

THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Thursday, March 9th, 1967

MR. SPEAKER: Bill 45. The Honourable Member for Selkirk.

MR. HILLHOUSE: Mr. Speaker, I have no objection to the amendment being made to section 13 1 (a) of The Judgments Act wherein the farm upon which the judgment debtor or his family actually resides or which he cultivates either wholly or in part or which he actually uses for grazing or other purposes, where the area of the land is not more than 160 acres and the house, stable, barns and fences of the judgment debtor's farms are exempt from seizure under a judgment. I think it is only right because it is on that farm that the judgment debtor earns his livelihood. The only trouble that I find myself in is trying to reconcile the size of that exemption with the size of the exemption allowed an ordinary residence. Now there is very few farms in Manitoba today of 160 acres that wouldn't bring at least \$100 an acre in value, and if you took that as \$16,000 as the value of a farm which would be exempt from seizure under a Judgment and compare it with an ordinary residence, the two are completely disproportionate.

What I don't like about the - take for instance now the actual residence used by a husband and wife and where the title is not a joint tenancy, there is an exemption of \$2,500, but in the case of a joint tenancy there is an exemption in respect of each of \$1,500. Now we know that no one can build anything today for \$1,500 and the minute a Judgment is registered according to our law, there is a severance of a joint title, they become tenants in common, and the judgment debtor's interest in that property can be sold. Now as I say there is very few homes today in Manitoba that are not worth a great deal more than \$1,500 and \$3,000 in respect of a joint tenancy, and here we have a case where the Judgment may be recovered against a husband. His interest in that property exceeds \$1,500 in value. His interest in that property can be sold under that Judgment and that sale under Judgment would have the effect of partitioning that property - and where would the wife be? She would have to get rid of her interest in the property if some stranger took over the other undivided one-half interest; and I think we should take that into consideration. I think that that amount should be raised substantially because it is not realistic in the light of present day values.

MR. PAULLEY: Mr. Speaker, if I may on this particular bill, many of the suggestions made by the Honourable Member for Selkirk find favour with me. This again is a bill that we in this particular group have suggested from time to time should be amended to bring into more up-to-date realization of the costs of property prevailing at the present time in the Province of Manitoba. And basically as I understand the Bill as proposed by the Honourable the Attorney-General, it is to raise the amount of recognition insofar as the family homestead is concerned under the Judgments Act of the Province of Manitoba, so that we will retain or there can be retained to the actual resident in the home under joint tenancy, the increased amount that will be considered as the interest of the individual concerned from what it was previously to a figure of \$1,500.

Now in other jurisdictions, it has been construed that the family home quarter should be exempt from seizure under judgments and the likes of that, and I think in the other jurisdictions that there is a point that the family home quarter should be exempt from any seizure as the result of a judgment through the Courts. It does not appear to me, Mr. Speaker, that under the Act or the amendments to the Act as proposed by the Honourable the Attorney-General in this instance, that the home quarter is considered as an area where protection is fully given to the family. I suggest that it could be, Mr. Speaker, that the legislation that we are now considering should be and could be amended so that the individual concerned on the home quarter should be considered as not being subject to sale.

This to me, Mr. Speaker, is the omission in the Act as proposed by my honourable friend the Attorney-General. And while I'm prepared, and I'm sure that my colleagues are prepared, to go along with this Bill to be considered in Law Amendments Committee, I do respectfully suggest to my friend the Attorney-General, that we should take a look at this aspect of security on the home quarter for the people or for the family who may be subjected to the Bill at the present time. Again I say, Mr. Speaker, I'm prepared - I'm sure my colleagues in my party are prepared - to allow this to go to second reading, but I do respectfully suggest to the Honourable the Attorney-General that we should consider the proposition at least on the home quarter that the family are beyond the foreclosures in respect of legislation that can conceivably set them aside.

MR. SPEAKER: Are you ready for the question?

MR. LYON: Mr. Speaker, if no one else wishes to speak I'll close the debate on this Bill, first of all by saying that I thank the honourable members for their contribution because I think we are as one in what our attempt under this Act is to do. The recommendation that was made by the Committee which in turn was passed along, after being passed through the different branches of the lawyers, or the different groups of lawyers who were advising the Committee on this matter was as you find in the Bill in front of us.

I must say it was our intention in response to the Leader of the New Democratic Party, it was our intention to do just as he says that the home quarter on which the house is located, up to a maximum of 160 acres should be exempt; that's the intention. Now it may well be that we haven't sealed that off the way we should and we will be quite happy to take a look at that again. I expect that when the series of Bills reaches the Law Amendments Committee we will have the advantage of at least one or two of the lawyers who were advising the Statutory Committee last year present to give their views because they are the ones who essentially looked at this in depth. This certainly was our intention. I think as well the point that has been raised by the Honourable Member from Selkirk as to whether or not this exemption is realistic having regard to present day land values can be explored further because this was our attempt, this was what we were trying to do, to bring the Act into consonance with present day land values.

So if it meets with the approval of honourable members I think the suggestion of the Leader of the New Democratic Party is proper that we should pass the Bill at second reading, get it into committee - I think we do agree on all sides of the House as to what we are attempting to do here and that the question in committee of satisfying ourselves after consultation with the experts who will be there, that this intent is achieved.

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

MR. SPEAKER: Bill No. 46.

MR. LYON presented Bill No. 46, an Act to Amend The Executions Act for second reading.

MR. LYON: Mr. Speaker, this again is another Bill which emerges from the recommendations of the Standing Committee of last year. There's no one principle in this amendment. We attempt in one of the sections to clarify the provisions of the Act by making it clear that it also applies where the Writ of Execution is delivered to a bailiff there is a new section making it possible for judgment creditors to exclude certain items from a Writ of Execution. This exclusion results from -- this was not covered by the way in the report of the committee -- and it results from further consultation between the staff of the department and the committee of lawyers who were working on this. It's intended to allow a judgment creditor who is suing on a time sale agreement to seize property other than that to which the time sale agreement applied so that he will not have his judgment wiped out by the seizure of those goods under the Consumer Credit Act. This is a new matter that had to be given attention in this Bill.

Another section makes real property mortgage interest seizable by way of execution in the same way as personal property. This of course was a recommendation of the committee and it's on page 11 of the report. There's another new section providing for procedure by which the sale of shares in a private company may be proceeded with. Under the Companies Act there is now a specific provision for private companies and the control of the sale of shares in those companies. The new section is to allow the shareholders of private companies some protection by way of being able to make a first offer on shares which are seized to prevent the company from becoming a publicly held company. This was recommended by the committee and also the recommendation can be found on page 11 of the report of last year.

Another section makes the chattel property of the Metropolitan Corporation of Greater Winnipeg and of school divisions and school areas exempt from execution. Previously only chattel properties of municipalities and school districts were exempt and this is only clearing up a difficulty arising because of the specific meaning of the words municipality and school districts. This matter again was not considered by the committee but was found to be a matter that should be treated in this Bill. I recommend it to the House.

MR. HILLHOUSE: Mr. Speaker, there's only one or two matters that I want to raise. I appreciate the fact that exclusion from a Writ of Execution is necessary by reason of the - what is it? - the Consumers Credit Act that was passed a few years ago; and I also appreciate the fact that the sale of shares of a private company would have to be offered to the continuing shareholders purse before they're offered to the public. That's only right because that is part and parcel of the by-laws of the private company.

(MR. HILLHOUSE cont'd.)

The only question that I would like to ask is in respect of section 21 (a) - "the interest of a mortgage of real property is considered to be personal property." As a matter of fact it always has hasn't it? But the point is this, why wasn't the interest of an unpaid vendor in an agreement for sale also included as personal property?

MR. CHERNIACK: is not as clear because he is still the registered owner of the land and I'm not too sure just how you can seize that, however, that's a matter that can be looked into when we deal with this in committee.

We're all familiar with the provisions of this Act since it was recommended last year after considerable study by the Committee on Statutory Regulations, but at that time I'm sure we were, most of us concerned with many of the broad principles and I for one had a question mark opposite the wording of the clause which is now proposed in relation to sale of shares of private companies. I'm not at all certain just how this will work in practice because I don't know what value there is or how a value can be established for these shares. It proves that the sheriff shall offer them for sale - to the other shareholders - and if none will purchase the shares for reasonable price - I'm not sure just how you establish a reasonable price and I'm not sure on what basis the sheriff can refuse an offer which will then entitle him to offer them for sale to the public. So I really think this will need exploring in committee because I'm not sure just how it would work.

I didn't have an opportunity to look at The Executions Act itself and I now confess my apparent ignorance, Mr. Speaker. I'm under the impression that this is the Act which spells out the exemptions under seizure and I think that those exemptions require a good look because I think we are past the stage of thinking of a kitchen table, a chair and a spoon and a knife and a fork for each member of the family as being the basic exemptions to which they're entitled -- (Interjection) -- A team of oxen and I think carpenters' tools and I forget - it's really an outmoded list and certainly not a recognition of what we consider necessities today - and I'm not going into the question of "necessary" but I do think that having the bill in committee will give us an opportunity to look at that feature too, which although relatively unimportant, relative to the whole gamut of consumer protection, is still important when the occasion arises. I know we will have an opportunity in committee to review that feature as well, so that again we look forward to dealing with a much needed revision of this type of Act.

MR. CAMPBELL: Mr. Speaker, I recall that in the committee we had some discussion with regard to the point that the Honourable Member for St. John's has mentioned regarding the sale of shares that have been attached by a sheriff or bailiff and I remember making some representations because I like always to check up on the lawyers in this regard and I think that the section as drafted certainly doesn't meet the point that I was trying to make because it seems to me that the way it reads that these shares have to be sold to "one" of the other shareholders. Is the legal interpretation of the word "none" other than "no one"? Surely there should be provision for a group of the shareholders to take the shares and it seems to me that the singular is used here and that you would have difficulties arising. I raise the same point as the Honourable Member for St. John's that is the sheriff or bailiff himself going to be allowed to decide what is a "reasonable" price and does he not have to see that an offer is made to all of the shareholders on similar terms, because it appears to me to read as though if he found one purchaser that was willing to take them he could sell them for what he decided was a reasonable price and it might be that some of the others would have been willing to - or a group of the others - to have done the same thing.

But even further back than that, Mr. Speaker, it seems to me that there might be some cases where even the poor fellow who has been proceeded against and had his shares attached in this way, if he cleared up his indebtedness might want to remain a shareholder of this company and I don't see why he should be prohibited from having the opportunity of buying them back if he wanted to. If they were seized as a part of a debt and the debts were finally satisfied, or that portion of them satisfied, why shouldn't he have the opportunity of remaining as a shareholder? This section seems to me to exclude him completely from having any opportunity. So having raised that question in Committee and finding that so far as I am concerned it is not satisfactorily dealt with here, I would simply like to say that in agreeing to it to go to the committee that I make that reservation which I will likely raise once again when the committee meets.

MR. LYON: If no one else wishes to speak, Mr. Speaker, in response to the Honourable Member for Lakeside, my impression is that if the shareholder of the private company who had

(MR. LYON cont'd.) . . . his shares seized were to satisfy either totally or by an arrangement through installments the payment of the debt, that immediately then it would be considered that the shares should be turned back to him before any further action were taken, because once the debt is discharged or settled then the seized chattels - in this case the shares of the company - automatically revert back and I would think that -- provided of course that action were taken before the sale took place -- that he would be saved harmless from losing his interest in the company. But it's a point well worth exploring and we shall look into the points as well raised by the Member for St. John's and the Member for Selkirk when we get into committee.

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

MR. SPEAKER: Bill No. 47.

MR. LYON presented Bill No. 47, an Act to amend The Law of Property Act, for second reading.

MR. SPEAKER presented the motion.

MR. LYON: Mr. Speaker, I believe this is self-explanatory. It merely provides that no assignment can be made of wages which is greater than the exemptions permitted under The Garnishment Act. This follows upon The Garnishment Act and provides that a man cannot in effect be forced to do voluntarily what the law would not force him to do if he were in court before a judge.

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

MR. SPEAKER: Bill No. 48.

MR. LYON presented Bill No. 48, an Act to amend the Wives' and Children's Maintenance Act, for second reading.

MR. SPEAKER presented the motion.

MR. LYON: Mr. Speaker, again this Bill is merely in line with The Garnishment Act and provides that the same exemptions apply under this Statute as under The Garnishment Act.

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

MR. SPEAKER: Bill No. 63. The Honourable the Minister of Education.

HON. GEORGE JOHNSON (Minister of Education) (Gimli) presented Bill No. 63, an Act to amend The Education Department Act, for second reading.

MR. SPEAKER presented the motion.

MR. JOHNSON: Mr. Speaker, at the present time the High School Examination Board consists of three ex-officio members from the university, namely, in the present Act, the President, the Registrar and the Dean of the Faculty of Arts and Science; three ex-officio from the department: the Deputy Minister or his designate, the Director of Curriculum, and the Director of Instruction; and three members appointed by the Minister from the Superintendents and Inspectors and three appointed by Senate. The reason for the change here is that the anticipated establishment of Brandon University will necessitate the provision for representation and by this body on the High School Examination Board and for revision of references are specific to the University of Manitoba. The wisdom we feel at this time of making provision for representatives of the Manitoba Teachers' Society in view of the increasing importance being given to our educational system to courses of study at the secondary level, the General Course, University Entrance Course, etc., and the greater emphasis that is going to take hold in the next year or two as its function may change with the introduction of the admission services of the colleges and universities called the SACU who are devising standardized university entrance exams along the lines of the American Boards. So we feel there should be more representation from our teaching body.

The points to note in some of the reasons here that really no ex-officio representatives from the universities avoids overloading senior officials, such as the President, Registrar and so on, by appointment and allows Manitoba and Brandon Universities to name suitable persons to act in terms of available time and knowledge and interest on this Board. The three members appointed by the Minister will follow the usual course as has been in the past, namely, from the Inspection Staff and Superintendents and as the Bill outlines provision has been made for this division. So in the new Bill in effect you have the three ex-officio members from the department as in the past, three representatives from the university at large - or from the Senate at the university I should say - the three appointed by the Minister and one from Brandon University.

This is really the reason for bringing this forward. I'd be happy at committee stage to have some officials of the department there to explain anything further in this regard. It is

(MR. JOHNSON cont'd.) thought advisable at this time with the heavy load of duties that these really statutory members of the university would like to pass on to Senate.

The other matter here is the matter of textbooks, where at the present time at our Textbook Bureau, Section 12 in the Department of Education Act calls for only cash purchases of books, it's being proposed that cheques be received at the Textbook Bureau as is common practice. Actually at the present time our retail trade there is very low but there has been some annoyance that teachers and others appearing at our Textbook Bureau have not been able to obtain textbooks with a cheque and we're therefore omitting this requirement in The Department of Education Act.

MR. TANCHAK: Mr. Speaker, I do not rise to object to this Bill. I notice right opposite section 10 in the explanatory phrase there it says, "Definition of examination of board." I think it's an error there and one 'of' should be out there. In the margin - Definition of Examination of Board. Is that an error or is that an . . . I think that's an error. Isn't that right? Yes, it should be corrected before. I notice that with this new regulation we'll have four representatives on the High School Examination Board from the university. One from Brandon University and three from the University of Manitoba and what I'm wondering is why not more members from the Teachers' Society? I realize that in D part of it there will be three members appointed by the Minister and the Minister of Education explained that it will be up to the -- from the Inspectors and so on, these will be appointed. Right? Yes. But I would think, that since the teachers of the Province of Manitoba are vitally concerned and maybe more implicated in high school studies than the University of Manitoba that we should have more representation from Manitoba Teachers' Society, more than two on that. I don't see anymore objection to the textbooks -- I think that textbook amendment there, or procedure with the cheques, I think it's a good one, one for the best.

There's one more thing that I think I should bring up at this time. I've had some complaints that in the past some papers of some students have been lost after the examination - I had one specific example - and when the student didn't receive his results this student after waiting a period of time he inquired and his paper could not be located. There was a lot of time lost and eventually the student did get his pass mark on it, but I think it was just a guess mark, but in the meantime he was precluded from entering a school so I hope that this does not happen again.

MR. HANUSCHAK: Mr. Speaker, I too am concerned about the makeup of the Manitoba High School Examination Board. My concern is that in view of the fact that the majority of the high school graduates will not likely be university bound but will go in various trade schools, the M.I.T., into employment, therefore, Mr. Speaker, I would suggest that the Honourable Minister do give some attention to appointing some representation to this Board from the community outside the university, because the makeup of the board as we have here is by and large from the university community, be it the representatives from the Department of Education or be it the appointees made by the Honourable Minister as he had indicated a short while ago, those that he would consider appointing; or be it the appointees from the University itself or the Teachers' Society. I feel, Mr. Speaker, that there should be some representation from sectors of a community outside the university and outside the teaching profession and outside the Department of Education. After all, as I said a moment ago, the vast majority of our high school graduates will find their way into occupations outside the university world and I feel that the spokesman for those sectors of our community should have some say in the operation of our school system in the administration of our examinations.

MR. SPEAKER: Are you ready for the question?

MR. JOHNSON: Mr. Speaker, I might just say that in closing the debate I think the members have hit on some of the points. In introducing this amendment we were trying to meet the very points that have been raised, namely, more participation by practising teachers. We have after all the Deputy Minister or his designate, the curriculum head and appointments by the Minister here and the idea is to try and reflect the increasing importance of what's going on in our high schools and at the same time with the university representation from senate to maintain the academic integrity of our system to a happy balance and of course the opportunity for this board to delegate to knowledgeable committees, knowledgeable people certain committee work in special areas. This is available to them. But I think we must have educators of substance on this board, it's sort of one step removed from the Minister, the way it should be.

With respect to lost papers, in the hundreds of thousand papers that may be marked, any specific cases that the Honourable Member from Emerson may have I'd be happy to pass that

(MR. JOHNSON cont'd.) on to the board - especially matriculation level, I'm not aware of just what kind of problem he was raising. However, the points are well taken and probably we could discuss this a little further at committee stage if members wish when I have some of my officials there who might ask any points of detail.

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

MR. SPEAKER: The adjourned debate of the proposed resolution by the honourable the Provincial Secretary. The Honourable Leader of the Opposition.

MR. MOLGAT: Mr. Speaker, on Tuesday evening when we were discussing this particular resolution we had reached the point where we had the philosophy of the Leader of the House expounded that the Throne Speech was merely a debating item and that any relationship between government policy and the Throne Speech was purely coincidental, that it was really intended to be the subjects that the government would like to have debated during the course at that particular session. Well I find this a new theory but a most interesting one.

MR. LYON: So do I.

MR. MOLGAT: A very new theory. My honourable friend doesn't probably agree, he said then read what I said and I have since - and he said on page 487 of Hansard: "the rule is that the question of anticipation arises if a matter is appointed for debate." Now if that doesn't mean the interpretation that I put on his statement then I regret that I simply don't understand straightforward English as my friend was speaking that evening, because he was saying specifically that the only question is if a matter is appointed for debate and the matters I was discussing were certainly matters that were in the Throne Speech back in 1965 and no action had been taken.

So I was referring at that particular time, Mr. Speaker, to the failure of the government to act on the question of a public protector. I referred to the 1965 events when the government referred it to a committee, the committee sat but no action came forward. The report of the committee was given to the House in 1966 and it came in the House fairly early in the session -- in fact on the 23rd of February, the session on that particular case opened about the 3rd of February. So on the 23rd we had the report of the committee before us, but the then Attorney-General and the now Provincial Secretary said that he was not prepared to move concurrence of the report because he suggested that we should wait and listen to what Sir Guy Powles the New Zealand ombudsman might have to tell us. And so the committee sat on the 1st of March and listened to Sir Guy Powles and then we came back to the House and we waited - and then we waited some more - and then we waited some more again - and I remember, Mr. Speaker, on several occasions asking my honourable friend when he was going to move concurrence of the report. And I obtained the same reply, the very same reply that we receive on most occasions when we ask the honourable members of the front bench across the way when they are going to do something and the reply was, "soon". And I would hope that sometime "soon" we are going to get a definition of what that particular word means in the vocabulary of my friends opposite, because it recurs so frequently that I think it's time that not only the member on this side of the House but the people of Manitoba ought to know what this government means by "soon".

In any case from the 23rd of February to the 1st of March there was no action. From the 1st of March on, after repeated requests to my honourable friend and the reply that he would move concurrence "soon", concurrence was not moved and delay after delay after delay. Eventually when the House was just about to wind up, when it was pretty evident that the members wouldn't be here for much longer, on the 25th of April - I want to be fair to my honourable friend, I don't want to misquote the dates - yes, on the 25th of April, my honourable friend the Attorney-General moved concurrence of his report. The report of course, Mr. Speaker, said absolutely nothing; nothing at all in so far as the ombudsman. It had become a matter of government policy a year previously, had been in the Throne Speech, had been conveniently referred to a committee for study, the committee had studied it, we had listened to outside experts, my honourable friend had delayed concurrence and then finally on the 25th of April he moved concurrence; then on the 26th of April he moved that the committee be re-appointed to study the matter again. So that's the history of the definitive action that my friends proposed in the Throne Speech of 1965.

Now I cover that, Mr. Speaker, only to emphasize the fact that the time has come surely for the government to move forward on this - oh I see my honourable friend the "dauphin" is it? No that might give the wrong impression, it might be inferred that I'm really speaking of the member from Dauphin and I'm not. The dauphin - the dauphin is over conferring with my

(MR. MOLGAT cont'd.) friend the Provincial Secretary at the moment. I recognize that there had been a resolution proposed by ourselves but it was turned down last year, that the government was not prepared for action they wanted to study it some more. We asked at that time, Mr. Speaker, was it really the intention of the government to do something; did they really intend that all those committees that they set up on the 26th of April - and that as you will recall, Mr. Speaker, was the day on which the House adjourned in 1966 - and they set up committees by the score on that day, dozens of committees to study all sorts of things. We were going to have a very busy summer. Committees of all sorts were going to be studying these important things for the Province of Manitoba - like auto insurance and farm implements and so on, ombudsman, and what we should do about the rights of people in the province - and we asked the Ministers then are you really serious about this; are these committees going to get to work? Are you serious that you want to do something or are you just setting these up as a sham? Are you really planning on having an election sometime about June and you're not really intending to have the committee sit? And my honourable friends across the way unblushingly assured us that they really meant action this time, Mr. Speaker; that we were really going to get down to the point; that after two years of study these committees really were going to come to a conclusion.

Well we proceeded then on the 26th of April with the Lieutenant-Governor breathing down our necks and the House ready to adjourn -- and I shouldn't say with the Writ of Election prepared - that would be anticipation on my part I presume -- I can hardly assume that on the 26th of April my friends were still debating as to when they would call the election, whether it would be on the 22nd of June or whether it would be on the 15th - that was about the distance I suppose that - the leeway still existed, the ballot boxes seemed to be prepared, they were being hauled out of the basement here, but my friends were going to act and set up a committee and study this. Well, Mr. Speaker, it seems to me that when that committee was set up there was no intention on the part of the government to act. This was merely a front, merely position-taking by my friend so that they could say to the people of Manitoba - oh no, no no, we really intend to do something about this. But they had no intention, Mr. Speaker; no intention at all. And I submit that when they are presenting a resolution like this one that they should be straightforward and honest with the House. In December when my honourable friend presented his White Paper, when the headlines all over the place were that finally the Government of Manitoba was going to move on some of these matters that had been proposed by this side of the House for many years, there was no indication then, when my friend presented the White Paper, that it was going to be further studied. When this was included in the Throne Speech, the opening of this House back in early December, there was no indication in the Throne Speech that they were going to suggest a further study on these items. The Throne Speech indicated that the government was going to act. And now we're faced -- my honourable friend shakes his head. Well then, Mr. Speaker, I submit to you that we ought to abandon the practice of the Throne Speech in Manitoba. Let's forget it. What's the point? What on earth is the point of having the Throne Speech in this province if my friends across the way are going to say, "Well you know it's academic; it's for conversation's sake. Let's forget about that and let's simply come in here and let various private members on all sides of the House propose resolutions and develop policy." Surely when he introduced his Throne Speech, and I presume that my friend opposite wrote that part of it on the question of civil rights, that the intention was to do something; and now we have a reference to a committee. But as I said when I opened this debate, Mr. Speaker, I don't intend to vote against the resolution because I'm quite prepared to have a study on it, I'm quite prepared to listen to anyone who wants to appear before us, but only on one condition, Mr. Speaker, and that is that the government really intends to do something. If we're only doing this for stalling purposes and if we're only doing this for publicity, then let's forget the whole thing and we'll deal with it in this House on the basis of resolutions from this side which the government can stand up and oppose, if they want, or vote for if they want, but that this business of simply stalling from one year to the next, of referring constantly to new committees that aren't operational, is a waste of time.

In this particular case I'm disappointed that from the early part of December we should now be into the month of March with no further action from the Minister. If it was in fact his intention back last December to refer to a committee he should have said so then, and we should have established the committee at that time and the committee should have got to work. And this is what we said then on matters like auto insurance, because at that particular time when we met in December there was an increase in the auto insurance rates. We said to the

(MR. MOLGAT cont'd.) government then, establish the committee immediately and let the committee get to work, but there's been no action. There's been no action to date. The committee still hasn't been established, Mr. Speaker.

Now on this one I think many of the proposals of the Minister are good. I think that they're essential so far as the protection of our people in this province. But they're no good, Mr. Speaker, as long as they remain items for debate instead of items for action. And so I would say this to the Minister; I'm prepared to support this resolution but on one condition, that this committee is set up right now and that this committee gets to work right now, and that legislation on these items about which you've been talking for two years and not acting, is brought in at this session. There is no need for another year of delay between sessions. This can be acted upon at this session. Let us refer it to the committee; let us hear the representations. Let's take the time to do that, but let's not use it as an excuse for the failure to act at this session.

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MR. CHERNIACK: Mr. Speaker, the matter of consumer protection is a matter which has interested our party for quite some time. In the 1962 election, which was the first opportunity that I had to participate as a candidate for a provincial election, the issue of consumer protection was one of the paramount planks in our platform which we felt needed immediate action, and if you will recall we were called into session very soon after the election and at that session there were discussions during estimates; there were various opportunities to refer to the question of consumer protection, but in the following year, in April of 1964, I was given the honour to represent our party on this question of consumer protection in moving a resolution in which we indicated certain needs, what we considered were emergency needs to protect that group of people that I have had occasion in the past to refer to as the largest body of unorganized people in this community of ours and, Mr. Speaker, we felt keenly this, in 1963, on this entire question, that it needed study, it needed investigation, it needed research, and we pressed then and we were slapped down by the government at the time.

I remember that the then Member for Kildonan was the government spokesman and said, "We don't need this. Consumers can look after themselves. Consumers can find their own protection in the business of dealing with their problems of the purchase of goods and of time sales." But you may recall that about that time there was a whole scandal erupted which was spearheaded by the Winnipeg Tribune on the question of second mortgages, on the question of building construction, on the question of the entire involvement of consumers in being sucked into deals which they did not understand, which involved them in tremendous cost. And as a result, and after debate, and I presume on his own decision, but certainly after a great deal of prodding, the Premier decided that rather than the House or members of the House dealing with the question of consumer protection and remedies that were required, he would set up his own little committee and he would call it the Premier's committee, and it would deal with the consumer credit problem and that committee met.

In June of 1964 they met for the first time. In the fall of 1964 they presented an interim report, their first interim report; in February of 1965 they presented their second interim report; and then they presented their final report some time in 1965 but there's no date that appears in this final report. And in that report, that is the first committee that reported, the Premier's own personal committee, a number of recommendations were made. There was a recommendation that there be a code of ethics set up by the credit-granting industry. I'm not aware that there was any success as far as that recommendation is concerned. They recommended that the code of ethics would be meaningful only if there was self-policing within the credit-granting industry. That may or may not have happened - that was not a matter for legislation. They recommended that there be credit education and information, and I say that this government to date has done nothing in that field. They recommended that there be a panel of competent speakers that would be able to educate the people, set up by the credit-granting industry, going into the home and school, service clubs and the like, and that the government should pay necessary out-of-pocket expenses for this. I'm not aware that this was ever done. They recommended that pamphlets or stuffers be sent out with utility bills, Manitoba Telephone System, Manitoba Hydro, Winnipeg Hydro, all sorts of free methods of acquainting the public. I'm not aware that anything was done. I don't remember seeing anything in the utility bills which I received that indicated warnings for consumers to watch themselves, to learn, to educate themselves. The only thing I remember getting from the government was once a year for two years when I got a school tax rebate, and I had a little note signed by the Premier advising me of the beneficence of this government.

The Premier's committee recommended that retail merchants and finance and loan companies include pertinent information of good credit practices. If that were done, I have yet to learn about it. National Film Board be involved in education. I have yet to learn of that. Manitoba High Schools curriculum be improved. I have yet to learn about that. And so on. Collection agencies should be licenced and bonded. I wonder if the Provincial Secretary has any form of licensing or bonding of collection agencies currently in his department or in Utilities Department or anywhere else that he's aware of. I am not.

There was a recommendation that there be a period of time when, on off-premises sales, there should be an opportunity to cancel, to revoke a contract. Oh yes, this was done. This was done. There was a question of licencing and bonding of off-premises salesmen recommended; not done to my knowledge. There was a suggestion that there be the right of re-possession under chattel mortgage or conditional sales contract where you either choose the goods or go after the money. Yes, that was done. Pro-rating of debts for a fee by companies

(MR. CHERNIACK cont'd).... should be encouraged and licenced and bonded. I'm not aware that that was done. Orderly Payment of Debts Act, Mr. Speaker. For so many years we waited to see what could be done to remedy the situation, the catastrophic situation that occurred when the Orderly Payment of Debts Act was declared to be ultra vires of this jurisdiction. But we know. It was done. We'll come later to when it was done and we'll come later to what is the situation as of yesterday. I can't say as of today because I don't know.

There was a suggestion -- the Honourable the Attorney-General now knows. I'm glad of that because when we met, in December was it? he knew nothing about this situation, but now he's learned about it.

MR. PAULLEY: He still doesn't know too much.

MR. CHERNIACK: There were other recommendations: exemptions under garnishment legislation, Mr. Speaker, recommended by the Premier's committee, the first committee established to deal with this question. We dealt with it today. Are we to congratulate the government for the speedy, efficient manner in which they've carried out the recommendations which they had in their hands since 1965. --(Interjection)-- Yes the Minister of Welfare is happy now. He wants that form of congratulation. Well if that negative recognition of speed is indicative of the way this government operates to the extent that the Minister of Welfare wants to be congratulated, it's a pretty unhappy form of congratulations that I can offer to him.

And there was a recommendation that there be a government agency for protection of consumer interests. This was a recommendation, a group of them, in a very handy blue-covered pamphlet which was distributed to us in 1965.

Shortly after that, and I think it was following the first recommendation, the first interim report of that, there was a Tallin Commission appointed which dealt with real property mortgage loan transactions, and it brought in its report in February of 1965 and it made a number of recommendations. February 9th, 1965, they indicated the procedure followed and they indicated that they had recommendations to make. And they had a number of recommendations, and in the margin opposite this afternoon I was able to write 'no' as to whether or not they were carried out. I don't say all of them, but some of them, as to the method in which mortgages should show the true interest rate. It was not followed to the extent that it is set out here. We do have the mortgage brokers where there is a certain amount of protection in the dealing with mortgage brokers, who I think are defined as being firms that deal with ten or more mortgages in a year.

There was a recommendation that the cost of loan be expressed as a rate of interest, real rate of interest. That was back in February of 1965. Do we have it today, Mr. Speaker? The answer of course is no. There's a certificate suggested on mortgages by a practicing solicitor to the effect that the mortgagor knew the whole content, the real content of the mortgage, and that this solicitor should be independent of the mortgagee. It has not been carried out.

There's a recommendation that no solicitor should act for both the lender and the borrower in a transaction where the real cost of the loan is in excess of 10 percent. That has been ignored. But we had the Tallin Commission report.

Then we had the Consumer Credit Committee established. The Consumer Credit Committee was the first committee established to consist of members of this Legislature, and it met and it met fairly often, and it heard a great deal of representation and it considered a great deal of the matters involved. And that report of the special committee of the Manitoba Legislature appointed to study the law and business practice in the field of consumer credit, was brought in in January -- at least is dated January 25, 1966. And it was precise; it had some very definite recommendations to make. Disclosure of the cost of borrowing. True annual interest rate expressed as a percentage. This was after study, Mr. Speaker, of members of this House. It said that the amount of dollars per hundred of dollars per annum should be stated. That is not the case now. Method of arriving at an amount of all financing cost and loan or payment amortization. That is not law as of now.

There was a recommendation - and this was the one recommendation, Mr. Speaker, that was not accepted, of all the list of recommendations that this party had brought to this House since 1963. Everything we had suggested was pretty well adopted at the time of this committee except the one dealing with the establishment of a department or a branch of a department of government as a consumer protection and information bureau. Instead of that, this committee recommended that there be one established on a voluntary basis by organizations such as the Better Business Bureau, Credit Grantors Associations, Family Bureau and the Manitoba

(MR. CHERNIACK cont'd).... Branch of Consumers Association. And it did suggest that the province should contribute somewhat to the cost of this agency, and even though it wasn't what we had suggested we said, "Fine; that's a good start." Was it done, Mr. Speaker? I hear no calls of yes because it was not done.

There was recommendation that there be a standard form of condition of sale contracts, and I know that the Honourable Member for Selkirk has been pleading for this for a long time. Has that been done, Mr. Speaker? I haven't seen it. There was a suggestion there that there be provision for pre-payment privileges to the purchaser which would involve a rebate of pre-calculated finance charges. There was a suggestion that there be service of written notice before a seizure is made to give the purchaser an opportunity to remedy default. There was a suggestion for relief against acceleration and forfeiture if the default is remedied. That is still lying somewhere buried in a desk of, I presume, the Provincial Secretary or, what I'm afraid of, in a desk of the former Provincial Secretary and possibly it's locked because the key to it has not yet been found and apparently the Honourable the Minister in proposing this resolution is asking that a committee start looking for the key to that desk, because the key to the problem of consumer protection is still pretty far away from us. It is hidden some where. --(Interjection)--He took the desk with him. Well, not the desk that is in this room.

At that time, the Consumer Credit Committee of this Legislature dealt with the entire question of a central registry, garagekeepers liens, motor vehicles. That has not been done. It recommended again and -- apparently it had to be recommended again, that the Orderly Payment of Debts Act be reconstituted, and the Honourable the Attorney-General isn't here but I remember, in case he has forgotten, that he is prepared to tell us soon what the present situation is in regard to the Orderly Payment of debts.

There was a recommendation that there be study over the control of certain practices of collection agencies. That has not been done. There was a recommendation that when chattel mortgages are taken on household goods, both spouses be required to execute the mortgage documents to prevent a frivolous or unknown pledging of those possessions and perhaps to deter the husband or the wife from unwarranted borrowing. I don't think that even appears in the White Paper that we're now supposed to be considering, but if it is, it'll come up no doubt. There is a recommendation that chattel mortgages should automatically include a list of goods exempt from seizure. That has not been carried out. There is a recommendation that after two-thirds of the contract price has been paid on a conditional sales contract, that repossession should only be permitted on application to the court with notice to the buyer or chattel mortgagor. I don't see any reference to that.

And there was a recommendation for consolidation of legislation; we're still talking about it but we're not doing anything because the fact is that today we dealt with four or five pieces of piecemeal legislation which have been brought to us by the Attorney-General, and I hate to think so but I'm inclined to think that it was brought in now because of the prodding from this side of the House and possibly, in all modesty, because of the resolution which appeared on the Order Paper in my name at the very beginning of the session.

So this is the report of a committee of this House, of a special committee established for the purpose which met between sessions, which listened to delegations, which received material and which studied the material. As mentioned by the Honourable the Leader of the Official Opposition in February 1966, the Committee on Statutory Regulations brought in a report dealing with the ombudsman and the legal aid, and legal aid was spelled out in great detail with the assistance of the Bar Association Committee that worked with it, and the ombudsman question was also dealt with in great detail with the assistance of the Bar Association Committee that dealt with it and, as was mentioned by the Honourable the Leader of the Official Opposition, it was left only for the purpose of meeting with the New Zealand ombudsman to learn about his work, how it operated, his successes or failures. We were supposed to meet again, but as has been spelled out that was the end of that. But we had that report. It's extensive and fortunately, as I say, some of the recommendations were dealt with earlier today.

Well we had all these studies, Mr. Speaker, and since I am a member of the committee to which it is proposed to direct this White Paper with a blue cover - and it should be blue, not only because it's the Party colour of the government party, not only because the other reports on the same issue were blue, but because it's a blue day to be reviewing and reconsidering and re-evaluating and reassessing and re-referring the entire question to committees. Well I was a member - I am a member of this committee, I was a member in the Consumer Credit

(MR. CHERNIACK cont'd).....Committee, and after the former member from Brokenhead went to the other place in Ottawa I was on the Committee on Statutory Regulations that dealt with the question of ombudsman and legal aid. And Mr. Speaker, this is not a stunt. When I show you in front of me all this documentation, I give you my word that this documentation deals only with the questions referred to in the White Paper. And Mr. Speaker, I must tell you also that the members of the committees that dealt with them have this information, or most of it, or did have it, and I give credit to the members of the committee that they read it - not all of it, because who could undertake to read it all? - but good portions of it, Mr. Speaker, and this is work that has accumulated in my drawers and is not a duplication; they're all single copies. And Mr. Speaker, I want to face up to my responsibilities in this House but I hate to think that I will have to go through all this material all over again.

Is there two feet of it, Mr. Speaker? Now granted, one part of it is source material. There are reports there from the committees in the United States that dealt with consumer protection. There are reports there of the committee in Ottawa that dealt with the question of consumer protection. I admit to you I did not read through all of that, I don't know who could have done so in that period of time. But this other pile consists of briefs; it consists of the accumulative material which I was able to collect on the question of aid to persons injured due to criminal acts. It deals with a great deal of the information of the English reports on that very question. It deals with New Zealand to some extent. It deals with the ombudsman. And if only I could add to the material that was reviewed and reported upon by the Honourable the Member from Winnipeg Centre, who did a good job in reviewing the entire question on that issue, the pile would even go to more and more reading.

Mr. Speaker, are we asking the members of this House to sit again and to review again those matters which we have studied, to hear again those representations which we heard, to listen again to all the problems that have been occurring to people? And I think particularly of the report of the Family Bureau which contained precise cases, sample cases of distress and hardship that existed, that still exist Mr. Speaker, because nothing has been done.

We find here we were presented with a White Paper that's very well made out. It's a very good summary of what went before, and in this report it starts out with the very first line: "The government proposes to introduce legislation providing measures for extending remedies and relief provisions," etc. etc. That's not true, Mr. Speaker. The government does not propose to do that. The government proposes to refer the question to another committee represented by all parties of this House for them to study and possibly for them to write the legislation because I fear that that may be what they're looking for. Under the title of Consumer Credit the report reads: "It is of paramount importance that ways and means be instituted to place the credit consumer on the same plane or basis as the credit grantor," and it comes out with this gem of a statement of principle: "Let the seller exercise caution when he extends credit." A reversal of the old principle of caveat emptor: "Let the buyer beware." And here we find a Conservative government (and I'm looking forward to hearing what the Honourable Member for Rhineland has to say about that) who says now over the signature of the Provincial Secretary is a statement "Let the seller exercise caution when he extends credit," and I assume he means it. I assume that this is something in which he believes because certainly he wouldn't have signed it, but when should the seller start beware; he has no fear so far. This phrase, or this sentence as I recall it, was presented in a brief, in a brief of the New Democratic Party to a committee, to the Premier's committee, the very first committee, and the expression there was caveat vendor instead of caveat emptor, and we're happy that this government takes our ideas and we're pleased that this government acts, but how long must we plead with them and how long must we nurse them along, to repeat the reading and the studying of material that comes in again and again and in the same form, because the problem doesn't change from year to year - it gets worse. "It is proposed that new legislation will extend these provisions by requiring in all credit transactions full disclosure of the cost of borrowing including annual interest rates," - and the phrase 'where practicable' has been inserted and I know that that is a reference to the department stores' methods of granting credit, "... pre-payment privileges," - nothing here about rebating of the add-on-costs but I suppose they mean that because all they'd have to do is read their own reports. I'm not even asking that the Minister read all the material that I've accumulated. I wish he'd read his own reports and the reports of committees of this House in order to act. "Regulation and licensing is recommended. It is proposed that they be regulated and licensed." By whom? By this House? By the Opposition or by this government? And if by this government - when?

(MR. CHERNIACK cont'd)....When Mr. Speaker, by this government? "Central registry be established. Consumer Protection Bureau," -- and here we find a further step along our road but such a slow dragging step. Now we find that the government is prepared to recognize its responsibility to establish a bureau. The last report did not go quite that far. But how can I congratulate the Minister for saying it when all he's doing is saying, "Now let's refer it. Let's study it some more."

Orderly payment of debts: In June of 1966, Mr. Speaker, the proper amendment was passed by the federal House of Commons and Senate enabling provinces to establish orderly payment of debts machinery under The Bankruptcy Act, and from June of 1966 and I believe until today, or I'll say until last week because that's the last time I inquired, the machinery was still being fabricated, and at one stage the Honourable the Attorney-General said, "We're waiting for something from Ottawa," and that could be. I think this government is very patient. I think it accepts the idea, "We'll wait. It'll come eventually, for some one," and as far as I know we still don't have orderly payment of debts machinery which proved to be a real boon to people in trouble throughout all the years of which I am aware that it was in existence in this province. June, is that nine months, ten months? How long, Mr. Speaker?

And now we come to the question of compensation to victims of crime, and the Provincial Secretary is cautious. He says, "There appears to be a need to alleviate hardship," and goes on that "the Government proposes to consider" He was careful, Mr. Speaker. "The government proposes to consider fulfilling it by the introduction of legislation establishing a scheme of compensation to victims of crime." Yes, they were careful this time. But the Honourable the Member for -- well, let me go back and suggest, Mr. Speaker, I think with justification, that when I brought this resolution on this issue here it had come to me through a newspaper clipping I had read about the State of New York studying it, and as far as I could ascertain it wasn't being adopted or considered in any other jurisdiction until I discovered that they had gotten their idea from England and from New Zealand. And I was therefore able to acquire some information, bring the resolution and speak on it. I say these are the three jurisdictions. Two have it and one is considering it. And the Honourable the Member for Winnipeg Centre adjourned debate and he kept the debate adjourned for a long period of time, and I was afraid that it was going to die but I was wrong, and I think I had occasion to give him credit for it. He was waiting to get his own information and he came up with most interesting information as to what was going on in California; that they were doing it. And he came up and I think he gave his wholehearted support to the principle of studying it, as did the government, as did all members of this House. So we talked about it then. The Honourable the Member for Winnipeg Centre talked about it. I believe the Honourable Member for Selkirk spoke on it, supported it. We talked about it then but, Mr. Speaker, we're still talking. We're still talking and now we find -- I'm pretty sure New York has it; I know California has it because I've returned -- and I confess to you that some of the material that I have on this pile in front of me is new material and maybe that's what the Provincial Secretary is waiting for. I brought back material with me from California where they had had it for a year and where they were working with this entire problem. And now we find in February of 1967 a story appearing in the Winnipeg Tribune, February 11th, "Victims of Violence to get Compensation," and knowing as I do that there are occasions when this government makes a statement outside of this House, I thought, well all right; we're getting somewhere; but it was datelined Regina. And it quotes the Throne Speech setting out that there is proposed legislation to compensate victims of crimes of violence, and a spokesman for the Attorney-General's Department said, "It will be a first in North America." Now the Liberals of Saskatchewan don't even know the history of whether it will be a first or not, but Mr. Speaker, I think it's going to be a first in Canada because as far as I can see it's going to be in law in Saskatchewan before this committee meets - at least this committee that is proposed by the Honourable the Provincial Secretary.

Provision of legal aid to indigents. Mr. Speaker, we went into this in so much detail in the Committee on Statutory Regulations, and the Honourable the Provincial Secretary, the then Attorney-General, was the chairman of that committee and I am sure he knows what went on in that committee. I am sure that he knows what the recommendations are, and they were expensive and there was a question of cost, and there was a question of whether the government could afford it or wanted to afford - to pay the cost. But that wasn't a matter for the committee because we weren't going to be asked about the budget. We weren't going to be consulted as a committee. Can we afford it? How far can we go? This was a government matter. The principle and the method and the exercise of the entire machinery of providing legal aid was

(MR. CHERNIACK cont'd).....dealt with at great length, but it's still being dealt with apparently.

And so we go on to the conclusion of this White Paper coloured blue, and we find that the second last item deals with: "It is proposed that the cost factors be given equal consideration to the legislative framework." May I direct a question to the Provincial Secretary and ask him by whom? Who will give consideration to the cost factors? We on this side? Are you going to give us an opportunity to deal with cost factors before you bring in your legislation? Do you give us that power? Do you give us that right? Or is this really a function of government? Are you willing to give up that function so that we can all deal with it as we see fit?

Then it concludes with a statement that the widest possible public discussion and consideration should be given to these measures. Mr. Speaker, where was the Honourable the Provincial Secretary when we met and sat and discussed and listened and accumulated all this material in committee? He wasn't in that room and I'm not accusing him of not being in the room; he wasn't a member of that committee. But he's read the reports. I assume he knows the chairman, who was then the chairman of that committee. I assume he has opportunities to talk to him. Could he not learn? Could he not find out what had been done? Is it still necessary for him to give the widest possible public discussion? Was there not the widest possible discussion? And again I have to say: where was the Honourable the Leader of the Opposition when all this was going on? Because he this evening also said, "Yes, we'll refer it to a committee. Yes, we'll hear representations. Yes, we'll learn more about the subject." Doesn't he know enough? He ought to ask the Honourable Member for Selkirk. He knows. But, instead, more discussion, more debates.

Well, the recommendations are before us. Who will prepare the bills, Mr. Speaker? We? Does the government want us in Opposition to write all this legislation? Does the government want us to go to the Legislative Counsel and beg him to please do something about it or shall we hire our own counsel? Or just what does the government want for us to do? Because the principle is established; all we need are the bills so we can discuss the bills in committee so that we can hear representation on specific proposals, so that we can make changes, so that we can learn. That's all that's needed. There's a time to talk, Mr. Speaker, and there's a time to act, and the time to talk is long past. The time to talk started in 1963 at the latest, the time to talk took place in 1964 and in 1965, and the time to talk existed in 1966, but the time to act is now, Mr. Speaker, and it's no longer the justification on the part of this government to say, "We have yet to study. We have yet to consider." How long is this government going to sit back and study and consider and not act? We may be suffering from a change of Ministers.....

MR. SPEAKER:I may interrupt the honourable gentleman. He has five minutes.

MR. CHERNIACK: I don't mean that in any form of discredit but maybe it's true. Maybe the former Provincial Secretary who was so deeply steeped in all this, his loss is maybe seriously felt here. I don't know. But I think that the government is again delaying..... And the Honourable the Leader of the Official Opposition, he was critical of these delays, justifiably, but he's prepared to go along with the government. Well, Mr. Speaker, I am no longer prepared to go along with this government. I am no longer prepared to sit and study and review. I would like to put this away, Mr. Speaker. I don't have that much space allotted to me by this government in our caucus room to store all this material for ready reference again and again. I'd look to put it away and say, "This is a job done." We've accumulated the material. We've studied it. We've researched it. We've heard representations. We cannot go along with this continued delay. All this has been passed in principle. It's up to the government to act. And therefore, Mr. Speaker, we feel that we ought to ask the government: let's act. Let's act. And we say that the same preamble is fine on this resolution and that it's fine that we say "Therefore Be It Resolved that the White Paper entitled 'Citizen's Remedies Code' presented to the Legislature by the Provincial Secretary on the eighth day of December, 1966, and legislation arising therefrom be introduced by the government at this Session." Let them stop pushing it off. Let them introduce it. They know it's needed. They know it's there. If it needs changes, if it needs evaluation, if it needs amendment, if it needs consideration, that should be on the basis of bills. The government knows what it should be and they shouldn't delay it any longer, and we say: let it be introduced by the government at this Session.

Therefore, Mr. Chairman, I have the honour to move, seconded by the Honourable Member for Seven Oaks, that the motion be amended by deleting all the words after the word "therefrom" in the 4th line of the operative section of the resolution and add the following: "be introduced by the government at this session."

MR. SPEAKER presented the motion.

MR. LYON: I rise on a point of order to ask you to consider, Sir, whether or not the words used in this particular amendment are appropriate, having regard to the fact that the object sought by the honourable member in his amendment is to have certain things done this Session which will require the expenditure of public money and which may well require the introduction of this amendment either by way of a message, if it were to come from this side, or by way of additional words if it is to come from the other side of the House - "the government give consideration to the advisability of"

MR. PAULLEY: Mr. Speaker, may I, because of the fact that my colleague from St. John's has proposed this resolution, make some comment on the point of order raised by the Honourable the Attorney-General. The resolution that we are dealing with is a proposition from the government itself dealing with the questions the White Paper entitled so and so and the legislation be referred to a committee. This matter, may I respectfully suggest to your Honour, has been the subject of consideration for a considerable period of time, and even in the preamble to the resolution which we have now amended, it is deemed advisable and expedient that it should be considered by a committee. I think this would be sufficient to meet the point brought forward by the Honourable the House Leader as far as that aspect of it is concerned. All we want in our amendment is for the government to take action now. If the government can take action after referral to a committee then I respectfully suggest that our proposition is still valid that the action be taken now and not after referral to a committee, which in essence, as far as the technicalities of the Rules and Regulations, is basically the same. What actually we want, Mr. Speaker, is the government to get off its haunches and deal with this now. They have suggested insofar as the mechanics of the advisability is concerned, it should only be done after reference. We suggest that instead of being referred to somebody else it should be done now. And I think my honourable friend the Attorney-General is now prepared to accept the proposition as proposed by my honourable friend the Member for St. John's. Let's get on with the destiny of Manitoba. Let's get on with what is proposed in this, and on the point of order, Mr. Speaker, I suggest that the amendment proposed by my honourable colleague from St. John's is in order. It only advances the proposition of the government insofar as the advisability of the consideration is concerned to now until some day hence.

MR. LYON: Mr. Speaker, I thank the honourable member for sending me over a copy of the amendment which reached me after I had raised the point of order and I can see, looking at the amendment now, what he is attempting to do. He's saying that the resolution would read, "Therefore Be It Resolved that the White Paper entitled Citizen's Remedies Code presented to the Legislature by the Provincial Secretary on Thursday, the 8th of December, 1966, and legislation arising therefrom, be introduced by the government at this session." I withdraw my point of order because it does not involve a financial matter.

MR. PAULLEY: Mr. Speaker, may I say I'm most happy with my honourable friend's contribution to the debate and may I respectfully suggest to him and the First Minister that they proceed in the light of the amendment that has been introduced by my colleague from St. John's.

MR. LYON: I didn't say I agreed with it; I just said it was in order.

MR. SPEAKER: I believe the Leader of the Opposition had a word or have you changed your mind?

MR. MOLGAT: Merely to try and convince my honourable friend across the way but he's decided that he agrees with the amendment so I have no objection.

MR. SPEAKER: Thank you very much. Are you ready for the question?

MR. McLEAN: Mr. Speaker, I wished that I had a couple of colleagues that could bring in some files and some books for me this evening. The Honourable the Member for Gladstone-Neepawa sometimes uses a proverb very effectively and one just comes to mind this evening, the one that members will remember, that it is better to travel hopefully than to arrive, and that would be the comment I would have to make to the Honourable the Member for St. John's. He has conveniently or other -- he has overlooked a great number of matters in pressing his case on the basis that there has been an unnecessary or unusual delay in the presentation of legislation. However, speaking only on this occasion, Mr. Speaker, to the amendment which is presently before the House, and confining my comments to that only, I just have a brief word and that is to say that we cannot accept the amendment that he has proposed, for the very good reason that while a very substantial draft legislation has been prepared

(MR. McLEAN cont'd)....and will be presented, I suppose I might say soon, it does not encompass all of the matters which are set out in the White Paper, and therefore for that reason we cannot support the amendment he has proposed although I may say that we have legislation which we anticipate bringing before the members on a number of the matters which are set out in the White Paper. And I take only this occasion to say that it is with great regret that I cannot support the amendment which he has proposed at this time.

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

MR. GREEN: Mr. Speaker, I believe I was on my feet -- Mr. Speaker, I beg to move, seconded by the Honourable Member for Elmwood, that the debate be adjourned.

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

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

MR. SPEAKER presented the motion.

MR. FROESE: Mr. Speaker, at this time I would like to address myself to the House because this will be my last opportunity to speak on the matter of the referendum and

MR. SPEAKER: Order please, we have a motion before the House.

MR. FROESE: And I'm speaking on it, Mr. Speaker.

MR. SPEAKER: You're speaking to the motion?

MR. FROESE: Yes.

MR. LYON:the honourable member, Mr. Speaker, on a point of order is speaking to a grievance on the motion to go into Committee of Supply.

MR. FROESE: Mr. Speaker, as already stated this will be my last opportunity before the referendum to speak on this matter of the referendum, and since it also will involve finances which have not been dealt with so far, and this has to deal with the tax rebates for which we haven't made no provision in the budget as such, so I feel that I should be quite in order to discuss these points here tonight.

I mentioned earlier this afternoon in trying to discuss a matter of urgent public importance, that the government had failed to give the people of this province proper information and all the information that is needed to intelligently vote in this referendum, because in my opinion they avoided the real issues at stake and on which I have made some remarks on previous occasions, but I would like to discuss them in a little more or in greater detail here tonight and I would like to address myself chiefly to the matter of loss of local control in educational affairs by the people of this province, the vesting of the powers in the provincial finance board which will be a government board appointed by the Lieutenant-Governor-in-Council and who will have control of all finances involved in education in this province. Then, too, I would like to briefly discuss the matter of centralization of administration of our elementary schools and the finality of this vote that the people will be called on to exercise.

Now Mr. Speaker, when some six or seven years ago the people were called on to vote on the division plan we heard a great deal about equality of education, and at that time it was a matter of dividing the administration between the elementary schools and the high schools and you had to have a division of administration at that time in order to bring about equality of education.

MR. JOHNSON: And you got it.

MR. FROESE: Now we find they turn around and they say in order to have equality you must have a single administration of both the elementary and the high schools. And you have departmental officials and other people going across this province and telling the people this very thing. I hope that some day they will make up their minds and at least come to one conclusion and stick with it. Certainly I think this is rather foolish.

Then, too, I have to come back to one statement that was made at a particular meeting which was called in my home area and at which one of the department officials spoke and he made two sweeping statements to the effect stating that this vote had nothing to do with doing away the small schools nor was it a vote for or against the larger schools. Now Mr. Speaker, I mentioned this in the House on a previous occasion that this is misleading, it is erroneous, because this is the very essence of the vote of the referendum that is before us and I certainly want to deal with this matter a little later on.

Now I feel this referendum is wrong in many ways. First of all we still have not got the Bill before us that will encompass the legislation involving the White Paper and the Foundation Program as such. We don't know why they are withholding it. Are they hiding

(MR. FROESE cont'd). . . . something; are they afraid to disclose the full contents of that Bill? Or what is the reason for it. Are we as members of this House, are the people of this province supposed to sign a blank cheque? This is what it amounts to. I for one will not go and support a measure of this type without disclosing the full details. We do not know what form the provincial finance board will take; will this be a school commission or what will it be? Then too the statistics have not been made available for the various divisions in this province and I feel that as a result of that that the vote is premature, it should have been delayed at least till June or sometime when the statistics would be available so that when you conduct meetings you could inform the electors of this province as to what the situation would be in their particular area, whether they stood to gain from the grants, and to what extent, because these questions come up at every meeting. I have conducted a number of them and I know what the questions are and this is one of them. You could not give them the figures so that they could make the proper assessment on their own and analyze the situation. So that in this case too the matter is wrong in that we go to the people and ask them to vote for something that they have not got the full details on.

Then the people have also told me that even at the meetings sponsored by the government that they did not get their questions answered to their satisfaction and as a result there is mistrust among the people of this province on this count and that many people will not support the referendum as a result of this. Then too, this is not a free vote because of the large inducement grants, because of this large carrot that is dangled before the people - vote for this or else. And this is what it amounts to. If you do not vote for it you will not be entitled to get the higher grants. And the grants are very substantial and I have pointed this out to the people at the meetings that I conducted. For instance, on maintenance \$1,200 for authorized teachers. This is far more than any of the elementary schools use in Manitoba and I take this attitude - once you offer this amount of money to the schools in this province, if it is there to be used they will use it. As a result the costs will go up. Likewise for administration purposes, \$450 for authorized teachers. This is also up substantially from the previous arrangement. The same holds true for transportation grants, \$175 per pupil transported instead of \$100. These grants, the increases are substantial so that the people find it very difficult to reject the referendum on this count and this in my opinion is therefore not a free vote; it is actually blackmail, because when you use the taxpayers money to put up these high grants and then make them vote a certain way this is very very wrong in my opinion.

MR. ROBLIN: I must ask my honourable friend not to use the word 'blackmail'. I doubt that it's parliamentary. He no doubt can say the same thing in a pleasanter way.

MR. FROESE: I'll retract it for that matter but -- (Interjection) -- Oh no, not by any means. Then, too, another reason why it's so wrong is that there will be no recourse. Once this plan is voted in it's final and there is no provision, at least not in the White Paper, and we haven't got the bill itself, that they ever will be able to go back to their former position if they so desire, and when we hear on the radio the advertising that they're putting out in support of the plan they tell us it's the same plan as they have in Alberta and Saskatchewan. Mr. Speaker, in these provinces when the vote was held they did not attach those large inducement grants to it. They voted on the merits of the plan. --(Interjection)-- When the county system was voted on in Alberta that people knew they could vote on the matter again five years hence, without a petition. This is fact and it has happened. They have had second votes on the matter. I know this. So that I can speak with authority on this because I know and they've told me personally. --(Interjection)-- People in this province should have the right to be wrong in such a case and that they should be able to come back and revert to a former position if they so desire. It should not be as final as what this legislation is going to be.

Another thing that is so wrong is that we are forming a monopoly here in education in this province and we are going to have a government appointed board heading this monopoly and they will tell how much the people are going to spend on education, how much the school divisions will be able to get in the way of revenue for the purposes of running their schools. And what is the experience of government boards in Manitoba, Mr. Speaker? We now have some 56 of these and we've already heard on a previous occasion as to the Marketing Board how they exercise their control to the fullest extent and beyond that in my opinion. That they even restrict production of crops in Manitoba through the allocation of a small allotment of the goods, of the product that they produce and will be able to sell. This is the experience we have in Manitoba from our government boards. Likewise the credit corporation, the Manitoba

(MR. FROESE cont'd).... Credit Corporation. We thought we had passed a liberal piece of legislation; they come in and restrict it. I had the experience with a man that was fully qualified to get a loan from this corporation but because he could not purchase property in the immediate vicinity he had to go outside of his immediate area and as a result he was refused a loan on that basis.

We have heard from the Manitoba Development Fund earlier in this session and what a fuss was raised by the members of the opposition here when they couldn't get the information that they were seeking. These boards are spending tax dollars, the money that is provided by the taxpayers of this province and they should be accountable to us as a legislature. This board will be appointed by the Lieutenant-Governor-in-Council, not by this Legislature and we will have no authority to change the composition of that board as members of this House.

We also find as a result of this Board that we will be bringing about a new concept in connection with school budgets. Up until now school boards were able to draw up budgets and there was no question as to whether they would get that money. Now we find that there is a regulatory body placed on top of this who will be in control of all finances and they will have the power to regulate and control, so that the school divisions once established will no longer have the former authority that they had under division boards and as school district boards. That they will find that their powers are lessened as a result. These are things that are not being told to the people of Manitoba at the meetings that were sponsored by the government.

And then too what is the experience of centralization as it has been practiced here in Manitoba? We find that costs increase because no longer do you have the incentive to economize and to be efficient because there will be no reward to the taxpayer or to the people in charge to be efficient because they all have to contribute to a big pool and from this pool you will pay the costs of education. We know what happens in our other service departments such as welfare and health. Look at Welfare, the costs going up \$4 million a year and I think this year it's \$5 million. Look at the Hospital Commission, \$4 million a year for the last number of years - last year \$5 million; this year we are going up from \$51 million to \$63 million, a \$12 million increase. Mind you we have a change at year-end but it still means that we'll have an increase of some \$7 million in this particular connection with the Hospital Commission. And this is our experience with these service departments and where you pool monies and pay the costs. You have no longer any incentive left and therefore the costs are bound to increase. And we also know.....

MR. WITNEY: I wonder if I might ask the honourable member a question?

MR. FROESE: Not at the present time. I only have a minute or two. The White Paper also tells us that school costs will increase further and that we should expect further increases. Now these are things that are very wrong indeed and then I find on top of that we will have a great number of losses. Look at the removal of the complete level of government - that is of the public school districts and their boards. This level of government has run very efficiently and has cost the taxpayers of Manitoba the least amount of money. The taxes were collected at the local level and as a result the people got more value for their tax dollar. This will mean that these 1,200 legal entities will be removed and with it the annual meeting which is a form for discussion and which has legal status under the law. No longer will the people of Manitoba have this. This also means that from here on your school boards are not accountable to your electors as such; they are just responsible to the.....

MR. SPEAKER: Order, please. I'm sorry I must interrupt the honourable gentleman. It is now 10:00 o'clock.

MR. LYON: Mr. Speaker, I beg to move, seconded by the Honourable the Minister of Welfare that the House do now adjourn.

MR. SPEAKER presented the motion.

MR. SPEAKER: I'm sure the honourable gentlemen had a wonderful evening earlier on. Sorry I missed it.

The House is now adjourned and will stand adjourned until 10:00 o'clock tomorrow morning.