

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Friday, July 17, 1970

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees.

REPORTS BY STANDING COMMITTEES

MR. LAURENT L. DESJARDINS (St. Boniface): Mr. Speaker, I beg to present the Third Report of the Standing Committee on Public Utilities and Natural Resources.

MR. CLERK: Your Standing Committee on Public Utilities and Natural Resources begs leave to present the following as their Third Report.

Your Committee has considered Bill:

No. 123 - An Act to amend The Wildlife Act.

And has agreed to report the same without amendment.

Your Committee has also considered Bills:

No. 17 - The Manitoba Natural Resources Development Act.

No. 65 - An Act to amend The Commissioner of Northern Manitoba Affairs Act.

And has agreed to report the same with certain amendments.

All of which is respectfully submitted.

MR. DESJARDINS: Mr. Speaker, I beg to move, seconded by the Honourable Member for Churchill, that the report of the Committee be received.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SIDNEY SPIVAK, Q.C. (River Heights): . . . comment. The report presents bills that have been referred to the Committee. The Committee will be meeting in connection with Bill 56 and we will be hearing a number of delegations. There is still one other matter before the Committee that I hope would be considered to be dealt with in this Session, and that is the opportunity for the committee to hear the representation and information and evidence of Mr. Bill Fallis, General Manager of Hydro. We know, Mr. Speaker, from the evidence presented so far that Hydro faces, towards the end of this month, a major decision as to whether South Indian Lake is to be proceeded with, either a middle diversion or a high level diversion, and I would believe that it's not appropriate at this time because we're only dealing with the bills, but I think it's important that the government understand that it's the intention of this side to insist that Mr. Fallis, as General Manager of Hydro, be called before the Committee so that we will have an opportunity of hearing evidence and be in a position to know what is going to take place with the high level of the middle level diversion.

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

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, on that same note I would support the Honourable Member for River Heights in his request to have this hearing take place before this House prorogues so that honourable members will have a chance to question him and so that we can assess the situation properly before a decision is made.

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

MR. SPEAKER: The Honourable Member for St. Matthews.

MR. WALLY JOHANNSON (St. Matthews): Mr. Speaker, I beg to present the Fourth Report of the Standing Committee on Municipal Affairs.

MR. CLERK: Your Standing Committee on Municipal Affairs begs leave to present the following as their Fourth Report.

Your Committee appointed Mr. Johannson as Chairman, replacing Mr. Boyce who will be absent for the Remainder of the Session.

Your Committee has considered Bills:

No. 110 - An Act to amend The Housing and Renewal Corporation Act.

No. 130 - An Act to amend The Municipal Board Act.

No. 136 - An Act to amend The Winnipeg Charter, 1956, (3).

No. 133 - An Act to amend The Municipal Boundaries Act.

No. 144 - An Act to validate By-law No. 1695 of The Town of The Pas.

No. 145 - An Act respecting The Town of Beausejour.

No. 146 - An Act to amend The Municipal Act.

And has agreed to report the same without amendment.

(MR. CLERK cont'd.)

Your Committee has also considered Bills:

No. 39 - The Municipal Act.

No. 63 - An Act to amend The St. Boniface Charter, 1953.

No. 129 - An Act to amend The Metropolitan Winnipeg Act.

And has agreed to report the same with certain amendments.

MR. JOHANNSSON: Mr. Speaker, I beg to move, seconded by the Honourable Member for Gimli, that the report of the Committee be received.

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

MR. SPEAKER: The Honourable Member for St. Boniface.

MR. DESJARDINS: Mr. Speaker, I beg to present the First Report of the Special Committee on Professional Associations.

MR. CLERK: Your Special Committee on Professional Associations begs leave to present the following as their First Report.

Your Committee has reconsidered Bill No. 10, An Act to amend The Optometry Act, and has agreed to report the same with certain amendments; i. e., Sections 1, 2, 4, 5, 6, 7, 8, 9 and 10 were passed without amendment and Section 2 was deleted.

All of which is respectfully submitted.

MR. DESJARDINS: Mr. Speaker, I beg to move, seconded by the Honourable Member from Churchill, that the report of the committee be received.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, although I voted against the deletion of the particular item mentioned in the report, I must say, Mr. Speaker, I will vote for approval of this motion, or in favour of this motion. In the Committee, reference was made of the fact that it was my belief that there was a possibility of a minority report being presented. There was some disagreement from the Clerk and I would like to indicate to you, Mr. Speaker, and to the members of the House, that I was wrong. My information was based on a misreading of Section 318 of Beuchesne in which there is a procedure in which an alternative draft report, which could be a minority report, can be presented to the Committee for its consideration and the majority report does not have to necessarily be accepted. The majority report can be presented and the minority report can be presented and the Committee then, if it approves the minority report, can accept the minority report. -- (Interjection) -- If I may, Mr. Speaker, so that there will be no question of the reference that I'm suggesting, this is Section 318, Citation 2, in which it says, "by proposing an alternative draft report or moving an amendment of the question for reading the draft report a second time in the committee," and whether my understanding is entirely correct or whether I'm even wrong in this area, I was wrong before and I rise to point that out, Mr. Speaker, particularly to the chairman who has been very kind and considerate notwithstanding the fact that there was a disagreement between myself and he on this particular item.

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

MR. SPEAKER: Notices of Motion; Introduction of bills; Orders of the Day. The Honourable Member for Rhineland.

ORAL QUESTION PERIOD

MR. FROESE: Mr. Speaker, in the absence of the First Minister, I will direct my question to the House Leader. Has the government taken any action so far yet on the matter of assisting the people who were flooded in the Altona-Gretna area?

HON. SIDNEY GREEN, Q.C. (Minister of Mines and Natural Resources) (Inkster): No, Mr. Speaker.

MR. FROESE: Has the government not had any reply from the federal authorities in connection with assistance?

MR. GREEN: Not that I'm aware of, Mr. Speaker.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, my question is for the Minister of Industry and Commerce. I wonder whether he could indicate to the House whether the information furnished earlier today by the Minister of Labour in connection with the unemployment figures has any relationship to the information made available to the news media which would indicate the exports out of Manitoba are down.

HON. LEONARD S. EVANS (Minister of Industry and Commerce) (Brandon East): Mr. Speaker, there are so many variables affecting unemployment. One major variable, of course, is the policy of the Federal Government to fight inflation, which is creating a considerable amount of recessionary influences right across the country. Obviously there are too many variables to give a precise answer.

MR. SPIVAK: A supplementary question, Mr. Speaker. If exports out of Manitoba to Canada and if exports out of Manitoba outside of Canada are down, does it not affect the actual employment figures? Does it not affect the actual employment figures in Manitoba?

MR. EVANS: Mr. Speaker, the honourable member is hypothesizing. It's sheer speculation.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. BUD SHERMAN (Fort Garry): Mr. Speaker, in the absence of the First Minister, I direct my question to the Minister of Finance. In view of the fact that -- it arises out of the fact that the current issue of the Manitoba Business Journal features a cover story on the projected new headquarters building on the Board of Grain Commissioners in Winnipeg, and in view of the fact that nothing has happened on the site where the building is to go, up to the present time, I'd like to ask the Minister of Finance whether the current economic slowdown is retarding plans to go ahead with that building.

HON. SAUL CHERNIACK, Q.C. (Minister of Finance) (St. John's): I might indicate to the honourable member that I was informed by my wife it appeared that her parking lot was still secure, briefly, for some period of time. As to the question of the economic situation in relation to the construction of the building, I suggest he communicate with the proper authorities who would have a proper knowledge as to what their plans are.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): A question to the Minister of Transportation, Mr. Speaker. I wonder if the Minister can indicate whether his road construction program is on time, or is he ahead of time, or is he behind with the weather we've had this spring?

HON. JOSEPH P. BOROWSKI (Minister of Transportation) (Thompson): We're behind time due to the weather.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, my question is to the Minister of Finance in the absence of the First Minister. I wonder whether he could indicate to the House whether the government has scrapped its support of the skyway plan for Downtown Winnipeg.

MR. CHERNIACK: Mr. Speaker, the terminology is so completely wrong that I can't really answer it properly without going into much greater detail, but let me first say that the Provincial Government never had a skyway program and certainly was not in a position to scrap it. The Provincial Government's attitude to this entire program has not changed.

MR. SPIVAK: A supplementary question. I wonder if the Finance Minister could indicate whether it's not the government's intention to support the building of a convention centre which would not, therefore, assist in the development of the skyway plan as proposed by the City of Winnipeg.

MR. CHERNIACK: Mr. Speaker, the question is worded in such a nice negative - I think it may be a triple negative way - that I can only answer it by saying that our attitude to development of the downtown core is positive and has not changed.

MR. SPIVAK: A supplementary question, Mr. Speaker. I wonder if the Minister of Finance could indicate whether the government is now working with a developer other than the developers of Centrepoint for the creation and development of a convention centre facility not connected in the skyway plan.

MR. CHERNIACK: The government is keeping all avenues open.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I'd like to direct my question to the Honourable Minister of Government Services - I think I'm correct in directing the question to him. Why were the reeves not invited to Her Majesty's visit when the mayors of various towns and villages were invited?

HON. RUSSELL PAULLEY (Minister of Government Services) (Transcona): I wonder if my honourable friend would repeat that question.

MR. FROESE: Yes. The question is: why were the reeves of the various municipalities not invited to Her Majesty's visit here when the mayors were invited?

MR. PAULLEY: I cannot answer my honourable friend, Mr. Speaker. It was not a function under the auspices of the Government of the Province of Manitoba.

MR. FROESE: Could I ask then, under whose auspices this function was carried out?

MR. PAULLEY: I'm not sure, Mr. Speaker, but I will endeavour to find out for the information of my honourable friend.

MR. FROESE: Mr. Speaker, I would also like to direct a question to the Minister of Cultural Affairs. How come that the various Centennial committees that were set up throughout the province were not invited to Her Majesty's visit?

MR. CHERNIACK: Mr. Speaker, may I indicate that the question had been asked previously and I was informed that there simply was not enough room, in connection with the Concert Hall, the invitation to the reeves which was not given whereas mayors were. I am told that the largest capacity was accommodated but there just was not enough room for all.

MR. FROESE: Does the Honourable Minister not consider this a slight against the reeves?

MR. CHERNIACK: Well, Mr. Speaker, since I was prepared to give the answer, then I would certainly not be prepared to voice opinions because I believe the Honourable Member for Rhineland, and I know that I, was not invited either.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, my question is for the Honourable Minister of Government Services. I wonder whether he could indicate to the House that in the event of Bill 56 passing whether it would be the government's intention of putting the auto insurance . . .

MR. SPEAKER: I believe the honourable member is asking a hypothetical question on Orders of the Day.

MR. SPIVAK: Well then, I'll phrase it another way, Mr. Speaker, to the Honourable Minister of Government Services. Is the Winnipeg Auditorium going to be altered to be able to house the Auto Insurance Corporation?

MR. PAULLEY: May I reply to my honourable friend that the Department of Government Services along with other departments are considering the future use of the Winnipeg Auditorium. It may or it may not include provisions for the Automobile Insurance Commission after Bill 56 is passed.

MR. SHERMAN: A supplementary question, Mr. Speaker. Does the Minister of Government Services have any plans for the Auditorium should Bill 56 not pass?

MR. PAULLEY: Bill 56 will pass, Mr. Speaker.

MR. SHERMAN: On a point of order, Mr. Speaker, I wonder if I might appeal through you, Sir, and point out that I think the Minister of Government Services misinterpreted my question. That was not the question I asked. Does the government have any plans for the Auditorium should it not be used to house the Automobile Insurance Commission?

MR. SPEAKER: May I remind the honourable member the question is a hypothetical one and is out of order under that provision of Beauchesne's rules. The Honourable Member for Roblin.

MR. HARRY ENNS (Lakeside): On the point of order . . .

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: On the point of order, I would have to take issue with you, Sir, regarding that the passing of Bill 56 is hypothetical . . .

MR. SPEAKER: Order. Order please. Orders of the Day. The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Speaker, I would like to direct a question to the Minister of Government Services. I wonder if the Minister would indicate the storage charges that are being paid by the province for the 70 cars and three trucks that will be used for the government's auto insurance program. Would he indicate the monthly rate that's being charged and who is paying it?

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, I wonder if the Honourable Minister of Government Services would indicate whether any part of the Auditorium facility would be available for conventions within the period of the next year.

MR. PAULLEY: . . . matter of policy and it is under active consideration not only by the Department of Government Services but government as a whole.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I'd like to direct a further question to the Minister of Government Services. Who made the decision as to whether the reeves or the mayors were invited?

MR. PAULLEY: I do not know.

ORDERS OF THE DAY

MR. SPEAKER: Orders of the Day. The Honourable House Leader.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable the Minister for Cultural Affairs, that Mr. Speaker do now leave the Chair and the House resolve itself into Committee of the Whole to consider the following bills: Nos. 43, 115, 141, 67, 88, 89, 90, 94, 96, 97, 98, 100, 101, 104 - and there are some more - and others.

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

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: On Bill 115, an Act to amend The Mining Royalty and Tax Act, we are dealing with the amendment proposed by the Honourable Member for Riel, that Section 3 of Bill 115 be amended by deleting section 7(2), 7(3) and 7(3.1), and striking out the figures and letters "2 and 3" in the first line of the section. Are you ready for the question? The Honourable Member for Churchill.

MR. GORDON W. BEARD (Churchill): Thank you, Mr. Chairman. I'm glad the Member for Lakeside came back after having a good supper, I presume. It would appear when I was listening to him that he had felt that perhaps the government were going to go around producing mines all over Northern Manitoba, and if this was the case it would be all the more reason why I would say I would endorse this bill. It would be a very good idea.

But I think that actually if they would take a look at the money, or we'll call it the rental, of an area during the time in which the company use it, because after the company is finished with it they move out and that's it, and I think that we've had a look at Sherridon, we've had a look at Bissett, and maybe we'll have a look at more from time to time, and if there is money put aside in which a government or a fund is made available to help the people that have been encouraged to live in that one particular area, and to help them to rehabilitate whether it be 20 years after or perhaps 100 years after when their children or their grandchildren are living in that area, where you are looking at a non-renewable resource, then there is always that chance. And I'm sure that the honourable member had an opportunity, as I did, to read in one of the local papers in respect to just how much our resources were worth to us in Canada and just how long they could last if they were sold to the United States, which is one of the larger consumers, and I'm not saying that this isn't right, that it shouldn't be done, but a great deal of our product that is known today would be lost in 20 years from now.

MR. ENNS: Could I make an interjection at this point? I would like to follow, as I follow everyone's remarks with a great deal of attention in this House, and want to know whether he is talking about Bill 17 or Bill 115?

MR. BEARD: I was trying to follow the remarks that the honourable member . . .

MR. DESJARDINS: Which one were you talking on?

MR. BEARD: . . . was talking on just before 5:30, and since they are so closely associated I think that we can talk with both of them. But we could say that if the remarks were right in this issue that in 20 years we could have sold the raw products of - what is it - uranium, iron ore, lead, mercury, copper, potash, zinc, gold, petroleum, natural gas, water, etc., that it could be used up within maybe some of our own lifetimes, then I think that we have got to turn around and say, well, how much is this really worth to us? Are we going to continue in the past, as we have in the past, of accepting the fact that an integrated system, one integrated system is enough in this country? Is that all our resource is worth to us? And I would say no. I would say that we should be getting something else out of it, because presumably if we are exporting - and I think minerals come very close to one of the top exports of Canada as a whole, and certainly the natural resources is "the" top export in Canada today - then we must presume that all the other countries are making use of it, but we are not. All we are getting is a small rental for it, and I would hope that rather than consider such small funds as replacing towns, etc., that there be a fabrication set up, a plant set up, because the

(MR. BEARD cont'd.) Member for Lakeside said, "Well, really, what do you expect government to do? Pour hundreds of millions of dollars into exploration programs." I don't believe this is right. I don't feel that this is the avenue they have to take. But I would say to them, and I would hope the Member for Lakeside would listen to this, that fabrication plans are much more interesting to me than the straight mining itself, and if he can justify to me the fact that we can allow the product to continue to be exported out of this country at \$1.00 up to \$1.28 a pound, and justify in our own minds that this is what is necessary to develop the north today, then I would say that he is very, very short-sighted - very, very short-sighted because, on the other hand, he says beware; beware of the green book; beware of the green book, because it tells you that if you are not careful they are going to take the money . . .

MR. ENNS: I'm more worried about the red book these fellows have.

MR. BEARD: Yes. They're going to take the money and they're going to take it to some place else. I've been told that story before and I believe. I'm not in disagreement with this. I think that you can milk the cow dry even if it comes from Lakeside, but I think, on the other hand, that those people that are flocking down to other areas of the world for nickel and for other minerals realize that they are in a very unstable area; that there are tremendous transportation costs; that they have to start from nothing; that the labour force are taking advantage of the labour forces working for - I don't know what it is but I think it's around \$1.00 a day, something like that, and I think that is very high . . . and keep, but that's up to that country to worry about that. But I think the incentive must be put to these companies to continue to develop Northern Manitoba in that they recognize that they must be good citizens, that they must be good citizens of the Province of Manitoba and the Dominion of Canada, and that if they are going to be good citizens of the Province of Manitoba and continue to be good citizens, then they must pay an adequate rental for that which is something they are going to take away that no one will ever be able to put back.

Now, granted they are going to put some of their money back in finding other mineral development, and the major companies today have continued to make money out of the ore bodies that they have found, but what worries me more than what the Member for Lakeside said is what is not being developed today that is known to be ore bodies in the Province of Manitoba, and that's something that neither the Member for Lakeside nor myself nor the government know about. This is a highly kept secret, and how long does it stay a secret? How long should a company be allowed to continue to keep this a secret? I think this is something that has to be looked into. Certainly they have invested money in it, but after that's finished what's the rental off it? A hundred dollars a year a claim isn't it? - something like that - is what they have to pay, so I think that there are other things that you have to be if you are going to be a good citizen of the Province of Manitoba or the Province of Saskatchewan, and it has been my experience in listening to people talk that there are incentives in other provinces and there are incentives in other countries, but the bigger incentive means the greater need there is for that incentive. There is something that the company has to do. There is more expected of the company. And here we're getting into an age where we're into transportation into Northern Manitoba as it never has been before. We're into an age, I would hope, where there will be a further development or an increased development in the use of the Port of Churchill, and if the member will remember back he will recall that I spoke upon an iron ore industry, a steel industry in the north. I wasn't dreaming when I said that, but I tried to point out, if he was listening, that there was pure iron within 600 miles of that area, that there was nickel within 250 miles or less, and that there was coal that he talked about, where, in Saskatchewan, they would love to sell it to us, or in Sydney. -- (Interjection) -- It may be fool's gold to those people.

When you go to -- as I told you, the Maryland port authority -- (Interjection) -- it has nothing to do with oil. For my friend's information you don't produce -- if he'll talk to the member sitting next to him I think he will give him a lesson on the iron steel industry. But I believe that you will find that these are the things that are right within that area, and with your tremendous hydro program you have bauxite at Greenland, just outside of Churchill, that could be used on this tremendous hydro program to develop the aluminum industry which the United States is going to require some 95 percent within a few short years. These are the things that are necessary, I think, but we have got to remember that without control of some type or other, and government are going to be asked to keep this control, that even our renewable resources such as water and wood are retired because of pollution and because of the fact that we haven't protected them properly. So I don't know what the hang-up is, whether they feel

(MR. BEARD cont'd.) that one natural resource is worth more to a country than the other, I'm just not sure, but I do feel that we will require each one, Mr. Chairman, if we are going to get along with the development of the whole of Manitoba.

It's been brought forward by the rural members of all opposition that the agricultural industry is in trouble and we can't look to it but we have to actually assist it in relief in some form or another. We have outgrown the fact that we can live with the agricultural industry and depending on the agricultural industry in entirety, and I would say that if we are going to use the remainder of our resource industry that we have to make sure that we are getting our rental out of it, and that these companies that are coming in here are good citizens, and as long as they remain good citizens this is fine, but what mining company today has gone any further than producing the product that they take out of the ground? And this is what is starting to bother me. They say they are not interested in doing anything else with it. I read the statistics and it shows that this is one of the greatest exports that the Canadian government has, is the export of our raw material, and I think that we have got to take that second look at that and say let's do something with it. Let's encourage them to do something with it. And I would say, I have used a term that I think many friends in here will remember, and that's the turnkey industry type of deal, because somebody's got to start this fabrication; somebody's got to do it; and I would hope that it would be some of the others in government, really, quite truthfully.

But we've waited for a long time. We've waited as long as the Hudson Bay Mining and Smelting Company's been here; we've waited as long as the Sherritt Gordon has been in operation; and we've waited as long as the International Nickel Company has been in operation. But tell me, out of the whole mining industry in Northern Manitoba, what secondary industry has been developed in Manitoba? I haven't seen one. And the mining industry, as well as the rest of Manitoba and as the Economic Council reminded each of us that those mining companies were dependent on the secondary industry; it was necessary, because some day they were going to run out of the material, so secondary industries are necessary and there's no good bringing in a secondary industry, a fabrication industry, after all the nickel is gone or after all the copper is gone, and I think it is time, long overdue, when we should be starting to do something along this line, starting to encourage somebody to come in.

We've encouraged a forest industry; we've encouraged a forest industry to develop here, and the reason I suppose, . . .

MR. FRANK JOHNSTON (Sturgeon Creek): The highest corporation tax.

MR. BEARD: I'm not going to stand here and let the Member for Sturgeon Creek have me answer for the government - they can; but I suppose the highest corporation tax is necessary because there wasn't fabrication industries here to develop the necessary revenue for the Province of Manitoba. It just may be that's the reason. It just may be it's 600,000 people in Metro Winnipeg trying to live out of each other's pocket; because you're only trading dollars, unless it's the agricultural industry you're dependent upon or the development of the rest of the province or what happens to pass through this province into the other provinces to the west. And we've already lost in Winnipeg as the distributor for western Canada - we're not the distribution centre we used to be before. We have lost, in fact, much of the distribution of even Northern Manitoba and certainly pretty well all of the northern Arctic, and this is what I'm trying to hope and pray, that somewhere along the line a transportation system, fabrication industries, can be brought into forests in the north, either with government assistance or without government assistance, it doesn't matter. But I hate to see a product such as International Nickel's having to go 95 percent of it straight through to the United States, prepaid as far as Winnipeg, I believe it is, and from there on the customer picks up the rest. But what does this do for Winnipeg? Not very much from that part on. Now mind you, granted, before they bought a lot of product to continue to develop their mine throughout the years. This is right. Granted. And I will say that up to that point mining is good for the Province of Manitoba, and I'm not backtracking at all. Mining is good, but not so good that it couldn't be better, and I think that the fabrication itself industry, I think the fact that you have to turn the raw materials into something that is worthwhile instead of exporting holus-bolus and then turning over to our children or our grandchildren a hole in the ground, a muskeg, something that has no value whatsoever to us -- I had hoped that mining may be the start of the development of the whole of the north so that we would not be a million populated province but a two or three million populated province and that it would reflect on all people regardless of where they live in the Province of Manitoba.

MR. SHERMAN: I wonder if the preceding speaker would permit one question.

MR. CHAIRMAN: The Honourable Member for Fort Garry.

MR. SHERMAN: I wonder if the Member for Churchill has any ideas or any proposals as to how the current market in Manitoba for fabricated metal products can support any more metal fabricating industries that are already competing, some of them in a very marginal fashion, for existence at this time. Does he have any ideas as to how the market could support more of them?

MR. BEARD: I'm sure the member would be aware of the size of the State of Maryland. I'm sure the member would be aware of the fact that the Port of Baltimore is in the State of Maryland and is the sixth largest city in Maryland. Over the last 20 years it has produced an iron ore steel industry, the Bethlehem Steel Industry, the largest, fully-integrated steel industry in the world, and where does it bring its products from? The iron ore from South Africa, South America, Labrador. It brings its coal three to four hundred miles by rail, and it brings its nickel from either Thompson or Japan. In this article, and if you're talking about competition, it states that the United States of America - I don't know whether I can find it now or not - but anyway, it states that the United States of America is a resource-poor country, a resource-poor country, the United States of America, and it is dependent upon importing the majority of its imports, and says, yet - yes. "Yet, from a resource viewpoint, the United States is a have-not nation. Some 33 separate minerals and other basic materials are on a critical list. Among those the United States must now import and continue to do so on an accelerating scale, are crude oil . . ." - and it just goes on with the other ones - copper, and those which I have already indicated to the members. But it does show that the product is necessary, and if they can import it from thousands of miles away, then certainly we should be able to do it within a maximum area of 600 miles, a maximum area of 600 miles at a port and distribute it more, much more competitive than the Port of Baltimore in which we are much closer to many of the European markets than they are.

MR. CHAIRMAN: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Thank you, Mr. Chairman. The Honourable Member from Churchill and I couldn't agree more. You know, really, when I made the comment "the highest corporation tax" he made the comment back to me that the government would have to be responsible for the decisions that they have made. Certainly, we were on our way to having an area that would support fabrication of our raw materials. When you speak of the Town of Thompson, we're looking at a town that has developed from relatively nothing in ten years to 20,000 people. We have seen a company develop their mining and their processing of the products they take out of the ground to the point that it can be used in Manitoba and it wasn't available before. It is now. There are steel fabricators in this province at the present time, one that I work for, who bring their steel from mills from United States and eastern Canada, and it wouldn't be wrong that they could fabricate these products from raw materials or from mills that are presently in this province. The development of the north has to be -- first of all, hydro has to be available for them to do it and this is not happening. All of a sudden, when we are on our way to moving to develop the resources of this province, which is something that we are working to - nobody agrees more than this side of the House that a raw material shipped out of this province as a processed product or a manufactured product brings us more than shipping out the raw material to Baltimore or to the United States to process - but certainly we were on our way there and all of a sudden we turn around and, as I mentioned, we have the highest corporation tax, and then we have the highest personal income tax, and now we are now going to tax the people taking our raw resources out of this province even more -- (Interjection) -- Yes. The Honourable Minister of Finance when he's 80 years old will be walking down the street saying: "I made the biggest tax shift in the history of the Province of Manitoba," and as I said before there'll be one million or 999,000 people following him saying: "You got it all back damn near the next day."

But it boils down to this. If you're going to -- (Interjection) -- that's right, and I will continue to, Joe - the Honourable Joe, I'm sorry - but I say very plainly we were on our way, to the Honourable Member of Churchill, and it has just had the lights put out on it like somebody stamping on a mosquito. They just had no regard whatsoever - whatsoever - about the fact that Manitoba has to be competitive. Manitoba must, in every way, shape or form, be competitive with other people that have raw materials, and I agree with the Honourable Member from Churchill that we can have the supporting industry and the manufacturing that he

(MR. F. JOHNSTON cont'd.) suggests, and it's all-important. The big industries will come along and you will have lots of supporting small industries. You'll have men with imagination go into business, etc., but not with what this government has presented to the province at the present time, and they're just fooling themselves. This government is standing there fooling themselves, saying: "We've got the resources; we've got this, we've got that." If they take a look at their geography they'll find out other people have them too, and other people are co-operating, but this government's not co-operating. This government is not co-operating with people who want to fabricate in this province and make this province grow. They are just going along saying: "We know what's best for you."

Certainly I don't intend to belabour the subject, Mr. Chairman, and the reason why I rose is the Member from Churchill was saying exactly what I agree with. But he is saying it to deaf ears when he's talking to this government, because there's no way that they have ever, at any time since they've been in power, had any consideration for this province moving ahead with its natural resources; and any movement we may have made, if there were mistakes made during that movement of going ahead, they haven't just tried to correct any mistakes, they have just tried to drag and absolutely discourage anybody from coming in any further, and they're just hard to talk to about it. In fact, you can't talk to them about it. But they won't recognize fact. The fact is that you've got to be competitive; you've got to have the supporting manufacturing that you're speaking of and the processed products being shipped out of this province; but industry and people will not come in and do it with the situation the way it is now. And you mentioned Bill 17. The government will be in opposition to you in any way, shape or form that they want to be, and again, it's all very well to say that we'll go ahead and do it, but I'm telling you right now there isn't enough money in this province. You will invest large sums of money. You will have them invested, and in order to have the second project get going you'll have to have large sums of money. To get the third one going you'll have to have large sums of money, and you'll have drained the province by the time you get to the second one. -- (Interjection) -- I know. The Honourable Minister of Mines and Natural Resources will go into the 87 percent investment and he says in all his time in business while he's been a lawyer, 87 percent, 86 percent is a bad deal. I don't really have that much respect for his business ability . . .

MR. GREEN: 100 percent.

MR. F. JOHNSTON: . . . quite frankly.

MR. GREEN: 100 percent.

MR. F. JOHNSTON: I don't really have that much respect for his business ability when it comes to developing this province. So I say, Mr. Chairman, that I agree with the Member from Churchill, but the government at the present time has just stamped out every possibility and there's no kidding about it. -- (Interjection) -- Mr. Chairman, that's another case of pushing things down people's throats.

MR. PAULLEY: . . . for the exclusive, instead of for people.

MR. CHAIRMAN: Order please. The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, the bill before us is an Act to amend The Mining Royalty and Tax Act, and we also have an amendment before us which deals with the incentives. I feel that this bill, just because we call it a tax bill, has not been retained within the House, and I feel that this bill should not have just been dealt with in this House but should have gone to one of the standing committees so that we could hear representation from the various mining companies, because it's not just the tax bill that we're considering here. We have another bill, Bill 17, which in my opinion dovetails into what we are doing in this particular bill and the legislation that we're passing here. I think, yes, I think it is one over-all project on behalf of the government, and to bring it forward in two bills we as members of this side of the House will not have a chance to hear the mining people on what we are proposing to do, and I feel that we should have referred this bill to a standing committee and to hear outside representation. -- (Interjection) -- Yes I did say so and I did support you on second reading, sure, because I feel and I always have felt that the minerals belong to the people of this province and that we should have a fair return from them. Definitely. And I won't change from that either because . . .

MR. GREEN: Mr. Chairman, would he note that no mining companies or any other industry were afraid of Bill 17 and appeared before committee to speak against it? Not a single industrial person in Manitoba came to make objection about Bill 17?

MR. ENNS: Who knows when the committee meetings are being called, Sir?

MR. FROESE: Well, I don't know. Were they invited? Were they notified?

MR. GREEN: The Leader of the Opposition told them it's a disaster for Manitoba.

MR. FROESE: I would be interested to know. One reason for having this bill referred to an outside committee would certainly help the members on this side of the House and especially, I think, also backbenchers on the government side, to hear from these people because we are not as informed as we would like to be on this whole industry. We haven't got the inside story as the executive branch of the government today and of the previous administration. No doubt they are better informed and they know the situation better than we do, and therefore I feel that I am not informed enough to really come out and speak on the matter and raise an issue. So we should have these people come before us so that we could question them and inform ourselves as to whether we are doing the right thing and whether we should go farther or whether we are going too far, so that we could make a proper assessment of the situation.

MR. GREEN: Does the honourable member really expect the mining industry to come and say, "Go further - you are not going far enough"? I mean, is that a real consideration for him?

MR. FROESE: No, I'm saying that we could certainly question them on their affairs and on the business, on the mining industry in this province, and then make our own assessment of the situation. I am not saying that they should make the assessment for us. I still feel that that should be the prerogative of the members of this House to do that on their own.

I would be interested; for one thing, what are the annual payments on claims? When a claim is made, does the government levy a charge on these, an annual charge on them, or will these claims stay indefinitely, for any period of time? I would certainly like to hear some explanation from the government benches on this very matter. Too, another question is the mineral rights held by the Crown. We know as far as oil is concerned that in Western Manitoba most of the oil rights were held by individuals who owned the property. What is the situation actually as far as minerals of the Crown in Northern Manitoba? I take it that most of them are our own by the Crown but is this an exclusive right, or what is the situation? Could we have some more information on this matter?

As far as taxing the mining companies for taking the minerals, which are natural resources, I feel that this is one of the best ways of taxing that we have, because we are not taxing our own people; we are taxing the income of the revenue that is coming in from other provinces, other states and other countries, and which I feel is a much better way, a much easier way of getting revenue to run our government. Maybe the Minister of Mines and Natural Resources should get into the debate and give us some more of the information that he is withholding at the present time in my opinion.

The Member for Thompson mentioned secondary industry. I think we have said this before, but certainly, when Alberta struck oil and when they had the terrific development out there, it was really because the raw product could not be exported, it had to be refined, and as a result they got a lot of secondary industries in the province. Why can't we do the same thing here? Why must we export so much of this product in a less refined state than what we could do? I am just wondering whether the government is considering setting standards or at least on a certain amount of supply that must be refined to a greater extent. Is consideration being given to this? And if so, I would like to hear from them what the situation is, how they assess the situation, and what we can expect for the next several years to happen.

So, Mr. Chairman, I feel that the bill before us, I intend to support it and will support it, but on the matter of incentives I am interested in what the Member for Riel has to say and his amendment before us, whether the incentives should not be retained. I am not sure at the present time whether they should not be retained, so let us hear from the government side on the situation so that we can make up our minds.

MR. CHAIRMAN: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Chairman, we have had a lot of discussion here that has been very valuable, but the point that is at question is with respect to the incentives provided for the development of the mining industry in Manitoba. This is what the amendment is all about. The government, through this bill, has seen fit to double and more - about double the mining taxation by raising the rate of taxation. Now, I think what we don't realize, or what the public in general probably doesn't realize, that mining companies are taxed at the same rate as any other corporation in Manitoba under profits, and if they fall into the category

(MR. CRAIK cont'd.) where they earn over \$35,000 in a year they pay 50 percent income tax, and they have allowances for depletion on their dividends they pay, and they have deductions that they can make, but in the over-all picture it turns out that they pay and will pay, under the Benson White Paper in particular, a great deal more than the average corporation in Canada. The 50 percent rate is augmented by the Mining Royalty Tax that is superimposed and, in fact, taken off before they pay that tax, and when the Manitoba Government imposes 15 percent and when they -- (Interjection) -- Yes, and so do the mining companies; and when the royalty is assessed it comes off prior to the income tax being levied, so, as a result of this, by the time that the 15 percent tax is imposed - which there is a tendency to argue that this is all they've been paying is this very small return on our natural resources - we tend to isolate the fact that they are also paying the corporation tax which is roughly fifty percent of their profit, so by the time that we have added on the royalties, then you're talking a good 60 percent taxation of this industry and this industry at Manitoba's stage of development is very important.

We are at the stage in Manitoba where the mining industry was in Ontario two or three decades ago. We are at a developmental stage. So, as a matter of policy, you have to decide not on the basis of the amount of noise that the mining company is going to make here, but as a matter of policy by government, whether you want to promote mining development or whether you are worried about a hole in the ground that you are going to pass on to the future generation, and whether or not the nickel is used to plate bumpers with or make solid nickel bumpers out of for cars, seems to have been forgotten. By the arguments presented in this House, you'd think that we should set up a bumper factory in Thompson making nickel bumpers simply so that we can hire people to use our nickel locally, but this is not the argument in question. The argument in question in this amendment is whether or not this government wants to remove the incentive for a small mining company or are they taking the same attitude they are taking to the profit motive in general. That is what is at question. And the Minister of Finance stood up here today and proved beyond a doubt that the mining companies were not going to suffer a great loss, and he gave the statistics and said that this incentive does not add up to a great many dollars, but again he forgot to mention the fact that small business, whether it's mining or bumper manufacturing or anything else, in general develops from retained earning.

The Minister of Finance earlier in this session stood up here and said, "We have a taxation policy." Well, he has shown us just how superficial and thin his taxation policy is. He hasn't explained to this House how small companies grow. He hasn't stated to this House that 65 percent of Manitoba's industry falls in the category of small industry that before was paying the low taxation rate and in the Benson White Paper is going to be paying the high taxation rate. He didn't explain that; and he hasn't explained this either, that this clause in this Act is aimed at developing the mining industry. So let's get down to the genesis of the argument. Do you want to promote the mining industry in Manitoba or do you not? Because you have proved beyond a doubt, you have proved beyond a doubt, with the statistics that you gave this afternoon, that there is not a lot of dollars in this for the mining companies - and he's talking of big mining companies, and the Manitoba government is just as big as the big mining companies. If there's not that many dollars in it, leave it there for the small companies that are trying to develop, and provide the opportunity in Manitoba.

And that, Mr. Chairman, is why I am asking that this clause of this Act be left there, and I suggest to you that if we were back . . .

MR. BOROWSKI: . . . Tory policy?

MR. CRAIK: Yes, that is Tory policy and I'll stick by that Tory policy.

MR. BOROWSKI: You know where you can put it.

MR. CRAIK: you put the carrot out in front of the profit motive, my friend, and it will feed your bureaucratic system that you want to keep running.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs) (Selkirk): . . . give the carrots all away.

MR. CRAIK: Give the carrots all away. That's a good, sound argument considering where it's coming from, from the man who wants to take all the carrots away from another industry in Manitoba; all the carrots. Now, Mr. Chairman, let me tell you that under the Mining Royalty and Tax Act we are already taking away 60 percent of the carrots and we stand here and say they don't need an incentive; they don't need an incentive; it's peanuts to them - it doesn't really amount to a great deal of money -- (Interjection) -- two bags of peanuts now.

(MR. CRAIK cont'd.) And the Minister of Municipal Affairs suggests here that we don't really need any carrots. He didn't have to say it because he has already proven it and actions speak much louder than words, and the actions that you are demonstrating through this Act -- and I'm not questioning; I supported it. I supported your position with regard to your taxation, but I'm suggesting that you leave the incentives in there; that the bureaucratic system is not going to supply all the answers for all the people; the mixed economy is going to provide those answers. And when you have that balance, you have got a pretty good system and all the other arguments that you want to present to defend the particular position and the way you are going to vote with regard to this go by the wayside. It's a question of whether you want that balance or not, and I suggest to you, Mr. Speaker, that every evidence is given here that this government is pretty biased in its position. You have, through this bill, socked it to the mining companies, taken away the incentive on the grounds that you don't think it really is an incentive. Through Bill 17, you have given yourselves the right to move into an area. In the old Bissett case that was before this House a few years ago, it will no longer have to come before the House. The government can strictly move in by Order-in-Council, make the move; there will be no public debate about whether a loan of \$80,000 should be made to Bissett. You can take equity. You can take equity. -- (Interjection) -- And furthermore, Mr. Chairman - I'll answer it when I come to it - furthermore, you have the power now to restrict and curtail all exports of raw material from the province. You have the power. You have the power. You don't have to grant the right. You don't have to grant the right . . .

MR. GREEN: The honourable member is not suggesting that we have the power to prevent exports of material from the Province of Manitoba.

MR. CRAIK: You have the power now . . .

MR. GREEN: To prevent export from the Province of Manitoba?

MR. CRAIK: You have the power to restrict the exports of your raw mine material from Manitoba now.

MR. GREEN: From the Province of Manitoba?

MR. CRAIK: That's right.

MR. GREEN: Well I think that you should look it up . . .

MR. CRAIK: Well perhaps you should read it. You have the power now. In Bill 17, which gives you the power to go into your business, through Bill 115 where you've socked it to the existing industry, and through the legislative power you have to restrict exports, you have the ultimate power sitting in the hands of the Cabinet to do whatever you please if you want to exercise it.

Now, Mr Chairman, we could stand here and make a strong case that this was a grand design, as has been suggested by the Minister of Mines and Natural Resources from his seat here a short while ago, and it could be a grand design. He suggested it. I'm not accusing him of it. I'm suggesting to you that there is a point beyond which government should not go, and to defend that argument or as part of that argument, I'm suggesting to leave the incentives in for the small mining company that is developing in Manitoba, and that is what this amendment does.

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

MR. CRAIK: Ayes and Nays, Mr. Chairman.

MR. CHAIRMAN: Call in the members. On the proposed amendment of the Honourable Member for Riel, that Section 3 of Bill 115 be amended by deleting subsections 7(2), 7(3) and 7(3.1) and by striking out the figures and letters "2 and 3" in the first line of the section.

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

Yeas, 18; Nays, 25.

MR. CHAIRMAN: I declare the motion lost. The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Chairman, I was paired with the Honourable Member for Winnipeg Centre. Had I voted, I would have voted for the amendment.

MR. CHAIRMAN: (Section 3, 8(2) to (3) was read and passed.) The Honourable Member for Ste. Rose.

MR. GILDAS MOLGAT (Ste. Rose): On 7(3.1), Mr. Chairman, my own view is that we should get everything that we can out of our natural resources, and I've always taken that position. On the other hand, we have to recognize that if we are going to develop our natural resources we have to have people prepared to develop them. It seems to me that in many cases

(MR. MOLGAT cont'd.) in the past in Manitoba, some of our developments come from local Manitoba firms and Manitobans who have been prepared to invest in the development of our own province, and judging from the last vote, the general feeling of the House is that there should not be incentives at this time for, let us say, all firms. But I think maybe we should make a special consideration for firms made up of Manitobans, or basically of Manitobans, and encourage our own local people to invest in the development of our own province. I know that even my friends to the left have indicated in the past that they would like to see this sort of development. It's certainly one that I favour.

So, Mr. Chairman, I'd like to propose an amendment to 7(3.1). I'd like to move that the section be amended by adding at the end thereof the following words: "except for mines which have at least one third of their shareholders who are residents of Manitoba and who hold at least one third of the common stock of the company."

Mr. Chairman, some of the members may want some time to read the amendment that I'm proposing. Basically all it does is to suggest that where it is a firm where one third of the shareholders are Manitobans, resident in Manitoba, and where they control one third of the company, that the exemption which has existed so far be extended to them. Now there may be some people who would say this is discrimination against outsiders and so on. That isn't the purpose of it, Mr. Chairman. The whole purpose of my amendment is to encourage Manitobans to invest in Manitoba, and I think that this particular amendment would serve that purpose, would help the small firms who want to develop some mining interests in the province. It would mean that people residing in this province who are prepared to take a chance on development - and let's face it, mining developments are very speculative - but it would give our local residents and our local firms an opportunity to be involved in developments in this province. It would give them, admittedly, a tax advantage to that extent, but it would be basically very small firms, because I think that in the past the Manitoba companies have been basically small companies and yet they have been in the forefront of developing some of the areas that the big firms are not prepared to look at until such time as there has been some indication of development in those areas, or at least possibilities, and I think there is an advantage here in encouraging our local people to be involved and to participate in the development of our mining enterprises for the benefit of our own citizens.

MR. BOROWSKI: . . . ask a question?

MR. CHAIRMAN: Before the debate continues, I would like to ask for comment from both sides of the House as to the eligibility of this amendment, because I'm not sure that the Chair can accept this. The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Chairman, I was waiting. It seems to me that the measure is one that involves the money of Her Majesty and is one which can only be brought from the Treasury Bench. It is a reduction in revenue.

MR. MOLGAT: Mr. Chairman, the previous amendment was exactly on the same basis. In fact, it would have meant a much more substantial reduction in revenue of the province, and surely, if you're prepared to accept an amendment which would rule out completely 7(2) and (3) and (3.1) which would have wiped out completely any such allocation, then surely you are prepared to accept one which is applicable only in a limited way to Manitoba residents.

MR. GREEN: Well, Mr. Chairman, the honourable member, all that he has just done, to my mind, is convinced us that perhaps there was an oversight on the previous amendment, but an oversight doesn't establish a precedent in the House and where there is - where there is -- well, the honourable member may well recall that every single exemption that was argued in connection with the sales tax legislation was argued on the basis - and I objected to that at the time and I will object to it now - that you cannot amend a taxation statute by putting in the words "consider the advisability of" because the statute cannot then read "consider the advisability of". So if my honourable friend is merely suggesting that a previous amendment was heard and debated and argued and voted down, that doesn't establish a precedent if it happened accidentally and no objection was raised, and the Chairman has now asked the question, and I think he's properly asked it, as to whether it is permissible for a private member of the Legislature to amend a taxation statute in such a way as it affects the revenue of the Crown, and I think that the answer is clearly No, and it is no answer to say that it was previously done but unobjected to.

MR. MOLGAT: Mr. Chairman, I submit that we have just spent some considerable time in this House discussing an amendment which would delete three sections in the bill which have

(MR. MOLGAT cont'd.) by far a greater influence on the revenues of the province than the very minor amendment I am proposing, and there was not an objection raised by one single Minister on the government side. Not one. It was debated on the virtue of amending or not amending, and surely now, Mr. Chairmna, the government isn't going to hide behind a technicality and refuse to vote on a question of whether or not they want to assist Manitoba industry or they don't.

MR. GREEN: Well Mr. Chairman, with all due respect to the honourable member, he can try to make as much out of it as he likes. The fact is that he has said nothing which overcomes the objection that was raised except the fact that we spent a lot of time debating something which perhaps we shouldn't have debated, and if that happened by oversight it doesn't mean that from this day forward on every tax measure, when the government objects because an opposition member or a private member of the Legislature doesn't have the competence - and I use the word the legal competence - to amend a taxation measure, that once they spent two hours arguing about it, because that's what my honourable friend's objection amounts to, and I assure him and I think that it goes without saying that we don't need to hide behind this type of provision. We were prepared obviously, by accident to argue an hour and a half on another one and if it was merely an argument then I assure my honourable friend that I could engage in it with the greatest of delight, but we are not to waste our time and the fact is that the objection is well-founded.

MR. CHAIRMAN: The Leader of the Official Opposition.

MR. WEIR: Mr. Chairman, on the point of order, might I suggest that when it comes to a matter of a message from His Honour, it seems to me that the message for His Honour was presented at first reading of the Bill and that that has really been looked after and what we're talking about here is a matter of degree in terms of these revenues, and I would suggest, Sir, that the message that was introduced at the beginning by the Minister of Finance would certainly authorize the discussion of the raising of the revenues under this statute and the matter of degree.

MR. ENNS: Mr. Chairman, just further on the point of order. It seems to me that having spent the hour and a half debating the previous matter, that the suggestion now being put forward in this amendment is one of extreme reasonableness and gives the government an opportunity to indicate, with some degree of sincerity, as to whether they wish to acknowledge the role that Manitobans can or should be playing in the development of their province.

MR. GREEN: Mr. Chairman, I rise on a point of order, Mr. Chairman. The honourable member is now trying to debate the merits of the bill on the point of order which was raised, and that's all very well and good but the fact is that we are discussing whether or not a private member of the Legislature can move an amendment to a revenue bill, and whether or not the honourable member feels that we are hiding behind it or don't wish to debate it is entirely irrelevant.

MR. CHAIRMAN: The Member for Rhineland.

MR. FROESE: When the estimates and the budget were passed, there was no indication given by government that there were still measures to come forward to provide added revenue. These were passed on the supposition that the taxes that were in force at that time would suffice and would bring about the required revenue, and I think on those grounds this amendment should be considered.

MR. CHAIRMAN: I would say, as background, that two wrongs don't make a right and that it may have been true that the ruling should have applied to the previous proposal of the Honourable Member for Riel, but since this is a measure which would relieve people of taxation and which would affect the taxation policies of the government, I think that it should only be properly handled through a message from His Honour and I would accordingly rule it out of order.

MR. MOLGAT: Mr. Chairman, then I must, with regret, challenge your ruling.

MR. GREEN: Properly now, I take it, Mr. Chairman, that what we have to do is go into the House and the House votes on the ruling, but I again, so that I won't have any argument from the Member for Arthur who is ready to jump to his feet, is it required that there be a motion that the Committee rise? I don't think so, because if the Committee rises we will not then be able to go back. So I would merely ask that the Speaker be called in so that the House may decide on whether the Chairman's ruling is correct or not correct.

MR. J. DOUGLAS WATT (Arthur): Well Mr. Chairman, on the same point of order, and I think that this is the second time that it's come up in this session. I don't think -- as far as

(MR. WATT cont'd.) . . . I'm concerned, there is no place in our rules that says that the Speaker must be called in, but common sense tells me, which has happened in the past that we have a precedent set for actually, that the Chairman simply put the question, "Shall the ruling of the Chair be sustained?" and what is . . .

MR. GREEN: Well, Mr. Chairman, my understanding is given from authorities that I respect, including the Clerk of the House, that the House must rule. The House cannot rule unless the Speaker is in the Chair; therefore, I think that the Speaker must be called in. Mr. Prud'homme is not in, which is a pretty good indication to me that I'm correct.

MR. WATT: On the same point of order then, Mr. Chairman, I would like to ask the Honourable the House Leader then, if the Speaker does come in do we follow the same procedure as we did in the last instance where we do not go back into committee and that ends the sitting tonight?

MR. GREEN: We will not go out of committee but the House will rule. That's why I'm asking the Chairman to leave the Chair and call in the Speaker. The Rule 62(3) says: "The Chairman of the Committee of the Whole House shall maintain order and decide all questions of order subject to an appeal to the House . . ."

MR. WATT: Yes, that's right.

MR. GREEN: " . . . and if the appeal is made it goes to the House."

MR. CHAIRMAN: The Honourable the Leader of the Official Opposition.

MR. WALTER WEIR (Minnedosa): Mr. Chairman, on the point of order, we have had some experience of recent days of moving in and out and having the mace appear and reappear with really, I think, very little formality, and it's still a question in my mind whether the Speaker can come into the House without a motion that the committee rise, that the Speaker does have no authority to sit over the committee, and unless the committee rises the House in fact has no right to make a decision, Sir, so that on the point of order, if this is the approach that is taken, Mr. Chairman, then I suggest that the method taken is that the committee must rise so that the Speaker comes in and that the House in fact, with the Speaker in the Chair, must in fact rule. I would suggest, Sir, that the Speaker coming in as a head and ruler over the Committee of the Whole would be completely and utterly out of order in terms of the operation of the House.

MR. FROESE: Mr. Chairman, on that same point of order, I would have to support the Leader of the Opposition on this very point, that how can you bring in the Speaker without having the committee rise? It's not proper.

MR. GREEN: Mr. Chairman, there is a problem as to whether or not the committee has to rise. If the committee rises, then the problem is that the House will make its ruling and I wonder whether members would give leave to go back into committee. If members do not give leave to go back into committee, then I would recommend that this bill and the ruling be held in abeyance and that we proceed to the next bill so that the House will then decide on the ruling as to the chairman on this particular measure.

It's been brought to my attention that -- well, I'm reading now from the Journals of May 11th, 1965, which would indicate that the House does not rise. "Mr. Chairman then ruled in compliance with Citation 66(2) . . ." - I'm reading from Page 485 - "of Beauchesne's Parliamentary Rules and Forms, that this matter of interpretation of Rule 12 of our Rules, Orders and Forms of Proceedings of the Legislative Assembly, be referred to the House. The decision of the Chairman was then referred to Madam Speaker in the Chair. Madam Speaker then said 'You have heard the decision of the Chairman', and put the question: shall the decision of the Chairman be confirmed? The House agreed, whereupon Madam Speaker requested the Chairman to resume his duties as Chairman of the Committee of the Whole." And there is no indication that the committee rose. So Mr. Speaker, I would ask the Chairman to call in the Speaker so that the House can decide on the question that was ruled by the Chairman.

MR. WEIR: Mr. Chairman, on the point of order, may I say, if I can repeat the remarks of the House Leader a few minutes ago, two wrongs don't make a right. -- (Interjection) -- I know, and as so often is the case, Mr. Speaker, when we're talking about point of order, the will of the House Leader is the thing that rules the Assembly, and he is very good, he is very good at showing that will, not just in this Chamber but in the committees of the House as they are exercised outside. I don't have control over the House like the House Leader and I have no opportunity of exerting my will except to say that I don't think that it is correct within the rules of the House, Sir, to have the Speaker come in and essentially take over in terms of the

(MR. WEIR cont'd.) committee; that there's only one way of getting back into the House and that's for the committee to rise.

MR. GREEN: Mr. Chairman, with the greatest of respect to my honourable friend, I would suggest that on the basis of what I've just read, on the basis of the rules, it's quite obvious that the Speaker can come in, that the Chairman can call in the Speaker, and that we proceed to hear the appeal from your ruling.

MR. WATT: Mr. Chairman, on the same point of order, may I ask the Leader of the House then, when the Speaker comes in, if it's a tie vote will he be in a position then to break the tie, and

MR. GREEN: Certainly. He's a voter like anybody else.

MR. WATT: . . . and will he understand the conditions in the House, the debate that has led up to the motion by the Member for Ste. Rose when he challenged the Chair?

MR. GREEN: Mr. Chairman, I assume that the question, the member can ask, but the rules are plain that the House decides an appeal, and not only did this happen in our previous experience, it happened, or it almost happened last year, but when the Speaker was called back, the then Premier got up and rather than get a ruling from the House announced an election. So I would ask that the Speaker be called in, Mr. Chairman. -- (Interjection) --

MR. CHAIRMAN: Mr. Speaker, in the Committee of the Whole, while discussing Bill No. 115, I ruled an amendment of the Member for Ste. Rose out of order on the ground that the amendment required a message from His Honour. The mover has challenged my ruling and I therefore refer it to the House.

MR. MOLGAT: Mr. Speaker, on a point of order before you rule, I would like to point out that, prior to my amendment, a previous amendment had been heard by the House, had been debated by the

MR. GREEN: Mr. Chairman, on the point of order, I think that the honourable member..

MR. MOLGAT: Mr. Speaker, I rose on the point of order. Mr. Speaker, on the point of order, and I submit the House Leader has no right to get up on a point of order when I am speaking.

MR. GREEN: Will the honourable member - will the honourable member be reasonable and understand that the Speaker will not rule. It is the House that will rule and this is what happened two days ago. All I'm trying to do is bring that

MR. MOLGAT: Mr. Speaker, are you in charge of this House or is the House Leader in charge of this House?

MR. SPEAKER: The Chair will allow the House to hear the honourable member's point of order.

MR. MOLGAT: Thank you, Mr. Speaker. Mr. Speaker, I'm rising on a point of order in view of the fact that you have been called back to the Chair, and I rise on a point of order to point out that prior to my amendment another amendment of much greater effect on the revenues of the government had been listened to by the House, had been debated for an hour and a half, had been accepted by the House Leader and by the government benches, and there was no objections raised at all. My amendment is of much, much more minor consequence, and I submit that's the reason I presented it; that the ruling was not a reasonable ruling in view of what had happened previously.

MR. GREEN: Mr. Speaker, on the point of order, and if the members will contain their composure and try to understand -- (Interjections) -- Well, Mr. Chairman, I appeal to honourable members to be reasonable. I have done nothing which would inspire what has happened a few moments ago. I merely wanted to advise the Honourable Member for Ste. Rose, when he said that the Speaker is going to make the ruling, that that is not -- (Interjection) -- Well, he said, "Before you make your ruling," and I thought, I understood the Member for Ste. Rose was trying to make a submission to the Speaker on his ruling, if I am correct; I know that that is what he said. I was merely trying to indicate to him that the Speaker would not make a ruling, that the ruling would be sustained or called by the House, and all of the members who are sitting here of course heard him make his previous submission. And that's all I was attempting to say.

MR. SPEAKER: Shall the ruling of the Chairman be confirmed?

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

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

MR. SPEAKER: Call in the members.

MR. WEIR: How many do you need, Mr. Speaker?

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

YEAS: Messrs. Allard, Barrow, Borowski, Burtniak, Cherniack, Desjardins, Doern, Evans, Fox, Gonick, Gottfried, Green, Jenkins, Johannson, McBryde, Mackling, Malinowski, Miller, Paulley, Pawley, Petursson, Shafransky, Toupin, Turnbull and Uruski.

NAYS: Messrs. Beard, Bilton, Craik, Einarson, Enns, Froese, Girard, Hardy, Henderson, Johnston (Sturgeon Creek), Jorgenson, McGill, McKellar, McKenzie, Molgat, Patrick, Sherman, Spivak, Watt and Weir.

MR. CLERK: Yeas, 25; Nays, 20.

MR. SPEAKER: I declare the ruling of the Chairman confirmed.

MR. BARKMAN: Mr. Speaker, I was paired with the Honourable Member for Winnipeg Centre. Had I voted, I would have voted in the negative.

MR. WEIR: Mr. Speaker, on a point of order, might I suggest that it seems peculiar to me that when there is a vote being taken on whether or not the Chairman's decision be upheld, we find the Chairman voting. It seems to me to be just a little peculiar to find the Chairman voting on whether or not his own decision should be upheld.

MR. GREEN: Mr. Speaker, I don't think it requires further comment. The honourable member has said that it looks peculiar. I would suggest, Mr. Speaker, that you now leave the Chair and permit the House Committee to resume.

MR. SPEAKER: The Honourable Member for Elmwood. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, on a point of order, will Votes and Proceedings show just what has transpired here? The previous time it did not show it.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. CHAIRMAN: (The balance of Bill 115 was read and passed. Bill 141 was read section by section and passed.)

MR. GREEN: Bill 94, Mr. Chairman. The Expropriation Act.

MR. CHAIRMAN: By page?

MR. WEIR: Mr. Chairman, might we find out, on a point of order, order of business, in what order we're going to have bills.

MR. GREEN: Mr. Speaker, I believe that it's our prerogative to call the bills, but the fact is that the Attorney-General, who is in charge of some of these bills, is not in the House at the moment and that's why I wanted to call a bill where the Minister is here, No. 94, and then when the Attorney-General comes back I will be calling the bills which he has on the Order Paper. It will be tonight, you can be sure of that.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, I wonder if the Minister at least could indicate the order of the next two or three bills so that we have some idea, so that . . .

MR. GREEN: Well, I was going to go from 94 to 98, 100, 104. I was just going to leave out the Attorney-General's bills, and there are others that follow.

MR. SPIVAK: Just as a matter of record. We do not have a list of them. Here is the Attorney-General now.

MR. GREEN: Here is the Attorney-General now. Maybe I will deal with his immediately after this one.

MR. CHAIRMAN: Bill 94, The Expropriation Act, by page? The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Chairman, there are some questions I want to ask about sections and I would prefer, frankly, that it be dealt with section by section. In view of the importance of the Act, I would ask it be done that way.

MR. CHAIRMAN: (Section 1 was read and passed.) Section 2 . . . The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Chairman, on this section, it seems to me that this section changed substantially some of the applications of the Act. In the light of the previous Acts that have existed, I would like, for example, to refer to the Hydro Act where it seems to me in the past, any objections to this were referred back to the Lieutenant Governor in Council, which is, after all, a broader referral than the present Act would call for, because the present Act, if one goes back to Schedule A, indicates under 1(d), that where the expropriating authority is a Crown agency, the Minister to whom the industry reports to the Legislature. In other words,

(MR. MOLGAT cont'd.) the Minister by himself becomes the confirming authority, if I read the Act correctly. Now it seems to me that in the past the rule has been that on any objection to an expropriation by a Crown agency, it was not simply the Minister but it was the Lieutenant Governor in Council. Now it may be that the Minister has some comments to make on this, but if not, I think that we ought to look at the transfer of authority strictly to the Minister rather than to the assemblage of Ministers.

MR. PAULLEY: Mr. Chairman, . . . of my honourable friend is that there is basically no change involved, that under the Manitoba Hydro Act the Lieutenant-Governor will be confirming authority in this Act. Is that correct? And the approval of the Lieutenant Governor in Council is required under the Hydro Act before expropriation can take place. You have to read the two Acts.

MR. MOLGAT: Coming back, then, to the point, Mr. Chairman, how then do we relate this section which says "notwithstanding any act of the Legislature"? In other words, this section negates any other act of the Legislature including the Hydro Act.

MR. PAULLEY: Ah, but it doesn't negate it, if I may say, Mr. Chairman, to that degree, unless it is inconsistent in the application of the Act, so it still comes back to the Lieutenant Governor in Council - so I am informed by my legal advisor.

MR. MOLGAT: Mr. Chairman, my knowledge of English may be limited but when I read a section that says "notwithstanding any act of the Legislature heretofore enacted, whether special or general, this act applies wherever an authority expropriates land," then it seems to me that this says basically that it doesn't matter what any other act of the Legislature says, Hydro Act, Telephone Act, be it what it may, that this act applies and this act says that the Minister makes the decision, not the Lieutenant Governor in Council.

MR. PAULLEY: No. No, no. That's not so. If my honourable friend would have an interpretation further, its lawful power indicates that the expropriation must be with the approval of the Lieutenant Governor in Council and not the Minister. It's the only way in which it can expropriate.

MR. MOLGAT: Could the Minister indicate to me under what section?

MR. PAULLEY: Manitoba Hydro Act. I think that the two conjoin. But the Minister hasn't these broad powers without the approval of the Lieutenant Governor in Council.

MR. MOLGAT: Mr. Chairman, it seems to me that under page 6, Section 16 of the Hydro Act -- (Interjection) -- That's my problem though. This Act, under Section 6, says that only the Lieutenant Governor in Council can do this. Now that's the present Hydro Act. The present Act says that any other Act of the Legislature basically has no effect. Isn't that correct? Well, notwithstanding any Act of the Legislature heretofore enacted, this Act applies. In other words, Bill No. 94 will apply.

MR. PAULLEY: under the Act is the Lieutenant Governor in Council.

MR. MOLGAT: But if you go back to Schedule A, you will find that whenever any appeal comes up in this matter, any complaint, that it no longer goes to the Lieutenant Governor in Council but it goes strictly to the Minister, and I refer you to Schedule A page 25.

MR. PAULLEY: Ah, my honourable friend may be technically correct insofar as Schedule A is concerned, but it is my understanding that Schedule A is not the confirming authority. It is still not the Minister but the Lieutenant Governor in Council. Isn't that correct?

MR. MOLGAT: But Mr. Chairman, Schedule A says the confirming authority is . . .

MR. PAULLEY: . . . reports to the Legislature and in every other case the Lieutenant-Governor . . .

MR. MOLGAT: Ah yes, if you take section (e), but if you take section (d) it says "where the expropriating authority is a Crown agency." Now surely the Hydro is a Crown agency, the Telephone is a Crown agency, and where it's a Crown agency it's the Minister who decides.

MR. PAULLEY: I need some -- I'm getting lots of legal advice and I'm sure my honourable friend can understand my present position, and -- pardon? Yes, and I'd suggest maybe my honourable friend better go back to tilling the soil, but the confirming authority is the Minister.

MR. MOLGAT: That's right.

MR. PAULLEY: It's still that way. Maybe the Attorney-General . . .

HON. AL MACKLING, Q.C. (Attorney-General)(St. James): Mr. Chairman, I think we have a grasp of it now. The approval of the Lieutenant Governor in Council is a condition precedent to the Crown agency having the right to expropriate. That is, the Crown agency can expropriate only on the approval of the Lieutenant Governor in Council. Then, once that condition,

(MR. MACKLING cont'd.) once the Lieutenant Governor in Council has given that authorization, then the confirming authority for the actual expropriation is the Minister responsible for that Crown agency.

MR. MOLGAT: That's fine, Mr. Chairman. I accept that, but under the present rule, if there were a complaint under the expropriation by a Crown agency, I understand from - and I have to admit this is difficult because you look at several acts at once - but I understand that any complaint would end up back in the hands of the Lieutenant Governor in Council, under the Hydro Act; for example, whereas this Act will now mean establishing the confirming authority as we do under Schedule A, that the Minister will be the final decision, no longer the Lieutenant Governor in Council. Admittedly, the first decision may be made by the Lieutenant Governor in Council but the final decision will be made by the Minister, and I submit that this is restrictive as compared to the present legislation and I think we should say, instead of what we are saying here, that the Lieutenant Governor in Council should make the decision rather than simply the Minister. Now I'm not looking at legalistic questions but it seems to me that we are in fact here being restrictive, that under the previous Act, the, let's say the Cabinet instead of the Lieutenant Governor in Council, the cabinet as a whole were the final authority, originally to give the authority to expropriate and secondly, if there were complaints, to deal with it. Now, the cabinet still remains the first right to authorize it, but the Minister has the second right as the confirming authority under Schedule A to make the final decision, and I suggest that we should remain with the original situation where the cabinet as a whole, not just the Minister, should be the confirming authority.

MR. CHERNIACK: Well Mr. Chairman, if I can have a go at it too. The proposed bill goes further than the Hydro Act and there is no change, really, from the Hydro Act where the Lieutenant Governor in Council must be the authority which approves of the expropriation by Hydro, in this case, and that is the end of the problem insofar as the present law is concerned. The Lieutenant Governor in Council has approved of the expropriation, the expropriation is proceeded with, that's the end of it.

There's no more discussion except for the adjudication as to compensation. This bill is designed to provide for review after an enquiry has been made on a complain of or at the request of a person whose property is expropriated. This brings in a new and additional feature. The additional feature, after the Lieutenant Governor in Council has approved the expropriation, is a review again of the decision that was made and at that time when the review is made, the enquiry is gone into and report is made, then according to the bill it goes to the Minister responsible for reporting who then reviews the recommendations and the hearing and all before it and then is the confirming authority. Now I understand the honourable member's point, but I am rejecting the thought that there is a change from the present law except for the better, that there is a review and a confirming authority which there wasn't before. So it's not worse, it's not weaker, it's not poorer than it was, it is stronger.

Now the honourable member says well now, surely a mere Minister should not have to be the confirming authority for a decision that was made by the Lieutenant Governor in Council, - I think that's his point and I understand it. I would hate to at this stage make a change without really seeing whether it is a requisite one. In my experience, both as a member of the Cabinet and as the Minister reporting, I must say that the hydro makes a report and a recommendation to Cabinet and Cabinet reviewing it on the basis of the recommendation of the Hydro Board approves the expropriation. Now for the reviewing authority to report to Cabinet and require Cabinet to make the exhaustive research which I think is required after a recommendation is made, I think myself is an onerous task for the entire Cabinet and could well be done by the Minister responsible to Cabinet for the report. Now one can say fine, the Minister can do the job and then recommend to Cabinet and Cabinet then does it again, but by that stage I would suggest that it is a rubber-stamping in the final stage and I think that it should be adequate in this way. I would think that if it's found inadequate then it should be changed, but I'd be inclined Mr. Chairman, to suggest that we leave it as it is simply because it has received a great deal of thought up to now.

The point made by the Honourable Member for Ste. Rose injects a new dimension but does not point out a defect, rather points out what he thinks might be some way to raise it to a higher authority. Well I would like to think Mr. Chairman, we could leave it as it is. I find that work of Cabinet is a pretty onerous one right now and I would rather as a member of Cabinet, and I'm sure other members of Cabinet and previous Cabinets would agree, that it should not have to deal to this extent with every matter and should be prepared to leave it to a Minister.

MR. CHERNIACK cont'd.) If it does seem to create a hardship or an anomaly, I think that we should always be prepared to make a change, but certainly the bill as it is before us has received a great deal of exhaustive review over a period of, I'd say at least two or three years, and I really would hate to just jump at a change because it seems as if it's logical to do so.

MR. CHAIRMAN: Section 2(1).

MR. MOLGAT: Mr. Chairman, I'm not proposing an amendment on the section. I have other amendments on other sections, but on this one I wanted to present the point of view because it seems to me that this is one that should be looked at because we are in the final analysis giving the Minister who comes up originally because it's a Crown corporation and makes a recommendation to the Cabinet, he then ends up by being the final confirming authority under the present Act. Now I agree that this is one step more than what existed before but still the Minister is the final authority. I'm prepared to go along and say let's try it . . .

MR. CHERNIACK: . . . permitted to interrupt to add that we musn't overlook that the Hydro Board itself has already dealt with the matter as well.

MR. PAULLEY: I wonder though, whether a mere layman, I may also make a contribution, if indeed it will be a contribution insofar as the application of this Act is concerned. Because as I read Section 2(1) and we take a look at the wording, this Act applies wherever an authority expropriates land or in the exercise of its lawful powers causes injurious affection of the land due compensation shall be determined in accordance with the provisions hereof, so that limits the Minister in the application of it to the contents of this particular Act. It does not in my opinion give to the Minister referred to in Schedule A as the expropriating authority, the power to do anything other than what is contained in this Act. So I think that point is covered in this section. -- (Interjection) -- No, this Act decides the actions of the Minister notwithstanding.

MR. CHAIRMAN: (Sections 2 to 4 of Bill 94 were read and passed.)

MR. MOLGAT: Mr. Chairman, 4(4)?

MR. CHAIRMAN: 4(4) as amended.

MR. MOLGAT: That's an amendment?

MR. PAULLEY: Yes, The Honourable Member for Ste. Rose I do not believe was in the Committee at the time an amendment was proposed in respect to . . .

MR. MOLGAT: I was there when it was supposed to be called, the Minister was absent; I met him in the hall and went back and the committee was not called then . . .

MR. PAULLEY: I don't know how the game of checker went . . . you were not there at the time the bill was considered.

MR. MOLGAT: at about five minutes before closing time .

MR. CHAIRMAN: Section 4(4) notice on certificate of title reads after the last word "person" "but the notice lapses upon the expiration of six months after the date of its filing."

MR. PAULLEY: This brings in a time period for the lapsing of the notice of expropriation, it's suggested six months. I believe this is the point that was raised by a former Premier of the Province of Manitoba.

MR. CHAIRMAN: (Sections 4 to Section 9(3) were read and passed.) The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Chairman, under 9(4) it seems to me that the ruling that we have here is unfair to the owner of the land. Why should simply the passage of 120 days and no order being taken that it should be considered to have been ordered - why is this necessary? --(Interjection) -- This simply ends it?

MR. PAULLEY: Because if there's any further delay then the expropriating authority loses its right.

MR. MOLGAT: And there's no further claim?

MR. PAULLEY: That's right.

MR. CHAIRMAN: 9(4) -- passed; 9(5) . .

MR. MOLGAT: Mr. Chairman, under 9 (5) this seems to me to give some special advantage to the confirming authority because simply the order is proof that they have submitted to all the regulations. Now is this reasonable towards the owner? Why should they not be forced to live up to whatever the Act says rather than simply say that the fact that they have submitted an order is proof that they've lived up to it?

MR. PAULLEY: . . . face of the evidence submitted of the confirming authority and if there's any other evidence submitted well then different action is taken. Face value.

MR. MOLGAT: . . . Is the owner being put in a different position than the expropriating authority?

MR. PAULLEY: No.

MR. MOLGAT: No?

MR. PAULLEY: I don't think so.

MR. MOLGAT: All right.

MR. CHAIRMAN: Section 9(5) -- passed; 9(6) -- passed; 9(7) -- an amendment, (a) -- passed; (b) -- passed.

MR. MOLGAT: Mr. Chairman, under 9(7), I'm sorry I didn't see the amendment previously. What . . .

MR. PAULLEY: The purport of this - for the purpose of my honourable friend - I don't know if he has now the amendment before him, they may be satisfactory to him Mr. Chairman, - the purport is that where absolutely necessary in the opinion of the Lieutenant-Governor to proceed then they have the power so to do.

MR. MOLGAT: Mr. Chairman, in this area it seems to me that the Ontario Act may provide some suitable improvements to our own Act because as the original Act read here under special circumstances the Lieutenant-Governor in Council could do certain things. Now the Ontario Act provides for some very clear action where this does happen recognizing the possibilities of special circumstances, but the Ontario Act sets forth that where this does happen, then there must be notice to the owner. Now I don't think that the amendments proposed necessitate this. It would appear to me that in fairness even if there are special circumstances that the owner of the land ought to be notified.

MR. PAULLEY: I believe - and I thank Mr. Tallin, Mr. Chairman - that a copy of any direction - this is 9(8), I believe covers the point of my honourable friend - "that a copy of any direction made under subsection (7) shall be served by the expropriating authority forthwith upon the registered owners." So I think if you take them in conjunction then you achieve what . . .

MR. MOLGAT: All right, then all I require is the definition of "forthwith". -- (Interjection) -- The Attorney-General says "come-on, come-on." I've asked for definitions of "soon" and I've been told that's "soon". Now should we not put into the Act then within five days or within a specific time because I think this then becomes a subject of argument. What is "forthwith".

MR. PAULLEY: Well I would imagine that if necessary a judge could interpret it insofar as expropriation is concerned, but I think that the normal interpretation of the word is "right a way" or "as soon as possible" following an action.

MR. GREEN: Ask anybody but a lawyer and you'll get a very good answer.

MR. MOLGAT: But then why shouldn't we put in the Act say within five days?

MR. PAULLEY: Well five days may be too long or may be too short.

MR. MOLGAT: Mr. Chairman, what I'm concerned about here again is the right of the owner. It's all well and fine for the members on the government side to joke about this, but we've tried many times on this side of the House to get information from the government side - and I don't say any more this government than the previous government, I've tried with both - and I've frequently had the answer "soon." But that's not good enough for an owner because he's the fellow who's being affected. Now why can we not put in the Act a time limit so that it would be clear that the government has the authority or has the responsibility to act within a certain time?

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, there are innumerable statutes in this province that use the term forthwith, I can assure the honourable gentleman, and if the logic of his argument is to be followed we'd have to go through every Act and define a time limit. Now why these words are left in that form is so that there can be reasonable determination of them, because as my honourable colleague has pointed out, there may be circumstances where five days would work a hardship, but there may be instances where five days would be overly generous, it ought to be done in a matter of 24 hours. The courts have interpreted these words for many many years and it depends on the circumstances.

MR. PAULLEY: . . . and also, Mr. Chairman, I want to suggest to my honourable friend that we're not treating this as a joke at all. This is serious business and this government is very much concerned with expropriation as it affects the ordinary citizen. May I suggest that if my honourable friend reads 9(7), that is the amended 9(7), "the Lieutenant

(MR. PAULLEY cont'd.) Governor in Council deeming it necessary or expedient in the public interest to take certain action shall forthwith" - which in my opinion would mean, as a layman, that on the Lieutenant Governor in Council deciding to do something it should in the public interest notify the parties affected insofar as the expropriation is concerned. I want to assure my honourable friend that that would be the approach that I would take.

MR. MOLGAT: Mr. Chairman, I really believe that the Minister who proposes this bill is exactly of that view, that he wants to see to it that the owner has equal position with government, but as I said on second reading of this bill, the facts are that by and large the owner is not in the same position as the government because the owner if there is a problem must hire legal counsel. My honourable friend and I not being members of that profession can speak openly about that profession. We have found - I'm sure my colleague will agree with me - that this can be a very costly procedure at times and hence if we are putting the owner in a position that he must seek legal counsel, he is no longer in the same position as government and therefore the Act should bend over backwards to see to it that the owner is not put into a position where he has to become involved with legal costs in order to protect his position, because government does have legal advice - paid for by whom? By the public at large. In other words, in part by the fellow who is being expropriated. So he's paying a part of the cost of legal counsel for the government who is going to expropriate him; meanwhile if we are not careful how we prepare this Act, he must also pay for legal counsel to protect himself. So I simply want to be sure that he is in a position -- (Interjection) -- your legal counsel will speak for you? I shall listen to him.

MR. PAULLEY: I defer to my legal counsel. . .

MR. CHERNIACK: No, no, not as legal counsel Mr. Chairman, but the honourable member said he could speak openly not being a lawyer and I think I can speak knowledgeably being a lawyer about the costs involved and the costs can be high. This Act does provide that the costs shall be included in compensation when the court deems that it is proper so to do, so that that kind of protection was considered and accepted.

Mr. Chairman, what really brought me to my feet is the suggestion that - I know the honourable member was not serious when he said it but I wouldn't like it to be on the record that we're not taking this seriously. We've spent a great deal of time on this Act - and I don't mean we the government, I mean we the legislators. I don't recall if the Honourable Member for Ste. Rose was a member of the Committee that sat the previous - not last year but the year before, but I've sat many long hours and I happen to sit beside his colleague the former Member for Lakeside and I think that we gave it a very thorough going over. This is a government bill of which we are proud but we can't say that it is a government bill that we have completely drafted without considerable help; and I'm sure the Honourable Member for Ste. Rose accepts our serious approach to it.

On the point he mentioned, we are dealing now with a direction which is made by the Lieutenant Governor in Council in special circumstances where notwithstanding anything contained in the Act the Lieutenant Governor in Council becomes concerned on behalf of public interest . . .

MR. PAULLEY: Not an individual.

MR. CHERNIACK: . . . and then in such special circumstances the Lieutenant Governor in Council acts. Now it seems to me it's clear that when the Lieutenant Governor in Council takes such an act, makes such a decision out of the ordinary and under special circumstances, it will have every interest in making sure that the owner is advised of the decision and it will then proceed with real expediency. I don't think that we should get involved in semantics in this case when we know that lawyers, and competent lawyers, have drafted all this, this wasn't drafted by any layman but by several people who had a great deal of confidence in it and who know the word "forthwith" does have meaning, and the court knows it, and I assure the honourable member that it can't be that. . . .

One other thing, I don't think this Act is designed to put the - now this is my opinion - an owner in exactly even position with an expropriating authority. The mere fact that there is an Expropriation Act and an expropriation principle already determines that somebody in authority is forcibly taking property away from an owner and we have to start on the basis that it's not "even-steven", it is a decision that is made. Then there has to be considerable review, justification and compensation, and I think this Act does give a tremendous step forward in providing the owner with great opportunity to protect his rights, but I don't think it was correct to say that they're on an equal basis; they really can't be. That's my opinion, that's not a . . .

MR. MOLGAT: Mr. Chairman, I know a good deal of time was spent on this Act before by the previous government and by the present members in the House and I'm not suggesting that that work wasn't good, but it doesn't necessarily mean that that work was perfect and is not subject to improvement. I thank the Minister for his comments and I'm prepared to let it go on that basis.

Now under the Ontario Act there is a clear-cut obligation on the government to table in the Legislature within 30 days after the opening of the next session, any details of any of these that are done under special circumstances, and it seems to me that this is a wise course of action, because it means that government must justify anything which they deem to be special circumstances. The Ontario Act in this area simply says "that the Minister of Justice and the Attorney-General shall within 30 days after the commencement of each session of the Legislative Assembly, lay before the Assembly a copy of each Order made theretofore under subsection (3) and not previously laid before the Assembly." In other words a copy of any special circumstances. Is the government prepared to give this information to the House?

MR. PAULLEY: Mr. Chairman, may I suggest that we have now in the Province of Manitoba as a result of some of the activities of the Honourable Member for Ste. Rose, an ombudsman. We have provisions in our procedures for Orders-in-Council requesting precise information. I don't know whether it would be really advisable or necessary to have the provision within the Act.

I want to suggest to my honourable friend, Mr. Chairman, while it may sound good to pick out certain sections of the Ontario Act, that the Act that we have before us is the result of studies, not only of the Ontario Act but the British Columbia Act, the Act in Great Britain and the Federal authority. Now I want to say to my honourable friend, Mr. Chairman, we recognize, and I'm sure that he would agree, and as my colleague the Minister of Finance said a moment or two ago, we recognize that this is not a perfect Act; but I appeal to my honourable friend not to - I'm not suggesting he should be deprived of his right - but the point that he raised can be covered through a different methodology, and as far as the government is concerned, we would have no objections eventually or in certain circumstances to give this information to the House, Order for Return as I mentioned a moment or two ago would be accepted by the government without necessarily being within the Act itself.

So I appeal to my honourable friend that insofar as expropriation we're just as concerned as the Honourable Member for Ste. Rose is with disclosure as to the process of government. And also, may I point out Mr. Chairman, to my honourable friend that the report of pre-hearings in essence become public knowledge as well as the point raised by my honourable friend the Member for Ste. Rose insofar as the situation which might prevail if the Lieutenant Governor in Council takes the advantage, if necessary, on Section 9(7).

MR. MOLGAT: Mr. Chairman, I had an amendment prepared on this section providing for somewhat the same as the Ontario Act. The Minister asks me to not do that at the moment -- (Interjection) -- No, no, . . . and that the government is prepared to give full information. On that basis I'm prepared to give this a try, but I would ask the government to give consideration that wherever there are any of these actions taken that the House be so informed.

MR. PAULLEY: I will give that undertaking on behalf of the government on request or Order-in-Council; I think that I can say this quite fairly, for the government. I am at the present time the Minister in charge of expropriation, I give my personal assurance that while I am the Minister on behalf of the government that that will be done.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I would just add support to what the Member for Ste. Rose said in that the Ontario Act provides for the government to give a list of the exceptions. I think this would be appreciated by the House so that we would know what was going on and whether there were any cases there.

MR. PAULLEY: I've given the undertaking on behalf of the government.

MR. CHAIRMAN: (Section 9(7) to 13 of Bill No. 94 were read and passed). Section 14 passed. --

MR. MOLGAT: Mr. Chairman, I'm sorry, under 14, it seems to me that here we are in conflict with another section later on in the Act. No. 14 says: "Within 60 days after the registration of the declaration." If you go back to Page 25, Schedule A, under 2(1) we say "within 30 days of the signing of the declaration of the expropriation." Now, are not our timings here in conflict?

MR. PAULLEY: Mr. Chairman, the Legislative Counsel informs me that the difference is that in the first place "within the 30 days of the signing of the declaration of expropriation, the expropriation authorities shall serve notice;" and then in 14 -- my honourable friend the legal counsel says that's to give them notification as to application as far as the enquiry and confirmation; and then after confirmation within 60 days after the registration of the declaration the authorities shall serve every owner on the land. It's a broader scope - first 30, then 60.

MR. CHAIRMAN: (Sections 14 to 23(1) of Bill No. 94 were read and passed). Section 23(2) . . .

MR. MOLGAT: Mr. Chairman, under Section 23(2), under this one, if the authority does not act within the proper time then any interest to the individual is only from the date of the confirming order. Now why should this not be from the date of the declaration of expropriation, because really it is from the date of the declaration of expropriation that the land is frozen; from that time on the individual really no longer has free use of his land. Technically he may have, but the facts are that at the Land Titles Office there is notice of expropriation filed and that that being the case he's not a free man to move that land because you might say a caveat is there. Now why then shouldn't we pay him interest from that date?

MR. PAULLEY: Because . . . okay.

MR. CHERNIACK: We'll take turns here, Mr. Chairman. The Honourable Member for Ste. Rose is getting a review of all the discussion that took place in the committee itself.

The use of the land is not denied the owner in any way; the returns from the land, for the use of the land, are in the hands of the owner at all times. For him to receive interest is really a double revenue for him; whether it's rented or whether he's using it himself he's got the full use of it. He is denied the opportunity to sell it, subject to the caveat he can still sell it and the purchaser will then take it having accepted notice of the fact that it is under consideration, and therefore the interest itself, the interest in terms of money paid for the use of money is not really payable to him until the confirming order has come through and then he is really expropriated. So long as he isn't he's got the value of the use of the land.

MR. CHAIRMAN: 23(2) pass. . .

MR. MOLGAT: Mr. Chairman, no. The Attorney-General pardon me, the Minister of Finance, legal counsel of my honourable friend, makes a case, but the facts are that many things can happen, that once the expropriating authority says we're going to take that land the owner is no longer in the same position as he was previously. Prior to that he was minding his own business betting along perfectly well on his own without the help of government presumably. Suddenly some agency steps in and says we are going to do so and so to you, then he's no longer in the same position. True, he may have occupancy of the land, he may have some revenue from the land, but faced with that he may also take other course of action, he may go and buy other land because he has a continuing operation he has to take care of; so his whole position is changed.

MR. PAULLEY: That's where the compensation comes in.

MR. MOLGAT: All right, but then why not have there the compensation will go back to the time of the declaration of expropriation?

MR. PAULLEY: Ah, but there is provision for this. Surely my honourable friend is not suggesting that we should pay interest to an individual who is still using the land for the same purpose that he was using it prior to the expropriation? There are provisions contained within this Act for consideration of compensation for injurious affections and the likes of that.

MR. MOLGAT: I agree he should not be paid any more than what he deserves and I'm not suggesting he should get a bonus from . . .

MR. PAULLEY: Oh, you are when you say he should get interest.

MR. MOLGAT: No, but I think it should be a consideration within the total calculation of what comes to him, and that if he has suffered a loss - for example, if he ceased at that time to make use of that land, went and did something else, then he ought to be entitled to interest. And it's the total calculation - all I'm interested in really is that the total calculation of benefits and losses go back to the time when the authority decides to take the land over and that we should give him the benefit of any losses he may have but also charge him for any advantages he may have, and that the proper time to do this is not as the Act provides, from the date of the confirming of his order, but rather from the date when the authority decide to act.

MR. CHERNIACK: Charge him for advantages he gets, just what do you mean by that?

MR. MOLGAT: Oh, that's up to the

MR. CHERNIACK: What sort of advantage?

MR. MOLGAT: Well, there may be some very substantive advantages - the land may go up in value because of other factors, but it's relating directly to the decision of the expropriating authorities. The fact that they may do some work of benefit to him, and I don't think he should get the advantage of that.

MR. CHERNIACK: Well, he can't because it's as of date of . . .

MR. MOLGAT: Well then, let's go back to the original date when the decision is taken because there can be a substantive delay between the two.

MR. PAULLEY: Oh, but my honourable friend surely realizes that if there is injurious affection to the individual from that time, there are provisions for compensation, but it could conceivably be that the confirming authority or as the result of the hearing that possession is not taken, so surely we should not be in a position of having to pay interest in those circumstances and it is only at the time of the expropriation, the physical expropriation, that interest should be payable.

. . . . continued on next page

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, this was the very point I raised in committee and we had a discussion on it. I feel like the Member for Ste. Rose on this because once you have filed with the Land Titles Office that certain lands will be expropriated, the owner knowing that at a future date - at that time it might not be known just when the property will be actually taken over - he has to look for another piece of property - but he will have to purchase probably in order to make sure that he will have something to go on, and in the meantime he will have to pay interest on the new property that he is purchasing but will not get anything on the property that is being expropriated but from which interest will only be paid from the day of the confirming order and you will have a lapse of time here from which the owner will not get anything.

I think consideration should be given to what the Member for Ste. Rose . . .

MR. PAULLEY: Ah but, Mr. Chairman, my honourable friend from Rhineland knows full well that if there is an agreement for the vacating of the property by the owner who is under expropriation, then due compensation takes place at that time; and in accordance with the provisions of the Act he will be compensated from that time. The question then becomes not one of possession by the expropriating authority but the voluntary giving up of the land by the individual concerned.

When my honourable friend mentioned the fact that the individual who went out and bought other properties and vacated the land and started to pay interest, there is provisions in the Act to take care of those circumstances because then in effect the land under expropriation becomes the property of the authority at that particular time.

MR. CHAIRMAN: 23 (3)--passed; 24--passed; 25--passed --

MR. STEVE PATRICK (Assiniboia): Mr. Chairman, I do believe that my colleague from Ste. Rose certainly has a good point because, unless I don't understand a section, and perhaps the Minister at the last minute I think is trying to explain it but the point is that many people when they have notice of expropriation filed, or receive a notice of expropriation - and the government may not take the land for the next two to three years - they may be able to live and farm the land and receive the benefit from it. That's a good point, but the argument that I like to pose to the government here is: many will not farm this land for three years, or for two years, they will try and make their decision now, right now, and look for other property, but for the same suitable property it may be in a different location, it may take him some time to find a suitable farmland, so they can relocate and they will make the move right now. So what happens? Do they get compensation from the day that they leave the land or from the time that the government decides to completely take it over? And this is the argument that I'm trying to pursue and would like to see the Minister explain that. -- (Interjection) --

What happens if there's notice of expropriation filed and then the government does not intend to take the land over right away? It may serve notice and decide to take it six months or a year from now. The man that owns the property, be it a farmer or whoever it is, decides to relocate right now, because he can't wait, he thinks that he has found a piece of property and he wishes -- (Interjection) -- what's that?

MR. CHERNIACK: Under the Act . . .

MR. PATRICK: He can do it, what section? Mr. Chairman, is it not true that 23(2) the due compensation payable to the person calculated from the date of the confirming order -- which may be some months later, after the expropriation orders have been filed.

MR. CHERNIACK: It has to be within six months. That is the time limit. There was the amendment, so that there is a time limit. It can't be two or three years as the honourable member says; it has to be within six months - and within that six months there is a notice against him, that's true. And that's it. Now . . .

MR. PATRICK: All right, Mr. Chairman, I'll ask this question: why shouldn't he receive interest for six months in case, for instance, he has received an expropriation notice he went and purchased another suitable property within say three weeks, so why should he wait for six months before he . . . ?

MR. CHERNIACK: Mr. Chairman, interest on what? You are now saying suppose the government, or the authority, does not expropriate; well then, there's no interest payable because there is no compensation payable, and there's no loss because he has used it. Now if

(MR. CHERNIACK cont'd) he wants to jump the gun - and that's what you are now suggesting - is the minute he learns an expropriating authority has filed a notice which is only a consideration, only notice that it is going to consider expropriating, he's going to jump the gun, and he's going to buy something else and give it up. Well I can't conceive of a person who would be so foolish as to do that without having closed his deal with the expropriating authority and known that he's getting his money. -- (Interjection) -- expropriation there are damages payable.

MR. PAULLEY: All the way back.

MR. MOLGAT: Mr. Chairman, the present section says that he was entitled to interest from the date of the confirming order; so the government accepts because even a confirming order, the government can still back down. And so if after - if we accept the fact that once a declaration is made - in fact, this expropriation exists - an individual then has the right to protect himself. Surely he has -- (Interjection) -- No but even from the date of the declaration of expropriation, because at that time the government says, we intend to expropriate. Now any reasonable individual being faced with a decision of the government that they are going to expropriate, I think has an obligation to protect himself, and he has to look immediately for other means of

MR. CHERNIACK: . . . Enquiry Officer and there's a

MR. MOLGAT: He may or may not, but the facts are the government has decided on a certain date we are going to expropriate and from that date on, that individual should be protecting himself by making alternate arrangements. If he does, then I think he is entitled -- again nothing more than what is right and fair, nothing more, but surely nothing less.

MR. PAULLEY: Ah but I think my honourable friend is confusing the notice of intention with the confirming order or a declaration. There is a difference.

MR. CHAIRMAN: (Sections 24 to 31 were read and passed.)

The Honourable Member for Rhineland.

MR. FROESE: Was there not an amendment on 31 subsection (1)?

MR. CHAIRMAN: 31, subsection which?

MR. FROESE: . . . section (1). . . .

MR. PAULLEY: It was discussed but there was no amendment.

MR. CHAIRMAN: (Sections 32 to 34 were read and passed.) 35 (1) -- passed; 35 (2) -- The Member for Ste. Rose.

MR. MOLGAT: Under 35(1), I would like to move the following amendment, that section 35(1) be amended by deleting all the words after the word "at" in line 2 thereof, and adding the following words, "a rate which shall exceed the rate of interest at which the government could at the time at which a declaration is made, borrow moneys on the security of its long-term debentures as estimated monthly by the Minister of Finance.

MR. CHAIRMAN presented the motion. The Minister of Finance.

MR. CHERNIACK: Mr. Chairman, I don't think we should just let this go to a vote without a discussion. We discussed this again at some length when we were dealing with the question of I think the Suitors Trust Fund interest.

What I have discovered since I have assumed this office is that there are various measurements, and there is a measurement being proposed here, and of course it's one which is quite determined that it is estimated monthly - and incidentally monthly is pretty often - on the security of its long-term debentures. Now, Mr. Chairman, I have discovered that, for one thing, there are times when you can't really tell what the long-term debenture might bring; there may be periods of time, long lapses between borrowing by the province, or indeed by other provinces, and although the intent is what is expressed in the proposed amendment, I wouldn't like to be limited by that, because I have learned that there are various measurements and yardsticks, none of which I apply casually, but which have to be supported by information by the fiscal people who relate the interest which would be deemed to be fair as to various factors that are not necessarily only this type of security. Now as I say the intention is there; the Minister of Finance does have to make an estimate - of course it doesn't say monthly, it says from time to time - in the bill itself, whereas this motion says monthly. It's quite a task to do and I think that the provision in the bill should be adequate to make sure that we keep up to date on interest rates. I think that's the important thing.

I reported to, I think it was this committee, when we dealt with Suitors Trust Funds, that we have established a practice in the department of reviewing interest rates quarterly,

(MR. CHERNIACK cont'd) and this would continue. But it's one where I don't feel that I have sufficient confidence in my own knowledge of just how we arrive at this, to be able to accept this amendment without really -- I would be foolish to do so, without going back to my department and obviously to the deputy minister and discuss with him, what are the implications involved in this amendment? It wouldn't be very fair to him to summon him down to deal with this. Whereas I can assure the honourable member that I have not yet had occasion to disagree with him as to what would be the fair rate of interest to be assessed in those occasions where I have to exercise discretion. I feel confident that my successor will have the same confidence in this department to deal fairly the way it is in the bill, and I would like to leave it as in the bill rather than tie myself to something which I really don't know enough about to accept, and I say that quite honestly.

MR. MOLGAT: Mr. Chairman, I know how busy the Minister of Finance is in our government, and I would be the last one to want to impose any additional burdens upon him. On the other hand, being concerned about having a formula in this, and I spoke about this on second reading - I searched about for a formula - and lo and behold, when Bill 138 proposed by the Minister of Industry and Commerce came before me, and as I leafed through Bill 138 I came upon section 7(5), I found there a formula -- which presumably the Minister of Finance has accepted because the bill says, and it's proposed by one of his colleagues, and it poses exactly this obligation upon him because Section 7 (5), Page 4, Bill 138, states: "the rate of interest payable on any loan by the corporation shall exceed the rate of interest at which the government could, at the time when the loan is approved by the corporation, borrow moneys on the security of its long-term debentures as estimated monthly by the Minister of Finance. And so in view of the fact that my honourable friend is going to have to do this in any case to accommodate his friend the Minister of Industry and Commerce, and presumably this is a standard practice by the Minister of Finance and his department, because it's in one of the government Acts, then if he is going to do it for this Act, I submit that this would be a proper formula to follow in this Act as well; not imposing any additional obligation on government. They are proposing it in one of their own bills. It's a clear cut formula proposed by government. My honourable friend says he agrees with the principle of having a formula; I think there should be one. It shouldn't simply be left to the whims and fancies of the Cabinet as to when this can be reviewed. Here is a clear cut formula. I was at a loss, as I said, when I spoke on second reading to find one that would work; the government has proposed one to me; it's going to apply it for Bill 138; then if it's good for Bill 138 I submit it's good for this.

MR. CHERNIACK: Mr. Chairman, the proposed amendment would read "that an authority of expropriated land shall pay to the owner interest on the amount at a rate which would be for the purposes of this Act established by the Lieutenant Governor in Council." Now the honourable member refers to the Manitoba Development Fund which is a clear-cut Fund which lends money on long-term, which borrows the money from the government on long-term and where it is better able to assess the purpose for which the money is loaned in relation to long-term financing. It may well be that an expropriation would be out of different kinds of money - could be out of short-term money which is normally cheaper; it could be out of current revenues which don't involve borrowing at all; it could be related to municipalities which borrow differently, and again I repeat what I said earlier, I don't feel that I can accept it for this Act and assume just because the honourable member seems to assume, that it would be exactly the same principle as is followed in the Development Fund. I would much rather have the flexibility which is set out here and is certainly better than the five percent which is the present Expropriation Act. I think we can be assured again that this is something that would be a matter for review in the future and would be subject to consideration by the House if the Lieutenant Governor in Council uses an arbitrary or poorly estimated amount. I agree that there is a great likelihood that there would be a similarity between the amount set in 35(1) and the amount set by the Minister in dealing with the Development Fund and there would have to be an explanation for any difference, but I wouldn't like in advance to tie myself or to tie the government and the Lieutenant Governor in Council to this same formula, the use is different.

MR. MOLGAT: Mr. Chairman, the Minister has shifted his ground, because when he first replied he said that he didn't know whether his department could make this calculation. Well I think it's clearly established the government does make the calculation. Surely the Minister of Industry and Commerce would not put into his Act a statement like this 7(5) saying that this is what's done by the Minister of Finance, if it's not done; surely he would not put it in there if the Minister of Finance had not agreed. Therefore I think we have to start from the

(MR. MOLGAT cont'd.) premise that this calculation is made in fact monthly by government. The Minister hasn't said it is not. He indicated first in his initial comments that it might be difficult but I think after reconsidering the matter and learning that he has agreed to an Act that says that he does do so, that he now agrees that he does. Having agreed that he does and that this is a monthly calculation and it's done, the purpose of the money whether it's long-term, short-term is not the factor. The factor is that we want a formula by which we can establish what's fair; and if it's fair - because this under the Development Act doesn't again say whether the corporation is going to lend it on short-term or long-term. That's not the question. The question is what the corporation shall lend at. Doesn't say whether it's short-term or long-term, it simply says "it shall exceed the rate of interest at which the government could borrow, as estimated monthly by the Minister of Finance."

So it's clear that we have here a simple formula done in any case monthly by the Minister of Finance according to the government's Act, therefore available, and it's a simple case that on the date on which the appropriation is started whatever the calculation's been made by my honourable friend that month, and he has done it according to the government's Act, therefore that's the one that applies. It's simple, it's flexible, it follows the market. If the money market is up then he pays at that rate; when the money market's down he pays at that rate; government does not suffer, it's simply paying what is the going rate at that time. I think that this is a fair -- (Interjection) -- my honourable friends shake their heads; well, if it's not fair, if it's not fair on one side then why is it fair in this Act? It can't be fair on the one side and unfair on the other. All I'm looking for is a fair measure. If it's a fair measure for this Act why isn't it a fair measure for the other Act?

MR. CHERNIACK: Well because Mr. Chairman, it's a different purpose. The Development Fund Act sets out what is the minimum rate at which the Development Fund may lend money to borrowers and it is established for the purpose of making it clear that there shall not be a subsidy to borrowers in the interest rate payable by borrowers to the Fund. That's a purpose and that's a floor. The Fund then knows that it may not lend for less than the amount established by the Department on the basis of what would be its estimate of long-term borrowing. This is a different purpose, and I did not say it cannot be done, I said that there are different factors involved at different times whereby it might be a different rate that would be advisable; and I'm saying that because it's a different kind of a purpose. We're talking here certainly of very short-term, we're talking here in terms of the time between the expropriation and the payment. We're not talking about a long-term repayment by - and I do say long-term because the Development Fund normally does lend on long-term - and it is one where the borrower from the Fund has to plan his financial affairs and take into account his costs. This is a different concept altogether, and I just don't think it's necessary or advisable to relate one to the other. It's cute to discuss this but I really don't feel that there's much value in it nor do I think that there's a great deal of principle involved, if I may use that term in relation to interest, because it isn't that long a term nor that meaningful in the total payment.

MR. MOLGAT: Mr. Chairman, if my honourable friend had been involved in some expropriations in the past, some of which are still pending going over many years and that he was one of the parties in dispute, he might not be quite of the same view as to what the importance of interest is. All I'm suggesting is what's good for the gander is also good for the goose and that if it's good for the government in one of its Acts to set this sort of a formula for interest then why isn't it equally good when we're dealing with the public to have exactly the same sort of formula? I'm not asking for a different one, I'm simply asking for the same sort of formula as the government itself is proposing.

Now it's not a question of being cute, Mr. Chairman, not at all. I spoke on second reading on this subject and I said then that I thought we ought to have a formula, because I've been involved too often with government Acts where it is stated, as this Act says, that the rate shall be fixed from time to time for the purpose of this Act by order of the Lieutenant Governor in Council, and Mr. Chairman, 99 percent of the time the Lieutenant Governor in Council is years behind the time in setting what's right. Because I know they've got all their other problems and they haven't got time to adjust it and all the rest of this, and I'm not saying it's by any desire to be unfair, it's by the very nature of things that it just doesn't keep up. I can submit, for example, in the case of the superannuation Act that I think we're being absolutely unfair to the staff of the government at this time, where they withdraw their portion when they leave government employment and the pittance of interest that they get in the light of today's

(MR. MOLGAT cont'd.) interest rates; and it hasn't been changed.

MR. PAULLEY: Oh it has.

MR. MOLGAT: But not sufficiently, not keeping up to the present rate of interest.

MR. PAULLEY: They didn't receive any interest previously.

MR. MOLGAT: They get three percent.

MR. PAULLEY: They didn't get anything before.

MR. MOLGAT: My honourable friend submits that . . .

MR. PAULLEY: Your government at that time set that law.

MR. MOLGAT: Ah get off my government. I'm not fighting 99 years ago battles, I'm saying what's to be done now. And I submit now . . .

MR. PAULLEY: Now you're there.

MR. MOLGAT: . . . there is an opportunity to have a formula because the government has established one. Now if there's a formula established on the one side, let's simply apply it. It's going to be fair for everyone concerned, the government does it in any case, then no one can complain, it's a fair Act.

MR. CHAIRMAN: Are you ready for the question on the motion of the honourable member. The Honourable Minister of Finance.

MR. CHERNIACK: Let me just say this. I never did believe that what's good for the goose is good for the gander; I think they have quite different objects in mind and quite different - I don't mean objects but objectives. I don't accept the goose and gander as being the same, just like apples and oranges aren't quite the same.

Mr. Chairman, had this discussion taken place at Law Amendments I would have had an opportunity to review this with my department again to see just whether the formula proposed by the honourable member could be worked. I don't propose at this stage to jump into an acceptance of the proposal; I'm quite prepared to review it. We've got another session coming up in a few months I would guess from the rate we're going, and it may well be that it could still be handled at that time. But at this time I could not accept it.

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

MR. MOLGAT: Yeas and Nays, Mr. Chairman.

MR. CHAIRMAN: Call in the members. On the proposed motion of the Honourable Member for Ste. Rose that Section 35 (1) be amended by deleting all the words after the word "at" in line two thereof and adding the following words "a rate which shall exceed the rate of interest at which the government could at the time at which the declaration is made, borrow monies on the security of its long-term debentures as estimated monthly by the Minister of Finance." All those in favour of the motion please rise.

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

Yeas 19; Nays 24.

MR. CHAIRMAN: I declare the motion lost. (Sections 35(2) to Section 59 of Bill 94 were read and passed.) Schedule A . . .

MR. MOLGAT: Mr. Chairman, are you passing Schedule A as a block?

MR. CHAIRMAN: I beg your pardon?

MR. MOLGAT: You're passing Schedule A as a block, in which case I would like to move an amendment to Section 6(2) of Schedule A, reads as follows: that Section 6 through Schedule A be amended by adding immediately after the word "authority" where it appears in line three thereof the following words "and if it is in the public interest".

MR. CHAIRMAN: On the proposed amendment of the Honourable Member for Ste. Rose that Section 6(2) of Schedule A be amended by adding immediately after the word "authority" where it appears in line three thereof the following words "and if it is in the public interest". Are you ready for the question?

MR. MOLGAT: Mr. Chairman, I will not make a lengthy speech, I haven't had much success in my appeal to the House tonight, simply to say that as the section now reads all this requires is for the officer to make sure that it is fair and reasonably necessary for the achievement of the objectives of the expropriating authority. I think that our concern should not only be the concern of the expropriating authority which may have a very special concern, but have the general concern of the general public interest, and that there are times when the objectives of the expropriating authority may be very particular. We had this last year with the case of South Indian Lake where the Hydro had a certain concern, and a proper concern -

(MR. MOLGAT cont'd.) I'm not arguing that - but there was another concern that of the general public interest and that this ought to be a concern in discussions of this nature not simply what's good for the authority itself, but what's good for the general public interest.

MR. CHAIRMAN: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Chairman, I don't think that we should accept the amendment of my honourable friend, because first of all the duties of the enquiry officer under Section 6(2) shall assess as to whether or not the expropriation is fair and reasonably necessary for the achievement of the objections of the expropriating authority and then stipulate certain things that he should take into consideration in arriving at that. And then, the point raised by my honourable friend the Member for Ste. Rose I respectfully suggest is covered under Section 8 of Schedule A which says that the enquiry officer shall within 30 days from the date thereof deliver to the confirming authority his report in writing set forth (a), (b), (c) and (d) such other matters as he considers it expedient and in the public interest, so this is a duty and an obligation of the enquiring authority, so it's there. So I suggest that there's no necessity for any addition to Section 6(2) as proposed by my honourable friend.

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

MR. MOLGAT: Mr. Speaker, yeas and nays. I want to see who's in favour of the public interests.

MR. CHAIRMAN: Call in the members.

MR. MOLGAT: Yeas and nays, Mr. Chairman. -- (Interjections) -- well okay, we shall see.

MR. CHAIRMAN: On the proposed amendment of the Honourable Member for Ste. Rose, it's Section 6(2) of Schedule A be amended by adding immediately after the word "authority" where it appears in line three thereof the following words: "and if it is in the public interest."

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

Yeas 18; nays 23.

MR. CHAIRMAN: I declare the motion lost. Schedule A -- The Honourable Minister.

MR. PAULLEY: Mr. Chairman, I would like to suggest to my honourable friend, the Member for Ste. Rose, who I know is so interested in this bill that he may have an opportunity of moving an amendment that I would accept in Section 7 in the third line the word "hearing" is in print at the present time, it should be enquiry" - that the Enquiry Officer in his place, and if my honourable friend would love to move that amendment, I would accept it.

MR. CHAIRMAN: . . . and carried in Law Amendments.

MR. MOLGAT: Mr. Chairman, as a matter of fact, I did have that note in my copy of the bill here but due to my total insuccess so far in convincing the government that they ought to take a reasonable attitude towards this Act, rather than one that is as rigid as the one that they have experienced, I was not going to propose it.

MR. CHAIRMAN: Schedule A as amended passed -- The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman - no I just want to question this. Schedule 1(a) or 1(c) and (d), were they not amended? The "Minister" was deleted, and the "Lieutenant Governor in Council" was inserted, isn't that correct?

MR. PAULLEY: Schedule B Form 1 was amended in connection . . .

MR. CHAIRMAN: (The remainder of Bill No. 94 was read section by section and passed).

MR. GREEN: Do we do 141?

MR. CHAIRMAN: 67. Bill 67, The Privacy Act. (Section 1 to 5(d) of Bill No. 67 were read and passed.) Section 5 (e)(1) -- The Honourable Leader of the Official Opposition.

MR. WEIR: Mr. Chairman, I wasn't present in committee at the time we considered Bill 67. At second reading of the bill I indicates some changes that I hoped to propose and in the meantime I have had an opportunity to provide them to the Attorney-General, one of which was moved in committee that met one of the points and met with him. I understand that there's generally speaking general agreement on the amendments that I proposed and moved, so I won't go into any further detail unless it's suggested that I should or that I'm provoked and I think that they're probably fairly well self-explanatory and I did deal with them fairly extensively at second reading. So Mr. Chairman, I would move that clause (e) of Section 5 of Bill 67 be amended by adding thereto immediately after the word "trespass" in the last line thereof, the words "and was within the scope of his duties or within the scope of the investigation as the case may be, and was reasonably necessary in the public interest."

MR. CHAIRMAN presented the motion.

MR. CHAIRMAN: The Honourable Attorney-General.

HON. AL MACKLING, Q. C. (Attorney-General)(St. James): Mr. Chairman, if we can just have a moment please with the . . . as I recall, it's been some time since that night since we discussed those amendments, and it's true that the amendment that is suggested by the Honourable Leader of the Opposition was considered by me and I think it does make some improvement in the definity of the section, and I have no objection to the amendment.

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

MR. CHAIRMAN: (Sections 5(e)(1) to 7 of Bill No. 67 were read and passed). Section 8 — The Honourable Leader of the Official Opposition.

MR. WEIR: Mr. Chairman, I would like to move that Section 8, 9 and 10 of Bill 67 be renumbered as Sections 9, 10 and 11 respectively; and that the following sections be added thereto immediately after Section 7 thereof; "Application of Act, 8(1): Notwithstanding any other Act of the Legislature, whether special or general, this Act applies where there is any violation of the privacy of any person. Conflict with other Acts, 8(2): Where there is a conflict between a provision of this Act and a provision of any other Acts of the Legislature whether general or special, the provision of this Act prevails."

MR. CHAIRMAN: Is the Honourable Member including - not 8(3), that 8(2) is the last one? On the proposed motion of the Leader of the Official Opposition. The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, if I might have Legislative Counsel for a moment - there is some change that I . . .

MR. CHAIRMAN presented the motion.

MR. MACKLING: . . . again after reviewing this - and I find no problem here in accepting this amendment, Mr. Chairman.

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

MR. CHAIRMAN: (The remainder of Bill No. 67 was read section by section and passed).

(Bills No. 88, 89 and 90 were read page by page and passed). (Section 1 of Bill No. 96 passed). Section 2 - 60, 1(1) -- The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, I move, seconded by the Honourable Member for Fort Garry, that Section 2 be amended by adding at the end of 60, 1(1) after the word "employer" the following: "Nothing herein contained shall prevent the court from granting an injunction enjoining an illegal strike."

MR. CHAIRMAN presented the motion.

MR. SPIVAK: Mr. Chairman, the reason that this amendment is introduced is because the position of the members on this side, or at least of the Official Opposition, that the section that is now being incorporated as law is the present law as it now exists, and that in effect what this Act proposed to do is to codify the law as it now exists. We therefore suggested in the first place that it was not necessary to introduce this in a codified form and we also expressed, Mr. Chairman, our belief that in doing this, there is a basic danger because the parameters of the law are limited by this and it could very well cause a result that is completely inconsistent with the desire and aim of the Honourable House Leader who has spoken on this at some length in this House.

Unfortunately I was not present at the committee when this was dealt with, otherwise it would have been introduced at the committee and I am therefore now introducing it here, and as far as I know, it was not introduced by any other member. The reason for the section being introduced by way of an amendment is because in effect, Mr. Chairman, the section which says nothing herein contained shall prevent the court from granting as injunction enjoining an illegal strike is also the law as it now exists but once you are now going to put yourself in a position of codifying the existing law, and restating it in the position that you now are in this Act, would seem rather appropriate that we follow through logically and include the corollary of this, which is what appears in this amendment and I therefore would hope that the House would entertain this amendment, or the committee.

MR. GREEN: Mr. Chairman, I just see recurring the same type of argument that occurred on the original hearing of the case which gave rise to this injunction. There is nothing in the bill which restrains the court from enjoining an illegal strike, provided that the activity enjoined is not the fact that a person is not at work and that's what the Act says.

(MR. GREEN cont'd.) The Act says that any other remedies are available, the Act says that if the strike involves people convincing each other not to work, you can enjoin people from convincing each other not to work, there is nothing in the bill that prevents that. There is nothing in the bill that deals with the question that my honourable friend put and therefore all that those words can have the effect of, is giving the court an opportunity to enjoin an illegal strike by defining the strike as a person not being at work and Mr. Chairman, I want to tell my honourable friend that if he is sincerely putting forward this amendment as a means of buttressing this law - and I assume that he is - then I want to tell him that I fell into exactly the same trap in the Court of Queen's Bench when I said to the judge, "My clients are not at work," there is nothing to prevent the court from enjoining an illegal strike but it can't require people to go to work. The judge then made a finding that the staying of the employee away from work and that fact only, that was the only fact, constituted an illegal strike, and then enjoined that man to stop striking and this amendment will have exactly the effect of the judgment which my honourable friend says hasn't changed the law.

Now Mr. Speaker, I know that one of the most learned jurists in the country, most well-respected jurists in the country, Mr. Justice Samuel Freedman, did say that that injunction changed the law. I know because I was advised by the Chief Justice of the Court of Queen's Bench of the Province of Manitoba, that all of the judges in Canada are now at a seminar where Mr. Justice Laskin of the Supreme Court of Canada is discussing the effect of the Royal Bank case. I know that I have been, you know and it's difficult to relate one's own experiences but I know that other lawyers who have commented on it and I've read the comments of a lawyer in the Winnipeg Free Press, who I know has never appeared in a picketing case, and has never appeared in an injunction case of this kind, and all of these people are interpreting the law and I suggest to you and I ask on this one occasion, that somebody who knows what occurred, somebody who went through it, somebody who followed it, may have a better idea as to what the law says than what the Member for River Heights says and I am merely suggesting that if the Act doesn't prevent a court from curtailing or enjoining an illegal strike, and there is nothing in the Act provided that strike does not amount to the simple refusal of an employee to go to work, and if those words are added, then what will happen is that the intent of the statute would simply be defeated.

Now, Mr. Speaker, because that's what happened in fact, we are not now theorizing, that is what happened in fact. If the words that the honourable friend uses - and by the way, Mr. Chairman, I don't stand alone on this bill any more - of all the people who came before committee and there was the Chairman of the Labour Relations Section of the Manitoba Bar, and he said that he thinks this is a good thing to do and he said that it was necessary. And the Member for River Heights asked him "Would you prevent the enjoinder of an illegal strike?" and he said no, and my question followed, "What if that strike amounted merely to a refusal to work?" and he said then I would prevent it. And therefore, Mr. Chairman, what the Member for River Heights has done is opened the door to say yes, they have passed this law, but they have put in a very important proviso and that proviso is that I can enjoin an illegal strike and therefore if I find that the man not being at work constitutes an illegal strike, I can enjoin that activity and tell him to stop striking and that's what the courts will do. Even the Member for River Heights says that's what the courts will do, because he has told the First Minister when he was speaking that this law is not going to have any effect, the courts are going to do whatever they want to do in spite of the law. I don't think that will happen, and I spoke to various people in the courts on this question, and I think that where the Legislature expresses an intention as to what the law shall be, that the jurists will make an honest attempt to follow it but if the words that my honourable friend puts in are used, then I know the jurists, I have spoken to them, and they will say yes, we can do exactly what we did in the Royal Bank case, because we can enjoin an illegal strike and if a man refuses to cross the picket line and we find that to be an illegal strike, then we can enjoin him to stop refusing to cross the picket line which is exactly what happened in that case.

Well, Mr. Chairman, I challenge the Member for River Heights who is a lawyer but again I say that he has not been involved in this field, I know that the lawyers who appeared before Law Amendments Committee knew exactly what they wanted, they wanted an injunction which could require people to go to work and they said so and they said so before the Supreme Court of Canada and they said that without that kind of injunction, they don't know whether they will get their buildings built. There is nothing in this Act which prevents a Judge from

(MR. GREEN cont'd) ordering a person not to conspire with another person not to go to work. You can't find it. There is nothing in this Act which prevents a judge from enjoining a person to stop inducing other people not to go to work or to get together with other people not to go to work and if those are the facts which constitute the illegal strike that my honourable friend is talking about, then there is nothing in the bill that prevents him from doing so but if you merely say an illegal strike, then you leave to the court the option of finding exactly what they found in the Royal Bank case that the staying away from work itself constitutes the strike and that is the activity which is being enjoined. So Mr. Chairman, I ask that on this bill, if my honourable friend sees nothing offensive in it, and all it says is that the court shall not grant an injunction that requires a person to work, that's all it says, if you agree with that, then don't offend the language, don't multiply the language, the language is very simple as it is, because the multiplication of the language will lead to results that the Legislature has never intended.

Now, Mr. Chairman I admit that I am speaking on this matter with possibly more individual interest than on other matters, because yes I have been involved in this question. I discussed it in the House in '66 and I discussed it in the Courts during those years but I'm suggesting to you that if you could vote for this on second reading, almost unanimously and if you don't want to disturb the meaning, then don't disturb it because there is nothing in the bill that prevents the court from awarding damages, from suing in contract and all of those remedies are preserved.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. GREEN: Mr. Chairman, I really think that the Honourable Member will give me one more moment, I said that there were other people, the independent people who came before Law Amendments Committee, one the President of the Manitoba Civil Rights Society, that was Mr. Charlie Huband, who I don't think has an interest in this one way or the other, said this is the kind of bill that he thinks should be passed before the Legislature, that the courts should not be able to enjoin somebody to go to work and they should not be able to stop the spread of information by signs, those two people both said that this is a good bill.

MR. SPIVAK: On just that one point, Mr. Chairman, I should indicate to the Honourable Minister, that it was my intention to move an amendment. I think there was some indication at the committee stage because I wasn't in a position to deal with all the amendments that I was intending to propose in the committee, because I had to leave for personal reasons but my intention is to move an amendment or at least to present an amendment which will give the Honourable Minister of Mines and Natural Resources an opportunity to deal with this at some length.

But let me now speak on this. I have listened with great interest to what the Honourable Minister has said. I must say that I think it is a pretty cynical view of the courts, more cynical than any of the statements that are supposed to be representative of my expressions of opinion. -- (Interjection) -- No, no. What you basically have said is that the courts are going to interpret this in a limited way to be allowed to in fact enforce personal performance. No, -- (Interjection) -- well but I say to you that I do not think the law is such. There is no law that I know and there has been no judgment other than the one which was corrected as a result of the action that the Honourable Minister was involved in, in which there was a specific order from the court that you go back to work.

What you are suggesting is that by the fact of the injunction there is an indirect, not a direct but an indirect effect which gives a person an option of either going back to work or breaking a contract and liable to civil action.

MR. GREEN: No. Or being in contempt of court. . .

MR. SPIVAK: Or being in contempt of court. Well, then we go into the situation, are there cases where there is contempt of court for not adhering to an injunction, and the injunction being only that you did not appear at work.

MR. GREEN: That's right, there is no contempt . . . but the fact is that that injunction had that result.

MR. SPIVAK: Yes, but again we are treading in an area which is very important and very significant and one in which the honourable Minister has been involved far longer than probably any member in this House before the courts but I also read the judgment in which Mr. Justice Freedman's remarks were referred to and I know, although I haven't dealt in this field I think I can read a judgment and understand it and I haven't it in front of me, but I read

(MR. SPIVAK cont'd) Mr. Justice Cartwright's position on it, and he indicated that that wasn't the law and that Mr. Justice Freedman's position wasn't the position and he did this and it was obiter to the actual decision but nevertheless even though it was obiter to the decision it still is relevant from my point of view in discussing it.

Now frankly in introducing this, I introduced this to a large extent because of the individual from the Law Society or from the Bar who appeared in front of the committee and who had said in fact that he supported it, although he expressed his own personal view and not the view of the particular committee of the Bar because they didn't have an opportunity to meet and then when he was asked specifically whether he would agree to this section, or think that the suggestion of this section, this additional amendment would be satisfactory, he said yes and he did, he said yes, to the committee and I'm suggesting he in no way suggested that the courts were going to interpret it in the way that the Honourable Minister has suggested and I believe, because I think that if he is as interested as I think the government is, in not having it appear that what is happening here is in effect an attempt by the Minister who has been involved in trying to argue a position that many people say is the incorrect position with respect to the law, which in fact has not been borne out by the cases that are reported in connection with this.

MR. GREEN: It's just not true.

MR. SPIVAK: Well, it is not borne out in the cases that I am aware of that have been reported on this. I cannot understand why you would put yourself in the position of not allowing this to be included, and not have the cynical view that you do have that the courts are going to interpret this in a way which will in fact prevent it from being carried out. Again, Mr. Chairman I suggest the present law that exists, common law does not allow a court to order anyone to go back to work.

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

MR. SPIVAK: Ayes and Nays, Mr. Speaker.

MR. CHAIRMAN: Call in the Members. On the proposed motion of the Honourable Member for River Heights that Section 2 be amended by adding at the end of 60 1(1) after the word "employer" the following: "Nothing herein contained shall prevent the court from granting an injunction enjoining an illegal strike.

A COUNTED VOTE was taken the result being as follows: Yeas 16; Nays 26.

MR. CHAIRMAN: I declare the motion lost.

(The remainder of Bill 96 was read section by section and passed to Title). Bill be reported . . . The Honourable Member for Lakeside.

MR. ENNS: I recognize the hour is getting late but I do wish to make one or two comments on the bill. I did not speak to the bill as such at second reading, however, I took a position opposed to the bill - a rather lonely position - and I wanted to just in a very brief manner indicate the reasons why I took that position and why I intend to take the same position at third and final reading of this bill.

Mr. Chairman, I chose, and perhaps I could be criticized for so choosing, to choose this particular bill to express what I believe to be a principle not directly related to the bill. I have a concern about the era that we're entering into with our labour-management relationships generally across the country. I think that it is no news that the kind of open confrontations and the increasing number of them is really proving to be entirely unsatisfactory generally across the country, fortunately. To kind of dispute the statement made a little while ago by the present Minister of Labour that it is only now that we have a relatively calm situation in Manitoba, I would have to agree with the Minister of Labour that because of reasonable progressive approach to labour and not so much by governments themselves but by simply what I would like to think the responsibility of those leading labour in the Province of Manitoba as well as those responsible for management in Manitoba, have kept Manitoba relatively free of major strife in the last goodly number of years, and I would hope that this would continue. But we are currently, in the current news today, we are surrounded by extreme and labour strife. In sister provinces, in our federal services we see a major department of the Federal Government in a prolonged confrontation involving not only the participants in the dispute but the country and the public at large insofar as that the service, namely that the postal service, is being severely disrupted.

So Mr. Chairman, I would like to just very briefly indicate to you that it's my contention that in attempting to come to some solution, and a solution will have to be found, and I don't

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(MR. ENNS cont'd) think it'll be found overnight; it may well take a decade to maybe arrive at a position, I think I said outside of the House, that for instance labour and management has arrived at in Sweden where they have overcome this particular facet or aspect of costly delays in arriving at solutions between labour and management or the tripartite arrangement between labour-management and government or what have you. It's simply an intuitive expression that I'm expressing, not for a moment attempting to pretend to any expertise particularly with the highly legalistic manner of the particular bill. When you have a person such as the current Minister of Mines and Natural Resources who is an acknowledged expert in this particular field as a result of his personal experiences in this particular field, then of course it would be foolish for me to attempt to argue in a legalistic manner the various positions that one could take on this particular bill. But I feel that when you view the labour legislation that has been passed by this Assembly in this current session, when you view and listen to the very often pronounced bias as expressed by individual members of the government, something like that, I have a concern that it will not mitigate to solving constructively and sensibly the kind of balance and the kind of coming together of the minds that has to come if we're going to solve this problem.

Now it's quite irrational that I chose to use this bill to voice my objection to or to use this bill to raise this point on. Individually the bill in itself - I've listened to the arguments by both the Member from River Heights and the House Leader and I'm not prepared to say that this bill in itself is something that will weight highly unfavourably the scales against management or so forth, but in total when you look at the significant number of Acts that have been passed and you look at the attitude of this government generally towards the business community, as expressed very often in other Acts and in other demonstrations, then I'm suggesting that we are not furthering that cause of bringing together a harmonious situation between labour and management. I suggest to the honourable members opposite that unless we do so we can only look forward to a continuing series of open confrontations, of more strikes, more strikes in this province - and perhaps members opposite feel that this is the only way for progress to be made by organized labour. I don't hold that view but they of course have the privilege of holding that view.

It's my honest feeling that not unlike the arguments that I've presented with respect to the taxation measures introduced by this government, particularly towards the mining community where I suppose I could have taken the same position on any one of the situations, you know, and yet individually, it's very difficult to do that. It was not the rise on corporation taxes that's going to unduly harm or hurt the mining companies. It's not individually the rise on royalty taxes that's going to be all that harmful to and difficult for the mining companies. It's not simply the taking away of incentives, exploratory incentives that's going to be all that harmful to them, but it's when you start to add up the total, of the kind of labour legislation passed, the additional taxation that's been passed, the additional taxation that is being talked about that will be passed very likely in Ottawa, when you add up that to the whole feel of things then all of a sudden you find yourself in a position where conditions in Manitoba are not conducive to the kind of a development that most of us at least pay some respect for lip service to that we need to provide the revenues, to provide the funds to do the many social things that are required and needed in this province.

So, Mr. Chairman, without delaying the Committee any further, I did want to have this occasion to indicate briefly, and I recognize in doing so that I leave myself perhaps somewhat open to the argument that it's perhaps not a very well-founded position to take on a particular bill to oppose it for the reasons I have just expressed; however, those are my reasons and I wanted to express those reasons in this manner for the simple reason that the position that I took on that bill at second reading and the position I intend to take on it at third reading are for these very reasons expressed and certainly not from any point of view of grandstanding or being the odd man out as far as this Legislature is concerned. Thank you.

MR. CHAIRMAN: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, I rise just to make a comment or two in response to my honourable friend, and I appreciate very much his attitude and his viewpoint. I suggest - I don't have to suggest that he sincerely believes in what he says. I dispute what he said.

First of all, Mr. Chairman, may I suggest that the bill that is before us is not a labour bill at all. It's dealing with the question of human rights and isn't part of labour legislation per se. It is interpreted, yes, Mr. Chairman, my honourable friend says that it could be

(MR. PAULLEY cont'd.) interpreted as a piece of labour legislation, and I would suggest that it only would be interpreted by people such as my honourable friend. But I do want to say, Mr. Chairman, as Minister of Labour in the Province of Manitoba I think that the labour relations climate that we have in the Province of Manitoba at the present time is the type of a climate that really is the best in the whole of the Dominion of Canada. And one of the reasons I would suggest is because of the attitude of government, not necessarily the present administration but the previous administration, if I may, as well, that there has been a foundation laid where before we get into strife or conflict between management and labour, and of course government does play an important part in this, that before we get into those conflicts there is a medium or a media of conciliation, conciliation by very competent individuals within the Department of Labour. I can't claim credit for the personnel within the Department of Labour, unless the credit that I can suggest is mine that I haven't displaced any of them, that most of them were hired by the previous administration. Surely, Mr. Chairman, they may have slightly different directions at the present time under my ministry than they may have had in the past, but as far as the individuals are concerned they're doing a tremendous job in maintaining an industrial climate in the Province of Manitoba that is outstanding in the whole of the Dominion of Canada.

My honourable friend mentioned about the question of labour legislation, because this government is introducing labour legislation that may be more acceptable to the ranks in labour - and I suggest this may be overdue and it is overdue - but may I ask my honourable friend to compare the types of legislation that we are enacting here in the Province of Manitoba today with the type of legislation that's presented enacted and prevailing in the Province of British Columbia, and in the Province of Saskatchewan, whereby the might and the force of government endeavours are being made, through legislation, to restrict the activities of organized labour, and indeed unorganized labour as well, in those jurisdictions. And what is the net result, may I suggest? Is it a lessening of strikes or is it the reverse, and I suggest -- (Interjection) -- Ah but your point my honourable friend was, if I interpreted your remarks correctly, that because of the attitude of this government to organized labour and the working force, being more acceptable or more amenable to the working forces in Manitoba, we were creating a situation that could be conducive to greater turmoil. I suggest, Mr. Chairman, that the reverse is true, that we are as a result of the progressive legislation enacted at this session, making a firmer basis for the continuation of industrial peace in Manitoba.

I want to say to my honourable friends opposite that statistics will bear out what I say, because as they come over my desk, the statistics of the Department of Labour, and of industrial disputes across Canada, Manitoba has the lowest incidence of strikes anywhere in Canada. And insofar as the present government is concerned and the Department of Labour may I say, and I think I can say this without any criticism, that management and labour and government are united in Manitoba in creating and continuing the base that we have at the present time of real good industrial relations.

Now I note Mr. Chairman, that some of my honourable colleagues in this House are saying "pass". Apparently they do not like to hear the truth, that despite some of their admonitions I'm able to say, whether it's 12:30 or 5:30, I'm able to say that as the result of the activity of this government industrial relations in Manitoba is the best in Canada.

MR. CHAIRMAN: Bill 96 be reported. Bill 97, The Suitors Moneys Act. (Bill No. 97 was read a third time and passed.)

MR. PAULLEY: I wonder, Mr. Chairman, if you would now go to Bill 104.

MR. CHAIRMAN: (Bill No. 104, sections 1 to 11 were read and passed). Section 12. 248. 2 -- The Honourable Member for Emerson.

MR. GABRIEL GIRARD (Emerson): I beg to move, seconded by the Member for Sturgeon Creek that Bill 104 be amended by adding thereto immediately after Section 12 thereof, the following sections:

"Section 260 repealed and substituted 12A Section 260 of the Act is repealed and the following section substituted therefor:

Time for religious teaching. 260(1) Where religious teaching is authorized under, or permitted by this Act, the religious teaching shall take place at such times in the timetable for the school as may be prescribed by the board of trustees.

Teachers of religion 260(2) Where religious teaching is authorized under, or permitted

(MR. GIRARD cont'd.) by this Act, the religious teaching shall be conducted by a clergyman whose charge includes any portion of that school district or by any person, including a teacher, duly authorized by the board of trustees.

Maximum hours of religious teaching. 260(3) Where religious teaching is authorized under, or permitted by this Act, the religious teaching for any pupil shall not exceed two and one-half hours in any week."

Mr. Chairman, if I could be permitted to explain the reasons why I introduced this amendment.

MR. PETER FOX (Kildonan): On a point of order, Mr. Chairman. Are you accepting the amendment or aren't you, before the member speaks?

MR. CHAIRMAN: The Honourable First Minister.

HON. ED. SCHREYER (Premier)(Rossmere): . . . while you're pondering the admissibility of the proposed amendment in terms of as to whether or not it is in accordance with the rules to propose an amendment of this kind, while you're considering that, Mr. Chairman, I should like to make this observation, and perhaps it's a little unorthodox on my part that I do so. I want to say that I am convinced on the basis of parliamentary experience I've had, that it is not in order to introduce an amendment to a Bill, which amendment in itself does not amend the subject matter of the Bill that is before us, but presumes to go through the Bill and beyond it to amend the Act which the Bill before us is seeking to amend, and on the basis of my understanding of the rules and past practice in this House, a few years ago, this would not have been in order. However, I understand that in the course of the past few years, the past two or three or four years this has been done; that precedent has been set and I suppose we're caught with it, so I'm not attempting to argue that the Honourable Member for Emerson, that his amendment is out of order. Certainly it would have been out of order on the basis of procedure followed here in the 1950's, the early 1960's and all the years before, but I say again that apparently we have deviated from this clearly understood practice in the past two or three years so it would be inconsistent now to choose this Bill as the one to try to get back on the right track on. But I would like to think that the Committee on Rules when it meets next will take a very close look at the kind of amendment that is being proposed here now, take a close look at that and try to agree on a report back to the House so that we can get back to the precedent that stood for so long but which we've deviated from in the past two or three years.

I think it was important to make that observation at this time. Now I should, perhaps, before making any comment on the subject matter of the proposed amendment, await your ruling.

MR. CHAIRMAN: I almost have to ask for more guidance in the sense of the section in the Bill indicates "religious exercises" and the amendment indicates "religious teaching".

MR. SCHREYER: Mr. Chairman, lest my remarks be misunderstood, I want to say again that normally in past years this amendment I would suggest to you, Sir, would be out of order, but I am advised that we have accepted, this House has accepted amendments of this kind in the past two or three years. I'm suggesting it would be inconsistent now to rule that it is inadmissible; I'm suggesting that unorthodox as it may be, it is in order in the sense that it is consistent with what we've done in the past two or three years. I'm only pleading that the committee on the rules get us back on the right track sometime - when it meets sometime after this session or next winter.

MR. SPIVAK: Mr. Chairman, on a point of privilege. Just with reference to what the Premier has said I think it should be at least put in the record, the fact of the matter is that it has been done in the past little while in this session. There have been a number of liquor amendments introduced by members on the opposite side, members of your caucus which go beyond it - and the Honourable Member for Rupertsland knows very well what I'm referring to.

MR. JEAN ALLARD (Rupertsland): Need I say otherwise?

MR. SPIVAK: No, no, I know that you said it was not and I would say that until this is clarified I think this is the rule and we should be allowed to follow it.

MR. MACKLING: But, Mr. Chairman, on a point of order. The Honourable Member from River Heights indicated that members on this side had introduced amendments akin to what is proposed now and he mentioned The Liquor Control Act. That is not so. Any amendments that were introduced were introduced in Law Amendments Committee, not in Committee

(MR. MACKLING cont'd.) of the Whole House. The only amendment which was introduced in Committee of the Whole House was introduced by the Honourable Member from Portage la Prairie and he withdrew it and presented a private Bill.

MR. SPIVAK: Let me understand correctly. Is the First Minister saying the procedure is because it's introduced in Law Amendments or not introduced in Law Amendments, introduced in Committee of the Whole, or is he going beyond it and saying it's because it wasn't in the intent of the amendment that was proposed before it and basically goes beyond the over-all intent of the Act that's before us?

MR. SCHREYER: No, Mr. Chairman, I was suggesting that in the past two or three years or so I've been advised amendments similar to this were presented at the same stage of proceedings. I'm simply saying there is nothing different about this amendment than a number of other amendments that have been accepted as being in order in the past two or three years, and therein lies the difficulty. I must say that if this is so then it would be inconsistent to try to argue that it is out of order. I'm not arguing, I'm not suggesting to the Chair that it is, but I say that if this is the practice that has developed in this Assembly in the past two or three years, it's one I think we should all agree is something that the Rules Committee should look very closely at.

MR. SPIVAK: Well, Mr. Chairman, I accept what the Premier said but I think just for my own clarification, is he talking about the procedure, is he objecting to the substance of the kind of amendment, the substantive nature of the amendment or is he talking procedurally? - because there is a confusion between what the Attorney-General has said and what I believe the First Minister said earlier.

MR. SCHREYER: Pardon me. That is correct, Mr. Chairman. I'm not arguing that any distinction should be made as to the admissibility of an amendment such as this, I'm not saying that there should be a distinction made as to whether it's Law Amendments stage or Committee of the Whole stage. I'm suggesting that in both respects, in respect to both stages it is the kind of amendment that can hardly be said to be in order but we do have a few recent precedents. I'm saying that it would be, I think, unwise to try and get back on the right track right now with this Bill. I think it has to be done after this session.

MR. CHAIRMAN: Just on that point, I think I'm advised by the Clerk and the Counsel that the amendments could be proposed in Committee of the Whole even if they were not proposed in Law Amendments. That point seems to be clear. The problem that I see is whether or not this deals with religious instruction, which is different in kind and in substance than religious exercises. If so, then that is the problem. The Honourable Minister of Education.

HON. SAUL A. MILLER (Minister of Youth and Education)(Seven Oaks): Mr. Chairman, on a point of order. I would like to correct some misunderstanding here. You first posed the question yourself when you brought in this matter that the subject matter is different than that contained in the Bill which deals with religious exercises. The amendment proposed is not repealing the amendment which is in this Act at all. The amendment in the Act is Section 269, that is of the Bill 104, the amendment proposed by the Member for Emerson is Bill 260 which is not a subject matter of Bill 104 in any way, shape or form. It isn't mentioned in Bill 104 at all, so I suggest that there is a difference between this particular amendment and the previous cases that have been referred to as having set a precedent. In other cases that have been mentioned they were a matter of debate, at least the topic was debated, the subject was debated, maybe amendments were brought in but at least the subject matter was given an airing at various stages - second reading, Law Amendments, back into the House again and perhaps amendments are made there. But in this case we are dealing with a section of the Act which has not been mentioned up until this very moment, at any stage of the proceedings, and so to that extent it's a completely new subject matter as far as this House is concerned.

MR. CHAIRMAN: The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Chairman, on the same point of order. Do I understand the Minister of Education to say that the proposed amendment does not deal with the Act, the present Act that Bill 104 proposes to correct?

MR. MILLER: It doesn't deal with Bill 104.

MR. MOLGAT: No, it doesn't deal with Bill 104 but it does deal with the original Act. I think we are back then to the position the First Minister took and I submit that the First Minister has reasonable point. Whether or not once you open an Act by amendments of a new

(MR. MOLGAT cont'd.) Bill, it opens all of the Act is a questionable point, but certainly it has been done, and has been done during the course of this session and in spite of what the Attorney-General said, whether it was done in Law Amendments or done in the Committee of the Whole, doesn't make any difference because our Rule Book is very clear that the rules that apply in the House apply to any committee, so it certainly has been the case so far; whether it's right or wrong is presumably too late to decide. I think the First Minister has a reasonable point, let the Rules Committee decide that; but at this moment I think we are faced with the fact that it has been the practice during the course of this session, during the course of past sessions, and to change it now it seems to me would be inconsistent.

MR. CHAIRMAN: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Chairman, on this point. I agree with the First Minister and also the point raised by the Honourable Member for Ste. Rose. We've got ourselves into a predicament insofar as amendments to Bills are concerned and we will have to live with it. I think that the proper procedure, in all deference to the First Minister, would be by a substantive motion at some time in the future, maybe from the Committee on the Rules of the House, to establish that the precedent that has been established is not a precedent for the House to continue to abide by. I suggest that maybe the relative points in Beauchesne would be Citation 406: "Amendments are out of order if they are irrelevant to the Bill" - not to the Act but to the Bill. -- (Interjection) -- Well, you can go home any time you like. If you're not interested in the proper conduct of this House well maybe it's good for you to adjourn - "or beyond its scope, governed by or dependent upon amendments already negatived, inconsistent with or contradictory to the Bill as agreed upon by the Committee."

We've already agreed "by the Committee" and I'm not raising any real point of order but I do want to point out what I feel would be the proper procedure for the future. I'm prepared, as indicated by the First Minister, that we should accept the amendment proposed by the Honourable Member for Emerson on the basis that we have been in error before; one more error won't hurt and we'll have to consider the proper conduct of the House in the future.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, has the amendment been accepted by the Chairman?

MR. CHAIRMAN: I'm still pondering that question . . .

MR. FROESE: I feel that it's quite in order to discuss it and amend it if that is necessary, because as has been expressed by other members we are opening the Act when we amend an Act and therefore I see no reason why we shouldn't be able to discuss any additional amendments.

MR. GREEN: Well, Mr. Chairman, while you are pondering I would ask you to remember that the House in the last analysis is in control of its own proceedings and all sides of the House have indicated that they want the amendment to be put.

MR. CHAIRMAN: Well, then I will follow the inclination of the members who have maintained that the amendment is in order, so I will therefore accept the amendment of the Honourable Member for Emerson and ask him to speak if he wishes.

MR. GIRARD: Thank you, Mr. Chairman. I think at the outset what I would like to do is clarify the ambiguity that might exist, the little confusion that might be existing between the sections dealing with religious teaching and those with religious exercises.

It is true that these are two distinct and separate parts of the Act.

The portion dealing with religious exercises means that dealing with the bible reading in the morning, the Lord's Prayer that is usually said in schools in the morning, that is considered the religious exercises, and the religious teaching is that portion of time and class that is set aside for the instruction in religion and these are therefore two distinct and separate parts of the Act.

Now my purpose in introducing the amendment is quite simple. My purpose is simply to make the Act administratively workable. I added more to the amendment when I read the Act and therefore I included another few sections and I wish to explain those before I begin on the main intent.

Section 260 of the Act gives the responsibility of religious teaching to the school board and not to the clergy. The old Act, or the present Act suggests that the clergy be responsible for bringing the school into religious teaching. I suggested that by this minor change that we deal with what is the practice now, that is the responsibility of the school board. The other minor change was the suggestion made in the Act, in the old Act, that it be a Christian

(MR. GIRARD cont'd.) clergyman and I simply deleted "Christian" and made it "clergyman" period. I intend by that to make the scope broader and not narrower.

My real objective in presenting this amendment - and I wish to emphasize - is simply to make the Act workable. I have not been lobbied by anyone to introduce this amendment. May I emphasize Mr. Chairman, that I have not been lobbied by anyone to introduce the amendment. No one has come to me and suggested that I might introduce it. I introduced it simply because I think I understand why it ought to be. It is not my purpose to increase or decrease religious teaching, to encourage or discourage religious teaching in schools. My purpose again is to make the Act a workable one.

Now, I know that for some time the people involved in education have been concerned about this matter. School boards have been deeply concerned; teachers have been concerned about this matter, and consequently both at their annual conventions have passed resolutions saying, "you know, we ought to permit religious teaching whenever it is convenient to have it rather than the last half hour of the day."

Mr. Chairman, I'd like to briefly explain what I mean by making the Act workable. When a principal sets out his timetable in the month of August and September, he has to allocate his teaching staff and his teaching period in such a way that the system will operate well. If you take a school where you have 15 teachers and 10 classrooms, in order to permit religious instruction from 3:00 to 3:30 in the afternoon, it necessitates having a portion of your teachers, 8 or 10 of your teachers involved in religious teaching. This, Mr. Chairman, is unworkable. What happens is the dissolution of the material that ought to be brought across, and really it's an unworkable situation. What happens in reality, Mr. Chairman, is that where it is taught, it's taught at other times of the day anyway. I am well aware of this. It's taught in manners contrary to the Act, simply because it cannot be done otherwise.

I suggest, Mr. Chairman, that in view of all the coaching that I'm getting that I curtail the remarks and simply say that in my experience as a teacher, as a school principal, as a school superintendent, one who has been active in the Teachers Society, the Association of School Superintendents and the people involved in teaching, I simply cannot understand why it is that the Legislature of Manitoba would not recognize that the present Act is unworkable and that the changes really do not affect religious teaching in itself, but simply make it so that it is a workable Act; I really cannot understand why there would be opposition to this amendment.

MR. CHAIRMAN: The Honourable Minister of Youth and Education.

MR. MILLER: Mr. Chairman, I can appreciate the Member for Emerson's remarks and I concur that the present Act is not the best that could have been designed. However, it has been in effect for many years, and I'm glad he made the distinction that he did between the exercises and teaching because I know there was some confusion in some people's minds. But I am concerned about the way this bill or this amendment is now put before this House for us to deliberate on and to give consideration to a very serious matter, one that I don't think could be treated lightly; one that will lead to and has many ramifications to it. When you're dealing with religion, I don't have to tell members in this House, you're dealing in a very sensitive area and a very personal area. Many people have very deep opinions on this subject as you know, and one can't treat it lightly and I suggest that to come in at ten to one at the first time when we had an opportunity at second reading, we had an opportunity at Law Amendments, and no mention was made of this; but to come in now, I suggest would make for very poor legislation. We would be denying many people an opportunity to have any knowledge of what we're doing. They would have no chance or opportunity to make known their views and I suggest that there may be counter views, many views on the whole question of religion and religious teaching. And so that by bringing in this amendment now, I suggest that what we're doing really and if it's passed, we're preventing the accepted procedures of this House to give the public an opportunity to know what is being discussed and to have an opportunity to come before the House to express their views through a committee, or at least to express their views by making them known to their respective M.L.A.'s so that they could voice the views of their electorates.

Now there are weaknesses in the present Act regarding the teaching of religion and I'm not going to argue that this isn't so and I believe the member when he feels that his proposal will simply make it more workable than it is now. I suggest on the other hand it may also cause problems, because there are many people in Manitoba of many different creeds, of many different nationalities, many different religions. Not every school is in a position where

(MR. MILLER cont'd.) every classroom has 28 or 26 children of the same creed and the same religion, and I suggest to you that if religion is introduced at 10:00 in the morning to that timetable and the teacher at that particular moment walks out of the classroom, and the clergyman walks in of a certain creed, then parents who don't want their child to be taught in or instructed in that particular religion or by that particular clergyman of that group, would have no choice but to request that the child be removed from the classroom. I think that in the elementary grades this would be very bad psychologically. As a teacher I think the Member for Emerson could understand that. I think it isolates and makes exceptions of children when there shouldn't be, and I would suggest that if we're going to talk about changes in religion in Manitoba schools we've got to look at the broader picture and we've got to talk in terms of teaching religion. Perhaps we should look at the whole question of teaching comparative religions in Manitoba schools as a subject, not as something that is simply tossed in for a half hour. But if we're going to look at the question, let's look at it in depth, let's give it some study, and I suggest that perhaps, as is done in other jurisdictions, that a subject such as comparative religions could be introduced into our schools. There may be great value in it; I think there might be - that all children should learn about all religions, but not on the basis of instructions in a particular creed by a particular clergyman.

So, Mr. Chairman, I would suggest that in view of the points that I have made, the fact that I think that passing it at this time in this way just doesn't make for good legislation in my opinion, and I would suggest that this amendment be rejected at this time.

MR. CHAIRMAN: The Honourable Member for Emerson.

MR. GIRARD: Mr. Chairman, I'm really surprised and disappointed of course in the attitude of the Minister and the limited knowledge that he must have about the operation of our schools, if his comments are taken seriously. He, I think, attempted to bring in a red herring when he suggested that this had some serious effect on religious teaching. I'm not suggesting in any way that the courses that are now taught be changed, increased, decreased, watered down or otherwise. I'm simply suggesting to him that his present Act is an unworkable one and he knows this well but for reasons unknown to me he does not wish to acknowledge it. I would suggest to him that there is no question of leaving classrooms or otherwise, that the present course in Grade 12 - there are two, but I'm going to deal with one - the present course in Grade 12 means five subjects for a complete university entrance or the 300 course - five subjects. Now there's eight periods in a day in normal timetables, 7 or 8 periods in a day. If a student takes 5 subjects in his full course and there are 8 periods in a day, he is going to be out of class for two periods, possibly three. There are two periods likely in that day when that particular student is not going to be in any class. I'm simply suggesting to you that by timetabling within the day your religious classes, that you can timetable in a way that these spare periods will be used instead of having all the other academic courses cut off at the end of the day at 3:00 o'clock, and now we have religious exercises. It's making more efficient use of your staff -- (Interjection) -- yes, I'll permit a question.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: I'd like to ask the honourable member this, that assuming that his description of what takes place at the senior high school level is correct and I'm not disputing the fact, what about the elementary grades level?

MR. GIRARD: Well, with the elementary level it is quite similar except that there is, let's say, from Grade 7 up there is about the same kind of situation because we have what you call a mosaic timetable where you have teachers changing from classroom to classroom. Now from Grades 1 to 6 in my particular situation, I would suggest that the change not occur and my amendment does not change in any way the situation; if the system wishes to stay as is the amendment grants that and I would be happy, I would be happy to have it stay as is in the Grade 1 to 6 situation, but in the Grade 7 to 12 situation it's an unworkable situation.

To suggest, Mr. Speaker, that this would be taking children out of classes and would have a psychological effect that is undesirable is simply not so. I fail to understand why the Minister would suggest this, because it simply is not so. Changes in religion he suggested is beyond me. What he intended to mean might be the fact that you might have to include others - I don't know what he really meant but certainly it's not my objective to change religion. In fact it's not my objective to change anything in the course. It's simply to make it administratively possible to live within the Act and not break it as it is broken now.

I would like to suggest, Mr. Speaker, that the school in which I am working at present

(MR. GIRARD cont'd.) is one like many that would make very good use of this Act, of this amendment, and I implore the member that represents that area to take this matter seriously. The Honourable Minister of Health and Social Services knows well what I am talking about, and I implore him to use his persuasion to assist us in bringing this amendment into reality. I suggested before that this amendment has support of the trustees and the teachers and all others in the teaching profession. I don't see why the politicians should object.

It was my objective at the outset last fall when I came into this House to cooperate as much as I could to bring about proper kind of legislation, and I think I've done this, but I'm suggesting to you, Mr. Chairman, that for reasons beyond me this particular government is refusing to accept constructive suggestions on pretty weak grounds, simply because it seems that the majority lies on that side.

I offer my sympathy to those members of the teaching profession that are on the other side. I know, and I feel strongly, that they understand this problem thoroughly and if they don't there is really no reason why they shouldn't. I cannot understand why a teacher, understanding the situation, knowing what I'm talking about would really refuse to support this amendment. If it's political persuasion, I can only offer my sympathy.

I would like to just suggest to you that a few words mentioned by the Minister of Mines and Natural Resources a few moments ago was very appropriate. He suggested to the Member from River Heights that really unless a lawyer had pleaded the kind of court case that was involved in injunctions I believe, he really could not understand fully the impact unless he had lived it and experienced it and I'm suggesting to the people on the other side that if you had really experienced, if you had lived the experiences of a school administrator, you would support this amendment I am certain, because really it does nothing but render the act that is existing a workable one. I don't see that that is bad legislation.

MR. EVANS: A question - does the Honourable Member not feel that there are other groups in our Manitoba society who may have opinions on this besides the teachers who should be entitled to be heard and should have plenty of notice about this very substantive type of amendment you are proposing. Do you not feel that there are many, many groups - because this is a very divisive type of amendment I submit.

MR. GIRARD: Mr. Chairman, I reject unequivocally that this is a divisive amendment; if you understand it fully it cannot be one that will cause division. However the same red herring that you are bringing out in your question, the Minister of Education didn't forget. He said why didn't you bring it to Law Amendments? It so happened that in Law Amendments this appeared about 12:00 o'clock at night and there was no one there from the public, there was no one there and had I brought it in then, you would not have this particular argument I suppose but it would have changed absolutely nothing. I sought advice on "should I bring it now or should I not?" from people in whom I have a lot of confidence on both sides of the House and my advice was at this late hour it might as well come to third reading anyway and this is why I bring it here. I suggest to you that if you are wanting to use that red herring go right ahead but that's all it is.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I feel that this is quite a valid amendment and certainly not one that we should discard lightly. I feel that this has warranted support. It allows for timetabling, where timetabling is feasible and where a school board finds that they can put it to advantage and I feel that we should pass it and allow for timetabling wherever it can be used. I feel it is an improvement over the present section that is in the Act. I just looked at it a little while ago and certainly we are not adding anything new except that we are allowing for timetabling and I feel that if there is other legislation that we can pass at this hour of the night, certainly we can give consideration to the amendment that is before us now.

There is no difference in the amount of time that can be used for this purpose. The maximum time per week is identical to what is in the present legislation and therefore I certainly will support the legislation.

MR. CHAIRMAN: The Honourable Minister of Industry and Commerce.

MR. EVANS: . . . well, either to the last speaker or the member who moved the amendment - does he not see it in fact, leading the school board into the hiring now of a full-time clergyman for full-time services.

MR. GIRARD: Mr. Chairman, this comes directly from the old Act.

MR. DESJARDINS: On a point of order, I think the question must go to the last speaker.

(MR. DESJARDINS cont'd.) If not the Minister could take part in the debate himself. We are not going to have this jumping up and down when somebody else has been up.

MR. CHAIRMAN: Questions should follow the speaker and not in some helter skelter fashion. The Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I just wanted to participate for a minute or two in this particular debate, because the validity of the position advanced by my colleague from Emerson I think has been put very profoundly by him in the last few minutes in presenting his amendment, in buttressing his argument. I think that if one has any doubts in life as to whether there are two sides or three sides to a question, one is quickly disabused of such an illusion in a Legislative Chamber and certainly I'm prepared to acknowledge that there is probably or potentially another side to the argument from that proposed up to this point by my colleague from Emerson but I must say in all sincerity, Mr. Chairman, that I haven't heard it. I don't believe that the Honourable Minister of Education has developed a valid other side because as my colleague from Emerson has attempted to point out, the Act as it's presently constituted, as it's presently written, provides for the very kind of thing that the Minister of Education feels under the amendment proposed by the Member for Emerson lends itself to wide open abuses whereas in actual fact the proposal of the Member for Emerson changes no such potential, changes nothing in that area of the subject at hand whatever, so if there is another side - and I think that as I have said, one quickly learns that there generally is another side, particularly to questions and proposals that are introduced in arenas such as this - if there is another side, I think it has to be mounted and presented in much more obvious and much more logical fashion by the government than has been the case up to this point.

I suggest in all sincerity, Sir, the government has not presented a valid other side and I feel that it's incumbent upon them to do so. Otherwise, I suggest certainly they have a legal and a constitutional right but I suggest they have no moral right to repudiate the amendment proposed by the Member from Emerson which simply is designed to make a statute already on the books workable, respectable and enforceable so I think the challenge to the government is quite clear, Sir. If there is another side, they morally are bound to present it, otherwise they do not have a valid moral counter position to that proposed in this amendment.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, I don't know if it would surprise the Honourable Member for Fort Garry who has just spoken, when I say that I agree with the main point of his remarks and that's all the more reason for me to make this point very clear.

It is not my inclination at this time to argue the substance of the proposed amendment, but I do say to my honourable friends opposite that this is a legislative proposal which we have quite frankly not had enough time, and I say that very bluntly, we have not had enough time to consider all of the possible ramifications and so the Member from Fort Garry is quite right. We are not in a position to present the kinds of arguments, both pro and con or to consider them, that we feel we should have. It's as simple as that and so without arguing the merits of the substance of the proposal we feel that it is not possible or prudent at this time to accept the amendment.

The Honourable Member for Emerson who proposes the amendment, personally speaking, they make a good deal of sense but he does not explain altogether why he feels that there is such crying urgency at this time that we proceed at full pace, proceed now with this change in the law, because you know I could be petulant about it, Mr. Chairman, and say, well the law that he is attempting to change is the law that has been on the books for many years. He has been a teacher for a long time. I haven't been for a long time, but I did have some connection with our secondary schools and we both therefore should know that the provisions of the law with respect to religious instruction are the same today as they were when he was teaching 5, 6, 7, 8, 9, 10 years ago and nothing has improved nor deteriorated in that respect. If he could have lived with it in all these previous years, I don't think it's asking too much that he live with it another few months and all other teachers and school trustees live with it because quite frankly, we are not prepared to take a decision on it at this time.

I think that is a reasonable position to put forward. It is not to be treated as nonchalantly as some would make out. On surface it appears to be a reasonable proposal, I'm not prepared to say at this time that it is not, but I am insisting that it certainly is in order for us to say that we do require more time.

The previous administration - I could ask the question, which I don't very often do -

(MR. SCHREYER cont'd.) why wasn't this change made last year or two or three years ago? The Honourable Member for Emerson has had some connection with the Conservative Party in administration presumably and was in a position to make representation for them; the previous administration did not make any change in this connection. Well, I am not going to say that it was their fault, because I rather suspect that in the crush of work, decisions that they had to face, and in the absence of any sustained discussion and representation to them by interested parties, it was something that did not come before the previous government in a way that enabled them to deal with it in a systematic way with due deliberation and discussion. Well, Mr. Chairman, that is exactly the position that this administration is in with respect to this question.

I want to say to the Honourable Member for Emerson that if he presents the same proposal at the next session of the Legislature, I could not rise in my place and make the statement that I just made, but I find no difficulty whatsoever in putting forward the argument that I just have. I have one other bit of advice to offer my honourable friend and that is, it would seem to me that a measure such as he is proposing is such that it really merits a separate bill unto itself and I would be very surprised if he weren't prepared to do so at the next session and if he were to do so, as I say no one could argue that it wasn't a kind of proposal that did merit the full and serious consideration of this House but at this point in time it is something that this government is not in a position to take a final decision on.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, I listened with interest to the remarks of the First Minister. I do not think that this should be taken in a nonchalant manner. I think it is serious and I would accept that there has to be some study given on the part of the government but there have already been precedents set in this legislative session which I think warrant a decision on the part of the government very quickly. I do not think that the advice -- (Interjection) -- no allow me to finish. Allow me to finish, allow me to finish. Well, Mr. Chairman, I'm not referring to this specifically, but the Honourable Member for Rupertsland made the most significant change to the liquor legislation that has been made in the last 10 or 12 years that I know of, and that was made in Law Amendments and it was made without, as far as I know, there was some knowledge, but there was not general knowledge -- (Interjection) -- Well the Honourable Minister of Mines and Natural Resources may say there was general knowledge but I suggest to him that the people who were concerned in the various industries that were affected were not as knowledgeable about the workings and proceedings of the House nor were they aware of exactly what would take place and the Honourable Member for Rupertsland was responsible for introducing in Law Amendments an amendment which significantly has changed the law, drastically has changed it and altered it and I do not believe that the members who voted on that, voted on that in a nonchalant manner. They voted on that with some conviction after listening to the presentation and whether I agree or disagree with what took place - it has nothing to do with it - nevertheless there was a legislative decision and a consensus reached.

Now I suggest to the Honourable First Minister that I appreciate the fact that this has been presented tonight and that there in fact has not been an opportunity to deal with it or discuss it among his colleagues and I see no reason why it is necessary for us to deal with this bill. We have a number of other bills to be dealt with in Committee of the Whole and my recommendation would be that this matter stand for a decision to be made after you have had an opportunity. We are probably going to be in a Committee of the Whole.

I beg your pardon - yes we can rise at this moment . . .

MR. PAULLEY: We have a vote before us. We have to accept or reject the amendment.

MR. SPIVAK: On the other procedure, no, no. . .

MR. PAULLEY: We have to accept or reject the amendment. We have no alternative and I agree with you it needs more study.

MR. SPIVAK: Just for the record, because I'm correct the Honourable Member for Riel had an amendment before the House, the committee of the House which stood until the following next sitting of the Committee of the Whole or when the bill was particularly called under the Mining Royalty Tax Act. There was an amendment proposed that was before the Committee which in fact, was taken up when the committee met and dealt with that bill and I'm suggesting that there is a procedure which will give you the opportunity to make a determination whether it be tomorrow or whether it be Monday, it would occur to me that we are going

(MR. SPIVAK cont'd.) to have a couple of days in any case, in Committee of the Whole before we are finished with the bills that are before us.

MR. CHAIRMAN: The Honourable the First Minister.

MR. SCHREYER: Mr. Chairman, if I might make two points in reply to the statement just made by the Honourable Member for River Heights. The first point is that if he means to say that holding this in abeyance for two or three days, or even a week is anywhere near sufficient time for pondering it in the way I suggested we had to, well then he is obviously thinking entirely on a different plane than I am, because when I talk about the necessity for time to consider all proper ramifications, I'm talking not about days or even weeks. The second point I want to make is this, that if he is going to try to compare changes in the law relating to economics or liquor, and changes in the law relative to religion, then again there is really no meeting of minds because I say to him very bluntly and candidly that I think that it behooves any government to proceed much more cautiously in respect to changing the law as it relates to religions or any aspect of religion, much more cautiously than they would proceed with many other so-called sensitive areas. To compare the sensitivity of liquor laws with that of law bearing on religion or religious instruction to me borders on the absurd, and I make no apologies for the fact and I say it, that I'm not prepared to proceed other than cautiously with respect to law that has some relevance, some connection to religion and the part it plays in our society.

MR. CHAIRMAN: The Honourable Member for Riel.

MR. CRAIK: Mr. Chairman, just a few words on this. I realize that this topic can be very sensitive, can be inflammatory etc. if it's made that way, but I've looked at this before and basically it is, I can assure you that it's much more an administrative change than it is any change in the status quo with respect to the teaching of religion. -- (Interjection) -- Well I would suggest that

MR. SCHREYER: 12 years, you can wait six months.

MR. CRAIK: if it's of the relatively unimportance that I suggest it is, that there's no particular reason -- I can realize that you may want to ponder it a little longer, the Minister of Education may want to ponder it a little longer.

MR. PAULLEY: You were Minister and you wouldn't bring it in.

MR. CRAIK: Mr. Chairman, this is how these situations become inflammatory when you get somebody that has as little control of himself as the Minister of Labour has on some of these issues. I suggest that what I'm saying to you, I'm trying to talk common sense to you, and say that this particular issue is basically an administrative change and that if you do make a change you're not changing significantly the status quo with respect to the instruction of religion in the school system.

Now, you can buy it or you can discard it. I simply suggest that's the case with respect to this particular amendment that has been brought in. The only point I feel that has been made by the Minister of Mines and Resources, that there may not have been due time for representation to be made on it and if there is a method by which you can hold it, to offer that the same as you did on the changes in the Act such as presented by the Member for Portage, then I think that you'd be giving plenty of time for representation on it.

MR. CHAIRMAN: The Honourable Minister of Health and Social Development.

HON. RENE E. TOUPIN (Minister of Health and Social Development)(Springfield); Mr. Speaker, I'd like to make a small contribution to this debate regarding the amendment brought forth by the Honourable Member for Emerson. Although I do have sympathy with the Honourable Member for Emerson and I do respect the amendment that has been brought forth here this evening, he has made reference to myself and asking me to try and persuade some of my colleagues to vote in favour of the amendment. I've learned to respect and admire many members of this House in the last twelve months and one of these members was my Leader the Premier of this province; and when he mentions that this needs more time to study and this could be brought forth at the next session, I do believe that he is being very sincere like he has been in many other things that we've been waiting since 1916 for enactment in this province.

I'm willing and very sincere in saying that I will definitely oppose the amendment brought forth today. Although I'm mainly in agreement with the amendment brought forth by the Honourable Member for Emerson, I do believe that we should consult with different trustees of the province and that a separate bill should be warranted at the next session and I urge all members of the House to oppose this amendment at this time.

MR. CHAIRMAN: The Honourable Member for Emerson.

MR. GIRARD: Mr. Chairman, I am double surprised to hear the comments of the Health Minister and that of the Premier. I realize that this might not have been given a great deal of notice, but when the Teachers Society and the Manitoba Association of School Trustees years ago -- not this year, prior to this year; and I fault the previous government the same way as I'm faulting you right now -- when they come up with a suggestion after no doubt having studied it for years, they come to you and they say, we want this particular amendment, from one side the trustees do, from the other side the teachers come to you and say the same thing, I am certain that you can have the same thing, although it hasn't been . . .

MR. PAULLEY: That's not true.

MR. DESJARDINS: It is true.

MR. PAULLEY: It isn't true.

MR. DESJARDINS: It is so true.

MR. PAULLEY: It's not true.

MR. DESJARDINS: It is so. I'll bring you chapters and verse if you wish . . .

MR. CHAIRMAN: . . . as the speakers are recognized . . . otherwise would the member proceed.

MR. GIRARD: Mr. Chairman, when the trustees and the teachers a long time ago, not this year, a long time ago, request by resolution at their annual convention that this be passed . . . -- (Interjection) --

MR. DESJARDINS: You're getting excited, not me.

MR. GIRARD . . . who are we in the Manitoba Legislature when we're dealing with people who are dealing with this matter every day suggesting to us and then we say haven't had enough time to think about it. I can't really agree with this reason at all.

Now one other matter I suggest to you is important. If we pass this amendment now, it can be put in effect in September. We need it now; it's convenient to have it now; we'll live without it I can readily admit, but we could use it this September, how convenient that would be; and if we don't like it, if for some unforeseen reason, which I couldn't possibly imagine, the government says this is really the wrong move, you can take it out at the next session instead if you want. But I suggest to you that the teachers and the trustees have studied this for long enough that we have no real sensible reason to delay it further.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: . . . necessary to make one point at least. The honourable member suggests that we know all there is to need to know about this and that we can proceed now and as a matter of convenience have it in place on the statute book so that it can be applied in September, and I'm suggesting to him that when you look at problems in the perspective of history then when one talks about the need for six months or seven in order to give it full and proper consideration is not asking very much at all.

Furthermore, the honourable member, if I recall correctly, said when he rose to speak the second time that at the elementary level, grades one to six, there might be a different situation than there is with grade seven to twelve and that there might be more problems encountered with respect to the possibility of some segregation taking place at the elementary level than there would be at the senior secondary level, a point of view which I'm inclined to agree with. But the very fact that he indicated that this was a possibility. . .

MR. GIRARD: On a point of privilege, Mr. Chairman. I did not suggest in any way that there would be segregation at the elementary, I suggested only that the elementary could continue in the present situation using the present Act, the amendment permits it. It was the Minister of Education that talked about psychological disasters.

MR. SCHREYER: The member is quite correct, but I would ask him to look at his own amendment because there is nothing in his proposed amendment, for example, that would enable the maintenance of the existing provision of the law at grades one to six, because his amendment would make it entirely discretionary with the local school board, which may be a good provision for the senior secondary level. But if he admits that at the grades one to six it should be kept as is, then it would require an amendment to his amendment -- just an example. So that there does require some further consideration and some tidying up.

You know, all human institutions are less than perfect and we are less than perfect if it takes us as long as 18 months to come to grips with a problem such as this, but everything in this world is a matter of degree, it's all relative, and I would ask the honourable member to consider the position of this government and the pace with which this government passes

(MR. SCHREYER cont'd.) certain legislation relative to the pace of performance of the previous administration and then I'm sure the honourable member will want to agree that while imperfect as we are, in a relative sense we are not that bad.

MR. CHAIRMAN: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Chairman, I've never seen such a performance of a cat on a hot tin roof in my life. Quite frankly, all this amendment says is that the school trustees and the school teachers, the principals and what have you, schedule religious teachings with the other academic course that goes on, which is convenient for the school.

MR. SCHREYER: Why didn't you change it then?

MR. F. JOHNSTON: Mr. Chairman, I assure you that the First Minister can't make a speech in this House unless he refers to the past. He doesn't know how to make a speech unless he talks about English history of what somebody did in the past.

MR. SCHREYER: Not so ancient -- 12 years . . .

MR. F. JOHNSTON: That's right. All right. Fine -- (Interjection) -- I didn't start the yelling, he did.

MR. CHAIRMAN: Order, order, order.

MR. F. JOHNSTON: You big baby.

MR. CHAIRMAN: Would the honourable member take his seat. May I remind all members . . . (Interjection) --

MR. F. JOHNSTON: Oh you couldn't talk about anything if you didn't talk about the past, like a little boy.

MR. CHAIRMAN: Order please. May I remind all members that I think we're getting a little out of hand. I think it's rather late. I wish I were in bed rather than sitting here like everybody else. May I ask the honourable members to not make too inflammatory comments and reactions. I think it's not suitable to the House. I think that we're not in debate now, I think we're in rancour and vituperate comment on both sides, so I would ask the honourable member to please continue.

MR. F. JOHNSTON: Well I'll continue very calmly as I started out, Mr. Chairman. I'm just merely saying that the teachers and the principals in the school have the ability to schedule the courses much better than this Assembly does. That's all that they're asking to do and that's all that they should be asking to do, that's the right that they should have. They're not changing anything. There's the Act in front of - there's the statute right there; this doesn't change anything, but as my honourable colleague says, make it workable. It's as simple as that.

MR. CHAIRMAN: Are you ready for the question on the proposed motion?

MR. MOLGAT: Mr. Chairman, I don't rise to make a speech but merely to get some information. Did I understand correctly that the member who is proposing the amendment stated that both the Trustees Association and the Teachers Association recommended this? I seem to hear someone on the government side saying No.

MR. PAULLEY: I said No.

MR. MOLGAT: All right. Well then could the Minister of Education inform me as to what is correct. I hear one member say one thing; I hear a Minister say the other. Is there in fact a recommendation by both these groups?

MR. CHAIRMAN: The Honourable Minister of Education.

MR. MILLER: Mr. Chairman, to the best of my knowledge the Teachers Society at its convention in 1969, I believe it was, did pass a resolution requesting - whether this exact legislation, I'm not sure, but some legislation dealing with this matter.

MR. CHAIRMAN: Are you ready for the question?

MR. MOLGAT: Mr. Chairman, what about the trustees? Have they . . .

MR. GIRARD: I'm quite prepared to deliberately go on record as saying both trustees and teachers have passed this kind of resolution at their annual convention.

MR. CHAIRMAN: The Honourable Minister of Transportation.

MR. BOROWSKI: Mr. Chairman, I'm not going to take up more than a minute of the time. I wasn't going to speak but after some of the comments made I feel I should.

I'd like to tell the Member for Emerson that he is making my job and the Member for St. Boniface's job a hell of a lot difficult to convince the boys on this side to do what we want to do by getting involved in the type of debate that we're doing at the eleventh hour. It seems to me almost that you're ashamed of what you are doing, you're bringing it at the eleventh hour after we've had a record sitting of 85 days; seems to me this is important enough to be brought

(MR. BOROWSKI cont'd.) in as a bill and important enough so people have an opportunity to express an opinion publicly in the light of day. You say that the teachers want it. I know that they want it in Thompson. I've had a telegram. The trustees and the teachers and the town council want it but none of these people had an opportunity to do it publicly. We're giving other bills which I consider nowhere near as important as this one here, we're giving them all kinds of opportunity to come to Law Amendments and express their views and make their petitions and presentations. I really can't understand why it's brought in at the eleventh hour, almost as if it's a kind of a bush league type of thing, that we can bring it in with five minutes discussion and pass it. You're really making our job very difficult with our members to convince them that let's do this thing, because we want to do this; but you're doing it wrong.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, I'd like to make some remarks with reference to what the Minister of Transportation has just said.

First of all, I don't doubt his sincerity in what he's expressed. I've had an opportunity to hear him both in the House and have spoken with him outside and I know that he firmly believes what he has just said, but I think that there are a couple of things that he misunderstands. First there are practices and procedures in this House and the Honourable Member for Emerson is not in any way deviating from the practices and procedures in this House. He's perfectly consistent in what he's doing. Now it may very well be that at this particular time, at 1:30 in the morning, we shouldn't be debating this, you know; that could be. But this is not our responsibility and to a certain extent he and the members on the other side have got to assume the responsibility because we have had a marathon session and during the course of the marathon session, of necessity we have had to debate and deal with a variety of items, equally as important and affecting the sensitivity of a lot of other people, a lot of people in different areas, and at times which make it very difficult for reasoned debate because we're tired, or for even an appreciation in terms of the total context of what is being presented. I don't think that the Honourable Member for Emerson should be chastized for this. We're at the tail end of the session, subject to the Public Utility hearing in connection with Bill 56, we recognize this. We didn't have to deal with this tonight; we could have finished at 11:30 or some reasonable hour; we could have proceeded tomorrow or the next day or the day after and finished all the items. -- (Interjection) -- Mr. Chairman, I've had the opportunity of speaking for a few moments. I have been in this House on many occasions when the Honourable Minister of Labour has stood up for an hour and a half and bored us after midnight. We've had to tolerate that and I think he can tolerate my few remarks.

I say to the Honourable Minister of Transportation, it may be making your particular decision more difficult, and I don't doubt that that's correct, but don't blame the Honourable Member from Emerson because we are really working and complying within the system. If you don't like the system then try and do something about changing it.

MR. CHAIRMAN: On the motion of the Member for Emerson. Are you ready for the question?

MR. GEORGE HENDERSON (Pembina): Mr. Chairman, I have a question here that I would like some clarification on. This amendment reads "The religious teaching shall be conducted by a clergyman whose charge includes any portion of the school district, or by any person, including a teacher, duly authorized by the board of trustees." Is this from the present Act - is this wording the same as in the present Act?

MR. GIRARD: Mr. Chairman, this wording is exactly that of the present Act with one minor exception. The present act says "Christian clergyman," the amendment says "clergyman" only.

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

MR. GIRARD: Yeas and Nays, Mr. Chairman.

MR. CHAIRMAN: Call in the members.

MR. CHAIRMAN: On the proposed motion of the Honourable Member for Emerson - members have copies of this resolution - would you care to dispense with the reading?

A COUNTED VOTE was taken the result being as follows: Yeas 20; Nays 24.

MR. CHAIRMAN: I declare the motion lost.

MR. CHAIRMAN: (Remainder of Bill 104 was read and passed.)

MR. HENDERSON: Mr. Chairman, I move we adjourn.

MR. CHAIRMAN: Motion to adjourn by the Honourable Member from Pembina.

MR. GREEN: Yes, we'll take that one. Move that committee rise, Mr. Chairman.

MR. CHAIRMAN: Committee rise. Call in the Speaker.

MR. HENDERSON: I wonder would the House Leader advise us what will happen tomorrow after we are through with this committee?

MR. GREEN: . . . waiting for the Chairman to leave the Chair. While he is doing so I'll indicate that we are going to be here tomorrow 9:30 in Law Amendments. We could call the House together at 9:30, but I'm sure that Law Amendments will take at least the morning; so perhaps I could adjourn the House until tomorrow at 2:30, which would mean that if we are through Law Amendments by that time we will go into the House; if not, then at least we'll have the Speaker in the Chair at 2:30 to come back if necessary.

MR. PAULLEY: Okay Sid, we're all looking at you.

MR. SPIVAK: I know you are all looking at me, I can only have another half hour left. You are seriously considering that the House will come possibly back into session tomorrow afternoon? What about tomorrow evening?

MR. GREEN: That's possible as well, yes.

MR. SPIVAK: Well, have you made -- you know I think at this point, it's now quarter to two, I think we are entitled to know what the intention is . . .

MR. GREEN: Oh yes, I was regarding tomorrow as a normal day .

MR. SPIVAK: Including the evening?

MR. GREEN: Yes.

MR. SPIVAK: You asked for it. We'll be here, we'll be here for the whole week -- (Interjection) -- I simply suggested you're going to make it almost impossible . . . (Interjection) -- beg pardon?

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: I didn't think that I was asking for anything unusual. We did not meet Monday, Tuesday or Wednesday.

MR. SPIVAK: I would think that if you were going to ask the Members to sit tomorrow evening, that you are going to -- well I want to tell the Honourable House Leader, you know, you require a great deal of co-operation from us to be able to clean up all the matters that are before us and if you are going to insist that tomorrow evening we sit, having sat until 2:00 o'clock tonight, and having sat until 12:00 o'clock last night, then I suggest that you are putting us in a position where I think it would not be in your best interests.

MR. GREEN: Well, Mr. Chairman, I think maybe we could -- the Speaker is not back yet? Well we'll just wait . . .

IN SESSION

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, I move, seconded by the Honourable Member for Rupertsland, that the report of the committee be received.

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

MR. GREEN: Mr. Speaker, just before we adjourn, I did not expect that I was suggesting anything unusual, but if this is considered to be unusual I have no objection to suggesting that we will sit tomorrow morning in Law Amendments, tomorrow afternoon in the House and if necessary back into the House and that we will not sit in the evening unless there is unanimous consent of all the members to come back in the evening.

On that basis Mr. Speaker, I would move, seconded by the Minister for Cultural Affairs, that the House do now adjourn until 2:30 tomorrow (Saturday) afternoon.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried, and the House adjourned until 2:30 Saturday afternoon.