of the latter two things there would have been no problem, as I understand it.

Now; it was not argued, that I heard, by Metro that that situation did not exist, but their counsel was quite frank to say that "because we're up against the fact that some other municipalities have sewers that were already paid for, we" - he didn't use the word 'technicality' but he said, "we find ourselves in this position that because of the precedent that might be involved, we simply do not agree to this bill," and he was not too forceful about it at all but he was there to do a job. And later on, on the one occasion when the Vice-Chairman did speak, he also was not as aggressive as I have found him to be on some occasions. The fact is that it seemed to me that Metro said that they had a moral obligation, that they were prepared to stand on what to me seemed to be a technicality, where Tuxedo had made this mistake of paying cash - which seems to be a kind of a mistake these times, Mr. Speaker, in a lot of cases.

My honourable friend the Member for Inkster said that there seemed to be a disposition to feel that this was a government bill. I don't see how anybody could feel that. It's introduced by a private member. I agree that the words should be changed now, and I think the honourable member that sponsored the bill is right in suggesting that we go back to the committee and correct those words; make them the past tense. I honestly believe that there was a desire at one time to take this sewer over. I honestly believe that they did intend at one time to do it; and if it would make everybody feel better I think we should change the wording of those sections. But I agree wholeheartedly with what the Honourable the Attorney-General has said, that as I listened to the case, and I've never -- I had been approached by nobody before it was argued in committee and no one has spoken to me since about it - no one - but as I heard the case developed there, I certainly came to the conclusion that there was not only a moral obligation on Metro but that there had been bargaining in good faith - if that's a good term - on the arrangements that were made, and then because Tuxedo paid cash this technicality appeared, and it seemed to me that Metro was just standing on a technicality, and when my honourable friends argue that this would constitute a precedent, I agree again with the Honourable the Attorney-General; it could be a precedent only if identical or closely similar circumstances arose in the future, and I don't see any likelihood of that arising.

So, Mr. Speaker, I apologize for taking so long but I think that the suggestion of the Honourable the sponsor of the bill is a good one; let's go back into committee, correct the wording - put it in the past tense - and I believe when it's put in the past tense it accurately reflects what happened in this situation.

MRS. FORBES: I feel that I must say a word here. I have met with the Metropolitan people before this bill came into the House, and certainly I was present in the municipal committee - Committee of Municipal Affairs in Law Amendments.

The whole issue is that under the Metro Act the Metro can only pick up a debt, and if the Town of Tuxedo had issued debentures there would be no question as to whether they would have picked up the debt. There would be no problem, and I think that the solicitor brought this out very clearly. I feel most sincerely in meeting with Metro that they do feel that they have a moral obligation here to the Town of Tuxedo, and I also feel that this whole situation developed in good faith between Metro and the Town of Tuxedo and I think their solicitor tried to bring this out before the committee; and I really believe that Metro is only concerned - and they're justifiably concerned - by the fact that they think this might create a precedent, but I think that it could only be a precedent if there was exactly the same situation developed on another occasion. And I trust that this would not happen.

However, Metro has not taken over this sewer as yet and therefore I would like to see Section 2 of the Act changed whereby it would say that this would come in, not on royal assent

(MRS. FORBES, cont'd) . . . .but on proclamation, so that this gives time in here for Metro to negotiate and decide when they will take this over. At the same time, I believe the wording should be corrected into the past tense as has been suggested. So I do intend to vote against this hoist but I do so knowing that the sponsor of the bill, the Member for Winnipeg Centre, will be moving a motion whereby this will be sent back to committee to make these two corrections.

MR. MILLER: . . .ask a question, Mr. Speaker. I wonder if I could get this clarified. I gather the Minister suggests a proclamation and then Metro could take it over next year - two years from now. Is she suggesting that they would then pick up the entire cost or this -- the balance had it been amortized over a number of years?

MR. SPEAKER: I wonder if we could resolve this problem now. We have this amendment before us. Are you ready for the question? Shall I read the amendment in case it's escaped anyone?

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

MR. PAULLEY: Yeas and nays, please, Mr. Speaker.

MR. SPEAKER: Call in the members.

A STANDING VOTE was taken the result being as follows:

YEAS: Messrs. Cherniack, Desjardins, Doern, Fox, Green, Hanuschak, Harris, Hillhouse, Kawchuk, Miller, Paulley, Petursson and Uskiw.

NAYS: Messrs. Baizley, Barkman, Beard, Bjornson, Campbell, Carroll, Clement, Cowan, Craik, Dawson, Dow, Einarson, Enns, Evans, Froese, Guttormson, Hamilton, Jeannotte, Johnson, Johnston, Klym, Lissaman, Lyon, McGregor, McKellar, McKenzie, McLean, Masniuk, Molgat, Patrick, Roblin, Shoemaker, Spivak, Stanes, Steen, Tanchak, Watt, Weir, Witney and Mesdames Forbes and Morrison.

MR. CLERK: Yeas 13; Nays 41.

MR. SPEAKER: I declare the amendment lost.

MRS. CAROLYNE MORRISON (Pembina): Mr. Speaker, I wish to move, seconded by the Honourable Member for Souris-Lansdowne, that Bill No. 60 be not now read a third time but be referred back to the Committee of the Whole for the purpose of amending the preamble and Section 2.

MR. SPEAKER presented the motion.

MR. CHERNIACK: Mr. Speaker, I was rising so slowly that I'm not sure about procedure. Does this mean that if this carries, then when it goes back into Committee we cannot deal with Section 1?

Well Mr. Speaker, I understand that the purpose now is to correct the tense in the preamble and to propose that Section 2 be amended to provide that the Act will come into force on proclamation, and the Minister said, I believe, "when Metro assumes jurisdiction." Those are not the words but I think that was the intent, and if that is the intent may I not suggest that Section 1 would be the place where there would be the directive that there shall be the payment when Metro assumes the jurisdiction over the sewer, and then there doesn't have to be any proclamation or anything. The Act could sit there, it seems to me, and whenever Metro would assume the jurisdiction, then the payment would be automatic. Again, I see now it's only procedural and I don't think that I for one am in disagreement with the Minister's intent, but I am suggesting that it might sit better in Section 1 than Section 2 and that's the only reason I mention this.

MR. SPEAKER: We have a motion before the House. Are you ready for the question?

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

MR. SPEAKER: Bill No. 64. The Honourable Member for Winnipeg Centre.

MR. JAMES COWAN, Q.C. (Winnipeg Centre): Mr. Speaker, I move, seconded by the Honourable Member for Pembina, that Bill No. 64, an Act to amend The Winnipeg Charter 1956 (2), be now read a third time and passed.

MR. SPEAKER presented the motion.

MR. DAWSON: Mr. Speaker, I would like to say a few words on Bill 64, an Act to amend The Winnipeg Charter. First off I would like to say how I'm disappointed and even disillusioned at the fact that those on the other side of the House solidly opposed Bill 64 in its original form. Pardon me, I shouldn't have said solidly, because the member from St. Matthews did vote for the amendment that I proposed the other day, and I'm sure that the Member from Winnipeg Centre who proposed the bill in its original form would have supported it had he not been the Speaker. And I am sure that I should not leave out the Honourable

(MR. DAWSON cont'd)...Minister of Municipal Affairs because she did agree with the amendment that I proposed on Saturday in principle, but felt that at the time she could not support it. However, I feel that we are making a mistake, because if we are ever going to get our feet off the ground in combining recreation with our schools that we have to start some place, and a type of bill such as 64 was in its original form, was a wonderful way to start combining recreation and school building together. The debate on Saturday brought out many things that were in favour of the bill and some of those I will run over briefly in my short talk here.

As I said, we had to start some place and I'm sure that had we started with this bill that this would have carried on into the rural areas, and that instead of us having these beautiful, expensive school buildings standing idle approximately four to five months each year, we may have had some form of recreation in them such as swimming pools or indoor tracks or many other things which could be combined for the recreation of our young people, and even our elderly people. The thought has been mentioned that we can't afford the two types of program, the types of building schools for schools alone and building forms of recreation; that the time has come where we must combine our various facilities. It was also brought out on Saturday that when we speak of the different boards, the school board and the Winnipeg City Council, and with them, the Parks and Recreation Board, that we are speaking of two different people owning two different parcels of land, but it was mentioned and mentioned a number of times, that the same people, who are the taxpayers, own the one piece of land and that we should not have two different votes to decide what type of recreation we want, if we want any in the school building. Another thing, too, that I believe it is time that we give some responsibility to those that the people in cities and towns elect as their council men or aldermen or school board people. If these people have asked for the change that has been suggested in the original form of the bill, I believe that we should go along with them. After all, they're elected people just like we are and should they make a mistake I am sure that the ratepayers or voters will tell them the next time around.

Now actually this is not a new facet because I understand at Laura Secord School there is a good example of what this bill had proposed. They have started off with a rink on the school property; since that time I understand they have built a fairly nice shelter and they have every intention of proceeding with health facilities and turning this particular school into a full time recreation area as well as using it for its main purpose which was education. Many of the areas can't afford to build community centers and build schools at the same time, but they can afford to combine their facilities and for someone to say that all we are doing is tagging a fancy frill on education certainly it's a fancy frill on education but it's high time we did that. Other provinces are doing it and we are always saying how we don't want to get left behind. So, Mr. Speaker, I would propose that Bill No. 64 be not now read a third time but be referred back to the Committee of the Whole to reconsider including the original section 1 which read as follows: "The Winnipeg Charter being chapter 87 of the Statutes of Manitoba 1956 is amended by adding thereto immediately after section 481 thereof the following section: 481A for the purpose of providing public recreational facilities, the city may enter into an agreement with the Winnipeg School Division No. 1 for the carrying out of any work or the provision of any facilities to be used jointly by the city and a division for recreational purposes and for apportioning and providing for the manner of payment of the costs thereof, and the City and the Division may each pass by-laws for the issue and sale of debentures to provide for its share of the cost of the said work or facilities. This is seconded by the Honourable Member for Emerson.

MR. SPEAKER presented the motion.

MR. MOLGAT: Mr. Speaker, the amendment simply proposes that we return to the original bill and it certainly seems to me that the only argument that I heard against this in the first place was that this was a way of getting in the back door and getting around the provisions of the Act. We have checked into this and find that that is not the case, that neither the school division nor the City can proceed to build these without following the normal procedures if it calls for a money by-law. There is no getting around the Act. All it does is permit them to do this jointly. Surely there is every reason in the world if they are asking for it and they are going to follow the normal statutes and their normal regulations and as requested in the bill originally presented by the Member from Winnipeg Centre that as long as they are going to follow the normal statutes they ought to be allowed to do these things jointly. It will be in the interests of both and a saving to the taxpayer.

MR. SPEAKER: Dealing with the amendment are you ready for the question?

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



MR. MOLGAT: Ayes and nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

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

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

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

MR. CLERK: Yeas 25; Nays 28.

MR. SPEAKER: I declare the amendment lost. Are you ready for the question on the main motion?

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

BILL No. 65 was read a third time and passed.

MR. LYON presented Bill No. 70, an Act to amend The Electoral Divisions Act for third reading.

MR. SPEAKER presented the motion.

MR. MOLGAT: Mr. Speaker, I beg to move, seconded by the Honourable Member for Lakeside that the motion be amended by deleting the word "now" and replacing it with the words "this day six months."

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

MR. MOLGAT: Ayes and nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

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

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

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

MR. CLERK: Yeas 24; Nays 28.

MR. SPEAKER: I declare the amendment lost.

MR. OSCAR F. BJORNSON (Lac du Bonnet): Mr. Speaker, I was paired with the Honourable Member for Wellington. If I had voted, I would have voted against the motion.

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

HON. STEWART E. McLEAN, Q.C. (Provincial Secretary)(Dauphin) presented Bill No. 79, An Act to amend The Companies Act (2) for third reading.

MR. SPEAKER presented the motion.

MR. FROESE: Mr. Speaker, I move, seconded by the Honourable Member for Souris-Lansdowne that the motion be amended by deleting the words "now read a third time and passed" and inserting the words "not now read, but read six months hence".

MR. SPEAKER presented the motion.

MR. FROESE: Mr. Speaker, I do not approve of this bill. First of all in my opinion this has never been asked for. This is in connection with deposit insurance. Secondly I think we are abdicating responsibility here in Manitoba in delegating this authority to the Federal Government and this is another principle that I don't approve.

Certainly there will naturally be more bureaucracy involved by giving authority or subjecting our provincial businesses to federal restrictions and no doubt these restrictions will grow as the legislation will continue to be on our books and that it will be invoked and I'm sure as a result our businesses will be subject to federal inspection because of this. We already know there will be an increase in costs, although the cost is small in the beginning but this is also bound to increase as the legislation will be used and over a period of time.

In my opinion, it just encourages unscrupulous people to take advantage under this particular legislation and as a result some businesses no doubt will have sloppy management because they know that the other people that are operating a good business, sound business, will be there to protect the poor ones and I don't think this is a sound principle on which to operate

(MR. FROESE cont'd)...here in Manitoba. As we know this is complimentary legislation to the federal legislation that has been passed and this will enable the matter of deposit insurance to operate here in Manitoba.

There was no representation in Law Amendments Committee where this legislation was discussed. I do not think that business in general is aware of what is happening and that this particular bill has been brought in and that this legislation is being passed. Certainly in my experiences that I have had in the Credit Union movement in the international field that it is not like in the United States where they have this and I therefore do not approve of this bill passing.

MR. SPEAKER presented the motion and after a voice vote declare the motion lost.

MR. SPEAKER: Are you ready for the question on the main motion.

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

BILLS NOS. 113, 21, 75, 95 were read a third time and passed.

MR. SPEAKER: Is it proposed that we carry right on with the...

MR. LYON: Yes, Mr. Speaker, it's proposed that we carry on with the bills that have just been reported out of committee of the Whole House by leave.

MR. SPEAKER: That will be Bill 68?

BILLS NO. 68 and 78 were read a third time and passed - by leave.

MR. FROESE: I would like to have the yeas and nays.

MR. SPEAKER: I declared the ...

MR. FROESE: Could we have the yeas and nays, Mr. Speaker.

MR. SPEAKER: Are there three members of the same mind as the honourable gentleman?

MR. FROESE: No.

MR. JOHNSON presented Bill No. 93, An Act to amend the Public Schools Act (5) for third reading -- by leave.

MR. SPEAKER presented the motion.

MR. FROESE: Mr. Speaker, I have an amendment to propose. I move, seconded by the Honourable Member for Lakeside that the motion be amended by deleting the words "now read a third time and passed" and inserting the words "not now read but read six months hence".

MR. SPEAKER presented the motion.

MR. FROESE: Mr. Speaker, this Bill 93 is a companion bill of two or three others that have already been passed at this session and I feel as I objected to the other ones that I have to object to this one, because I feel that this is putting a great injustice, if not the greatest injustice, put on the people of Manitoba at this particular session, and what we are in essence doing is punishing the people of Manitoba for exercising the right to vote which they did in the referendum on March 10th. Everybody was asked to vote at that particular time. Time and again we heard on the radio messages, advertisements, paid advertisements asking people to vote and cast a ballot and then they did so and as a result they are now being punished. To impose a penalty by way of legislation on such a matter I think is very wrong. And further this is a lasting one, at least until such time as they, the people will succumb to this arrogant government's will. They have no alternative, unless they want to succumb to the will of the government - that's the only way they will be getting increased grants for their teachers that they deserve. I feel that this is a black day for democracy and also for the people of Manitoba as a whole.

We have at this particular session increased taxes in a large way, the sales tax that's supposed to give us millions and millions of dollars here for the province. We as members have passed legislation here to boost the indemnity of the members and not only of the members also the Cabinet Ministers in addition. We have passed the largest estimates in history of this province, this particular year - over \$350 million - and which included the amounts to pay these school districts - these multi-division districts and the school districts within those divisions. The estimates included the funds to pay these districts the higher grants as well. There was sufficient money to cover like grants to the multi-district divisions as will be in effect in the unitary divisions; but we are going to deny these people these same grants. I feel this is very wrong, and this government will have to answer in the future for this. I would feel it's a shame - I'm ashamed to meet my fellowman in having initiated such legislation and also for the other government members to support such a measure and I just hope that they will reconsider and that they will hoist this particular bill. I feel that it is not warranted

(MR. FROESE cont'd)...to pass a bill of this nature when we are discriminating in such a worse way.

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

MR. FROESE: Yeas and nays, Mr. Speaker, if I can get support.

MR. SPEAKER: Are there three gentlemen of the same opinion? Call in the members. Order please.

A STANDING VOTE was taken the result being as follows:

YEAS: Mr. Froese.

NAYS: Messrs. Baizley, Beard, Campbell, Carroll, Cherniack, Clement, Cowan, Craik, Dawson, Desjardins, Dow, Doern, Einarson, Enns, Evans, Fox, Green, Guttormson, Hamilton, Hanuschak, Harris, Hillhouse, Jeannotte, Johnson, Johnston, Kawchuk, Klym, Lissaman, Lyon, McGregor, McKellar, McKenzie, McLean, Masniuk, Miller, Molgat, Patrick, Paulley, Roblin, Shoemaker, Spivak, Stanes, Steen, Tanchak, Uskiw, Watt, Weir, Witney and Mesdames Forbes and Morrison.

MR. CLERK: Yeas 1; Nays 50.

MR. BJORNSON: Mr. Speaker, I was paired with the Honourable Member from Wellington and had I voted, I would have voted against the motion.

MR. SPEAKER: I declare the amendment lost. Main motion. Are you ready for the question?

MR. SPEAKER presented the motion and after a voice vote declared the motion carried. BILLS NOS. 102, 105, 110, 115, 118, by leave, were each read a third time and passed.

MR. JOHNSON presented Bill No. 112, The Universities Grants Commission Act for third reading.

MR. SPEAKER presented the motion.

MR. DOERN: I wish to make two short comments on this bill. When we were discussing the bill in committee the question of academic representation came up and the First Minister only speaking informally I don't believe committed himself one way or another. The suggestion was made I think, that some academics be included and I wish to appeal to the First Minister to consider this very seriously.

The Commission has been expanded now to 9 members and there is now an opportunity I think to have some academic representation on it. This was recommended by the Bladen Report in regard to university grants commissions which called for strong academic representation on any provincial grants commission. The British Committee which is the -- apparently the prototype has an overwhelming majority of academic members and the Duff-Berdahl Report recommends that Canadian Commissions should eventually at least have academic majority. I might also point out that apparently the University of Manitoba's Board of Governors, although it contains no academics at present, is apparently moving in this direction. So I think that the government if it's not going to tie itself to a particular member from each segment of society, for example from the business community, from the academic community and from the general community, could at least consider some representation in the nature of say 2 to 4 members, because I think the least that we can expect from them is that they do not rule out the possibility of including some members of staff. I think this would strengthen the commission. I think it would give it a broader base of support than it might have otherwise. I see no reason for exclusion and I can think of many reasons, some mention, why they should be included.

And the other point is on section 14. Apparently the Commission which was originally designed to be simply a fiscal board is going to be more than a fiscal board because it mentions in this particular section that there's going to be a study by the Grants Commission on the needs of higher education in Manitoba which would be analogous to the Council of Higher Learning and I still don't feel that there has been a clear statement made of the intention of the government as to whether or not they will retain this body, so that I think that should be made clear almost immediately.

Also of course in section 5 subsection (2) there is mention of using expert professional opinion, so I think that the commission should either be established to include members who are professional educators or if not, at the very least, that something like the Council of Higher Learning should be retained to advise the commission. But to sum up again, I think that the First Minister and the Minister of Education should for the first time on a similar setup appoint several people who are professors to the commission, because I think that it would be a step forward and I think it's a step that will inevitably be taken, so why not take it now.

MR. FROESE: Mr. Speaker, I just would like to say that I think this bill should have been delayed. This was the request by some members that appeared before law amendments. I feel that there are certain sections of the bill that are going to give trouble, things that should have been ironed out prior to going into the Statutes the way they are, and therefore I am not in favour of passing it at the present time. I think it should have been delayed in order to have these discrepancies taken out.

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

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MR. ENNS presented Bill 117 an Act to amend the Natural Products Marketing Act for third reading -- by leave.

MR. SPEAKER presented the motion.

MR. USKIW: Mr. Speaker, the New Democratic Party and the CCF party before, have always taken the position that they were for producer controller marketing boards and I think that many members of this House are in agreement with that concept. I think the government is in fact in agreement with that type of marketing system. However, they have endeavoured to experiment in the last number of years with a compromise and that is the Vegetable Marketing Commission, which is not an elected body, which is not run by the producers themselves; and I think we can all readily agree that certainly it hasn't been an overwhelming success.

Nevertheless after having heard the report of the Baron Commission and without giving it what I would consider due consideration I think the government did make a hasty decision. Although I don't agree with the concept of marketing commissions as such, I would far sooner prefer the producer controlled board elected by producers. I don't think that one ought to have acted in such haste as did the government a week ago. I think we could have had a transitional period. So I take strong exception to the fact that the government did not give due consideration did not allow members here to have an opportunity to debate, to in fact study the report, the Baron report, and to subsequently debate the issue so that we can all have a knowledgeable viewpoint on the whole question.

Many people invested heavily into the industry with the confidence and the knowledge that the government was going to sustain some form of orderly marketing whether it be by commission or marketing boards and added to that is the problem of something like 100 growers which also had the confidence and thought that the government would not let them down, that they would in fact still have the facilities to market their products which come into the facilities voluntarily.

So really what is involved here is that we have broken faith in two concepts. One is we have broken faith with the people that have invested heavily and with the idea that this system will not be thrown out overnight; and secondly that we have broken confidence with the group that had the understanding that they will be able to market the vegetables which are not controlled, that they will be able to market these vegetables through the system voluntarily. Now these are the areas which concern me, or some of the areas.

The big question that we don't have an answer on, and I hope the Minister is in a position to give us some answers this evening, is on the question of the facilities in King Edward, the question as to the staff, just what is their status, I'm sure they're entitled to know, and what is the position of the commission members which I understand were appointed for a three-year period. All these things ought to be explained before we are through with Bill 117. The Government should give us these answers, I would suggest this evening, Mr. Speaker. I'm sure the Minister doesn't have to deliberate too much longer to explain to the House just what he truly has in mind. I would certainly appreciate to know what we are going to do insofar as the vegetable industry is concerned.

As I mentioned in the beginning, we do believe in producer boards and producer controlled marketing boards elected by producers, so in this instance we are consistent. However let's not throw the baby with the bath water. I think this is something which has been done and I'm hoping the government has some second thoughts on this point.

The report of the Baron Commission could have been tabled much earlier, I would have hoped, so that we wouldn't have to deal with it at the dying days of the session. It's unfortunate that we've had to rush the debate on such important matters.

Representations at Law Amendments - and incidentally I might point out that probably I was responsible for the delay of this bill in Law Amendments, and it was intended that I be responsible, I took that position in that I wanted growers from all sides of the question to have an opportunity to come into Law Amendments to explain their side of the story. When I introduced an amendment that was my intent -- was to in fact hold up the proceedings on that bill so that we could facilitate the representations that were made to us. And I think this was worthwhile because prior to that time in speaking to a large number of members in this House, I could sense that the majority of them truly did not understand what was involved in this whole business and after having heard a number of representations I'm sure you will all agree with me that it wasn't time wasted; that indeed a lot of us got quite an education. I'm not saying that it was a black and white situation; I think there were shades of gray on all sides. So that

(MR. USKIW cont'd). . . . nevertheless I think this was something that was worthwhile and I'm not sorry that I had the responsibility in delaying the bill so that we would have the public on both sides of the question in on this discussion.

The commission marketing system has proven not to sell itself. It's a failure, there's no question of that. And I think there are a number of reasons. One of the reasons naturally I think is the fact that there was weakness in enforcement and people were not adhering to the regulations and government did not have the fortitude to apply the Act as they should have and the longer we continued the more we realized that people were not going to abide by these regulations and certainly this made the situation very tough in terms of administration, in terms of effect on the whole marketing structure.

There was also the distrust by wholesalers because of the fact that certain wholesalers were on the commission; there was distrust by growers because certain growers were on the commission and the hearings in fact in Law Amendments proved these points, again justifying the position which I took that we should have had representation. Orderly marketing is necessary and I think we all agree from the representation made to us in Law Amendments, the majority of opinions, grower opinions, are in favour of a form of orderly marketing and I'm hoping that we're not simply abandoning the concept; that we will in fact move to referendums whereby the producers will have an opportunity to decide for themselves and not have the government decide for them, but the producers, to make the decision as to whether or not they want such a system or not and I hope that the government gives them the opportunity to make this decision when they ask for it.

One of the things that could have been considered is that the government could have asked committees to study the question and bring back reports later. I'm not suggesting this was the approach, this is one area. We could have delayed the action which the government took, they could have said that we should study the matter for two or three months at least and then had a meeting of the growers of both sides - if we can recognize that there are two sides and so forth - and try and get the growers to resolve the problems between themselves.

The people involved should be in fact the only ones to make decisions. I don't think the government has been able to make the proper decisions for the people in the past because it has proven to us the decisions which government made a few years ago certainly weren't approved of by a large number of people, proved by the fact of the representations we heard in Law Amendments the other day.

For the benefit of some people that tried to term the various growers as being big growers belonging to one organization and small growers belonging to the other, I think this is a misconception. I know for a fact that we have large and small and medium growers in the Vegetable Growers Association and I know for a fact that we have large, medium and small growers in the United Vegetable Producers Association, so it's not simply a question of the big ones against the little ones and so forth. I think there are shades of gray all the way through this concept of thinking.

The truth of the matter is that it doesn't matter what size of grower you are, you have to have orderly marketing in this day and age. You can't afford not to know or not to have a marketing agency if you're going to move the product out of the province, if you're going to be in competition at all times, if you're going to know where you're going in the industry. I think the small grower in fact has a far better chance of survival under orderly marketing systems than he has on the open market. Certainly the small grower is the first one that will be trampled down if we have a chaotic marketing situation on an open market basis. So I'm not one of those that accepts the proposition that the free market is the answer to the small grower because certainly this has been proven wrong. So I suggest to the . . .

MR. SPEAKER: Order. Order please.

MR. DOW: Mr. Speaker, is the honourable member speaking as a grower or as an MLA?

MR. PAULLEY: On a point of order, may I suggest that any member in this House has a right to speak to any bill.

MR. USKIW: Now if we don't have any further interruptions I might carry on. I think one of the most important things is to resolve the problems of the growers, to try to take into consideration all sides of the question, whether they be of the United Vegetable Producers Association or whether they be the ideas of the Vegetable Growers Association. I think there should be some meeting of the minds. I think we should encourage them to get together and we should take a positive attitude and set ourselves an objective, the objective being that we want to put order in the market place. Let's work to that end, let's explore the best means by

(MR. USKIW cont'd). . . . which to achieve. Now while we're doing this, while we are doing this we must deal with the question of eligibility of voters, we must deal with the question of the status of those people that are denied a vote, should they or should they not be controlled. These are important matters for consideration and I don't think they can be taken lightly. I think there is a lot of room, there is a lot of room for improvement and I think that if we as legislators help the situation along, we're going to come out of this with the best interests of all of Manitoba and the growers especially, and this is the important point.

One of the things that I want to draw to the attention of the Minister is the question of the voting procedure. I don't think that we should ask that in a referendum on marketing that growers should be in a position whereby they can't simply hold a referendum and be satisfied with a simple majority. I don't think that any of us here would want to run for election if it was not on the basis of a simple majority. Those people that are disinterested ought not to decide the future of the industry. Surely if people are interested in the industry they're going to exercise their franchise and I don't think they should be given any consideration if they fail to exercise that right. So I suggest to the Minister that this is an important area for him to consider in any future referendum.

One thing that we must keep in mind is that in certain commodities Manitoba is an exporter of vegetables, and that's mainly potatoes; and certainly if we're going to remain as an exporter we are going to have to have promotional ideas carried forward in the market place. Promotion can only be done in an organized way. Competition through promotion can only be done in an organized way. And if we're going to hold markets outside of this province, we're going to have to do it in such a way that we are assured of an export position all the time knowing that we must export 40 or 50 percent of our product.

We know for a fact that when there is a tough export situation insofar as potatoes are concerned under a free market, the price pattern is set according to the competition in areas outside of our own province and I don't think that we as growers should take the bottom price for the total product. If there is a better marketing picture in Manitoba than in Saskatchewan then we ought to have a better price for the product which is consumed in Manitoba and this is the way orderly marketing can function, is to get the best of the market price for the producer and this is certainly what I'm aiming at and what I hope all of us legislators aim at, is to get the most for Manitoba's economy. We all have a stake in the business of vegetable production.

So sincerely, Mr. Speaker, I wish to urge the Minister in light of the representations of the various groups at Law Amendments the other day, that he give the matter very careful consideration or reconsideration and move in the direction which is going to bring growers to an understanding and which is going to enhance the system of orderly marketing in Manitoba.

MR. GORDON E. JOHNSTON (Portage la Prairie): I wonder if the honourable member who's just finished speaking would permit a question? I sort of gathered that in the last day or two the honourable member seems to have changed his position, at least I think, and my question is: Is he in favour of compulsory marketing or not?

MR. USKIW: Yes, we have always been in favour of compulsory marketing. There is no other marketing system, orderly marketing system that can work without compulsion. I think that professional people have shown us that - the Wheat Board, the lawyers, the doctors, they all work through compulsory membership through their association.

MR. RODNEY W. CLEMENT (Birtle-Russell): Mr. Speaker, I feel that I should say a word or two about this because as one who is or at least has been completely neutral when these meetings started, not being in the vegetable growing area of Manitoba, but it is rather unfortunate, I would think, that there doesn't happen to be a grower who stands on the other side of this fence in the Legislature so we could hear him, because it's quite obvious that the member is speaking as much as a grower as he is as a Member of this Legislature. He says one minute he's not altogether for markets but he thinks there should be orderly marketing.

Mr. Speaker, I happen to be in several businesses, one or two is the grain business, and a very large extent, and quite frankly if we had to depend on a marketing system for seed grain I hate to think what kind of a problem we'd be having in this business. The same with the cattle business. If we had to have a compulsory marketing board for cattle I just don't know what would happen. I'm sure that the cattlemen don't want this. I'm sure the seed grain people don't want it. Now perhaps there's something different about vegetables, I don't know. But this country grew up on a free market and I think that somewhere down the line perhaps there should be some orderly marketing but there has to be surely in my opinion a little bit of voluntary association with this.

(MR. CLEMENT cont'd).....

I noticed the other day there was some decision about how large a vegetable grower one should be before he has the right to vote if a vote is taken. Well now this I'm not sure. Is it one acre, two acres; if it's half an acre and he's not allowed to vote should he have to abide by the majority when they pass this bill or vote on it? Surely if somebody hasn't got the right to vote they're not going to be forced to abide by the decision. Somewhere down the line I think these two parties can get together.

The honourable member said that anyone could see that the majority in the Law Amendments Committee were for this. Well I rather doubt this. I certainly know that the last time I was in there the majority of the members that were there were certainly on the other side and some of the speakers were pretty capable and put their story across very well. I'll admit one of the gentlemen on the orderly marketing side put over a good presentation and I thought he was doing quite well until after it was all over and somebody said that this gentleman is in the vegetable growing as a sideline, his main business is selling insurance. Well if selling insurance is his main business he doesn't want to be bothered with selling his vegetables, it's well and good to have a marketing system. So I think before any definite decision is made on this a lot of serious thought should be taken and I only wish that there was a member of the legislature on the other side of the fence so we could hear his views in here as well.

MR. USKIW: Would the honourable member submit to a question? Is the result of a referendum not a voluntary approach? If so you wouldn't be here today.

MR. CLEMENT: ... gentleman behind me says like the schools. You don't legislate or vote on something — surely you can get together and decide that you want your own marketing board. If the majority of growers want it, let them form it but why should the government have to come in on this? It's the same thing with — you mentioned the doctors, the doctors have their own organization; perhaps they have. But did they come to the Legislature and ask for it? --(Interjection)-- Well they may have incorporated but there's no compulsion to it as far as the government is concerned.

MR. FROESE: Mr. Speaker, I already spoke on previous occasions on this matter but the Honourable Member for Birtle-Russell mentioned that we should have members representing the other view. Well I've always represented the other view in this House, in the Chamber, because I've been a vegetable grower myself in the way that I grew canning crops and I voted in the, I think it was the last referendum, I had a vote as well as all of the other growers that grew canning crops for the Winkler industry and likewise for the cannery at Morden. And I certainly vote for freedom. I'm not betraying any confidence because this was my ballot and I vote on the side of freedom every time. I will never vote for compulsion. I was only too happy to have the United Growers appear before committee and indicate their views on this matter and I fully support them because how are we going to retain the family farm in Manitoba if we are going to deny these very people that are making their income on small acreages. If we are going to rob them of this income, our welfare lists will grow and it just means that the other taxpayers in Manitoba will have to foot the bill for those people as well. I certainly oppose this; I do not subscribe to compulsion in any way in our marketing system.

I have never supported in principle our Canadian Wheat Board, our marketing agency. Time and again I have spoken in this House on this very matter, because I know too well that the farmers in Canada have lost well over a billion dollars because of the operations of the Canadian Wheat Board and I have on occasion had facts to support that. I haven't got them with me now. The Honourable Member, MP for Medicine Hat in the Federal House gave all this information in detail; he had gone to the trouble and compiled all this and it's on record in Federal Hansard for anyone who wants to look these matters up, that the Canadian farmers lost well over a billion dollars. I think closer to two billion in fact during the time that — and especially during wartime when we sold our Canadian wheat at very low prices under the International Wheat Agreements where we could have sold it under class 2 wheat for enormous prices; and what happened actually was that the speculators across the ocean, they were the ones that bought our wheat and sold it to other countries at large prices and they were the ones that capitalized on it. We sold it cheaply but those people on the other side — the consumers didn't get the advantage; it was the speculators on the other side. Personally I sold class 2 wheat at that time and I got \$4.55 a bushel for that wheat. I also sold to the Canadian Wheat Board. I got \$1.19 for that same wheat and had I waited two weeks longer I could have fetched \$4.75 a bushel. So you can see just on one individual's sales the gain that results and if you multiply it by the — many farmers in Canada that sold to the Canadian Wheat Board at



(MR. FROESE cont'd)..... that time suffered losses, large losses. I'm sure that we've heard the people in Law Amendments, of smaller growers who made \$1.000 an acre on onions. Well certainly this would not be the case if they had sold them to the Commission because they had special prices. Some had exported to B. C. and other areas and these are contacts that they have developed privately and I think this should not be disturbed. These people should be allowed to operate and continue in their work and I will always stand up for these people and support the voluntary system.

MR. DONALD W. CRAIK (St. Vital): Mr. Speaker, just a brief few words. When the Honourable Member for Brokenhead suggests that maybe some of us received an education over the last few days I would like to reassure him that we certainly did receive an education. I think probably one of the most valuable pieces of education that I've had in the time I've been in the legislature was listening to the various sides of the vegetable argument and I sincerely hope that he received an education. I sincerely hope that anybody who sat there and listened to that, or everybody that sat there and listened to it came away with some sort of a deep rooted feeling of what makes the private enterpriser and the entrepreneur tick because this certainly came forth in very many of the briefs that were presented to us from the vegetable grower and we see that the motivating force that makes this type of person be such a valuable element in society that he is.

One other point that I would like to make and I would direct it to the Honourable Member for Brokenhead, too, is that through this process I certainly hope that he found out why the Minister of Agriculture made the decision which he made.

MR. PAULLEY: Mr. Speaker, I did not intend to speak, and that's an old hackneyed phrase that we've used in this House, until the Honourable Member for St. Vital -- I did not intend to speak until my honourable friend the Member for St. Vital spoke. And I'm happy to know that my honourable friend has learned a lesson. The lesson is, according to what he has just said, that he has been taught something in this Assembly since he came into it, and I appreciate that very much. But rather than chastize my friend and colleague from Brokenhead, may I suggest that the Honourable Member for St. Vital instead of indicating that my colleague from Brokenhead may have learned a lesson, I think that he should have directed the fact to the Honourable the Minister of Agriculture. I think if anybody, if anybody in this House should have learned a lesson from what has transpired in respect of Bill 117, it should be the Honourable the Minister of Agriculture; because had my honourable friend known as much today I suggest, or had he have known at the time he made his statement in respect of a marketing board as he should know today, he never would have made the statement that he did.

MR. ENNS: I knew it all before.

MR. PAULLEY: Then Mr. Speaker, if my honourable friend the Honourable the Minister of Agriculture knew it all before then I respectfully suggest we cannot teach him now. He says we can't teach him now.

I say to my honourable friend the Minister of Agriculture that if we have learned anything at all during the deliberations in the Law Amendments Committee when we listened to the two associations of market gardeners and producers, the one basic principle that we should have learned is that both sides of the question, if we can call it both sides of the question, agree with orderly marketing. --(Interjection)-- How can I say that? Because I listened with a great deal of interest to representatives of the vegetable growers of Manitoba and the producers association as its so called, and in both cases they said that they agreed with orderly marketing. They disagreed with some of the procedures that have been adopted by the marketing commission. This has been the difference that has been revealed in the committee and if it hadn't been for the statement of the Minister of Agriculture hastily announced without due consideration and investigation into the Baron Report we wouldn't have had the conflict in the meetings in the Law Amendments Committee that we did. Here again, Mr. Speaker, we get the heir apparent, the Honourable Member for Tuxedo - nonsense he says. I think he should pass - out! Because if there's any member of this House - forgive me. I say, Mr. Speaker, to the Honourable Minister of Agriculture that if anybody in the Province of Manitoba who has created confusion, who has created turmoil within a very important industry in the Province of Manitoba it has been the Minister of Agriculture by his statement.

A commission was set up, the Baron Commission, to investigate all aspects of the marketing of vegetable produce in the Province of Manitoba. Members of the Assembly had from time to time asked the government through the Minister of Agriculture when we may have the benefits of the conclusions or the deliberations of that Commission. Time after time the

(MR. PAULLEY cont'd).... Honourable Minister of Agriculture says "in due course you will be informed as to the recommendations and the findings of that commission." Then one day, a few days ago, the Minister of Agriculture said to us that the commission had made its report, he's considering it and we would be informed accordingly. Following that statement my honourable friend the Minister of Agriculture said that he was going to abolish, through the regulations of course, the continuance of marketing under the commission of all products that were permitted by the regulations other than potatoes; and that he would give to the potato producers of Manitoba an opportunity of making a vote on or before June 30th in respect of potatoes.

This happened almost coincident with the receipt, as far as this House is concerned, with the Baron Commission Report. If there's anybody I say, Mr. Speaker, who has created the difficulty and the confusion it's the Minister of Agriculture. Such confusion that my honourable friend the Minister of Agriculture suggested an amendment to the Act apart from that that brought into effect the portions of the Marketing Act that was declared ultra vires by Magistrate Gyles, to create a new approach to voting and basis for voting. I say to my honourable friend, the Honourable the Minister of Agriculture, that if he wants to render a service to the vegetable marketing industry of Manitoba that what he should do is to say that he accepts and will consider the representations that have been made to us in Law Amendments Committee and withdraw the dictatorial statement and approach that he made ...

MR. ENNS: Which representations?

MR. PAULLEY: Representations by both sides because both sides -- (Interjection)-- It's a problem? The problem, my honourable friend, was created by yourself, by your statement. The problem was created yes -- my Member for Rhineland says that the problem was created long before -- and I can expect that from my honourable friend the Member for Rhineland, because he does not agree with marketing boards of any description -- and I fault the Minister of Agriculture for the turmoil that's existing today. Mr. Speaker, my honourable friend did not even give to the producers in Manitoba an opportunity to consider the commission that was set up. He made the decision prior to the producers themselves having any opportunity of considering what Mr. Baron had to say.

Mr. Speaker, we're living in a democracy I hope and I trust and if a government sets up a commission to investigate into an industry so important as a vegetable marketing industry, surely we should give them an opportunity to consider the recommendations of that commission. This was not done. Neither side, if we call them sides, had an opportunity; and how could there be, Mr. Speaker, room for arbitration or conciliation in the industry when it was faced as it was, with the edict of the Minister of Agriculture.

I say, Mr. Speaker, to the Minister of Agriculture, that if he wants to render a service to the vegetable market industry in the Province of Manitoba, that he should say that we have listened in Law Amendments Committee, for a considerable number of hours, to disagreements on two sides of a very important matter, that there is fault with both sides, that we have introduced an amendment to the Act to make provision for a new concept of a vote; that we do recognize that there have been differences of opinion as to the conduct of a commission concept of marketing -- and of this I'm sure that there is no disagreement; that there has been faults, there has been mistakes by the commission; that there are areas within the regulations accompanying the Act that should be given consideration, and after listening to all of this I say to the Minister if he wants to render a service to the vegetable producers of Manitoba he should stand up in this House and say that in the light of the hearings of the Committee I am prepared to withdraw my statement of the abolition of a principle of orderly marketing in commodities other than that of potatoes, and I'm going to request that on that withdrawal of my edict I'm going to request both sides to the proposition to get together in the interim between now and the next session and to work out a program and a policy that will be acceptable to both sides of this proposition. But has my honourable friend, the Honourable Minister of Agriculture said this? He has said no. --(Interjection)-- Two political parties? It's not political parties, Mr. Speaker; it's a question of two groups of people. And I want to say to my honourable friend here, the Member for Rhineland talks about two political parties, it's not two political parties, because there are adherents to all of the political parties in this House on both sides of this proposition. But one thing that they, in my opinion, they do agree with, is the concept of orderly marketing so that the producer in the industry has a fair return for his labour. And I say to my honourable friend the Minister of Agriculture -- and I appreciate very much, Mr. Speaker, that my friend is a little bit new to the game. Not that I am so old to it. I may be older than he, but that's about as far as it will go -- but I say to my honourable friend he has an opportunity, a golden opportunity, to stabilize the industry. Both sides, as I say,

(MR. PAULLEY cont'd). . . . Mr. Speaker, of the proposition have said that they are prepared to get together to work out a course of action that will be satisfactory to each of them and if my honourable friend wants to be a statesman, or if he wants to be a leader insofar as the vegetable marketing industry in Manitoba is concerned, I say to him withdraw his original statement, give to both sides of the question an opportunity to consider all of the ramifications of the Baron report for a period of a year, because both of them asked for it, and I say to my honourable friend, there is no reason at all for doing otherwise.

The Vegetable Growers Association of Manitoba had previously asked for a referendum on our Producer Marketing Board, the previous Minister of Agriculture brought in the commission concept of marketing. From what I heard, it seems that neither is satisfied entirely with the commission concept and I say to my honourable friend, the answer to the problem is not following the course of action that he has prescribed but to give to the vegetable marketers of Manitoba an opportunity of establishing marketing boards where they can receive fair return for their labours. With the atmosphere that my honourable friend the Minister of Agriculture has created by his statement the industry can perish and die, and I ask him to reconsider his statement in the light of the representations that were made during Law Amendments Committee.

MR. ROBLIN: Mr. Speaker, I'm not going to speak as long as my honourable friend, but I hope I'll make more sense. I just want to say that I think he's a little unfair to the Minister of Agriculture in what he has had to say because let's frankly agree that if one wishes to say that the establishment of a marketing commission in the way in which it was established by Act of the Government rather than by vote of the producers, is the cause of our trouble, then you can hardly blame him for it; you can blame me for it if you like or the people who were in the government at that time. It's often forgotten however that there was a vote of the vegetable producers in an unofficial way at that time and I think 149 to 1 voted in favour of the commission plan so I think there was some justification for bringing it in. --(Interjection)-- No that's the trouble; only those who were attending this particular meeting, 149 to 1 did vote for it, but it seemed to be a pretty conclusive endorsement of the commission idea and I must admit was one of the basic reasons why we proceeded with it.

However, it became apparent sometime ago that this commission was not sitting well with the producers for various reasons. It was of course thought that once there was more experience with it that perhaps there would be more acceptance and as they became more familiar with the operations of the plan that it would find more favour but that did not turn out to be the case in my opinion. Consequently there has been no crisis created by the Minister. The Minister acted on a report. We had the report, we have it in front of us and we know the recommendations of the report and by and large that's what the Minister has been doing, he's been following the report. The thing that strikes me about the report when talking about the marketing commission is the statement that it had not won the overwhelming support that it must have if it's to be effective. Let's face it. It hasn't won that overwhelming support. So the Commission recommends that it be converted to a Producers' Marketing Board and that's what's in the process of being done and that if the people concerned want a producers' marketing board then that's what they shall have. --(Interjection)-- Well, it's not being cut off. The Commission, as far as potatoes are concerned the Commission continues until the results of the vote are known and if it's a favourable vote --(Interjection)-- well, there's going to be a vote. We've been asked to have a vote on potatoes, we've been asked already. And when we come to the other vegetables which make up about 10 percent of the volume that goes through this Board, the Commission flatly recommended that they should not be included, so they're not included. That however will not prevent anybody from asking for a vote on those if they wish to have them.

Now we've threshed this out so thoroughly and we've heard so much about it that there's nothing else I can add to the debate except to say that I do not think it is fair to castigate the Minister in this way. I think that his course of action is a reasonable one under all the circumstances and certainly if there's one thing that the hearings showed, it showed there was two sides of the question and how anyone can stand up here and say they listened to all those hearings and concluded that they were all in favour of orderly marketing, as we understand the word, passes my belief because the one thing that was abundantly clear is that there was one group that didn't want orderly marketing no matter what and they made that perfectly clear. So that there is this confrontation.

Now, if it's possible to have a meeting between those two people, two points of view, to try and arrive at an amicable solution, there's no reason why that can't be done because there's

(MR. ROBLIN cont'd) . . . . nothing in the present arrangement that prevents that. And if there's any sign that it's likely to lead to any productive result, why let's do it, let's try and get harmony between these groups if we possibly can. But I think that we will find that that's going to be a pretty tough job.

However, it boils down to this, in my opinion, that if I had it to do all over again, I think I'd have had a vote in the first place on a basis where all the people who are going to be controlled had the right to vote, that seems to me the basis of the vote, all the people who have the right, who are going to be controlled, should vote. Then let them vote for it. We'll have a vote some time as soon as a workable plan is arranged, if they agree; and incidentally, I think that's the place where the two sides should be brought together. When we are devising the plan it should be done in consultation as far as we can with the people at interest here and see what we can do.

But I'm quite sure that we should not try to continue this form of marketing without a favourable vote of the producers and the sooner that decision is made - as a matter of fact it was made last fall because we told everybody that wished to know last fall that there was going to be a vote as soon as the Baron Commission came in. That was a statement of policy the Minister made, and to accuse him now of precipitated action with respect to this vote, is not fair, because he had given that undertaking before the Baron Commission sat. --(Interjection)-- That's correct. My honourable friend says no but the Minister is here and I know what he said and he knows what he said.

MR. PAULLEY: . . . Mr. Speaker. How could my honourable friend, the Minister of Agriculture a year ago or last fall know what the Baron Commission would report?

MR. ROBLIN: He couldn't, but what he said was that regardless of the results of the report there would be a vote and I think that was the right thing for him to have said and I think holding the Commission was -- really what we did in the last few days is have the Commission hearings all over again because everyone said the same thing more or less that they said before the Commission. So I think that my position boils down to this that I think my honourable friend is taking a one-sided point of view. I think that he is not recognizing the force of the opposition to this form of marketing. I think he is not fair to the Minister if he indicates that the Minister's plan for a vote is something that was sprung on us at the last moment, because it was pledged long ago, and I think that is the only material way in which the Minister is departing from the recommendations of this Committee which is here, because they did not recommend a vote. --(Interjection)-- Well, copies were distributed in the House a couple weeks ago. --(Interjection)-- Well, six copies were tabled in the House a couple of weeks ago and they were there available for anyone that wished to read them.

I've said all I've got to say on the subject. All I want to say is I do not think the Minister is really entitled to be criticized in the rather forceful way in which my honourable friend treated him. I think he is proceeding in a manner which is reasonable under the circumstances. He gave full notice long ago of the fact that he was going to ask for a vote and that there is an opportunity if the growers want it. And here's the thing that I've got to say, that if after two years we can't get a favourable vote for an orderly marketing plan, then the plan can't be much good because the people have had the experience of running it. It can't be forced on them; it's got to be something that commends itself to them and it's simply, in my opinion, that the time is right for a vote, we . . .

MR. SPEAKER: Order please. I see someone smoking.

MR. ROBLIN: We've had a good experiment with this and - not me Sir. We've had a good trial run with orderly marketing and I think that people now are in a position to vote for it. --(Interjection)-- The Commission's been going there for two years and people have a --(Interjection)-- Now just keep quiet; you've had your say. Keep your . . .

Mr. Speaker, you know I think it's getting too late. I mustn't continue my remarks because my honourable friend might just prod me to say something that I'd be sorry for tomorrow. So I'm not going to say anything rude to him. I'm just going to repeat my position that I think the Minister should be defended in this case and I think my honourable friend's strictures are quite unmerited.

MR. MOLGAT: Mr. Speaker, I won't delay the vote on this. --(Intejrection)-- I'll be very very brief, Mr. Speaker. I just want to say that the position that I have taken all along on this, and my Party as well, is that there should have been a vote to begin with. This I think is the only way that these things can be resolved.

(MR. MOLGAT cont'd).....

Well, now we have the bill before us where we are making some changes in the way in which people will be entitled to vote and I agree with that change. I think that is proper. That it will then leave it more flexible, rather than having it right in the Act with so many acres or so many dollars it will be more flexible.

But I would just like to leave this with the Minister: to be very careful when he proceeds to finalize his regulations in each case because this will be what will determine whether a plan will work or not, because if we start off on the wrong base, by excluding people or including too many people, or whatever it is that we start off, that doesn't get the producers' support, then the plan will fail in the future. I would think in his decisions in this regard that the criterion should be followed that those who are excluded from a vote cannot be included then subsequently under the compulsory aspect of any plan, because surely you cannot on the one hand tell them: "You haven't got the right to vote but you must fall under the plan". Now the comments in the Committee, and I would like to say this, Mr. Speaker, that I think that anyone who sat in that Committee was impressed by the people who came before us. When you listened to those growers who came before us, people who aren't accustomed to standing in this sort of arena and making speeches, when they spoke about their problems in a most eloquent way actually, and told us what they had to face, I think that none of the members there, regardless of what their point of view may happen to be, could fail but be impressed at the people who were there and at the depth of the problem before us and that how much this means to them, and I think we have to be very careful that we don't tamper with this and eventually lose some very good growers and a good industry.

So I would hope that the Minister will be extremely careful. The comments there about orderly marketing, if there was one thing that I think showed up, is that the definition of orderly marketing varies greatly, and for someone to say that all are in favour of orderly marketing is true, but not all of them agree on the same definition. So the way in which the Minister will proceed now, the exclusions of people and the compulsory aspects will be what will determine, in my opinion, the success of this and I would hope that the Minister will be very cautious to deal with all of the groups regardless of what side they're on before arriving at a final conclusion. Only in this way can it be successful.

MR. SPEAKER: I intend to be extremely careful and ask for the ayes and nays for Bill 117.

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

MR. LYON: I would suggest now that because of the hour, it's a bit late to call the resolution standing in the name of the Honourable First Minister. There are three items however that I think we might move off in just a few minutes and that is the second reading of Bill 119, and the two resolutions on Page 5 standing in my name. So I would ask you, Sir, to call Bill 119 and then those two resolutions and I think we can clean them up in a very short time.

MR. LYON presented Bill No. 119, The Statute Law Amendment and Statute Law Revision Act, 1967 for second reading.

MR. SPEAKER presented the motion.

MR. LYON: Mr. Speaker, just a brief word. The explanatory note covers most of the sections of this rather large bill. Honourable members will know that this is the customary bill that comes in each year to clear up typographical errors and to make, generally speaking, non-substantive amendments. In fairness though, I must point out that there are some amendments in here which might be considered of a substantive nature and rather than go over them in detail at this time wherein I would have to refer to sections and so on, I would ask the consideration of the House to pass the bill at second reading, let us get in to Committee of the Whole with it tomorrow and I will then attempt to give further and more detailed explanations of those that may be considered to be substantive amendments.

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

MR. SPEAKER: You said Page 5? Is that Committee of the Whole House?

MR. LYON: No, the adjourned debate on the resolution standing in my name which stands adjourned in the name of the Honourable Member for Rhineland.

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable the Attorney-General. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I adjourned debate on this the other day, not that I have any opposition to the changes that are proposed in the resolution, not at all, but it just opens the matter of the Committee itself and I made a request on a previous occasion that I wished to be on this particular Committee of Rules and Orders because it affects me personally more I think than any other member of this House and we now find that the matter of having a permanent Speaker is also being referred to this particular committee. Therefore I would like to make one more request at this particular time to have the government consider putting me on the committee because I would like to be in on the discussions and also most likely at some time propose amendments which would contain my views, and most likely they differ on occasions, and therefore I would make this final appeal to the Minister and to the government bench that they give this consideration.

MR. LYON: I'll be closing debate if I speak now, Mr. Speaker. I should like to say to my honourable friend and reiterate what was said before on this topic, namely that there is no intention to exclude him; we couldn't if we wished, from the deliberations of this committee. He, along with all other members of the House will be sent notices of the meetings of the Committee. As I mentioned to him before, I can name four or five members of our group who would like very much to be on this committee. I know there are members opposite who would like to be on the Committee.

I only ask him to consider the problem that we face when we come to the makeup of these committees. At the present time he is the only one representing his party, but can he visualize the situation when there might be one Social Creditor, there might be one Creditiste; there might be an Independent Conservative; there might be an Independent Liberal and then where do you go? One member is one member and this is the problem that we have to face and it's not out of any sense of prejudice toward my honourable friend at all; it's just trying to realize what the hard facts of the situation are. So he is more than welcome to attend at all of the meetings of the Committee and we will look forward to seeing him there. But I'm sorry I can't acquiesce in his request.

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

MR. LYON: Committee of the Whole House, Mr. Speaker.

MR. SPEAKER: Committee of the Whole House.

MR. LYON: Mr. Speaker, I beg to move, seconded by the Honourable the Provincial Treasurer that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the proposed resolution standing in my name.

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

#### COMMITTEE OF THE WHOLE HOUSE

MR. LYON: Mr. Chairman, His Honour the Lieutenant-Governor having been informed of the subject matter of the proposed resolution recommends it to the House. May I suggest, Sir, that we ask for agreement that the resolution be printed in Hansard as having been read by yourself and also appear in Votes and Proceedings as having been read, thus relieving you of the necessity of reading it in full. It's a long resolution.

MR. SPEAKER: Members agreed?

MR. LYON: Just a word of explanation, this is merely the resolution which will give authority to the Standing Committee on Statutory Regulations and Orders to sit after prorogation and during recess to consider the regular work of that committee on Statutory Orders and Regulations and as well to be involved with the consideration of the White Paper, entitled Citizens' Remedies Code and also to consider the proposed bill respecting the protection of consumers, all of which matters have been previously referred by the House to this Committee, and this will merely give the Committee the financial means to enable it to carry on its work after prorogation.

WHEREAS Rule 68 of the Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba provides as follows:

All regulations that, under The Regulations Act, stand permanently referred to the Standing Committee on Statutory Regulations and Orders shall be examined by that Committee.

AND WHEREAS the Attorney-General on January 31st, 1966, tabled in the House Regulations 14/66 to 131/66, both inclusive, dated from February 7, 1966, to December 31, 1966, passed under The Regulations Act.

(MR. LYON cont'd).....

AND WHEREAS the Standing Committee on Statutory Regulations and Orders under the provisions of our Rule 68 will examine these regulations during this Session or during recess after prorogation.

AND WHEREAS the Provincial Secretary on Thursday, the 8th day of December, 1966, presented a White Paper entitled "Citizen's Remedies Code", which White Paper was referred to the Standing Committee on Statutory Regulations and Orders by a resolution passed in the House on April 28th, 1967.

AND WHEREAS the Provincial Secretary caused copies of a proposed draft of a Bill respecting the Protection of Consumers to be distributed to all members in the House on April 28th, 1967, and requested that the proposed draft be referred to the Standing Committee on Statutory Regulations and Orders for examination.

THEREFORE BE IT RESOLVED THAT the Standing Committee on Statutory Regulations and Orders examine Regulations 14/66 to 131/66, both inclusive, dated from February 7, 1966, to December 31, 1966, passed under The Regulations Act, and consider the White Paper entitled "Citizen's Remedies Code", presented to the House by the Provincial Secretary on Thursday, the 8th day of December, 1966.

AND

THAT the Standing Committee on Statutory Regulations and Orders examine the proposed draft of a Bill respecting the Protection of Consumers distributed in the House on April 28th, 1967.

AND BE IT FURTHER RESOLVED THAT the said committee may hold such public hearings as it may deem advisable:

AND BE IT FURTHER RESOLVED THAT the said Committee have power to sit during the present session and in recess after prorogation and to report to this House on the matters referred to it at the next session of this Legislature;

AND THAT the Provincial Treasurer be authorized to pay out of the Consolidated Fund to the members of the said Committee the amount of expenses incurred by the members in the performances of duties ordered by the Committee in recess after prorogation as are approved by the Comptroller-General;

AND THAT the Provincial Treasurer be authorized to pay out of the Consolidated Fund all other expenses of a kind and nature required to assist the Committee in carrying out the provisions of this resolution provided the same have received the prior approval of the Treasury Board.

MR. CHAIRMAN: Resolution pass? Committee Rise.

Call in the Speaker. Mr. Speaker, the Committee has adopted a certain resolution and requests leave to sit again.

IN SESSION

MR. COWAN: Mr. Speaker, I move, seconded by the Honourable Member for Pembina that the report of the Committee be received.

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

MR. LYON: I beg to move, seconded by the Honourable the Provincial Treasurer, the resolution standing in my name on the Order Paper be approved, and that it appear in Hansard and Votes and Proceedings without having it read.

(See Resolution commencing at bottom of Page 3228.)

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

MR. LYON: Mr. Speaker, I would like to thank the honourable members for their co-operation tonight. We have had a good night's work, the hour is late, so I'm pleased to move, seconded by the Honourable the Provincial Treasurer 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 9:30 Wednesday morning.