

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Tuesday, March 8, 1966

Opening prayer by Madam Speaker.

MADAM SPEAKER: Presenting petitions

Reading and Receiving Petitions

Presenting reports by standing and special committees

Notices of Motion

Introduction of Bills

MADAM SPEAKER: The Honourable the Member for Swan River.

MR. P.J. McDONALD (Turtle Mountain): Madam Speaker on behalf of the Member from Swan River, I would ask that leave be given to introduce Bill No. 73 an Act to Incorporate the Wildlife Foundation of Manitoba.

MADAM SPEAKER: Orders of the Day.

HON. ROBERT G. SMELLIE (Minister of Municipal Affairs)(Birtle-Russell): Madam Speaker before the Orders of the Day I wonder if I could request leave of the House to introduce a Bill on a matter which is quite urgent and for which the usual 48 hours notice has not been given. I'm informed by some of the municipalities in the Metropolitan area that they are experiencing considerable difficulty in the clearing of snow from lanes. This is creating a problem for many of our citizens who have their cars parked in their garages or on their property and where the only access to such property is by way of the lane. Some of the lanes, particularly in the City of Winnipeg where the lanes are narrow, only 16' in some cases, the lanes are plugged with snow and it's an impossibility to remove the snow from these lanes with an ordinary push plow. They will require the use of snow blowing equipment to remove such snow and because of the unusual circumstances of the storm which we have had over the last weekend, I think it may be advisable to assist our municipalities by passing an Act which might relieve them of certain responsibilities that they might otherwise incur, certain liabilities for having placed snow upon the property of individuals. I would therefore respectfully request Madam Speaker, leave of the House to introduce this bill.

MR. ELMAN GUTTORMSON(St. George): Madam Speaker, as far as this group is concerned, we are prepared to grant the Minister the leave he requests.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party) (Radisson) Agreed.

MR. J. M. FROESE (Rhineland) Agreed.

MADAM SPEAKER: The Honourable Member may proceed.

MR. SMELLIE introduced Bill No. 74 an Act respecting Clearing Snow from Lanes.

Madam Speaker with leave of the House I would like to proceed with second and third readings of this Bill as soon as possible with a view to giving Royal Assent to the Bill today in order that this work may proceed. I understand that the Bill is now being distributed. If I may have leave I would like to proceed with second and third readings.

HON. GURNEY EVANS (Minister of Industry & Commerce)(Fort Rouge): I wonder if it would not be correct to say that we must enter upon the Orders of the Day before that action can be taken. Am I correct in that assumption?

MADAM SPEAKER: Orders of the Day.

MR. EVANS: Madam Speaker I have an important announcement to make on behalf of the government, which I think will be of interest to all Manitobans.

For some time this government has been giving particular attention to the establishment of a major integrated forest industry in Northern Manitoba. Such a key industry would spark further industrial development in all sections of the province. It would provide a large customer for hydro power, increase employment and population of the north, and in general be a fine factor in opening up entirely new areas in the province.

Negotiations have been underway for some time with a Swiss group regarding this matter. Extensive research and investigations have been carried out by the Department of Industry and Commerce and the Department of Mines and Natural Resources, working as a development team. Meetings have been held at The Pas, Thompson, Churchill, Winnipeg and New York and last Thursday and Friday Premier Roblin met with the president of Monoca, A.G. St. Moritz in Zurich, Switzerland and agreement was reached to proceed with an integrated forest complex in Northern Manitoba. At the conclusion of these meetings in Zurich the Premier was provided with a letter of commitment which I now have. The letter is addressed to Premier Duff Roblin, dated March 4, 1966 and reads as follows:

(MR. EVANS cont'd).....

"Dear Mr. Roblin: Prior to our meetings with you in Winnipeg and New York, investigations into the possibility of establishing an integrated forest, lumber and pulp mill development program in your province have been proceeding. As you know, our forestry and engineering consultants have made their own on-the-spot investigations in Northern Manitoba with the valued assistance of various departments in your Government. These surveys and investigations have now been completed and the decision has been reached to promptly initiate a multi-stage, fully integrated forest products development program in Northern Manitoba. To this end, a new Manitoba Company, Churchill Forest Industries (Manitoba) Limited, has been formed with an authorized capital of \$5 million.

Stage 1 - would be the establishment of woodlands debarking and loading facilities for 50,000 cords of debarked wood to be in operation by March 31, 1968. Stage 2 - would be the establishment and construction of a modern sawmill at The Pas for the production of 30 million board feet of lumber per year to be in operation not later than December 30, 1968. Stage 3 - would be the establishment and construction of a newsprint and magazine paper mill at The Pas with a minimum capacity of 300 - 400 tons per day to be operative by March 31, 1971. Stage 4 - would be subject to the then existing economics of such a proposal, the establishment of a chemical furnishing plant with a minimum capacity of 50 tons per day; and Stage 5 - would be subject also to the then existing economics, the establishment of a high capacity sulphate pulp mill or, alternatively, a doubling of the capacity of the newsprint mill depending on availability of timber resources and/or markets. If you will understand that these comments with respect to Stages 4 and 5 can be taken only as projections based on present predictions and future market conditions, it would not be unreasonable to estimate that Stage 5 could be expected to be implemented not substantially later than 1973.

The total investments, therefore, through Stage 5 would finally exceed \$100 million and jobs for several thousand people will be created over the next ten years at the Plant Site and in the forest operations. It is further expected that the implementation of these projects will considerably enhance the economic and industrial development of Northern Manitoba and lead to substantial exports for the Province.

We attach special attention to the employment of local people and appreciate, therefore, your intentions of establishing appropriate schooling and training facilities for pulp and paper technicians at the Northern Manitoba Vocational Centre at The Pas. Top management and expert personnel will be made available from Europe and the United States as long as needed for the successful conduct of operations.

Monoca A. G. is a private Swiss finance and trust corporation that often occupies a dual function - that of investor in its own right and that of a trustee for other investors whose particular interests and experience in the pulp and paper industry have oriented them toward the financing of, and investment in, implementation and management of pulp and paper ventures in Europe and North America. Monoca A. G. has been associated in the last six years with the development of four major pulp and paper mill ventures in Spain, Italy and North America. Thus, Churchill Forest Industries (Manitoba) Limited will serve as the operating company in whom such competent and sophisticated investors will participate in the Northern Manitoba development program.

Just as an illustration of the type of business Monoca A. G. is doing, I am permitted to point to an earlier transaction that resulted in the participation of one of Monoca's associates in the most modern European paper board mill near Catania, Sicily, together with Celanese Corporation of America and SNIA Viscosa, the well-known Italian fibre company.

May I again express appreciation of the assistance given to my company by your Government. Yours very truly, Monoca A. G., Dr. O. Reiser, President."

Monoca A. G. St. Moritz is a well known private Swiss Corporation which has concentrated in investments in Pulp and Paper and Cement developments. Their main banking relationships are with the Swiss Bank Corporation in Switzerland. The company has close association with Technopulp A. G. of Char, Switzerland. Canadian and Swiss Banking reports indicate the company enjoys a very favourable reputation in the world business community. The company reports they have already been in negotiation for contracts for a substantial proportion of the output of the proposed complex. All reports establish the fact that Dr. Oskar Reiser, President of Monoca A. G., with whom the Province has been negotiating, is a competent and experienced businessman who enjoys an excellent reputation in business circles.

This development puts Manitoba in the mainstream of Canada's expanding pulp and paper

(MR. EVANS cont'd).....industry. It will be a completely integrated pulpwood export, lumber, newsprint and eventually, kraft pulp complex based upon the most efficient logging operations and techniques. Work on the initial stages will commence immediately and will require capital expenditures of \$45 million by the spring of 1971. This will include the establishment in 1967 of wood cutting and forwarding operations throughout a large area of Northern Manitoba. It will also include the development of rail, truck and river transportation facilities, a pulpwood processing plant at Arnot on the Nelson River, pulpwood handling and loading operations at the Port of Churchill, and a major lumber mill at The Pas, including debarking, milling, drying and shipping.

Engineering studies for the design and construction of the 300 ton newsprint mill will be put underway and, by the spring of 1971, a new major newsprint mill with a minimum capacity of 300 tons per day will be in operation at The Pas, together with the many processing operations required to convert pulpwood and wood chips to finished paper.

I would like to mention that the proposed sawmill will be the largest most modern and most fully equipped sawmill in the province. It will incorporate dry kilns now lacking in the province. It will have an annual output of 30 million board feet per year. This volume of production represents about 75 percent of the present output of all existing sawmills in the province. It is expected that production will be sold primarily in the Manitoba market which is about four or five times the output of the mill and which is now largely supplied by mills in British Columbia, Alberta and Saskatchewan. The new mill is expected to incorporate the latest small log sawing equipment, including debarking and slab chipping. Since chips are to be produced by the company's sawmill, it is logical that the company will be in a position to handle chips from other sources. Many other Manitoba lumber producers are expected to follow the pattern of this sawmill, which is typical of those in Ontario and Quebec, whereby the logs are debarked, lumber produced from the centre portion and slabs chipped for shipment to pulp and paper mills. This pattern has resulted in a substantial reduction in the waste of timber (up to one-third of the log) and improved profit for the independent sawmills. The economic production of lumber from small logs is dependent upon a profitable market for chips and an expansion and strengthening of the sawmill industry of northern and western Manitoba is expected to result.

The economic importance of the establishment of a modern saw mill and kiln drying facility cannot be overstated. As was pointed out in the report of the Committee on Manitoba's Economic Future, the local wood products industry is in a position to undertake a major expansion in employment and output provided that new sources of kiln dried lumber are available.

Initially, several hundred jobs will be provided during the construction of the plants at The Pas and Arnot. As the project comes into operation permanent employment will be built up gradually to a level of 1,000 direct jobs and to 1,000 or more indirect jobs. It is anticipated that half the direct jobs will be concentrated in the Town of The Pas and the remainder at Churchill, Arnot and generally throughout the forested area of Northern Manitoba. The many jobs provided to service the project either directly or indirectly, will be located in many areas from as far north as Churchill to the southern reaches of the province.

Subject to market conditions, the company intends to establish along with the paper mill, a chemical pulp plant to supply the proportion of chemical pulp required in the manufacture of newsprint. Providing conditions are satisfactory, the company will expand its woods operations and hopes to be in a position to have constructed and in operation by 1973 both the chemical pulp plant, a 500 ton a day sulphate pulp mill or alternatively double the capacity of the newsprint mill. These developments will mean an additional expenditure in the order of \$55 million and would provide an additional 1,000 direct jobs and as many indirect jobs.

The company has been granted cutting rights in a reserved area of 40,000 square miles, north of the 53rd parallel along the Nelson River and north of the Hudson Bay Railway. At the end of 12 years, at which time the detailed forest inventories will have been completed, the area will be reduced to the exact requirements of the company or alternatively the company must undertake an expansion program to utilize any excess timber if the inventories show that such exist. The Government retains the right to lands in the reserved areas for townsites, highways, railways, parks, summer resorts, mining exploration and development or for other purposes required for the industrial, mining, agricultural or recreational development of the province. As a matter of fact, such developments will be made much easier in the future when the roads which this development requires are built and opened.

At the present time there is only limited cutting for sawlogs, pulpwood and mine timber

(MR. EVANS cont'd).....in the reserve area. The rights of the cutters presently operating in the area have been well protected. Not only are they to be allowed to continue cutting in the reserved area, but arrangements have been made so that they may achieve a rate of operation double their present size. This compares with some other provinces where in similar circumstances, the permits of existing cutters were not renewed after expiry. Not only are their cutting rights protected but new opportunities are opened up to them for employment. The opportunity provided by the new plant to cut timber for a local market should open up a new era for timber operators now in the North. The availability of a market for pulpwood will reduce their costs of saw logs by permitting integrated logging and will increase their operating potential as they will be able to operate in stands of mixed size rather than only areas with a high proportion of large timber. It is the intention of the Company to use local timber cutters and contractors as far as possible.

In order to achieve the needed wood costs, the latest in woods equipment and technology must be utilized and to assist local contractors the Company intends to make available the needed equipment on lease. The creation of a new road network and a local market for pulpwood will make new cutting methods practical and more commuter operations, rather than bush camps, are foreseen. This is the pattern in the more highly developed forest areas of eastern Canada and northwestern Ontario. The existence of a steady local market will remove the problem of dependence on fluctuating distant markets. Existing operators will be free to market the output from their present and expanded quotas to the Company or other markets, whichever is better. This is an unusually attractive feature.

An important consideration to any company undertaking a development is the amount of stumpage which it will have to pay for timber it harvests. In the present case, stumpage is held to a fixed figure for the first 15 years in order to enable the company to get on its feet and develop an important operation. The rate will be 75 cents per peeled cord for all species. This compares favourably with rates at the Hinton Mill in Alberta and for new major developments in British Columbia and Newfoundland. For the first 7-1/2 years, the company pays only one-half the established rate but after 15 years, stumpage charges will be accelerated in accordance with a formula tied to the price of newsprint in the open market. In this way, the Province will benefit in its stumpage charges by the successful development of its giant forest complex. No commitment has been made by the Government to supply pulpwood to the company at a fixed price for any period.

It must be emphasized that the success of this project will depend on the most modern and efficient wood cutting operations competitive with similar operations in other pulp and paper areas. The project offers Indians and Metis excellent employment opportunities in all phases: cutting and forwarding, water transportation, debarking, saw milling, loading and in the mills. Approximately half the total ultimate number of workers could be Indians and Metis. There are some 15,000 persons of Indian descent living in the area and it is assumed that each one employed will have about four dependents. This will involve extensive training and will cost money but this should be a better investment than social assistance, keeping in mind that the project is based on a renewable resource which should provide employment into the foreseeable future. There is potential employment available for treaty Indians as well.

To provide access to the now inaccessible timber areas, the Government has agreed to accelerate its northern road development program and will construct public all-weather roads from Wabowden and Thicket Portage to Lake Sipiwesk. It will also construct winter truck roads from Thicket Portage to the Thompson highway and join Wabowden to Cross Lake. This road program is part of the continuing government program to improve and extend our road system in the north and in addition to assisting the handling of the timber, will help fire protection, assist and encourage mineral exploitation and development, give improved access to many formerly isolated communities, encourage tourist development and generally offer additional inducement for people to settle and live in the area. In addition, the Government has agreed with the company to match, on a dollar for dollar basis, the construction of access roads up to a total contribution by the province of \$1 million over a 12 year period. These roads will also be open to the public.

Ever since the overall reconnaissance forest survey in 1956, the government has been intensifying its forest inventory efforts. Systematically, the most commercially developed areas have been covered and with this new development the Government has agreed to accelerate its program and detailed coverage will be given to the northern areas of the Province over a maximum period of about eight to ten years. Last year the government had aerial photography

(MR. EVANS cont'd).....carried out in the Lake Sipiwesk area and it is intended to get underway immediately the balance of the photography needed, photo interpretation and field cruising. In the past, it was difficult to justify the expenditure of substantial sums for investigations of this kind until a return from the forest was foreseen. It is hoped that the surveys indicate that there is a quantity of timber well in excess of the company's planned needs in order that substantial expansion may be contemplated.

The preparation of this new inventory will conform to the forest management requirements of the Government and the needs of the Company. It will incorporate the latest survey and data computing technique, thus representing good value to the company and the government.

The Government will continue to accept responsibility for fire protection for the area as it has in the past. This is a continuing program but has been limited in the past because of the high cost and limited returns. Unfortunately, many of the merchantable stands in the area have been decimated by fire. With this forestry development occurring and better accessibility, the area can receive better fire protection and management which in turn could result in the timber volume being increased by 50 percent or more.

The Town of The Pas has advised the Government that it has entered into an agreement with the company which it will be asking the Legislature to validate. In this regard, the actual plant will be located north of the Saskatchewan River about 1-1/2 miles east of the present bridge.

In general terms it may be stated that the province will benefit from this project in the form of increased revenues from stumpage, added employment opportunities in an area with a large Indian and Metis population, and the utilization of presently unused timber. It can also be stated that the general effect on any area of a major development such as that going forward in Northern Manitoba spreads through the whole economy of a region. For every job created in a plant such as that to be constructed at The Pas more than one other job is created to transport goods to and from the plant and to supply the needs of the people who work in it. In this case, however, the effect is more widespread. The Town of The Pas will be the centre of this major development. By 1975 the population could double. It will be the supply point for all the persons who will be working in the plant and their families. This project will, therefore, add very substantially to the purchasing power of the whole community.

As a direct result of the project, the retail sales of The Pas are expected to increase three or four times the present level of some \$6 million per year. Other smaller communities in the area such as Cranberry Portage, Wabowden and Thicket Portage are expected to receive proportionate benefits. This added volume is expected to cause a major expansion of retail, wholesale and service facilities of The Pas. Grocery, dry goods, hardware, general and specialty stores must be expanded. A revitalization of the present shopping areas of The Pas is foreseen and one or more modern shopping centres may result. Opportunities will develop for more specialized retail businesses and industrial service businesses catering to the needs of the mill, pulpwood contractors and other suppliers. The Pas is expected to become the timber logging supply centre for all Northern Manitoba and possibly parts of Saskatchewan as well. To sell and service the hundreds of thousands dollars of chain saw, skidders, tractors, trucks and other equipment needed by the logging contractors who will supply the Company, extensive new facilities will be required and many dozens of new jobs will be created in this field alone.

Petroleum products sales will soar and added retail and bulk distribution must be planned. All these added facilities create not only more jobs in themselves but they will trigger a chain reaction of subsequent developments. Based on industrial development experience in towns elsewhere in Manitoba, housewives will find a wide variety of merchandise and fresher food products made available by the added retail volume and the resultant increased rail and truck service. An increased population in The Pas should result in improved social amenities for the enjoyment of local residents and visitors. Greater business and social amenities will provide the foundation for further growth for tourism, already an important factor in the area.

But this is only one side of the story. Initially the woods force, when the third stage of the program is completed, will be at least equal to the employment given in the mills themselves; thus a great many other people will be enabled to earn a good income and maintain a good standard of living scattered throughout the whole area. These, too, have needs that must be met and those needs will be met by the many small towns and communities scattered throughout this area.

Traffic on the Hudson Bay Line will be increased very substantially in carrying pulpwood

(MR. EVANS cont'd) to Churchill and in carrying raw materials, pulpwood and chips back to The Pas for manufacture, as well as in carrying the products of the mill to market. More employment will be created here, more people will earn better incomes and spending power will be increased.

Churchill will benefit. Exports of pulpwood through the Port will create jobs which will continue throughout the shipping season. And so, in addition to the employment created by this project, further employment will be created throughout the whole area supplying the needs of workers and moving the products of the plant and the woods. In the past, Churchill has largely been a grain port and, while it will continue to be, this project represents a significant expansion and diversification. A couple of years ago the National Harbours Board completed two berths which will be required for loading pulpwood. It is now believed present facilities will need to be expanded and it may be necessary to review existing facilities to ensure increased volumes of pulpwood and possibly newsprint can be handled through the port.

Another aspect of the gain for this area will flow from the training of people. Many of the operations which must be carried if this plan is to be successful must be carried out by skilled people. Training facilities will be provided for the imparting of the necessary skills to people in the North. The Pas Technical School will play a major role in this training. And the skills to be imparted are not only those which would be necessary in the mills themselves but will also be necessary to harvest the pulpwood in the outlying areas. Thus a highly skilled labour force will be built up, which if they take advantage of the opportunities being offered, will be second to none in the pulp and paper industry in Canada.

I think one of the most important features of this whole development is that people will be offered the opportunity to train for jobs which will, in turn, become available when their training is completed. And in all this, the company is prepared to send experts from Europe and the United States to assist in the planning of the courses so that when the course is completed the skills imparted are the skills which are required by the operation.

Capital investment in this project will total more than \$100 million when it's in full operation. This coming summer, employment will be generated through the preparation of the site both at Arnot and The Pas and I need not tell you that the construction of a major manufacturing operation, the provision of the buildings, the installation of a proper water works system, the building of a sewage system and the provision of all the various services required by the plant means jobs, jobs and still more jobs.

So the impact on the Town of The Pas will commence to be felt immediately and not later than the coming summer. The development, however, is spaced so that there will be a progressive growth in the number of jobs and so in the amount of income available to be spent in the area.

Today's statement completes one of the important recommendations of the Committee on Manitoba's Economic Future, but, on a larger scale. It will provide the province with its first modern large scale lumber mill complete with dry kiln facilities, capable of producing almost as much as the present total production of existing sawmills in the province. The newsprint mill represents the province's first pulpmill in the North. When the kraft mill is constructed, it will make the project a completed integrated operation.

This new development is the result of a great deal of hard work on the part of many agencies. In particular, a great deal of credit is due to The National Harbours Board, the Canadian National Railways, the Manitoba Hydro, the Department of Mines and Natural Resources, the Department of Health, the Department of Municipal Affairs, the Department of Education and the officials of the Department of Industry and Commerce. Without their special help and assistance in devising special methods to overcome the obstacles facing this development, it would not have been possible to make this project viable.

This development is a major breakthrough for the north. We will be utilizing resources that were going to waste. It will provide new employment opportunities in the north, top grade lumber for our manufacturing and construction industries, the basis for important new industries in Winnipeg and a boost for our export business.

That concludes the statement, Madam Speaker.

MR. GUTTORMSON: Madam Speaker, will the government be loaning this firm money through the Manitoba Development Fund for this project?

MR. EVANS: The government has no direct commitment to them financially. They are free to go to the Manitoba Development Fund as any other industry is.

MR. GUTTORMSON: They have no commitment at all from the government that they can get money from the Development Fund?

MR. EVANS: That is correct.

MR. PAULLEY: Madam Speaker, I think that an announcement such as the Minister of Industry and Commerce has just made should call for some comment from us. I might say that as far as we in our group here are concerned, we are glad to hear of some apparent progress being made in the northern part of our province. I listened with a great deal of interest to what the Honourable the Minister said as he read the statement -- and I'm forced into saying it was a typical Evans statement in that it covered the waterfront right down to the last number of eggs which are going to be needed to be produced in order to look after the expanding population in northern Manitoba. I think we should give our friend credit for being so thorough in his diagnosis of the import of this expansion in the north.

Having said this, Madam Speaker, during my absence the last couple of days it seemed to me that there's been some collusion between the Liberal Leader and the Premier of Manitoba as to what was progressing over in Switzerland. I don't know whether this forms the basis of a new coalition in Manitoba or not -- I really couldn't grasp any real significance over the announcement because I must confess that last Thursday or Friday I had heard rumours of visitations to Switzerland myself.

However, I want to say to the Honourable the Minister and to the government that we will post-hastily be asking questions as to the development as outlined by the Honourable the Minister of Industry and Commerce and my first one would be, I would like a copy of the statement that he has just read to the House.

I noted with interest a few weeks ago that another pulp and paper industry was going to locate in the province to the west of us and I'll be very interested to know whether it's going to cost the taxpayer of Manitoba for the proposed installation as much as it could conceivably cost the taxpayer of Saskatchewan with the arrangements that were made by the present government in Saskatchewan. That is another question we will be asking of the government. Reference was made to letters of committal to the bankers, I presume, or the suppliers of the finances from the government. We will be asking for copies of all these types of letters of committal, copies of all agreements that have been entered into between the Government of Manitoba and the developing company.

Madam Speaker, it places one in a rather awkward position to comment on a project of such magnitude unless we have more firm facts on which to base any comment than we have at the present time. You may recall, Madam Speaker, that this was the basis of the approach of the New Democratic Party in respect of the Nelson River Development. It seems to me, it seems to me that the more we study into the Nelson Development the questions that we were asking and are asking were well worthwhile and we will eventually be able to come to some better better conclusions as to the significance of the proposal as far as the Nelson is concerned and likewise insofar as this proposal is concerned.

Sufficient for me at this time, Madam Speaker, to say, as a Manitoban I welcome the apparent opportunity for growth in Manitoba; as a Member of this Legislature I must have reservations until the whole story is revealed to us in this Assembly.

MR. FROESE: Madam Speaker, I, too, would like to rise and congratulate the Government and the Minister making the announcement on this welcome news. Certainly we appreciate, as members of this Assembly, to hear news of this kind and especially so when we are thinking of the new hydro development up north. I notice from the statement that was read to us certain concessions are being made and probably quite properly so. However, as already pointed out by the Leader of the New Democratic Party, we would certainly like to study the statement more carefully before we commit ourselves to any statements without containing any reservations.

I notice also that access roads will be required and I hope that the Highways Minister, when he has an enlarged budget of \$40 million that not all this money will be spent up north but that we in the south will also be able to get some new roads. So with these reservations -- and then I would also like to congratulate the Honourable Minister of Welfare, who is the Member for The Pas, in giving us a welcome card announcing the arrival of the new paper plant. I think this is quite unique and worthwhile and I thank him for it. So with these few words I once more congratulate the government on getting this new industry into Manitoba.

MR. PAULLEY: be permitted a second comment, and its in respect of the gift from the Minister of Welfare. My question to him as a non-smoker at the present time, is this the type of paper that they are going to produce at The Pas? Or, transversely, is this a paper cigar?

MR. JOHN P. TANCHAK (Emerson): Madam Speaker, I too am also happy that at long last we will have some project in the north of a mill. It is a mill of huge magnitude, I understand about \$100 million, and there are only two questions that seem to bother me. We know that this huge mill will create a tremendous demand on supply of raw materials, and I notice the Honourable Minister of Industry used such phrases as "it is hoped that supply will be adequate" and "if the survey shows that the supply is adequate" throughout his speech, and it made me wonder, hasn't the Government made a thorough study of long-range supply of forest products in this area? That's one question. And then there are certain special concessions that are being given to Monoca A. G. and I wonder how this will affect the existing mills as far as competition is concerned?

HON. J. B. CARROLL (Minister of Welfare) (The Pas): Madam Speaker, I suppose I would be ungrateful if I didn't rise at this time to express the gratitude of the people of The Pas and of Northern Manitoba for the announcement which has been made here this afternoon. In presenting the small gift to the members today I wasn't attempting to stake out any claim for paternity for this new development. I think those who have been responsible are many, including the First Minister himself, and the present house leader today and many of their colleagues who had a very large part to pay in the development which was announced here this afternoon.

I would like to say that the people of The Pas those who have been involved in the negotiations with respect to the agreement between the town and the company and the school board and the company, have been extremely enthusiastic about that portion of the development with which they are familiar and I'm sure that I express their sentiments when I say how delighted they are with the announcement that's being made here this afternoon.

As a long time resident of the north -- and I consider myself to be that, having been associated with it some forty years, now, forty some years -- I would like to observe that in my opinion this is the biggest development to ever hit northern Manitoba in terms of permanent employment and in terms of employment for the people of northern Manitoba. We have seen many other developments take place in the north and after they have been developed the jobs have been filled by people who have come in from the outside, largely because the people of the north were not well prepared to take the kind of employment opportunities that were opening up for them. I would like to say with respect to this development that the native people of northern Manitoba there is no better in terms of forest production and forest operation than the people who reside in that part of our province. They have skills and the kind of ability which suits them well for working in forest industries and in other industries which have been traditionally their mainstay and I welcome this opportunity for them to take advantage of the opportunities that will be opening up for them.

I welcome the fact that the Technical School will be in operation by the time these plants are in operation and that they will be able to provide special training and skills for the people of the north to fit in to the kind of job opportunities that will be opened up. This development will provide a stability and a certainty of the economic base which has been lacking in many of our other northern developments heretofore. I think that 1966 will indeed be a turning point in the development of Northern Manitoba and will have a tremendous economic impact on all of the Province of Manitoba and I express appreciation on behalf of those people that I represent.

MR. GORDON W. BEARD (Churchill): Madam Speaker, I might congratulate the Honourable Member for The Pas for passing out cigars today and I think he might well do that, but I wished I had known because probably we could have distributed the matches, because I'm sure that the Churchill constituency will add the spark that will allow this development to take place. I'm sure that this company will be looking to the constituency of Churchill for much of the natural resource that will be necessary to keep this complex going. Certainly I'm sure that they will have to call upon many of the human resources of the constituency of Churchill to keep this great complex going and I think, Madam Speaker, that probably we'll be able to settle on a unity between The Pas and Churchill to see to it that everything is kept ship-shape.

I believe that this project could be considered almost as a companion bill to the recently announced one for the Nelson River development. Certainly as the Member for Radisson indicated, that these are the things that should follow the development of a complex such as the Nelson River. I agree with the others that it certainly opens the door to many opportunities for many northerners that have never been able to find the key that would allow them to fit into this modern civilization that we have. I believe it emphasizes also the importance of Cranberry School which we visited the other day and certainly the vocational school at The Pas and I would

(MR. BEARD cont'd).....hope that a great deal of emphasis is put into the Vocational School at The Pas on development courses which will allow our people to take their place in this industry. Certainly The Pas Vocational School will be taxed and I'm sure that the Minister must be reconsidering the program at The Pas and wondering whether it should not be enlarged.

I believe most of all in our area it will be very encouraging for the people of Churchill. Certainly, if I am not mistaken I believe it was 50,000 cords that were to be shipped overseas, will allow another door to be opened for shipping which will allow introduction of new industry in Churchill, I would hope that something is done about storage at Churchill so that we can allow various things to be not only shipped out but also to be introduced into Churchill as exports. And lastly of course, once again I think that the Federal Government should be again asked to reconsider roads to resources programming for certainly here is another place where we can join together in opening up northern Canada and that we find it now necessary again to bring in roads to new communities, new resources, and it is only through the help of the Federal Government that I feel that we can go ahead in an orderly manner to do this.

In closing I am firmly convinced that the people in northern Manitoba would join with me in saying that probably Christmas comes more than once a year in Northern Manitoba.

MR. NELSON SHOEMAKER (Gladstone): Madam Speaker, I was out of the House very briefly when the cigars were passed around with the announcement but I have said so much in the past about government propoganda that I suppose this was the reason that they excluded me with their gift. But, if the gift is a gift from my honourable friend the Minister of Welfare and not from the taxpayers I will lower the bars and accept one from him.

HON. CHARLES H. WITNEY (Minister of Health)(Flin Flon): Madam Speaker, there have been some eloquent speeches made today, especially from those members of the north country and I feel that as the Member for Flin Flon that I should add my word to the commendations that have been expressed today. Flin Flon of course, as you know, is north of The Pas and the pulpmill will not be there. Flin Flon is also going to be west of the major development of this pulpmill complex, but nevertheless Flin Flon will benefit substantially from the development as we have heard it today. It will develop substantially in a whole series of ways, it will develop substantially from the fact that there are going to be many more people living in the north country and it is people in the north country that we need. The people in the north country will bring about these secondary industries which will have an effect on Flin Flon. People in the north country will bring more people into the north country to see the north country, the tourist trade will flourish and Flin Flon will benefit from that. So Flin Flon also rejoices. I was called from this House just awhile ago to pick up the telephone to hear a very excited news media voice on the other end asking me is it true? Is it true? Is it true? And it's true.

It's been a long time. I know that when I was in Flin Flon as a Chamber of Commerce Member that we spoke about the development of the resources of the north country, we spoke about the development of the Nelson River, we spoke about the development of our forests and we have been speaking about it ever since. Since I have been in government I know the amount of time and effort that has been expended, not only by the Minister but by the people of his department who have worked hard from year after year, from month after month in order to bring about what has happened today. I'm convinced that the proposal, that the contract or the agreement that has been signed is a good one. I believe that it will be well worthwhile not only for the people of today but for the young people who will follow us, many of the young people who leave the north country to go to school and return back to the north country, there will be an added opportunity for them in the years to come. And so to all of those people who have worked so hard I think on behalf of the constituency of Flin Flon that I can also extend congratulations.

I would like just to mention just one other area and that is the Town of Sheridan which closed down from being an active mining town some years ago and is nowhere near now what it was at that time. For Sherridon which in my constituency represents the other end of what can happen when you have simply a non renewable resource being developed, for Sherridon seeing the development of a renewable resource in the north country on a sustained yield basis, with people coming in, there will be hope for them too; and I predict to those people in Sherridon that the day will not be long before they will have an active town, not only as a result of this but as a result of other developments in the future.

MR. LAURENT DESJARDINS (St. Boniface): Madam Speaker, before the Orders of the Day I would like to rise on a point of privilege. Yesterday the Provincial Secretary accused me of taking things out of context when I suggested that he had stated that he was not against

(MR. DESJARDINS cont'd). an amendment. I would like to quote from yesterday's Hansard Page 697 where the Honourable Minister said "Mr. Chairman, I think that maybe the Honourable Member for St. Boniface is taking a little bit of what I said out of context. I said I had no objection to doing everything we can to getting this bill through at this session. As a matter of fact this is our intention, but I don't think that I specifically said that we had no objection to having this resolution amended." Now, Madam Speaker, that I have Hansard in front of me, quoting from Page 695 of yesterday's Hansard again, from the words of the Honourable Minister after the Honourable Member from Lakeside suggested an amendment, said "Mr. Chairman, I would have no objection of having that kind of amendment made, but I think that it is so unnecessary."

HON. MAILAND B. STEINKOPF, Q.C. (Provincial Secretary)(River Heights): Madam Speaker, I just think that if we continued after the word "unnecessary" there is not a period after the word, "I would have no objection of having that kind of amendment made, but I think it is so unnecessary because our interest is to have the bill passed before the session is over and if it is an impossibility, why the same thing is going to happen whether we have the resolution or not." The intent of the whole sentence was that the amendment would serve the same purpose as what our intention was.

MR. DESJARDINS: Madam Speaker, that certainly doesn't change anything. I only stated that he had not any amendment

MADAM SPEAKER: The Honourable Member has already spoken.

MR. DESJARDINS: But on a question of privilege, he answered it. Isn't it possible for

MADAM SPEAKER: Order please. Orders of the Day.

HON. GEORGE JOHNSON (Minister of Education)(Gimli): Madam Speaker, before the Orders of the Day, I felt I should make a statement on the operation of the schools throughout the province. I would like to say that the operation of the schools today is pretty much in accordance with the instructions given yesterday afternoon, although I must admit we had some anxious moments during the evening. All public schools in the school divisions in Greater Winnipeg were open and operating this morning except the Ellen Douglas School in the Winnipeg School Division which was kept closed because the transportation of the crippled children by taxi involved too many difficulties, and it will also be closed tomorrow, as stated yesterday. The kindergartens in Seven Oaks are closed and the Transcona Springfield Collegiate. Divisions outside Metro report almost all schools are open and operating normally. The exceptions are in rural Transcona-Springfield, all bus routes are inoperative but some schools not served by bus are open. Springfield Collegiate will be opening tomorrow and school buses may be operating on a restricted basis. In Seine River School Division some country schools are closed. Red River School Division reports five bus routes inoperative and another 30 with heavy going. In Pembina Valley Division, Snowflake Consolidated School District was closed this morning but is operating this afternoon.

In some of the other divisions travelling conditions are difficult but all schools except for a very few rural schools are open and operating. Thank you.

MR. DESJARDINS: Madam Speaker, before we proceed with the Orders of the Day I'd like to ask a question of the Honourable Minister of Health. Is it the intention of the Minister to inform the House of talks or correspondence exchanged between the Federal Government and Provincial Government in regards to any proposed medical plan? And another question: will the government soon announce a policy on any proposed medical plan for the province?

MR. WITNEY: Madam Speaker, the answer is yes, there will be a policy statement made by the government and it will be made soon. --(Interjection)-- I can recognize that the Honourable Leader of the NDP snorts when he hears the word "soon" and I realize that on the Order Paper he has a resolution. That is all being noted and the statement will be delivered in time for plenty of debate.

MR. TANCHAK: Madam Speaker, If I may I would like to make an amendment to the Honourable Minister of Education's announcement and I would like to inform the Minister that he should not forget the Boundary School Division. It hasn't been mentioned. It's a newly formed school division. I'd like to inform him that many schools in the Boundary School Division still have to remain closed today, one of them is the original high school. On account of last night's storm which was very severe there, the school had to be closed, to stay closed.

MR. GORDON E. JOHNSTON (Portage la Prairie): Madam Speaker, I'd like to address two questions to the Honourable Minister of Health. Could he tell us if it is the intention of his

(MR. JOHNSTON cont'd).....government to table the report of the Special Committee on Dental Services, is the first question. That is this Session. The second question is will there be any legislation brought down this Session with respect to the report?

MR. WITNEY: The answer to the first question, Madam Speaker, is yes. Yesterday I answered a question from the Honourable the Leader of the Opposition about the report and I advised him that it was in the hands of the printers and that I expected to receive the report practically daily. I find out today the report is still being printed and it may be about 10 days before it is available to us. However, as soon as it is available it will be presented to the House. The matter of legislation will depend upon what reception the report receives by the House.

ORDERS OF THE DAY

MADAM SPEAKER: Orders of the Day.

MR. SMELLIE: Madam Speaker, I wonder if I can have the leave of the House to proceed with second reading of Bill No. 74?

MADAM SPEAKER: Has the Honourable Member leave? Agreed.

MR. SMELLIE presented by leave, Bill No. 74, An Act Respecting Clearing Snow from Lanes for second reading.

MADAM SPEAKER presented the motion.

MR. LEONARD A. BARKMAN (Carillon): Madam Speaker, I have only one question. The Minister mentioned when he introduced the Bill before that this was basically for Metro Winnipeg. According to the Bill of Course, this is for Manitoba generally speaking, isn't it?

MR. T. P. HILLHOUSE, Q. C. (Selkirk): Madam Speaker, I want it to be strictly understood that I'm speaking for myself, I'm not speaking for my group, but I have certain reservations regarding this Bill. I think we should pay a little more attention in this House to protecting the rights of individuals.

This bill, if you read it, you will find that it doesn't give no protection whatsoever to the use and enjoyment of property by an individual. The only protection that's given is in respect of a vehicle and a building; there's no protection given against property. Now it's true that the bill says, "Provided the work is done with reasonable care and with adequate provision for the safety of property and persons." But even if that does happen, Madam Speaker, a person could still be deprived of the ordinary use and enjoyment of his property. Now, I'll give you this example: Here is a piece of property which adjoins a lane; there's a fence between that property and the land; there's a driveway on that property which parallels the lane; and the distance that you have to travel along that driveway from the gate to your garage is approximately 100 feet. Now that 100 feet parallels that lane. Under this bill there's nothing to prevent anybody from filling up that driveway at any time they felt that they wanted to do it, and that person, the owner of that property would have no recourse or redress against the municipality that did that blowing.

Now I think that we should take into consideration something about "use and enjoyment" because there is no protection given a person who is situated as in the example I have given. That person could be deprived of the use of his garage. He could be deprived of even using his driveway. He would be deprived of the ordinary use and enjoyment of his property and I think that some consideration should be given to that in redrafting this Section 1.

And then another thing too, is this. I presume that this legislation has been brought in at the request more particularly of the City of Winnipeg. Now have you any idea how many 25 foot lots there are in this city? Have you any idea how much snow could be piled in these lots? I don't think that this bill even if it's passed, is going to achieve the purpose or objective for which it was intended and I think the government should give this matter a second thought before making this law.

MR. M. N. HRYHORCZUK, Q. C. (Ethelbert Plains): Madam Speaker, I agree with what my honourable colleague has said. I'd only like to add that most of our homes today have two cars, a great many of them have garages for one car, and they drive into their lot from the rear lane or from the lane into the lot alongside the garage. If this is permitted, each and every one of these individuals after the snowfall we've had, will have no place to put that snow, that is blown into the driveways, into the private driveways. They'll have to hire equipment to remove that snow. I don't think it's fair to ask them to do it. If the City of Winnipeg wants to use this method, well enough, but the City of Winnipeg should also be responsible for removing the snow that they dump onto the private lanes of these people.

(MR. HRYHORCZUK cont'd),

The other objection I have to the Bill is the retroactive feature. Several days ago I mentioned there were eight or nine bills with retroactive features in them. This will be number 10 now. Are we going to follow a practice that every time a municipality or some organization gets into difficulty because it disregarded the law; that all they have to do is come running to this government and legislation will be passed retroactive giving them the protection that they may deserve and may not deserve? I'm only drawing this to the attention of the government because this retroactive feature is appearing in more and more bills year by year. I think it's wrong in practice, it's wrong in principle and should be avoided.

MR. SAUL CHERNIACK, Q. C. (St. John's): Madam Speaker, I can't help but doubt whether the case made by the Honourable Member for Ethelbert Plains is a valid one. It seems to me that this bill is being brought in for an emergency situation and for a limited period of time for the benefit of the people who use these lanes and whose service vehicles are required to use the lane. If it's a question of blocking garages, surely the garages are blocked today, and the only reason for the bill is to make it possible to get out of the garages in order to have the full use of the vehicles that they do have and these other services I mentioned such as the supply of fuel and possibly other deliveries, so I don't quite appreciate the need to protect the individual for whom this Act is being brought in. The people affected as described by the honourable member are the very people who today are crying for clearance of lanes. And therefore since it is an emergency measure and for a limited period I don't accept the validity of that argument.

I am completely sympathetic with the hypothetical case presented by the Honourable Member for Selkirk. I see that that could be a very serious problem especially if he has already gone to the trouble and expense of clearing his own driveway - 100 feet of it - and discovers that for the benefit of his neighbour he's going to have that driveway loaded with snow again. I don't know, possibly when we go into Committee he will suggest some method to protect that unusual case, that exception, and certainly I would hope that the municipality involved would have a feeling of responsibility to step into such special cases and make provision to help a person in that case. So I do sympathize with that, and think it needs some attention.

Now the principle of the bill however, is one that is for the benefit of the people who are going to be affected. There is no doubt about it the people who will suffer this deluge of snow on their grounds are the people who are clamoring today for the benefit of this operation. I am a little anxious about the wording - I have some doubts about some of the wording and I would hope that the Minister will clarify the intention. As I read it what is planned is that damage to structures or vehicles is to be compensated for. That's the way I read it. I'd like clarification if he agrees that that is what is meant. I would ask specifically whether fences are buildings in the definition of buildings in this bill. If it is intended to protect fences then I think it should say so, so that there should be no argument.

I think also it is the intention that if there is not reasonable care or adequate provision for safety of property then there shall not be protection and if that's the case then I'm going to suggest later on a change in the wording in order to carry that out, I think to clarify it. So I'd like the Minister to give us a clear cut statement as to whether there will be no release of responsibility to the municipality in the event that there is not reasonable care or no adequate provision for safety. If it is intended only to relieve the municipality from the load of snow and the run-off when the snow melts and not to protect the municipality in the case of damage to buildings, vehicles, and the third question is, fences.

MR. FROESE: Madam Speaker, speaking on Bill 74. I thought in discussing it that adequate provision was being taken under the bill to protect the owners in connection with property damage that might result and I hope the bill as it is worded does take care of that. However, if other members feel differently and if they can amend it to make more sure that adequate provisions are being made, I certainly would welcome it. I intend to support the bill on second reading and then see what kind of amendments, if any, they have to offer. This is an emergency measure because there is a certain date to it, when the bill expires, and I think we should try and accommodate the people who are responsible for the clearing of these lanes and responsible for the job.

MR. DOUGLAS L. CAMPBELL (Lakeside): Madam Speaker, I think this has turned into a very interesting discussion and I'd like to contribute my small part to it. I think it's Shakespeare who has a quotation, "To do a great right, do a little wrong." I think perhaps

(MR. CAMPBELL cont'd).....that's a position that we're in here today, that for the wider good, we may have to infringe a few principles but - and certainly I do agree that the wider good is served by making whatever provisions we can assist with to get the snow removed from lanes. The traffic situation, I would gather, is so bad still on a lot of main streets that children in particular and perhaps even some adults are imperiled in travelling on those streets and if they can use the lanes they might be made safer there. So that, as far as the over-all situation is concerned, I think the action is entitled to support; but, I still say we should do as little wrong as possible in order to achieve this over-all good. I too, like my honourable friend from Ethelbert Plains, definitely dislike retroactive features if they can possibly be avoided and I would think that for two days time we should not offend that principle. Let's strike out the two days retroactivity here - it would be only yesterday and today. It isn't likely that any serious damages have occurred in these times, but if anything has, that someone thinks he's aggrieved for goodness sake, let's not put him out of court for what has happened already. Two days won't make so much difference.

Then the second point that I would like to ask the sponsor of the bill is: how many municipalities have asked for this legislation? I see that it has been stated by the Honourable Member for Carillon that it applies to all municipalities of the province - and perhaps there is no objection to that even though I think that not all of them are needing it at this time. The other point that I raise is, surely to goodness, we don't need it until the end of May. Now I know we can have some storms at unseasonable times in Manitoba but surely we're not going to be having emergent conditions that necessitate this kind of legislation right up 'til the end of May. --(Interjection)-- Pardon? --(Interjection)-- That's right and if we aren't going to be using it then we don't need the legislation. --(Interjection)-- Pardon? --(Interjection)-- I am getting so much help here, Madam Speaker, that it's just like what free advice usually is, that's about what it's worth. That applies particularly to the two gentlemen who are helping me. --(Interjection)-- Well, even if I weren't, I'd be afraid to accept help from my honourable friend.

Let's not make the emergency legislation reach any further than is necessary. First with regard to the retroactive features; secondly with regard to the length of time that we make it operative. If this word ever gets out so far as Manitoba is concerned, that we extend the emergency snow period up to the end of May, why the tourist arrangements of my honourable friend the Minister of Industry and Commerce will really be badly prejudiced.

Then I would like to ask my honourable friend the sponsor of the bill, so far as the City of Winnipeg is concerned are they well equipped with snow blowers? I would imagine they are and cannot this work be accomplished fairly speedily?

MADAM SPEAKER: The Honourable Minister of Municipal Affairs is closing the debate.

MR. SMELLIE: Madam Speaker, the Honourable Member for Carillon asked a question as to whether or not this would be applicable outside the metropolitan area, and of course the answer is "yes". The bill is very broad in its reference and refers to "any municipality," which would mean any municipality in Manitoba. It would be expected that municipalities would use this provision only where it is absolutely necessary. I would remind the House that we have situations here - and I would have to say particularly in the City of Winnipeg - where in some areas there are very narrow lanes and where those lanes have fences built right adjacent to the edge of the lane and where the lane is now full of snow level with the top of the fence, and it's simply impossible to remove that snow in any other way except to blow it out or carry it out with a front end loader and deposit it in a truck and haul it away, which if we have to use that method, I am informed by the engineering staffs of Metro and the City of Winnipeg, that it will be approximately a month before all of the vehicles in Winnipeg are released. If they can use the snow blowing procedure it will considerably speed up the release of vehicles that are now trapped by snow and where the only ingress and egress to or from the lot is by way of the back lane.

The Honourable Member for Selkirk is quite right that there is no mention of use and enjoyment of property in this bill. This is of course the reason for the introduction of the bill, because you can't possibly use this method of snow removal from the lanes without interfering with the use and enjoyment of property. I sympathize with my honourable friend the Member for Selkirk because he has a long driveway that is parallel to the lane. My driveway isn't parallel to the lane but I would have to tell the honourable members that I spent from 9:30 on Saturday morning until 4:00 on Saturday afternoon with the constant help of at least one member of my family, just to get my car out of my yard, and then I called upon some of my neighbours

(MR. SMELLIE cont'd)... to assist me to shovel out the lane so I could get it from the lane behind my house out onto the street in order that I could meet an engagement I had in the country over the weekend. I was fortunate because I live on a corner lot. If this procedure is used in my back lane all the work that I did shovelling out that lane is going to be undone because they're going to move the snow right back into my driveway. I am prepared to accept that as one of the things that has to be done because all of my neighbours, some of whom were helping me shovel the snow from the lane, can't even get to their vehicles that are halfway down the block. It's absolutely impossible for them to get out and I can't really see that even with a work gang of neighbours from the street, that we can shovel out the whole lane within the next week or so. It's true that if this happens I won't be able to drive into my garage from the lane, but at the moment my neighbour can't get his car out of the garage anyway. So what's the point? If we can't clear the lane, he'll never get his car out and I suggest that this is exactly the reason for the bill.

The Honourable Member for St. John's I think expressed the philosophy behind the proposal properly, and he raised some questions that I think are legitimate questions. The intention of the bill is that the municipalities who take advantage of this proposal would be responsible for any damage that occurred to buildings or to vehicles on the property. If the snow blower comes along and picks up a tin can from your back lane and pitches it through your kitchen window the municipality will be responsible for the damage that occurred. If they pick up a load of snow from the lane and dump it on your garage roof and the roof can't take the load and collapses, they will be responsible for the damage to the building and to the contents of the building. I think this is - to me it was clear from the bill and I understand from the Legislative Counsel that that is the meaning of the bill. It would be my understanding that fences are not buildings.

There are many other problems that will be met by the municipalities when they use this provision. When the snow is dumped upon the lot, as honourable members have suggested, this will increase the difficulty of using the property that the owner of property ordinarily enjoys. It could create other difficulties because when that snow melts, if by any chance any water finds its way into the basement of the owner of the property, he may then wish to attribute this to the fact that the municipality, by its action, deposited an extra load of snow on his property. I don't really think that the municipality should be held responsible for this, for an action taken in order to allow that man to have access to his property.

The question of retroactivity is one that always in this House raises some considerable interest. I think, however, that we have to remember that we are acting in emergent circumstances, that the municipalities had some cases where in order to release a doctor's car yesterday, in order to handle cases that he was not otherwise able to look after because he had no means of transportation, that it is necessary that the municipality had to open that lane and they couldn't open it in any other way. I don't really think it would be right to say that we would pass this bill today and make it effective on Royal Assent, but allow the man or the people along one street who were affected by the same action yesterday, to take action when the municipalities and requested this legislation before they did go to clear those lanes.

I don't believe that the fact that a bill is retroactive for one day, is going to materially harm the rights of any citizen of this province. I think the action was taken after having due regard for all of the circumstances and that the action was only taken in those cases where this was the only possible way of clearing the lane to allow people on the two streets affected to get their vehicles out from their own property so that they could be used for necessary uses.

The Honourable Member for Lakeside raises the question as to the length of time in which this bill would be operative. Honourable members will note that the bill will expire and cease to have effect on the 31st of May. He says we don't need to leave it that long, and I suggest to you that if we haven't got any snow on the 30th of May the municipalities aren't likely to be using the provisions of this bill, and although he has been here much longer than I and no doubt is much better able to forecast what is going to happen between now and the end of May, I'm sure that even the Honourable Member for Lakeside is not willing to predict the date on which, in this given year, we will not need the provisions of this legislation. It was felt by the draftsmen of the bill that this gave ample protection, that certainly there would not be need for it after the 31st of May, and that was the date arbitrarily selected. I think that probably it's a good date.

We should also note that the bill will cover the effects of the melting of the snow that is deposited on the lot, and I think that there are many of us who will remember only too clearly the events of the spring of 1950 when well into the month of May we were still well aware of the

(MR SMELLIE cont'd)...effect of melting snow, and I hope that the same conditions will not prevail this year. At the same time, I think that the bill, if we are going to pass it at all, should be wide enough to adequately provide for the needs of the municipalities on this particular occasion.

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

..... continued on next page

MADAM SPEAKER put the question and after a voice vot declared the motion carried.

MR. SMELLIE: Madam Speaker, I move, seconded by the Honourable the Minister of Public Works, that, by leave, Madam Speaker do now leave the chair and the House resolve itself into a Committee of the Whole to consider the following Bill, No. 74, an Act respecting Clearing Snow from Lanes.

MADAM 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. CHAIRMAN: Bill No. 74 Section 1 --

MR. CHERNIACK: Mr. Chairman, I think I indicated that the wording is not entirely to my satisfaction. Maybe I'm just picking at it, but I would like to suggest to you and to members that it could be clarified just a little better, and I'd like therefore to read what I had in mind -- just a few changes. It would read, the way I see it, "Any municipality may use snow-blowing equipment for the purpose of clearing snow from any public lane, and provided the work is done with reasonable care and with adequate provision for the safety of property and persons, it shall not be liable" -- I think that way it clearly makes a proviso that, if it does so, then it shall not be liable -- "for damages to the owner, or occupant of property adjoining a lane" -- and I thought to put in there "other than," and I suggest including "fences, buildings or vehicles as defined in The Highway Traffic Act, by reason only of snow being deposited."

What I have in mind is that it's not to me entirely that it shall not be liable for damages to the owner of property other than buildings or vehicles. I don't think it clearly makes the exception of the buildings and vehicles from this release of liability where it is now, and I'm suggesting again, without redrafting the whole thing, that the exception of buildings, etc., could come in -- "owner or occupant of property adjoining a lane other than fences, buildings or vehicles by reason only of snow being deposited on or against said property." Now I think the first proposal I made is more obviously acceptable, and I just want to make absolutely sure that the exemption from liability does not affect buildings or vehicles. I want also to make the point that fences are most liable to be damaged and I think that fences should be protected, and I would suggest the addition of the word "fences," to read, "other than fences, buildings or vehicles."

Now I don't know if you want this in the form of a motion or a written motion or if you want to deal with it separately. Possibly I might first suggest, Mr. Chairman, that it could be best handled by my first proposal, that the word "and" be inserted after the word "lane" in the second line and in the fourth line the word "and" be replaced by the word "it" and possibly we could deal with that portion first.

MR. SMELLIE: I wonder if I could make a suggestion. If the Honourable Member for St. John's has the proposed re-wording written out in full, so that the Legislative Counsel could have a look at it, I think his suggestions have some merit and would be worthy of consideration. It is a little difficult for us to comprehend exactly what he is trying to get at without having a chance to see the whole thing. The first part of it that he suggested now, I can understand. I believe the Legislative Counsel is also able to understand that part of it, but then when he came to the amendment further down in the section, we sort of lost it.

MR. CHERNIACK: I did send it down to Mr. Tallin to look at and I tried not to change any wording because it is simpler to move it than to re-write it, but the thought I had, and I'll express it again, is to make absolutely sure that the exception of buildings and vehicles should be more clearly established, and I thought it would fit in better to take it in after the words "owner or occupant of property adjoining a lane." So it would read, "to the owner or occupant of property adjoining a lane other than fences, buildings or vehicles as defined in The Highway Traffic Act, by reason only of snow being deposited on or against said property in the course of work," etc. It's just re-arranging that phrase, and of course the important inclusion of fences which nobody has yet supported. It might read better to say, "other than for fences, buildings or vehicles."

MR. SMELLIE: Mr. Chairman, I think that probably this changes the meaning of what is intended by the bill. If you will glance at the section that's involved, it says, "Shall not be liable for damages to the owner or occupant of property adjoining a lane, by reason only of snow being deposited" etc. Now if you add in there property other than buildings or vehicles, you are changing the meaning of the sentence. It's by reason only of snow being deposited on

(MR. SMELLIE, cont'd) . . . or against such property, and then you put in the exception, "other than buildings or vehicles as defined in The Highway Traffic Act." Possibly some commas could make the reading of the sentence more clear in its present form, but I don't believe you can transpose the phrase that my honourable friend suggested in the way that he suggested without destroying the meaning of the section.

The first amendment, the addition of the word "and" in the second line and the deletion of the word "and" in the fourth line and replacement with the word, "it", I think are quite acceptable.

MR. HILLHOUSE: MR. Chairman, the committee should be furnished with a copy of that. I think it's important that we should know what the amendment is. It's pretty hard to remember everything that's been said and try to correlate it with the bill before you, because I would certainly like to move a further amendment to the amendment, but I'd like to see what the amendment is before I move my amendment.

MR. CHAIRMAN: I think if we should deal with the first part of the Honourable Member from St. John's suggestion first and finish with that. The amendment by the Honourable Member from St. John's would be that the word "and" be inserted after the word "lane" in the second line and that the word "it" be substituted for the word "and" in the fourth line. All in favor?

MR. CAMPBELL: Mr. Chairman, before we vote on that, may I ask the Minister if the Legislative Counsel agrees with that?

MR. SMELLIE: Yes, the Legislative Counsel nods his head, Mr. Chairman.

MR. HILLHOUSE: Mr. Chairman, I would like to move an amendment to the amendment.

MR. CHAIRMAN: Well we are just putting one word in and changing a second word.

MR. HILLHOUSE: As long as you don't pass the section.

MR. CHAIRMAN: No.

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

MR. HILLHOUSE: Mr. Chairman, I want to raise the question that I raised when the bill was up before the House for second reading, and that is giving to the owners of property some safeguard against the ordinary use of driveways. I have no objection to people - the municipality or the city dumping all the snow they want on my property, provided it doesn't interfere with my use of that portion of my property that I require to use in the winter months, and I am referring to my garage and my driveway, but I don't think it's right that I should stand here, and without any protest at all, allow municipalities to dump as much snow as they want on my driveway and preclude me and prohibit me from using my garage, because if we have another -- (Interjection) -- Yes they could, I can use it now; I have been cleaning out the lane myself.

The Honourable Minister talks about working a day. I worked two full days, and when I got home last night after being able to drive my car into my garage, I found out that the city had filled up the lane with snow to the width of four feet and a height of three feet, so I had to clean out my way last night in order to get into my garage, and you wonder why I should be interested in protecting the rights of people who are situated similarly to the case that I gave you. The Honourable Minister says that's my own case - he's right - it is my own case. On New Year's Eve and New Year's Day I had to clean out the lane into my place four times on account of work done by the municipality. I don't mind cleaning out once, but I think it's a little thick when you have to clean out the same place four times on account of men not caring how they dump the snow or where they dump the snow, and I don't think it would interfere with the efficacy of this Act if some protection was given to an individual regarding his right to use a driveway into his own garage.

So what I would suggest is this, subject to the approval of the Legislative Counsel, that after the word "adequate" in the third line there of Section 1, add the words, "and without interference to the use of driveways" -- (Interjection) -- Beg pardon? Well, if you want to put reasonable in there - "and without interference to the reasonable use of driveways."

MR. SMELLIE: Mr. Chairman, with respect to my learned friend, I must say that I think this amendment would emasculate the provisions of the bill to the point where they will be unable to use it. I think it's intended that this bill would be used only in those cases where ordinary plowing equipment cannot be used. When the municipality has used a push-plow and pushed a ridge of snow up in front of my honourable friend's driveway, they're still going to continue to do this and they've been doing it every winter and every snowfall. That's not the situation we're trying to cover here.

(MR. SMELLIE, cont'd)

Here, we're trying to cover the situation where they can't use push-plow equipment, where it's necessary to use snow-blowing equipment and where they must of necessity deposit the snow on property owned by individuals. If they can't do this, then there is no possibility of clearing the lanes, and for most of those people, if they can't clear the lane they can't use their driveways in any case. So I would suggest, Mr. Chairman, that the amendment suggested by the Honourable Member for Selkirk is unworkable.

MR. HILLHOUSE: Mr. Chairman, I'd say it is workable and I think it's founded on justice and equity. I'd like to point out to the Honourable Minister that municipalities have been using snow-blowing equipment all this winter but they haven't been using them in lanes.

Another thing I'd like to -- of course it doesn't matter anyway as far as damages are concerned. Here you don't allow any damages for use of property, but under your Municipal Act you allow damages for putting up a snow fence.

MR. CHAIRMAN: Honourable Member, would your idea be that these words be inserted after the word "persons" in the fourth line? It would seem to fit in there.

MR. CHAIRMAN: Moved by the Honourable Member for Selkirk that after the word "persons" in the fourth line, the following words be inserted, "and without interference to the reasonable use of driveways."

MR. SMELLIE: Mr. Chairman, I think that my honourable friend has served the purpose of his remarks, that he has drawn the matter clearly to the attention of the municipalities concerned that any unwarranted interference with the use of driveways is going to be protested. I'm satisfied in my own mind that the municipalities will be cognizant of the problem and that they will, wherever they can, avoid plugging up my honourable friend's or any other citizen's driveway where it's possible to avoid this. There are going to be other circumstances where it's impossible to avoid if you're going to move the snow at all, and I would therefore suggest that honourable members of this House cannot accept this proposed amendment if the bill is to have any real meaning.

MR. HILLHOUSE: Mr. Chairman, I'd like to point out to the Honourable Minister that all equipment that has been used in this recent storm was not equipment belonging to the various municipalities that were using it. It was hired equipment. The employees were not ordinarily employed by the municipalities, and I suggest to the Minister that they didn't care where they put the snow or what they did, and that same situation could arise by using snow-blowing equipment in public lanes.

MR. SMELLIE: I think that requires some comment also, because to my knowledge there are very few rotary snow-blowers owned by anyone other than one of the levels of government.

MR. DESJARDINS: Mr. Chairman, did the Honourable Minister say that at the present the municipalities are not supposed to block any driveways?

MR. SMELLIE: No, I did not.

MR. DESJARDINS: Well, is this what the Honourable Minister was insinuating, because it certainly is done.

MR. SMELLIE: No, I wasn't insinuating that.

MR. DESJARDINS: Then, Mr. Chairman, the Minister certainly said that the talk of the Honourable Member for Selkirk should be enough to bring this to the attention of the municipalities. This has been brought to the attention of the municipalities in the past. They are certainly well aware of this, but at times it is very difficult to have them do anything about it.

MR. SMELLIE: I'm not talking about anything that's happened in the past. We are talking about a special emergent circumstance that requires the use of different equipment than the municipalities have used in the past for the clearing of snow from lanes. I'm not talking about clearing streets. I'm not talking about clearing highways. I'm talking about the clearing of lanes which present a special problem and where the equipment that municipalities ordinarily use is in many cases inadequate to meet the problem we face today. Therefore, I don't think the arguments about lanes being blocked by push-type snow-plows in the past has anything whatsoever to do with the problem we are trying to meet with Bill 74.

MR. DESJARDINS: Mr. Chairman, the Minister did say that the remarks my honourable colleague from Selkirk was enough to bring it to the attention of the municipalities, and my point is that you can say the same things about the driveways and even for businesses, and, like you say, what is being done now in the front is being brought to the attention of the municipalities but there's nothing being done. These are still being blocked.

MR. R. O. LISSAMAN (Brandon): I think I would like to add a word on this. I have a great deal of sympathy with the Honourable Member for Selkirk's viewpoint on the matter of driveways, but to me it would raise tremendous complications because I suspect it might have the effect of making the municipality concerned forego cleaning all the driveways or a great number of driveways in the city, because I can visualize a great number of driveways and accesses from garages are not cleared out until the lane is cleared.

Now if a plow were to come along and dump a bunch more snow on top of the already existing snow, I can see the owner claiming that this was the straw that broke the camel's back and the municipality should be responsible for this extra snow, and I think this would lead to all kinds of complications. I think the bill, as it is, does offer some relief for people who are unable to get their cars out, but I think the Honourable Member for Selkirk's suggestion would completely stultify the effects of the bill, Mr. Chairman.

MR. HILLHOUSE: In other words, Mr. Chairman, it's going to be all right for a municipality to clear the lane so that I can get out, but I can't use my driveway because they've plugged it up with snow.

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

MR. CHAIRMAN: Section 1, as amended --

MR. CHERNIACK: I'm sorry I'm still sort of conferring on this, but I would like to establish the principle about fences. There are many fences that are substantial, that are expensive, and in some cases are more valuable than the cars that they protect, and I would like therefore, as another piecemeal suggestion, offer an amendment that the word "fences" be inserted before the word "buildings," and if that's acceptable then I'll make my next suggestion after that.

MR. SMELLIE: Mr. Chairman, we have gone as far as the engineers and the municipalities have requested. I don't really think that it is necessary for us to go farther than they have asked in this legislation. They didn't ask for any relief from liability regarding fences but they did indicate that they were quite willing to accept liability for buildings and cars. I don't really think that the matter of fences should be one of the exclusions because there are going to be many cases where it's going to be impossible for them to avoid doing some damage to a fence, even if it's merely a matter of a brace, by the material coming out of the blower.

MR. CHERNIACK: Mr. Chairman, the Honourable Minister says he's gone as far as he can go for the engineer's sake, but I am trying to protect the public from the engineers, and as the Honourable Minister says, it is probable that if damage is caused, it will be caused to fences and I say that's where the people are entitled to protection. If fences are damaged, then I think they are entitled to be protected for the replacement or repair of them, and I think it's not what the engineers want. The engineers want to get the snow out and so do I think all of us, but if in getting the snow out they damage fences, then I say that that is a material loss which should be compensated.

The inconvenience of the snow and the inconvenience of the run-off is of course something that we have to accept as part of our northern life, if I can use that expression, and we must adjust to the problems that are caused by excessive snow, but I think that fences demand protection more than other buildings because fences are much more likely to be damaged. I think we ought to recognize that and provide that there may be compensation paid. It doesn't mean that a man is entitled to it automatically. It means he's got to prove damage, and the onus being on him, I can't conceive of somebody going after the municipality for a few dollars to repair an abrasion, let's say, on a fence, but if the fence is broken down and has to be replaced, that could be a costly matter and I think that we must protect them. So it's not a question of convenience for the engineers, this time I think it's a protection for the people who may suffer actual damage for the purpose of getting the snow out of the way, and that's why I moved that amendment so we could protect fences.

HON. MR. WALTER WEIR (Minnedosa): Mr. Chairman, my understanding of the operation of the equipment that is planned to be used would be such that the snow-blowing itself I don't think would damage the fence because it would be lifted over the normal location of a fence. I really don't believe that the municipalities would have any objection to us including fences in the exemption as is suggested by the Honourable Member for St. John's. I think the main danger as far as fences would be concerned would be a driver losing control or something and breaking into it with the machine, and under a circumstance like that I would think that from the discussions that - I haven't been in them personally with the municipalities, but I think this is the kind of thing they felt was entirely reasonable as a claim and I think really that it could be considered all right.

MR. PAULLEY: Mr. Chairman, I'd like to draw to the attention of the committee a circumstance where damage could be done inadvertently to fences. Now in the City of Transcona many of our streets are so laid out that the back lanes from T's - in other words, along A street the back lane is -- and then along B street, C streets, the back lane joins with A lane and forms a T, and at the end of the lanes of course there's a back fence on a piece of property. Now it's quite conceivable that a snow-blower coming down the straight back lane could conceivably, by momentum or otherwise, keep on going and knock down the fences of the property at the end of the back lane.

Now I think the intent, as I understand it of the bill, is protection for damage by the snow. Now that's okay and I think the main reason for it, or at least my opinion, is shrubbery and the likes of that overloaded with snow. They may get complaints because of that. But I think if the Minister would consider the situation that I reveal insofar as some grid plans, the way they're laid up, it's quite conceivable that the momentum of the rotary plow would go through and do considerable damage to the end fence, and under this legislation there would be no recourse so far as the individual is concerned.

MR. SMELLIE: Mr. Chairman, I yield to the eloquent pleas of my colleagues.

MR. P. J. McDONALD (Turtle Mountain): Mr. Chairman, I would just like to suggest that maybe we should go and shovel the lanes out. We could do it quicker than we're getting along here.

MR. CHAIRMAN: Moved by the Honourable Member for St. John's that the word "fences" be inserted before the word "buildings" in the seventh line.

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

MR. CHERNIACK: can I have one more go at this clause, please. I'll have to join the honourable member in cleaning the snow. -- (Interjection)-- He can do it himself. All right. Mr. Chairman, I just - I'm really, I suppose, addressing the lawyers who are going to be troubled with this phraseology and I will of course be very much influenced by the opinion of the Legislative Counsel. It seems to me we are talking in this present wording of liability for damages by reason of snow being deposited against fences, buildings or vehicles. If the snow is not deposited against fences, buildings or vehicles then there is no provision in this bill for that. It only applies now to snow being deposited on or against property other than fences, buildings or vehicles. Now we've already agreed that snow will probably be deposited against fences and I think what we want to do is to make sure that the damages may lie against fences, buildings or vehicles not the snow, and therefore I want now to change the phraseology I originally suggested and suggest the following, that it read: "It shall not be liable for damages other than for fences, buildings or vehicles as defined in The Highway Traffic Act, to the owner or occupant of property adjoining a lane by reason only of snow being deposited on or against said property in the course of the work" etcetera. And I think that putting it there clarified that there is no protection if there is damage to fences, buildings or vehicles -- if we put it after the word "damages". But if we leave it as it is now, then we are speaking of snow being deposited against property other than fences, buildings or vehicles, and I don't think that applies. This is probably an exercise in semantics but I think we want to get it right and I do suggest that it would be better if the exception were brought right up against the word "damages" rather than being related to snow being deposited on it. I have no more persuasive powers. If this is not acceptable, if the Legislative Counsel doesn't see it that way, I'm not going to argue any more.

MR. SMELLIE: Mr. Chairman, it's my understanding that the Legislative Counsel would prefer the wording the way it is now and I think - to me at least, it's clear in the present wording what the intention is. I trust that other members of the profession will find it as clear as the Legislative Counsel and I do and will not have the same difficulty as my honourable friend.

MR. PAULLEY: Mr. Chairman, he should make it clear enough that those of us who are not in the predicament of the lawyers in the House understand what they're talking about.

MR. CHAIRMAN: Section 1 then has been amended twice. Section 1 as amended -- passed; Section 2 --

MR. CAMPBELL: Mr. Chairman, on Section 2, I understood my honourable friend the Minister to say that he saw no big difference so far as retroactivity is concerned between what is done today and what was done yesterday. Paraphrasing him only, I don't intend that to be an exact quotation but he seemed to think that there was no difference in either principle or practice to having this apply just as from the time of Assent or as the bill suggests, from

(MR. CAMPBELL, cont'd) . . . March 7th. I think there is a great difference. There is all the difference between the retroactive feature and not having a retroactive feature, and when my honourable friend says that it doesn't make any difference for a day, does he know? -- I am sure he doesn't know -- whether one of those tin cans that he was talking about may have been thrown through a window yesterday. Now if it was thrown through a window yesterday and if somebody feels aggrieved -- I don't know whether there's such a case or not -- but if there is, we shouldn't be saying today that we're depriving him of the right of redress that he had yesterday. This is the whole difference as far as I am concerned. Retroactive legislation is sometimes necessary. I admit, but on the other hand, I think it should be avoided when it's humanly possible to avoid it and I change my honourable friend's quotation to say that the day makes a lot of difference in principle. I would think it would make very little difference in practice. Let's make it from the time it receives the Royal Assent and then I believe we'd all feel better about it.

And so, Mr. Chairman, I move, that the words and figure "but it is retroactive and shall be deemed to have come into force on, from and after the 7th day of March 1966" -- in the second and third lines of Section 2 be struck out.

MR. SMELLIE: Mr. Chairman, I think this is one of the very few times since I have been a member of this House that the Honourable Member for Lakeside has apparently misunderstood the intention of the Bill. Because if a snow plow went out yesterday and threw a can through somebody's window, and they were liable yesterday, this bill would not change that in any particular. This bill only purports to relieve the municipality from the liability for the extra snow they have placed on the property of the property owner. It wouldn't relieve them from any liability for damage that they did to his buildings; it wouldn't relieve them from any damage they did to any vehicle that he had parked on his property, and now, as of this amendment, it wouldn't relieve them from any liability to fences erected on the property -- for damage done to those fences. So that all we are talking about now is the extra amount of snow placed on the property of the owner that may have been done yesterday or today, up until the time this bill receives Royal Assent.

The matter was discussed -- I think members are aware that the municipalities and Metro and the Province have been holding a series of meetings concerning the extra responsibilities that we find placed upon ourselves because of the snow storm last Friday and some of the storms that we've had since then. As a result of those negotiations it was agreed yesterday that this action had to be taken. Now I admit it was not agreed by all the members of this House and it was impossible for me yesterday to bring the matter to the attention of all the members of this House or I would certainly have been happy to do so. But it was brought to the attention of members of the House at the earliest possible opportunity, that municipalities accepting the assurance of members of government that such action would be taken at the first opportunity may have placed themselves in a position where they accepted that assurance and went out and did work yesterday, and I would not like to see this amendment carried and put that municipality in a position where they took an action that they wouldn't have done without such assurance. I therefore could not support the amendment.

MR. CAMPBELL: Mr. Chairman, I was unfortunate in the example that I used because obviously it would be covered on account of the damage to buildings. I used it only because that was the example that my honourable friend himself had used a little earlier. But let me change my example now to that snow was deposited in some way that the resident feels that he's aggrieved because -- and if he felt that, then I wouldn't want to put him out of court because this happened yesterday or the day before. I am most sympathetic with the position that the municipalities face, it is a big job that they have on hand and I support the legislation for that reason. But I think we should in doing this great good do as little harm as possible. I just don't think the retroactive feature is important enough "in practice" that it qualifies us to disregard the principle. I still suggest the amendment, Mr. Chairman.

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

BILL NO. 74 -- The remainder of the bill was read section by section and passed.

MR. CHAIRMAN: Committee rise. Call in the Speaker. Madam Speaker, I wish to report that Bill No. 74 has been adopted as amended and ask leave to sit again.

IN SESSION

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

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

BILL NO. 74, by leave, was read a third time and passed.

MADAM SPEAKER: Order for Return standing in the name of the Honourable the Member for Portage la Prairie.

MR. JOHNSTON: Madam Speaker, I beg to move, seconded by the Honourable Member for Assiniboia, that an Order of the House do issue for a Return showing: All traffic counts taken on Provincial Road No. 242 between Provincial Trunk Highway No. 1 and Provincial Trunk Highway No. 2 for the years 1964 and 1965.

MADAM SPEAKER presented the motion.

MR. JOHNSTON: Madam Speaker, I'd like to speak to this motion. But first of all I'd like to start out, Madam Speaker, by referring members of the House to last year's budget of 1965.

DEPUTY SERGEANT-AT-ARMS: His Honour the Lieutenant-Governor.

MADAM SPEAKER: May it please Your Honour: The Legislative Assembly, at its present Session, passed several bills, which, in the name of the Assembly, I present to Your Honour and to which bills I respectfully request Your Honour's Assent.

MR. CLERK:

Bill No. 18 - The Manitoba School Financing Authorities Act

Bill No. 19 - An Act to amend The Agricultural Credit Act,

Bill No. 74 - An Act respecting Clearing Snow from Lanes.

In Her Majesty's name, His Honour the Lieutenant-Governor doth assent to these Bills.

MADAM SPEAKER: The Honourable Member for Portage la Prairie.

MR. JOHNSTON: Madam Speaker, the reason I am speaking to this motion, I believe in the past the Honourable Minister of Highways, with a recorded vote of his members, have denied information on traffic counts. I feel very strongly about this and I feel this is information paid for by taxpayers and they should be entitled to have it. If I may refer members to last year's 1965 Manitoba Budget and Economic Review, Page 14, and I quote, "Traffic studies and counts have indicated that the volume of traffic on connecting routes throughout the province is becoming so great that future costs of construction and maintenance may well be beyond the financial capacities of the municipalities. Some 4,000 miles of connecting roads will therefore be transferred to the province and will become provincially supported roads. This follows the recommendations of the Michener Commission, giving a clear-cut division of responsibilities between the province and the municipalities." Then it goes on to describe some major projects and it mentioned in particular the construction of a four-lane divided highway on the Trans Canada Highway from Headingley to the junction of Provincial Highway No. 4 west of Portage and so on, and it mentions work on Highway 59.

Now, Madam Speaker, I questioned the Minister very seriously on how does he expect an opposition to carry out its duties if he consistently denies information of the type that we are asking. Here we have the government making reference to traffic counts and surveys to justify a program of road building. Now surely if the government can make use of these figures, then the opposition can make use of these figures rightfully to criticize or raise points or make suggestions.

To refresh members' memories, in 1962 I made enquiries as to the reason for building a new bridge on a particular road, the provincial road now No. 242. The Minister in reply at that time justified the building of this bridge because of studies he had conducted, and for future use. He was making the point that the bridge would come into use after it was built. Now I make the point now that if this is so, let us have the proof of this. Let us see. If he's right, this is fine - this is good; but if he is not right, I don't think he has the right to deny information that is paid for by taxpayers.

According to democratic procedures that I have read and studied, the only reason for denying information is that it is not in the public interest to release it, and I challenge the Minister to stand up here and give us one reason as to why this is not in the public interest to release it. The only other possible reason that could be given by any government in a democracy for not giving information is that it may do harm to the state because it gives aid and

(MR. JOHNSTON, cont'd) . . . comfort to some enemy of the state, and I would like to know on what grounds he supports the view he has taken these past three years in this regard. I suggest that this information is not the personal property of the Minister of Highways; it is not the property of the Cabinet; and it is not the property of any one party in politics as we know it today.

As a matter of fact, I am informed and I know this from experience in municipal work, that in municipalities, their officials, their engineers and their elected representatives have access to this information and can receive it upon request. I know in Portage la Prairie we have received figures to do with the roads leading into the city, so I know that the reasons that he has stated in the past for denying this information will simply not stand up.

I ask the Minister again if he would deny this information to the First Minister of this House. Would he deny this information to one of his own back benchers? Because if he can answer that question honestly then he has no right to deny that information to any other member of this House, and on that reason alone I make this point, and I think that this information should be given. Let's not have any more of this nonsense about denying information, because today it's a traffic count; the next day it's information about old age pensions that apparently the back-bench of his group have, but when someone else wants it, they cannot have it. Now what is it going to be tomorrow that's going to be denied? I ask that government this.

MR. WEIR: Madam Speaker, this is not the first time that we have had motions of this nature before us in the Chamber and the answer has always been the same, and that is that we do not believe that the information as it is presently available is in the public interest to reveal. The traffic counts as they are taken, by and large throughout the province, are estimates of traffic. They are counts over limited periods of time for the most part. Calculations are made on these and in some instances the pattern of traffic that is used is not consistent, and therefore we feel that information of this type should really not in the public interest be made public.

As far as information being given to municipal councils, certain traffic counts have in the past been given to municipal councils the same as the other policies that the Government of Manitoba has. By and large, most of the information given to municipalities has been the counts on roads for which the municipality have been responsible and for their own use. It may well be, and I'm not certain of it, that on certain provincial roads or provincial trunk highways that this information may well have been given to the municipalities for their consideration where it has been considered a necessity for them in planning the additional connector arterials that are required in relation to the development of provincial roads and provincial trunk highways. So that, Madam Speaker, the way things stand at the moment, I am still not prepared to support this motion.

MR. PAULLEY, Madam Speaker, on two or three occasions this year we have had questions of the nature requested by the Honourable Member for Portage la Prairie before us, and my group have voted with the Official Opposition against the stand taken by the Minister. I feel that it is time, rather than just simply to vote with the Official Opposition, to have a word or two to say as to why.

I cannot agree with my friend the Minister of Highways in his contention that the information may lead to misunderstanding; it may not be complete information; or that it may lack some of the factors that are worthy of note. But I say to my honourable friend, surely to goodness he could accept an Order for Return, and on that Order of Return make note of the fact in his opinion it does not represent a complete survey; it does not represent this, that or the other thing. This could be done I suggest, Madam Speaker, quite easily, in order to overcome the difficulties that the Minister may find himself in.

I don't recall whether the former administration refused this information or not. I believe on some occasions they did. I think, however, on other occasions when the Department of Highways was under survey by the Committee on Estimates, that we did receive from time to time a map indicating traffic flow or the volume of traffic flow in certain areas. Now they may have refused, and maybe one of my friends of the Liberal Party who were here in 1953 when I first came into the House can give me further light on this. It may have been that in some specific cases information was refused, but I do believe I am correct in saying that eventually during discussions of the annual estimates of the Department of Public Works, generally this information was revealed to the members of the committee and the Assembly by road maps indicating a density of traffic flow. I don't recall, Madam Speaker, when the indicator of traffic flow by density whether it was by different colors of roads used, but anyway

(MR. PAULLEY, cont'd) . . . there was a legend whereby we could have some indicator at least as to whether 50 or 1,000 or 100,000 cars went down a certain road at a certain time. I think that this is the type of information that we as members of this House are entitled to.

I want to say to the Honourable Member for Portage la Prairie, he is quite correct when he states that precedents can be established by the refusal of government to give answers to Orders for Returns. He mentioned the question that was requested the other day of the Honourable the Minister of Welfare regarding certain numbers - recipients of tax exemption at the municipal level paid for by the Department of Welfare. Madam Speaker, if that is going to be a precedent established by the Department of Welfare when we ask the Honourable Minister how many recipients of welfare there are under our Social Allowances Act

MADAM SPEAKER: I rather think that you are not talking on the question of Order for Return when we get into the field of Welfare. I would suggest that you try and stay on this one please.

MR. PAULLEY: Madam Speaker, in all due respect, what I am trying to establish is why this information should be made available and how the refusal can lead to precedents which can conceivably be used to deprive members of this House from receiving information in respect of any matter that is the business of this Assembly. Now I think we are really on a very technical point when you raise your point, however it's not for me, Madam Speaker, to argue with your decision except to say that there has been a precedent established in one case already by the Department of Highways, and it appears to me from the remarks of the Honourable Minister of Highways that that precedent is going to be the governing factor for all similar questions relating to his department in the future.

I say to my honourable friend, I cannot accept his contention. I say to him that there are ways by which the request can be granted, if not specifically, at least to a degree that would convey to the other members of the House, other than those in government, the information that is desired, at least in part if not in total. Because isn't it a fact, Madam Speaker, we are concerned as members of this Assembly with the necessity, the desirability or the need of building bridges or making improvements to roads, and this is usually based on traffic volume or traffic counts. I was up in the northern part of the country the other week and two or three bridges were pointed out to me as having been recently constructed that are now going to have to be reconstructed and relocated because of the changing pattern of traffic. Surely if I had had the information available of the volume using these roads, I'd be in a position where I would be able to say in this House, why was this road built when here a couple of years later another artery of the road is having a greater volume of traffic, or is anticipated to have than this one. There's so many questions can arise from this, Madam Speaker.

We were talking the other day - and I hope I'm not going to get in your black book again - we were talking about an ombudsman the other day in order that people can receive information from government. One of the questions that was considered was the role or the position of the elected representative in seeking that information. This is what the Honourable Member for Portage la Prairie is seeking. He's attempting to be, as I was the other day, a sort of an ombudsman for the electors of this province who have been denied the information. So as I say, Madam Speaker, this is an Order for Return for the Honourable the Member for Portage la Prairie. All groups in the House when an Order for Return is tabled receive copies; the information becomes the information of the Assembly and quite properly so.

I say to the Honourable Member for Portage la Prairie, I'm just as interested in the traffic count as he is. And I say to you, Madam Speaker, and to this Assembly, there seems to me no logical reason for this government or for any government to consider the subject matter of this Order for Return as being privileged in nature or not in the interests of the Province of Manitoba to be revealed.

MR. FROESE: Madam Speaker, speaking to the Order for Return that we're discussing, I too feel that this information should be accorded the members of the House. How are we to ascertain whether the roads that should receive the improvements are getting the improvements if we do not know to what extent these roads are used, especially so if it is in other parts of the province that we're not familiar with. I think this is only natural that we as members of the House should have this information, and in order to stress my point I inquired from members of the other Legislatures to the west of us - the provinces to the west of us - and the members in those Houses are accorded this information. Why shouldn't we? I think we have every right to this information and it should not be denied. After all, we are voting the money in this House which is spent on these very traffic counts and certainly this money, when it is spent, we should

(MR. FROESE, cont'd) . . . be entitled to know whether it is doing good or not and whether it's spent for the right purposes. So I would definitely support the Order for Return and that this information be provided to the members of this House.

As already pointed out, if we allow this thing to go on, who knows what is going to be the next item that is -- once we set a precedent, who knows what's to follow and what other information will be denied after this. So I think the Honourable the Minister should definitely reconsider and grant these traffic counts.

MR. SHOEMAKER: Madam Speaker, if no one else wishes to speak, I move, seconded by the Honourable Member for Lakeside, that the debate be adjourned.

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

MADAM SPEAKER: The proposed resolution standing in the name of the Honourable the Leader of the New Democratic Party.

MR. PAULLEY: May I have this stand, Madam Speaker.

MADAM SPEAKER: The proposed resolution standing in the name of the Honourable Member for Selkirk.

MR. STEVE PATRICK (Assiniboia): We'd like to have this matter stand please, Madam Speaker.

MADAM SPEAKER: The proposed resolution standing in the name of the Honourable Member for Selkirk.

MR. PATRICK: May we have this matter stand likewise?

MADAM SPEAKER: The adjourned debate on the proposed resolution of the Honourable the Member for Portage la Prairie and the proposed amendment thereto by the Honourable Minister of Industry and Commerce, and the proposed amendment to the amendment by the Honourable the Leader of the Opposition. The Honourable the Member for Rhineland.

MR. FROESE: Madam Speaker, I am still awaiting some information, so I would ask that this matter be stood.

MADAM SPEAKER: The adjourned debate on the proposed.

MR. EVANS: on this. Perhaps I missed it, but did we call the second resolution standing in the name of the Honourable Member for Selkirk? I'm sorry, I missed the point.

MADAM SPEAKER: The adjourned debate on the proposed resolution of the Honourable the Member for Ethelbert Plains. The Honourable the Member for Lac du Bonnet.

MR. OSCAR F. BJORNSON (Lac du Bonnet): Madam Speaker, if you'll let me read most of it, I'll get through in the 15 minutes. However, Madam Speaker, in speaking on this subject today, I realize that this is probably only No. 3 in the importance of the announcements made in this House this afternoon but I'm going to plunge boldly on.

In making my presentation to the debate on this resolution, I've been very conscious of the many fine speeches that this subject has generated throughout the past years. Many of the most able speakers in this Legislative Assembly have contributed to the debate to the enlightenment of the members and the public. I'm also very much aware, Madam Speaker, that it's only a matter of about 10 months since the subject was being debated here, and probably the most detailed, concise and informative submission in opposition to the establishment of an Auditor-General in our Assembly was submitted by the Honourable Member for Winnipeg Centre, and I think to furnish us with such detail, that this member must have done an awful lot of research and homework and I'm going to lean heavily on him for some of these points.

Now the points that he made in his speech - and I'm not going to read it over, I'm merely going to summarize it. He made this speech on April 13 of last year and the points that he emphasized were these: That since about 1933 when The Treasury Act was revised, this being the Act under which our Comptroller-General works, there was no change in the Act. There have been no major discrepancies in handling funds, and in many years that our Official Opposition were in power, no mention of an appointment of a separated personnel or a department to double-check on the work being performed by our Comptroller-General's Department.

In the day-to-day performance of our Comptroller General, it is his duty and responsibility to conduct spot inspections; to conduct audits of all government departments, boards, commissions and utilities, with the exception of The Manitoba Hydro, The Manitoba Telephone and The Workmen's Compensation Board; and it's his responsibility also to verify accounts payable and to ensure that proper prudence is being used in the expenditure of our public funds;

(MR. BJORNSON, cont'd) . . . to communicate with departments directly when discrepancies are noted and to be corrected before the accounts are paid. He is responsible to this Legislature and he can be removed from office by a two-thirds majority in the Legislature. He has considerable authority. He has free access to all departments of government when reports are delayed or major discrepancies occur. He has the right to report to the Lieutenant-Governor for transmission to the Legislature, and you can imagine if this happened what would occur. We'd have 55 experienced men and one experienced woman to put these things in their right order.

The Comptroller-General reports to this Legislature through the Certificate contained in the Public Accounts on the 31st of each year. For the members of the Public Accounts Committee, when sitting in on the meetings of the Comptroller-General, it's gratifying to witness how very efficiently and competently our Comptroller-General handles the many varied and sometimes intricate and unanswerable questions asked of him, and to observe how quickly and efficiently his staff can furnish him with even the smallest of detail. It must also, Madam Speaker, in my humble opinion, that the confidence that this gentleman enjoys in the eyes of the public and in the eyes of the members of this Legislature, it's just a product of a long history of dedication and efficiency in this department over many years without any listings of wasteful or careless handling of the finances of the Province of Manitoba. It must be gratifying to the Comptroller-General and his staff that many officials of government from all over the world, from many different countries, have visited them to learn of our system of audit and financial administration and to learn of the methods used by our Manitoba Legislature in safeguarding the public purse.

Now these, Madam Speaker, in brief form are the points and the philosophies of the Honourable Member for Winnipeg Centre in the speech that I referred to a little while ago.

In refreshing my mind on what has been said on the subject in other years, I turn to a submission by the Honourable Leader of the Opposition in the May 27, 1962, Hansard. In his usual competent manner, he presents his arguments for an appointment to our legislative body of an Auditor-General with duties similar to that of the Auditor-General in Ottawa. And after giving examples of discrepancy that this person had encountered in his audits, estimates that savings can be made by the mere finding of these discrepancies. It's difficult for me to understand, Madam Speaker, where the recovery of \$330,000 from a department that over-spent its program, after the money had been spent, I don't know whether they would make it out of the petty cash because this is a pretty large amount of money, and I don't know whether this would be included in his report as a saving.

Then he goes on to relate that our Province of Manitoba can be considered in the same category as big business, and that in big business, in many cases, they not only have an internal audit but they also employ outside auditors. This is true, quite true, and nobody quarrels with it. We do not say that Ottawa should not have an Auditor-General. What we do say is that the operation of the affairs of our Legislature for the Province of Manitoba - we have a large majority of the activities of our Provincial Government confined in a central location, almost all in one city, and this gives easy access to all the facets of government be it administrative, financial control or what have you. We have an office of the Comptroller-General in our province operating under an active Legislature which has not been changed for thirty years, and I do believe, Madam Speaker, that if suddenly a good capable and competent businessman should suddenly find himself in the position that he had the responsibility by some fickle finger of fate of safeguarding the public purse of this province, he would thank his lucky stars that he had inherited a system as competent as that of our present Comptroller-General, and he would not seek to add to the cost of the operation the expense of another department of audit. In other words, Madam Speaker, an audit to audit the audit.

Now, Madam Speaker, I must refer to the speech of the Honourable Member from Ethelbert Plains who moved this resolution. My honourable friend is a person learned in the law. When he makes a statement, one must accept this as having merit. If he says that the saving of the effort of the Auditor-General of Canada is in the thousands of dollars, then we must be prepared to accept this and then we should check to see that he is not exaggerating. We can do this simply by referring to the annual report of the Auditor-General, and I don't think that you will find any exaggeration if you look under the right heading. Actually, he under-estimates for the savings are much greater. If you read the reports you will find that items that are regularly news items that will interest the people, such as the man who for ten years or more falsified a bank account and manipulated to his own financial benefit, it took

(MR. BJORNSON, cont'd) . . . the Auditor-General ten years - and I'm not knocking him for it - he did it for ten years and was finally caught up. Or we have other things that interest the public, such things as armed forces equipment being sent back to the depot, and through some inadvertency sold it for scrap for \$20.00 when it was worth thousands and thousands of dollars and were supposed to go back into storage.

But, Madam Speaker, these are mistakes and examples of human frailty which is the risk not only of government, it's the risk of small business and it's the risk of big business. God did not create man perfect, and if we are looking for perfection in human beings, you're looking for something that the Creator did not intend. All humans to be perfect would have it that all humans would act as machines. What a world this would be - no room for error, no human touch and perfection only. It could be man against the machine. The only wonderful thing above it is that you must have a man to make the machine and you have to feed it with man-made questions.

Now even our newspapers - and I am one of those who seems to believe almost everything that I read in the newspapers but sometimes they make it very difficult for me. I took up a copy of the Tribune the other day and I looked at the pictures on one section - I think it was the third section of the Tribune - where they showed a picture of the Beausejour Carnival of a couple of weeks ago. And what did they do there? They hung two lovely girls up by their heels on the front page and turned them upside down. It took me quite a long while to find it, but I smartened up and I asked them what it was. They ran through an issue of it, missed it and then corrected it in the next run. Fortunately, it was a hind view of these ladies, so that there'll be no chases involved.

And then I'm not going to let the Free Press off the hook too because I happened to be looking over the obituaries - and, Madam Speaker, when you get to my age, you look at the obits first, before Jane Landers and the sports page and the comics - and I got this February 26th issue of the Free Press and it's by the Canadian Press item at the bottom, and it says that in New York, Victor Pravchenko, 16 - and then it has a jumble of figures here which I presume are in Russian because I can't understand it, I'm not good in Russian - and they say he's a captain who defected to the United States during the Second World War, a suicide. Now an auditor right away would wonder how this man became a captain at 16 and how he remained in - what would you say - suspended animation for sixteen years, to die comfortably on February 26, 1966. Now these are silly things but we don't hold them accountable for it because they are as human as we are I think, and we glance at them, we laugh and we think that's worthwhile.

Now then, that's all very well, but the auditors don't take this in light when they're auditing accounts and we can't accept this sort of mistake when you're doing bookkeeping. But I'll tell you, the Auditor-General, as far as I'm concerned, in Ottawa - and our Honourable Member from Ethelbert Plains makes it quite plain to us all - is very vital to the operation of a complex thing like the bookkeeping for the Government of Canada. However, my point in the performance of our Comptroller-General is that he is able to perform these same duties because his area of responsibility is more compact and his duties of course are not as widespread and prodigious as those of the Auditor-General.

So, my honourable friend the member for Ethelbert Plains, in spite of your pleading, I must say that I am voting against this resolution and hope that other members in the House will see the light and vote with me, that they will vote against the duplication of work which would be very costly to the taxpayers of Manitoba. Thank you.

MR. CHERNIACK: Madam Speaker, I couldn't help but rise after hearing what was said. I am conscious of the fact that I am limited in time and I'm sure that members of the House are - I imagine that members of the House are grateful for that.

The honourable member seems to feel that this resolution is an attack on the ability or integrity of the Comptroller-General and I assure him that he is completely wrong. There is no need to rise to the defence of the Comptroller. He has a job to do and I am sure he is doing it well, and I am sure that there is no suggestion that he is not doing it well. As I understand his job, it is not that related to the work of an Auditor-General. When I seemed to hear the Honourable Member for Lac du Bonnet describe the complex work of the Government of Canada and then simplify the compact operation in Manitoba, I quickly looked at our estimates and find that the government expects to be in charge of spending - if I read it correctly - \$298,043,477.

(MR. CHERNIACK, cont'd)

Now that's a fair chunk of money, Madam Speaker, and as I understand it, the duty of the Auditor-General is not to certify that monies have been paid in accordance with the estimates and certified by the proper Minister or other Official-in-Charge - which is what I believe the Comptroller does - but rather to investigate what went behind the expenditure, to see whether it was well spent, properly spent, whether for example if purchases were made of certain stock or equipment, were the proper methods used in order to achieve the lowest price and the best quality of goods; if there were people employed for a certain purpose, were they actually doing the job for which they were employed. This is not, as I understand it, the work of the Comptroller. As I understand it, the Comptroller has the estimates, he has the budget that was passed, and when a requisition comes in for money he checks against the estimates and says, "Yes, this was passed and therefore it is in order for this to be paid." He does not go behind it.

I read what the Honourable Member from Winnipeg Centre - I heard him last year and I read again this year what he said. He did not make that distinction, Madam Speaker, and I think that if people on the government side want to justify their position on this resolution, they should clarify for us once and for all, what is the task of the Comptroller-General - that is the title? - what is the task of the Comptroller-General of Manitoba? What is the task as compared with the Auditor-General as proposed? Instead of mixing up the two and trying to cover up the difference in the jobs, let us get it clarified. The Honourable Member for Winnipeg Centre did not do it last year; the Honourable Member for Lac du Bonnet did not do it this year.

I would request, for my personal edification if not for other members, that they do this; that they come along, that the government come and tell us what is the work of the Comptroller-General; why do they think there is a redundancy. Don't pass off two hundred and some - close to \$300 million - by saying this is a compact manner in which to handle this. It seems to me that we are entitled to an answer that goes beyond this justification of the work of the Comptroller-General. Nobody challenges the work he does, but if there is work that can be done to properly review the work that was done, was the decision correct; was the manner in which the expenditure was made a correct one, justified by the budget and by good policy; then that is what I think the Auditor-General does. The Comptroller has no right to do more than sign the cheque which has been requisitioned and certified by a Minister or a Department.

MR. PATRICK: Do you want to call it 5:30, Madam Speaker?

MADAM SPEAKER: I don't think there is time at all. It is 5:30. I call it 5:30 and leave the Chair until 8:00 o'clock.