

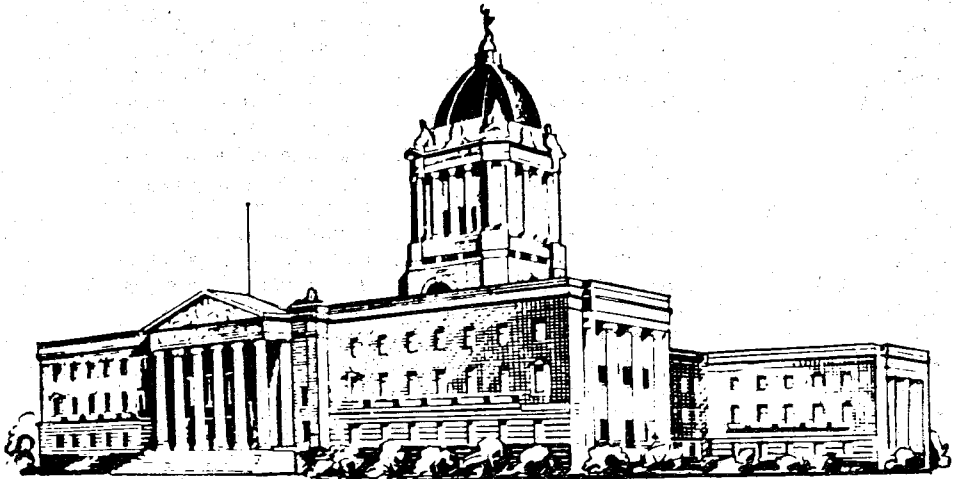


Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

Speaker

The Honourable Peter Fox



Vol. XVIII No. 77 8:00 p.m., Tuesday, June 15th, 1971. Third Session, 29th Legislature.

ELECTORAL DIVISION	NAME	ADDRESS
ARTHUR	J. Douglas Watt	Reston, Manitoba
ASSINIBOIA	Steve Patrick	10 Red Robin Place, Winnipeg 12
BIRTLE-RUSSELL	Harry E. Graham	Binscarth, Manitoba
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CHARLESWOOD	Arthur Moug	29 Willow Ridge Rd., Winnipeg 20
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INKSTER	Hon. Sidney Green, Q.C.	Legislative Bldg., Winnipeg 1
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LAC DU BONNET	Hon. Sam Uskiw	Legislative Bldg., Winnipeg 1
LAKESIDE	Harry J. Enns	Woodlands, Manitoba
LA VERENDRYE	Leonard A. Barkman	Box 130, Steinbach, Man.
LOGAN	William Jenkins	1287 Alexander Ave., Winnipeg 3
MINNEDOSA	Walter Weir	Room 250, Legislative Bldg., Winnipeg 1
MORRIS	Warner H. Jorgenson	Box 185, Morris, Man.
OSBORNE	Ian Turnbull	284 Wildwood Park, Winnipeg 19
PEMBINA	George Henderson	Manitou, Manitoba
POINT DOUGLAS	Donald Malinowski	361 Burrows Ave., Winnipeg 4
PORTAGE LA PRAIRIE	Gordon E. Johnston	Room 248, Legislative Bldg., Winnipeg 1
RADISSON	Harry Shafransky	4 Maplehurst Rd., St. Boniface 6
RHINELAND	Jacob M. Froese	Box 40, Winkler, Manitoba
RIEL	Donald W. Craik	2 River Lane, Winnipeg 8
RIVER HEIGHTS	Sidney Spivak, Q.C.	1516 Mathers Bay, West, Winnipeg 9
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THE PAS	Ron McBryde	Box 1295, The Pas, Manitoba
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WELLINGTON	Philip M. Petursson	681 Banning St., Winnipeg 10
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WOLSELEY	Leonard H. Claydon	116½ Sherbrook St., Winnipeg 1

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Tuesday, June 15, 1971

COMMITTEE OF SUPPLY

MR. CHAIRMAN: The item before the committee is resolution No. 32-(a). The Minister.

MR. HANUSCHAK: Before we proceed there is one point that I want to clarify with respect to the jurisdiction of the Consumer Bureau. I had mentioned that building materials were exempt, were not included under the Consumer Protection Act. They were not at the time that the case raised by the Honourable Member of Rock Lake was concerned, but since then an amendment to the Act has been brought about as of the last session and building materials now do fall under the Act; but at that time they did not.

MR. CHAIRMAN: The Member for Rock Lake.

MR. EINARSON: Mr. Speaker, I am pleased to hear the comments from the Minister. Then it holds that the particular case that I'm talking about happened since the last session and therefore I would think that they should have been able to do something about it, and unfortunately this has not happened.

MR. HANUSCHAK: I'll check again; it may be that the matter may have been reported to the Bureau after the last session but the date of the signing of the contract may have been some time prior to the proclamation of the bill.

MR. CHAIRMAN: The Member for Riel.

MR. CRAIK: I think in light of the events of this afternoon, and the statement by the Minister of Labour following on the heels of the claim by the Minister, that the House is entitled to some sort of an explanation about the difference between what the purchase was of the buses in question and the amount which was actually paid for them. I stated at the time that the difference that the Minister of Education had mentioned amounted to a significant amount of money. It was actually ten times that high. If you work it out it comes out to a difference of nearly half a million dollars. Now we find out that for the coming fiscal year that the number of buses has gone up and we can only assume that we are going to be faced with the same sort of decision again, namely that the government is going to have to pay more to purchase the buses for reasons other than those vested under the responsibility of the Minister.

The Minister has stood up here and said that it satisfied all the requirements of his Act, and despite what the Minister of Labour says the responsibility does come under this Minister, it does not come under the Public Schools Act. The purchase is not made by the Minister of Transportation, it is made by the Purchasing Bureau, and the Minister has this responsibility and he failed miserably in explaining his way out of it today. He seems to take his portfolio as if politics is a game rather than public responsibility. When you've got half a million dollars involved the Minister is not servicing either the government or his constituents to treat that this lightly, and his attitude in this House is such that he couldn't care less.

He stands up here like some sort of a blimp behind a smokescreen and gives us this offhand attitude towards a department that has an exceedingly great importance, a department that is brand new, that has been put together, has been expanded rapidly, is making expenditures and hiring staff that were never hired before, and he gives the impression that either that he doesn't really know what's going on or he doesn't think anybody else should know if he does know, and I don't think that's the responsibility he has in this House and I don't think that's the responsibility he's charged with under the legislation.

I must say, Mr. Chairman, after reflecting on the discussion this afternoon over the supper hour, you cannot help but wonder why on the selection of the person to administer this department, why they could not have picked someone on the government side who had at least won their spurs in this House, such as you yourself, Mr. Chairman, who has a bit of maturity, and approach the job of administering the responsibilities of Consumer, Corporate and Internal Services with a little more of that maturity.

MR. CHAIRMAN: The Minister.

MR. HANUSCHAK: Mr. Chairman. A comment made by the Honourable Member for Riel rather surprised me when he says that we are hiring staff like were never hired before; I take it because at the present time a discussion evolves around the Purchasing Bureau and - yes I must admit, Mr. Chairman, that we do anticipate an increase in staff in the Purchasing Bureau. Last year or during the fiscal year just ended, our staff man years were 23.5 and for the forthcoming fiscal year we anticipate 24.5. So that's the story of the staff picture in

(MR. HANUSCHAK cont'd.) the Purchasing Bureau. And as far as the rest of my department, I am sure if the honourable member recalls the figures that I had quoted earlier this afternoon, and if that is hiring staff like staff was never hired before, well I must confess that I don't really understand what the honourable member is saying.

Now with respect to the role of the Purchasing Bureau insofar as government purchases are concerned, it's not my intention to repeat again what I had repeated at least three or four times during the course of the afternoon - the provisions of the legislation that the Purchasing Bureau follows in the conduct of its business.

I may, for the information of the honourable member in the event that he has forgotten, also draw his attention to the fact that the Purchasing Bureau is an instrument used by various departments in doing its purchasing, and I'm sure that the honourable member well remembers, having been a member of the Executive Council of the previous government, that the final purchase contracts are not signed by me, are not signed by anyone in my department, but are signed by the Minister of the Department requesting the purchase. I believe that point had been made quite clear by the vice-chairman of the Management Committee who spoke just before the dinner hour, the Honourable Minister of Labour who also acts in that capacity, and he had outlined to the House the procedure that is followed by this government in effecting purchases of this magnitude or of any amount in excess of \$25,000. So having said that, Mr. Chairman, I feel that there is very little more than can be added to further explain the matter.

In response to the honourable member's request for disclosure of all the bids which he had made earlier, well again, Mr. Chairman, I'm sure that the honourable member remembers the provisions of the Government Purchases Act - he himself and other members of the opposition, you know, are so concerned about adhering to the law, to the last letter of it, and I'm sure that he would not in any way wish this government, or anyone, to violate any provision of the law, and the law being what it is at the present time, then I'm sure you appreciate, Mr. Chairman, that I'm obligated to disclose that information which the law calls upon me to disclose, present the House with that information, which the House at some time or another, this session, 2, 3, 10 sessions ago, felt proper to legislate that Cabinet Ministers be obligated to disclose, and that, Mr. Chairman, I've done.

MR. CHAIRMAN: I find the arguments on both sides becoming very repetitious. I think the case has been made and the answer has been forthcoming and while the answer may not be to the satisfaction of the member I would suggest that unless something new is added to the debate I will have to invoke the rules of repetition. The Member for Riel.

MR. CRAIK: Mr. Chairman, I'll be very brief. I listened to the Minister this afternoon when he read out the responsibility of his Act, I don't think he's demonstrated the responsibility that he read. He hasn't demonstrated it in this House. I'll be very brief, I'll move, seconded by the Member for Souris-Killarney that Whereas the Minister has failed to display the necessary competence to administer the Department of Consumer and Corporate and Internal Services, that item 32 (1) (a) be reduced from \$15,600.00 to \$1.00.

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

MR. CHAIRMAN: 32 (a)--passed; (b)--passed. The Minister of Transportation.

HON. JOSEPH P. BOROWSKI (Minister of Public Works and Highways) (Thompson): Mr. Speaker, I hate to stop you just when it looks like we are going to get under way with the estimates. I apologize to my colleague here for interfering with his department, but I can't help but say something, listening to the continuous harangue of the former Minister of Education, the Member for Riel, about the hypocritical stance he takes in this House about disclosure. When they were in office for eleven years the government was responsible for purchasing millions of dollars of cars and trucks; not one of those things were disclosed and they are still not disclosed because of a stupid law that you people passed. It's a law that should be changed and we will change it. We will change it, but for the Opposition to get up, Mr. Chairman, in this House and to lecture this government on disclosure is like a bank robber lecturing a judge on honesty. That's the type of hypocrisy we've been experiencing from that side.

MR. CHAIRMAN: Order, please. The use of the words hypocritical and hypocrisy I'm sorry I would have to rule unparliamentary and ask the Member to withdraw the remark.

MR. BOROWSKI: Mr. Speaker, I only use it because I've learned it from the other side. -- (Interjection) - I beg your pardon? Mr. Speaker, that's simply proved the point that I was trying to make . . .

MR. CHAIRMAN: Order, please. I would ask all honourable members to direct their remarks to the Chair. The Minister of Transportation.

MR. BOROWSKI: I don't mind interruptions, Mr. Chairman, we expect that type of nonsense from the other side, but I'm particularly disturbed about the motion that was just passed to cut the Minister's salary, which was defeated. If anybody should have his salary cut it should be the Leader of the Opposition who gets the same salary as we as ministers who work twelve months a year, and the Member for Minnedosa who's not in the House over half the time, and if he had any decency of principle he'd resign or he'd cut his own salary. I don't see anybody on that side complaining - a president of an undertaking firm who's going around the country making himself a pocketful, which is his business, but who was taking salary from this House, who's taking salary from this House - they've got the gall, the bloody audacity to cut the Minister's salary who's working 15 hours a day, seven days a week.

MR. CHAIRMAN: The Leader of the Opposition.

MR. SPIVAK: Mr. Chairman, I'd like to say something to the Minister of Transportation. The Minister of Transportation was appointed as a Minister of Transportation. The truth of the matter is that the government had to take away from his portfolio air and rail matters because he didn't have the competence or capacity to handle it. He suggests that we should be concerned about our cutting his salary; he is carrying on one-third of the responsibility that was his, for one reason and one reason only, because he hasn't the administrative capacity or the intellectual capacity to carry it through.

MR. CHAIRMAN: Order, please. Order, please. While I would suggest that perhaps the last remarks were provoked, I fail to see the relevancy to the resolution before the House. The Member for Portage la Prairie.

MR. G. JOHNSTON: I would ask the Minister of Transportation if he attributes the same motives to the Member for Wolseley?

MR. CHAIRMAN: Order, please. That question is out of order.

MR. G. JOHNSTON: Mr. Chairman, you allowed him latitude to accuse a member of this House who's performed his duties for many years. -- (Interjection) -- Oh yes, it's different. I ask the Minister of Transportation if he attributes the same motive . . .

MR. CHAIRMAN: Order, please. Order, please. I don't intend to debate my rulings with the Member for Portage la Prairie or anyone else in this House. I would ask all honourable members to . . . order, please, order, please. I understand full well when I am in my seat how tempers can be frayed. I would ask all honourable members to control their tempers. All honourable members on both sides of the House. -- (Interjection) -- Order, please. Order, please. I'm sorry, I am sorry - that I cannot tolerate. The Member for Portage la Prairie from his seat has said "I have not got the guts." I will have to refer this matter to the House.

Order, please. Order, please. I will have no other alternative but to refer this matter to the House. Call in the Speaker.

MR. CHAIRMAN: . . . that the member should be given the opportunity to withdraw the remark. Does the Member for Portage la Prairie withdraw the remarks?

MR. G. JOHNSTON: No, I do not.

MR. CHAIRMAN: Mr. Speaker, while discussing Resolution 32 in the Committee of Supply, the Honourable Member for Portage la Prairie made the following remark - "That the Chairman did not have the guts to maintain order." I asked the honourable member to withdraw his remarks; he refused.

MR. SPEAKER: I wish to confer with the Clerk first. The Chairman of the committee has reported to me while discussing Resolution 32 in the Committee of Supply the member from Portage la Prairie made the following statement: "That the Chairman did not have the guts to maintain order." The Chairman asked the honourable member to withdraw his remarks; the member refused. Is that the state of affairs before the House?

The Honourable House Leader.

MR. GREEN: Mr. Speaker, I think so that the question leaves of no mistake that it should also be acknowledged. Perhaps you, Sir, should have the entire course of events in Hansard, because when the honourable member was asked to withdraw he said he would not withdraw and he would repeat his remarks and he accused the Chairman of impartiality. Now, I know in drawing -- and the member is nodding his head -- I know in drawing a motion that quickly it is of necessity brief but I would urge the Speaker, I would urge you, Your Honour, in ruling on this matter - perhaps it should be taken under advisement - in ruling on this matter, to obtain the remarks from Hansard, because my recollection is they went much further than is now stated by the Chairman; that they constitute a legitimate point of privilege as referred to in

(MR. GREEN cont'd.) 68 (1) of Beauchesne, which states: "Reflections upon the character or actions of the Speaker may be punished as breaches of privilege." The honourable member first used the word "dictator" then he uses the words "You do not have the guts to make a fair ruling;" and thirdly, he said, "I charge the Speaker with impartiality," or words to that effect.

Now, Mr. Speaker, rather than myself reciting the incidents that led to these remarks, or the Member from Portage la Prairie reciting the incidents which led to these remarks, I would suggest that you obtain the remarks firsthand from Hansard in order to satisfy yourself as to whether the Chairman's request constitutes a legitimate question of a matter of privilege of the Chair - which I would certainly submit that they do, Mr. Speaker - before ruling as to the action that should be taken and the method by which this breach of the Chairman's privilege should be remedied.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, on the point of order and adding to the remarks that the Honourable House Leader has suggested, has said to you, it would appear to me that there is wisdom in following that course of action because I believe as well that the Hansard has to be read fully. I think as well that the question of privilege of a former Premier of this province by the Minister of Transportation, the remarks that were made, must be considered as part of the provocation for the particular action that took place. I think, Mr. Speaker, it's unfortunate that we must proceed this way, but it would appear to me that the wisest course of action would be to in fact examine Hansard. It is unfortunate as well, that in the history of this House in the period of time that I've been here, the Minister of Transportation has been involved in both cases in which an issue of naming a person is involved.

MR. GREEN: Mr. Speaker, on a point of order.

MR. SPEAKER: Order, please.

MR. GREEN: Mr. Speaker, I rise on a point of order. I have tried to be reasonable in dealing with the . . .

MR. SPEAKER: There is no point of order on a point of order. I should like to point out to the Honourable Leader of the Opposition that he should confine his remarks to the point that was raised by the Chairman of the Committee and no farther than that. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my remarks are directed in support of the position of the House Leader, that the matter should be examined fully, that the Hansard should be before you before a decision is made, that it should deal with the whole incident and the manner in which this came about. It's an unfortunate situation that we're at at this point but I think the wisdom of reading the Hansard in full is necessary.

MR. SPEAKER: The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: Mr. Speaker, I support what the House Leader says and I accept fully his paraphrasing of my remarks; and also I support the Leader of the Opposition when he says that because you weren't present, Sir, that you should examine Hansard. I suggest also to you, Sir, that you examine the fact that the Minister of Transportation called people "hypocritical and hypocrites" - he named members for not being in their place . . .

MR. SPEAKER: Order, please. Order. I am not taking two points under consideration, just the one, which is the one that has been alleged by the Chairman of the committee. I am not opening the debate into what took place prior to that or half an hour or a day before that. There is just one point before the House at the moment, is the question that the Chairman raised. I shall take the matter under advisement. I thank all honourable members for their contribution. The Honourable Member for Portage la Prairie. There is no point of privilege, there's a matter of privilege. Would he state it immediately.

MR. G. JOHNSTON: I wish to speak on a matter of privilege. Am I going to be heard? The matter of privilege is the fact that the Chairman of the Committee allowed a Minister to make derogatory remarks . . .

MR. SPEAKER: Order. That is not a matter of privilege of the member or of the House. It should have been raised at that time, not later after another argument or debate has taken place. So therefore there is no matter of privilege on that point. The Honourable House Leader.

MR. GREEN: Mr. Speaker, on the points of order which have been raised, I wish to make it abundantly clear that as far as I am concerned, the Chairman has a legitimate point of

(MR. GREEN cont'd.) privilege which should be punished and I merely ask for the reading of Hansard so that it should be confirmed. I don't want there to be any misunderstanding as to my position in this matter.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. . . .

MR. SPEAKER: Order, please. Would the Sergeant-at-Arms place the Mace on the table? Thank you. I have taken the matter under advisement. What other point is the Honourable Leader of the Opposition raising?

MR. SPIVAK: Mr. Speaker, in view of the fact that the House Leader has stated his position to you, I think it would be important because I confirm my support for the examination of Hansard to state my position as well. I do not believe that you can examine and look at the particular situation without examining in detail the matters that proceeded it. I believe that if you examine them, you will come to a different conclusion than suggested by the House Leader. The matter has to be examined in the context of the conduct of this House and the ability of the members here to sanely deal with the matters that are before us, and not to be

MR. SPEAKER: Order, please. The honourable gentleman is starting to debate the point. -- (Interjection) -- Order. Shall we proceed? The Honourable House Leader.

MR. GREEN: Mr. Speaker, I believe that in cases of this kind -- where they have occurred before -- I would merely now ask that you leave the Chair and that we revert to committee and proceed with the work that took place in committee.

MR. SPEAKER: The Honourable Member for Winnipeg Centre. -- (Interjection) -- The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: The position of the Chairman and his impartiality has been challenged to you, Sir, and to refer the House back into committee

MR. SPEAKER: Order.

MR. G. JOHNSTON: . . . without that question being answered

MR. SPEAKER: Order. There is no impartiality been challenged; only a question has been raised by the Chairman that he asked for to be adjudicated. I've taken that matter under advisement. The Chairman goes back in the Chair. The Honourable Member for Winnipeg Centre.

MR. G. JOHNSTON: Well, Mr. Speaker, I challenge the impartiality of the Chair. -- (Interjection) --

MR. CHAIRMAN: Order, please. The Honourable Minister of Mines and Natural Resources has the floor.

MR. GREEN: Mr. Speaker, I thought that I was proceeding on a course of action which was reasonable under the circumstances, that we proceed until the Speaker has an opportunity of reviewing the Chairman's matter of privilege and that the continue proceed in the meantime. If my honourable friend says that what is now under question is the impartiality of the Chairman, then, Mr. Chairman, I say that that is absolutely not so, that is not what is under question. What is under question is the breaches of privilege that have been committed by the Member for Portage la Prairie - and I'm prepared to argue those breaches right now and deal with the question. The Member for Portage la Prairie has said

MR. SPEAKER: Order, please. I would like to know what the motion before the House is before we proceed. Now, if someone is -- order. If someone will make a motion then I will accept it and we can carry on from there. I don't want to be in the position of not having a motion before the House. The Honourable House Leader.

MR. GREEN: Mr. Speaker, I proposed a course -- (Interjection) -- He recognized me. -- (Interjection) -- You wish to now challenge his partiality? Go ahead. Go ahead.

MR. SPEAKER: Order, please. Would the Honourable Minister of Mines and Natural Resources inform me what he is going to proceed on.

MR. GREEN: Mr. Speaker, I was going to proceed on the basis of my suggestion which was acceded to by the Leader of the Opposition and the Member for Portage la Prairie, that the matter be taken under advisement and that we proceed with the business, and that if that is not acceptable - which appears not to be acceptable to the Member for Portage la Prairie - that we immediately

MR. SPEAKER: Order, please. Order. I still have no motion before this House. The Honourable House Leader.

MR. GREEN: Well, Mr. Chairman, I thought that we were proceeding by consent, that you would take the matter under advisement and we would go back to committee.

MR. SPEAKER: That has been done.

MR. GREEN: Well then, let us -- can we . . . I move, Mr. Speaker, I move that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to continue to consider of the supply to be granted to Her Majesty. Seconded by the Minister of Agriculture.

MR. SPEAKER: Order. Order, please. There is no motion necessary since I never left the -- I am indicating to the House the status of the House. Would the Honourable House Leader and the Honourable Member for Portage la Prairie sit down till I finish my statement. Now, I was called in because the Chairman had a problem. That problem I've taken under advisement. The committee has not reported to me nor to the House, so therefore it's really still in session. All I'm saying is that the Chairman of the Committee, the Member for Winnipeg Centre, should come and take the Chair, and I leave. It's as simple as that. The Honourable Minister of Transportation.

MR. BOROWSKI: Mr. Chairman, I don't want to interfere with what's going on in the House but as long as the Chairman's name and impartiality is a matter of question still objected to, I think it should be settled before we proceed back to committee.

MR. SPEAKER: The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: Mr. Speaker, if I recall, three or four minutes ago you asked the question of the House, and I presume for guidance on . . .

MR. SPEAKER: I've taken the matter that was before the House that was brought to my attention under advisement. That is settled. Now the question that appears before the House is for the Chairman to come and take the Chair. If someone wants to challenge that they'll have to challenge the Chairman when he's in there and then I'll be called in again to adjudicate on it. Now will the honourable member sit down? The Honourable Member for Winnipeg Centre.

MR. CHAIRMAN: Order, please. Before we proceed, may I suggest to the committee that I was trying to find a particular reference in Beauchesne under the responsibilities of the Deputy Speaker, and while it is a responsibility to the Chair to try and attempt to monitor all debate so that unparliamentary procedure doesn't creep into it at any level, it also rests upon the shoulders of all members, that if in their opinion there is a point of order or a point of privilege breached, it is a responsibility of the members to raise that point with the Chair. I would ask the co-operation of all members if they feel that some person is out of order, if they feel that some person is maligned, has as a breach of privilege, they at that time draw it to the attention of the Chair. Resolution 32 (a) -- The Member for Riel.

MR. CRAIK: The start of this flare-up came when the Minister of Highways made certain statements about the purchasing practices and made reference of course to the remarks that had been made earlier and I think they have to be answered, and I would like to do so as straightforward as I can. I trust this is in order.

MR. CHAIRMAN: Well, since I allowed the remarks, I can't rule out the member's rebuttal to those remarks; but I would ask the member in the interests of progress in committee that he try and temper his remarks so that a further re-occurrence would not . . .

MR. CRAIK: Mr. Chairman, I'd be quite willing to leave these until a later date -- until after there is a decision. I do want to have them answered.

MR. CHAIRMAN: (The remainder of Resolution No. 33 was read and passed and Resolutions 34 to 38 inclusive were read and passed.)

This item completes the Department of Consumer, Corporate and Internal Services. The Resolution before the Committee under Public Works and Highways. Resolution 84 (a) -- the Minister's salary. The Minister of Transportation.

MR. BOROWSKI: Mr. Chairman, it's a most inauspicious way to open up the Department Estimates after the unfortunate incident we've had here tonight. However, it's something we'll have to deal with tomorrow and I trust that justice will be done as it was to me last year when I was kicked out of the House. I've been looking forward . . .

MR. CHAIRMAN: Order, please. In the interest of order, may I remind members that something that is under the consideration of the Speaker is not up for discussion at this present time. The Minister of Transportation.

MR. BOROWSKI: Mr. Chairman, your admonition is understood and I'll try and stick to

(MR. BOROWSKI cont'd.) my Department. I've been waiting for some time rather anxiously as I'm sure the opposition has to bring in my Department Estimates and I'm going to spend a little more time . . .

MR. CHAIRMAN: The House Leader to a point of order.

MR. GREEN: Mr. Chairman, it's been brought to my attention under Rule 14 subsection (2) that where an offense to which sub-rule (1) applies is committed in a Committee, the Chairman thereof shall forthwith suspend the proceedings of the Committee and report the circumstances to the House, and the Speaker on a motion being made thereupon shall put the question stated in sub-rule (1) without amendment, adjournment or debate as if the offense had been committed in the House. Therefore, Mr. Chairman, I am required to put this motion to be ruled upon by the House and not by the Speaker, and since I was in error when I asked the Speaker to rule on it in accordance with our rules - and I would welcome any indication that I am not now correct - it would seem to me that the Speaker should now be called in and the question should be put to the House as a whole.

MR. CHAIRMAN: The Leader of the Opposition to the point of order.

MR. SPIVAK: Yes, on the point of order. Mr. Speaker, although I can't recall the details, if I'm correct, the last occasion on which a person was named the Speaker did take it under advisement.

MR. GREEN: It occurred in the House.

MR. SPIVAK: Well it occurred in the House but he did take it under advisement so that -- I believe he did, I believe there was a 24-hour lapse at that time.

MR. CHAIRMAN: The House Leader to the same point of order.

MR. GREEN: Maybe I had better re-explain. 14 (1) deals with what occurs in the House and whether it was taken by the Speaker under advisement or not is not really relevant. 14 (2) is the rule as to what occurs when it happens in Committee, and when it happens in Committee the motion shall be put and the House then rules on it without the member -- dealing with the question, right.

MR. CHAIRMAN: The House Leader to the point of order.

MR. SPIVAK: Mr. Chairman, on the point of order. If I'm correct, on the last occasion on which a member was named it was taken under advisement. Section 14 (1) states that no amendment, adjournment, debate shall be allowed. Section 14 (2) dealing with the offense in Committee also says that no amendment, adjournment or debate shall be allowed. My point is that I think the practice has been to allow the opportunity for it to be taken under advisement by the Speaker and I think this occurred on the last occasion in which it occurred in the House.

MR. CHAIRMAN: The Member for Birtle-Russell.

MR. GRAHAM: On the same point of order, Mr. Chairman. I think if you read the rule again it says that there cannot be any adjournment of debate and it has to be dealt with immediately only if a motion is being made thereupon. I do not believe there was a motion to that effect made, therefore the Speaker has the right to take it under advisement.

MR. CHAIRMAN: The House Leader to the point of order.

MR. GREEN: Mr. Chairman, apparently the members are confusing my point. The point that I make is that the Speaker does not make the ruling. The ruling is made by the House upon a motion being made and it must occur if an offense to which subsection (1) applies is committed in Committee and in order for it to be committed in Committee I would submit, Mr. Chairman, that rather than you making a reference to the House, you would have to ask the member to withdraw and if he would refuse to withdraw you would have to name the member upon which we would adjourn to the House and I would put the motion. -- (Interjection) -- No, it's not necessary to name the member because that will be done by the Speaker. It's merely if a member of the House persistently and willfully obstructs the business thereof or otherwise - what I'm referring to is a breach of the privilege of the Chair - that the House shall adjourn and the motion shall be put to the House.

MR. CHAIRMAN: The Member for Portage la Prairie to the point of order.

MR. G. JOHNSTON: Mr. Chairman, I support fully what the House Leader says. I challenged your impartiality. You, in turn, by the rules took the question to the Speaker of the House and the Speaker deferred the ruling, and I agree with my learned friend the Leader of the House that the question should be put forthwith. I agree fully with that.

MR. CHAIRMAN: The House Leader.

MR. GREEN: Then on that basis I would suggest that the Speaker again be called and it be reported to the Speaker that an infraction, if this is the Chairman's report, that an offense to which sub-rule (1) of Section 14 (1) applies has been committed by the Member for Portage la Prairie in that he disregarded the authority of the Chair, and on that basis I will be able to put the motion to the House.

MR. CHAIRMAN: Call in the Speaker. The Member for Swan River.

MR. BILTON: I wonder if the Leader of the House in his attempt to pour a little oil on troubled waters is overlooking the fact that the House has agreed to assist the Speaker in making a ruling in this matter, that he should look through the Hansard in order to formulate an opinion and determine what shall be done.

MR. GREEN: Mr. Chairman, in view of the fact that the Speaker will not participate in the making of the ruling, which was my error in the first place, there is no point in that. The members in the House were here when the offense which the Chairman is referring to took place and accordingly, Mr. Chairman, there is no need for the Speaker to read Hansard, the members were here and can decide on the basis of their presence in the House.

MR. CHAIRMAN: I would accept the House Leader's point, therefore call in the Speaker.

MR. SPEAKER: The House Leader . . . to Rule No. 14 (1) . . . raises a point of order . . .

The Honourable House Leader.

MR. GREEN: Mr. Speaker, you've already been advised as to the charge by the Chairman of the Committee of the Whole of the conduct of the Member for Portage la Prairie which falls within the offenses mentioned in Rule 14 (1) of the Rules of the House, and I would accordingly move, seconded by the Minister of Agriculture, that the Member for Portage la Prairie be suspended from the service of the House for the remainder of this and the following sitting.

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

MR. SPEAKER: The Honourable Member for Portage la Prairie.

A MEMBER: Ayes and nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

The question before the House is the suspension of the Honourable Member for Portage la Prairie.

A STANDING VOTE was taken the result being as follows:

YEAS: Messrs. Adam, Barrow, Borowski, Boyce, Burtiak, Doern, Evans, Gonick, Gottfried, Green, Hanuschak, Jenkins, Johannson, McBryde, Malinowski, Miller, Paulley, Petursson, Shafransky, Toupin, Turnbull, Uskiw, Uruski and Walding.

NAYS: Messrs. Barkman, Craik, Einarson, Ferguson, Froese, Girard, Graham, G. Johnston, Jorgenson, McGill, McGregor, McKellar, McKenzie, Patrick and Spivak.

MR. CLERK: Yeas 24; Nays 15.

MR. SPEAKER: In my opinion the yeas have it and I declare the motion carried. The Honourable Member for Churchill.

MR. GORDON W. BEARD (Churchill): Mr. Speaker, I did not vote. I was paired with the Member for St. Boniface.

MR. SPEAKER: Thank you. The Honourable Member for Swan River.

MR. BILTON: I was paired with the Honourable the Minister of Finance. Had I voted, I would have voted against the motion.

MR. SPEAKER: Thank you. The hour being 9:00 o'clock, according to our Rule 19 (1), the order of business is Private Bills. The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, I wonder if the report of the Committee is now properly before you other than -- my understanding is the report that is before you now is simply a report of the latest incident that took place, but the report formally of the committee. It would seem to me that we'd have to go back into committee in order for the Chairman to properly submit a report to you; otherwise today's proceedings cannot be properly recorded.

MR. SPEAKER: I thank the Honourable Member for Morris. He's quite correct. The Honourable Member for Winnipeg Centre.

MR. J. R. (BUD) BOYCE (Winnipeg Centre): It is now 9:00 o'clock. Pursuant to Rule 19 (2), Committee rise. Call in the Speaker.

IN SESSION

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Speaker, I beg to move, seconded by the Member for Flin Flon, that the report of the committee be received.

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

PRIVATE BILLS

MR. SPEAKER: On the proposed motion of the Honourable Member for Assiniboia. The Honourable Member for Assiniboia. -- (Interjection) -- Private Bill 24.

MR. STEVE PATRICK (Assiniboia) presented Bill No. 24, an Act to incorporate Strathcona Curling Club, for second reading.

MR. SPEAKER presented the motion.

MR. PATRICK: Mr. Speaker, my explanation will be very brief because I think the legal counsel will be before Law Amendments Committee to explain any questions that the members may have, but if I may, in very brief, the Strathcona Curling Club is presently undergoing a substantial increase in membership and the Board of Directors have decided, with concurrence of the members, that it would be in the interest of the Curling Club to convert the club from a share capital company to a non-share capital company. I think one of the main advantages in making the club a non-share company is that all members can vote on all substantial matters at annual meetings without having to purchase a share, and this is the reason there's amendment to the Charter of the Strathcona Curling Club. So this is a brief explanation and I would hope that all the members will let the bill go to second reading, through second reading to Law Amendments Committee.

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

MR. SPEAKER: On the proposed motion of the Honourable Member for Sturgeon Creek. The Honourable Member for Birtle-Russell. (Bill 35)

MR. GRAHAM: Mr. Speaker, in the absence of the Member for Sturgeon Creek could we have this matter stand? (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Member for -- it is agreed. This is a bill not a resolution. It's not treated -- right?

MR. GRAHAM: . . . Mr. Speaker. I can read it but the member isn't here to explain it, that's all.

MR. SPEAKER: Well I'm at the pleasure of the House. Do we proceed or do you wish to have the matter stand? The Honourable Member for Morris.

MR. JORGENSON: I think, Mr. Speaker, on a point of order, I think that it should be at the discretion of the Honourable Member for Sturgeon Creek whether or not we proceed with this at this time. He may want to offer an explanation to the bill and I think it would be presumptuous on our part to pass it without him being given that opportunity. So I suggest that the matter stand. (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Member for Radisson. The Honourable Member for Radisson.

MR. HARRY SHAFRANSKY (Radisson) presented Bill No. 55, The St. John's Cathedral Chapter Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Radisson.

MR. SHAFRANSKY: This bill was first of all proposed to the Honourable Minister of Labour. He asked me if I would move this bill. It is simply a housekeeping bill to update the 1874 bill of the St. John's Cathedral Act, at the request of the Archbishop of Rupertsland.

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

MR. SPEAKER: On the proposed motion of the Honourable Member for Radisson. The Honourable Member for Radisson.

MR. SHAFRANSKY presented Bill No. 56, an Act to Provide for the Merger of Credit Union League of Manitoba 1967 Limited and Co-operative Credit Society of Manitoba Limited, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Radisson.

MR. HARRY SHAFRANSKY (Radisson): The bill was simply a merger of the two credit unions. The merger of the Ste. Rose will develop a common policy-making body to influence credit union development as set out in their objectives developed by the joint boards of the League and the Credit Society. Also a single organization would make better use of the human and financial resources of the league and Credit Society under common policy and direction; will bring stronger central organization; would provide firm leadership and coordination of those policies within the province and give Manitoba Credit Unions single voice in pressing for needed legislative changes. It will give Manitoba credit unions a single united organization and voice to negotiate with other financial organizations, government departments, etc., to protect the interests of the credit union members, and it will provide Manitoba credit unions a single organization for influencing national credit union development; and (b) the force for achieving unity among credit unions.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Speaker, I'd like to direct a question to the honourable member who has introduced this bill. Has this the full agreement of all the shareholders of both organizations?

MR. SHAFRANSKY: Study has been going on for some two years and at the convention this spring at the Winnipeg Inn, merger was . . .

MR. SPEAKER: Order, please. The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, if the member speaks now, he closes debate.

MR. SPEAKER: He was just answering the question. There was a question asked of the honourable member . . .

MR. JORGENSEN: Well then, the honourable member can answer the question when everyone on this side of the House has concluded debate on it. I understand the Honourable Member for Rhineland wants to get up, and if there are several questions to answer, he can answer them when he closes debate.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, on the point of order, that may be good practice, but after any person speaks, the practice is for any member being able to ask him a question in which case he rises and doesn't debate again. Now I agree with the Honourable Member from Morris perhaps the question shouldn't be asked in that way, but certainly the Member for Radisson speaking now is merely participating in his initial speech. He's not closing debate.

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

MR. FROESE: Mr. Speaker, I beg to move, seconded by the Honourable Member for Souris-Killarney, that debate be adjourned.

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

PUBLIC BILLS

MR. SPEAKER: Adjourned debates on second reading - Public Bills. On the proposed motion of the Honourable Member for Brandon West. The Honourable Member for Radisson.

MR. SHAFRANSKY: Mr. Speaker, I beg the indulgence of this House to have this matter stand. (Agreed)

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: . . . the government Whip would give us some indication as to when this thing will be proceeded with. The Honourable Member for Brandon West has been very anxiously trying to get this bill through the House and he's stood it now at least a half a dozen times.

MR. SPEAKER: The Honourable Member for Radisson.

MR. SHAFRANSKY: Mr. Speaker, this is the first time I adjourned it, when the Member for Brandon West first introduced it, and I adjourned this bill on behalf of the Minister of Industry and Commerce.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, on that point merely, I hope that it'll be dealt with before we have Private Bills Committee meeting for the first time so there won't be any delay.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, on that point of order, I would

(MR. MCGILL cont'd) simply remind the House that this was introduced for second reading on the third day of May, 1971.

MR. GREEN: I could say the same of other very far-reaching bills that have been introduced by the government with regard to proceedings in the House. Bill No. 9, Bill No. 36. Yes, Bill 9 was passed and I am telling the honourable member that Private Bills Committee has not met yet. We hope that this bill will be dealt with before that committee meets for the first time.

MR. SPEAKER: On the proposed motion of the Honourable Member for Winnipeg Centre. The Honourable Member for St. Vital. (Bill 21)

MR. JAMES WALDING (St. Vital): Mr. Speaker, this is a bill which has been on the Order Paper for some time and I understand that the mover, the Member for Winnipeg Centre, is somewhat anxious for it to move along. I adjourned this bill when it came up before, in order that I could speak against it at this time. I would like to mention the two points at issue here; first is the bill itself, and secondly, the contents of the bill. As the Member for Winnipeg Centre said when he introduced it, this has become something of a perennial. It seems to crop up every year on the Order Paper and this House has not seen fit to pass the two particular sections embodied in Bill 21.

Looking back in Hansard for last year, there was considerable debate upon this and the House, in referring it to the Professional Associations Committee, quite obviously could not accept the bill at that time and, in sending it back to the committee, obviously wanted the committee to look into the matter most deeply and to bring back a recommendation.

Now, we have received the report of the Professional Associations Committee and it's obvious from that report that this matter was not even discussed, let alone recommended to be passed to this House, so it seems somewhat presumptuous that this bill should be re-introduced into this House without that recommendation or even a discussion from the committee itself. It was the will of this House that that matter should be discussed and should be discussed in depth by the committee, and it hasn't and that has failed to occur.

I would suggest to honourable members that if they want the will of this House carried out, the simple way to do it would be to refer this bill back to the Professional Associations Committee and rumour has it, Mr. Speaker, that that committee will be set up again under the very able chairmanship of the Member for Winnipeg Centre, and no doubt he would see that it receives proper treatment in that committee.

When we come to the bill itself we find two principles involved in that bill, and the first of those is that an optometrist who has the degree Doctor of Optometry shall be allowed to use that title, which sounds rather reasonable when we first look at it. The second principle in the bill asks this Legislature to give the title Doctor to those optometrists who do not now have it. Well, a university degree, or rather a doctor's degree is something which doesn't come very easily in this world. It takes a great deal of study, many years of hard work, and a demonstration of competence in that particular speciality in order to obtain that degree. It is a degree which carries a certain amount of prestige and status in our society, and for this Legislature to bestow the degree Doctor of Optometry would not require that optometrist to open a single book or to do a single hour's study, and it would not increase his knowledge by the slightest amount. For this House to take that sort of step would be to substitute qualification by legislation for qualification by education.

Now, let's take another look at the first principle involved where the title Doctor of Optometry can be used by those having it, and the point has been raised in the past that there is a very good precedent for this, that it is used in every state to the south of us and in a number of the provinces in Canada, therefore we should allow that here. I really can't go along with that sort of argument because what it says is that we shall simply do what everybody else does and not think for ourselves, and I suggest that what we would be better doing would be to examine the ramifications of such an Act in the Manitoba context.

Now I perhaps should have pointed out before that I take a personal interest in this bill since I am an optician and have been an optician for fourteen years, and I know that there is a good deal of confusion in the public mind as to the difference between an optometrist, an optician and an ophthalmologist. It might be worthwhile to point out just what the difference between these categories is.

I will start at the top if I may. A person who goes to an ophthalmologist for an eye examination goes to see a doctor, and the ophthalmologist is called a doctor because he is a

(MR. WALDING cont'd) doctor. He graduates as an M.D. and then studies further for four or five years, whatever the case may be, and becomes an ophthalmologist, or an eye specialist. And when a patient consults an ophthalmologist for an eye examination, first of all the ophthalmologist examines the outside of the eye, the front of the eye, the eyelids, looking for a malfunction or signs of disease or injury, then he examines the inside of the eye. This is even more important, and in order to do that he can use a drug which dilates the pupil of the eye. There's another reason too - I'll come to that in a moment. And having dilated the pupil of the eye, this enables him to look around the inside of the eye again to look for signs of eye disease or eye damage, or other symptoms that could be caused by drug use. But not only does he look for signs of eye injury, there are other diseases of the body too which show up first on the inside of the eye, and being a doctor, he is in the position to recognize these signs and symptoms and, if necessary, to refer the patient to the proper authority. If the ophthalmologist finds that there is some disease, he is in a position to treat it either by drug therapy or by surgery, or even by removal of the eye. Having finished this part of his examination, he then conducts what is called a refraction, and this is a determination of the optical state of the eye to see if rays of light are focused properly on the back of the eye, and if they are not, he then writes out a prescription for the necessary lenses, gives it to that patient to take it to any optician he wishes to get the prescription filled. Thus he does not have any commercial interest, and if glasses are unnecessary you can be quite sure that the ophthalmologist will not prescribe them for you.

A MEMBER: What about an oculist?

MR. WALDING: The term "oculist" is not in very great use these days, it was used synonymously with the term "ophthalmologist."

The second use of the drug that I mentioned a few moments ago: as well as dilating the pupil, it also puts the eye into a state of optical rest and this is particularly important in the case of children who tend to get a little excited, which makes it difficult to conduct a refraction on them.

Now, the optometrist, on the other hand, is a man without medical training or without pharmacological training. He has no ability to diagnose illness. He cannot use the drugs that the ophthalmologist can. The part that he does is the refraction part of the examination, and should he find that lenses are necessary, he writes a prescription and then fills it himself. Obviously, it is in the optometrist's interest if a patient needs glasses, because a good deal of an optometrist's income is derived from the commercial profit in selling eye glasses. Obviously the more eye glasses that you buy from him, the more money he makes.

The optician, on the other hand, is the man to whom you take a prescription from an ophthalmologist and he translates that prescription into a suitable pair of glasses. The optician has no professional aspirations and is content to work as part of a team with the ophthalmologist in supplying the best possible eye care for the people of Manitoba.

I mentioned the confusion in the public mind as to the difference, and the Royal Commission on Health Services, which delved very deeply into the whole health care field, also found this and in its preamble to recommendation 213 the Royal Commission said: "A source of confusion to the public is the indiscriminate use of the doctor title." Further down it says: "In the health field, the use of the title "doctor" by persons without a doctor's degree from a recognized medical or dental school, not only misleads the public but debases the worth of the degree earned by rigorous education in the university."

Now, as long as this confusion is there, which would be made even greater were this bill to go through, we would then have two groups of eye doctors. And there is always the possibility that a patient might fail to get the medical treatment that he requires if he sees an optometrist while under the impression he is consulting an ophthalmologist. To grant the use of the title "Doctor" to Manitoba optometrists would give them a form of parity with ophthalmologists in the province. You would have then two groups of eye doctors. An optometrist then would enjoy an advantage over ophthalmologists in that they would be doctors yet still retain that commercial advantage over them. And they would also have a sort of professional advantage over the opticians with whom they presently compete on fairly equal terms. And it's as opticians that we would oppose the granting of the title "doctor" to opticians. There also remains, of course, the possibility of a conflict of interest in that optometrists who take part or receive part of their income from Medicare fees and part from the commercial profit on the sale of glasses, that there could be a conflict of interest arising between these two features.

(MR. WALDING cont'd)

Now it has been stated when this bill came up before, without contradiction, that the position of the optometrist is analogous with that of the dentist; but I suggest to you, Mr. Speaker, that that's worthy of a little deeper examination. When a person consults a dentist and the dentist finds that there is some work to be done, he can if necessary inject a drug into the person's mouth. The optometrist, on the other hand, cannot make any injection into the eye nor can he administer any drug to the eyes. The dentist can cut away part of a tooth or even remove a tooth entirely. An optometrist cannot cut away any part of the eye nor can he remove an eye entirely.

I would suggest that a better analogy would be to compare an optometrist with a denturist, and I know that the term is not in general use now but I use it to signify those denturists who were selling dentures directly to the public. Just as a denturist is not allowed to work in a diseased mouth, a patient going to a denturist does so only with a healthy mouth, a mouth that is not functioning as a mouth should do - in other words, for eating or speaking purposes. A person going to an optometrist does so with a healthy pair of eyes and eyes that are not functioning as they should do. The denturist takes an impression of the mouth, the optometrist in his examination does a refraction. Both of the men produce a prescription. Both of the men cause, either make or cause to be made, an artificial device for the correction of that disability. The denturist makes or causes to be made a set of dentures; the optometrist makes or causes to be made a pair of glasses. Both of these are artificial devices and are designed to put the organ, that is the mouth or the eyes, into proper working condition, into a functioning capacity. Neither of these are permanent features and should either the glasses or the teeth be removed, that organ would be returned to its original state. Neither the optometrist nor the denturist is able to make any permanent changes in either the mouth or the eyes. Thus, Mr. Speaker, a better case can be made for comparing an optometrist to a denturist than can be made for comparing an optometrist to a dentist. And if we look at in in this light, I would suggest that there can be no thoughts given to allowing optometrists to use a doctor's degree than there would be to allowing denturists to use a doctor's degree, nor would there be any more point in this Legislature granting degrees to optometrists than would this House think of granting degrees to denturists.

What I have tried to point out, Mr. Speaker, the two main points, is that if this House wishes its will to be carried out and that this whole matter be referred, be considered by the Professional Associations Committee, all it needs do is to send this bill back. And secondly, I have attempted to show that in granting optometrists the right to use the title "doctor" in Manitoba, it would not be in the public interest and would serve only to the advantage of one special interest group to the disadvantage of other special interest groups.

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

MR. GABRIEL GIRARD (Emerson): I move, Mr. Speaker, seconded by the Member from Birtle-Russell, that the debate be adjourned.

MR. SPEAKER: The Honourable Member for . . .

MR. GRAHAM: I wish the Member for Emerson would consult with me. I don't pretend to second this. I would like to speak.

MR. SPEAKER: The Honourable Member for Birtle-Russell. Order, please. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Speaker. Mr. Speaker, I suggest that probably the little play in semantics here was an attempt by the Member for Emerson to prevent me from speaking at this time. He and I may not agree on this particular bill and I must say that I cannot entirely subscribe to the view that was expressed by the Member for St. Vital. The argument that the Member for St. Vital put forward, Mr. Speaker, has been quite a good argument. I think he stated his case very well. Unfortunately, Mr. Speaker, he's just new in the House. He wasn't a member of the committee that studied this last year although I understand he did present a brief, so that I would think that probably his views may be somewhat prejudiced, Mr. Speaker. It's rather interesting, you know, that . . .

MR. SPEAKER: Order, please.

MR. GRAHAM: I'm glad that the Member for Crescentwood recognizes that. But it really depends, Mr. Speaker, on whose ox is being gored and the way that people react. I know members on this side - the Member for Souris-Killarney and the Member for Roblin reacted

(MR. GRAHAM cont'd) violently towards the auto insurance

MR. SPEAKER: Order.

MR. GRAHAM: I think that it's quite expectable that the Member for St. Vital would react in this manner towards this bill.

Mr. Speaker, when we were dealing with the Estimates of the Minister of Education there were some on this side began to question the activities of the universities. It was one of these things that first presented this very bill was the fact that the university would not deal with it and referred it to the House for their decision. I suggested that there should be some investigation into the activities of the university, but the Member for St. Vital didn't agree with me at that time and yet I find now that he feels that probably it should be the universities rather than this House that has the decision to make in this particular case. So his arguments, Mr. Speaker, vary from time to time depending on which one he is interested in going.

We have known, Mr. Speaker, that the health of the people of Manitoba, especially with respect to eyes and the proper testing of eyes for prescription corrections, has been a matter of concern for quite some time in this province. When Medicare was introduced, there was provision made for the testing of eyes, the people that drafted the Medicare Plan made that provision in there recognizing that care of eyes in the province was a matter of major concern. The optometrists also recognize that it is a matter of major concern because they have stated on numerous occasions that because there has been a particular status in this province for optometrists that it has been very difficult to get sufficient numbers of graduate optometrists to come to the Province of Manitoba. It would also be very easy for me, Mr. Speaker, to stand up here and suggest that there could be other reasons for them not coming to Manitoba at this particular time, however, I will refrain from doing so. -- (Interjection) -- Mr. Speaker, the words of the Minister of Labour are probably true, but you know there are none so blind as those that do not wish to see, and I would suggest that the Minister of Labour could very well spend a few hours in an optometrist's chair and it wouldn't hurt him one iota.

Mr. Speaker, the concern that was expressed last year - the concern that was expressed on more than one occasion I think is genuine, that we do not have enough qualified optometrists or ophthalmologists in this province is quite real. Whether or not the granting of a title of Doctor of Optometry which would be easily identified as such so there would be no mistake in confusing it with that of a medical doctor - if this would help provide the people of Manitoba with sufficient qualified optometrists, then Mr. Speaker, I would look very favourably on legislation such as this. Whether the case has been made strong enough as yet to warrant such a decision I am not too sure in my own mind. However, I look forward, Mr. Speaker, to the time when this bill will go before the public and representations can once again be made. But the point that disturbed me more than any over the last speaker's remarks was when he said there was a conflict of interest in the optometric field between the medical fees for the examination and the commercial fee for the eye glasses makes me wonder, Sir, whether or not the previous speaker was more concerned about the fee for the eye glasses rather than the medical examination.

MR. SPEAKER: Are you ready for the question? I did not accept the Honourable Member for Emerson's motion because at that time a member wanted to speak. So the question is open. Are you ready for the question? The Honourable Member for Logan.

MR. WILLIAM JENKINS (Logan): Mr. Speaker, I beg to move, seconded by the Honourable Member for Gimli that debate be adjourned.

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

MR. McKELLAR presented Bill No. 29 An Act to validate By-law No. 28-1970 of The Town of Killarney and By-law No. 17-1970 of The Rural Municipality of Turtle Mountain and to add a portion of the South East Quarter of Section Three (3) in Township Three (3) and Range Seventeen (17) West of the Principal Meridian in the Province of Manitoba to the Town of Killarney for second reading.

MR. JENKINS presented Bill No. 28 An Act to amend The St. James - Assiniboia Charter for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Mr. Speaker, this is simply an amendment to the St. James-Assiniboia City Charter to give authority to the City Council of St. James to license or to prohibit or regulate hypnotists and the business of hypnosis. The city council at the present time doesn't have

(MR. JENKINS cont'd) any authority under the Municipal Act nor under its Charter to license hypnotists or the business of hypnosis. There have been several applications to the city by hypnotists to conduct shows and teaching classes in the field of hypnosis, and without the required authority, the city council cannot pass by-laws which would regulate this type of business. This bill would provide authority to the council, if it so wished, to prohibit the carrying on of that business. The authority is also contained within the bill that would give them the authority to regulate the business and to license it. That basically, Mr. Speaker, is what the bill is about.

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

MR. JENKINS presented Bill No. 34, An Act to authorize The City of St. James-Assinibola to pay a pension to Mary Hoban for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Mr. Speaker, this bill is one dealing with the relief of one Mary Hoban. Mary Hoban was the wife of Mr. J. Hoban who was employed as a Public Works foreman for 34 years and nine months in the old town of Brooklands. Mr. Hoban retired on December 31st, 1956, and he died suddenly on December 14th, 1957. At that time the Town of Brooklands passed a resolution that the council grant to his wife, Mary Hoban, an allowance of \$40.00 a month for the year 1958. At the same time they employed her as a caretaker.

In 1966, Mr. Speaker, the Town of Brooklands was disestablished by Chapter 77 of the Statutes of Manitoba and all its lands were transferred to the City of St. James. At the date of the disestablishment of the Town of Brooklands, Mrs. Hoban then became an employee of the St. James School Division No. 7. She continued on in that employment until December 31st, 1969. The St. James School Division No. 7 was disestablished and became the St. James-Assinibola School Division No. 2 in May of 1968 by virtue of Chapter 81 Statutes of Manitoba 1968. The St. James School Division No. 7 and subsequently the St. James-Assinibola School Division No. 2 had continued to pay the pension of \$40.00 per month in addition to her wages. Now Mrs. Hoban has subsequently retired and she has now requested that the Council of the present city of St. James-Assinibola continue the \$40.00 a month pension; and on the meeting of February 17th, 1970, the St. James-Assinibola City Council passed the following resolution that on compassionate grounds the city continue to issue a pension cheque in the amount of \$40.00 per month to Mrs. Mary Hoban. However, on checking the authority on the Municipal Act and also under their City Charter, the City of St. James-Assinibola find out that they do not have the authority to grant a pension to any person who was not an employee of the City of St. James-Assinibola; and since Mrs. Hoban has never been an employee of the City of St. James-Assinibola but she's been an employee of the school divisions involved, the City Council are asking for special authority that they can continue this pension on behalf of this lady.

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

MR. BOYCE presented Bill No. 30, The Architects Act for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Speaker, in having been approached by the Architects Society to present this bill to the House, I would direct the honourable members attention to some shifts in emphasis in a couple of particular sections. One specific shift that comes to mind is the role of architectural companies. At the present time architects as individuals are licensed and the architects are asking for a shift in the legislation so that companies would enjoy the rights and privileges enjoyed by an individual architect at the present time. In presenting this bill to the House I am but acting as a vehicle for the Architect Society.

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

MR. PATRICK: Mr. Speaker, I rise to support the bill. I think it's a worthwhile Act and will probably substantially upgrade the previous legislation that we had before. I'm very pleased to see, Mr. Speaker, that this proposed legislation - that we have public participation and the Board will be expanded to include a member of the public and I think it's certainly a very good point. This kind of openness and willingness to open the deliberations to the public scrutiny deserves, I feel, some comment and congratulations from the members of the House here. I'm certain that the public will welcome this openness by having a member from the public on the Board.

(MR. PATRICK cont'd)

The other point that I wish to raise, I believe that Bill 30 makes it more or less restrictive, that under one of the sections of the bill the regulations governing qualification for membership will be a little less restrictive and in my opinion much more realistic. Immigrants to Canada and Manitoba who may not have prerequisite academic qualifications, for example, but who may have good experience, many years of experience and be perfectly able to assume the responsibilities of membership would be recognized by the membership and would be able to belong.

I think there's another point that's of interest, and that is the aspect of the Act that gives disciplined members of the Association the right to appeal to the courts. In the former legislation there was no right of appeal and I think the right of appeal is fundamental in our system of justice. I believe that this certainly will improve the present legislation and I think it's worthwhile to mention that as well.

I think the other principle in the Act is that the architects and the groups will have the right to incorporate and to operate in a more businesslike manner. I think that it will help the firms to limit their financial responsibility in the same way as other corporations or businesses and I see nothing wrong with that aspect.

I think the other point, Mr. Chairman, the legislation allows removal of the fee structures in the previous Act and this permits the architect to charge fees according to the work or according to the ability and I think this is perhaps in the right direction; that fees will be charged according to demand and supply and probably to the quality of service offered. So I certainly feel that this Bill No. 30 is an improvement over the legislation that we had previously.

There's only one point in the bill that I would like to raise, unless I misread it, but perhaps we will be able to hear from the member who introduced the bill. The one point that I did have some slight reservations on - that is I believe any construction or any building that is valued over \$35,000 you will have to have architect or planned blueprints for it. I think this may be a problem to some of our farmers in the rural areas if this is what the bill says, that any construction that is over \$35,000 you must have an architect. That's the only reservation that I have and perhaps the member who introduced the bill would explain that point, because there may be in some remote areas - for instance, if a farmer is building a barn or a granary that may be valued in that amount and surely he may not require the services of a qualified architect; he may use a draftsman or get a plan from a draftsman which would be less expensive. I would like to know if this is the fact that any construction or any building that is valued over \$35,000 must be approved or must have architectural plans and architectural approval. So that's the only reservation, otherwise I believe that this is a most worthwhile Act and a very big improvement over the present legislation.

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

MR. WILLIAM URUSKI (St. George): Mr. Speaker, I beg to move, seconded by the Honourable Member for Ste. Rose that debate be adjourned.

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

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I'd like to make a substitution on Public Utilities Committee. The Member for Radisson to replace the Member for Rupertsland. (Agreed)

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, on the topic, I wonder if the House Leader could indicate whether the transcripts are yet ready for the Public Utilities.

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: I can't do better than what I did yesterday. I'm trying to get them. The people who are preparing them know that we want them before Thursday.

MR. PAULLEY: The hour of adjournment.

MR. SPEAKER: Before we do, I should like to indicate to the House earlier this evening there was a digression in which I said I had a matter under advisement. That no longer exists. I just wanted to point it out to the House that the matter was cleared up and that was an error on my part, therefore there is no matter under advisement at the present time. The hour being 10:00 o'clock. The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, I should like to ask the House Leader if he could indicate to us what the order of Estimates will be after we complete the Estimates of the

(MR. JORGENSON cont'd) Department of Highways.

MR. GREEN: Yes.

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Mr. Speaker, the Minister of Transportation will be followed by the Minister of Tourism and Recreation and I will . . . No, well the Minister of Municipal Affairs is now - his Estimates are being considered and if he comes back when the Minister of Transportation is completed then we will proceed back to his Estimates. But the next Minister that we have not yet announced will be the Minister of Tourism and Recreation. I'll try and make another announcement tomorrow.

Mr. Speaker, I was supposed to by the new rules announce on Friday the normal course of business that the government would be pursuing and I can say that for the balance of this week we intend to pursue substantially the line that has been pursued up until today, that is we would be calling Bill No. 36 and the departmental estimates.

MR. SPEAKER: The hour being 10:00 o'clock the House is now adjourned until 2:30 tomorrow afternoon (Wednesday).