

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Thursday, October 2, 1969

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions.

REPORTS BY STANDING AND SPECIAL COMMITTEES

HON. AL. MACKLING (Attorney-General)(St. James): Mr. Speaker, I beg to present the First Report of the Special Committee on Law Revision.

MR. CLERK: Your Special Committee on Law Revision beg leave to present the following as their First Report:

Your Special Committee of the Legislature appointed August 26, 1969, at the First Session of the 29th Legislature, for the purpose of examining and approving drafts of statutes, consolidated or revised, met on September 29, 1969, and appointed Hon. Mr. Mackling as Chairman, and set the quorum at four members. The Committee also met on October 2, 1969.

The Committee examined 59 statutes, which were approved on recommendation of the Revising Officer.

Your Committee also took cognizance of the Report of the Special Committee on Law Revision appointed at the 3rd Session of the 28th Legislature, which was submitted to the Legislature on the 4th day of March, 1969, where it is reported that the Committee on Law Revision examined 219 statutes, which were approved on the recommendation of the Revising Officer.

Your Committee therefore recommends that all changes in the Statutes as recommended by the Revising Officer be approved.

All of which is respectfully submitted.

MR. MACKLING: Mr. Speaker, I beg to move, seconded by the Honourable the Minister of Agriculture, that the Report of the Committee be received.

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

MR. SPEAKER: Notices of Motion; Introduction of Bills. The Honourable Minister of Labour.

INTRODUCTION OF BILLS

HON. RUSSELL PAULLEY (Minister of Labour)(Transcona) introduced Bill No. 47, an Act to amend The Legislative Assembly Act (2). (Recommended by His Honour, the Lieutenant-Governor).

INTRODUCTION OF GUESTS

MR. SPEAKER: At this point, I should like to direct the attention of the honourable members to the gallery where we have 58 students of Grade 9 standing of the Norberry School. These students are under the direction of Mr. Balness and Mrs. Skromeda. This school is located in the constituency of the Honourable Member for Riel. And we have 70 students of Grade 11 standing of the Springfield Collegiate. These students are under the direction of Mr. Smythe. This school is located in the constituency of the Honourable Minister of Consumer and Corporate Affairs; and 25 students of Grades 7 to 9 standing of the Cecil Rhodes School. These students are under the direction of Mr. Krebs. This school is located in the constituency of the Honourable Member for Logan.

On behalf of all the honourable members of the Legislative Assembly, I welcome you here today.

CORRECTION

MR. PAULLEY: Mr. Speaker, I wonder if I may have the indulgence of the House. On checking the records on Votes and Proceedings of the Orders of the House, I find that inadvertently, on the resolution standing in my name dealing with the setting up of the rules of the House and the appointment of the committee, that inadvertently I did not have a message from His Honour, and I wonder if the House would permit me at this particular time to indicate that His Honour the Lieutenant-Governor, having been informed of the subject matter of the proposed resolution, recommends it to the House.

MR. WALTER WEIR (Leader of the Opposition)(Minnedosa): Mr. Speaker, on the point of order, I wonder if the House Leader is prepared to include the name of the Honourable

(MR. WEIR cont'd) Member for Rhineland with the motion at this time as he is seeking leave.

MR. PAULLEY: I think this is an unrelated matter, Mr. Speaker, that can be considered at the time that the resolution itself is under discussion. My main point is because of the fact of the omission of the message from His Honour at the time of the introduction. The other is a subject matter of debate. This is not.

MR. WEIR: . . . we recognize that with the Speaker's ruling of the other night that the Speaker accepted a resolution without a message and turned one down from this side.

MR. PAULLEY: Mr. Speaker, may I suggest to my honourable friend the Leader of the Opposition, we are fully cognizant of that. Mr. Speaker did make a ruling which was not challenged. All I'm asking leave of the House is to overcome an omission on my part.

MR. GORDON E. JOHNSTON (Portage la Prairie): In order to relieve the Honourable House Leader's temper, we agree on this side.

STATEMENTS

MR. SPEAKER: The Honourable Minister of Transportation.

HON. JOSEPH P. BOROWSKI (Minister of Transportation)(Thompson): Mr. Speaker, I rise on a point of privilege. Yesterday the Member for Assiniboia asked a question which goes as follows: "Has the government a policy on an inner perimeter beltway, and is the government at the present time approving the partial purchases of land by the Metropolitan Corporation?" My answer was, Mr. Speaker: "There have been several notices of expropriation come to my desk from the Metro people and I have told them that we are not going to deal with any of them. We will simply hold them up until Cabinet and Caucus have had an opportunity to review the whole matter, after which time we will make a decision whether we are for the beltway or against it. In the meantime I am holding up all expropriation orders."

Mr. Speaker, listening to the radio and television and reading some of the stories, it appears there has been some accidental or perhaps deliberate distortion of what was actually said in this House. The impression I get from watching television is that I am in effect saying that Mr. Willis, the Metro Chairman, and Metro are guilty of some irresponsible acts and paying outrageous prices for land. CBC Television had interviewed me on tape and I had told them the whole story as indicated in Hansard, but last night at 11 o'clock they cut the tape to try to distort, whether deliberately or because they didn't have the space, but by cutting the tape they gave the impression that the government had indeed made a decision about the beltway. Nothing is further from the truth, and I would request that the CBC people run that film tonight again to show the whole interview, not cut tape. This is unfair. Personally I don't give a damn but it does reflect on the Metro chairman and on Metro, and I think this is wrong and improper. The Metro people, I have discussed this with them. I have made it very clear that we have (I'm speaking on a point of privilege) that we have no decision. I want to reiterate that and I want to also make it clear that there was no suggestion at any time that Metro was guilty of something, because in fact, Mr. Speaker, all land expropriation had to be approved by the Provincial Government, - at that time the Conservative Government; and half of the money or half of the expropriation costs were paid for by that government during the past two years, so if there was any guilt attached to anyone I would suggest that the previous administration is just as guilty, but I did not suggest any such thing and I want to make that very clear.

MR. WEIR: Mr. Speaker, on that same point of privilege. I don't know that anything was misconstrued out of what was said in the House, but I happened to watch some of this television and I too got the same impression, and I think that the honourable member, what he might do is apologize to the Metro Corporation and others and maybe even some of the people who sold land who were supposed to have made exorbitant profits out of the land. I don't know that there should be any chastising in this case, Mr. Speaker. I think it's a clear case for an apology.

MR. BOROWSKI: Mr. Speaker, if there's anyone should apologize, it's the previous administration for fooling the people that they were not in fact buying land, and it was the Member for Sturgeon, as a matter of fact, who got up here a couple of weeks ago and said, "If this government goes through with the beltway they are going to have everybody parking on their doorstep." Now this is a fact. And as far as prices are concerned, I did say there were high prices paid and I stand by it. As a matter of fact, Mr. Willis said in the paper that they did indeed pay some pretty healthy prices. I chose the word "outrageous" because this is a figure of speech; it's the type of way I speak. Now he said "healthy" prices, I said "outrageous",

(MR. BOROWSKI cont'd) but don't ask me to apologize. If anybody, you should get up and apologize for conning the people for two years.

MR. WEIR: Mr. Speaker, I must have an opportunity to reply there. I don't know that -- while they were healthy prices, I think they were healthy in terms of what the property was worth at the time, as approved by the Land Acquisition Branch which has the confidence, I think, of all members of this House, and I think charges like are being flung by the Minister of Transportation require an apology, require an apology to the government of the day, require an apology to the Metropolitan Corporation, and possibly even to the CBC unless there were some cuts that weren't shown on TV, or whatever channel it was I was watching.

ORAL QUESTION PERIOD

MR. SPEAKER: The Honourable Minister of Finance.

HON. SAUL CHERNIACK, Q. C. (Minister of Finance)(St. John's): . . . Mr. Speaker, during the lull, and so I take advantage of the lull to answer a question that was asked by the Honourable Member for Churchill yesterday, who enquired about borrowings made from Germany or in Germany, and I have ascertained that a loan indeed was made in 1968 on behalf of Manitoba Hydro. The loan was for 100 million Deutsche marks. The proceeds in Canadian dollars amounted to \$26,784,000. The agreement does call for repayment of 100 million German marks and the due date is January 8, 1972. If at that time the mark has been re-valued upwards, then Hydro would be required to repay the loan in the more expensive marks.

MR. WEIR: Mr. Speaker, before there is any more cross fire, are we to assume that the kind of remarks we've heard from the Minister of Transportation are going to be fair for all of us to use in the House?

MR. PAULLEY: Mr. Speaker, I'm sure my honourable friend the Leader of the Opposition knows that what the Honourable Minister of Transportation was implying was that with the news report on CBC of last night, through inadvertence of some other reasons, his statement. . . -- (Interjection) -- You mind your business until I'm finished, will you? Does my honourable friend wish to make a comment or ask a question?

MR. HARRY ENNS (Lakeside): Certainly. I wish to correct the Honourable House Leader. "Deliberate distortion" was the words that he used.

MR. PAULLEY: My honourable friend the Member for Lakeside can have whatever opinions he wants. That is his prerogative. The point of privilege raised by my colleague the Minister of Transportation was in reference to an incident over CBC last night, which is his privilege of attempting to have corrected in this House.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs)(Selkirk): Mr. Speaker, I just had a brief opportunity to glance at the paper. I wish to extend congratulations to the Honourable Member for Charleswood. I note that he has been returned as Mayor for Charleswood by acclamation yesterday.

MR. WEIR: Mr. Speaker, I gather I have had my answer from the government on that one matter.

Mr. Speaker, I wonder now if I could direct a question to the Minister of Agriculture. I wonder if he is in a position to advise the people of Manitoba and to advise this House - I understand the people of Quebec are aware of it - the First Minister apparently indicated that the government has made a decision to provide \$6 million immediately to help grain farmers convert to livestock production and that the program will require between \$10 and \$15 million. I just wonder if the Minister of Agriculture would be able to advise the people of Manitoba and the House, and maybe amplify on it a little bit.

HON. SAMUEL USKIW (Minister of Agriculture)(Lac du Bonnet): Mr. Speaker, I think my honourable friend the Leader of the Official Opposition will find the relevant matters in the bill that's before the House, although unfortunately not printed at this time.

MR. WEIR: Mr. Speaker, may I just express my appreciation to the Minister for being prepared to tell the people of Quebec but not tell the House.

MR. PAULLEY: Mr. Speaker, may I on that point indicate to my honourable friend that the bill has been introduced into this House.

MR. CHERNIACK: Mr. Speaker, on that point. Just before the Session opened I enquired from the Minister of Agriculture as to why the bill had not yet been distributed and he said that it's been held up inadvertently, and certainly the intention had been that it would have been distributed in the House by this time, but because of some technical difficulty it was held up. I

(MR. CHERNIACK cont'd) . . . can only assume, as I think one has the right to assume, that the Honourable the First Minister was not aware of the fact that it had been held up unexpectedly.

MR. WEIR: Mr. Speaker, if I might enquire. The inadvertence as far as I know may have been to allow the speech first, Mr. Speaker, in terms of it, and all I can say is that from time to time, with the House in session and with everything going on, we find the announcements being made outside of the House and outside of the province, and as far as I am concerned it trespasses on the privileges of the members of the House and the people of Manitoba.

MR. CHERNIACK: Mr. Speaker, the insinuation which the Honourable the Leader of the Opposition wants to make is within his lap so to do. If he wants to make those insinuations, he can. I am more fair in suggesting that this is what happened and I reported as well as I could what I learned about the delay in the bill. The Honourable Speaker for the Opposition can make all the broad statements he wants.

MR. WEIR: Well, Mr. Speaker, am I to understand that the bill contains procedures by which an additional \$6 million can be provided to the farmers?

MR. USKIW: Mr. Speaker, on that very point, I don't think any figure will be mentioned in the bill.

MR. WEIR: . . . mechanics because we have just gone through one exercise of leave today, which I don't think has been granted by my friend from Rhineland, but everybody else - or the Member from Churchill - everybody else has, but Mr. Speaker, may I say that, as I recall the first reading of the bill, there was no message from His Honour and I was under the impression that there was no money involved.

MR. CHERNIACK: Mr. Speaker, there is no money involved from the consolidated current revenues of the province.

MR. SPEAKER: The Honourable House Leader of the Liberal Party.

MR. G. JOHNSTON: Mr. Speaker, I would like to direct a question to the Acting Premier. Is it the intention of the Provincial Government here in Manitoba to nationalize the distribution of national gas, as stated by the New Democratic aldermanic candidates? I understand the municipality does not have this power but a province does, so is it the intention of this government to nationalize the distribution of national gas in Winnipeg?

MR. CHERNIACK: Mr. Speaker, the decisions of the government are not in the hands or the laps of candidates, but candidates have a right to declare their opinion on policy, and if the Honourable Leader of the Liberal Party wishes to declare his opinion on that policy, I'm sure this government would be most interested to hear from him as to what his opinion is.

MR. G. JOHNSTON: Well, Mr. Speaker, now that the Honourable Minister has asked me the question, I don't think that municipal candidates should be running on party lines. They should be doing the right thing by their municipalities.

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOUGLAS WATT (Arthur): Mr. Speaker, I'd like to direct a question to the Minister of Agriculture. A press report today indicates that again movement of western grain through the port of Vancouver has been disrupted, and according to the report is now merely a trickle, affecting current and presently the major sales that have been made to China. My question is: what is the position that the Minister intends to take on this, and what action does he intend to take?

MR. USKIW: Mr. Speaker, I don't intend to fly to Vancouver, if that's the point my honourable friend is making, but I want to point out that I had not been given any understanding as to a difference in the arrangements within the longshoremen's union as it affects grain movement. I can only say that, in accordance with press reports, I am to understand that it is the trade that is blocking the movement of grain, and that I will be looking into the matter.

MR. WATT: . . . if I could, Mr. Speaker. I just ask the Honourable the Minister now if he still takes the same position that movement of grain through the Vancouver port does not affect the farmers of Manitoba.

MR. USKIW: I never took that position, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. BUD SHERMAN (Fort Garry): Mr. Speaker, I'd like to direct a question to the Acting Premier. In view of reports in today's newspapers that the First Minister of this province has told potential investors in the State of New York, "that there has been no abandonment whatever in Manitoba of the principles of free enterprise," and in view of the discrepancy existing between that statement and those made in the Budget Debate speech delivered on .

(MR. SHERMAN cont'd) Monday by the Honourable Member for Crescentwood, would the Acting Premier undertake to airmail to the First Minister a copy of the Member for Crescentwood's speech.

MR. CHERNIACK: Mr. Speaker, I don't think that that speech is one which is entitled to an answer.

A MEMBER: Which one? Which speech?

MR. SHERMAN: A supplementary question. Does the Acting Premier not think that the investors and potential investors of New York are entitled to a description of the discrepancy between the two positions in the administration?

MR. CHERNIACK: I think it may well be necessary, if the honourable member is correct in his assumption, that we mail speeches of his and the gentleman behind him to very many people who would be very interested in hearing the attitude taken by the opposition to progressive measures in this province.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, before the Orders of the Day, I'd like to direct my question to the Acting Premier. The New Democratic Party has unveiled a platform for all candidates in civic elections, and one of the planks is total amalgamation, or one city government. Is this the policy of the government in Cabinet?

MR. CHERNIACK: Mr. Speaker, I have not seen the press release nor the announced program or platform of the members of the New Democratic Party candidates for City of Winnipeg elections. I haven't seen it. If they've made a declaration of what they want to work forward, I honour them at least for making some sort of declaration compared with their opposition, the Greater Winnipeg Election Committee. I would also like to hear from the Liberal Party as to how it stands on amalgamation.

MR. SPEAKER: Has the honourable member a supplementary question?

MR. PATRICK: No, I haven't.

MR. DONALD W. CRAIK (Riel): Before the Orders of the Day, Mr. Speaker, I have a question for the Minister of Mines and Natural Resources. Can he indicate to the House whether he has in his possession correspondence in which Mr. Durnin disassociates himself from the Cass-Beggs report?

HON. LEONARD S. EVANS (Minister of Mines and Natural Resources)(Brandon East): Mr. Speaker, I have no such correspondence.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, I wish to direct my question to the House Leader. Has the chairman been appointed to investigate the auto insurance -- the House Leader has announced that the Committee will be set up to investigate the auto insurance. Has the chairman been appointed for that committee?

MR. PAULLEY: Mr. Speaker, as my honourable friend should be aware, there is no Committee being established by automobile insurance.

MR. PATRICK: Is there a Commissioner appointed?

MR. PAULLEY: There was an indication given to the House that a consultative body would be established.

MR. PATRICK: A subsequent question, Mr. Speaker. Has he been hired?

MR. PAULLEY: Who?

MR. PATRICK: The consultant.

MR. PAULLEY: I believe the Honourable Minister of Government Services made an announcement the other day in respect of this.

MR. PAWLEY: . . . in the House, about two weeks ago, of the employment of Mr. Blackburn who will be the consultant to the government in respect to the enquiry into automobile insurance in the province. I believe this was indicated about three or four weeks ago in this House.

MR. PATRICK: Mr. Speaker, I wonder if the Honourable Minister would agree to give us some indication of his experience and background in the insurance field.

MR. PAWLEY: Because the honourable member is asking for specific experience, I would suggest that he make out an Order for Return.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, I direct a question to the Acting Premier. Can he indicate to the House whether or no any members of the government have received a letter from Mr. Durnin? Or indeed has Manitoba Hydro received correspondence from Mr. Durnin?

MR. CHERNIACK: Mr. Speaker, I cannot answer for other members of the government, now can I indeed answer for members of the opposition as to what mail they receive. I received none.

MR. ENNS: A supplementary question, Mr. Speaker. Will the Acting Premier undertake to advise the House if indeed such a letter exists, and if indeed the contents of the letter describes the action of the present government as indefensible with respect to its acceptance of the recommendation of the Cass-Beggs report?

MR. CHERNIACK: Mr. Speaker, is that the letter that the Honourable Member for Lakeside is quoting? Has he seen the letter? Well then, how can the honourable member speak about the contents of the letter that he hasn't seen? I will not undertake -- I would suggest that you file an Address for Papers and that's the way to proceed with it.

MR. ENNS: I accept the Acting Premier's advice; we shall file a notice for return.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Speaker, I would also like to address a question to the Minister of Mines and Natural Resources. Is it the intention of this government to appear before the National Energy Board hearing on the fourth of November with reference to an application by Manitoba Hydro for a license to export power to the United States?

MR. EVANS: Mr. Speaker, since you're asking us for government policy, I must say that I haven't considered this particular problem so I can give you no answer.

MR. GRAHAM: . . . probably more clarification. I asked him if it was the intention of the government. Furthermore, Mr. Speaker, would the government inform us, indeed, whether or not the application is justified in the light of the position of Hydro now, where they will be in a position of having to actually import rather than export power.

MR. EVANS: Well, Mr. Speaker, with regards to intentions, I would suggest that intentions may also be announced in due course, but I would remind the honourable member that it has always been in the plans of Manitoba Hydro, regardless of what type of diversion they have gone to, what type of plans they engaged in, to import power in the initial years - the initial phases. This is my understanding. But as far as this particular line is concerned, it works both ways, and all I'm indicating is that power would have been imported in the early years regardless.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): Thank you, Mr. Speaker. I was going to direct a question to the Minister of Education, but in his absence I'll direct it to the Acting Premier. Is it the government's policy that there are going to be political clubs formed in our schools?

MR. CHERNIACK: Mr. Speaker, the very question denies an answer because it is not the practice for a member of the Opposition to announce government policy. Certainly, however, the Honourable Minister of Education may well make comment on what may be permitted at schools, not what may be sponsored, which was his suggestion.

MR. MCKENZIE: Has the Acting Premier seen the notice in today's paper of a statement that was made by two candidates running in the St. James-Assiniboia school board contest?

MR. CHERNIACK: The answer is no, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I'd like to direct a question to the Honourable Minister of Labour, and ask him if he has anything to report on the shutdown of operations today at the Winnipeg International Airport?

MR. PAULLEY: No, Mr. Speaker, I have no comment. This is a federal matter and it's not under the jurisdiction of the Department of Labour in Manitoba.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Speaker, I'd like to reply to a question asked by the Honourable Member for Birtle-Russell - I think it too was yesterday - referring to Issue 6 G of the bond issue.

The total amount of the issue was \$10 million due on October 1st, 1969.

The other \$5 million referred by him, was Issue 6 F which was matured, did mature in 1961 and was paid off.

The \$10 million which fell due yesterday was made up of two parts - \$6,710,000 owing by Hydro; \$3,290,000 owing by Telephones. A total of \$2,680,000 has been paid out of sinking funds provided for that purpose.

The Manitoba Telephone System has refinanced \$2,320,000 in the last Canadian issue,

(MR. CHERNIACK cont'd) which was \$17 million dated September 15th, 1969 - about which I previously reported as having been involved in - and the balance of \$5 million has been paid by Hydro out of its current monies. Hydro, of course, has the option to borrow to refinance and, in fact, will be refinancing this amount in its next issue.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I'd like to direct my question either to the House Leader or the Acting Premier, whichever is the case. I'm not sure just who to direct it to. Has the government given consideration, or will it give consideration to the appointment of R. N. (Bob) Thompson, M.P. for Red Deer, as a possible choice as ombudsman?

MR. PAULLEY: Mr. Speaker, maybe I could take that question. I'm sure my honourable friend is aware of the amendments that were made to the Ombudsman Act, where there has been or will be established a committee of seven to consider recommendations to the position of Ombudsman, and if my honourable friend would like to forward a recommendation of his fellow Social Creditor, I'm sure the committee would take it under consideration.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): I would like to direct this question to the Minister of Municipal Affairs, as the Acting Premier's had so many. In view of the fact that the Minister of Youth and Education proposed this legislation some time ago, the \$2,000 exemption to householders, and also in view of the fact -- by the way, this news says that the New Democratic Party suggests this, and somehow I tie this government in with that party -- can the Minister tell us if this \$2,000 exemption on homes is on its way in, as to be enacted by this government?

MR. PAWLEY: Mr. Speaker, this is of course, as my honourable friend is well aware of, a matter of policy and there will be a determination made in due course in respect to this area, and then the announcement will be made if one is required.

MR. SPEAKER: The Honourable Member for Souris-Killarney.

MR. EARL McKELLAR (Souris-Killarney): Mr. Speaker, I'd like to direct a question to the Minister of Government Services. I read in the paper today where there's been a second man employed to act as a consultant to the consultative body in insurance. Could you give me the name of the man and the length of the term he will be hired for, the number of years - and the salary, too? And where he came from?

MR. PAWLEY: I suggest that the honourable member file an Order for Return since he's asking a number of specific questions involving the salary and other matters, Mr. Speaker.

MR. McKELLAR: Mr. Speaker, I have another question to ask of the House Leader. Is it true that the Honourable Member for Elmwood is now on the Board of the Manitoba Telephone System?

MR. PAULLEY: Yes, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Speaker, I'd like to reply to a question asked by the Honourable Member for Ste. Rose, who asked this question some weeks ago in connection with monies owing by the San Antonio Gold Mines to the Province of Manitoba, the Manitoba Hydro, the Manitoba Telephone System and the Workmen's Compensation Board. The amounts owing are as follows: The Province of Manitoba - \$19,603.18 plus interest at 6 percent; Manitoba Hospital Commission - \$1,209.60; Manitoba Hydro - \$129,076.55; Workmen's Compensation Board - \$35,000.69; Manitoba Telephone System - \$1,179.60.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. EDWARD McGILL (Brandon West): Mr. Speaker, I move, seconded by the Honourable Member for Fort Rouge, that Mr. Speaker do now leave the Chair and the House resolve itself into the Committee of the Whole to consider the following bills.

MR. PAULLEY: Mr. Speaker, I think that, it being government business day, in all deference to my honourable friend, that the order of business is in the hands of the government as to procedure at the present time, and I also understand that my colleague the Minister of Finance had another statement to make, or an answer to a question.

MR. CHERNIACK: Mr. Speaker, before the Orders of the Day, I'd like to get all my homework caught up if I may, since questions are asked and answers are available.

The Honourable Member for Rock Lake, in speaking in debate, stated that he had wanted to ask a question of me but was unable to do so because he was out of the House at the time.

(MR. CHERNIACK cont'd) But he wanted to know the amount of estate tax that has to be paid on a \$50,000, \$100,000 and \$200,000 estate, and I have the information for him.

In the case of any monies left to a spouse, no monies, no taxes are payable.

In the case of monies left if one adult child is the beneficiary, and that adult child is a person that's over 26 years of age, then there are no taxes payable if the estate if \$50,000; if it is \$100,000, then the total tax would be \$13,200, of which the provincial share would be \$9,900.00.

If the estate were \$200,000, then the total tax would be \$43,200.00. The provincial portion thereof would be \$32,400.00.

If left to two adult children, then in the case of a \$100,000 estate, the total tax would be \$10,800, the provincial portion being \$8,100; and if the value of the estate was \$200,000, then the total tax would be \$39,700 and the provincial portion would be \$29,775. I might say that larger exemptions are allowed in respect of children who are dependent, under 26 and/or infirm.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I would like to direct a question to the Honourable the Minister of Finance. Is the government prepared to provide a quarterly financial statement to members of the Legislature as a matter of policy . . .

MR. CHERNIACK: The government does not determine policy on that matter.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Before the Orders of the Day, Mr. Speaker, I wanted to direct a question to the Minister of Cultural Affairs. Could he indicate whether his department, through the Centennial Corporation, will be assisting the Brandon group in the move of the Bonaventure from Churchill to Brandon?

HON. PHILIP PETURSSON (Minister of Cultural Affairs)(Wellington): Mr. Speaker, I didn't get the latter part of that question. I'm sorry.

MR. CRAIK: The question was, Mr. Speaker, as to whether the Minister's department would be assisting the Brandon group in the move of the HMCS Bonaventure from Churchill to Brandon?

MR. PETURSSON: We are looking at it very carefully, Mr. Speaker.

MR. SPEAKER: The Honourable Member from Rhineland.

MR. FROESE: Mr. Speaker, I would like to address a question to the Honourable the Minister without portfolio in charge of the Centennial Corporation. Does this government recognize the same committees that were appointed by the former committee from the various parts of the province to act in coordinating the celebration facilities during the celebration year?

MR. PETURSSON: . . . Mr. Speaker, if I heard the question aright, about changing the Centennial Corporation Committee?

MR. FROESE: . . . the Manager-Director of the Centennial Corporation requested from the various constituencies people that would act on a committee during the 1970 Centennial celebration. My question is: does this present government recognize those committees that were set up?

MR. PETURSSON: Mr. Speaker, there has been no change. There are people from time to time who may have to be added, but otherwise there has been no change from what we had before.

ORDERS OF THE DAY - GOVERNMENT RESOLUTIONS

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Mr. Speaker, I wonder if you would kindly call the adjourned debate on the resolution standing in my name dealing with the order of business for the House.

MR. SPEAKER: The proposed motion of the Honourable the Minister of Labour and the proposed motion of the Honourable Member for Fort Garry in amendment thereto, which I had taken under advisement.

Notwithstanding the provisions of citation 288 of Beuchesne, which states, "Committees are regarded as portions of the House and are governed for the most part in their proceedings by the same rules which prevail in the House," it is my humble opinion that our rules 2 and 3 governing sittings of the House do not apply to committees. If they did, then standing committees could only sit during the hours as set out in the said rules, but standing committees

(MR. SPEAKER cont'd) normally sit outside House-sitting hours, and in fact could be authorized to sit between sessions. Therefore, the rules governing hours of House-sittings cannot possibly apply to standing committees. Therefore, if committees are governed for the most part by House rules, the matter of hours of sittings of committees is the lesser part not governed by House rules.

I can find no rules governing hours of sittings of committees. If the Honourable Member for Fort Garry feels that there should be such a rule, then he cannot attempt to bring one into being by introducing an amendment to that effect to the motion before the House, because in doing so he is introducing an amendment irrelevant to the question and one raising a new question. On this point may I refer the honourable member to Beauchesne citations 203 (1) and 203 (5). Therefore, I rule the proposed amendment of the Honourable Member for Fort Garry out of order.

MR. WEIR: Mr. Speaker, regretfully, I have to challenge your ruling.

MR. SPEAKER put the question on Support of the Speaker's ruling, and after a voice vote declared the motion carried.

MR. WEIR: Ayes and Nays, Mr. Speaker, please.

MR. SPEAKER: Call in the Members.

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

YEAS: Messrs. Allard, Barkman, Barrow, Beard, Borowski, Boyce, Burtniak, Cherniack, Desjardins, Doern, Evans, Fox, Gonick, Gottfried, Jenkins, Johannson, Johnston (P. la P.), McBryde, Mackling, Malinowski, Miller, Patrick, Paulley, Pawley, Petursson, Shafransky, Toupin, Turnbull, Uskiw, Uruski.

NAYS: Messrs. Bilton, Craik, Einarson, Enns, Ferguson, Froese, Graham, Hardy, Henderson, Johnston (Sturgeon Creek), Jorgenson, McGill, McGregor, McKellar, McKenzie, Moug, Sherman, Spivak, Watt and Mrs. Trueman.

MR. CLERK: Yeas 30, Nays 20.

MR. SPEAKER: I declare the Speaker's ruling upheld.

MR. WEIR: Mr. Speaker, I didn't vote; I am paired with the First Minister. Had I voted, I would have voted in the negative.

MR. SPEAKER: Are you ready for the question?

MR. PAULLEY: Mr. Speaker, if no one else wishes to speak, I believe that I have the right of winding up the motion as amended. I thought that it would only be fair for me to indicate that now that the government has the rights of three separate sittings during the day, that I should indicate to the House the intention of the government at this time. It would not be the intention of the government to call a meeting of the House tomorrow at 9:30 but rather a 10:00 o'clock sitting for Friday morning as is normal. It would not be the intention of the government to call a session of the House for tomorrow evening as is its right under the passing of this resolution, but to give the members an opportunity on Friday evening to have that evening for themselves. However, I want to indicate, Mr. Speaker, that it will be the intention of the government to have a sitting of the House at 9:30 on Monday morning.

MR. G. JOHNSTON: Before the question is put, Mr. Speaker, I would like to ask a question of the Minister. Is it the intention of the government to proceed with the three sittings a day before the 80 hours of estimates are completed?

MR. PAULLEY: That is the ruling that we have just adopted, and I want to say this was the amendment of the Honourable the House Leader of the Liberal Party which we have now adopted. I also want to indicate, in all fairness to members of the House, that it will be the intention of the government and its House Leader to consult with the other groups as closely as possible after the order of business of the House prior to it being followed through.

MR. G. JOHNSTON: Just on a point of order, if I may, Mr. Speaker. I would like to point out to the government that this is a precedent set in this House, where the speed-up motion is instituted before the 80 hours of the estimates have been passed. I don't think it has ever happened before.

MR. PAULLEY: I am afraid on the point of order, Mr. Speaker, that that is not the interpretation, proper interpretation of the motion that has just passed.

MR. FROESE: Mr. Speaker, on that same point of order. We are allowed to amend the rules with this motion in that respect, yet on the other hand the previous amendment was ruled out of order.

MR. PAULLEY: Mr. Speaker, I only need to say that we have a precise, concise motion

(MR. PAULLEY cont'd) before us. I have closed the debate. It's a question of the adoption or rejection of the proposal of my honourable friend the House Leader of the Liberal party.

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

MR. PAULLEY: I wonder now, Mr. Speaker, whether you would kindly call the Committee of the Whole House and ask my honourable friend the Member for West Brandon to introduce the leaving of you from your Chair, Sir, and the Committee of the Whole House.

MR. MCGILL: Now, Mr. Speaker, I move, seconded by the Honourable Member from Fort Rouge, that Mr. Speaker do now leave the Chair and the House resolve itself into the Committee of the Whole to consider of the following bills:

No. 30, an Act to incorporate The Brandon University Students' Union.

No. 26, an Act to amend The Teachers' Pensions Act.

No. 12, The Consumers Protection Act.

No. 10, The Fisheries Act.

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 Elmwood in the chair.

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: Bill 30, an Act to incorporate The Brandon University Students' Union.

MR. MCGILL presented Bill No. 30 for third reading.

MR. CHAIRMAN: I'm sorry, I believe the honourable member is jumping ahead here.

MR. CHERNIACK: I might, just to save time, point out that that motion comes after it has passed Committee of the Whole.

MR. CHAIRMAN: Proceed. Section 1 -- passed . . .

MR. CHERNIACK: Mr. Chairman, I want to help out the honourable member. I believe he has an amendment for . . .

MR. MCGILL: Mr. Chairman, in the committee stage, Section 1 I believe was dealt with and there were some names to have been deleted. I believe that this mechanically did not take place, so I would therefore move, seconded by the Honourable Member for Fort Rouge, that section 1 of Bill 30 be amended (a) by striking out the names "Harko Bhagat, Julian Isitt" in the first line thereof; (b) by striking out the names "Andy Moir and Ken Mikalayenko" in the second and third lines thereof; and (c) by striking out the names and word "Tildet Simson and David Campbell" in the third line thereof and substituting therefor the word and name "and Tildet Simson".

MR. CHAIRMAN: (Bill 30 was read section by section, as amended, and passed; Bill 26 was read section by section and passed.)

MR. FROESE: Mr. Chairman, just before we leave that bill . . .

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Why is this particular bill made retroactive?

HON. SAUL A. MILLER (Minister of Youth and Education)(Seven Oaks): Mr. Chairman, this was to correct a situation which occurred a couple of years ago when the University Grants Commission was created and the Finance Board was created, when two members of the department were made chairmen of those two bodies respectively, but under the wording of the Pension Fund at the time, if something happened to them in the meantime they'd have been frozen out completely and lost their rights, and this simply broadens it so they are brought into it at this time. So that's why it's being made retroactive, because it covers the people involved who are still with the department but are in new functions which were created, as I say, some of them two and three years ago.

MR. CHAIRMAN: Bill 12. The Honourable Minister of Finance. The Consumers Protection Act.

MR. CHERNIACK: Mr. Chairman, I'm just wondering whether we could have consent of the members to deal with this page by page. I see the Conservative Party agrees; the Liberal Party agrees; Mr. Froese?

MR. CHAIRMAN: Agreed? (Agreed.) (Pages 1 to 13 as amended of Bill 12 were read and passed.) The Honourable Member for Rhineland.

Mr. Froese: I think it's a different section that I'm after.

MR. CHAIRMAN: (Pages 14 to 24 as amended of Bill 12 were read and passed.)

MR. CHERNIACK: Mr. Chairman, you keep referring to certain amendments. I imagine most of us are looking at the reprint of the Bill which was amended, and I'm just wondering whether they are still identical and the amendments referred to by you are the only amendments, because there are other marks on some of these pages that you are not referring to as amended.

MR. CHAIRMAN: I'm using the original Bill with the amended sections added.

MR. SIDNEY SPIVAK, Q. C. (River Heights): . . . Mr. Chairman, will be then, I think there should be some explanation of these given as to what these marks are. I'm assuming and I'm taking for granted that they were the amended marks but there are variations and it would be just a matter of confirming what we really are passing.

MR. CHERNIACK: The Clerk explains that when there's an arrow, it shows there has been a change; when there's a line in the margin it's an indication that it has been reprinted.

MR. CHAIRMAN: (Pages 24 to 35 of Bill 12 were read and passed). The Honourable Member for La Verendrye.

MR. BARKMAN: I did not have the opportunity of sitting in at the committee at the time, but on 49 (1), while it is amended and possibly eased or improved to some extent, it still seems to be a ridiculous section, especially, unless there are more shyster dealers in the province than I'm aware of, it seems practically an insult to a lot of honourable dealers to have this clause in there because, after all, at the time that the sale was made the buyer was made aware of the conditions and I can't see why, if he fails to pay afterwards, that this dealer then has to go to court or get written consent from the buyer; unless there are other explanations that I did not hear during the Committee. I wonder if the Minister . . . 49 (1).

MR. PAULLEY: . . . explanation to my honourable friend, the legislation isn't directed to honourable members of the fraternity; it's to those who may not be, and that's the reason for the inclusion of this in the Bill.

MR. FROESE: Mr. Chairman, perhaps we should make it a little lower so that these people would not have to go to court, because then it wouldn't pay them to do so and maybe that would be a better idea than leaving it at 25 percent.

MR. PAULLEY: I just want to refer my honourable friend that this matter was given full discussion and consideration in the committee and, if I recall correctly, it was unanimously agreed to.

MR. CHAIRMAN: (Pages 36 to 68 of Bill 12 were read and passed.) The Honourable Member for Rhineland.

MR. FROESE: On Page 67, section 99 dealing with old forms. Does this section apply in general or was it just to catalogue sales?

MR. PAULLEY: I didn't catch the question, Mr. Chairman.

MR. FROESE: On Page 67, section 99 (2) we extended it from one year to 18 months, but does that section apply in general or is that just to catalogue sales? I forget just what the situation was.

HON. RENE E. TOUPIN (Minister of Consumer and Corporate Affairs)(Springfield): Was that on Page 67, 99(2)?

MR. CHERNIACK: Page 71.

MR. FROESE: I'm looking at the old Bill because I thought Mr. Chairman said that's what he was guided by.

MR. CHAIRMAN: Let's solve this by referring to the section which is 99 (2).

MR. FROESE: On the old Bill.

MR. CHERNIACK: It's just a legal interpretation that he's requesting and I think the reading of the section makes it clear it refers to printed catalogues. If I'm wrong, I'm sure the Legislative Counsel would correct me.

MR. CHAIRMAN: (The balance of Bill 12 was read page by page and passed.) Bill 10. The Fisheries Act. Agreed by page? The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, I think here we would like the sections, if there's no objection.

MR. CHAIRMAN: By section? (Sections 1 to 28 of Bill No. 10 were read and passed.) Section 29. The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, this section, when we dealt with it in Law Amendments, caused considerable discussion with members of the House, and I think it's worthy of repetition as we deal in the final stages of this bill, I think it's worth repetition because I think it has to

(MR. SPIVAK cont'd) be viewed properly in the perspective of what has taken place as a result of the operation of the board and the rights of the people who are affected by the board's operation.

Now, on numerous occasions the First Minister and other members of the government, in fact probably all members in this House, have expressed concern for civil liberties and the need for the protection of the rights of the individual, and I guess there's nothing in this basic philosophical tenet which any member of this House, or any member even on this side, disagrees with. But more important to pragmatic politicians, however, is the means by which the end is met, for it is the means themselves which affect the nature of their end.

Now let's illustrate this by dealing with the Fish Marketing Board legislation in this section. The objective of the legislation is quite clear, and I think it's generally agreed on all sides that the Fish Marketing Board is a very desirable thing. And the people who will ultimately be the beneficiaries are the primary producers, the fishermen. However, in the course of reviewing the way in which the board operated, it's been already pointed out that the very actions of the board may cause redundancy with subsequent losses for several fish processing companies, and surely no one would suggest that the individuals involved in these losses should not be compensated as fully as possible. This is in agreement with the basic tenet of our government that safeguards must be established so that fundamental and basic rights and liberties and freedoms of the individual ought not to be encroached upon by the state or any body. And the most logical safeguard in this instance, of course, would be our own courts. In this manner, any producer who feels that his position of redundancy has resulted from the action of the Fish Marketing Board could appeal to the courts for an opinion, and could possibly achieve afterwards a subsequent settlement. In this way, the means would realize the ends of civil liberty, that is the individual producers of the fish would benefit through the functioning of the board and the individual processor of the fish would be protected from any losses resulting from the board's operation.

Everyone is interested in the fishermen, and that's our primary concern. And the Fish Marketing Board in this legislation is the right course of action. But we have already had evidence that the board, in the manner of its operation, has already discriminated against those whom they would select and deal with, and those whom they would not, and that's their perfect right - and that may very well be in the interests of the fishermen. But nevertheless, as a result of that action, some people are affected. And if anything, the testimony that was presented at the committee is conflicting and no one can assure the members of this House that the course of action is really one way or the other. And I believe that the evidence that has been submitted justifies a change to the existing legislation and ought to be very seriously considered by this House and by the government. Therefore, I will be discussing in a few moments the amendments that were proposed in the committee, but it's interesting to relate the very arguments against a suggested change of section 29.

The arguments against the change are, first, we would be setting a precedent, and what are we going to do when we nationalize auto insurance in Manitoba? Well, I really wonder, when we are talking civil liberty and individual rights at this point, that we could even consider the consequences of our act with respect to automobile insurance which we may or may not nationalize.

The second suggestion is, this is not an expropriation, and in expropriations it's recognized that the individual rights are protected through a mechanism that the state sets up to enable it to arrive at an adjudication of what would be fair in compensation. But we also recognize that this is a unique situation, and that in doing this we have to evaluate the consequences of the acts that are going to be undertaken as a result of government action, and again, really, is it not fair to say that the rights of the individual should be protected?

Now the third argument that's presented is that the Federal Government are not paying the share in the event that there are more redundancies than was first anticipated, and therefore we should hold this in abeyance until we can arrive at another arrangement whereby Ottawa will come forward with some additional monies to assist us in the situation. Now that argument may be a very legitimate argument, and maybe Ottawa should in fact come forward with some additional monies, because the Board has now operated four months and there's no doubt that there is going to be greater redundancy - that is, fish processors are going to be put out of business if the board continues to operate in the way it appeared to be from the evidence that was submitted to the Law Amendments Committee, and therefore certainly

(MR. SPIVAK cont'd) negotiations should take place, but that is incidental and has nothing to do with the question of whether we, in the legislation that we are proposing and discussing now, really will protect the rights of the individuals who are affected by the action of the Board set up as a result of government action.

Now the other argument that's presented along with this is that some companies are going to take advantage of the situation. They're going to put themselves in the position so that they themselves will become redundant and somehow or other they're going to be able to receive greater compensation from the government than they should have, because they are going to put themselves into a position so they'll get out, because this was a dying industry and some of them had a very difficult time making ends meet or even operating in the last little while. Now surely this is a question of fact, and surely someone is going to have to make an adjudication as to whether in fact they have conducted themselves in such a way, that in fact they've put themselves in the position to try and take advantage of the Act. And I agree that there may be a situation that could arise. The hypothetical cases that are presented can in fact be real. But who's best to make that adjudication? The politician, the government or the court? And I suggest to you that because individual rights and civil liberties are in fact involved in this, that the adjudication should not be the politician or the government, but it should be the court.

Now the other argument is advanced, well, the fish processing companies have made profits over the years on the backs of the fishermen, and that may or may not be true, but what does that have to do with the rights of the individual to be protected at this time when government action is being undertaken as a result of the study and analysis of the situation and the direction has been indicated? Does that in any way prevent individual rights from being protected?

And the other suggestion is, so what if the companies lose by this? So what if they go out of business? Have they not made profits over the years? And if they've made profits over the years, so what? Let them go out of business. Most of them were redundant. Most of them would not have existed in this dying industry over the years. And so what's being suggested is, I find, rather amusing, because what we're saying is that, based on the course of action of the fish processing companies in the past few years and a pre-judgment that's already arrived at, we are now going to say that if they lose as a result of the action it really was their own fault.

This is really what's being suggested. And I suggest to you that if this is a unique situation - and it is - and I suggest to you that if we're setting a precedent - and we are - then those who solemnly stand up and say that they stand for civil liberties and individual rights have a time right now to prove themselves by seeing to it that the rights of the minority are protected - because that's what we're really talking about - from the oppression of the majority. And regardless of whether there have been some who have taken advantage over the years or not, corporations and individuals, regardless of that, nevertheless we have to be concerned that when we legislate we protect the individual rights because, if we do not protect them in this unique situation, what are we going to do in other situations? And who's to say that the majority today are going to be the majority on the next occasion? And who's to say what that majority is going to do to the minority?

Now the other argument that's presented is that this bill, with one exception, is the same bill that was drafted by the former administration, and therefore any suggestions that come forward from this side have to be suspect as hypocritical on our part, and I suggest to the honourable members - and I'm sorry the Minister of Health and Welfare is not in his seat, -- (Interjection) -- Well, I understand that, but I'm sorry he's not in his seat. I may say to him that I would believe that the legislation, the amendment that's being produced now would have been produced by the previous administration in reintroducing this bill as a result of the history of the operation of the board in the last three or four months, because the board has not operated as it was understood. The former Minister of Mines and Natural Resources is here and he himself can speak for it on that basis, because in effect what has happened is that the board, in order to be able to commence its operation and because of the tremendous pressure that was involved in it, had to make arbitrary decisions - and it did; had to become involved in trying to get organized - and it did; and in the course of the choices that it made, it has adversely affected many of the fish processing companies that was never anticipated.

The argument is advanced that we on this side should be assured that the interests and the rights of the individual and the civil liberties of the individual will be protected because there is a discretionary power on the part of the Minister and the Cabinet to give compensation, and we know that the Minister is a nice fellow and he has a real feel for justice and he will see

(MR. SPIVAK cont'd) to it that justice will be done. Well, I may say, Mr. Chairman, that justice not only has to be done, it has to be deemed to be done, as in this occasion and in this House, because we're dealing with the unique situation and we have on the horizon obviously another situation, because it was mentioned by the Minister of Mines and Natural Resources in his dissertation before the committee, that we may have a situation with automobile insurance where people and individuals and corporations are going to be affected as a result of government action. And I think we have to be very really concerned, at this point, whether they are acting in such a way that justice will be done under the situation.

I suggest that the plea of the government at this time to wait four months to see the operation of it, to be able to review it and that they may come back, is not good enough. First, the plea is made that we need time; we need time to be able to make the judgment to see if we can negotiate with Ottawa, to see whether we can get the Fish Marketing Board to act in a different manner than it's acting now, because maybe through our good offices we are going to be able to cause that to happen. And if it's necessary that the rights of the individual are sort of suspended for the next two or three months, that's all right. Now it's not really going to be suspended because it's really at our discretion, because we ourselves can determine in that period of time whether his rights have really been affected or not, and, you know, we all should have faith that we're going to do the right thing. Well, what is the right thing in any given situation? That's objective. It's a question of an opinion. Whose opinion? Your opinion of what's right on this side? Our opinion of what's right on this side? The Member for Rhineland's opinion of what is right on this side? The Member from Churchill's opinion of what's right, or the Chairman on what's right? And I suggest to you that there is an obligation on the part of the government to, in this matter, deal in a forthright and proper way. I suggest that the obligation goes far beyond the impact on the few processors that are affected by this bill. I suggest that there's an obligation upon those who have stood up in this House, and stood on the platforms throughout Manitoba, and have talked about civil liberty and individual rights, not to just give lip service but in this particular situation to act, and to act properly. For the rights -- well, the Honourable House Leader shakes his head. That's very interesting.

MR. PAULLEY: Well, you're the authors of this bill.

MR. SPIVAK: Yes.

MR. PAULLEY: Yes.

MR. SPIVAK: We are the authors of this bill, and what I'm suggesting is a change that has come as a result of the action of the Fish Marketing Board. -- (Interjection) -- The Honourable the House Leader says no. Well.

A MEMBER: He hasn't been listening to the Committee.

MR. SPIVAK: You know, we have no red herrings in Manitoba that I know of, and I hope that the Honourable House Leader doesn't try to throw a red herring, because the fundamental concern . . .

MR. PAULLEY: I don't think there's any herrings in Manitoba, I'm not sure. Unless we're getting them from my honourable friend at this time.

MR. SPIVAK: Well, you know, Mr. Speaker, this is a very amusing debate. The subject is far more serious -- (Interjection) -- Well I don't think it's meant to be entertaining. I don't expect the government to answer, you know, to really be in agreement with what I'm suggesting. I don't think they're really concerned about it. But I say to you that it's quite unbelievable -- and I'm going to repeat it -- it's quite unbelievable that the first New Democratic Party Government that comes into Manitoba, when it's challenged with the first case in which the rights of the individual has to be protected, is not prepared to stand up and say it should be protected. It's not prepared to determine, as a question of fact by accord, the actual real situation as to whether a redundancy has been created as a result of a board created by government. -- (Interjection) -- The suggestion is, neither were we.

A MEMBER: Sure we were.

MR. SPIVAK: The legislation was first drafted by us was supposed to have been introduced and the board was to operate under that legislation. -- (Interjection) -- Yes, introduced and passed -- agreed. -- (Interjection) -- Well, we ducked it. We paid for ducking it, I guess.

MR. PAULLEY: Manitoba gained, however.

MR. SPIVAK: But we now have four months of operation of the board, and we now know that the board is not operating as was first contemplated. And whether we were the authors of this bill or not is incidental to the question, the real moral question that you on the other side

(MR. SPIVAK cont'd) have to face, as to whether the individual rights are being affected by the board, and you're not giving them the opportunity, the people affected, to have the opportunity for a full protection.

MR. USKIW: Would the honourable member permit a question?

MR. SPIVAK: Yes.

MR. USKIW: In the opinion of the honourable member, did the board in its operation contravene any of the sections of the present bill before us?

MR. SPIVAK: I wonder if you'd repeat the question.

MR. USKIW: In the opinion of the honourable member opposite, did the Marketing Board contravene any section of the present bill in the operation of their board since they set up?

MR. SPIVAK: I can't deal with specific sections, but I can talk about the spirit of the Act. -- (Interjection) -- Oh yes, very important.

The spirit of the Act was that they would work with the fish processors. The spirit of the Act is that they would deal with the fish processors. What evidence has come forward is that they've chosen some over others, that in effect they determined, because it was in the best interests of the market situation today, in the best interests of the fishermen, to sell whole fish rather than in a processed form. And in the course of their action, they've affected directly the ability of some of the people to be able to earn a living. Now that is the evidence that's before us, and really it hasn't been contradicted. And I'm suggesting that based on that, there is no doubt that the rights of the individual should be protected, and not protected by the discretion that is shown here.

MR. USKIW: Would my honourable friend permit another question?

MR. SPIVAK: Yes.

MR. USKIW: Is it then not the case that the previous administration had failed to develop the kind of Act that would protect all the interests?

MR. SPIVAK: No. Mr. Chairman, this is a federal-operated board. That's right. We have one member representing Manitoba and that member -- and it's pretty obvious from the information that's been supplied by the member from the few occasions that he's spoken on the board, and for the information that was supplied to the members of the committee during the committee hearings and outside, during that period of time, that he himself isn't aware of what has been happening. It is also obvious that Mr. Corney who is operating the Fish Marketing Board, and who has been really responsible, was not prepared to come before the board and to discuss in a very real and meaningful way what has been taking place.

MR. EVANS: I think you are being unfair to Mr. Corney. Mr. Corney is an employee of the Fresh Water Fish Marketing Corporation. Mr. Corney's supervisor is the Chairman of the Board of the Fresh Water Fish Marketing Corporation. An invitation was extended to the Corporation to send representatives, and suggestions were made by us as to who they should send, including Mr. Corney. However, it was the decision of the Fresh Water Fish Marketing Corporation to have Mr. Harvey, as the senior official, as the Chairman of the Board, appear before the committee, and consequently, Sir, you are being grossly unfair and unjust to Mr. Corney by suggesting that he deliberately would not come to the meeting. I sincerely say that and I think you owe Mr. Corney an apology.

MR. SPIVAK: I'll retract the statement about Mr. Corney from that point of view, and I think the Honourable Minister has corrected me and he's right in this respect, but I think it is most unfortunate, let me put it this way, that Mr. Corney was not present because he is the one who is responsible, and I think it is most unfortunate that we didn't have an opportunity of hearing his testimony as to how, in fact, the Board operates, and because -- and I recognize that Mr. Harvey was there, but he also indicated that he wasn't sure of how things were going and that in fact he's been led to believe this and that, and I would suggest to the honourable members on the other side it's for that reason, and it's really for that reason, that one must be concerned now with the rights of the individuals who are going to be affected directly by their operation. I am not going to repeat myself over and over again, and I will make the one point and move the amendment. I suggest, Mr. Chairman, that this would be a fine time for the members of the government to show in a positive way, that they really are concerned with the rights of the . . . -- (Interjection) -- Well, they just recorded it by your statements. You may suggest that my smile is indicative of something more than what I am saying. Well I'll tell you why I'm smiling. You want to impute ulterior motives. I'll tell you why I'm smiling. Because I want to say something very sincerely to the Honourable House Leader.

(MR. SPIVAK cont'd.) There have been occasions, in this House and outside, when I've heard various members speak on civil liberties and rights, when I have felt quite frankly not only have they been correct and right in a given situation, but they were men who were prepared under any consideration to stand up for the rights, and in that respect probably were worthy of a greater respect than some of the other people whom I referred to earlier as the pragmatic politicians who must continually concern themselves day to day on the political ploy that must be employed to maintain either their individual position, political position, or their Party's.

MR. CHAIRMAN: The honourable member has dealt with this question of civil liberties many times already in reference to his own view and in reference to the government, and I remind him that the question of repetition is a rule of debate and that he should not continue to reiterate the point ad infinitum.

MR. SPIVAK: Well, Mr. Chairman, I indicated that I was going to make . . .

MR. FROESE: Mr. Chairman, on the point of order. This is the first time we are dealing with this bill in Committee of the Whole, so the members probably have never heard it.

MR. CHAIRMAN: . . . is aware as well that in debate repetition is not allowable in the sense of to repeat the same argument over and over and over. I am pointing out, if you will forgive me, I'm pointing out to the member for River Heights that he has been raising the issue of civil liberties about half a dozen times in reference to the issue . . .

MR. FROESE: When?

MR. CHAIRMAN: Just in his present speech and several times to the government; that he should not go on at too great a length since the point has been made.

MR. FROESE: Mr. Chairman, as I pointed out, this is the first time we are dealing with this matter in Committee of the Whole.

MR. CHAIRMAN: Well certainly it's a first time but within that context he has repeated a certain argument or approach many times within the first time.

MR. SPIVAK: Mr. Chairman, first, I probably will be repeating this argument over and over again, not only in this situation but probably in others, if I can anticipate that the course of action in this bill is going to be the course of action of the government in other matters that we may be dealing with in the near future.

I may say, Mr. Chairman, that I indicated as well that I was going to make one statement which was a repetition and close. However, the Honourable House Leader very affectionately spoke to me, and I very affectionately tried to indicate to him that my smile was not the smile that some would like to impute to me, but was really a concern that those whom I have some great respect for, in this situation are not prepared to stand up and really see to it that the individual rights are protected here. And what are we protecting? We are simply saying in the amendment that I'm proposing now, which will be a repetition of the amendment that appeared before committee, that the question of whether the operation of the Fish Marketing Board has directly affected someone in their operation is a question of fact; that if the Minister himself does not decide that it is a redundancy, that someone has a right to go to the court for a declaration that it is a redundancy.

The court in examining the situation will take into consideration the relevant facts as to whether the operation before was dwindling, whether there was any attempt made to take advantage of the legislation that was being presented, or whether in fact, the board in the course of its operation has directly affected it in such a way that it is entitled to compensation; that the question of compensation will be made by the Land Appraisal Commission which is a government body set up independently, and which I think, as the Leader of the Opposition already said today, has sort of agreement on all sides it is operating correctly; that in the event the person affected who has such a declaration made or who in turn is declared redundant as a result of the permissive legislation which gives a discretionary right to the Minister as it presently is worded; that that person would have a right of appeal in the event he is not satisfied and that the appeal of the court would in fact be final. I really would like the members on the other side to tell me what's wrong with that. And I really would like the members on the other side to tell me what's wrong with allowing a person the right to a court for an adjudication of how his rights have in fact been affected.

So therefore, Mr. Chairman, I will move the following amendment and I will read it out at this time: "that Section 29 of Bill 10 be amended (a) by striking out all the words of subsection (1) immediately after the word "Corporation" in the sixth line thereof and substituting

(MR. SPIVAK cont'd.) therefor the words and as a consequence become redundant and has resulted in the loss of business to the owner. The Minister shall, at any time not later than the first day of May, 1973, for an on behalf of the government (a) purchase the property, and (b) fix and pay to the owner such compensation as may be reasonable for the loss of business and (c) by adding thereto immediately after subsection (1) thereof the following subsection: Declaration of redundancy by court - notwithstanding subsection (1) an owner who feels that his property has become redundant, and has as a consequence suffered loss of business, may not later than the 1st day of May, 1973, apply to a Judge of the County Court for a declaration that his property has become redundant, that he has suffered loss of business, and if the Judge so finds, the Minister shall for and on behalf of the government (a) purchase the property; and (b) fix and pay to the owner such compensation as may be reasonable for the loss of business; (c) by renumbering subsections 2, 3, 4, 5, and 6 of section 29 of Bill 10 as subsections 3, 4, 5, 6 and 7 thereof; and (d) by striking out subsection 7 of Section 29 of Bill 10 as renumbered, and substituting therefor the following subsections: Land Value Appraisal Commission. Notwithstanding subsection 5 and 6 the Lieutenant-Governor-in-Council may designate the Land Value Appraisal Commission established pursuant to the Land Acquisition Act as the Advisory Board for the purposes of this Act.

"Next section: Appeals, Section 29 (8). Where the Minister for and on behalf of the government pursuant to this section purchases the property for an owner and fixes and pays to that owner compensation for the loss of business and the owner is not satisfied with the purchase price paid by the government or the amount of compensation fixed for the loss of business, the owner may within 30 days of the date of the purchase and the fixing and paying of compensation appeal to a Judge of the county court who shall fix the purchase price and amount of compensation. Decision final, 29 (9). The decision of the Judge under subsection (8) is final".

MR. CHAIRMAN: The amendment proposed by the Honourable Member for River Heights that Section 29 of Bill 10 be amended (a) by striking out all the . . . The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Chairman, I would like to repeat in brief summary some of the statements that were made by various government members in law amendments committee, but before doing so, I would like this House to reflect on what would have happened if the previous government had carried out its proposed intention of completing the last legislative session and not have taken the decision which they made to curtail all debate and all bills currently before the House and to go to the electorate. And as the Honourable Member for River Heights has pointed out, it was to their loss that they made the decision.

Had they proceeded with the bill, and I'm not sure how enthusiastic was the Cabinet and indeed the Honourable Member for River Heights in his then position as Minister of Industry and Commerce, in favour of this bill, but he's nodding his head, so I assume he was enthusiastically in support of it. He's still nodding his head. Then, since there was no opposition indicated from the other side, this bill would have passed in the same form as it is now with a minor change which has been suggested. Then what would have happened Mr. Chairman? The bill would have been enacted, the Board would have carried on with its work, the Minister of Mines and Resources under whose responsibility this came, would have become aware of problems as they arose, and he no doubt would have dealt with them, because I don't question his desire would have been to proceed and to deal with problems as they arose. He may then have become aware of certain actions of the board which were contrary to his own projection of what would have been the case and he would have investigated it. He would have discussed the matter with the Board; he would have tried to prevail on the board to make sure that processing takes place in Manitoba. He would have had the assistance of the Minister of Industry and Commerce to make sure that the added value of processing of goods would have benefitted Manitoba, rather than goods being shipped out in their raw state; and he would have made every effort to make sure that the existing facilities would be used; and then he would have looked at the question of loss to people, redundancy, and if he was then convinced that there was that, and that his own proposal of last session, that only payments be made on the basis of physical assets, if he came to the conclusion that this was wrong, he would have come back to the next session of the legislature - which would have been held next winter - and he would have said, there is something in this bill that was overlooked by us, we have learned more about it, we want now to make an amendment that will take care of what we have learned was

(MR. CHERNIACK cont'd.) missed out by us at the last time. That's what would have happened. That's what would have happened with all the sincerity and integrity of the previous cabinet and the Minister in charge.

Well what did happen was that the bill was proposed, and I don't remember at what stage in proceeding it was on May 22nd, but regardless of what stage it was at, it died. And then what happened? Everybody went out electioneering. The Cabinet was busy fighting an election. The Honourable the then Minister of Mines and Resources was fighting a real battle and what proved for him to be a good battle; to the extent that he carried the battle out of his constituency it was not quite that successful, but he was busy; and he was busy doing that which was expected would occupy him.

Then we had an election towards the end of June and the Cabinet, and I assume the Minister responsible, was no doubt very busy consulting, consulting with every Tom and Dick, and they were consulting with Harry, and they were discussing what they were going to do about retention of government. Then they decided that they had to accept the decision of the people of Manitoba and they left government to be replaced by a new set of ministers unfamiliar with the procedures, unfamiliar with the work of the cabinet, which felt that it was a duty that they had to the people of Manitoba to proceed with legislation; the important legislation which had not been dealt with by the previous government and especially the estimates and the right to continue with the expenditure of money to carry out the program of the previous government.

This is the Cabinet which represents the party which the Honourable Member for River Heights is questioning as to its sincerity, in his previous protestations about civil liberties and about the rights of the individual. This is the party where he says the first time it's faced with a challenge doesn't accept it. This is the party which fought the question on Southern Indian Lake to a large extent based on the question of individual rights and on the question of natural resources and that of Manitoba. This is the party that for many years argued for an ombudsman and which took many years to persuade the previous government to propose legislation along the lines. This is the government which took up the question immediately and is in the process of passing the Ombudsman Act. This is the party . . .

MR. WARNER H. JORGENSEN (Morris): I wonder if you can tell me how the Honourable Minister's remarks are related to the amendment before us now? If rules mean to apply let it apply both sides.

MR. CHAIRMAN: I might say in general that the Minister did make a digression which I was aware of and that he is I believe at this moment answering the argument of the Member for River Heights who dealt at length with the question of civil liberties and also at the record of the administration in that regard and I believe that the Minister of Finance is answering him on that point.

MR. CHERNIACK: On the specific points which were raised by the Honourable Member for River Heights, Either the Honourable Member for Morris was not present or was not listening to the person who spoke on behalf of his own party, who did speak about civil liberties and about our party's attitude. And I might mention that the bill which passed third reading today at this session, the Consumer Protection Bill is one for which this party fought hardest of all and over the longest period of time and today feels has accomplished a great deal for all of the people of Manitoba through the enactment of a bill for which we all can now take credit, and believe is a forerunner for Acts of other provinces.

The fact that the Honourable Member for River Heights felt it necessary to bring this up is his problem. I assure him it is not the problem of this party and this party does not feel that it must answer to the Honourable Member for River Heights on the question of its attitude on the question of civil liberties and individual rights. Because we indicated in committee, discussing this Bill, that we are very much concerned about the problems about which we heard so much; that we do feel that something has to be looked into and investigated; that if the stories presented to us were correct, that something had to be done to consider just how the impact on the individual relates to the good of society generally. That had to be done and one does have to measure all the factors.

And certainly when we said we needed time, it was obvious that we do need time. We need time to do those things which the previous government did not do and which it was too busy to do because the four months spoken of include two months of their administration and two months of our administration, and this is investigation which could have been carried on

(MR. CHERNIACK cont'd.) had their not been this interruption caused by my honourable friends in opposition. And we do need time to negotiate and we do need time to observe the operations of the corporation, and what is more important, we do need time to discuss with the corporation what its plans are; what its programs are, as pointed out; indeed what it is actually doing that affects the individuals involved. I think that we want to make sure that as much processing as possible will take place in Manitoba and as much use of existing facilities as possible will be used in Manitoba, but in order not to prejudice the operations of what is beneficial for Manitoba, we feel we should not now prejudge the situation that would occur by accepting the amendments of the Honourable Member for River Heights.

I think any responsible government would want to measure the extent of redundancy in the light of what they didn't know when they brought this Bill in. They had no idea, apparently, what redundancies might occur, and we have no idea today what redundancies will occur because we don't know enough about the plans of the Board nor have we had an opportunity to attempt to influence those plans. So that we must - and I think it's responsible - measure the extent of redundancy and we must also know some idea of the measure of the loss that may take place. And for this we do need time and we need the opportunity, and I believe that whatever would occur, either under the existing Act or under the proposed amendment, if accepted, would not be done overnight, would not be settled in the next few months, but will be something that will be negotiated and reviewed over a period of time and that time will not end before the next session has commenced.

I would hope that we will, at that time, be able to be more fully aware of the problems, of the possible solutions, and of the costs involved. What we are saying is that we do not feel it advisable to proceed beyond the Bill as was presented to us by the previous administration and then to take the time to investigate, to enquire, and to formulate a policy which will be a correct policy and which will be acceptable, and that we could well do at the next session, if indeed it proves that the fears that have been expressed were justifiable and if the solutions that were proposed and are proposed by the Honourable Member for River Heights are practical. On that basis, we think we can proceed with some measure of responsibility.

MR. SHERMAN: Is the Honourable Minister confident that a successor to him in his office, as a consequence of a shift of responsibilities, would bring as much compassion as he sincerely brings to the problem? Does he have the confidence that this kind of compassion necessarily can be guaranteed in the legislation as it's presently worded?

MR. CHERNIACK: I am not aware of how the previous Cabinet operated and whether individual Ministers made decisions independent of his colleague's opinions. I would say that the Cabinet which represents this party comes to work and does succeed in working on the basis of consensus, and no matter what Cabinet is in power as a result of the support of the New Democratic Party members in the Legislature, it would be a decision that would be arrived at by the Cabinet and I have confidence in the Cabinet. If, however, I or other members of this Legislature are replaced by other persons who are not members of this party, I would not want to be answerable for them.

MR. GORDON W. BEARD (Churchill): I have a subsequent question I'd like to ask the Minister. I'm deeply interested in this, Mr. Chairman. I'd like to ask the Minister of Finance, as Minister of Finance and as possibly his experience as a lawyer, are there not rights of action that can be brought in the future if there was a redundancy in which the processor didn't feel he was being treated properly? Private Bills?

MR. CHERNIACK: I would say, firstly, that in my opinion the Ombudsman himself will have the opportunity to investigate any decision made by a Minister and report to the public and to the House if there was some action or decision by the Minister and his department which was contrary to the interests of an individual. That is one of the reasons why we claim so strongly that we need an Ombudsman and that is one of the reasons why we indeed extended the powers of the Ombudsman beyond that which my honourable friends across the aisle were prepared to do.

Secondly, there's no doubt, as suggested by the honourable member, that he or any other member of this House could come by way of petition for Private Bill for that kind of redress, or any other kind of redress, and I would think that there would be no way to prevent it from happening in that very fashion.

MR. SPIVAK: Mr. Chairman, a supplementary question. Are you suggesting that the Ombudsman has more power than recommendation?

MR. CHERNIACK: Mr. Chairman, I often have problems when the Honourable Member for River Heights rises to ask a question because he's always ready to twist something. Had he listened to me - and he seemed to be, I really thought I had his attention - I didn't suggest that he had any more power than to reveal to the public and to this House injustices that were created by the members, and if the honourable member feels that the recommendations of an Ombudsman and a criticism by an Ombudsman would be ignored, then he shows less political knowledge indeed than he and his colleagues showed May 22nd.

. continued on next page

MR. G. JOHNSTON: Well, Mr. Chairman, I could go along with the arguments of my honourable friend the Minister of Finance, they're so sweet and reasonable at this time, so it's very hard to oppose his philosophy in respect of this Bill. But when we examine the Bill, there's absolutely no right of appeal with respect to the Minister's decisions, which I expect his decisions will be taken upon recommendations made by civil servants and employees of Crown corporations.

Now I can recall a few years ago in this House, Mr. Chairman, when there was a great long debate based on the unequal treatment that was meted out to people who had their land expropriated, and at that time, before the enactment of legislation which brought in the Land Appraisal Commission, this was based on the decision of a Minister, whether or not the expropriation price paid at that time was fair and equitable. Perhaps it was before my honourable friend was in the House, but the First Minister of this House took a great part in that debate and he brought cases to this House where there had been, in his opinion, inequitable treatment of citizens who had had their land expropriated for the Winnipeg Floodway. I'm surprised to see that this government, which takes pride in protecting human rights in certain other areas, would introduce a Bill where the Minister, by his discretion alone, decisions are made affecting peoples' livelihood, affecting the jobs of their employees, and there's no appeal; there's no appeal whatsoever.

In the committee the other day, we had the opinion of the Minister of Transport who was quite indignant when he suggested that any members of this House had no business whatsoever in attempting to change or recommend changes in any legislation. He said the legislation should go through as put before us and that was it, and he considered it insulting to have questions posed of the government who were proposing this Bill.

The Minister of Mines and Natural Resources gave us a reason for leaving this part of the Act as is, namely the part which allowed the Minister sole discretion in deciding on compensation or what to pay for buildings and equipment. His reasoning was that well, the Federal Government have a problem in dealing with a sick industry, namely the Salt Water Fishing Industry. Well, Mr. Chairman, if we're going to base decisions here on what's happening in another jurisdiction, this is a mighty strange way to make laws in my opinion. Very strange way to make laws.

So I can understand when some of the newer members who put forward their ideas in committee, the Member for Winnipeg South said that if there is a mistake in this legislation, well then this could be a matter for the Ombudsman.

MR. CHAIRMAN: Winnipeg Centre.

MR. G. JOHNSTON: Pardon me. Now my understanding of the Ombudsman's position in this province is that he is to see that citizens who have received the benefit of bad decisions, based upon law, can have these decisions changed if the Ombudsman can, within the framework of the law, have the decisions changed, but it is not my understanding that the Ombudsman can override any law. He may draw to the attention of government some inequities in law but he can't make changes. The Ombudsman cannot reverse a decision based on a law. He can make recommendations. Is that not correct?

MR. CHERNIACK: To the public and to the Legislative Assembly.

MR. G. JOHNSTON: Right. I'm surprised that the Minister of Finance, with his legal training and his knowledge of government, should suggest the same thing, that if this law is faulty in any respect well then it becomes a matter for the Ombudsman. If that's the way we're going to pass laws here, we don't need a Legislature. You can throw in any old kind of a law and the Ombudsman will then take it from there if it happens to be a bad law.

My friend the Member for The Pas stated in Committee that he was in sympathy with the Bill and his main grounds, that I can understand, were based on the fact that many fishermen in his constituency had not received fair treatment at the hands of some of the fish companies. Well I think, Mr. Chairman, that most members of this House, their sympathies lie with the fishermen and they're all very happy to see this type of legislation come in, but notwithstanding that feeling, I think when we are writing into legislation laws, that there should be a right of appeal and in this legislation there is no right of appeal to a decision of a Minister. For this reason our party is supporting the amendment.

MR. EVANS: On a point of privilege, I'd like to correct an impression, a wrong impression in the mind of the Honourable Member for Portage la Prairie. I did not say that the reason for not considering compensation for loss of business was because of the Federal Government's

(MR. EVANS cont'd.)... attitude in this. I suggested that the Federal Government would never want to associate themselves or itself with the Manitoba Government if at some future time we could get agreement from Ottawa to co-operate with us to help us in compensation. I suggested that they never would consider co-operating in compensation for loss of business, the main reason being - well one reason at least, one reason being that it would set a precedent which would have extensive ramifications amounting to millions of dollars, but that wasn't the basic reason for my stand.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. ENNS: Well, Mr. Chairman, as the former Minister that was responsible for initiating the Bill at the last session of the House, let me add just a few comments to those that have already been made to the amendment that's before the committee as put there by the Member for River Heights.

I don't intend to enlarge on those areas that were dealt with in my opinion correctly and eloquently by the Member for River Heights, but simply to underline or underscore what in fact did happen.

The Minister of Finance rose and spoke, and if he was watching me as I think he probably was, I found myself nodding in agreement pretty well with that portion of his remarks that dealt with what could have happened, or what might have happened had the events of June 25th not been precisely what they indeed turned out to be.

I would also have to say - and I want to make it very clear to the Minister of Finance that it is not my intention to repeat private conversations that were held, or comments or remarks that were held outside of the House or in this House, but insofar as that they're germane to this particular matter, I feel it is not any breach of personal etiquette to repeat that. I recall a conversation with the Minister of Finance during the committee hearings of this legislation as to whether or not any moneys had been set aside for this possible redundancy that would enable the government, our government of that day to cope with the situation. And I believe my reply to him was No, that in fact underlines or proves, if I can use that word, more seriously or more sincerely than anything I can say, that we very obviously were of the very complete - you know, we were reasonably satisfied, or completely satisfied that in the first year or two of the operation of the Freshwater Fish Marketing Board that we would not be facing a situation of redundancy where considerable or possible considerable sums of money could be called upon to be provided by the provincial Treasury.

MR. CHERNIACK: Would the honourable member permit me to interrupt him and to ask him a question? Did he not also say that the government of that day did not want to indicate the kind of monies that would be involved, as not to be an invitation for excessive demands?

MR. ENNS: Mr. Chairman, I accept the interruption and the addition to the conversation as being correct. I think there's no problem here, this enters into the matter of the most judicious use of public monies and how best a government can put itself in a position in coping with what at any time would, or will be in the future, a difficult situation, a ticklish situation from time to time.

However, the fact remains that the point that I'm trying to make in support of the amendment before the House is that by that very fact, I'm attempting to indicate to the members opposite that this government in proceeding with the bill, proceeding with the discussions that we had with the corporation, and indeed with the senior federal officials, with the federal ministers involved throughout that winter - January, February, March and then to the actual setting up of the board - we're firmly of the opinion that the board's actions would not in fact bring any immediate redundancies in the industry.

Subsequent to that the Minister of Industry and Commerce has indicated in Committee, and I believe in his speech here again, that there was the closest of liaison between our two departments; that there were moves underfoot within the industry, encouraged by the Department of Industry and Commerce, to bring about an association or a pooling of capacity and plans, resources on the part of the processing industry. So that rather than facing this on an individual application, or on an individual basis, that we could in fact deal with it at an industry level, and perhaps in this manner, rather than direct government action or fish marketing board action, that they themselves would be in a position to declare their own redundancy and would have precluded the possibilities of arbitrary judgments by ministers, or indeed by courts.

Now, Mr. Chairman, the Minister of Finance - and I have to agree with the House Leader of the Liberal Party when he said that the Minister has of course the talent of putting forward

(MR. ENNS cont'd.) . . . a position very logically and with considerable finesse. However, the logic that is evident in this matter, he chose to ignore. The hypothetical case that he presented to us of what would have happened and what would have been done, or the kind of consultations that would have taken place, the kind of action that another Minister would have done, is all quite correct. But the simple facts, Mr. Speaker, is that we have the facts before us; we don't have the fears before us, if we accept the testimony that we heard in the committee. In other words, Mr. Speaker, we're no longer just speaking about fears of the board's action, acting in a way that's detrimental to an important segment of our industry in this province. We're no longer just fearing that a degree of processing will be taken away from this province, we have to accept, unless we strike out from the records as being totally false the statements that were made to us at the Committee, that this industry is experiencing in fact these dislocations in their industry and that they are in fact laying off Manitobans that are currently, or have been employed in the fishing industry to date.

So, Mr. Chairman, quite aside from the little interplay as to whether or not this is our bill and that we should now be the last ones to be rising in any way to object or to amend the bill, let me simply use the Minister of Finance's own description of what might have happened. He has suggested in his brief speech that had I, for instance, still been the Minister responsible and have discovered or uncovered these facts, I would have come before this Legislature at the earliest opportunity to ask for an amendment in this Act.

Now at the time the bill was left standing on May 22nd, I can assure the honourable member, or the honourable members opposite, that we had every intention and we had every belief that we would in fact be the government, so that I can state with some reasonable degree of sincerity that were I bringing in this bill now these amendments would be enacted in the bill, as indeed the Minister of Finance suggested that I would be doing. I can't quite understand the way he's prepared to suggest to me now in opposition that I would be bringing forth this amendment and he's not quite prepared to accept the amendment, or indeed to suggest to his colleague the Minister of Mines and Resources that he now accept this amendment, because I think the whole basis of what makes the amendment put before the committee by the Member for River Heights one that should deserve the support of all members of this Legislature is simply on the basis of fact.

The fact is that, rightly or wrongly -- and I'm not prepared to make any critical comments about the manner and way in which the Fresh Water Fish Marketing Board is operating. They are a board that are duly and legally set up, they have to take certain actions that they deem are in the best interests of the people that they represent -- primarily the producers -- but if the fact of these actions proves that other Manitobans, other segments of our industry are being severely dislocated, redundancies are caused that were not anticipated, then obviously the situation has changed. And for a government that, at least on the surface, appears to welcome change or is not afraid of change, or likes to give the impression that it would be a government or is in fact a government that is tuned in to being able to be flexible and to change with the rapidly changing times of our day and age, needs and the wants of the people of Manitoba, then here for goodness sakes is a very simple example where the government members opposite can recognize that what was supposed to happen didn't happen, what in fact is happening in fact is detrimental to a group of Manitobans and can be rectified by accepting and supporting the amendment put before us.

MR. EVANS: Mr. Chairman, I don't have too many words to say on this, I think we've had some extensive discussion at the committee stage and really all we're hearing now is a re-hash of these arguments.

I would say one thing though at the outset with respect to the representation that has been made, or has not been made before the committee. I would go on record now as saying that I too wish that Mr. Corney, the President of the Corporation, were there. I wish that the corporation would have had him present because I honestly feel that many of the fears of the honourable members on the other side would be quickly dispelled, that many of the allegations made by the fish processing companies and fish traders -- because let's remember that a good deal of this business is not processing but just simply buying and selling of fish -- that many of the arguments and facts or allegations suggested by these companies would have been dispelled by Mr. Corney.

I would also go on record as saying now that, you know, some mention was made of the export of raw fish. The sale of raw fish abroad is not necessarily a bad thing. In fact, I

(MR. EVANS cont'd.)... suspect that the corporation in the export of raw fish has probably caused the income of the Province of Manitoba to increase rather than decrease. It doesn't always follow that because you hold products here and process it that you maximize your income. This does not follow at all, and I think it could be proved if we could take the time to get the figures that the export of raw fish at times does maximize, does increase the income of the Province of Manitoba rather than decrease it, or hold it down to any extent.

Now, it's not too often that I get on my feet and use severe names to describe members of the opposition, it's against my nature, but I suggest to all the members of this House here this afternoon that we've heard a lot of balderdash. We've been getting crocodile tears from the members of the opposition about the unjust manner in which this government was operating. I simply don't buy their arguments, and I suggest, Mr. Chairman, that the members of the other side are being hypocrites.

MR. JORGENSEN: Mr. Chairman,.....

MR. EVANS: Now let me explain what I mean by that.

MR. JORGENSEN: Mr. Chairman, without any explanation, I want the honourable member to withdraw that word.

MR. CHAIRMAN: May I say to the Honourable Minister, and to other members, that that word has been used before. It is not parliamentary and I would ask the Honourable Minister to withdraw it or make some adjustment for his comments.

MR. EVANS: Well, if it's unparliamentary, and on that basis I would withdraw it. Let me use the word "pretender" because that's the definition of it. I suggest they were pretending today. - (Interjection) -- Because you've always been telling us that we're being unfair in our method of ascertaining compensation; that they were not aware that extensive redundancy would recur. Now this may be true, but I submit, Mr. Chairman, what the members of the opposition were aware of when they were the government, they knew full well that some redundancy would occur. It doesn't matter how much, they knew that some redundancy would occur. Even if one company was affected, the principle of compensation remains. They still had to decide when they composed the bill, when they prepared the bill, they had to decide on the method of compensation. What kind of a board would you use? To what extent the Minister should have discretion? Should compensation for business be allowed? All these questions had to be considered because it was known full well, Mr. Chairman, that the problem of redundancy would occur. And now what you're really suggesting is that there's redundancy occurring at a faster rate than you had anticipated. And I will buy that argument. There's no doubt about that, and the honourable the former Minister of Mines and Resources, I believe he's sincere when he says that there's, you know, we didn't expect this to happen. But the principle still stands. Even if one business was affected you still had to decide on how you were going to deal fairly.

You're talking about liberties, civil liberties and the like, and the principle was there to be determined by the former government. I suggest, Mr. Chairman, that the government, in its wisdom of the day, decided to use the method that's outlined in this bill, and we, being new to office, simply accepted the fact that the previous government had years and years to consider this, had the advice of the McIvor Commission, had the advice of extensive discussions with members of the Federal Government, with other provinces, to in detail decide on how they were going to proceed. But let this be on record, that they knew darned well that there was going to be some redundancy and they had to decide on how they were going to handle the redundancy, whether it's one company or a hundred companies. So don't tell us that we're all of a sudden being big monsters about this and unfair and so on. I suggest that you are taking a false stand.

Now we have gone on record in the Committee, and I've tried to stress this, that we have had considerable discussions with the corporation, that we have had repeated assurances that the corporation would act in such a manner as to minimize redundancies. As a matter of fact, I have a memo before me from Mr. Hayes, the Manitoba representative - a very able representative and I congratulate the former Minister for his appointment of this individual - in which he says in his opinion the existing facilities where feasible should be used, either by having the corporation purchase them and release them to an operator, or make a suitable arrangement with the present owners to operate within the scope of the corporation's terms.

And I'm pleased to say also, Mr. Chairman, that it looks as though we will have a second member on the board appointed by the Federal Government, but nevertheless the member will be from the Province of Manitoba, and to this extent I would hope that Manitoba's interests will

(MR. EVANS cont'd.) . . . be more fully represented. I know they're well represented now but they will even be more fully represented naturally.

I wish to reiterate also that this is not a simple case of expropriation. It is not a parallel case of expropriation. The fact is that many companies are in existence today, many companies are co-operating with the corporation. The fact that many, on the other hand, that some companies are complaining that they're having difficulties, I would remind the members that many of these same companies have had difficulties over the years and that these difficulties just simply didn't arise as of May 1st. As a matter of fact, we have documented evidence where many of these companies wish to leave the industry and wanted the Province of Manitoba, or somebody, to buy them out a couple of years back. And members of the other side know this. As a matter of fact, many of these companies have been losing business, and I daresay that if we ever did decide to compensate them for loss of business they would maybe owe the taxpayer some money rather than the other way around, because many of them have been losing money over the years. There would be zero compensation for loss of business.

Because this is not a matter of expropriation, I would submit to the honourable members of this House that the previous government in its wisdom therefore decided - and the previous Minister knows this, he should know this - they therefore decided that we would provide some compensation. We would consider this somewhat of a special case and we would provide some kind of compensation - because even you were setting a precedent - we'd provide compensation for loss of physical assets, and this is going a lot further than has ever been done before. I've cited examples of other cases of marketing legislation, the wholesalers; no provision for compensation. And remember we're dealing not with the fish, just the fish manufacturing business, we're dealing with the fish wholesale trade as well. It's not just a case of talking about manufacturers, we're talking maybe of more than 50 percent, we're talking about the wholesale fish trade business. We have other industries in this province who have been affected in some way or other by provincial legislation and no provision has ever been made for their compensation.

But the previous government in its wisdom, and I give them credit for this, decided that they would take a fair attitude because it might be something of a different case perhaps, and will at least give you compensation for physical assets. And this government has bought this. We've said in effect, okay we'll accept this legislation because they've had years and years and years to work on it. The files go back to when Gurney Evans was the Minister of Mines and Resources. There were meetings ad infinitum, with the industry, with Ottawa, with the other provinces. There are thousands of letters and memoranda on this. There have been experts, economists, all kinds of specialists that have been involved in these studies, and I submit therefore again that I just cannot be convinced by the arguments on the other side that now we've had four months of experience things have changed. I would admit the degree of redundancy may be different, but we're going to do our darnedest to try to use the existing facilities. The rate of change might have differed from what was anticipated but the principle remains, and the former government decided to follow this type of legislation and therefore deliberately made it permissive, permissive legislation, that is by the discretion of the Minister - or really the government because these things are decided by the Lieutenant-Governor-in-Council - out of their decision and their wisdom they will give some compensation. It's a case of permissive legislation and this in effect provides you with some control over expenditures which you don't have in the case of going to the courts.

I would therefore remind all members of the House that they should not feel too shaken up by the allegations that are made by the members on the other side. We are in effect passing, when we pass this Bill, and this clause without amendment, the wisdom, the collective wisdom of the previous administration. I simply do not accept, with all honesty, I simply will not accept the argument that all of a sudden things have changed. The situation - we have had the experience, but we knew long ago some of the ramifications. We didn't know the degree but we knew in principle what might happen. Therefore, I would urge all members of this House to give their support to the Bill as it stands and to vote against the amendment.

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

MR. LAURENT L. DESJARDINS (St. Boniface): Mr. Chairman, I know I'll be accused of being an opportunist or a hypocrite today but I'll try to be candid and explain my concern and the way I feel.

First of all, I don't think that anybody in this House, either the former government on

(MR. DESJARDINS cont'd.)... this or the Minister, the present Minister and the government, has not been sincere and is not trying to do the best with this Bill. But I am concerned, I might say that I intended to go along with — certainly I agree with some of the things that we are trying to accomplish in this amendment. I can't support it because I don't like it, the question of the year that has been mentioned. I think it is placing too much responsibility on the court. After all, it's up to us to enact and to make the laws and it's up to the court to bring in the interpretation at times and so on and to see that these laws are obeyed.

I'm also afraid that if we pass this amendment that we will probably subject the people of Manitoba to some bills that might rightfully be paid by Ottawa or other provinces. It reminds me a bit of Mr. Roblin, the former Premier who in a fit of temper in the House, was — Oh, I'm being very careful — in a fit of temper in this House with some of the members egging him on, said that "We will go it alone" — talking about the floodway — and he said "We will go it alone if we don't get the help from Ottawa." And of course that makes his position in Ottawa when he's going to try to negotiate for more help that much weaker, and I think that because of that statement probably Manitoba lost quite a bit of money or did not receive the grants that we would have received, especially when we compare this to what had been done in Saskatchewan under similar conditions.

So I will not support the amendment, but nevertheless, if I had an amendment, if I was sure that I could bring in an amendment that would cover what I feel, I would do it but I'm not ready. I'll admit that I'm rather mixed up on this. I don't know exactly what's the best thing for us to do. So if there was a way that we could suspend or wait, or not bring this section in with the Bill at this time, pass this section or hold it for awhile, I would be much happier. Because I'm a little afraid. I mentioned that at the time. I think my position is quite clear that I favour the free enterprise system — not at all costs. I think when the free enterprise system is not serving the best interests of the people of Manitoba, when it is not going on right, for Manitoba or Canada and so on, I say that then the government has the right and the duty probably to do something about it. And I've changed my mind at times. I remember voting against a government-owned ambulance, and a few years after when it was brought in by the members of the NDP Party I supported it because I felt that after trying so hard the free enterprise was not doing the work. And this is what I feel on this.

But the thing that I object to, or the fear that I have, is not the permissive legislation as much — the Minister I think is sincere, is going to have a look at this — but we are talking about compensation for real and personal property period, and I am afraid — I hope that my fear is exaggerated — but I am afraid that if we start this, if we allowed this, that we could be on dangerous ground. And when you are not sure, such as I am, and when you want to do the right decision, you want to be honest, sometimes you try to place yourself in a position and say, What would I do? What would I think if I was in the boots of those processors? Now I am not going to defend them at this time. Probably there is no doubt that they might have been pretty rough on the fishermen, but this is not the point. This is not the point. Are we starting something now if we say we will compensate only on real property. This is the thing that concerns me. And as I said, when you are not too sure you ask yourself, what would I think? So I relate it to my own business, which I know a little better than the fishing industry.

Now as you know, Mr. Chairman, I am in the funeral business and I think that it could be said that there are a lot of funeral directors, a lot of funeral homes that have abused the public. It's a business that lends itself to that. You meet people that are filled with emotion and so on, and if you want to take advantage of the people it is an easy thing to do. And that has been done, mostly in the States; I think happily Winnipeg has not been, or Manitoba has not been too bad on this. And I ask myself, if after working a third generation in this business, after working on call for 24 hours a day for many days without a holiday, to going in the red, borrowing money to build a place, I would ask myself if all of a sudden they decided, all right that they should do something about it. Maybe — well nationalize the funeral homes — and maybe they would have a reason; maybe I'm rooking the public. Now if the government comes in and builds a funeral home right across the street and competes on even terms, if I go under I have accepted this when I set up this business. But if the government says to me, well you cannot buy any caskets unless you vote for me and you cannot charge unless you charge so much, pretty well like they tell the industry at this time, it's a different matter. This is where I see there is a difference between the large supermarket — and it's not the same thing because you are talking about the corporation — because now the industry must rely, must wait for the goodwill

(MR. DESJARDINS cont'd.)... of the corporation before they get their supplies and so on, and they can't even charge what they want.

So I say this, again making this comparison of my own business, where would I stand if they say, well all right, it's the real property and personal property. Would you want to buy a second-hand hearse, Mr. Chairman? I don't think so and very few people would want to. So I wouldn't get too much on that, and most of the buildings would be a one - how shall I say this - a one purpose building, and that would be hard to sell also. I think that those things should be considered, and if it's good enough for me it should be considered for other people in other industry. This is my concern, this is what I'm worried about. I'm not saying pay what I'm asking or pay the full amount; I'm saying give these people a chance to come to you and say all right, this is what we lost.

Now we have heard all kinds of things that these people want to go under. Let's define redundancy. Now we are told that they have been losing money, they were going to have their door closed. Well, an accountant will find out these things. I am saying let them have a chance to come in and say all right, because of this corporation, because of this new bill this is what you do to me; now give me a chance to explain. Give me a chance, and then we should weight this on its own merits. I'm not suggesting that we should give them carte blanche and say, "you send your bill, we'll pay you tomorrow", but I'm afraid - and I'm not worried only about the fishing industry. I'm worried about the future. These things, if we allow something to do this, if we close the door and say, all right from now on, if we ever nationalize anything all we are thinking about is your assets, your property and whatever you have but nothing else; we won't worry about the time that you spent in business and so on. If this does not count I think it is unfair. I think it is unfair. If the public, and if they are going to take over from free enterprise, I think that they owe free enterprise something and I think it would be unjust. This is the concern that I have.

So I'm at a loss. I can't really support the amendment the way it is. I agree, I might say I think that I agree with the principle. If this was second reading I'd probably vote for it, but there's no second reading. Now this is why, Mr. Chairman, I don't want to waste the time of the Committee any more and this is why I will vote against the amendment. Well, maybe by some, every time I stand up they think I'm wasting the time of the House. But I will vote against the amendment and I will vote against the clause as it is. I've got no solution, but at least I'll go on record as expressing, if nothing else, hope that the Minister will take note of this - and the government. I'm concerned, and I think that we'd better, if we have another bill like this, I think we'd better prepare because I'm a little afraid of this. I rely on the goodwill and the good intention of the Minister and the government, that if we see that we've made a mistake in passing this - I suppose it will probably pass the way it is going now. The Minister and the Minister of Finance said we'll have another look at that, we understand your concern, and I'm holding him up to that, Mr. Chairman.

MR. G. JOHNSTON: Mr. Chairman, I don't know whether the Minister who spoke just before the Member for St. Boniface would include the member's contribution as hypocritical and balderdash and a false stand, such as he's told everyone else that has spoken this afternoon. But I'd like to remind my honourable friend...

MR. EVANS: On a point of privilege, not everyone else. I'm talking about the former government.

MR. G. JOHNSTON: Oh, I understood you to say that everything that has been said this afternoon.

MR. EVANS: No. I'm qualifying it then.

MR. G. JOHNSTON: I was paying attention. I understood you to say that.

I'd like to remind my honourable friend that when this bill was introduced in the last session there were no hearings held, and does he expect us to take his word on everything? We're not allowed to take cognizance of what is said at the hearings. Is that what you are saying? -- (Interjection) -- Well, you just said that you considered what was said this afternoon to be hypocritical, balderdash and a false stand.

MR. EVANS: Mr. Chairman, my intent was to direct these remarks at the former administration, the people who were knowledgeable in this case. And if I did say what you are now alleging that I did say, I'm qualifying this stand.

MR. G. JOHNSTON: You did say it.

MR. EVANS: Well, I didn't mean that.

MR. G. JOHNSTON: Don't you know what you say when you stand up?

MR. CHAIRMAN: to interrupt, but I think we have to take the word of the Minister as limiting his remarks to the previous administration. This is what he has just said and I think the honourable member should take his word.

MR. G. JOHNSTON: Oh, Mr. Chairman, I heard what he said. I was sitting in my place and paying attention to him.

I'd like to suggest that some of my friends opposite there, they should consider taking the word Democratic out of the name of their party. This is the second or the third Cabinet Minister we've had during this session in no uncertain terms stand up and tell us the way things are going to be, and I for one am getting fed up with it. This Legislature is the place for discussion and so are the committees, and to be instructed by a Cabinet Minister who have their feelings on certain things, I've had enough of it. Now I'm just making that point, Mr. Chairman, that our group for one group is not going to take this sort of talk any longer, and every time it's brought up we'll be up objecting to it.

MR. CHAIRMAN: The Honourable Member for River Heights.

MR. SPIVAK: -- (Interjection) -- No, there's no closing debate. We can go on this for a long long time and probably should. I'm not sure that we necessarily will, but the Honourable Minister of Mines and Natural Resources' statements obviously deserve an answer from this side.

You know it's a curious thing, I haven't heard the word balderdash used since the Honourable House Leader used to sit on this side, and used to really refer to everything that the other side said when we were in government as balderdash. As a matter of fact, we always used to consider him as the "Member from Balderdash".

Now having said this, may I say to the Honourable Minister, and I would like to say to the members on the other side, there is no inconsistency in the position that was presented here in this amendment by myself on behalf of our side and the position we have taken all along in connection with this legislation. I had asked before that the Deputy Minister of Industry and Commerce be brought before the committee and I asked that he be given an opportunity to present his testimony, for one valid reason. And I would ask the Minister to have some serious discussions with him and the members of the Department of Industry and Commerce.

The position that's being presented here has consistently been presented before the Department of Mines and Natural Resources and before the government, because it was unknown as to what would happen when the Fish Marketing Board took over. And Mr. Bill Hayes, whom he's referred to as a credit in connection with the operation of the board, was a recommendation of the Department of Industry and Commerce to the Department of Mines and Natural Resources as the one who could in fact assist.

But the thing that disturbs me now, is having had the opportunity of talking to Mr. Hayes and recognizing that he himself admits he doesn't know what's going on - and that's exactly what he has said - because in fact there has been some policy decisions that have been not arrived at in the carrying out of the Fish Marketing Board, simply brought forward, and brought really to mind the fears that were first experienced, that the board in the way in which it operated could in fact infringe on the rights of the processors. Not that they should be given any more than they're entitled to, but at least that their rights should be protected.

I suggest to the Honourable Minister that notwithstanding the fact that the legislation that has been introduced is all the same except in one respect, and an important one that has been ignored, there was no time limit on the legislation that we have proposed. The government has imposed 1971. We suggested, because we viewed that the fish processing companies would be working together with the Marketing Board over a long period of time, and we viewed the probability that redundancies would occur in time. We know as a matter of fact, and I know - and maybe the Honourable Minister doesn't know but if he doesn't know then I suggest he talk to the Deputy Minister of Industry and Commerce - we know of one company that was prepared to make a \$2 million investment in connection with fish processing and obviously wasn't going to be prepared to do it until he knew how the Board was going to operate and whether that would or would not have been the right decision. And that's a question that's relevant in connection with the Board's operation which I am not prepared to answer. But whether that would or would not have been the right decision, at least we knew that there was going to be some serious consideration given, at least we thought there would be some serious consideration given to it, and from the evidence that has come forth I don't think that that's a real possibility now and

(MR. SPIVAK cont'd.) . . . that may have not been the answer.

So I am suggesting again that, based on the experience, we have a right to introduce this amendment because in effect it is consistent with the concern that the rights of the individual be protected. And also - and more than anything - why even if we didn't have the experience it should be introduced, and we do have the experience which justifies it, but even if we didn't, in view of the statement that this may effect a precedent for the nationalization of the automobile insurance, that there be justification why at least a question of fact as to redundancy should be made not by the Minister or a Cabinet or a political body but should be made and determined as a question of fact by a court.

MR. EVANS: Are you denying then that -- can you deny that you as a government, you as a minister may have had a certain point of view, but as a member of the government that submitted this bill, you submitted the bill as it stands today. There may be a change in the date, but the principle, the degree of compensation, the method by which compensation was paid was obviously considered by your administration and submitted in this piece of legislation.

MR. SPIVAK: I will tell the Honourable Minister the one thing that we did not know is that the Fish Marketing Board would not sell to everybody. It was assumed as a matter of principle that they would, and the redundancy that has been developed has been developed not because it was obsolete equipment that couldn't be maintained or couldn't operate efficiently for processing, but the fact that the Fish Marketing Board is not prepared to sell everyone, and that in itself has changed the nature of what was first proposed.

MR. JORGENSON: What the Honourable Minister and the members opposite seem to be -- it seems to be impossible to get through their minds, is that on the basis of the evidence that was submitted before the committee, we all recognized that the original intention of this legislation, as it was proposed last February, is not being carried out. It was the intention, and I am sure that honourable members opposite when they were sitting on this side of the House felt as we felt - and I can't speak for the administration because I was not a member of it - but in reading over the Bill I got the impression that it was the intention of the Fish Marketing Corporation to utilize the existing facilities that were available to them in the processing industry; that it was their intention to assure the fishermen of a reasonable price for their product, bearing in mind the circumstances that existed in the Fish Marketing operations; that they would also lay out a schedule of tariffs which the fish processing industry would be able to operate under; and that on that basis, the processing industry would continue to operate within this province.

There was nothing wrong with that intention. There was nothing wrong with it at all, operated as I said in the committee - and I don't intend to repeat those remarks here - in much the same way as the Canadian Wheat Board is operated. There have been redundancies in the grain trade. Elevator companies have shifted hands, flour mills have disappeared and in their place have appeared many feed mills. Of course there will be redundancies, and on the basis of. . . .

MR. PAULLEY: Mr. Chairman, I wonder if my honourable friend would permit just an intrusion on his remarks. I do not want to curtail his right to speak, but I would like to make a suggestion to the committee. It seems obvious to me that we are not going to be able to complete consideration in Committee of the Whole House of Bill No. 10.

Mr. Chairman, the other day there was tacit agreement that Law Amendments Committee would meet at 8:00 o'clock this evening and I would like to suggest to the committee that the committee rise; that we give third reading to the bills that have been processed this afternoon in Committee of the Whole House, one of which, namely the bill in the name of the Honourable Member for West Brandon was by leave; and that we request Mr. Speaker to take the Chair and then leave the Chair now and we go into Law Amendments Committee at 8:00 o'clock as agreed upon. If Law Amendments Committee have completed their deliberations priorly, that we come back into the House. In any case, Law Amendments at 10:00 o'clock or just prior to 10:00 o'clock would rise, we come in and adjourn the House. I think this would be a proper procedure and I recommend it to the committee for their consideration.

MR. FROESE: Mr. Chairman, just what bills are there to be dealt with in Law Amendments?

MR. PAULLEY: I don't recall them all, Mr. Chairman. There's the Bill on the Election Act, there's a bill on Health Services and one or two others. If I recall correctly, and maybe the Honourable Leader of the Opposition can agree or disagree with me, this was an

(MR. PAULLEY cont'd.) understanding, that public representations would be heard in Law Amendments Committee in respect of these bills tonight.

MR. WEIR: Well yes, Mr. Speaker, there's a couple of fairly important bills before the House on which there hasn't been an opportunity to have representation, and it was at my suggestion that we set a time, which I think was established for 8:00 o'clock tonight, and I agree that we should meet that commitment. It is my view that the work that's there will probably, if there is significant representation, will likely take the full time of the House. Unfortunately, this makes the people who aren't members of the committee sit around and come back later on tonight but I'm not going to oppose it. I am not going to oppose it on that ground -- (Interjection) -- well, it's all right to say as long as we have a quorum, but the members of the House that are not members of the committee may very well be interested in the work that would continue in the House and they don't know what time we are coming back, so it makes them sit around. But, Mr. Speaker, I'm not going to object so I will go along.

MR. PAULLEY: Mr. Chairman, I move that the committee rise.

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

Mr. Speaker, the Committee of the Whole House has considered the following Bills: No. 30, has amended No. 26, and No. 12 without amendment.

IN SESSION

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

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

BILLS NOS, 30 (By Leave) and 26 were each read a third time and passed.

MR. TOUPIN presented Bill No. 12, The Consumers Protection Act, for third reading.

MR. SPEAKER presented the motion.

MR. FROESE: I move, seconded by the Honourable Member for Souris-Killarney, that the debate be adjourned.

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

MR. PAULLEY: Mr. Speaker, I suggest that you do now leave the Chair and, in accordance with the understanding arrived at, the Committee on Law Amendments will meet at 8:00 o'clock.

MR. SPEAKER: I am now leaving the Chair to return. . . .

MR. PAULLEY: The understanding would be that if the business of Law Amendments is concluded prior to 10:00 o'clock you would be requested to return to your Chair. In any event, if not, at approximately 10:00 o'clock for the adjournment of the business of the day.

MR. SPEAKER: In that event then I am leaving the Chair.