

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Monday, May 6, 1968

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions
Reading and Receiving Petitions
Presenting Reports by Standing and Special Committees
Notices of Motion

Before I proceed, I would like to introduce to the House our special guests. In doing so, may I please direct the attention of the honourable members to the Speaker's Gallery and welcome the Senior Military Chaplains from several European countries, including Belgium, Germany, Great Britain, France, Italy, Norway, Portugal and the Netherlands. The group presently visiting Canada are from the Allied Air Force Chaplains' Consultive Committee holding its annual conference in Canada for the first time. I trust, Reverend Sirs, your visit to Manitoba and Canada will be a fruitful one. On behalf of all the Honourable Members of the Legislative Assembly, I welcome you to this historic Chamber today.

I should also like to introduce our younger guests today. We have 120 students of Grade 7 standing from the River Heights School. These students are under the direction of Mr. J. L. Brook and Mrs. Krentz. This school is located in the constituency of the Honourable the Minister of Industry and Commerce. On behalf of all the Honourable Members of the Legislative Assembly, I welcome you all here today.

Introduction of Bills.

HON. STEWART E. McLEAN, Q. C. (Provincial Secretary) (Dauphin): Mr. Speaker, with leave, I wonder if I might just say a word. Among the Chaplains who are visiting us today is one visitor from Norway who bears the distinguished name of Guttormson.

MR. SPEAKER: For the benefit of that honourable gentleman, Mr. Guttormson is from the constituency of St. George, a member of the House.

MR. DOUGLAS CAMPBELL (Lakeside): Mr. Speaker, I think we should say that we're glad to have him here anyway.

MR. SPEAKER: Introduction of Bills.

MR. DOUGLAS M. STANES (St. James) introduced Bill No. 86, an Act to establish The City of St. James-Assiniboia, to establish The St. James-Assiniboia School Division No. 2, and amend The St. James Charter.

MR. SAUL M. CHERNIACK, Q. C. (St. John's) introduced Bill No. 110, An Act to validate certain By-laws of The City of West Kildonan.

MR. M. E. McKELLAR (Souris-Lansdowne) introduced Bill No. 106, an Act respecting The Town of Souris.

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

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Mr. Speaker, I'd like to address a question to the Minister of Health. It had been my intention originally to move an adjournment of the House to discuss a matter of urgent public importance but I assumed that it would be turned down due to the fact that we're on health estimates, and it was only after the one-hour deadline passed that I found out we'd be going on bills.

My question to the Minister, Mr. Speaker, is what action is the Manitoba Government going to take with regard to the proposed increase in the Medicare or MMS fees and premiums. The people of Manitoba have been shocked at the news that has come forward of the major increase going through, following on a number of increases in the past plus the fact that there would be the possibility of charging back to people over a certain very low income amount. The government has been negotiating with the medical profession; the government introduced a Bill last year, which in my opinion has largely created this situation, and I would like to know from the Minister exactly what action the government is going to take.

HON. CHARLES H. WITNEY (Minister of Health) (Flin Flon): Mr. Speaker, the situation that has developed over the weekend, we have no official confirmation of it by a letter from either the MMA or the MMS, but when it comes it will be taken under consideration.

MR. MOLGAT: A supplementary question. Is it correct that the government has been in negotiation with the medical profession over this matter for some time?

MR. WITNEY: No, Mr. Speaker.

MR. MOLGAT: Mr. Speaker, no member of the front bench on the opposite side has been in any consultation with the medical profession?

MR. WITNEY: Mr. Speaker, as I mentioned some time ago, when the government decided that it would not join the Medicare plan for at least one year, we did advise the medical profession, the MMS and MMA, and they have been advised of that if that's the type of negotiation you're speaking of.

MR. LAURENT DESJARDINS (St. Boniface): Mr. Speaker, this is not what we are talking about and I'd like to ask the Minister a question. There is a report - a report in the newspaper saying that the Premier, Mr. Weir, has been negotiating with them this last week. Is that true or isn't it?

MR. DESJARDINS: -- (Interjection) -- Come on, it can't be such a secret.

MR. WITNEY: Well no, Mr. Speaker, there is no secret. The Premier has, since the announcement has been made, as I mentioned, has been consulting with the MMA and the MMS.

MR. DESJARDINS: That was exactly the question that was asked. And now a subsequent question. Did the Honourable the Minister

HON. STERLING R. LYON, Q. C. (Attorney-General): On a point of order, Mr. Speaker. -- (Interjection) -- On a point of order, one takes one's seat. Mr. Speaker, the question that was asked was the question of negotiation. My honourable friend the Minister of Health, I think, has clarified it by saying that there have been consultations. I believe the Leader of the Opposition said negotiations. If you'll check Hansard you'll find that out.

MR. DESJARDINS: Mr. Speaker, we won't play on words. Then has the . . what part has the Minister of Health played in this consultation, this latest consultation of the past week.

MR. SPEAKER: Orders of the Day.

MR. DESJARDINS: I have a question, Mr. Speaker, that I think is quite important and I would like to at least know if the Minister has refused to answer.

MR. WITNEY: Mr. Speaker, I have been aware of the consultations with the Premier and the MMA and the MMS.

MR. DESJARDINS: The question was has the Minister played any part in it.

MR. SPEAKER: Order, please. I wonder --

MR. DESJARDINS: Well, Mr. Speaker,

MR. SPEAKER: Order, please.

MR. DESJARDINS: This is the time for questions and I think I have the right to ask questions.

MR. SPEAKER: I'm about to give an opinion if I may. That opinion is this, that the Honourable the Minister of Health has answered the question insofar as the First Minister is consulting with the bodies mentioned. Would it not be well to wait for the First Minister in order that he might reply, in view of that reply that has been given by the Minister of Health, to conclude this discussion?

MR. DESJARDINS: Mr. Speaker, normally yes, but the First Minister is never in this House.

MR. SPEAKER: The Honourable the Provincial Treasurer.

HON. GURNEY EVANS (Provincial Treasurer) (Fort Rouge): Mr. Speaker, before the Orders of the Day, I'd like to lay on the table of the House a Return to an Order of the House No. 2 on the motion of the Honourable Member for Hamiota.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. HARRY J. ENNS (Minister of Agriculture)(Rockwood-Iberville): Mr. Speaker, if I may table with the House an Order for Return dated April 22, 1968, on the motion of the Honourable Member from Portage la Prairie.

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

MR. ELMAN GUTTORMSON (St. George): Mr. Speaker, I have a question to direct to the Minister of Health. Last November you were reported in the newspaper to have said that there would be no more burials in a private graveyard of the Portage Home for Mentally Defectives. Is it correct that there have been several burials since that time in the same graveyard?

MR. WITNEY: Mr. Speaker, I couldn't answer that question. There have been burials in the Portage la Prairie graveyard and the negotiations between the Portage la Prairie Hospital and the Town of Portage la Prairie were held up pending the town getting more land to expand their cemetery facilities, and once that is done there will be an agreement between the two bodies and all of the burials will take place in the Portage Cemetery.

MR. GUTTORMSON: Is it correct then that there have been some burials since the Minister made this statement?

MR. WITNEY: To my knowledge, I'd have to take that as notice, that particular part of the question.

MR. SPEAKER: The Honourable Leader of the New Democratic Party.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party) (Radisson): Mr. Speaker, I'd like to direct a question to the Honourable the Minister of Industry and Commerce. Can my honourable friend inform the House as to what negotiations, if any, have been undertaken by the Minister, as suggested in the House, between the federal authority and the Province of Manitoba respecting the situation of the transfer of personnel of Air Canada to Montreal.

HON. SIDNEY SPIVAK, Q. C. (Minister of Industry and Commerce) (River Heights): Mr. Speaker, the working committee met by way of -- did not meet, but they had a conference on a conference phone, and in turn the officials of the department were in eastern Canada. We have been given a report which would indicate some reason to believe that progress will be made. It is our intention as soon as sufficient information becomes available to us, sufficient information which we could convey to the liaison committee - that is with the permission of the working party - became available to us, to call a meeting of the working of the liaison committee of the Manitoba Air Policy Committee.

MR. PAULLEY: A subsequent question then, Mr. Speaker, if I may. Has not the Minister of Industry and Commerce -- is he not in possession of all of the documents and information that was available to his predecessor, the present Provincial Treasurer, respecting Air Canada, which at that time indicated, or at least the indications were to this House, that that was sufficient basis on which to carry on negotiations without further consideration.

MR. SPIVAK: Mr. Speaker, the word "negotiation" I think is misleading here. The working party was set up in November or October, if I'm correct, to ride herd on the Department of Transport and Air Canada to see that a review be made by Air Canada of its requirements, and that in fact a solution to the problem be arrived at either using Air Canada or some reasonable alternative consistent with the commitment of the Prime Minister at the time. I'm suggesting that there has in fact been some progress made, additional information that has been made available, and negotiations are taking place on the federal level. Now we've been made aware of some of them. We are sufficiently aware to believe that in fact it is reasonable that progress will be made successfully to the right conclusion. We're not in a position at this time to report this information to the liaison committee because it's still in the formative stage, but there have in fact been efforts put forward by the Federal Government which have been reported to the working party, which has given us information to believe that there is progress in this area.

MR. PAULLEY: Finally, if I may, Mr. Speaker, my honourable friend mentions "progress towards successful conclusions." Is he referring to successfully retaining the facilities of Air Canada as we have known them in Winnipeg, the Greater Winnipeg area, or successful conclusions insofar as the alternatives to Air Canada are concerned.

MR. SPIVAK: The alternative to Air Canada would be in jet capability, so it would be a successful conclusion to a jet capability in this area.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. EDWARD I. DOW (Turtle Mountain): Mr. Speaker, I'd like to direct a question to the acting Minister of Highways. Some two weeks ago the Souris River Water Commission forwarded a resolution to the Minister putting out the critical shortage of water supplies in the Souris River basin which is causing widespread concern and requesting the government to consider some immediate action to improve this situation. Would the Minister be prepared now to make some comment on that as to what the government is thinking of or what policy they may be going to do to eliminate this.

MR. ENNS: Mr. Speaker, I'll take that question under advisement.

MR. SPEAKER: The Honourable the Minister of Mines and Natural Resources.

MR. DONALD W. CRAIK (Minister of Mines and Natural Resources) (St. Vital): Mr. Speaker, before the Orders of the Day, I'd like to take this opportunity to pass on some information to the members of the Legislature with respect to the Fish Marketing Board which has been under discussion in the Legislature here earlier this year. On Friday last I received a telegram from the Federal Department of Trade and Commerce, and for purposes of record and the information of the members, I would like to take the opportunity to read the contents of it to you. And I quote: "The Prime Minister announces that the government will proceed with preparation of legislation to establish a joint Federal-Provincial Fresh Water Fish

(MR. CRAIK cont'd.) Marketing Authority. This action will be taken in close collaboration with the interested provincial governments and the Council of Northwest Territories. There will be consultation with these governments in the preparation of mutually consistent draft legislation for all Legislative Assemblies concerned. The proposed Authority will have power to act as the sole buyer of the catch and seller of fish and fish products in the designated area, which is expected to include Alberta, Saskatchewan, Manitoba, Northwest Territories and part of northwestern Ontario. The objective of the government is to establish the Authority in time to permit it to undertake marketing of the catch of the summer fishery of 1969.

"A commission under George H. McIvor, C.M.G., was appointed on July 9, 1965, to enquire into and report on the marketing problems of the fresh water fish industry in the provinces of Ontario, Manitoba, Saskatchewan, Alberta and the Northwest Territories. The commission recommended the establishment of a fresh water fish marketing board under federal legislation with powers to be sole buyer and seller of fresh water fish and fish products produced in Northwest Ontario, Manitoba, Saskatchewan, Alberta and the Northwest Territories, to control the handling, packing, processing and storage of the fish in order to obtain a prime quality product and to achieve orderly marketing.

"The commission's report was referred to the Federal-Provincial Prairie Fisheries Committee for examination of the economic feasibility of such a marketing board. Subsequently, the committee in its report to Ministers in April, 1967, concluded that a marketing board could be a feasible and an economically viable operation."

I would like to add further, Mr. Speaker, that we are very happy to have received this degree of confirmation of the Federal Government's participation. We have been working already with them, as I indicated at an earlier date, regarding the legislation, and enabling legislation will be required in the Province of Manitoba to fit in with the federal requirements.

I would also indicate that we have asked the fish trade to set up a five-man advisory board to meet with the provincial department on a regular basis to make sure that they are kept abreast of all developments. We have similarly asked the Manitoba Fishermen's Federation to set up a five-man advisory committee to make sure that they are kept well aware of all the developments which take place.

I think the conclusion that one can draw from this is that we are aiming at a target date for early 1969 for the establishment of a Fish Marketing Board.

MR. MOLGAT: Mr. Speaker, I'd like to thank the Minister for his statement and ask him a couple of questions on it. The committees he mentioned to be established by both the trade and the fishermen, have they already been established? What meetings have been held, and if not, when will the meetings be? Secondly, I've had some concern expressed to me by both fishermen and fish buyers regarding the practice of the supply of nets and advanced monies to fishermen by fish buyers, whether or not under the new structure this type of advance would be available to the fishermen.

MR. PAULLEY: Mr. Speaker, I wonder -- if I may pose one question too that the Minister might answer at the same time. Will the majority control of the marketing board be in the hands of the producers or the fishermen?

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I would like to ask the Minister one question. Why does he use the term "orderly marketing" when it's compulsory marketing?

MR. CRAIK: Mr. Speaker, I might answer some of these questions. First of all, with regards to the Honourable Leader of the Opposition's question, the letters have gone out to the fish industry and to the fishermen asking their concurrence in these five-man bodies, so as yet we have no recommendations as to the names on them. As a result, we've had no meetings with this particular group, the five-man group as yet. We have had meetings in the past, twice in the last few months with the fish industry, and the last one was the Fishermen's Federation, their annual meeting here in Winnipeg.

With regard to the supplies to the fishermen, there is no action being taken other than the regular action of supplies by the fish companies to the fishermen for this particular season. The fish companies in particular have been quite concerned about their future under the Fish Marketing Board and have expressed some concern about their actions until such time the Fish Marketing Board is in operation. We've given them every assurance that we will keep them posted as closely as possible on developments, which we intend to do.

As far as the make-up of the board is concerned, the appointments to the board will be made by the Federal Government. The actual make-up of it and the powers entrusted in the

(MR. CRAIK cont'd.) board are not yet clearly known.

MR. SIDNEY GREEN (Inkster): Mr. Speaker, I'd like to take this opportunity, if I may, to correct some figures which I gave out on Friday morning in the House. I found that on my feet I interchanged some figures and I'd like to take this first opportunity to correct some mistakes which I made. I indicated that a person who paid \$50.00 in sales tax would have an increase of \$5.00 with the one percent increase. That figure should be \$10.00, Mr. Speaker. A 20 percent increase in the sales tax would bring that to \$20.00 rather than \$10.00 -- to \$10.00 rather than \$5.00, and then of course I used some multiples of \$5.00 which should have been multiples of \$10.00. I did the same thing with a person paying \$75.00 in sales tax. I said that his tax would be \$8.00. Well of course it would be \$15.00 if there was a one percent increase, and that instead of the tax being increased to a 25 percent sales tax which I used, it would be a nine percent sales tax on the \$3,700 person and a lesser increase on the \$4,700 person. So, Mr. Speaker, I just note that those errors appeared in my address. I must have been thinking on my feet a little too quickly and I just take the opportunity in the House now to correct them.

MR. NELSON SHOEMAKER (Gladstone): Mr. Speaker, before the Orders of the Day are proceeded with, I would like to direct a question to my honourable friend the Minister of Industry and Commerce. Has there been a change in the policy of the government or the Manitoba Development Fund in respect to revealing the names of businesses, of persons or corporations that are doing business with the Fund?

MR. SPIVAK: Mr. Speaker, I've already made a statement in that connection.

MR. SHOEMAKER: Pardon? I didn't get the answer.

MR. SPIVAK: The government's policy has been enunciated. I've already made a statement in that connection in this House during this session.

MR. SHOEMAKER: Well, a supplementary question then. In consideration of the statement that the government has always had in respect to this, how does my honourable friend then account for the government itself, or the Manitoba Development Fund, listing the name of 31 firms on Page 117 of the Manitoba Business Journal for October-November, 1967, that are doing business with the corporation, or the Fund?

MR. SPIVAK: Mr. Speaker, I'll take that question as notice.

MR. PAULLEY: Mr. Speaker, I'd like to direct a question to the Honourable Leader of the House. A notation was made in the speech of His Honour given on March 7th that changes in the Manitoba Medical Services Insurance Act will be recommended for your consideration. My question to my honourable friend the House Leader - two-fold - first of all, does the government intend to follow out the announcement as contained within the Throne Speech of March 7th respecting the Manitoba Medical Insurance's Bill, and if so, when may the House be given the advantage of the changes that might be made?

MR. LYON: The question could more properly be directed to the Minister of Health, Mr. Speaker.

MR. WITNEY: The answer, Mr. Speaker, is yes, and the Bill is in the printer's hands now.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, my question is directed at the Honourable the Attorney-General. Could he tell the House whether or not a decision has been reached to have a municipal enquiry at Carberry, and if a decision has not been reached, could he tell us when this decision could be announced?

MR. LYON: Mr. Speaker, I've had no report from the law officers of the Crown on this matter.

MR. JOHNSTON: Mr. Speaker, I'd like to direct an allied or a similar question to the Honourable Minister of Municipal Affairs. Since the Honourable Minister has received a letter from one of the councillors at Carberry, has she asked any official of her department to enquire into or to check up on any alleged irregularities at Carberry?

HON. THELMA FORBES (Minister of Urban Development and Municipal Affairs): No, Mr. Speaker.

MR. GUTTORMSON: Mr. Speaker, I have a question I'd like to direct to the Minister of Industry and Commerce. Is it correct that the Information Services Branch has been negotiating to establish direct lines from their offices to all the radio stations in Metro Winnipeg?

MR. SPIVAK: Mr. Speaker, I'll take that question as notice.

MR. MOLGAT: I'd like to direct a question to the Minister of Health. On June 12, 1967, a news release from the Information Section indicated that the medical insurance directors had been named: a seven-man Board of Directors to run the Manitoba Medical Services Insurance Corporation with Dr. Tanner, Mr. James, Mr. Palk, Mr. Rideau, Mr. Beamish, Dr. McIntyre. Is this the body that is to negotiate with the Metro profession with regards to fees?

MR. LYON: Mr. Speaker, I rise on a point of order. I think that that is hardly a question for the Orders of the Day. There's no question of urgency there. The estimates of my honourable friend the Minister of Health are before the House at the present time. We'll be in committee tonight and I am sure he can elicit the information when we're in supply.

MR. MOLGAT: Mr. Speaker, I know of no rule whatever that covers anything that the Leader of the House has just said. It's a perfectly proper question to a Minister on a matter of extreme urgency, even if my honourable friend the Attorney-General doesn't think it is. The people of Manitoba do think it is and I think it's a proper question of the Minister.

MR. SPEAKER: I can only revert to my earlier opinion that I gave the Honourable member from St. Boniface. I appreciate the interest of the Honourable Leader of the Opposition, but I wonder if we could not attach that to the reply possibly of the First Minister that is anticipated, and also the fact that the Health estimates are before the House.

ORDERS OF THE DAY

MR. LYON: Orders for Return, Mr. Speaker, I believe are next. And then just while I'm on my feet, Sir, after the Orders for Return, I would ask you to call the proposed motion standing in my name at the top of Page 4, and thereafter, after debate is concluded on that matter, to revert back to Second Readings of Bills on Page 3.

MR. SPEAKER: Orders for Return. The Honourable Member for Gladstone.

MR. SHOEMAKER: Mr. Speaker, I beg to move, seconded by the Honourable Member for St. Boniface, that an Order for Return showing:

(1) The number of employees of the Public Information Branch of the Department of Industry & Commerce who were in the Chamber gallery during the 1968 session discussion of

(a) the Budget;

(b) the estimates of the Department of Industry & Commerce.

(2) The name and title of each of the persons under (a) and (b) above.

(3) The purpose of their being in the gallery.

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

MR. SPEAKER: The Honourable Member for Burrows.

MR. PETER FOX (Kildonan): Mr. Speaker, in the absence of the Member for Burrows, I beg to move, seconded by the Member for Logan, that an Order of the House do issue for a Return showing:

(1) Dates of automobile accident incidents on Provincial Road Nos. 382, 391 and 392 from the date of opening of the said Provincial Roads to date hereof.

(2) No. of persons injured in each accident.

(3) No. of persons fatally injured in each accident.

MR. SPEAKER presented the motion.

MR. McLEAN: Mr. Speaker, in indicating our acceptance of this Order, the information will have to be provided jointly by the Department of Highways and the Department of Public Utilities, and the answer will be subject to the provisions of The Highway Traffic Act with respect to confidentiality of reports.

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

MR. PAULLEY: Mr. Speaker, I beg to move, seconded by the Member for Ethelbert Plains, that an Order of the House do issue for a Return showing answers to the following questions Re Expropriation Number H71569.

(1) Date of expropriation.

(2) Date that the owner of the property was informed of the expropriation.

(3) The purpose of the expropriation.

(4) Whether the land in question is required for immediate or future requirements.

(5) Has the ownership of the property changed hands within the last six months.

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

MR. MOLGAT: Mr. Speaker, I beg to move, seconded by the Honourable the Member for Lakeside, that an Order of the House do issue for a Return showing the total amount

(MR. MOLGAT cont'd.) received by the Manitoba Government from the Government of Canada in each year since the inception of the Federal-Provincial Tax Rental Agreements, under the following headings:

- (1) Current revenue items
- (2) Capital items
- (3) Grandtotal

MR. SPEAKER presented the motion.

MR. EVANS: Mr. Speaker, I'm glad to accept this Order. I'd have to warn my honourable friends it will take some little time to compile; the accounts for 20 years will have to be analyzed. I will provide it as quickly as I can.

MR. MOLGAT: Mr. Speaker, is this information not calculated by the government every year in preparing its final budget?

MR. EVANS: No, Mr. Speaker.

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

MR. SPEAKER: The adjourned debate on the proposed motion of the Honourable the Attorney-General. The Honourable the Leader of the New Democratic Party.

MR. PAULLEY: Mr. Speaker, members of the House that have had the opportunity of being in here for a considerable number of years will recognize the resolution that we have before us as proposed by the Honourable the Attorney-General in his capacity as House Leader. The shocking part of the resolution to me is the early date on which we have received it at this session. Usually it takes a month and a half or a couple of months before we do receive this motion, or after the progress of the House has been such that it indicates that we may have a week or two before our deliberations are finished. Of course my honourable friend the Attorney-General in his capacity as House Leader I am sure thus far this session has had a rather embarrassing time, as indeed the rest of the members opposite have had, and I am sure that they would love to have the session completed as early as possible so that they could relax in the Spring breezes and lick their wounds.

You know one of the reasons that we are into the Spring season is because of the fact, I would suggest, that the government really didn't know how to face the Assembly this year in light of internal difficulties, internal strife and trials and tribulations, and postponed as long as they conceivably could the commencement of the session, the latest time I think - in at least the last 25 years that I've been able to find out - that a normal session of a House commenced, namely, March 7th. So I presume that the basic reason of course for the suggestion of my honourable friend is that we should get out of here as quickly as possible.

I was informed over the weekend that one of his colleagues, namely the Minister of Public Utilities or Public Works, the Honourable Member for Dauphin who is not here, took to the ozone by way of CKDM in Dauphin over the weekend and suggested that the Leader of the New Democratic Party was an obstacle in the process of democracy because I had taken the adjournment on the debate the other day on this motion that we're dealing with. And you know it was rather amusing, it was rather amusing to me, Mr. Speaker, when I was so informed and I'm sure - I'm sure that the people who are able to hear the radio at Dauphin were amused, as indeed my informant was amused that a Minister of the Crown of the present Government would make such a statement over the air. Of course, I must say - I must say that maybe it was a little surprise to them but we're rather used, here in this Assembly, to having the Ministers make irresponsible statements and it would be no surprise to me, or most of us in this House, to hear such gibberish coming from across the way.

The Honourable the Minister the Attorney-General the other day when he was introducing his motion - and I refer to Page 1584 of Hansard of May 3rd - said, "There may be well objection taken by members on all sides of the House to such matters as sitting on Saturdays or any changes in the 10:00 o'clock adjournment, and I want to make it clear at the outset it would be the intention of the government if submissions are made by members of the official opposition, the New Democratic Party or indeed the Member for Rhineland, to consider any reasonable amendments to the motion." Then he went on to say, "When I say amendments, I mean changes in the actual arrangements that we could agree to right in this House, for instance, if we agreed until supply was over that we would not sit on Friday nights or Saturdays, that we would not sit beyond 10:00 o'clock", and then he said a little further on, "We are not indicating the desire to hustle unduly the business of this House." A little further, "There is no intention on our part to suggest that these matters should not receive full consideration."

(MR. PAULLEY cont'd.)

I want to assure my honourable friends opposite that as far as the group I have the honour to lead, we have no objections either to facilitating the progress of the House, providing, however, we have ample opportunity and time to give full consideration to all of the matters before the House and which will be coming before the House, Mr. Speaker, as indicated in answer to a question of mine today by the Honourable the Minister of Health. One matter of extreme importance that we are going to be considering, I trust and hope, will be amendments to the Manitoba Medical Services Act. If my honourable friends opposite consider that we can deal with that matter hastily, I would suggest that they're flying a kite out on a limb because this is one of the most important matters facing Manitoba today, and any undue haste by government to curtail a full opportunity of all of the members of this House to give full consideration to the business of Manitoba, I'm sure would be detrimental to Manitoba.

But as I say, Mr. Speaker, this motion that we have before us is a rather historic one. I took the opportunity of looking over some of the journals of ten years or so ago. I looked at them over the weekend and I find that in 1953 that the Honourable Mr. Campbell, then the Leader of the House, moved two resolutions during the session of 1953 in respect of the speed-up sittings. The House at that time had been sitting from February 24th until April 1st when the then First Minister presented a resolution to provide for the curtailment of the Wednesday evening sittings if the committee was still in Committee of Supply at that particular time. That was done, and subsequent to that he moved on April 10th the same motion that we have before us at the present time, with the exception of reference to the 10:00 o'clock rule because at that time the 10:00 o'clock rule was not in force, and as I say, he moved a second resolution on April 10th removing all restrictions and the House adjourned subsequently on April 18th.

Then in 1954, the House which started on February 2nd received the motion of speed-up on March 19th and finished its deliberations on March 25th. Then in 1955, after a February 1st start, Mr. Campbell introduced the resolution again on March 24th and the House finished its deliberations on March 31st. Then in 1956, the Honourable Mr. Campbell in his capacity as First Minister, the House having started on January 31st, Mr. Campbell moved on March 28th the resolution similar to what we have at the present time, but in that particular year the House carried on under the speed-up rules until April 23rd. So this indicates, Mr. Speaker, some of the other occasions in which this speed-up resolution has been introduced.

But I am particularly concerned with the approach taken by the government in 1953; namely, it was a double-barreled deal insofar as the speed-up resolution was concerned, and as I indicated earlier, there were really two motions.

When the House Leader was introducing his resolution the other day he suggested that he was open to compromise or open to amendments and suggestions, and suggested also that this be done after the main motion had passed in its present form. I might say I had considered, after due deliberations with members of our group, changing the motion just by some insertions and other additions but leaving the first part of the resolution intact, that is the part dealing with "for the remainder of the session" would still be part of the resolution. However, I want to give my honourable friends, Mr. Speaker, an opportunity to really accept a compromise which I think that would be really worthwhile and worthy of consideration. I don't want to tie their hands down irrevocably so that they can't change the resolution that I am going to propose to cover the balance of the session at the appropriate time. My honourable friend indicated that he really wasn't in a hurry to bring about complete speed-up but mainly was concerned, if I understood him right, with us to have the opportunity to meet each morning from 9:30 until 12:30; each afternoon from 2:30 until 5:30; and in the evenings from 8:00 until anytime, but with the understanding that generally it would be the 10:00 o'clock.

I want to tell my honourable friend that we have no objections at all to coming in and sitting in the mornings. We think at this stage in the game it would be all right. Certainly it could speed up the business of the House. I would say to my honourable friend we have no objections to each sitting being a separate sitting so that the process of Bills particularly could be more orderly and more rapidly proceeded with, but we do think, Mr. Speaker, the time is too early in the session, due to the lateness of the session being called by our honourable friends opposite, to agree entirely with the proposition of my honourable friends.

So I want to make what I think is a reasonable proposal, one I'm sure that in all fairness and in the spirit of fairness as exhibited by my honourable friend the Attorney-General and Leader of the House in his remarks the other day, will find acceptable. And what I am going

(MR. PAULLEY cont'd.) to do, Mr. Speaker, if I may, I would read out for your information first of all what the resolution would be worded like if my formal amendment was passed. I'll read the amended motion as it would appear if accepted first, and the, Sir, I will give you the details as to how to arrive at the motion that I'm suggesting. After my amendment has been proposed, and I trust accepted in the spirit of fairness as indicated by my honourable friend the House Leader, the motion would read: That until the Committee of Supply has completed its work under the present rule - that is of course the 80-hour rule - the House would have leave to sit in the forenoon from 9:30 until 12:30 p. m., in the afternoon from 2:30 to 5:30 p. m., and in the evening from 8:00 p. m. to 10:00 p. m., and each sitting would be a separate sitting, and would have leave to so sit from Monday to Friday, both days inclusive, and that the order for business for each day shall be the same as Thursday, except for Tuesday and Friday between the hour of 2:30 p. m. and 5:30 p. m. which shall be devoted to private members' business."

I make this suggestion, Mr. Speaker, because I think we can expedite the business of the House, that we can be reasonable in our approach, and also that the time allocated to the private members period would be retained. I think that it's too early now, particularly in view of the fact that we have I believe, Mr. Speaker, almost 20 private members' resolutions on the Order Paper at the present time, and I think that it's only fair and reasonable for members of the House to continue the time allocated for private members' resolutions. This certainly would give the government the opportunity of processing its Bills; we could come in and out of the House or Law Amendments Committee or other committees; the speed of the House would be facilitated but the rights of the private members would be retained for the hours that they have now, and I'm sure, as my honourable friend the -- (Interjection) -- my colleague from St. John's, Mr. Speaker, indicates that there are 35 resolutions on the Order Paper for private members' resolutions, so this indicates of course it would be manifestly unfair for the government to wipe out the private members periods at this time.

And I might say too, to my honourable friends opposite, Mr. Speaker, that the way this amendment would be worded, or is worded, would not prevent the government from bringing in a subsequent resolution after the expiration of the 80 hours to bring in the complete speed-up of dealing with the business of the House.

So therefore, Mr. Speaker, I beg to move, seconded by the Honourable Member for Ethelbert Plains, that the motion be amended by:

(1) deleting the words "for the remainder of the session" in the first line and substituting the following: "until the Committee of Supply has completed its work under the present rules."

(2) By inserting the following after the period in the third line, "To 10:00 o'clock p. m."

(3) By substituting the word "Friday" for the word "Saturday" in the fifth line.

(4) By deleting all the words between the second comma in the fifth line and the comma in the seventh line.

(5) By substituting the period at the end of the eighth line with a comma and by adding the following: "Except for Tuesday and Friday between 2:30 p. m. and 5:30 p. m. which shall be devoted to private members business."

MR. SPEAKER: Moved by the Honourable Leader of the New Democratic Party, seconded by the Honourable Member for Ethelbert Plains, that the motion be amended by:

(1) Deleting the words "for the remainder of the session" in the first line and substituting the following: "until the Committee of Supply has completed its work under the present rules."

(2) By inserting the following after the period in the third line: "To 10:00 o'clock p. m. . . ."

MR. PAULLEY: Mr. Speaker, may you permit me to interrupt. I'm very sorry, Sir, there's a different number of lines in the Order Paper that I have before us than that referred to in my actual resolution. I think possibly the House would understand what I have and make the necessary changes. The substance is still the same though, Mr. Speaker.

MR. SPEAKER:

(3) By substituting the word "Friday" for the word "Saturday" in the fifth line.

(4) By deleting all the words between the second comma in the fifth line and the comma in the seventh line.

(5) By substituting the period at the end of the eighth line with a comma and by adding the following: "except for Tuesday and Friday between 2:30 and 5:30 which shall be devoted to private members business."

The motion would then read: "That until Committee of Supply has completed its work

(MR. SPEAKER cont'd.) under the present rules the House have leave to sit in the forenoon from 9:30 a. m. until 12:30 p. m., in the afternoon from 2:30 to 5:30 p. m., and in the evening from 8:00 to 10:00 p. m., and that each sitting be a separate sitting, and have leave to sit from Monday to Friday, both days inclusive, and that the order for business for each day shall be the same as on Thursday, except for Tuesday and Friday between 2:30 and 5:30 p. m. which shall be devoted to private members' business. Are you ready for the question? The Honourable Member for Rhineland.

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

MR. LYON: I wonder if we could prevail upon the honourable member to make his contribution to this very important debate today. We have it each session and I'm sure he has his thoughts gathered to the point where he could express himself fluently on this point.

MR. FROESE: My motion is quite in order.

MR. LYON: Your motion is in order, but it is a question of whether it will pass.

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

MR. SPEAKER: Did I understand the Leader of the House say that we would go to second readings now.

MR. LYON: Yes, Mr. Speaker, on Page 2, the adjourned debates . . .

MR. SPEAKER: The adjourned debates on second readings. The proposed motion of the Honourable the Minister of Agriculture, Bill No. 40, and the proposed motion of the Honourable Member for Ethelbert Plains in amendment thereto. The Honourable the Minister of Agriculture. He doesn't appear to be present.

MR. LYON: Perhaps, Mr. Speaker, we could just agree to let that remain open for the time being and if he comes in shortly we'll have him call the -- I think the second, the same applies to Bill No. 9. Bill No. 53, the Honourable Member from St. Boniface is present.

MR. SPEAKER: Bill No. 9. The Honourable Member for Inkster.

MR. LYON: Hold that too, Mr. Speaker.

MR. SPEAKER: Bill No. 53. The Honourable Member for St. Boniface.

MR. DESJARDINS: Mr. Speaker, you know that I'm always willing to help and be . . . I say that I rise certainly not to oppose this Bill. I think it is a very good Bill; I think that the government and the Minister should be commended for introducing this Bill.

There is one thing that I'm a little afraid and I just want to bring it up to the Minister. I haven't the solution though and I think that he'll have to work that for himself. I see now that if the deceased hasn't a will, they have a list of the people that could sign, that could give permission to give eyes or an organ and so on. And they have a list, they have the children and then they have brothers and sisters. But it explains in there that all of them must be willing or that -- I should say that one can sign but it won't be valid unless they all are willing, and I'm a little afraid that we'll have complication in this. I think that maybe some over-zealous workers in the hospitals or doctors might induce or get one of the brothers or one of the family to sign and then later on another member of the family will resent this and it'll be too late. I don't know what -- the former Minister of Health is trying to give me a message I think, and I don't catch on at all.

I think that this is something that could cause trouble. I don't know if the Minister understands what I'm trying to say. At the moment, the Bill states that any one of the family, children or brothers and sisters, can give permission but then that that permission will not be valid if any others are against it. What I'm saying is that these things are not always discussed at time of death. One of the family, the first one approached might sign and then the hospitals will proceed in good faith and somebody else of the family will come in and say, "I didn't want this." I'm afraid of this. As I say, I haven't got the solution and I hope this can be worked out.

In fact, there is another suggestion that maybe the Minister can consider. I'm wondering if it would be possible to have some kind of a form left at the Admitting Office and that would be the procedure that whenever anybody is admitted that they are -- explain this or the next-of-kin is explained and they're asked to sign a form right then and there at the Admitting Office. I know that this is dangerous; I know that some people who are quite sick might resent having this brought up at this time, but I think that we have to educate the people in this field; it's something new. It will save lives and this is what I think that we're all in accordance with, the members of all the parties, to trying to do this without hurting people and do this as much

(MR. DESJARDINS cont'd.) as possible with an education. But only with these suggestions or remarks I would say that I certainly, and the members of this Party, will certainly support this Bill.

MR. CHERNIACK: Mr. Speaker, I'd like to move, seconded by the Honourable Member for Ethelbert Plains, that the debate be adjourned.

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

MR. SPEAKER: Second readings. Bill No. 28.

MR. LYON: Mr. Speaker, perhaps you would be good enough, Sir, to call again Bill No. 40.

MR. SPEAKER: Bill No. 40. The proposed motion of the Honourable Member for Ethelbert-Plains in amendment thereto. The Honourable the Minister of Agriculture.

MR. ENNS: Well, Mr. Speaker, at the last go around on Bill 40 the Honourable the Member from Ethelbert Plains had requested an adjournment or a delay in the Bill until the meeting that was taking place in Ottawa was concluded and the House be made aware of the conclusions of that meeting. I can indicate to the House that this meeting took place. All the Deputy Ministers of Agriculture were present with the exception of Newfoundland, I understand, the Canada Dairy Farmers' Association - if that is the correct name of their association - but anyway the National Dairy Farmers' group were present and a great deal of discussion was held on the matter of the future of the dairy industry in the country.

The consensus arrived at by the officials at that meeting was that every effort should be made to proceed with uniform legislation across the country so that provinces will be equal in their relative positions to what they can manufacture, what they can't manufacture, what dairy product is legal, and what dairy or mixture of dairy products is not permissible for sale. The net result of it is that I am still very confident, or more confident I should say, that the proposed amendments to The Dairy Act that are before you in Bill 40 are correct.

I would like to take this consideration -- or bring this consideration to the House. The dairy people, and certainly the members of the Winnipeg District Milk Producers Association, who I'm sure the members are aware of, have circulated a brief pointing out some of their areas of concern with regard to this brief. They feel that the one particular area that they are being put in an unfair position and that is to have all the onus placed on them to move governments to either prohibit the sale of a certain product that they feel is detrimental to the dairy industry, and that this is the danger, the big danger that they see in the amendment, that the amendment is too broad, too all-inclusive. It states that all things are legal unless so declared by Order-in-Council.

I should indicate to the House, and as I've indicated to the members of the dairy producers' group, that it would be my intention to so declare products that are presently deemed not in the interests of the dairy producers and the consumers that be on sale, to have them be so named immediately by Orders-in-Council that will be passed along with the passing of this legislation. I refer specifically to such items as filled milk, any other food substance other than a dairy product, of whatever origin and source, that is a semblance of milk or skim milk, dried skim milk, dried whole milk, cheese, chocolate milk, buttermilk or ice cream manufactured for human consumption, or manufactured wholly or in part of a fat or oil other than butterfat. In other words, there will be no erosion of the dairy producers' position from day one and day tomorrow as at the time these amendments become effective.

What will happen is that we will recognize the fact that we have a number of products which have found consumer acceptability on our market that our administrative people, staff people have particular difficulty living with as they relate to the present Act. By rights I suppose we should be clearing the shelves off of all such items as coffee whiteners or coffee-mates and these other types of products; we should be prohibiting the sale of two percent milk in all areas other than those three areas controlled by the Milk Control Board. I always -- or at least I feel that it places your staff or your administrative people in a very difficult position when they are asked to make judgment or indeed close their eyes to certain portions of a law. I don't think staff should be put in that kind of position. It's a different matter to have that kind of pressures exerted on the political people or the governments of the day to change laws to their liking, but I feel that in the area of staff administration there should be no question as to what they can do and what they cannot do. They should adhere strictly to the legislation under which they operate, and under the present dairy legislation this is most difficult if not impossible.

(MR. ENNS cont'd.)

I had my people make some specific further notes with particular respect to the brief that was circulated by the Winnipeg District Milk Producers' Association. We have asked the executive of this group, a very important group of dairy producers, to further consult with us in our offices. There is a great deal of concern on myself and the department that what we do with respect to these changes are by and large agreed to and in harmony with the milk producers, and it is our feeling that this is still the case. They express some reservations as to some of these particular items, but it is more of a case of anticipating attitudes that we may take or may not take, and I can only indicate to them that the milk producers in this province have and will continue to be well served not only by this government or any other government but also through the very capable administration of the Milk Control Board which by and large exercises a fair and judicious semblance of order within the dairy industry here in Manitoba.

I commend the Bill to the House, Mr. Speaker. I note just in closing here one of the overall concerns of the Winnipeg District Milk Producers' brief was - they stressed this point and I close with this point - that they are very concerned about having uniform legislation across this country in this matter. I have to echo those sentiments; this is precisely what we are trying to do. These amendments in Bill 40 would basically bring our dairy legislation in line with what is now the case in Ontario. The situation is somewhat different in B. C., but as I mentioned, the Deputy Ministers from the provinces have left that meeting in Ottawa and they drew up a joint statement recommending this type of legislation to their respective governments.

I won't attempt to state that the dairy producers are in complete agreement with this. They naturally would like to take a more reserved attitude or reserved position on the thought or the prospect of some of the different food products that are on the horizon.

We have brought in -- in our own legislation I'll be making this change in the committee, that we would attempt to, in order to ensure - you know - further guarantees, that we would take on some of the inspection duties, that is from the Manitoba department, but consulting our legal people, they feel that this is an area that has to be left within the federal hands; their food and drugs directorate has the jurisdiction in this area.

One other point -- the fourth point made in the brief asked whether the legislators have any knowledge of the nutritional value of these substitute dairy products. Again this information is available and is controlled by the food and drugs director of the Federal Government. I understand that the policy of the food and drugs director will be that any of these so-called imitation dairy products must have at least nutritional value to the dairy product if they are to be sold.

Mr. Speaker, I look forward to a reasonably good representation on this Bill from the dairy producers in the committee stage and I would ask the members to consider allowing this to proceed through second reading so that we can get it into committee and hear from the dairy producers themselves.

MR. SPEAKER: Are you ready for the question on the amendment?

MR. CAMPBELL: Mr. Speaker, I think the amendment could be voted on now as far as I am concerned but I would like to speak on the other motion later on. It seems to me that the purpose of the amendment has been pretty well taken care of in that not a meeting of the Ministers but a meeting of the Deputy Ministers has been held. I gather from what my honourable friend the Minister says that though this is not actually uniform, completely uniform legislation between all the provinces, it is uniform with Ontario and it is at least pretty close to being uniform with B. C., and perhaps sets the type of legislation that other provinces will be. So inasmuch as a meeting similar to the one that's been suggested by the amendment has been held, I have no objection to seeing that proceed, but I do expect to ask for an adjournment on the motion itself.

MR. MICHAEL KAWCHUK (Ethelbert Plains): Mr. Speaker, in view of the fact that this conference has already been held, I beg the consent of the House to have the amendment withdrawn amending the Bill No. 40.

MR. SPEAKER: Does the Honourable Member for Lakeside wish to make his motion now on the adjournment?

MR. CAMPBELL: Yes, Mr. Speaker, I would move, seconded by the Honourable Member for St. George, that the debate be adjourned.

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

MR. LYON: If you'd be good enough, Sir, to call Bill No. 9.

MR. SPEAKER: The proposed motion of the Honourable the Minister of Health. Bill No. 9. The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, the general nature of this Bill is not one that we can find opposition with in that it provides for the right of appeal where certain things are required to be done by certain administrative officers, and it also extends the protection that the community can have afforded to it in the event of communicable diseases and the possibility of them spreading.

There is one area, Mr. Speaker, that we would like to expand more fully at the committee stage of the reading of this Bill and I would like the Minister to perhaps direct some attention to it. In the new section of the Bill which extends the requirements that an individual can be required to submit to, the Act requires that someone submit to or obtain medical treatment, and of course it doesn't indicate specifically what treatment a person would have to obtain, and it also provides that if a person refuses to do this upon the prerequisites of the act being followed, that a person could be required by a Justice to submit to the treatment or to be kept in custody until he has complied with the administrative officer's requirements.

Now, Mr. Speaker, this is another Bill which society finds necessary for the protection of all to inhibit the rights of an individual, and certainly that is a principle which should be taken only after the most careful consideration of the individual's rights. What we are concerned with is that the evidence which a magistrate should have before him in deciding whether or not an individual shall be either required to be kept in custody or required to submit to medical examination should be possibly spelled out in greater detail than is presently the case in both the Act itself and in the amendment. And I'm specifically, Mr. Speaker, making reference to for instance what occurs with a person who is alleged to be mentally disturbed or to be suffering from mental illness. It seems to me that our present situation makes it perhaps too easy to have a person who is alleged to be suffering from such illness committed for treatment, and the present amendment says that all that is required is that the Justice be satisfied that the allegation set out in the information is true, that is, an allegation that a person is suffering from the type of disease referred to in the Act.

We think, Mr. Speaker, that consideration should be given to the question of requiring this satisfaction to be established on a more onerous degree of proof, such as possibly the degree of proof which is required in a criminal case whereby it is necessary to prove beyond a reasonable doubt that the facts alleged in the information are true, or at least, Mr. Speaker, it should be required that the allegation be supported by the evidence of more than one medical practitioner, or possibly a medical practitioner and another medical officer, who is also a medical practitioner, employed by an area designated by the province.

So, Mr. Speaker, while we agree that this type of legislation is necessary, we know that the government in passing it wants to preserve as far as is possible the right of the individual to be protected from arbitrary, or if not arbitrary, at least that they intend to provide, or should intend to provide an abundance of caution before a person does have their liberty taken away from him on the grounds of a disease, that we would ask the Minister to look at the section to see whether it can't more specifically specify that a high degree of proof is necessary before the very stringent requirements of the Act in terms of the liberty of the individual is concerned are able to be carried out.

Mr. Speaker, as I have indicated, it's not the type of legislation that we would oppose. We would like the Minister to deal with it so that we can discuss it further in committee. Thank you.

MR. LEMUEL HARRIS (Logan): Mr. Speaker, on this Bill I have something on general principles. On this -- an unsanitary building. It seems they're having a lot of trouble in the city with some of these buildings, as under the present by-laws of the city they can go 12 months before this place can be razed and it seems that that is too long. In many places nobody does anything to these buildings and there might be an older building among a lot of new homes and it takes from these homes, so it seems that we should cut the time down to at least half of what it is now, 12 months. That is the suggestion I have with regard to this Bill, Mr. Speaker.

MR. WITNEY: Mr. Speaker, I'll be closing the debate. I would just mention to the honourable member for Inkster, the point that he mentions will be taken under consideration and it can be discussed in committee. The communicable diseases that are listed in here are communicable diseases that are well recognized; they're under the World Health Organization.

(MR. WITNEY cont'd.) One of the problems is the ability to act fast. We have had within the past two years occasions where we have had to act rapidly on communicable diseases that have been transported into the area by aircraft from areas for instance that were endemic to smallpox, and while I can appreciate the point that he makes, I think the necessity of taking immediate action perhaps will cause some difficulties, but nevertheless the point will be drawn to the attention of the department and we can discuss it a little further when we get the Bill in committee.

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

MR. LYON presented Bill No. 28, an Act to amend The Devolution of Estates Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for St. John's.

MR. CHERNIACK: Mr. Speaker, I was sure that the Honourable Minister would want to explain this.

MR. LYON: It is a relatively non-controversial Bill and that's why I thought perhaps no explanation would be required. It really does two things. It brings up-to-date Section 21 of the Bill without any essential change in principles; and secondly, it provides authority for a personal representative who is vested with mines and minerals under the Act to lease the mines and minerals under certain conditions. The idea of the new section was approved in principle by the Law Reform Committee, although not the drafting of the Bill of course.

MR. CHERNIACK: Mr. Speaker, I reviewed the section which is being replaced by this Bill and I agree with the Honourable Minister that there seems to be little change in principle. I believe, however, that the practice in the Land Titles Office has not been quite as broad or as general as is suggested here, and that is why I was looking forward to an explanation of the manner in which this has been updated, to use the word of the Minister.

I'm not really clear as to what is actually being proposed and what problem arose that makes this necessary - and I'm dealing with the section which is being replaced. I do not recall that the Registrar-General has been prepared to adjudicate on issues which may appear contentious as is contemplated here, and therefore I'm really looking forward to more information at the committee stage - I certainly don't oppose this - and possibly if the Minister can favor us with the report from Law Amendments, or rather from his Law Reform Committee or have someone there to more fully explain the import of the change, I think it would be beneficial so that we have a fuller understanding of the proposals.

I also wonder if we could have an explanation as to why the Registrar-General has power to deal with the sale of property but does not have power to deal with the leasing of mineral rights, as would be indicated by this section dealing with that item. So I'm quite prepared of course to vote for this to go to Law Amendments but I do hope that the Honourable Minister can have that information available at committee.

MR. T.P. HILLHOUSE, Q.C. (Selkirk): Mr. Speaker, as far as I can see, Section 21 seems to be a more or less of a re-wording of the old Section 21 in the original Act. I can't see any material change there excepting that it may be a little more clear than the old Act was. Section 21(a), that is a new section, and I don't think there was any section in the old Act dealing with mineral rights. I too would like to have an explanation of the Minister similar to that requested by the Honourable Member from St. John's when he closes the debate.

MR. FROESE: Mr. Speaker, I move, seconded by the Honourable Member for Portage, that the debate be adjourned.

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

MR. SPEAKER: Bill No. 49. The Honourable Minister of Urban Development and Municipal Affairs.

MRS. FORBES: Mr. Speaker, the City of Winnipeg and the Metropolitan Corporation are presently holding some discussions with us concerning certain sections of this Bill, and so I would like to ask leave of the House to have the second reading of this Bill stand.

MR. SPEAKER: Bill No. 60. The Honourable the First Minister.

MR. LYON: In his absence, Mr. Speaker, could we have this matter stand?

MR. SPEAKER: Bill No. 61. The Honourable the Attorney-General.

MR. LYON presented Bill No. 61, an Act to amend The Election Act (1), for second reading.

MR. SPEAKER presented the motion.

MR. LYON: This is a case where any words of introduction by me at this stage would be rather surplus because this is a Bill that has emerged from a committee study of this Chamber and has been presented in all of its essential parts of the House before, but for the purpose of recapitulation, perhaps I could mention some of the highlights of the Bill.

It does away with the three months' residence requirements in an electoral division and makes it possible for an otherwise qualified elector to have his name placed on the list of voters in the electoral division in which he is then residing at the time of the issue of the writ. It provides for the appointment of a Deputy Chief Electoral Officer. It provides for certain changes in the provisions for enumeration of patients in extended care hospitals. It makes provision to permit Returning Officers to apply to a judge of the County Court or a magistrate for permission to add names of a number of voters residing in close proximity to one another when it has been found after the completion of the appeals that such a group has been inadvertently omitted from the voter's list. It makes provision for the use of the same type of ballot as is used in Federal elections. It changes the dates of revision to the second and third days before a nomination instead of the fourth and fifth days as now provided. It makes provision for the appeal to be held as soon as possible after completion of the revision of the list instead of immediately after nomination day. It permits a candidate to withdraw his nomination up to 24 hours after nomination in lieu of the 48 hours that are presently required. It provides for a moving poll, which is really giving legislative acknowledgement to a practice that has existed for some time. It provides the dates for the advanced polls to be set by the Chief Electoral Officer, and, wherever possible, one of these days shall be a Saturday. There are a large number of other items which I have not attempted to outline or to detail to members of the House because these matters have been dealt with before.

So in introducing this Bill, Mr. Speaker, I commend it to the House. It contains a number, although certainly not all of the amendments that were asked for by a committee of the House. It also contains some administrative changes that have been suggested by the Chief Electoral Officer and his staff, and by and large I think it will lead to a satisfactory updating of our provincial election laws in Manitoba.

I should mention as well that there are two companion Bills with this Act. One will be The Election Act (2); and the second one on the controversial Elections Act which by and large have the effect of removing the term "corrupt practice" from our terminology under The Elections Act and substituting for that term "election offence". So I merely give that as a forerunner of things to come, but these are all companion Bills.

MR. DOW: Mr. Speaker, I'm in agreement with the substance of the Bill, and the Attorney-General would clear the fact that this Bill is corresponding to the Federal Act and having some uniformity in elections. This has been a source of a certain amount of argument and a certain amount of differences of opinion between people running elections as to which act they're working under, and sometimes when they come close together it does bear some confusion. As far as I can follow there is some uniformity to it, and if it's as close as it can be, I'm satisfied.

There's just one clause, Mr. Speaker, or one page that - Page 27 - is the form of ballot marked with an "X", supposedly to hang in a polling booth. Now, this is a substitute from the one that had a name on it that had some controversy, as I read back, in previous elections and so on. I'm wondering, Mr. Speaker, if this could not be made a little more simple in respect to the fact that do we actually need a form ballot hanging in a polling booth with a certain mark on. I can see - I can see certain advantages or disadvantage, depending on whose name was in that third place, as to people walking in and taking a look - and they weren't too well informed, they weren't committed - and they each took a look and say, well by golly, that's the way the Returning Officer says to mark your ballot; mark it in the third place. So, by gee, that's the way it's done. So - (Interjection)-- no, they didn't. That's the way I didn't get there though in 1962 if you want to know. If that's what you want to know, in 1962 that's how I didn't get here.

So I'm wondering, Mr. Speaker, that could it not be framed in some way that it didn't show the form of a ballot, just a matter of direction that the ballot shall be marked with an X rather than this suggestion. I know that some years ago that a certain member was elected because of the name being there and so on, and while we say that our people are well informed, sometimes they're not. I wonder if the Attorney-General could -- I'm sure that he could get some type of a ballot there, or not even a ballot, just an ordinary piece of announcement that

(MR. DOW cont'd.)... the marking of the ballot to the candidate of their choice shall be with an X rather than put a form ballot up. If there happens to be three people running in an election, this is a good advantage. You know in the American elections, and even in Quebec, they go to the extent of trying to get people to run with comparable names so that it helps them out in marking a ballot. So I think it can be made easier if some consideration was given to this.

MR. CHERNIACK: Mr. Speaker, the Honourable Member for Turtle Mountain might also consider the fact that some people have names that start at the beginning of the alphabet like D or C, and they usually are at the top of the list. Possibly what he ought to recommend is what I think the City of Winnipeg still follows, and that is a rotating ballot; every next ballot has the second name at the beginning and keeps revolving. It's kind of expensive but that might be the solution to the problem he poses where the elimination itself of the X in the sample might still create further problems. And that's one of the points that I wanted to raise too, because there has been an occasion when the question of whether an X, a V or a (1) is what is required, and I think that that should be considered. I'll come back to that in a moment, Mr. Speaker.

I want only to agree with the Honourable the Minister who introduced the Bill who said it emerged from a committee. I would say it was almost dragged out of a committee because a committee sat between sessions - I believe it was - for quite some length of time and worked on the draft Bills, studied many briefs and speeches that were presented in this House, and came up with a draft of the Bill which then came to the Legislature and was sent back to committee for review and got stuck there. As I remember it, it was about midnight on a Friday evening towards the end of the session when, in my opinion, the then Premier realized in a huff that he wasn't going to get it through that quickly - and he probably knew more than anyone else that an election was in the offing - and he just saw to it that the committee did not report the Bill. That was a Bill that was left to die in committee.

So now we have a Bill -- actually I have given up last year expecting the government to bring a Bill in, as I thought they would, to bring it back and they didn't and that's why Your Honour may recall that I put in an Election Act. It's not unlike this because I used the same basis as this, and I did notify the Legislative Counsel that I did not want him to proceed with it if I had a letter from a Minister saying that this would come in, but since I didn't have it, it went forth and Your Honour saw fit to reject it.

So now we do have a Bill and we're able to deal with it. We will certainly deal with it, and we will also propose amendments to be made in line with certain rather important principles which we think should be adopted in 1968. I don't propose to make lengthy speeches about these points but I'll bring them to your attention and I can inform the House that I am in the process of preparing amendments for review by the Committee dealing with these items which I think, and which our Party thinks, are rather important.

One of them is to reduce the voting age from 21 to 18. This had been discussed here time and again, and as I recall it, the last time it was discussed by way of resolution the majority of this House expressed, I think, expressed support of the idea, but it was really put off, as I recall it, on the basis that it would be good to have it uniform with the Federal Act and that it might be well to wait so that when the Federal Act was brought down to 18 ours would be as well and then there would be no confusion. Of course by this time I think there are fully half the provinces have reduced the voting age below age 21, and I think that we should recognize in this province that our youth of Manitoba are every bit as alert and as politically conscious and as mature as they are elsewhere. And without comparing them with other provinces, I think that they have shown a maturity which justifies their being recognized as having the judgment required to exercise the franchise. It's been repeated again and again that young people of that age have all sorts of responsibilities - some offered to them, some thrust upon them - and this is one recognition of that that we think should be made and we will bring an amendment into committee to change the section involved to provide for voting age at age 18.

Another matter, and this is something that the Honourable Member for Turtle Mountain may have considered when he felt that there was uniformity involved in this Bill in relation to the Federal Act. Well there's a very important difference and one which I think has proven its value in the federal procedure, and that is the manner in which enumeration takes place, and actually deals with the appointment of the enumerators. Under the Federal Act, the two parties which at the previous election led the polls and came second at the polls are given the opportunity to appoint an enumerator for each poll, and the result is that when enumeration takes place, there are two people of two opposite political points of view whose responsibility it is to

(MR. CHERNIACK cont'd.)... cover the poll in the enumeration. That makes certain that, whether by design or whether by accident, people who might have been left out would now not be left out because of the two enumerators. They would be there to remind each other and to make certain that the entire poll is covered and all the names are acquired. --(Interjection)-- The Attorney-General says it doesn't work there either. I'm sorry that his experience would indicate that as being the case. I would say that in my experience it is a much better result that we get than when we send out one enumerator to cover a poll. We had, I recall in the 1963 session, all sorts of reports on whole areas - one I recall an apartment block left out completely; another, a street that was left out - and this way one can make sure that it is done properly.

A third item which we will bring into committee for amendment is the elimination of the deposit. We feel that the requirement to post \$200.00 is both discriminatory on one hand and an unnecessary irritation on the other. To a person who lends his name for nomination, to have a chance to be elected he is going to spend substantial sums of money in his campaign, and certainly will be firstly in need of all the money; secondly, will require more than \$200.00 to finance the campaign which he will conduct. But it should not be a level set which would in itself create a deterrent, and that deterrent shouldn't be the dollar bill as set at say \$200.00 as being the deterrent to keep irresponsible people from running. It happens very seldom that you have irresponsible running, that is people who are not nominated by a Party which intends to campaign vigorously, but when you have some independent person come along and offer his name, with no chance of election and with no serious attempt to campaign, that happens so seldom that the \$200.00 wouldn't make any difference either way. So that I do say to the extent it's there, the purpose which puts it there is in itself a discriminatory purpose as imposing a penalty, or in some way saying, "If you want to measure up to this you've got to put up the deposit," and we propose to eliminate the deposit.

Fourthly, we will propose in amendment at committee level that on the ballot there shall be the designation of the political Party which sponsored the individual, and in the event that he does not have sponsorship, then it would be independent would be shown. And that's the responsible way. I don't think that any person would hesitate to have clearly announced to the electorate the Party which sponsors him and the platform or the name of the Party whose platform he accepts as his own. When you realize that the residence qualification has been reduced, as was indicated by the Attorney-General, there are occasions when people will have moved in into the constituency and not had the opportunity or taken the trouble to make sure they know the name of the Party which they support, and that Party having its name on the ballot would assist such a person in making sure that he or she is voting for a person of the political Party he supports. I don't believe that any of the political parties would hesitate or should hesitate to have their nominee designated on the ballot clearly and definitely, and that in itself might take care of the problem raised by the Honourable Member for Turtle Mountain which may take place in Quebec, and which I think has taken place, where similarities of names were put in only to create confusion. Even Manitoba is not free of that. So that we would urge that there is a great deal of merit and certainly no disadvantage or harm done in giving that designation.

One might question the need for an occupation to be shown on the ballot, and yet what is proposed here is the name of the candidate, address and occupation. Why the occupation? That is only a designation, and surely the real designation is the name of the Party sponsoring him rather than that.

And finally, Mr. Speaker, we want to suggest that there are errors that take place in balloting which are obvious errors but which do not make it difficult to know for whom the person voted. We have had a number of occasions where the type of X that has been shown on the ballot became a V, because the person marking the ballot marked it a little lower and in the proper space there was a V. I think it's foolish to reject a ballot because it does not have a nicely marked X. As long as it is clear to the Returning Officer or the Court as to what that person wanted, and be it an X or be it a figure 1, or be it a slanted mark or be it a V, as long as it's in the space allocated for the one person that the voter supports, then that should be an acceptable form of marking of a ballot so that we don't have in a close election a person seated in this House and not be the person who was supported by the largest number of persons voting for him.

We also would like the committee to consider whether it's so essential that the marking of a ballot be with the pencil which is attached to a string in the poll itself. I don't recall that

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(MR CHERNLACK cont'd.)... the pencils are quite as bad as the ones which the Liquor Commission was accused of furnishing, but certainly people have a habit of taking out the pencil or the ballpoint pen that is in their pockets in order to mark the ballot, and it would be a pity in that case if the vote is lost because the pencil in the polling booth was not used. Of course it must be clear that there must be no mark on the ballot that would in any way identify the voter. That is the principle which of course must be accepted, but that principle applies to a ballot, even one in which that particular pencil is used, because there are other ways that one can mark a ballot so as to follow identification. If somebody came along with a purple ballpoint, I think one can say that that would be damaging, harmful, identifiable. So that we will propose, and propose for consideration really, the question of how a ballot should be marked in order not to identify the voter, but not to defeat his ballot because it does not comply with the rigid requirements in this Bill.

There are other comparatively minor matters which we would like the committee to study, but the major ones I've already dealt with and we will of course support the Bill as being an improvement over what now exists, but we hope that we will persuade the committee and the Legislature that the additional matters which I've already mentioned will be even further improvements.

MR. SPEAKER: Are you ready for the question?

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

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

.... continued on next page.

MR. SPEAKER: Bill No. 62. The Honourable Minister of Urban Development and Municipal Affairs.

MRS. FORBES presented Bill No. 62, an Act to amend The Metropolitan Winnipeg Act, for second reading.

MR. SPEAKER: Are you ready for the question?

MRS. FORBES: Mr. Speaker, in the amendments which are proposed in this bill, there are several principles involved and I shall try to go over them, and I would suggest to the honourable members that certainly when we come to Law Amendments they will have a chance to discuss these in full.

The Metropolitan Corporation, as you know, Mr. Speaker, has had the power to hold, sell or lease lands or any of its interests which are no longer required, but the new proposal here attempts to spell out more clearly how it may hold or lease or sell or exchange any of its buildings or personal property that it no longer requires for its own purposes, and also the manner in which it may carry out this lease or transfer. This proposal will extend to the Metropolitan Corporation of Greater Winnipeg the same authorities in acquiring and disposing of real and personal property as is already provided by the City of Winnipeg in its Winnipeg Charter.

In another portion of the Act, Mr. Speaker, when the Metropolitan Corporation is about to acquire land for any of its purposes, it is allowed to acquire a quantity greater than it requires and dispose of the excess. The wording of this portion of the Act, we are proposing to alter so that it would authorize the Corporation to acquire land greater than the amount required if, by so doing, after disposing of the excess portion, the net price is more advantageous to the Corporation than it would otherwise be; in other words, Mr. Speaker, if by buying a larger parcel of land and disposing of the excess portion, the net price of the required portion would be obtained at a lower net price.

In one other portion of the Act, the amendment would attempt to make it clear that in cases of expropriation the Expropriation Act applies to the Metropolitan Corporation except where it is inconsistent with the procedure set forth in the Metropolitan (Winnipeg) Act. The amendment attempts to make it clear that for the purposes of expropriation the Metropolitan Corporation is deemed to be a municipality under Part 2 of The Expropriation Act.

We are also attempting, where Metropolitan Winnipeg is acquiring land and a plan is not always prepared, as the Act is now worded it requires that the description of the land be contained within a plan, and we are attempting here to suggest that the word "plan" be changed to read "by-law" because it's more costly to prepare a plan in each case and a plan is not always there. Therefore, we think that by "by-law" the same purpose may be achieved.

In another portion of the bill - as you know, the Metropolitan Corporation may by resolution of council make grants of money, and this proposed subsection here would make it clear that the Metropolitan Corporation may make grants not only to hospitals to be constructed, but also to hospitals that are to be renovated or improved. It actually clarifies the power of the Corporation to make grants for renovation or improvement of hospitals.

A proposed amendment here in the bill would attempt to tell us the method required for the calling of tenders. The present provisions provide that the Corporation prescribe the terms and conditions with respect to calling for submission of and all matters relating to tenders. It's almost impossible to enact a general by-law, Mr. Speaker, for this purpose and consequently it's necessary to provide separate by-laws for the calling of each individual tender. Because of the variations in the various tenders called for, it's felt that a by-law in each instance is not necessary but that the Corporation should have authority to prescribe the terms and conditions with respect to each tender, without the necessity of embodying these terms and conditions in a by-law.

We have a provision, an amendment which is attempting to clarify the procedure the council will follow where it fails to elect a Chairman. We are attempting here to make it clear that where the members of the Metropolitan Council are unable at their first meeting to elect a Chairman, that the presiding officer, who has been elected by the members of council, may adjourn the meeting to the next day following, if that day isn't a holiday, and if the Chairman is not elected then, the presiding officer shall report this to the Minister and the Lieutenant-Governor shall thereupon appoint a suitable person to be Chairman of Council. As it is now, Mr. Speaker, there is no procedure spelled out in the Metropolitan Winnipeg Act and no one is responsible to inform us if the council has failed to elect a Chairman. Now we are hoping that

(MRS. FORBES cont'd.) it's clearly stated that the presiding officer is the person who is responsible. We are adding a new subsection here which would provide that where the Lieutenant-Governor-in-Council is required to appoint a Chairman, the presiding officer, who has been elected, shall preside at all the meetings of the council and he shall exercise all the powers and duties and responsibilities of the Chairman of the Council until the Lieutenant-Governor appoints a suitable person for Chairman. Mr. Speaker, this proposed amendment will provide for continuity of the council in the event that council cannot agree upon a Chairman.

We are also attempting to make clear in the Act that the term of office of each member of the Metropolitan Council shall expire on the first Tuesday in November following the declaration of the Metropolitan Returning Officer of the results of the election of members of the next council. Actually the insertion of the words "in November" simply spells out the month. As it is written now, it says, "the first Tuesday following."

In the next proposal here, Mr. Speaker, you will note that there is a mistake in printing on Page 3 of our bill, at the top of the page where it says, "Each member of Council shall be paid remuneration from the funds of the Corporation as follows:" We would like to -- it says Section B; we would like to correct that and call it Section A, and it should read: "In the case of the Chairman such amount not exceeding \$12,000 per year." That's a mistake in printing just.

There is no change proposed here, Mr. Speaker, in the salary of the Chairman. The Metropolitan Winnipeg Act now reads that the Chairman shall receive \$12,000 per year. In the case of each member of council, that member is paid an indemnity of \$2,400 per annum and an allowance for expenses incidental to the discharge of his duties as member of council of \$1,200.00. Now we are proposing here an amendment which would read that "in the case of the Chairman such an amount not exceeding \$12,000 per annum, and in the case of each member of council a remuneration amount not exceeding \$4,800 per annum, one-third of which shall be deemed to be an allowance for expenses incidental to the discharge of his duties as member of council."

Mr. Speaker, you will recall last year that we agreed that if an area municipality was not holding a vote to elect someone to its council, and the Metropolitan Corporation was holding a vote to elect someone to the Metropolitan Council, that Metro should have to pay the cost of election. However, the area municipality, although it may not be electing a member to its council, it may be requiring a vote for another purpose; for example, a referendum; and if it is so doing, the Metropolitan Corporation should not have to pay the cost and we have attempted to spell this out in the bill.

We are adding a new subsection, Mr. Speaker, here which spells out clearly that no person is eligible to be nominated in more than one Metropolitan division for election as a member of the Metropolitan Council.

Mr. Speaker, we have another subsection to propose here which would make it clear that the Metropolitan Corporation may invest monies of the Corporation, not only in the securities of or guaranteed by the Government of Canada or by the Province of Manitoba, but also the securities of or guaranteed by the Government of the United States of America. In other words, this will allow the Corporation to invest in securities of or guaranteed by the Government of the United States.

In the proposed bill too, Mr. Speaker, we are attempting to make clear that any person who is dissatisfied with a decision of the Metropolitan Board of Revision on assessment made in an area municipality, may appeal therefrom respecting the amount at which the property is assessed, or the classification of the property for business purposes, to the Municipal Board. In other words, the classification of property is not a question of law but it's a question of fact. The Courts have told us that the question of fact and an appeal from it should be made to the Municipal Board, whereas anything respecting the liability of property - which is a matter of law - should be made to the Court of the Queen's Bench. The only time that an appeal could be made to the Court of the Queen's Bench then, is on the question of the liability of taxation. So we are attempting here, Mr. Speaker, to spell out clearly those things that are matters of fact which must go to the Municipal Board, and matters with respect to liability of property, to assessment and taxation, that these must go to the Court of the Queen's Bench if an appeal is asked for.

We are also suggesting that Section 83A which makes Section 31 of The Planning Act applicable to the planning scheme and zoning by-laws of the Metropolitan Corporation, that this

(MRS. FORBES cont'd.) wording be struck out because the reference is not required. This reference in subsection (4) sets out the manner in which appeals may be lodged against planning schemes and zoning by-laws enacted by the Metropolitan Council. So we are really not changing anything; it's merely tidying up the Act here so far as The Metropolitan Corporation Act and The Planning Act are concerned.

The Metropolitan Winnipeg Act provides that the Metropolitan Corporation is the sole planning authority in the Metropolitan area and the additional zones. The Corporation has prepared a development plan which is a statement of their policies and objectives, and the Metropolitan Corporation, in implementing the policies of its plan, will be doing so by passing land use control by-laws. We are attempting here to clarify the powers of the Corporation to make by-laws in all or any parts of the Metropolitan area or the additional zone, for the purpose of implementing the Metropolitan Development Plan.

We are also suggesting an amendment which would make it abundantly clear that the procedures which deal with planning do not apply to by-laws with respect to building restrictions and standards. I think this is one that attempts to spell out very clearly that the procedure that you follow respecting building restrictions and standards, with respect to permits and inspections, do not apply to the Metropolitan plan and we are attempting to make this abundantly clear in the amendment that is suggested here.

There is a new subsection, Mr. Speaker, in the bill which spells out that the development procedure -- oh, I'm still on the same one, I'm sorry; that this development procedure does not apply to building restrictions and standards, is the one I just finished.

The Metropolitan Development Plan, as we mentioned, must be implemented by land use by-laws. You cannot change land use except under a land use by-law, and this subsection here makes it abundantly clear that the Corporation shall not pass a by-law that would have the effect of changing the land use in the additional zone unless the council or the municipality in which the land is situated has by resolution consented to the change. Now this would permit the Metropolitan Corporation to adopt the Metropolitan Development Plan and pass the necessary by-laws for land use control in the additional zone. All by-laws altering the land use in conformity with the development plan are, of course, Mr. Speaker, subject to an appeal to the Municipal Board.

We are suggesting an amendment here which explains the powers of the Board of Adjustments of the Metropolitan Corporation, the powers they have to deal with appeals from the designated officer of the Metropolitan Council respecting the installation of any private work on Metropolitan streets.

Another amendment in the Act, Mr. Speaker, would be a new subsection which would grant to the Corporation authority to lease land acquired for highway purposes but which are not immediately required for the construction of a highway until such time as the Corporation requires the land for purposes of constructing that highway, and the Corporation shall be deemed always to have had the powers granted under this subsection.

We are also attempting to clarify subsections of Section 678 of The Winnipeg Charter that do not apply to the Metropolitan Corporation. These clauses, Mr. Speaker, refer to Winnipeg's right to impose taxes for private works such as crossings, openings and so on into streets for the use or the benefit of an owner or an occupant of the adjoining property. Now the Metropolitan Corporation does not levy taxes, and so therefore these sections should not be made applicable to the Metropolitan Corporation.

We have one section, Mr. Speaker, which attempts to provide for us the procedural way which the corporation could control the placing of private works on Metropolitan streets, and they are new subsections which say that the Corporation may prohibit or control the placing or construction or installation of any private works, that the Corporation may by by-law delegate its powers to an officer designated in the by-law who shall exercise his discretion in accordance with any by-laws of the Corporation, and that the Board of Adjustments shall hear and determine appeals from any person from any decision of the officer who has been so designated.

I'm sure, Mr. Speaker, you'll find that there are several principles involved here and it does take a fair amount of time to go over them.

Prior to the enactment of the new Highway Traffic Act, Mr. Speaker, the Metropolitan Council had authority to make rules by resolution rather than by by-law respecting the erection of any stop signs or yield signs for the establishment of loading zones and bus stops. Now, the amendment here would have the effect of permitting the Corporation to continue to act by

(MRS. FORBES cont'd.) resolution rather than by by-law.

As it is now, the Corporation in expropriating land for new highway construction, must have, along with a title to that land, a plan provided and we are suggesting here that we'll strike out the word "plan", as I suggested in a further amendment here, and substitute the word "by-law" so that the description of the land acquired could be contained in a by-law, because in many instances a plan is not prepared.

We are suggesting for consideration in another portion, Mr. Speaker, than an amendment be given approval that would permit the Metropolitan Council to include in its estimates for the current year, the estimated operating deficit of its transit operations for the year, and to levy those charges on the area municipalities in the year in which the transit deficit would occur. The present provisions, Mr. Speaker, requires the Corporation to include in its estimates for the current year the amount of the actual deficit incurred in the transit operations for the previous year. Now this requires the Corporation to borrow, to finance the transit deficit for approximately a year, and in this way the Corporation incurs additional interest charges which could be avoided if the estimated deficit each year were included in the estimates of the current year, and we are suggesting that for the approval of the honourable members.

There is a suggestion in an amendment here that would make it clear that the Metropolitan Council may permit any lawful activity in its parks and fix the rate and charges for this activity and for any service or facility operating on any day, including Sunday.

Mr. Speaker, another portion of the Act attempts to clarify the powers and the authority of the Corporation in the procedures involved in Civil Defense. You will remember that under Section 178, the duties and responsibilities of the Metropolitan Civil Defense Board were transferred to the Metropolitan Corporation. Subsequently, the Metropolitan Civil Defense Act was repealed, and it is deemed desirable to amend the Metropolitan Winnipeg Act so as to spell out more clearly the powers of the Metropolitan Corporation in matters of emergency measures. This amendment also would provide that the Corporation will be deemed to have had on, from and after the 1st day of April 1961, the powers and the authority that are set out in these subsections.

Lastly, Mr. Speaker, we have an amendment which would -- well, the amendment as it stands, says that the Metropolitan Council may by by-law delegate to its solicitor for the Corporation or any other employee of the Corporation, the authority to settle any claim that is made against the Corporation by authorizing payment of an amount not exceeding \$500.00. We are requesting that this amount be changed so that they may be authorized to settle any amount not exceeding \$1,000.00.

Mr. Speaker, these are the proposed amendments which are made to the Metropolitan Act, and I recommend them to the honourable members of the House. I suggest to you that in Law Amendments we would be able to have a full discussion and any representatives of the Metropolitan Corporation there who may answer any of your questions. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, this is another of those bills which contains a great deal of material and a great deal of principles, as the Minister has herself indicated, and it's therefore the kind of bill that is most difficult to hold up or oppose on second reading stage, because many of the changes requested are obviously so necessary to clear up difficulties that have arisen at one time or another with respect to the administration of the Corporation. Therefore, Mr. Speaker, I wish to indicate that such limitations that I see in the bill are limitations which do not express a disapproval of the bill proceeding to committee, but rather express an opposition to various specific items that are raised.

The first item, Mr. Speaker, which I consider of major importance and which I consider particularly relevant to our present situation, is that I regret to say, Mr. Speaker, that the Minister still feels it necessary to perpetuate the fiction that the hospital situation in Manitoba still has some measure of private control, and I'd like, Mr. Speaker, to deal with the section which the Minister has in fact expanded, which says that the Metropolitan Corporation will be entitled to grant 20 percent to the capital costs of hospital construction, and now, as she's indicated, towards hospital renovations.

Now the history of this particular section, as I recall it, Mr. Speaker - and I hasten to add that the Minister can correct me if I'm wrong - is that for some years the Government of Manitoba contributed 80 percent to the cost of hospital construction, and said that 20 percent

(MR. GREEN cont'd.) had to be raised by the private organizations that were in the field of providing hospitals for Manitoba. And the government always expressed the notion that there was something intrinsically good about the fact that 20 percent of the cost of hospitals was raised privately, that private organizations were doing a fine, charitable and worthwhile job, Mr. Speaker, and I don't say that they're not or that they weren't, but that this 20 percent was really an incentive or a demand by the government that the people involve themselves in hospital construction.

But what happened, Mr. Speaker, was that the costs of hospitals, and the construction costs of hospitals, and the costs of renovating hospitals is something that the private people couldn't face; they were not in any position to do this type of thing. And finally, after many years of pushing and many years of frustration in getting the proper type of hospital construction on the basis that 20 percent was going to be raised through private sources, the government finally acknowledged - or at least they never acknowledged, they finally decided to perpetuate the fiction (and I repeat this phrase because I appeared, I believe, before Law Amendments Committee as a private citizen when this was being brought through) they decided that they were going to say that we still are not paying 20 percent, that 20 percent is going to be made as a grant by Metro to the hospital under construction, which, Mr. Speaker, and I hope my calculations are right today, 80 percent plus 20 percent means 100 percent, so that the -- (Interjection) -- that is correct, is it? Yes.

That being the case, Mr. Speaker, the government, in passing this principle in 1964, indicated that the policy that 20 percent would be raised privately, was in fact not achievable, not really appropriate to hospital construction in the Province of Manitoba. So instead of doing, Mr. Speaker, what they should have done, and that is, to say that 100 percent of the cost now being paid publicly, the province will assume that 100 percent and provide the costs on the basis of the provincial tax base rather than the municipal tax base. But they didn't do that. They said, Mr. Speaker, that in order to have this still done by the local people, we'll let Metro pay the 20 percent necessary. This I suppose does not apply in rural areas - I'm not sure what the situation is there - but they said that Metro would pay the 20 percent that was historically charged to private people, and by doing that, Mr. Speaker, they in fact put Metro in the position of picking up 20 percent, the citizens of Metropolitan Winnipeg - when I speak of Metro I'm talking about the taxpayer in all of the areas that comprise Metropolitan Winnipeg - that they had added to their real property tax the costs of building hospitals.

And the notion, Mr. Speaker, that this is a grant, that this is a grant by Metro, is another fiction, and I think that the Minister should do away with it because there's no suggestion, nor can there be any suggestion, that Metro can have anything to say about what this hospital is going to look like or where it's going to be. Theoretically I suppose they could, but for all practical purposes the Manitoba Hospital Commission approves the nature, site, location and other characteristics of a hospital, then the people come to Metro and ask for a grant of the 20 percent.

Now under those circumstances, Mr. Speaker, Metro is put in the position of either granting the 20 percent, which they should do - and everybody knows it - or vetoing the construction of a hospital that has been approved by the Manitoba Hospital Commission. Now, Mr. Speaker, Metro does not have the type of administration to veto the construction of hospital services and I don't suppose that they will ever do it, so referring to this as a grant is merely a luxury which the government has assumed for itself to suggest that the 20 percent has been taxed by the local people and they are responsible for it, rather than doing what I suggest, Mr. Speaker, they should be doing, and that is, picking up through the provincial tax base the 100 percent costs of the construction and renovation that is referred to in this section.

I repeat, Mr. Speaker, because I think it's important, originally that 20 percent was left there because it was supposed to be a way in which private people would participate in this construction. That consideration having been removed, there is no justification any more for the province to say that they will only contribute 80 percent; 100 percent is coming out of public funds and that 100 percent should be based on the taxation powers of the province rather than those of the municipalities.

Now I say, Mr. Speaker, that this is a particularly relevant time to deal with this section because we already know that the government has charged, through even a more onerous taxing system, the costs of hospital operations on the premium, and I dealt with that on Friday. Now, Mr. Speaker, we find that they are charging again hospital costs through the municipalities

(MR. GREEN cont'd.) on the basis of this 20 percent so-called grant. So, Mr. Speaker, I repeat, I'm disappointed that the Minister has found it necessary to perpetuate this situation and I think that the province should recognize that this particular section is no longer appropriate, if it ever was appropriate in the first place.

Another area, Mr. Speaker, which I have been personally involved with in this particular bill, is with regard to the election of a Metro Chairman. As I understand the present legislation, the councillors of the Metropolitan Corporation can choose a chairman from one of two sources; either he must be a member of the Council - which is simple enough - or he could be a past Chairman (I trust that that is still the situation; the Minister can correct me if I'm wrong) which means that the Council could choose one of their number or could choose either Mr. Bonnycastle or Mr. Ostrander to be the chairman of the Corporation.

Mr. Speaker, this situation still provides for the Metro Council to have as one of its number, a person and indeed a chairman who is not democratically elected, who doesn't therefore operate within the sphere of responsible government. Now, Mr. Speaker, I wish to make it plain that as far as the individuals who occupied this post are concerned, I make no criticism. As a matter of fact, I have publicly said, and repeat, that Mr. Bonnycastle, whom I worked with for three years, was one of the finest men with whom I was associated in public life, but at the same time, I moved on Metro Council that the vote that if the chairman is not elected as a member of the Council, is not elected, that he should not have a vote on the Council, and that particular resolution was defeated, I believe 6-5, with the Chairman himself having to defeat the resolution. This amendment that the Minister makes, perpetuates that situation. It means that if they fail to choose a Chairman, the Chairman is going to be selected by the Lieutenant-Governor. Or what may also happen is that the Clerk of Council could continue to be the Chairman because he would be the presiding officer, I believe, or the -- yes, I believe it's the Clerk, but if I'm wrong it's another of the administrative people, would continue to be the Chairman until they change.

Now, Mr. Speaker, I would suggest that the Minister should look at this Bill and try to provide that that Chairman is going to be one of the elected people, and if, Mr. Speaker, they can't agree on one - and this is possible; maybe no one could get more than five votes - then there should be an objective way of choosing one of those who has been elected. And my leader is pantomiming the flipping of a coin in jest - I know he's doing it in jest, because he is referring to another historical event.

What I would suggest, Mr. Speaker, and I don't throw this out as being the way in which it should be done but I'm suggesting the kind of objective test that I'm referring to, is that it be the councillor who obtains the greatest percentage of the vote in his particular constituency; in other words, the one who received the greatest degree of public approval by his constituency, if he'll take it, and then if he doesn't, the next one, or the following one, and so on down the line. And, Mr. Speaker, this will save the Minister a lot of trouble, because then she won't be responsible for naming that Chairman, and I suggest that she shouldn't be, it should be the people who are responsible; and the only way that we can ensure that there will be at least some service to the doctrine of responsible government, is that we make sure that they choose one of their number who is elected, or if not, if they can't choose -- and it's possible; I remember one of the Metro councillors used to say to me, and I had a tendency to agree with him, that "the ten of us are never going to elevate one of our own," and there may be something in that. But then, Mr. Speaker, let it be an objective test. Let it have something to do with the votes of the people who elect these Metro councillors. And I would therefore, Mr. Speaker, suggest that the section which is being brought forward to remedy a situation is not a proper remedy, and that something be done with regard to that particular section.

Now, Mr. Speaker, the next issue which I would like to discuss is one which again I'm sensitive to, because it's one in which I was involved on Metro Council for several years, and that is the section of the Bill which the Minister says permits them to charge on a Sunday. Now, Mr. Speaker, as I read the present Bill, that is, the Statute of 1966, maybe her law advisors will disagree with me but it seems to me that the present Bill permits the Corporation to charge on Sundays. But it sets out specific activities for which they can charge on Sunday -- not on Sunday but on any day; it sets out specific activities. It sets out that they may permit any lawful activity in any of its parks and make a charge. And then it goes on and says "permits the operation of pony rides, sleigh rides," etc., in each case detailing what they can charge for. As I see it, the change in the new section, Mr. Speaker - and possibly it's my suspicious mind,

(MR. GREEN cont'd.) . . . possibly that the Minister can satisfy me that I'm wrong - as I read the new section, it says that it will permit any lawful activity in any of its parks and fixed rates and charges for the activity, and for any use, service or facility, on any day including Sunday.

Mr. Speaker, my suggestion is that under the old section it appears to me that the law officers of the Corporation may have seen - and I think that they may be right - some difficulty in permitting the Corporation to charge for use of the Zoo - for visits to the Zoo. And there was an element on Council that wanted to charge an admission price to the Zoo, and there was a contrary element, and my impression from this section, Mr. Speaker, is that it's going to facilitate a charge for admission to the Zoo where such facility may not now exist.

Now, Mr. Speaker, it sounds like a small thing but I suggest to you that any charge imposed by the Metropolitan Corporation is a form of taxation, that the province distinctly limits the forms of taxation that can be levied by the Metropolitan Corporation, and it's we who are responsible. This is not an area which we leave to the discretion of the municipality. It's we who are responsible for saying how municipal services will be paid for. And I, Mr. Speaker, suggest that opening up this section in the manner which is now proposed, will permit the Corporation to tax people by charging them an admission to the Zoo, and this, Mr. Speaker, would be a real backward step in what has been done by the Metropolitan Corporation today.

Mr. Speaker, the Zoo is a recreation (and I wish the Member for St. James was here) is a recreation which the entire community should bear responsibility for. It's not something which we should require to be paid for by a user's tax - and that's what an admission price is. It's the community of Winnipeg, generally, that should recognize, and has recognized and should continue to recognize its responsibility to see that that facility is there for everyone who wants to use it, at our collective cost rather than at our individual cost.

Mr. Speaker, I think that we should be quite specific in not permitting the Corporation to levy a taxation of that kind. The wonderful progress which the Zoo has made, the Assiniboine Park Zoo has made, in the last five years is an open record and can be seen by any of the members of the Legislature. I challenge - I urge, rather, all of you to go down there and see something that Greater Winnipeg can be truly proud of, and I say that that has happened largely, Mr. Speaker, because we have recognized that it is a community responsibility. That's the reason for the progress that has been made in that area. And any attempt by anybody to change the growth that has taken place, to change the basis upon which people can enjoy the Zoo, should be discouraged, and I would ask the Minister to assure us at committee that this is not that type of extension. As I see it, they didn't have that power under the old Act and I think that they appear to have it under the new Act.

One last point, Mr. Speaker, with regard to the section which refers to the Corporation having always had certain rights. It's obviously a section which is meant to retroactively deal with a situation which has arisen and which now has to be made legal. And every time, Mr. Speaker - I'm not saying that this shouldn't be so; I'm quite satisfied that the Corporation is asking for something which is of benefit to the public, at least I hope they are - but I think that every time retroactive legislation comes in, Mr. Speaker, and is meant to deal with a particular situation, that the Legislature should be advised, and I ask the Minister to determine just what they have done under this section which now requires legalization and verification.

So, Mr. Speaker, I've indicated my reservations. I would hope that the Minister will be able to deal with them and I hope that we'll hear more said about these things at the committee stage.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I beg to move, seconded by the Honourable Member for Turtle Mountain, that the debate be adjourned.

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

MR. SPEAKER: Bill No. 72. The Honourable the Provincial Secretary.

MR. McLEAN presented Bill No. 72, an Act to amend The Legislative Assembly Act, for second reading.

MR. SPEAKER presented the motion.

MR. McLEAN: Mr. Speaker, perhaps a few words of explanation would not be out of place. This Bill by its name would partly indicate the nature of it, but it refers to the pension matters, arrangements made with respect to members of this Legislative Assembly, and perhaps it would not be out of order for me to report that this measure has received fairly good response in that all members, all present members of the Legislature have joined the plan,

(MR. McLEAN cont'd.) with one exception - a member on this side of the House - and I think that speaks well for the general arrangements which were made a year ago. However, it transpired, and the matter was drawn to my attention by the Honourable Member for Birtle-Russell, that through some inadvertence in drafting the legislation we had not made it clear that a member of the House at the present time who was eligible to join the plan, could make contributions in respect of his previous membership in the House if there had been a period during which he was absent from the House. And since that was contrary to what I am certain was our intention at the time of discussing the original Bill, I undertook to propose a measure to correct that deficiency, and that is the principal purpose of this Bill which is before us. So that, again in the present case, I think that it is not out of order to say that there are two members of the House who would be affected by this, namely, the member for Birtle-Russell and the Member for Turtle Mountain. And so, the principle is simply to ensure that if a member, a person who is a member and becomes eligible by reason thereof to join the plan, if he has had previous membership in the House, even though there may have been a period of non-membership intervening, he is still entitled to make contributions in respect of his previous membership as though his membership had in fact been continuous during the whole period.

The other matter is one drawn to our attention by the Legislative Counsel who pointed out that the way that the original Bill was drafted there appeared to be some, perhaps not -- lack of clarity with respect to the calculation of the pension arrangements, if a person was otherwise eligible because of having been elected the required number of times but if there didn't happen to be, if he or she didn't have to have a full period of ten years of service; and so this change would simply make it clear that if it was nine years, or some period less than ten years, the calculation would be made on the basis of the actual membership and there would be no person deprived as a result of that fact. And this is really a curative provision to make sure that the intention of the original Bill will be carried out.

Mr. Speaker, I have much pleasure in recommending this measure to the members.

MR. SPEAKER: Are you ready for the question? The Honourable Leader of the New Democratic Party.

MR. PAULLEY: Mr. Speaker, I just want to say that we have no objections. As a matter of fact, we agree with the principles of this Bill. It did seem rather restrictive that members who formerly sat in the House might be deprived of the opportunity of really becoming in the pension plan until they had served the required number of years in the House. We think that this is a reasonable proposition. As a matter of fact, I'm inclined to think off-hand that this is a similar provision contained in the Federal Act in respect of pensions of members of the House of Commons, and I want to assure my honourable friend that we agree with the principle contained in here. I think that it is proper and have no objections to the Bill. I'm happy to know that it will possibly help out - or bring into the fold, may I say, using that term very loosely - the Honourable Member for Birtle-Russell and the Member for Turtle Mountain.

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

MR. SPEAKER: Bill No. 67. The Honourable Minister of Health.

MR. LYON: Mr. Speaker, I wonder if you would be good enough, Sir, to call Bill No. 103. It's on Page 5.

MR. SPEAKER: Bill No. 103. The Honourable Member for Ethelbert Plains.

MR. KAWCHUK presented Bill No. 103, an Act to amend an Act to incorporate the Village of Winnipegosis, for second reading.

MR. SPEAKER presented the motion.

MR. KAWCHUK: Mr. Speaker, all this Bill does is repeal two clauses under the old Act that the Village of Winnipegosis was incorporated back in 1915, which necessitated the nomination and election of members to the Council on the first Tuesday of May, rather than under the Municipal Act which would be in October. And, in essence, that's all it does and if we could give it second reading and go into Committee of the Whole House and third reading, which I understand consent has been given by the honourable members, it would eliminate the necessity of the people to hold nominations tomorrow and thereby join the rest of the villages and municipalities to hold their elections in the month of October.

MR. PAULLEY: . . . uniformity of elections.

MR. LYON: Mr. Speaker, I would just say, speaking to the Bill, that we would have no objection to following the course suggested by the honourable member, that is, to give the Bill second reading now, move into Committee of the Whole and then third reading, and arrange

(MR. LYON cont'd.)..... for, if possible, to have His Honour give his consent to the Bill tomorrow.

MR. GUTTORMSON: Mr. Speaker, we'd have no objection to proceeding in that same manner.

MR. PAULLEY: Mr. Speaker, just one point I would like to ask the Honourable the House Leader. Would the granting of Royal Assent tomorrow be okay insofar as the time element is concerned, in order to prevent the necessity of nominations being called, as I understand it, for the Tuesday? Would it not be advisable for the Royal Assent if at all possible today, in order that due notice would be given?

MR. FROESE: Mr. Speaker, I have no objection of having the Bill go through all the stages if necessary.

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

MR. KAWCHUK: Mr. Speaker, I beg to move that Mr. Speaker do now leave the Chair and the House resolve itself into Committee of the Whole - seconded by the Honourable Member for St. John's.

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

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: (Bill 103 was read section by section and passed.)

MR. PAULLEY: Mr. Chairman, on the point that I raised. I wonder if the Honourable the House Leader can now answer the question that I posed insofar as the granting of Royal Assent to the Bills. Possibly he might ask his colleague, the Minister of Municipal Affairs. Will it be in time if we delay the Bills for the Royal Assent until tomorrow, or would it be advisable to have that done if at all possible on third reading?

MR. LYON: If it's convenient for His Honour, we'll see if he can attend upon us tonight for this purpose.

MR. CHAIRMAN: Title passed. Bill be reported. Committee rise. Call in the Speaker. Mr. Speaker, the Committee of the Whole House has considered Bill No. 103 and has directed me to report same, without amendment.

IN SESSION

MR. J. DOUGLAS WATT (Arthur): Mr. Speaker, I beg to move, seconded by the Honourable Member for Springfield, that the report of the Committee be received.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried. BILL No. 103, by leave, was read a third time and passed.

MR. SPEAKER: At the same time, I would like to congratulate the House for the speed it has shown in the last few moments.

MR. LYON: Mr. Speaker, perhaps I could move one quick Act in the time that's remaining for us. It's Bill No. 88.

MR. LYON presented Bill No. 88, an Act to amend The Election Act (2), for second reading.

MR. SPEAKER presented the motion.

MR. LYON: This is the one that changes the name "corrupt practice" to "election irregularity", and there's one change in the schedule to The Election Act which is also contained in this Bill.

MR. SPEAKER: Are you ready for the question?

MR. MOLGAT: Mr. Speaker, I just wanted to say very briefly I'm not objecting to the Bill and I support it. I think however, that we should really go much deeper into the Controverted Elections Act, and the Election Act itself in this regard, and if we were to consult with the legal people who acted on behalf of my colleague, the present member from Turtle Mountain, as well as those who acted on behalf of the Conservative Party, I'm sure that we would find some very useful suggestions from them as to some improvements to be made in those Acts. During the course of the court cases and the year and a half when the matter was under discussion, it seemed to me that there were very many areas where the bill was simply out of date with present practices, not in the least bit applicable, and a good deal of the discussion took place really over legal points as to what the Act did and what it didn't do, and

(MR. MOLGAT cont'd.) what it meant and so on. So I would recommend to the government a complete overhaul of those Acts to bring them up-to-date, and I'm sure that we can get the assistance from the legal counsel from both sides in this affair, who would have some excellent suggestions to make.

MR. PAULLEY: Mr. Speaker, I might say that as far as this group is concerned, that we appreciate very much the reasons, I am sure, behind the desirability of change of the wording used in The Elections Act in respect to corrupt practices and election offenses. One has a connotation that really casts aspersions on an individual that wasn't intended. I appreciate the fact that there were difficulties in the recent by-election. I think in the Election Act these changes can be made coincidental with the changes that are being made. We have no objections and I would suggest that if there are a number of other changes that are desirable in respect of this portion of the Elections Act and also the Controverted Elections Act, these can be done when those are in Committee.

MR. FROESE: Mr. Speaker, I would like to hear from the Minister a fuller explanation as to why the change is being brought in and what is the real meaning behind it. Is it purely because of the Turtle Mountain by-election and the results of this, before the previous election was ruled out of order? Is this the cause we are having this bill at the present time? And would he give us a fuller explanation?

MR. LYON: . . . here the terminology is out-of-date. I'm sorry if I'm closing the debate. I'm closing the debate. The terminology is out-of-date. It's a change in terminology.

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

MR. SPEAKER: By leave of the House I'd like to call it 5:30. I'm leaving the Chair to return again at 8:00.