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THE LEGISLATIVE ASSEMBLY OF MANITOBA  
2:30 o'clock, Thursday, March 26, 1964.

Opening Prayer by Madam Speaker.

MADAM SPEAKER: Presenting Petitions

Reading and Receiving Petitions

Presenting Reports by Standing and Special Committees.

HON. OBLIE BAIZLEY (Minister of Labour) (Osborne): Madam Speaker, I wish to present the second report of the Standing Committee on Industrial Relations.

MR. CLERK: Your Standing Committee on Industrial Relations beg leave to present the following as their second report. Your committee has considered Bill No. 58, an Act to amend The Workmen's Compensation Act and has agreed to report the same with certain amendments, all of which is respectfully submitted.

MR. BAIZLEY: Madam Speaker, I beg to move, seconded by the Honourable Minister of Municipal Affairs, that the report of the committee be adopted.

Madam Speaker presented the motion and after a voice vote declared the motion carried.

MADAM SPEAKER: Notices of Motion

Introduction of Bills

Before the Orders of the Day, I would like to attract your attention to the gallery, where there are some 100 Grade 8 students from Varennes School, under the direction of their teachers, Mr. Brown, Mr. Donald and Mr. Sealy. This school is situated in the constituency of the Honourable the Member for St. Vital. There are some 80 Grades 7 and 8 students from Bannatyne Junior High School under the direction of their teachers, Mr. Engbrecht, Mrs. Rickey and Miss Malmgren. This school is situated in the constituency of the Honourable the Member for Assiniboia. I understand that in this school the daughter of the Honourable the Minister of Municipal Affairs is also attending. There are 12 Grades 9 and 10 students from the Mennonite Collegiate under the direction of their teacher, Mr. John Klassen. This school is situated in the constituency of the Honourable the Minister of Education. We welcome you here this afternoon. We hope that all that you see and hear in this Legislative Assembly will be of help to you in your studies. May this visit be an inspiration to you and stimulate your interest in provincial affairs. Come back and visit us again.

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Madam Speaker, before the Orders of the Day I would like to address a question to the First Minister. Is it his intention to withdraw his resolution that is presently on the Order Paper on shared services?

HON. DUFF ROBLIN (Premier and Provincial Treasurer) (Wolseley): No, Madam Speaker.

MR. MOLGAT: Madam Speaker, could the First Minister then explain what is the purpose of the resolution in view of the statement that he made yesterday on shared services. He was reported on the radio news this morning and in the newspapers of the day as having made some specific statements as to what shared services would do and what they would not do, in particular that they would be limited mainly to Greater Winnipeg and Brandon, that his plan, it's reported, if passed by the Legislature would not be available to all private schools, particularly new ones springing up in Manitoba. Further on the Premier said the original legislation would spell out those schools to be accredited for the shared services. In replies to the questions he said that teachers from private parochial schools would not be allowed to supervise their students when the students are using public school facilities and so on. It would seem from this, Madam Speaker, that the Premier has a complete plan established. He is announcing what he will do and will not do, and I wonder what is the point in that case of having a committee at all, if there is an established plan.

MR. ROBLIN: Madam Speaker, I rather feared that my remarks would be represented in that particular light but I was rather careful at the time to make sure that I was giving what I thought would be examples of the kind of things that the committee would have to decide. We were dealing with the basic statements that I made in the legislature and I was asked by a number of people present what the various application of these particular principles would be, and the basis of my reply was that the committee would have to decide the nature of these things. If it appears in the press as being a statement of policy, such is not the case. The committee will have to decide.

MR. E. R. SCHREYER (Brokenhead): Madam Speaker, before the Orders of the Day I would like to direct a question to the Attorney-General. During his time as Minister of Education, I'd like to ask him on how many occasions, if any, did he see fit to nullify a decision of a school board for the reason that a decision was not unanimous although it may have been a majority one. The Minister may take this as notice. I didn't have an opportunity to give him notice, but I presumed that since it would be within his direct experience he might be able to recall.

HON. STEWART E. McLEAN, Q.C. (Attorney-General)(Dauphin): Madam Speaker, I think that would be a question that I would decline to answer.

MR. SCHREYER: On what grounds, Madam Speaker, if I might ask?

MR. McLEAN: I doubt whether it would be proper to tell what goes on as a matter of administration in a department.

MR. R. O. LISSAMAN (Brandon): Madam Speaker, before the Orders of the Day, I would like once again this year, on behalf of the Manitoba Winter Fair Board to invite the members to attend the Winter Fair. While this week will fall within the probable week of the recess of this House, members should feel free to attend any day during the week. Friday the 3rd would be considered I think, the members' day, and I shall be circulating a piece of information around the House, a paper, to try to get the information as to how many are going and if any would be attending on other days, and I can quote the last paragraph of the letter. They say to me: "We will make the necessary arrangements upon advice from you as to when and how many will be attending." So I'm sure that the members can look forward to their usual good time at the Manitoba Winter Fair. I know the management would be more than happy to see a good turnout. Thank you, Madam.

MR. ELMAN GUTTORMSON (St. George): Madam Speaker, before the Orders of the Day could the Minister of Public Utilities advise me when my Order for Return with regard to the Civic Arts Centre will be available. If we're going to adjourn as I understand for a week or ten days now, if we don't get it today it means another 10 days before I'll get it.

MR. DOUGLAS L. CAMPBELL (Lakeside): Sooner than soon.

HON. MAITLAND B. STEINKOPF, Q.C. (Provincial Secretary and Minister of Public Utilities) (River Heights): You have received the answer, thank you.

MR. GUTTORMSON: Am I to understand it will be another 10 days at least before I get it.

MR. STEINKOPF: Well, at the first opportunity I'll let you have it. Am I to understand that the recess is authentic and it's going to be through?

MADAM SPEAKER: Orders of the Day.

Adjourned debate on the second reading of Bill No. 76. The Honourable the Member for Brokenhead.

MR. SCHREYER: Madam Speaker, in my opinion, Bill 76 is one of the four or five most important bills to come before this Assembly during this Session, and I want to say at the outset that there are at least two features about the bill that I consider to be of merit. Firstly, under the old Act the producer marketing boards were given regulatory powers which were far in excess of the powers which it really would require for the carrying out of its function, and because it had this excessive regulatory power very often it was used by opponents of marketing boards, it was used by these groups as arguments in opposition to the establishment of such marketing boards. Since it is a fact that it is not a crucial power for a producer marketing board in any case to be able to regulate the product all the way down to the retail level, since it's not a crucial power to be wanted in any case therefore it is just as well that this Bill 76 proposes to delete the vesting of such power in the marketing board.

The second point of merit has to do with the fact that this bill will allow marketing boards to conduct pooling of prices and proceeds of a product that is regulated under some particular producer marketing board that might be established. I am, for myself, in favour of the concept of pooling if it can be agreed upon by the majority of producers that decide to go into the establishment of a producer marketing board. I think that the idea of pooling is rather perhaps avant-garde, or a little ahead of the times, but it does indicate that the Minister is forward-looking at least in this one particular respect inasmuch as he is prepared to provide in the Act for the eventuality that a marketing board or boards may decide some day to make an arrangement for pooling of prices and proceeds

But after having said that there are two features in this whole bill that are meritorious, I

(Mr. Schreyer cont'd) . . . . must stop there, Madam Speaker. Because from there on I think that it must be said that in its total effect this bill is abominable, it is retrogressive, and in fact I would go so far as to say that it is an insult to the producers, the farmers, the primary producers of this province who are striving for the establishment of a producer marketing board or boards in this province. Madam Speaker, I think that we would be better off, the producers would be better off if we were to stay with the old bill, with the old Act. I think that it would be better for them if we were to defeat this legislation or to succeed in persuading the Minister to withdraw it, because in my opinion it does nothing toward giving producers what they really want in the final sense, and that is an opportunity to exercise a countervailing bargaining power in the market place. This bill and the Minister who is responsible for it primarily -- that's the Minister of Agriculture -- presumes that producer marketing boards cannot be trusted with those powers of regulation that it must have if it is to be able to carry out its work and its function. Madam Speaker, there are two basic kinds of marketing boards: producer marketing boards and state controlled marketing boards; and by its action in this bill or by its proposal in this bill, this government is coming out strongly in favour of state marketing boards and in opposition to producer marketing boards. That is the net effect that this legislation will have when it is enacted, because it is going to rob producer marketing boards of those necessary powers which it must have.

As I look at the bill, I can see that many powers of regulation vested with the producer marketing boards under the old Act will, under this new one, be vested in the Manitoba Marketing Board, that is, the board of the Crown; and also and simultaneously in the Lieutenant-Governor-in-Council, that is to say in Cabinet, and specifically this power, this discretionary power, will lie then with the Minister of Agriculture and to some extent with the Minister of Mines and Resources. In short, Madam Speaker, this bill will have the effect of taking crucial regulatory power away from the farmers, the producer marketing board, and placing this power in the political arena, and in fact at the mercy of these two particular Ministers, and I, Madam Speaker, find this hard to accept, as I am sure do many other members on this side and many other men and women interested in producer marketing boards in this province, because I believe, as do they I presume, that marketing boards, producer marketing boards are democratically established and they are responsible to a large number of people; and secondly, I believe that producers are entitled to seek countervailing bargaining power in the market place.

It is not as though our primary producers are in a dominant position in our economy and that we should therefore fear that if we grant them powers such as we have in the past granted to producer marketing boards, that we would give them unnecessary advantages. Primary producers have had, until now, no advantages in the market place and, in fact, the time is long here when we must do whatever is in our power to assist them in gaining this position of bargaining power and we should not be putting any obstacles in their way. By this legislation, Madam Speaker, this government is showing a distrust of producers and any board that producers may seek to establish. Furthermore, this government seems satisfied that agricultural producers should continue to occupy a subordinate position in our economy. This seems obvious because it is obviously not prepared to give them such powers as are necessary to achieve a position of equal bargaining power.

I want to ask, what does this government fear? What does it fear in connection with giving the producers and producer boards such regulatory powers as were given them under the old Act, with the one exception, of course, as regards their regulatory powers with regard to retail sales? This was deemed not necessary. It's not apparently wanted, therefore this is one power that can be retracted or deleted; but other than that, what does this government fear about the idea of giving them such regulatory powers as were given to them under the old Act? It is not as though producer boards are not democratically established. They are. It is not that they are unaccountable. They are. It is not as though their decisions are not appealable. They are; and so therefore accountability and appeal are provided for. Appeal is possible -- appeal to the Manitoba Crown Marketing Board to Cabinet. So I think there is adequate safeguard against undue exercise of regulatory power by producer marketing boards that might be established, and because there is provision for appeal under the old Act and because it can be provided for under the new Act, I find it inexcusable, I find it inexcusable that this government should contemplate robbing producer marketing boards by this legislation of the necessary

(Mr. Schreyer cont'd) . . . . . scope of regulatory powers that it might need. I think that it is also unfortunate that in the drafting of this legislation the government has not indicated that it would be prepared to give priority to the establishment of producer marketing boards relative to Crown-run marketing boards.

I think under Section 3 of the bill, if it must pass, that provision should be included which would give the directive to the Crown marketing board, the Manitoba Marketing Board, that priority wherever possible, and in whichever way possible, should be given to the establishment of producer boards, and so when it comes down to it, Madam Speaker, I think the Minister will have to tell us who it was that asked for this legislation that's embodied in Bill 76. Who asked for it? I know of no significant number that asked for it. In fact, my distinct impression is that most of the producer agricultural organizations are decidedly not in favour of the major provisions of this legislation, and I think that the Minister has only really two courses open to him. He can either have this bill withdrawn in total, or he can suggest that he will be prepared to accept major and organic amendments, because as it stands, the bill, Bill 76 is really not a step forward but rather it is one backward. It represents to me a feeling of suspicion on the part of government as to the competence of producer marketing boards to run their own affairs. It indicates to me a feeling of suspicion on the part of the government that producer marketing boards will act in a tyrannical way, and I suggest that previous experience in other provinces, particularly in Ontario, Australia perhaps if we must go farther afield, does not indicate that this will be the case; and furthermore, as long as you have provision in statute for appeal from the decision of producer boards -- in any case, there is provision for appeal -- then why make this great inroad on the regulatory power of producer controlled marketing boards?

On looking at the bill in detail, Madam Speaker, I have made here a multitude of notations and questions which I would like to ask. I suppose the place to raise them is in Committee, than at this stage of second reading, but just to give some examples, Madam Speaker. Under Section 7 for example, it seems to me some provision should be made requiring the Crown run of the Manitoba Marketing Board to give priority of consideration to producer boards and so on -- I have mentioned that one. Secondly, under Section 13, unless I have misconstrued or misinterpreted the intent of Section 13, I am disturbed because it seems to give enabling power to the Cabinet to establish a board by regulation, by Order-in-Council. Now this in itself is all right if it is done subsequent to a producer plebiscite, but this is not clear in the bill and I -- and I'm sure many others -- would object to the provision that cabinet could establish by regulation a marketing board without even a plebiscite being first held. It seems to me that if we're going to think in terms of establishing a board without a plebiscite then it should of necessity come before the Legislature as a whole. Well, it could be that in this particular Section 13 I have misconstrued, but if I haven't it seems to me that this is a major -- a major objection to raise.

I think it is also incumbent on the Minister to explain under what circumstances Cabinet would use its powers vested or given it under Section 23 to establish a marketing commission. If the commission is to be established, with semi-compulsory power, and a good example of that is the Shewman proposal, because here you have recommended a board that would be in a sense semi-compulsory -- compulsory as to payment of fees, not compulsory as to its utilization. Well under what circumstances would Cabinet consider, or would the Minister consider approving the establishment of such a board, semi-compulsory board or commission? I make the point that I think it is really indefensible. It is hard to defend the establishment by regulation of a board or commission without a prior vote, if that board or commission is to have general powers of compulsion over the producers of a commodity and Madam Speaker, so on and so forth.

There are many other observations I would like to make with regard to this bill but they are, as I said, too detailed to raise at this time, so let me conclude then, Madam Speaker, by emphasizing once again the retrogressive nature of Bill 76, the unfortunate effect that Bill 76 has of delegating farmers and other primary producers to the subordinate position in our economy which they have held for so long.

Looking over the economic history of this country, you can see that practically for all time in the past, the agricultural industry was simply used as a subsidiary to industry, to manufacturing and to the other sectors of our economy. They were always given the short end of

(Mr. Schreyer cont'd) . . . .the stick and it seems to me that it is in this spirit that this Bill 76 was conceived. I'm sure the Minister of Agriculture wasn't too happy with the chore of having to propose it to us. It might be convenient for the Minister of Industry and Commerce because it solves a lot of problems for him to have weak producer marketing boards, but it doesn't do anything for the farmers of this province. And I think that it's high time that we stopped treating agriculture as though it should not have a position of equal bargaining power with the other sectors of our economy with the semi-monopolistic sectors in industry and so on. And I suggest that the best thing to do would be for the Minister to get Cabinet to agree to withdrawing this bill.

MR. CAMPBELL: Madam Speaker, may I ask the honourable member who has just taken his seat a question? I didn't catch his reference to the section under which he feels that the Cabinet could establish a board by Order-in-Council.

MR. SCHREYER: Well as I said, I thought -- I expressed the doubt that I may have misconstrued it but I believe it's in Section 13 that I find this power.

MR. CAMPBELL: Madam Speaker, I move, seconded by the Honourable Member for Selkirk, that the debate be adjourned.

Madam Speaker presented the motion and after a voice vote declared the motion carried.

MR. ROBLIN: Madam Speaker, if the Honourable Member for Elmwood is ready to proceed with the shared services debate I would ask you to call that resolution now.

MADAM SPEAKER: The adjourned debate on the proposed resolution of the Honourable the First Minister. The Honourable Member for Elmwood.

MR. S. PETERS (Elmwood): Madam Speaker, I'm going to be very, very brief. I could have said last week when I adjourned the debate what I had to say. I knew what I wanted to say then, but there was one of the members of my group that was away at that time and I didn't know whether he wanted this held open for him so that he could have a chance to speak, so I'm not going to be very long, Madam Speaker.

I want to say this, that in 1961 I was at a meeting with the Honourable Member from Brokenhead at St. Alphonse School. I believe that was the first time that any of the legislators were asked to state their views. I stated my view then and I haven't changed it to this time, and I will state it now, that I am prepared to give aid to parochial schools if it does not harm the public school system. The public school system must be kept safe, and if anyone can show me a way that you can give aid to the private and parochial schools and keep the public school system safe, then I am prepared to go along with that, and for that reason, Madam Speaker, I am prepared to vote for the resolution and give the committee a chance to study the question and come back and report. I reserve the right to change my mind when they bring in their report and see what they have to say.

MR. ALBERT VIELFAURE (LaVerendrye): Madam Speaker, I rise at this moment to say that I am a Catholic, I am a French-Canadian and very proud to be so. Not that I think that this makes me any better than anybody else. However, I am a great believer that he who is not proud to be who he is should be ashamed of himself. If I say this it is because if I understood right the other night, when the Honourable Member from St. Vital spoke he suggested that the group I belong to were a very dangerous group. I would like to suggest to the members of this House . . . .

MR. FRED GROVES (St. Vital): No such suggestion was made, Madam Speaker . . . .

MR. VIELFAURE: That's the way I understood it. I would like to suggest to the members of this House that they consider for a little while what it is to be a member of a minority group. I was brought up and received my education in the atmosphere demanded by those who are in favour of aid to private and parochial schools. I do not want to be personal, but I would like to mention that one of my sisters has taught in a private school for many years; one of my brothers has been serving as a missionary in the underdeveloped countries of Africa for the last nine years and left last year for another seven-year term. Another of my brothers is a senior civil servant in the federal field. I mention these facts because I believe the Honourable Member from St. Vital the other night tried to sound an alarm to the members of this House that they should be very cautious about the members of the minority group of which I am a member.

MR. GROVES: Madam Speaker, I made no such . . . .

MR. VIELFAURE: . . . . . my honourable friend from St. Vital, I would like to say that my views on the majority group, a group that he claims to represent, but I do not believe -- my views on the group opposed to aid to private and parochial schools is very different. Being a member of a minority group it is normal that a great number of my friends would be opposed to aid to private schools, and here I should clarify; I mean that I strongly believe that I have many friends outside of my group and therefore among the group opposed to aid to private and parochial schools. And I have a great deal of respect and admiration for these people. And I think maybe we are a little responsible for this situation because we failed to explain our positions and aspirations. And there is a reason for this. Being a minority group our members are not as numerous and our means of transmitting our ideas are few. Also, our most popular news media in the past have not been favourable to our thinking.

It was said in this House that two weeks ago last Sunday, I think, the meeting that was held two weeks ago last Sunday under the chairmanship of Mr. Art McM. . . . . was a . . . . . I beg the members of this House to listen to me when I say this: the theme of the meeting was exactly the contrary. The members were urged by different speakers, including the Honourable Member from St. Boniface, to try and express their views, ambitions and aspirations in the light of Christian charity. And, Madam Speaker, when I say this I do not quote from newspapers, I was present at the meeting. I cannot understand why the Honourable Member from St. Vital makes such allegations about the Catholics in Manitoba. Why should they be so different from those in other provinces? Eight out of ten provinces in Canada give aid to parochial schools and even the ninth province, B.C., I am told, gives free text books. The two provinces on each side of us, Ontario and Saskatchewan, who have been giving aid to private and parochial schools for many years have both decided to increase this aid during the last session of their Parliament.

It was suggested in this House that the next provincial election would be fought on the school issue. At the meeting of Catholics two Sundays ago, it was emphasized by most speakers that this should be kept out of politics and no mention was ever made of the school question becoming an election issue and I am sure that no member of this House would consider such a proposition. Madam Speaker, the Honourable Member from St. Vital has said that some of us would have to vote a certain way. I would like to say that nobody has told me or suggested to me how I should vote. My vote will be according to my convictions and I will certainly not try to judge anybody in this House on the basis of his vote on this issue.

Madam Speaker, I hate to have mentioned the Honourable Member from St. Vital so often in my speech, but I must say to him that I was deeply hurt by his allegations and accusations in his last two or three speeches. I beg him not to use incidents, extremists, and bits and pieces of reports to form an opinion on those in favour of aid to parochial schools. This question will not be solved by extremists of either side, but rather by people of goodwill who are willing to work together and organize themselves in order to promote unity in this province.

I listened with a great deal of interest to the speeches made by the Honourable Members from Brokenhead and Seven Oaks, who both spoke with a great deal of intelligence and . . . . . in expressing their ideas. I thought the Honourable Member from Brokenhead made a very good presentation of his ideas on the matter of separation of church and state. I will not repeat this but I would like to be on record as sharing his views on this subject. The Honourable Member from Seven Oaks says that he is in favour of the majority respecting the rights of the individuals but not those of the minority groups. But, Madam Speaker, is it not true that the rights of the individual grouped together forming a large percentage of the total group automatically become the right of the minority?

Madam Speaker, before closing I would like to beg the members of this House to treat the subject at the highest possible level and also with the understanding that we want to understand one another rather than form two groups, one in favour and one opposed. And I would like to be on record in this House as saying that this subject which seems to divide us at this moment will be one of the greatest factors in uniting us all in the very near future.

Madam Speaker, if in the course of my speech I have hurt or insulted anybody in this House, I would beg their pardon right now, because I certainly have no hard feelings against anybody in this House at this moment. I thank the members for their kind attention.

MR. J. M. FROESE (Rhineland): Madam Speaker, I beg to move, seconded by the



(Mr. Froese cont'd) . . . . . Honourable Member for Brokenhead, that the debate be adjourned.

Madam Speaker presented the motion and after a voice vote declared the motion carried.

MR. ROBLIN: Madam Speaker, I wonder if I may now ask you to call the resolution on the Livestock Committee Report.

MADAM SPEAKER: The adjourned debate on the proposed resolution of the Honourable the Member for Morris, on the proposed amendment by the Honourable the Member for LaVerendrye. As regards the order of precedence, I refer you to our rule, rule No. 20 clause (2) which reads: "When the government business has precedence, government orders may be called in such sequence as the government thinks fit." In my opinion the report of the Special Committee on Livestock should be considered as government business, and it has been carried as such on the Order Paper since the report was submitted to this House and also in the matter of concurrence. In order to substantiate the statement may I add that this is a report of the Committee of the House, which Committee was constituted by way of a money resolution since expenditures were involved with respect to the sitting of the Committee. No private member could have introduced this although the chairman of the Committee was a private member. I have had this motion of the Honourable Member for LaVerendrye under consideration, and in my opinion the motion is in order. I base my opinion on Beauchesne 4th edition 1958, citation 323 (3). On consideration of a report motions have been made expressing the agreement or the disagreement of the House therewith, or motions are made which are founded upon or which enforce the resolutions of the Committee. Any member wishing to speak on the motion may do so.

Are you ready for the question?

HON. GEORGE HUTTON (Minister of Agriculture) (Rockwood-Iberville): Madam Speaker, I would like to say a few words about this report and speak to the amendment of the Honourable Member for LaVerendrye.

The government to date has not announced its policy with respect to the implementation of the recommendations of the Special Committee the Legislature established to look into all aspects of livestock marketing in Manitoba. We do consider this report as very important and significant. It was carried out at some substantial cost to the taxpayers of this province, and it did absorb the time, energy, intellect of not only the members of the committee who served, I think, with distinction and who did a real service to the province, but it absorbed the consideration of some very able, knowledgeable people in the field of economics and particularly in the field of livestock marketing.

The report draws to our attention the fact that there are abuses or shortcomings or faults in the present method of, particularly the marketing of hogs in Manitoba, and it makes recommendations which it feels would tend to remove some of the more obvious abuses and weaknesses in the present marketing structure. It points out the complete lack of a pricing mechanism in the Province of Manitoba for the marketing of hogs, and recommends the establishment of a central selling agency which would serve as a machinery to establish the price of hogs in the light of supply and demand, and to do more than that -- to disseminate the market information as widely as possible -- so that everybody that's interested in the marketing of this commodity will have a reasonable opportunity to be informed of current conditions in the market.

There is some controversy that we are all aware of in the province today between those who want to maintain a free market and those who believe that there is no answer to this but a compulsory marketing board. I think that this is quite an important matter that we are giving consideration to. One of the dreadful things about this whole question of marketing is that it is very seldom considered without emotional connotations. There is a tendency on the part of those who believe in compulsion, to believe in it religiously.

Now we have a report before us which is the result of three years' study, not only in Manitoba but carried out in other jurisdictions; not only in Canada but in the United States; and on the basis of what they heard and what they saw, and on the basis of what they determined, the public desire to be, here in Manitoba, they made a recommendation to this Legislature, and what were the two things that they found here in Manitoba and elsewhere? They found a preoccupation, a grave concern over the lack of competition in the marketing of hogs in this province; but they found something else too, and it was characteristic of almost all the briefs--

(Mr. Hutton cont'd) . . . . . there were exceptions -- but it was characteristic of almost all the briefs, and that was the concern of the livestock producer to retain as much freedom as he could in the marketing of his product.

Now those were the two main themes that ran throughout the briefs and the conclusions as I read the report that the committee came to -- a concern over the lack of competition and for certain practices that have grown up in the marketing of hogs which they felt were not in the interests, not only of the producer but the entire community, and a concern that we should retain as much freedom as possible in the market place, and that is why they came to the conclusion as I see it that before we got into a compulsory marketing scheme we should try and clean up the present system of marketing of hogs, and so they made these recommendations. And now we are faced with this controversy, as I have mentioned, that is growing up between the forces of freedom and the forces of compulsion, between the faith in an open competitive system and the faith in a closed competitive system. It's a controversy that has been going on for decades, but to change our direction today from a free market place to a regimented compulsory system, I believe to be premature, especially in the light of the recommendations and the findings of the Special Committee of the Legislature.

This doesn't mean that I believe, or the government believes, that those people or those producers who want a compulsory system, that they should be denied the right, but we do believe that a vote taken at this time would not likely be based on as good information, on as good an educational system or experience as one that might be taken after we have had some experience in this province with a teletype system and having experienced a market where some of the major abuses and major weaknesses had been shored up. In other words, what I am saying, Madam Speaker, is that before we throw over what we have today, before we throw it over and say that it's no longer any good, why not try fixing it up? Why not try following the recommendations of a committee that was established by this Legislature to study this? Why not take our legislative committee seriously and see if their recommendations won't restore the confidence of the producers in this open market system?

There is one thing that I must mention here and that is the role of the co-operative plant that is being built in Brandon. It has been said outside of this House, and charged, that the Government of Manitoba is considering the recommendations of the Special Committee of the Legislature because of pressure from the Manitoba Pool Elevators, and I want to say here for general publication, that the government, nor my office, have been under any pressure from the Manitoba Pool Elevators. None whatsoever. I have consulted with farm organizations, yes, but consultations do not amount to pressure because the same consultations were carried out with that group who charged that the Manitoba Pool Elevators are putting the government under pressure on this. They had the benefit of consultation as well.

But I want to say this, Madam Speaker, that if anybody thinks that the principle of co-operation has anything to do with the principle of compulsion, they are sadly mistaken, because co-operation cannot survive in an environment of compulsion and regimentation. There is no room for co-operation in that kind of a society, and we here should give some thought to this. But in spite of this, Madam Speaker, the government is not prepared to deny the forces of compulsion their democratic right, and I want to draw to the attention of the Assembly the fact that the amendment of the Honourable Member for Carillon glosses over the fact that this vote that he is calling for is on a compulsory marketing system. When he refers to a producer marketing board, he is talking about a compulsory producers' marketing board, and I think that the distinction should be made. There is a vast distinction here between the recommendation of the Special Committee and that of a voluntary central sales agent, made available to the farmers of this province and one which they must market their product through. I believe that there is great merit in the recommendations of the Special Committee. I believe that if these recommendations are followed, that we can remove, first of all, some of the abuses that do exist. I think we can provide a market place where the farmer can take his produce with confidence, knowing that he will get a fair price in the light of current market conditions. But we still retain for the producer the right to make the final choice, and this is a very important right, Madam Speaker. After all, many of us farm, and are willing to take less returns just so we can be free, just so we can be free; and there are a lot of people out on the farms of Manitoba who still want to be free and who, I believe, would like to see us do what we can to restore the free

(Mr. Hutton cont'd) . . . . . marketing system rather than to give up to the forces of compulsion.

I think you could sum up our position, Madam Speaker, by saying compulsory marketing boards, if necessary, but not necessarily compulsory marketing boards. In other words, while there's still a chance of restoring the existing marketing system and these freedoms that so many of us love and cherish, then I think everything should be done to implement these changes and to try and restore before we have any consideration given to a compulsory marketing scheme.

And let us be clear here. If this scheme, if the voluntary system won't work, there's all the time in the world to go to compulsion, but it seems to me that we should make every effort to save it and to save this freedom, before we say that there's no hope. I'm not ready yet. I'm just not ready yet to say that the free enterprise system can't be saved. I just am not ready yet. Sure it has to change and adapt itself to changing conditions, and this is what's wrong with our present marketing system and this is what the committee found, that the marketing system hadn't changed, hadn't evolved with an evolving society in the changing technique; hadn't kept up-to-date. Well, let's get it up-to-date and see what it can do, and then, if it won't work, all right -- we'll have to throw in the sponge. But I'm not ready to say "uncle" yet, and neither is this government. We still have faith in free enterprise, and you know, Madam Speaker, I'd like to just say this to the Honourable Member for Brokenhead, that it is rather odd to me, and difficult for me to reconcile that at the same session of the Legislature he should introduce a resolution calling for a public protector or defender to look after the rights of people, while at the same time he makes speeches extending the controls and regulations over individuals. Well maybe he wants this defender to look after the kind of program that he believes in. I just can't reconcile those two approaches. I think we have less need for people to look after our rights if we don't put ourselves in the position where our rights are continually being eroded and eaten away.

And so, Madam Speaker, on the basis of what I've said, I move, seconded by the Honourable Minister of Mines and Resources, that the amendment be amended by deleting all of the words after "that" at the end of the first line thereof, and before "whereas" in the 7th line thereof, by inserting the word "compulsory" between the words "a" and "hog" in the 8th line thereof, and by inserting the words "compulsory hog" between the words "a" and "producers" in the 12th line thereof, by deleting all of the words after "Manitoba" in the 4th last line thereof and substituting the following words: "not earlier than 24 months nor later than 36 months following the coming into force of a regulation under The Natural Products Marketing Act establishing a voluntary central marketing agency for hogs."

Madam Speaker presented the motion.

MR. CAMPBELL: Madam Speaker, before the motion is put, might I ask a question of the Honourable Minister who has just moved the amendment to the amendment? I'd like to ask the Honourable Minister when he is saying that he is so definitely against compulsion and in favour of returning to the free market, does he not consider the Canadian Wheat Board to be a compulsory act and is he in favour of returning to the free market in that connection?

MR. HUTTON: Madam Speaker, I am happy to answer that question. I believe in the Canadian Wheat Board because I think beyond all doubt it was established that a regulation of this kind was required. What I have said now isn't that I'm against compulsion. I'm against it if it isn't necessary, and I believe that everything should be done to shore up our present system. If it won't work after it's been shored up or if you can't shore it up -- but I'm not ready to throw it out the window yet until we've tried to fix it.

MR. SCHREYER: . . . . . the Minister's answer, I think I have a right to rise on a matter of privilege. The Minister says that he is not opposed to compulsion unless it is unnecessary. Now he's saying by that that some of us here might be in favour of it even when it isn't necessary and that's a terrible thing to impute to anyone.

MR. MOLGAT: Madam Speaker, before the motion is put, I'm trying to find -- make the amendment fit into the amendment that I have here, and I think it finishes off by saying "after the word "Manitoba" in the 4th last line thereof." I don't find the word "Manitoba" in the 4th last line of the original amendment. It does refer to "Manitoba" in the 3rd last line, doesn't it?

MADAM SPEAKER: This may have been taken from the Orders of the Day or Votes and Proceedings, and it may not be just accurate.

Are you ready for the question?

MR. SCHREYER: Madam Speaker, I beg to move, seconded by the member for Seven Oaks that the debate be adjourned.

MR. LISSAMAN: Madam Speaker, if the honourable member doesn't object I would like to say a few words at this time.

Madam Speaker, I want to express my approval for the recommendations of the Committee on Livestock Marketing, because in my opinion they have offered a choice to the people, the farmers of Manitoba, of the best of two worlds, in my opinion. They have retained the best phases of the free enterprise system. They are keeping the competitive position of the market well in mind, while at the same time by ensuring that all the bidding be reported by teletype system that the best prices should prevail.

Now I want to particularly approach this from an angle of industrial development in rural Manitoba, and I suppose members might say, well you have a personal interest in this. This is quite true, because as you know the Manitoba Pool Elevators have commenced the construction of a meat packing plant in Brandon. Now it is quite probable that under a compulsory system this plant could not operate, at least in the manner it was originally intended to operate. But before coming specifically to the point of the Brandon Plant, I would like to refer members to the report of the committee on Page 93 where they point to the conflict between co-operatives and marketing boards in Ontario as related to hog marketing. And if you turn over to the next page 94 there are some rather interesting comments. The report of the Co-operative . . . . . of Ontario Commission lists seven areas of conflict and difficulty between co-operatives and marketing boards. The first difference is direction of the product. It is maintained in some of the submissions to the commission that a producer board must have direction of all the products if it is to have significant influence on prices, regardless of pricing system which may be in effect. Such direction also offers the means of controlling abuses which may exist in producer-buyer relationship, particularly those concerned with the transportation and assembly of the product. On the other hand, it was maintained in other submissions that a co-operative being founded by its members to provide them with a marketing service and an assured market for their products would not be long in business if its members' produce was directed to a private assembly or processing plant. It would then be most difficult to operate as a co-operative.

Then I think the second point is well worth considering -- producer-processor negotiations. "In some instances, conflicts of interest have arisen where collective bargaining negotiations are undertaken between a producers' organization and a group of processors when the latter includes a farmer-owned co-operative processing plant. This places the co-operative in the awkward position of seeming to bargain against its own members."

Then I think we might note particularly seven, particularly the last paragraph. "To date no effective solution has been found for the issue which exists between the Hog Marketing Board and the Co-operative Processing Plant in Ontario. There's a very real lesson to be learned from the Ontario hog marketing experience for other provinces who may be contemplating a livestock marketing board along with co-operative processing facilities." I think this is well worth members thinking about.

Now in order to bring members a little bit of background information, I thought I'd better read parts of a news item appearing in the Manitoba Co-operator of March 12th in connection with the proposed Brandon meat packing plant, and it's under the heading: "MPE Directors Consider Hog Marketing Proposal. A hog marketing commission as suggested in the report of the Shewman Committee on Livestock Marketing would enable Manitoba farmers to enjoy the advantages of marketing their hogs co-operatively through pool packers at Brandon when the plant begins operation, according to directors of Manitoba Pool Elevators." A little further down: "A statement issued by the directors of Manitoba Pool Elevators follows: The Board of Directors of Manitoba Pool Elevators has carefully studied the recommendations of the Shewman Livestock Marketing Report, particularly as to its impact on the operations of the co-operative plant which the pool is building in Brandon. It appears to the board the implementation of that section of the Shewman Report relating to hog marketing service is compatible with the operation of the co-operative packing plant at Brandon."

(Mr. Lissaman cont'd) . . . . .

And this next paragraph is rather important: "At a special delegates' meeting in Brandon August 7th, 1962, the board was authorized to proceed with the construction of a new packing plant and to set up an accounting service that would record the deliveries of the individual producer, so that if and when it was possible to pay patronage dividends, records would be available. As the pool understands the Commission Report, producers would have the right to deliver direct to the plant of their choice, or to the auction tape operated by the hog marketing commission. This freedom of choice would permit the producers who are attempting to set up co-operative packing houses to patronize their own facility."

Now I think, Madam Speaker, members will realize that when hogs are sold to a central board then the identity of the hogs becomes lost and the co-operatives would not be able to keep records of their own members' hogs. And while this is true of co-operatives, it's very likely possible that no other small hog processing plants would get started in the province under a compulsory marketing scheme, and I think it is important that as far as possible we do not close the door against small plants, or for that matter, any type of small industry starting in Manitoba.

They go on: "Hogs bought over the teletype auction will have lost their identity and there is no opportunity for producers of those hogs to participate in any advantage accruing to the co-operative packing plant."

Now, Madam Speaker, the pool, as you know, purchased the old assets from the bond holders of the old Brandon Packers Plant, which were being held in trust in the interest of bond holders by National Trust, and the Mayor and residents of Brandon made the pool elevators welcome to Brandon because they felt that not only was this of an advantage to Brandon but also an advantage to the entire western part of the province, and they have the goodwill of the city council and many of the important bodies of the city because of the overall benefits that the city knows will accrue to the large area of Western Manitoba. Now as I previously suggested this recommendation . . . . the committee gets the best of two worlds, and I feel that as the Minister has pointed out, it is very, very important to give the free enterprise marketing system a chance before any compulsion is introduced. I often feel that eventually prices must always be set by the law of supply and demand and in a free open bidding system of purchasing the best prices will naturally prevail.

Now it is true that in the past competition has not always been as open and frank maybe as members would like to have seen it. I have heard many rumours, some of which I would not care to repeat here, but to be entirely frank there has not always been the competition in the buying of livestock that should have prevailed, but certainly I would think that the recommendations of this committee go a long way to curing many of those evils which previously existed. The fact that prices will be known almost instantaneously clean across the province -- there will be no under the table deals -- while at the same time if you have a small local plant you can send your hogs to your local plant to encourage local industry, I think this is a wonderful thing and, as I suggested earlier, the probability is that if it were a compulsory marketing scheme no small plants would be likely to develop. It would just make the big people bigger and stronger and with a more firm stranglehold over the meat processing business in the province -- and I think that this is one thing that all members would regret. And, too, co-operatives are a part of modern-day free enterprise -- quite a legitimate part -- and the pool has generated in 30 years a confidence among its patrons, and would be in an ideal position to have its friends patronize and help build their own plant in this area.

I would, therefore, Madam Speaker, urge strongly that this House accept the recommendations of the committee, and I think that at the same time the amendment offered by the Minister of Agriculture cannot be looked upon as being other than reasonable. The people who want compulsion -- whether that be good or bad -- the people who want compulsion eventually will not be denied the right of a vote, but at the same time this proposal of the committee, which has taken some members of this House considerable time and effort to gather, will be considered, and I think that it be only fair that the free enterprise marketing system that they have suggested, which has so much to commend it, should be accepted by this House.

Madam Speaker presented the motion on adjournment and after a voice vote declared the motion carried.

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

Madam Speaker presented the motion.

MADAM SPEAKER: On the matter of the admissibility of the Honourable the Member for Seven Oaks to address the House on the motion to go into Supply, it has received my consideration. Technically speaking there is only one motion to go into Supply. A record of the members who rise to hear grievances is kept by the Clerk of the House. No member is allowed to speak more than once on the motion although several different matters may be brought before the government. The reference to our rule No. 31 dealing with the revival of a debate already concluded applies in this case. Our own rules, orders and forms of proceeding of the Legislative Assembly of Manitoba, Rule No. 31 reads in part: "No member shall revive a debate already concluded during the session."

The question arises, has the debate been concluded? In my opinion the debate has been concluded. In support of my decision that the debate has been concluded, even without a specific motion, I would refer the Honourable Members to Beauchesne, 4th edition 1958 citation 234 (2) which reads in part as follows: "Once debate is concluded on one matter and another matter intervenes, members cannot again discuss the former." In my opinion Beauchesne admits that a debate can be concluded although no motion on a matter of redress of grievance has been moved, and therefore I rule that the debate has been concluded.

Madam Speaker put the question and after a voice vote declared the motion carried and the House resolved itself into a Committee of Supply with the Honourable Member for St. Matthews in the Chair.

MR. CHAIRMAN: Department XIII - Item 1, Administration.

MR. BAIZLEY: Mr. Chairman, I would like to take a few minutes to answer some of the questions that were raised yesterday. First I would like to thank the Honourable Member for Assiniboia for the concern that he has shown in the Department of Labour, and some of his remarks are sincerely appreciated. One of his first questions in the area of labour relations was the possibility of labour relations as a course at the MIT. I think the Honourable Member should know that the Manitoba Federation of Labour in co-operation with the Department of Education and the Extension Division of the University has a Labour Relations Course in Economics held out at the University: and he might like to know that the Personnel Association conduct a similar course in Labour Relations and Economics, and this is through the Extension Department held on Saturdays, I believe, each Saturday through a seven month period.

He raised the question of safety -- he asked about the procedures that were used in cases of construction accidents. I might say that an inspector remains on 24 hours call to investigate accidents that are reported to him. Now any significant accident, or serious accident must be reported immediately. It is either reported by the employer, or it is reported by the police and the inspector attends the scene and tries to assess the cause of the accident. If unsafe procedures are found, orders for corrections are issued. The job now can be closed down pending completion of this corrective work and prosecutions may follow.

As I mentioned yesterday, there were approximately 900 safety inspections of construction work last year, and these were exclusive of special inspections or accident investigations. Accidents do happen. On the first ten months of 1963 there were two fatalities in construction work. There have been prosecutions and convictions for violation of The Construction Safety Act and the department has found increased activity on the part of construction firms in safety work.

Mr. Chairman, I believe the honourable members will find the new regulations will greatly assist the department in furthering its safety program and in establishing through legislation a framework for safe procedures to be followed in construction work.

The honourable member also asked about research, manpower and labour projection forecast, and I quite agree with the Honourable Member from Assiniboia, that we need more information on labour force projections. This is precisely why we have established a Director of Labour Research and we would hope that we would have information for the House at the next session. You must remember that competent research people in this field are very hard to find to conduct this type of analysis and I think we are very fortunate in securing the services

(Mr. Baizley cont'd) . . . . . of Professor Mulvaney. However, it must be remembered that he won't joint the department until the first of June, and research of this kind, if it is to be accurate and meaningful, is necessarily slow and painstaking. However, I would assure the honourable members that we will proceed as fast as we can.

He did mention a problem within the federal jurisdiction and I really have no comment on that.

Now the Honourable Member from Logan talked about a supervised strike vote, the irritations and problems. I am sorry to tell my honourable friend that there were five supervised votes held last year. To my knowledge there was no objection. In one instance the people involved, and who requested it, were very complimentary that such service was provided for them. Certainly we feel here that everyone within a working unit does have a right to express the opinion whether he wishes to strike or continue working.

The Honourable Member from Logan, too, made an enquiry about fatal accidents not being in the report. I can tell him that there were 20 fatal accidents last year and I believe that information is in the report. Was he referring to the detailed information of the accidents? I would like to ask him whether he would like page and verse of those twenty accidents. Would he accept that as later information, or would you like to have that now?

Now the Honourable Leader of the New Democratic Party was most kind in some of his remarks. I have read his speech. I thank him for his suggestions and I also thank him for not asking any questions. I find it rather hard on going over his speech to elicit the questions that he would like answered. I notice he had considerable advice which certainly will be considered.

There is one area here where he mentions safety and the Workmen's Compensation Board becoming involved in this area. I think the honourable members would like to know that there is consideration being given to assessments on experience, not merit rating but assessments on experience. I would imagine that if situations continue such as has happened last year in the mining industry where they have had a very active safety program, that the experience in this industry has improved considerably and will be reflected in the assessment rates to that industry.

I believe, Mr. Chairman, that that answers the questions of the honourable members of yesterday.

MR. PETERS: Mr. Chairman, I just have one question I want to ask the Minister. He mentioned on these supervised strike votes, and he said it was his opinion that people that were not in the bargaining unit were entitled to a vote. I think I would have to disagree with him. If you take the case of the plant that I work at, we are now in negotiations and we might be going out or calling for a strike vote, and I agree that people that are working inside the plant would have the right, although they don't belong to the bargaining unit, but people that work in the main office, which are quite a number, should not have the right to vote. They have nothing to do with the bargaining unit and this is a point I want cleared up. If this is the stand that the Minister of Labour is going to take, then I'm afraid I'm just going to have to disagree with him and disagree very strongly.

MR. SAUL CHERNIACK, Q.C. (St. John's): Mr. Chairman, the Honourable the Minister of Labour thanked my Leader for not asking -- he said he read his speech and he thanked him in that he didn't ask any questions. Maybe one of the reasons is that after I read the Honourable Minister's speech I didn't see any facts on the basis of which I would want to ask questions. Nevertheless, Mr. Chairman, the speech reads very well and I was glad I had an opportunity this afternoon to read it, because there were certain points which were made which I think ought to be dealt with and I have had time during the afternoon to sort my thoughts out into the resolutions so that I could deal with them as they come up.

However, one of the matters mentioned at the beginning of the Honourable Minister's address was the reference to the seminar held at the university with Dr. Chamberlain of Yale and Professor Wood and Dr. Barber and I am wondering if there is any summary or any report available so that members could acquaint themselves with the discussion that went on so that we too can benefit from the knowledge acquired. If there is such a report available, I for one would very much like to see it.

Another point, Mr. Chairman, is the matter of safety. The Honourable Minister spent quite some time about the regulations and the flexibility of the regulations and the study that

(Mr. Cherniack cont'd) . . . . . will be conducted, but I saw nothing -- I neither heard yesterday nor read today anything in reference to the penalties for failure to comply with these safety regulations. I think one of the major complaints in regard to the penalties provided is that it is sometimes economically attractive to an employer to overlook some of the safety regulations in the hope that when he is caught and penalized, the cost of paying the penalty is considerably less than the cost of providing the safety measures which are required, and I would like to think that the magistrate involved has given an indication in the statute that the penalties should be more severe and the extent of the penalty should be spelled out more extensively.

Now I have looked at the report, the last report for 1963 of the department dealing with accidents, and I've heard some discussion on it as well, but still I am struck by the fact that the graph which is shown on page 25 shows a marked increase in the reported accidents from previous years up to October of 1963, at which time the climb is so steeply upwards that I don't know whether we have any right to think that that was the peak in '63, although the weather alone might indicate that it's likely to drop after that.

I also note on page 34 of the report that the accident frequency is on the up-grade. Now whether that is a fair statement to make without considering at the same time the number of persons employed is something I don't know, although I should think that by the time we roll around to November and December we have a pretty good indication of where we're going. Now the accident frequency in 1961 is shown as 19,443; in 1962 it's 21,774; and for the first ten months of 1963 it's 19,987. Since that's a ten-month period, based on a casual glance at the previous two years, I have decided that it's not unfair to add ten percent for November and December and I then get a slight increase over 1962.

Now the labour force actually -- I said earlier referring to the graph that I couldn't recognize a rise too well without relation to the labour force, but on this page 34 we have the labour force shown and it is very slightly less in 1963 than it was in 1962, so that I would suggest that there is no improvement in relation to accident frequency in spite of the fact that my honourable leader in his address yesterday seemed to indicate that there was, and he tells me that he based that on the costs under The Workmen's Compensation Act or rather the contributions made, which I think are not as closely related and clear as the accident frequency which I see in the report of the department. So I draw these matters to the Honourable Minister's attention and invite his comments.

. . . . . continued on next page.



MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Chairman, I'd like to ask the Honourable Minister a few questions and it also is to do with the aspects of safety in industrial accidents, and it's more along the lines of -- well, the question is: what is being done in preventative action before the accidents happen? I think some of the members here will recall one particular accident last year where a steel worker fell off the Central Park apartment block and I had been speaking to some of the steel workers themselves shortly after that and they tell me that their representative had been around to that job three times and noted the fact that there was no safety wire for the steel workers to hook their safety belt on. The representative drew this to the attention of the management and according to them, he drew it to the attention of the Department of Labour. Again, according to the men that I talked to a Department of Labour inspector came out to the job, I think it was two or three times, and he spoke to the employer about this. Now this was before the accident. According to the information that I have been given the employer ignored the recommendation, if it were made that is, and a week or two later a fatal accident occurred directly attributable to the lack of a safety wire for the men to hook onto in their high work.

Now, I would like to know more details about this particular accident and I would like to know if there was a prosecution, what the penalty was for ignoring, if it was ignored, ignoring the inspector from the department. Now as I understand it, in other jurisdictions such as Ontario, the labour inspector has the authority and he uses it quite readily if it's required. He will stop a job when he comes across a flagrant violation; he has no compunction about stopping and closing down a job right then and there and the employer either complies or his job is closed down. Now these people that I spoke to were quite bitter about the fact there had to be a fatality. In their opinion there was absolutely no reason at all, there had been ample warning from the union representatives, the labour inspector had been on the job, then later on despite all this, a fatality occurred for the very fact that they were trying to bring to the attention of the Department of Labour. I note again, and I don't wish to be repetitious, the Honourable Member for Logan covered this fact that in an accident that was reported in an excavation on March 19th in the Free Press it appeared that a public spirited policeman luckily happened to notice a flagrant violation and he took it upon himself to call the workers out of the hole and narrowly averted another accident.

Now I would like to hear from the Minister what is being done in a preventative nature. Have the inspectors the authority to go out and close down a job if they come across violations that are endangering lives or injury; and are they given this authority, when I say freely, I mean without the thought of going back to the office where they have to lay their neck on the line every time they have taken an action such as this, because there could be pressures put on the department from -- I don't mean friends exactly -- but appears to me from what I heard in this instance that it's a very rare case where an inspector will close down a job.

Again speaking about this, I have talked to two people in the construction industry who, they themselves would welcome more preventative action policing. They don't mind being told so long as they know that they are going to have to live up to what has been told them; but I think one of the members who spoke earlier has made the point that companies are tempted, if there's no enforcement they're tempted to cut corners, because after all it is a very competitive industry where they're trying to save money, and I don't believe that temptation should be placed in their way.

The other question I would like to ask the Minister -- and I believe he's quite conversant with it -- I have eight clippings here all to do with -- well the first clipping says: "TV Repair Rackets Threatened." Another clipping says, the headline: "Fued a Real one over TV." Another one: "All about Fixing TV Sets." Another one: "TV Repair Protester Revises his Views." Now it seems to me, Mr. Chairman, that we have an Act that has been brought in last year and it is twofold, I believe, it's supposed to place a control on the industry, but I believe the main feature of such an act as this is the protection of the public. Now when the public are not conversant with TV repairs and how they're made and how they're charged for, and the cost of a tube and the cost of a service call, I think that the public deserve more protection than they are receiving from the present Television Act. I believe that there should be an inspector who will put out sets for repair himself to test these people to see if they are "skiniving" or if they're putting in old tubes, if they're charging for work that's not done. I'm

(Mr. Johnston, cont'd)... sure if there were only one inspector in the Greater Winnipeg area that this matter would be cleared up fairly rapidly. I think it's been proved in other jurisdictions, some of the larger cities in the United States, that after these few unscrupulous TV people have found that there are inspectors and they don't know when their next call is going to uncover one and uncover their cheating, it doesn't take long for the unscrupulous ones in the industry to smarten up, and it also encourages the people who are doing an honest job.

I was very happy to see the Minister change his mind when we came to Bill 29. He was so emphatic when he first introduced it, that it was a good bill; that he had studied it at length and

.....  
MR. ROBLIN: My honourable friend is re-opening a matter that's already been settled in the House.

MR. JOHNSTON: Okay. Anyway I compliment the Minister for changing his mind and putting in the .....

MR. CAMPBELL: Is my honourable friend suggesting that we cannot even refer to a decision or a discussion that's been made in the House?

MR. ROBLIN: No, I wouldn't like to say that. I just wanted to warn my honourable friend not to revive the same base of discussion. A reference to it certainly would not be objectionable.

MR. CAMPBELL: .....the point, Mr. Chairman, because we very frequently come back to the same matters or at least refer to what other people have done and I don't think anything my honourable friend from Portage la Prairie was saying could be interpreted as contravening the rules.

MR. JOHNSTON: I thank you. Mr. Chairman, I was really trying to compliment the Minister on changing his mind. I wasn't criticizing. I'm glad to see that he saw the light.

Mr. Chairman, I don't believe the Minister answered one of the questions raised by the Honourable Member for Assiniboia, and he mentioned the workers who are working for mail contractors in Winnipeg. The mail contractors have a contract with the post office department and he made the point that these men have work to do other than what they are paid for. The member stated some of them are getting up at 4:30 in the morning, they're sorting their parcels and they're doing extra work and they only get paid for delivering the parcels. Now if this is correct, and I'm sure it is or the member for Assiniboia wouldn't have raised it, this is in my estimation a flagrant violation of labour law any way you look at it. So if the contractor is working for the federal government, that doesn't matter, it's happening in Manitoba; and if it's happening such as it has been stated, that these men are working long hours, they're not being for some of their hours, they don't have any hour limit -- did I understand the honourable member to say only one day off a week and that was Sunday? -- I'm sure that this should be looked into. I can understand how the situation may have arrived at in the fact that there is such bitter competition in bidding for these jobs that the contractors have bid the jobs down lower and lower and the drivers and the delivery people who are working for them are paying for it. I'm sure if this matter was brought to the attention of the federal authorities that they would make sure these bids were such that good wages could be paid and the law complied with and I'd be very interested to hear from the Minister on that respect.

Now I have one other matter to raise. This was mentioned about a month ago in committee, when one of the labour people who are appearing to make representations on Bill 29 drew to the attention of the committee that there had been a change in the construction workers holiday pay -- administration I believe it was -- being handled in a different manner. I have here the public accounts that's been issued for this past year and in Vacation with Pay Act there were taken in \$871,344.90, and disbursements, or paid out were \$827,374.00. Roughly, this leaves \$47,000 that remained in the fund. Now I can understand the workers in question, they didn't all ask for their holiday pay at the same time during the year from the department, but I have a feeling that some of this money is not being claimed. Now under the old system as I understand it, the worker was issued a book and the employer was required to place stamps in this book and he had to buy the stamps from the Government of Manitoba, and he had to send the money in. But the point I'm making is, the worker knew that he had holiday pay money coming to him because he had a book and he could look in his book, he could tell right to the cent how much money he had coming in holiday pay for all of the year or the part of the year that he

(Mr. Johnston, cont'd)...worked. Now I think that with some of these fellows -- for one thing they don't know about this system if an employer hasn't brought it to their attention; others may have forgotten, or they may have moved, or they may have changed their job two or three times during the year. I would like the Minister to give us a short history on the administration of this fund and tell us how much money has been unclaimed, and what steps are being taken by the department to contact the rightful owners of the holiday pay.

MR. ARTHUR E. WRIGHT (Seven Oaks): Mr. Chairman, I would like to say a word or two on industrial safety. Will I be able to do that under another item or....

MR. CHAIRMAN: Go ahead.

MR. WRIGHT: Do you prefer me to say what I have to say now? Well, Mr. Chairman, I was listening to the Honourable Member for Portage with interest when he referred to accident prevention, and, of course, I can be excused for my intense interest I suppose along these lines because I work for a company who has one of the finest records in the nation for safety, particularly accident prevention. The place to start is to anticipate an accident before it happens, and I, like the Member from Portage la Prairie want to know whether inspectors go down into these excavations, or do we just merely write up the statistics later one. Each year we see, a considerable amount of the Department of Labour report devoted to fire prevention, and a lot of statistics about the cost of fire insurance, or the fire insurance record of different municipalities -- and this is good; but I often wonder whether it's because of the pressure of the fire underwriters or whether it's because this department doesn't really cost us any money, because I believe Ottawa bears the full brunt of it. I would like to see just as much emphasis placed in the report each year on accident prevention.

Some few years ago I was sent to the university evening classes by the Canadian National Railways to study accident prevention and you must give a lot more emphasis -- I think the Minister should -- to this matter of anticipating accidents. Now we have large construction works going on in the Greater Winnipeg area and it's well known in advance that his major sewer project is to be done -- it's usually announced in the paper. Surely the inspectors would make inspections down in the actual excavation itself and not wait to have it reported. I'm not saying this doesn't happen but I think the Minister should see that more emphasis is placed each year on accident prevention.

And on our trip yesterday -- I'd like to tell the House yesterday of something I saw at the Canadian National Railways. Before I left my place of employment there we had to discuss a matter which to me was of paramount importance in safety. The Canadian National Railways decided that they were going to bring in water tank cars that have been placed at various locations across the country for town water supplies. They wanted to completely clean them by sand blasting them and to renew them inside with a new paint material called epoxy. We could see in advance that this would be an extremely hazardous project because of the size of the -- the only method of escape would be at the top, a 14-inch manhole. A man could be trapped in there; during the spraying operations a fire could occur -- a fire by the way which could have been as disastrous as the one that happened in the tank car at the Weston Shops some few years ago, under which the Provincial Department of Labour had no jurisdiction. In fact they didn't even attend the hearings. I pointed it out but that's water under the bridge. But just to show you how important it is, Mr. Chairman, to look into these things in advance. On my visit to my place of employment yesterday I noticed that over in the grit blast plant these tanks have started to arrive, and not only did they see fit to cut an escape hole in one end of the tank, as we suggested, but at both ends. This expensive operation was done solely for the matter of safety, just so that no chance would be taken with a man's life. And I want to point out that is the place that you build a good safety record is in the matter of anticipation and the matter of inspecting before someone gets hurt, and not reporting it merely as a statistic after the damage is done.

MR. BAIZ LEY: Mr. Chairman, I have a few questions I would like to answer. The Honourable Member from Elmwood and I, I believe, are on all fours. I believe he realizes that it is the employees within a bargaining unit, not necessarily all union members, but all employees within the bargaining unit have the right to cast a vote. Is that right? -- (Interjection) -- Yes, we are in concert there but I wouldn't want him to think that we had differences there. That it is -- all employees within the bargaining unit have the right to cast a vote..

(Mr. Wright, cont'd)...

The Honourable Member from St. John's requested information on the seminar that was held. I have to tell him that there was no written record of the seminar. The leaders spoke from notes and discussions were on a very informal basis. However I will enquire to see if there is a summary of discussions that took place and if there is I'd be very happy to furnish him with a copy.

Now the report of accidents: I must say that here I have to agree with the Honourable the Leader of the New Democratic Party that the record this year is a little better. I'm not a statistician, I look at the graph and it scares me, and yet when I start playing with figures it would appear as though the accident record actually is a little better than previous years. It may be unfortunate that these projections are for a 10-month period and tend to confuse us but the reason for this was to meet the request of the honourable members of committee to have the information before them in plenty of time. This wouldn't be the case next year. We would have a full 12-month period for this consideration.

The Honourable Member from Portage la Prairie brings up the question of the construction worker who fell from the high building, this very unfortunate accident. I can't tell him whether prosecution was instituted in that case but I certainly will find out. I can do no more than repeat what I did before, that if unsafe procedures are found and orders for correction are issued, the job can be closed down pending completion of this corrective work and prosecutions may and do follow -- in fact there are prosecutions before the courts at the present time. And I as mentioned before there have been 900 inspections made last year and that in the 10-month period there were the two fatalities in the industry.

Now about the T. V. I think the Honourable Member from Portage has as much information as the other honourable members and as much information as I have myself. I related to him how the delay in compliance with the law was brought about in the hopes that differences of opinion within the industry itself could be cleared up. I have made an indication that we hope to bring about compliance with the law in the very near future.

He also stated that I did not answer the Honourable Member from Assiniboia in his question concerning federal employees. Surely the Honourable Member from Portage la Prairie doesn't expect the Manitoba Government to order the federal government in its labour practices. I don't think this is what he really means.

MR. JOHNSTON: Mr. Chairman, I may have unknowingly confused the Minister, but it's the contractor who bids a job to deliver parcels. He is not a civil servant; then the men working for him are the people we claim are working for substandard wages and long hours. They are not civil servants.

MR. BAIZLEY: That clears that up. Thank you.

MR. CHAIRMAN: Item 1, Administration passed .....

MR. RUSSELL PAULLEY (Leader of the New Democratic Party) (Radisson): Mr. Chairman, just before you leave the Administration I'd like to ask a question. Actually it deals with the labour relations division, but if I can ask it now under the Minister's salary, maybe we'll be able to pass the item on labour relations division. It deals, Mr. Chairman, with the question of The Labour Relations Act of the Province of Manitoba and an industrial enquiry under Section 39 of the Act into the matter of a complaint lodged with the Minister of Labour by the United Steel Workers of America on behalf of employees of the Canadian Brown Steel Tank Company Limited of Brandon. Now Mr. Justice Lindal looked into this matter and made certain recommendations to the Minister of Labour and recommended that the Attorney-General be asked to consider whether there's been a continuing violation of Section 14 (b) of The Labour Relations Act, among other questions. I would like to know from the Minister of Labour, or from the Attorney-General, how does this matter stand at the present time, because the report, Mr. Chairman, was submitted to the Minister of Labour on the 18th day of December in the year of our Lord 1962 -- a long, long time ago -- almost as long as it takes the Honourable Minister of Public Utilities to answer some of the questions from this side of the House. I do ask the Minister of Labour though if he can give us any information as to this particular case?

MR. BAIZLEY: Mr. Chairman, in answer to the Honourable Leader of the New Democratic Party, as he knows this case is before the court. There arose a problem, I was advised, in obtaining certain evidences where ministerial authorities had to be requested. These have been

(Mr. Baizley, cont'd)... granted and I have been advised now that the Crown prosecutor is arranging again for the case to come before the court.

MR. PAULLEY: I take it then, Mr. Chairman, all of the evidence that was required and not available previously has now been obtained, the matter is before the court, which of course rules out us discussing the matter in the House. I'm glad to know that at long last the evidence has been compiled and the matter is being proceeded with.

MR. JOHNSTON: Mr. Chairman, I don't believe the Minister answered my question, regarding vacation with pay. I have a subsequent question on that point if he could take them both. Perhaps he can answer this one now. Apparently construction workers cannot receive their vacation with pay until July. Why cannot this be taken out by a worker at any time of the year. A number of them are unemployed in the winter months and they would prefer to receive their vacation pay at that time.

MR. BAIZLEY: Mr. Chairman, in answering the honourable member's last question first, it is felt that to pay it at any time defeats the purpose of holiday pay and that vacations with pay -- they are notified at their last known address, employers are asked to contact the individuals or they are phoned. It is true there are a lot of workers who move around and some workers do not make application, but all possible steps are taken to reach the individual and inform him that his pay is available. -- (Interjection) -- They advertise, yes.

MR. JOHNSTON: I'd just like to inquire as to why the stamp method was done away with. I would think that the worker would be more conscious that he had money coming to him if he had to carry his own record around with him.

MR. WRIGHT: Mr. Chairman, is the Minister not going to say anything about the important subject of accident prevention? Or are we taking a step backward in this matter?

A few years ago under the late Trevor Davies, the department gave lectures at the university on accident prevention and I pointed out to the Minister there is nothing here about government policy in regard to it. We simply every year now are faced with graphs or statistics. Now I'm asking the question: does the government intend to take a new approach to this matter of accident prevention?

MR. BAIZLEY: Mr. Chairman, in answer to the last question, yes.

MR. NELSON SHOEMAKER (Gladstone): Mr. Chairman, on page 15 of the Budget and Economic Review 1964 under the heading "The Labour Resource," they point up that, and I quote: "It must now work to keep the labour force structurally mobile and efficient. The department is hence giving special attention to manpower training. We are examining future needs and requirements." And then they go on to say that they have recently appointed a Director of Research in the Labour Department and so on.

The other evening, Mr. Chairman, you heard me comment on an article in the Leader-Post, Regina, headed "The Brain Drain" in which I pointed up that according to this article in the year ending June 30, 1963 that no less than 1583 university students had left Canada for United States. That's one country only; there could have been three times that many leave for other places in the universe.

Now in light of this so-called "Brain Drain" I wonder if the efforts that have been made in examining the future needs and requirements is everything that is desired. I notice in today's Free Press under the heading "Students Plan Their Own Brain Drain" -- and this is from Glasgow -- "the students from the Glasgow University plan their own brain drain to Canada this summer." It goes on to point up that more than 200 of them will climb aboard two chartered planes in June bound for Canada from Glasgow University to seek summer employment in Canada. They go on to say that: "The Glasgow students who took part in the club's first venture last year were more than happy with their success here." And it goes on to say how much money they earned in Canada.

Now this is good, very good public relations, this shifting of the labour force from one country to another and the student plans for interchange -- what do they call it? -- interchange of students and so on is very good. But, are we directing them to train in the right fields of endeavour? I mean this is the whole point. Are we doing all that we can do in this regard?

Mr. Chairman, perhaps this should come under the Department of Education or part of it should, but surely in this connection that it is quite proper to talk about it under Labour. If it were not so then the Honourable the First Minister, in preparing his budget would not have

(Mr. Shoemaker, cont'd)... listed it under that heading. And in looking at the regulations under The Regulations Act in the Manitoba Gazette of September 28, 1963, it is apparent that they had just recently established loans for technological training, and strikes me that a great deal of discretion, once again, is left in the hands of the Minister concerned. Now in this particular department, of course they are referring here when they refer to the Minister, as the Minister of Education, but nevertheless it touches on the labour force, and the first item says "loans known as and entitled government loans for technological training are hereby established." So this sets it up, and it increases apparently the amount of the loan to \$500.00 unless the Minister approves a greater amount. And then Article No. 105 says "the Minister may determine the form in which the application for a loan shall be made, the security if any, which shall be required, and the person or persons who will be accepted as guarantors of the note." Now I didn't know that in order to make application for loan for this technological training, that it was mandatory that the applicant must have guarantors on the note. I wonder if my honourable friend could enlighten us on that particular subject?

Another matter that I suppose I could discuss under the Apprenticeship and Industrial Training Division, but I could ask it now and perhaps when my honourable friend gets down there he would have the answers. But I would like some explanation Mr. Chairman, as to why it is not permissible for an apprentice or a mechanic who has practised for 10 years, let's say -- an auto body mechanic, who has had 10 years' experience and one of the best in the province, why he cannot write an examination for an auto body repair trade or whatever it is? What's the reason for this? This seems to me to be a little ridiculous. I have a letter here and I hope I don't have to table it before I get a copy made but it comes from the Director of Apprenticeship and Industrial Training Division in answer to a chap from Neepawa who made application to write his examination. Now they go on to say that there may be provisions made in the next year or two. This is dated February 1964 -- February 1964 -- it says "there may be provisions made in the next year or two for us to accept applications for certification under The Tradesmen's Qualification Act but there is nothing definite on this as yet."

Now, Mr. Chairman, the Director I guess, in reviewing the progress that is made under the Department of Labour is making it pretty safe when he says well, probably in about two or three years hence we may come up with something in this regard but don't look for anything for the next couple of years. They go on to say that "it is unfortunate that you did not apply for apprenticeship when you first entered this trade. Had you applied at that time you would be completed by now." This man has had six years experience; he's done nothing else for the last six years but take apprenticeship in a shop and they say that if he had only let them know six years ago that he could now have written the exams by this time. Well, if he's able -- let him write the exams and if he fails, fine and dandy, and if he passes, fine and dandy. But for heaven's sakes let him write the exam, that's what I would think would only be logical.

Again from the letter, "It may still be possible for you to become apprenticed but if you do you will be required to attend for in-school training for a term of six weeks one year and four weeks the next year." Well this man is having it very difficult to get along now, he simply can't afford, he can't afford to take "in-school training" this year and four weeks again next year. He simply cannot afford -- he has quite a large family and he can't afford to cease working to accommodate the Department of Labour, because I'm satisfied and I'm sure that everyone else would be satisfied that if they would allow him to write the exams he would probably pass with flying colours.

Now there's one other matter of concern in the same regard, that is it does concern auto mechanics. Two or three or four chaps that I know in the town of Neepawa who are presently employed and have been employed for some years as auto mechanics, made application to write their inter-provincial trade examinations. One or two of them went over to Brandon, one or two more went over to Brandon and when they got there they were refused permission to write. They said there had been an error somewhere along the line and they wouldn't let them write. They said in regard to one chap that he was not allowed to write the paper on the grounds that he presently has his permanent provincial journeyman's certificate of qualification. He presently has that. What he wanted was an inter-provincial one so that if he went to Saskatchewan or Alberta or Ontario or Quebec, he could show it to his employer to be, and say there's my qualification. He can't get it; for some reason or other he can't get it. Now my honourable

(Mr. Shoemaker, cont'd). . . friend may say that the complication does not arise because of his position but is one that stems from the federal authorities in Ottawa. Mr. Chairman I don't care if it stems from Africa, or Australia or anywhere else Mr. Chairman. The point is that if it's wrong, let's correct it. Let this government bring pressure on whoever they have to correct a situation of this kind.

Now one more comment Mr. Chairman and this has to do with the fires that are reported here. The amount -- what page is this on -- can't find page -- here we are. On Page 41 of the Department of Labour annual report. "Origin of fires." The origin, well I didn't want to speak in particular about that, only it is interesting to note Mr. Chairman that 594 of the fires originating last year, the cause was attributed to smoking which is certainly far and above any other single factor. It's the next page that I was wanting to speak about in particular and that's on Page 43 -- fire losses, municipalities with estimated population of over 1,000, and I note here that in Neepawa -- and incidentally Mr. Chairman, Neepawa I think has consistently had one of the best fire records of any town in the Province of Manitoba, I'm sure of that. -- (Interjection) -- Mr. Chairman, my honourable friend from Lakeside says it's not as good as Portage la Prairie and I think it's better but I can't argue that point right now. Neepawa -- they're both good -- Neepawa is exceptionally good. But as my honourable friend knows, I happen to be a partner in the insurance business at Neepawa and I happen to know that in last year we paid out in our office over \$100,000 in losses -- not all fire losses mind you, not all fire losses -- but we paid out over \$100,000.00. That's a lot of hay; and it lists Neepawa here as \$1,500.00. It says that our fires apparently last year were listed to \$1,500.00 -- \$1,500 and some odd dollars, I might as well give you the exact figure, \$1,572.32 from four fires -- from four fires. Well we paid far more than that out for one fire and it seems to me that this is rather misleading. I know of one little house in the east end of town that cost us \$1,700, so I wonder just where they get the figures that are reported here Mr. Chairman.

MR. JOHNSTON: Mr. Chairman, I certainly don't like to take issue with the Minister on any of his points. He is doing quite well, but I don't quite understand the answer he gave me when he said that the construction workers; holiday pay is paid out in July. Is that what I understand? And when I enquired why, he said well it would defeat the purpose of the Act if it weren't. Now I don't know if I'm interpreting too broadly there or not, but surely you don't mean to tell me that the Department of Labour is encouraging the construction industry to practically close down for holidays in the middle of their busy season. The point I am trying to make here is if this is so, I think it is quite an archaic view that's taken of the holidays now. We have a trend going now for winter holidays. It's quite the thing. We have an industry going at Riding Mountain where they are encouraging people to take a winter holiday; and on the other hand, we have another department here that insists the construction workers only take their holidays in July. Now I presume the workers, the ones I know, will take their holiday money in July but they certainly won't go off the job. They'll stay there and work. The Minister shakes his head. Well the people I know don't stop work in July or they wouldn't have a job. They can't close down a job for holidays, the people I know.

I'm suggesting that this should be looked into and there should be a change made here, that if a person only has nine months' work -- and there are not too many construction laborers who work year around in our climate -- I'm suggesting that they take another look at this and change this, that if someone wants to take his holidays in the winter, let him take them in the winter. Why should they be forced to take it at one particular time of the year.

MR. CHAIRMAN: Item 2 passed.

MR. BAIZLEY: I think I should try and answer my honourable friend from Portage la Prairie. In the construction industry by agreement, they do take a week in the summertime, and I might also say that if, and this apparently is the considered opinion, that if they take holiday pay at any other time, why the money wouldn't be there for holidays. However, there is discretionary powers, as you suggest. If the individual is unemployed for a critical period of time he can make application to receive his pay.

MR. SHOEMAKER: I would like my honourable friend to answer the Member for Gladstone as well in regard to the apprenticeship.

MR. BAIZLEY: I would be happy to try and answer the Honourable Member for Gladstone. I must admit that he's gone back and forth, across and sideways and I will do the best I can for

(Mr. Baizley, cont'd)...him. The case that he mentioned, it is true that it would be the Tradesman's Qualification Act in the first instance that would help his friend. However, it is also true that all the necessary Boards under this Act have not yet been set up. We are in the process of doing that. When it comes to apprenticeship training, there are regulations in the apprenticeship trade that requires the individual to attend school for so many hours and so many classes. This is a trade regulation. If it will help my honourable friend, there are continuing studies on the apprenticeship problem and it's possible that changes will be made that may accommodate the type of individual that he is talking about. He mentioned a chap with a journeyman's license who was unable to write for an inter-provincial license. I would say that he and I will have a little conversation and get some of the background here, because usually there's two sides to the story and if he has a valid case, I would be prepared to help him of course.

MR. CHAIRMAN: Item 1 passed; Item 2 passed; Item 3 passed.

MR. CHERNIACK: Mr. Chairman, I indicated earlier that I found it most interesting to read the address given by the Honourable Minister yesterday and I stopped at one portion which appears on Page 1494 of Hansard of yesterday, dealing with the settlement of wage complaints, which he says took up much of the time and effort of the division. Then he reports the number of complaints and the amounts of money involved -- and then he makes a statement which I am bound to quote: "Naturally, it is not the department's desire or intention to prosecute for every violation. The department's efforts are conscientiously directed towards either an amicable settlement in the cases of wages, or immediate corrective action in the case of unsafe working conditions." However, where there is lack of co-operation or flagrant infraction it is necessary to prosecute and last year 46 employers were prosecuted on 93 different accounts."

Well Mr. Chairman, I just wonder about the justification for the department which is charged with administering a certain Act which he mentions here, "Employment Standards Act," "Fair Wage Act" saying that it is only natural in his department that it is not their desire or intention to prosecute every violation. Are there violations for which one does not prosecute? Are there violations in the Act which are not considered that they ought to be prosecuted; and if so, is that the state of our law that the Minister is not interested in seeing to it that the department does attend to these violations by prosecutions?

Mr. Chairman, one of the earliest things that a first year law student learns is that one of the important matters involved in punishment is that it shall be a deterrent to others, and if all these things are peacefully settled in little cubby holes in the private offices of the various offenders, or worse -- in the public offices of the Minister of Labour -- then what sort of a deterrent would it be to others who do not know that there is a penalty involved in violation? Now possibly the Minister wanted to appear that he was a nice fellow -- and frankly, I think he is, and he nods his head and agrees with me now that he wants it to appear that he is. Well I can assure him that I think he is a nice fellow, but that doesn't necessarily mean that he is an effective administrator of a department which naturally does not want to prosecute for every violation. And I say that Mr. Chairman, in the light of the question which was asked by my leader just a few moments ago, relating to a specific case which dragged and dragged, and the answer given by the Honourable Minister as I understood it, was that because of certain requirements it was necessary to obtain, I think he said ministerial approval, for the production, for the making aware of certain facts and I think he said that the matter is now being prepared to place in the courts. Now my honourable leader then said, "Oh then the matter is already in court," but I am not sure whether a complaint has actually been lodged or not. The Honourable Minister is nodding his head, so I assume that there has been an Information laid. Well I'm happy to hear that the wheels of administration have finally made it possible for this matter to come to trial a long time after the recommendation was made, and it occurs to me to wonder what Minister could have delayed giving the information which was so necessary and which made it so difficult to carry on a prosecution.

However, I am concerned at the moment about another wage complaint which found its way into the Department of Labour before the Minister found his way into the Department of Labour, and possibly before he ever thought in terms of finding his way into the Department of Labour. On April 18th, 1960, a certain gentleman left his place of employment at Tallman Gravel and Sand Supply Limited, and at that time calculated that he had been underpaid for overtime



(Mr. Cherniack, cont'd)...something in the nature of seventy dollars and some cents.

Now what happened in the Department of Labour is not something of which I am aware. I am certain, however, without having proof that the matter was considered in the Department of Labour, and it may be -- I don't see it in this report because it's much too recent, but maybe next year the report will contain a gleeful comment that this man collected his money because -- in case the Honourable Minister doesn't know it -- he did collect his money within the last ten days, not quite four years after he left his place of employment. I think I heard the Honourable Minister say, "Yes, through the courts."

That is an understatement, Mr. Chairman, because in the interval of the four years this matter of a claim of some seventy dollars went into the Magistrate's Court; from there went by way of stated case to the Court of Appeal, which then considered that the stated case was improperly brought before it and rejected it; and then it went to the Supreme Court of Canada, which considered it and ordered, or ruled that the Court of Appeal should deal with it and the Court of Appeal then dealt with it and sent it back to the magistrate for him to deal with it; and the magistrate delivered himself of a judgment which involved a fine of, I think it was \$150.00, and ordered that this man receive payment of some \$70.00.

One of the things apparently which the judgment also dealt with was the procedure under The Wages Recovery Act in the Magistrate's Court, and as I recall the Act, and I don't remember it that well as to speak with too much certainty, I think there is a limitation of a six month period that the court may go back to review. If you have a claim that's more than six months old you have to sue in Civil Courts for it, but you can go to the magistrate for six months. But apparently the six months is the six months immediately preceding the date of the laying of the Information, which seems to indicate that the moment the man is discharged or the moment his claim arises, he doesn't waste any time talking to the Department of Labour because if he did and five and a half months went by, he'd pretty well be out of Magistrate's Court completely. He apparently ought to go down and lay an Information and then maybe he ought to consult with the Department of Labour or a lawyer, or then deal in an attempt to make an amicable settlement, but at the same time to make sure that he doesn't lose out.

Now the Honourable Minister apparently thought that this matter should be cleared up in the court and it was cleared up in the court. I have no idea how much money was spent in terms of legal fees and disbursements to go up the chain to the Supreme Court of Canada and then down backwards, back to the Magistrate's Court, but it would be fairly stated that thousands of dollars were involved in establishing the fact that this man was entitled to his \$70.00; that in the end he will get his \$70.00, less a commission of some amount which the lawyer will charge him, and the lawyer involved no doubt will have the satisfaction of knowing that he was prepared to take this case all the way up and down again in the interests of justice and in the interests of a proper interpretation of the law. Mr. Chairman, I think that it was the Department of Labour that should have been prepared to review the law, to finance the cost involved in going up and down in order to find out what the law was. It was the law which was the responsibility of the department to administer and it was the law which apparently was inadequately clarified for the courts in order to involve this up and down again.

Now the defending company, it too must have spent thousands of dollars in this and ended up by having to pay \$70.00 to this man. It is of interest I think, Mr. Chairman, to comment that the claim of the defendant was that by using a bonus scheme which applied differently during the normal work day than it did during the overtime day, they were able to end up paying the worker exactly the same amount to the cent for both overtime pay and pay during the week. In other words, if I remember correctly, they were paying him 60 cents an hour plus a bonus of -- let us say 90 cents an hour, I'm not sure what the bonus was -- but then they said when the overtime hours came into play they paid him 90 cents an hour for the regular pay, which was time and a half, but they reduced his bonus by 30 cents an hour, and in the end he got the same amount of money. Apparently this case was such that the Department of Labour felt should be left to the courts and should be left to the enthusiasm of the complainant, who was looking for some \$70.00, to carry it through and to find out just what the law was. Now I believe that the law has been clarified, I am under the impression that the Department of Labour is now conducting these prosecutions.

Well then, what has the department done in terms of inspecting the payroll sheets of this

(Mr. Cherniack, cont'd)...particular company for the last four and more years in an attempt to ascertain how much is owing to all the other workers who may still be employed there? We must bear in mind, Mr. Chairman, it's all very well to shrug shoulders and say, "Well the courts are there; the law is there; the protection is there; let the man go ahead." No man will risk his job when he's not sure that he's entitled to get what he wants here. And then if he decides that he is entitled to get the protection of the Act, then he is sure that his job will be lost; he is sure that he will be out of work and have to be on the unemployment rolls until he can get a job again. No man therefore is prepared to proceed into court unless he has already quit his job, been fired, or prepared to risk martyring himself in the cause of the Department of Labour -- and I say that advisably because I think it's up to the department to be making these enquiries. But assuming he's prepared to do that, then he has to bankroll himself through a pretty substantial sum of money as may have been necessary in this case to which I referred.

So that having taken up some time of this committee, I come to repeat the final question: what inspections are being made, or have been made, in order to ascertain whether there have been other violations of a similar type in the same business, by the same employer, or in other cases? Because there may be many many there that have yet to come up and have yet to be clarified, and if the Minister says that naturally it is not the department's desire or intention to prosecute for every violation, then the Minister has to start looking for flagrant infractions or lack of co-operation. I don't know how necessary it is to look for co-operation in the enforcement of the law. The law is there; it should be obeyed. If it isn't obeyed, then that alone to me is lack of co-operation, but apparently not to the Minister.

So I would request the Minister to clarify for us what co-operation he is looking for; what lack of co-operation forces a prosecution -- and last year there were 46 employers prosecuted on 93 different counts. It made me think of yesterday, Mr. Chairman, when today I heard the Minister say to the Honourable Member for Elmwood, "I am on all fours with you." Two years ago a Minister of the Crown here made a similar statement to the same member for Elmwood, and what happened a few days ago was that the boom was attempted to be lowered upon him. So the fact that the Honourable Minister of Labour agrees wholeheartedly does not necessarily mean that next year there will be a great improvement in the situation which was claimed. I would, therefore, request the Minister to deal with this problem of inspections, the nature of them, and the responsibility of his department for protecting people whose rights have been offended against, or violated under the Acts which he enumerates; namely, The Employment Standards Act, The Fair Wage Act, The Vacations with Pay Act.

MR. CHAIRMAN: May I just take a moment to draw the attention of the members of the committee to the visitors in the Speaker's Gallery ahead. They are students from a school in Fort Frances in Ontario and they arrived too late to have the formal introduction, but I'm quite sure there's never been any group of students more welcome than you are this afternoon. When you come into this very beautiful building you hear the discussions going on where laws are being considered and made, and we hope it will be of great value to you in your future studies. And, as Madam Speaker would say -- and perhaps you're a little disappointed coming late girls because Madam Speaker is not presiding -- but as Madam Speaker would say to you if she was in the Chair, "Come back and visit us again."

MR. BAIZ LEY: Mr. Chairman, I will attempt to answer the Honourable Member for St. John's, and I must say I feel much like the fellow who was asked: "When did you quit beating your wife?" This is probably one of these uncomfortable situations -- he's well aware of that. I'm sure as you listen to him relate the problems of prosecutions, the courts and the necessary actions, that quite frequently in this area you are talking about small amounts; you're talking about people who haven't got the resources. We do our utmost to bring about amicable settlements, and I repeat, if there is flagrant violations then the individuals are prosecuted. Now it's recognized by those who handle wage recovery claims that there are some situations in which it is practically impossible to actually obtain the wages due an employee. Now these are cases such as bankruptcy and cases where employers disappear, or where there are no assets at all. Now even the courts find it rather difficult, Mr. Chairman, to recover the wages in these and similar circumstances.

MR. CHAIRMAN: Item 3 -- passed; Item 4 --

MR. CHERNIAK: Mr. Chairman, just a brief item. There was a recent report in the newspapers that there is an insufficiency of workers in the clothing industry. I wonder if the Honourable Minister would care to comment on whether the problem is lack of proper industrial training in that industry or lack of proper pay, and I want to suggest to him that the pay in the clothing industry is pretty well the pay under the minimum wage.

MR. RICHARD SEABORN (Wellington): I think this may be the appropriate place for me to set the record straight regarding a proud school in my constituency. I understand this was partially done but not entirely, and I might say it is not my intention to embarrass the Honourable Member for Logan for he did try to make amends, nevertheless the fact does remain that his argument involving the Winnipeg Technical Vocational High School is based I'm afraid on a great deal of error, but knowing him as I do, I'm sure he is as anxious as myself to set the whole record straight and put the true facts before us.

First of all, I think we should correct the impression that the Technical Vocational School is a dumping ground for all the misfits from the academic courses. Any student who desires to enroll at this school must complete and pass Grade IX first, the same as if he were enrolling at any other academic high school. It is important, too, to notice that the students are not sent to Tec Voc by other schools as the Honourable Member for Logan intimated, but they apply for any particular course the school may have to offer. Whether they are accepted or not depends on their scholastic record in Grade IX and their aptitude for the course they desire to take.

While it may not be of much consequence, I might mention that the school does not hold 1,800 students as the members were led to believe, but can only carry 1,500 even with the new addition. It is not true that the drop-out rate has been over 25 percent as the member for Logan maintained, but has ranged between 10 percent to 18 percent, and even here we must qualify our statement for, of these, more than half leave school to go directly to jobs for which they have been trained and therefore cannot be considered as drop-outs.

It was rather unfortunate that Tec Voc was referred to as an educational stop-gap because the facts reveal that many graduates are doing extremely well in university and at the new Institute of Technology. This, I believe, proves the practical value of the courses. At the present there are 1,358 enrolled at Tec Voc and of this number 46 percent are enrolled in industrial courses, not 40 percent as the member for Logan has told us.

The Tec Voc School is noted for its business education courses and this is due to the fact that the standards have steadily been increased. Ten years ago only 39 students were enrolled in the third year of the business education course, but in September, 1963, the third year enrollment was 245. This vast increase was a direct result of increased standards in the school and because of the excellent reputation enjoyed in good job placement.

Tec Voc is perfectly aware of the needs of this community, and bearing in mind that Greater Winnipeg is really not a heavy manufacturing area, has only included courses which will give a reasonable chance for employment for the graduates. Because of this sound policy, the school has an enviable record of graduate placement in good positions as I stated before.

I'm sure the Honourable Member for Logan really did not mean to leave the impression that Tec Voc was a school where children are sent as a last resort. Those are his words, but knowing him as I do, I feel they must have been said without considering the unfavorable light in which he placed this fine institution. I'm sure he knows too that there are a large number of students enrolled at Tec Voc who are in the top IQ brackets and are attending the school because it is the only school where they can find what they may want in the way of training.

The suggestion that the student body were in some strange manner cast-offs, the discards from other schools, really hurt everyone connected with this outstanding school. I have endeavoured to show that such is not the case, and any student who is fortunate enough to enroll in Tec Voc will obtain a fine academic education as well as skills. If they are accepted as students then they have the qualifications to enter any other high school in Winnipeg, and if this is the case, then it naturally follows that Tec Voc must have a teaching staff second to none in this great community and worthy of the confidence of every member in this House.

MR. CHAIRMAN: Item 4 -- passed; Item 5 --

MR. CAMPBELL: Mr. Chairman on Item 5, I've been waiting for this one because I believe that the questions that I have to ask belong properly under this heading, and it could follow

(Mr. Campbell, cont'd)... up the same matter that the Honourable Member for Portage la Prairie was dealing with.

Now I have an interest in this question because the legislation and the program was started a few years ago when my colleagues and I had the responsibility of government, and I have been paying considerable attention to its progress since. Like the Honourable Member for Portage la Prairie, I would like to get the Minister to tell us, and I believe he has not yet done so, what were the reasons for the change that was made from the stamp system to the present system, under which I understand that the employer has to go to a good bit of trouble in order to keep records with regard to the deductions for the vacations with pay. Those returns have to come over here to the building or to some central office and be processed, and then of course the money paid out as before.

Now my recollection is, and it's a long time since I've checked this matter, but my recollection is that in the beginning we started it with just a two percent deduction. That later was raised I believe to four. My recollection -- (Interjection) -- Pardon? That's right, because of the change from one week to two weeks. Also, my recollection is that we made a small nominal charge for the booklet as a sort of a service charge. I'd like to know what charge if any is made now that corresponds to that charge and what the amount is. Then I suppose that practically the same procedure is followed now as formerly, that the receipts are deposited in a bank and the payments made from there, but like the Honourable Member from Portage la Prairie, what I'm very interested in is what happens to the surplus, because there was a surplus in our time even and I notice from the Public Accounts that that surplus has now become very substantial. I'd like to know: Is all of this money in a trust fund and what is to be done with it?

I understood the Honourable Minister to say in reply to the Honourable Member for Portage la Prairie that every effort was made to find the person who is entitled to this money, but the amount of surplus appears to be very large, particularly in this past few years. I have before me some figures taken from recent years and we have one case here where the surplus appears to be more than \$200,000 in a given year. That's a pretty sizeable amount and I wonder if the arrangements that are made for keeping track of these people are as good as they should be.

I certainly am not alleging any untoward actions by either the employers or the employees or the government, but with such amounts of money involved I would think we should try to find a system that is more efficient than this one in getting the money to the proper sources, because after all this money belongs to the people for whom it was deducted. My belief would be that though there were some of these books that never turned up in our time too -- and I know that the arrangement wasn't perfect in that time, we had our troubles with it -- I know also that there was some surplus in those days, but at least it seems to me that it's much simpler for the workman, as the Honourable Member for Portage la Prairie mentioned, both to check the amounts to which he is entitled and then take his book in, and he is much more likely to do that than he is with the system that obtains at the present time. Now perhaps the Minister has some fuller information than he's given yet. I would be very glad to have these particular questions answered and, in addition, a report on the background of it to the extent that he is able to give it to us.

MR. BAIZ LEY: Mr. Chairman, in answer to the Honourable Member from Lakeside, I believe -- this is very sketchy on my part -- that the chief reason for going from the stamp system was the number of forgeries that they were being involved with at the time. In fact, the information I have is that Ontario is going to our system now. I'm sure the honourable member knows too that the moneys accumulated in surplus are held in trust for these people. I suppose it's much better to have the moneys in trust than it is to have someone else walking off with it. The note here tells me that the employers' right continues indefinitely, so that every effort is made to contact the employee and this money is held indefinitely for him.

MR. CAMPBELL: Would the Minister tell me now, or get me the information then as to what amount of money is in the trust fund?

MR. CHAIRMAN: Item 5 -- passed; Item 6 --

A MEMBER: No money on 6?

MR. ROBLIN: That's right, no money.

Mr. Chairman, by some odd coincidence we seem to have finished the estimates of the Department of Labour before 5:30. So gratified am I with this progress that I'm prepared to suggest that we suspend our labours until we come back here on April 6th, if that meets with approval and I believe that it does.

Just one or two words if I may. There are two rather bulky bills, the Forestry Bill and the pension Bill expected from the Printer very soon, and I propose to ask the Clerk of the House to mail them out to the members right away as soon as they come in, so they may have a chance to look at them during the recess rather than have to cope with two rather bulky bills when we come back, so those will be available for you.

The Chairman of the Committee on Private Bills asked me to mention that when the Private Bills Committee meets on the morning of Monday, April 6th, it will consider not only the matters referred to it by the resolution that my honourable friend the Member for Lakeside is connected with, but also the bill that is still in the committee. I think that's the one on the Foundation -- one of the Foundations. That bill will be considered and I'd like to give notice of that so that all my be informed.

I think that is all that I should advise the House of at this moment and if we are ready for this stage, I would move that we adjourn and that we fix the time of our next meeting as 2:30 on the afternoon of Monday, April 6th, so I'll move that as soon as the committee has reported.

MR. CAMPBELL: Mr. Chairman, before the committee rises, I would like to make a request of the government benches dealing with today's Hansard. Now we have found on other occasions that it was difficult, if not impossible, to get the Hansard until the House again met. Would the First Minister undertake to have arrangements made that today's Hansard would be available, say at the Clerk's office or some other place, because there are -- well I would prefer -- in some cases maybe the ones that would prefer to have it mailed would ask for that, but as far as I'm concerned, I would much prefer to have it available at the Clerk's office or at the caucus room because there were a couple of speeches that were delivered today -- not my own -- that I considered worth looking over in the meantime, and I'd like to be able to get today's Hansard before we meet again.

MR. ROBLIN: I suggest, Mr. Chairman, that we'd be glad to oblige my honourable friend and make copies available at the Clerk's office for those who wish them. They can be mailed, but I suggest, if there's no real objection to it, that we follow the suggestion and have copies available at the Clerk's office and distribute them later in the normal course when the House meets again.

MR. PAULLEY: Mr. Chairman, before you vacate your chair, the reason for the adjournment right now is because of the fact that we've gone through the estimates of the Department of Labour and so got rid of the Honourable Minister of Labour insofar as estimates are concerned. The reason that we're not going to meet next week is to allow the Provincial Treasurer, the First Minister, and I understand a few of his Cabinet members to journey to Ottawa to engage with the federal authorities to obtain a better deal for the Province of Manitoba insofar as Dominion-Provincial arrangements are concerned.

I wish to the Honourable the First Minister, and to those who are accompanying him down to Ottawa, every success in their ventures on behalf of the Province of Manitoba. I do trust that they will be successful and that we, having had to take a more or less enforced holiday next week, it will not be in vain and when the Honourable the First Minister returns back here a week from next Monday, that he will be able to announce to the House that we will have no sales tax in the Province of Manitoba and that his surplus will be tripled over what he estimated in the estimates that we're considering at the present time. Therefore, Mr. Chairman, I wish to the Provincial Treasurer and the Province of Manitoba every success in the negotiations with the federal administration.

MR. ROBLIN: Mr. Chairman, in the words of a famous fictional character, may I say "Barkis is willin'." But there are two sides to this particular discussion. I can't remember whether Barkis ever persuaded his young lady to accept his offer or not but this Barkis will certainly try to persuade the federal Ministers to accept our offers and suggestions in this

(Mr. Roblin, Cont'd.) . . . .

matter. I'm touched by the expression of confidence just given me by my honourable friend and it's a happy circumstance in which to part. I move the committee rise.

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

MR. LISSAMAN: Just before the committee rises, I wonder if I might make a statement in connection with a visit to the Fair. Those members who will be going, if you arrive in the morning, there will almost certainly be a noon luncheon at the Prince Edward Hotel. If you arrive after the lunch hour, why then I suggest you enquire as to the day's procedure at the office of the Winter Fair Building.

MR. CHAIRMAN: Call in the Speaker. Madam Speaker, the Committee of Supply has adopted certain resolutions, directed me to report the same and ask leave to sit again.

MR. W. G. MARTIN (St. Matthews): Madam Speaker, I beg to move, seconded by the Honourable Member for Brandon, that the Report of the Committee be received.

Madam Speaker presented the motion and after a voice vote declared the motion carried.

MR. ROBLIN: Madam Speaker, I beg to move, seconded by the Honourable Minister of Industry and Commerce, that the House do now adjourn and that we fix our next sitting at 2:30 on the afternoon of April 6th next.

Madam Speaker presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 Monday afternoon, April 6th, 1964.