

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Wednesday, August 12, 1970

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Notices of Motion; Introduction of Bills; Orders of the Day.

The Honourable House Leader.

HON. SIDNEY GREEN, Q. C. (Minister of Mines and Natural Resources)(Inkster): Mr. Speaker, I move, seconded by the Honourable Minister for Cultural Affairs, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the following bill, No. 56, The Automobile Insurance Act.

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

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: We're dealing with the proposed Section (r) as amended. The Honourable Member for Souris-Killarney.

MR. EARL McKE LLAR (Souris-Killarney): Mr. Chairman, speaking before the adjournment, I'm greatly concerned about this, and I want to ask the Minister now, are you going to have separate licenses for people selling license plates and government automobile insurance? If you're not, I'm going to make an amendment. This is about all I have to say, because I know that many - I mentioned before, the licenses we buy now are licenses that permit you to sell, fire, miscellaneous coverage and hail; and if miscellaneous coverage is going to mean a license is required for the sale of license plates and government automobile insurance, I would like to know now, otherwise I'll make an amendment to this particular motion.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs)(Selkirk): Mr. Chairman, I thought, but I guess I done a poor job of it in explaining this clause just before the adjournment at 5:30. It may be that the wording should be clarified in respect to this clause, but the intention is that the term of reference should deal with the feasibility of the sale or resale of agents' licenses and this reference is to the type of license that was referred to in the First Minister's address last week. Licenses that would be issued in order that agents could issue the basic insurance program could handle it on the fee basis, as indicated in the Minister's address. Now, I think what the Member for Souris-Killarney is concerned about is that when we say agents' licenses that we are thinking in terms of the general insurance license. That is not the intention and I would be prepared to give thought here at this moment with my colleagues to changing that wording to make it more palatable.

MR. JAMES H. BILTON (Swan River): Mr. Chairman, may I be permitted to ask the Minister a question?

MR. CHAIRMAN: The Honourable Member for Swan River.

MR. BILTON: Under these new regulations, in Swan River we have a widow that has been in the past selling license plates. Does she lose her job, an appointment made for that locality in the selling of insurance and also license plates? Is she eliminated?

MR. CHAIRMAN: The Honourable First Minister.

HON. ED SCHREYER (Premier) (Rossmere): Mr. Chairman, may I say to the Honourable Member for Swan River that there may be such circumstances but I would also remind him about the circumstances, for example, which surrounded the change in motor vehicle license plate issuing arrangement in places like Roblin and Neepawa which paralleled somewhat the circumstance which he alludes to; nevertheless some changes were made. This is something which in the normal course one makes an effort to avoid but there can be no way of guaranteeing now that there may not have to be some such changes.

MR. BILTON: . . . the First Minister if this good lady loses this job she's a welfare case.

MR. SCHREYER: Well, Mr. Chairman, may I point out to my honourable friend that in the case of the motor vehicle license plate issuing agency in Roblin, Manitoba, for example, that the authority was taken away from one person back in 1960 and given to someone else; and in fact the person who had been the license plate issuing person deceased in a matter of months

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(MR. SCHREYER cont'd.) and left a widow with children but it happened that the license plate issuing had been given to someone else who in terms of financial need didn't require it, but for whatever reason it was decided it would be more prudent to give it to that other person and so it was done. My honourable friend surely wouldn't suggest that it was wrong on the part of the previous administration to have followed that course of action.

MR. BILTON: I'd remind the First Minister that I care not what went on elsewhere; I'm concerned with my own people. She's carrying on where her husband left off and he has passed away. He had the job before she did, and I'm suggesting to him, or I'm asking him, does she lose her job?

MR. SCHREYER: Mr. Chairman, the honourable member perhaps should indicate whether that particular source of revenue is the only source of revenue or income to that person, because as I recall the amount involved is 65 cents per plate, so therefore in an area such as the Swan River district serves, he's probably talking about 3,000 automobile, or he's talking about probably 3,500 automobiles, therefore about \$2,600 per year. Of course an effort will be made to try to avoid causing additional problems in circumstances such as that. I'm sure my honourable friend appreciates that.

MR. BILTON: I say to the Honourable First Minister that it is a large part of her income and she is in the office every day. She just gets along with what she receives and I don't wish to perpetuate it but I just want to know where she stands under the new set-up.

MR. SCHREYER: I can assure my honourable friend that before there is any actual change in those circumstances that the information will be forthcoming.

MR. CHAIRMAN: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: In respect to the question raised by the Member for Souris-Killarney, I would propose if he would listen, in paragraph (ii), where it states the sale or resale of agents' licenses, after the word "agents" to insert the words "public automobile insurance" licenses so that we narrow it down to the particular type of license that we're speaking of, if that would sound satisfactory to him. If I could then have leave to revise the wording, to insert the words "public automobile insurance" after the word "agents" in paragraph (ii).

MR. CHAIRMAN: I'd like to clarify that. In (ii), is that the section?

MR. PAWLEY: That's correct.

MR. CHAIRMAN: And would you please repeat that - after "agents"?

MR. PAWLEY: After "agents" . . .

MR. CHAIRMAN: In the second line?

MR. PAWLEY: Yes. The words "public automobile insurance".

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

MR. McKE LLAR: I just wonder, for the benefit of many of our leading agents in our many communities, while the bill hasn't passed, I know that they're trying to salvage something out of the whole deal and it won't be very much compared with what their standard of living or their - but what recourse do they take? Do they contact the Motor Vehicle Branch, do they contact the Minister? Where do they go and what do they do?

MR. PAWLEY: . . . that will of course be clarified shortly. Certainly we haven't had the opportunity to think in those type of details at this time; in fact I think it would be, I think, improper before the passing of the bill.

MR. CHAIRMAN put the question on the proposed motion of the Honourable Minister of Municipal Affairs, Section (r) as amended, and after a voice vote declared the motion carried.

MR. CHAIRMAN: Section 29 (1) pass . . . The Honourable House Leader of the Liberal Party.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Chairman, I indicated earlier in the day that I had an amendment to propose to be placed at the end of Section 29. I might say before I start that it is not our purpose to unduly delay . . .

MR. CHAIRMAN: . . . for verification, does the Honourable House Leader mean after the passage of 29 (1), just prior to . . .

MR. G. JOHNSTON: At the end of 29 (1).

MR. CHAIRMAN: Fine. I might say, Mr. Chairman, it is not our purpose to unduly hold up or delay any votes that may be still to come on the bill; nor is it our intention to move a great number of amendments for the purpose of creating more arguments and holding back a final vote on the issue before us, Bill 56; so I will say now that we intend to move this amendment and one other in Committee of the Whole.

(MR. CHAIRMAN cont'd).

So, Mr. Chairman, I move that Section 29 (1) be amended by adding at the end of the Section the following words: "Provided, however, that any regulations passed under this clause shall not take effect unless and until such regulations are tabled and considered by the Legislature."

MR. SCHREYER: Mr. Chairman, while you're considering the acceptability . . .

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: While you're considering the acceptability of the proposed amendment, may I suggest that if I understand my honourable friend's purpose correctly, he wishes that all regulations pertaining to the universal compulsory operation of the bill not come into effect until after they have been considered by the Legislature. If that is his purpose then I can assure him now that this cannot be the case anyway because there will be in the proclamation section a provision that the universal compulsory aspect of this bill does not come into force until after the date June 30th as I've already indicated many times. Therefore, the regulations in respect to that aspect of the bill cannot come into force any sooner than those sections of the bill. On the other hand, the other sections of the bill do not relate to universal compulsory operations of the plan. There is really no point, no point and no way in which they need be held up because they have to do with the establishment of the Advisory Board, etcetera, etcetera. I think I understand the honourable member's purpose. I do not quarrel with it, but the way the amendment is worded would have the effect of simply making it impossible to proceed with other matters that do not relate to the actual operation of a universal compulsory plan. If that's the concern, as I believe it is, that can be taken care of by the proclamation section at the end of the bill.

MR. CHAIRMAN: The Honourable House Leader.

MR. G. JOHNSTON: Mr. Speaker, I suppose I should be speaking to a point of order, . . . to put the amendment. I think that a number of members have raised the objection in the manner in which Bill 56 was introduced. One of the main objections were that the accompanying regulations were not with the bill, -- (Interjection) -- No, this was an objection raised by myself and others, and because the bill is patterned somewhat after the Saskatchewan bill -- it is to be recalled that the Saskatchewan bill when it was introduced had the regulations along with the bill so that members in the House could consider the bill in context and relate it to the regulations. -- (Interjection) -- That is true. The First Minister says no, that's not so. My information is that in Saskatchewan the regulations were put on the members' desks along with the bill or during the debate on the bill, and they knew what the rates were, they knew what the regulations were. Certain members, in particular the . . .

MR. CHAIRMAN: Perhaps I could interrupt the Honourable House Leader. I would like to settle the question of whether or not this amendment is in order. My impression at this moment is that it is, but I would like to hear whether the Honourable House Leader would like to . . .

MR. G. JOHNSTON: Well, my point of order, Mr. Chairman, is that this is a way of having the members of this House consider the regulations the same as had happened in Saskatchewan, although there may be a year's difference in time lapse.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, may I make just a few additional observations.

MR. CHAIRMAN: On the point of order - as to the acceptability of the motion or on the motion itself?

MR. SCHREYER: Well in the same vein as the Honourable Member from Portage la Prairie . . .

MR. CHAIRMAN: Well, I would prefer the Minister suggested whether or not this motion is in order first.

MR. SCHREYER: Perhaps you're right, Sir. I was not going to make much of the acceptability of the motion except to put strictly, on the point of order then, strictly to put forward the question as to whether or not it is the practice and usage to have regulations which are authorized under an Act subject to reapproval, if you like, specified in statutes. I'm not making a strong case here, it's just that I'm not aware of any statute that is so drafted, I'm just not aware of any, and therefore I rather suspect that there is some authority against it. I repeat, I'm not arguing strongly against the acceptability of it.

MR. CHAIRMAN: I would rule then that the motion by the Honourable House Leader is in order and would ask him to proceed on that now.

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MR. G. JOHNSTON: Mr. Chairman, much has been made, in fact as late as this afternoon by the Honourable Member for St. Boniface, that he considers the legislation permissive and while he didn't meet with an agreement of the House that's for sure, he has a point, he has a point. What he's saying in effect is that there is still time, if the regulations do not suit the majority of the members of this House then they have a certain course of action they can take at the next Legislature, probably by way of a vote of want of confidence in the government, in their actions in regard to drawing up the regulations of Bill 56.

Further to that, when the First Minister a few days ago devoted two and a half hours in a major speech on the government's position on Bill 56 he said, and I would like to quote what he said, where there was an indication that there would be an opportunity for some discussion on this by, well, perhaps, maybe he means by the public, but I take it to mean by the Legislature. I would like to quote. It's on the second last page of his speech, and I'll quote the whole paragraph so there's no danger of taking his remarks out of context. "Mr. Speaker, as a further indication of the goodwill of this government, I will move an amendment when Bill 56 is in Committee of the Whole House that the public plan shall take effect not sooner than June 30, 1971. This will give ample opportunity to formulate those regulations and details than a normal parliamentary government procedure are done after the passing of a statute. This also gives adequate time to make necessary administrative arrangements that must be started soon to be ready several months later. This clause also insures that a real legislative debate will take place before the program becomes operational."

Well, Mr. Chairman, my motion is designed to do just that, to have that take place. Now perhaps the First Minister is going to place a different interpretation upon his remarks but I want it in the bill that we have the chance to consider the regulations in this House next session.

MR. SCHREYER: Mr. Chairman, I really don't think that there is any difference - I really don't think there is any difference in the fundamental view between the Honourable Member for Portage la Prairie and myself with respect to my remarks that he has just quoted. I have said now a number of times that before the public auto insurance plan goes into effect, that there will be opportunity in this Legislature to discuss the regulations; and by that I mean that before - which is what my honourable friends, of course, have based the main part of their opposition - the universal compulsory automobile insurance plan. In fact, it is the intention to amend the proclamation section so that it shall be clear and in the bill, that it shall not come into effect until June 30th or thereafter or not sooner than June 30th. That certainly means, therefore, that the regulations that would be drafted pursuant to the sections of the bill having to do with the universal compulsory auto insurance plan could not come into force, because regulations cannot come into force any sooner than the sections of the bill; and so my honourable friend, surely if that's his intention, we can be in agreement.

On the other hand, there are sections of the bill and regulations which are authorized thereunder, which, for example, having to do with the establishment of the advisory committee, of the transitional assistance board and other cases, where the regulations must be promulgated and put into effect sooner. But what is the principle point of disagreement? It is that which has to do with the universal compulsory operation of the plan and that we intend to say in the bill shall not come into effect until June 30th or thereafter and therefore the regulations at the same time, not any sooner. By which time, of course, as was indicated by a number of speakers, this Assembly shall have had opportunity to deal with the question of the adequacy or inadequacy of these regulations.

MR. G. JOHNSTON: Well before the question, Mr. Chairman, I'd just like to say that the First Minister has said that he and myself are very close in our agreement; I hope he will support the amendment. -- (Interjection) --

MR. CHAIRMAN: The Honourable Minister of Finance.

HON. SAUL CHERNIACK, Q. C. (Minister of Finance)(St. John's): Mr. Chairman, I'm just wondering - on clarification, by the Honourable House Leader of the Liberal Party. The Honourable Member for Ste. Rose said that he felt that it was the objective of that party to see to it that now that they've failed on the competitive aspect that they would make the bill workable and workable well, and it seems to me that -- (Interjection) -- if the bill passed, well, of course, but assuming the bill will pass, and the amendment obviously is designed to be there in the event that it passes, then would not this amendment just cripple the opportunity to develop these very things we've been discussing all day? -- (Interjection) -- Yes, they

(MR. CHERNIACK cont'd) would, because the very regulation that we dealt with and just passed, that's regulation (r), involves a very quick action of dealing with the setting up of the advisory committee and its terms of reference, it would simply cripple it and that surely is not the intention of the Liberal Party, if indeed, and I don't question that the Honourable Member for Ste. Rose meant what he said, and that was to make it possible to work with-in the bill, if indeed it passes.

MR. G. JOHNSTON: Mr. Chairman, 29(1) the first sentence says: "The Lieutenant Governor in Council may make regulations establishing, amending, revoking such plans, etc." Our amendment says "provided, however, that any regulations passed under the clause shall not take effect unless and until said regulations are tabled and considered in the Legislature."

MR. SCHREYER: Well, Mr. Chairman, really the point that is under consideration and perhaps requires further clarification is that if it is the concern of the Honourable Member for Portage la Prairie that regulations under this bill, that have in any way to do with the universal compulsory auto insurance plan and its operation, that they will somehow go into effect before June 30th, I can not only assure him now, I can tell him now that right in Statute there will be a provision that those sections of the bill and of the entire universal compulsory auto insurance plan itself will not go into effect until after June 30th, therefore no regulations pertaining thereto can go into effect.

If that is the wish of the Honourable Member from Portage la Prairie, then there is no disagreement, but certainly the amendment as it's worded is not acceptable because it would have the effect of simply making it impossible to establish the advisory board and other matters that do not have to do with the operation of a universal compulsory auto insurance plan. I sense it's frustrating, Mr. Chairman, because if I understand the honourable member correctly, there is no substantive point of disagreement; but the amendment doesn't have that effect and can be dealt with as effectively, if not more, by the proclamation section and specifying the date therein.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Chairman, on a point of order. I believe there might be a little bit of confusion on the amendment of the Leader of the Liberal Party, and I would suggest that it could possibly be cleared up if the word "operative" was placed in front of the regulations and this would then clarify the intent of the Leader of the Liberal party. This is just a suggestion.

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

MR. G. JOHNSTON: Ayes and Nays, Mr. Chairman.

MR. CHAIRMAN: Ayes and Nays? Call in the members. On the proposed motion of the Honourable House Leader of the Liberal Party.

A COUNTED VOTE was taken, the result being as follows: Yeas 27; Nays 28.

MR. CHAIRMAN: I declare the motion lost. 29 (1)--passed; 29(2). . . The Member for St. Boniface.

PERSONAL STATEMENT

MR. LAURENT L. DESJARDINS (St. Boniface): I would like to make a short statement on a question of personal privilege. For eleven years I have discharged my responsibility in this House to the best of my ability and as honestly as possible. I have never ducked an issue, never asked for mercy for myself, and fought my own battles. Once again at this time members of my family are being subjected to filthy calls and threats. To put an end to this, I wish to inform the House that I will continue to accept my responsibility until shortly after the end of the session, at which time it is my intention as resign as the Member for St. Boniface. Yes, it is tough.

MR. CHAIRMAN: Order! The Member for Swan River.

MR. BILTON: Mr. Chairman, on a point of order. I think it is regrettable that we have to have that message from the Honourable Member for St. Boniface. I don't think there is any member of this House would wish that his family would have been disturbed. I think it's a most regrettable incident and on behalf of our party, I think it's very unfortunate. (Hear, Hear)

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, it is very rare, if ever it has happened that a point of personal privilege and personal statement of that kind has ever been read in a parliament. I can only imagine the circumstances which have led up to it. I feel a sense of deep personal regret that this has come about. However, I'm confident that the Honourable Member who has made the statement, has made it on the basis of his own considered judgment and out of a feeling of personal conviction. I have yet, I hold out the hope that the Honourable Member may see fit to reconsider, but I am sure that in this, as in all other things, he will ultimately make the decision for himself.

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

MR. GILDAS MOLGAT (Ste. Rose): Mr. Chairman, as one who sat in caucus with the Member for St. Boniface for many years, I have to admit that during the time we sat as colleagues in caucus, we didn't always agree, that's the way of life in politics, and I have not always agreed with the Honourable Member in the past two sessions of this House. That hasn't changed my personal relationship towards the Member for St. Boniface. I've always respected the right of any individual to act according to his own views of what should be done at the time. I think it's very regrettable that some people who are not in this House at times don't understand that the arguments and the debates that go on here, while they may be very serious to us and they are felt sincerely by the members who speak here, they don't usually reach to the individuals, they are really between views, and policies. It's unfortunate that some people then outside don't understand this and proceed to make phone calls and I suppose all of us at times have been subject to this.

I would hope that the statement that's been made tonight would deter any persons from doing this, will recognize that the members who are sent here really don't benefit personally by being here, that the 57 people who are here, could very well for their own advantage be elsewhere. We may make mistakes, we may not always do exactly as we should; we may make errors in judgment, but I think that we do them in the light of what we believe as individuals and it would be unfortunate if members did not feel they could continue to do that, because of statements that might be made outside or phone calls that might be received and the sort of problems that can arise. I would hope, I say this again, not that I necessarily agree with the stand that the Member for St. Boniface has taken, but I respect his right to take the stands he takes, I would hope that he would not take a course of action based on some phone calls from misguided people but do what in the long run is the best thing for his constituents and for the province.

BILL 56 (Cont'd)

MR. CHAIRMAN: Proceeding with the bill. Section 29 (1)--passed; Section 29(2)--passed; Section 29 (3) as amended -- passed. Section 30 . . . The Honourable Member for River Heights.

MR. SIDNEY SPIVAK Q.C. (River Heights): Mr. Chairman, I move, seconded by the Honourable Member for Lakeside that Bill 56 be amended by adding thereto immediately after subsection (3) of Section 29, the following subsections 29 (4) rates for automobile insurance supplied by the corporation shall be approved by the Public Utilities Board; 29 (5) on any application for an increase or decrease in rates, or for any variation of such rates, the Public Utilities Board on such application, shall in fixing a rate or rates, take into consideration, among other relevant factors, (a) the amount required to provide sufficient monies to cover operating, maintenance and claimant expense, the interest and expenses on debt incurred for the purposes of the corporation by the government; (c) interest on debt incurred by the corporation; (d) reserves for replacement, renewal and obsolescence or works of the corporation; (e) such other reserves as are necessary for the maintenance, operation and replacement or works of the corporation, (f) and such other payments as are required to be made out of the revenue.

MR. CHAIRMAN presented the motion. The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, the amendment in the main follows the wording in The Telephone Act where approval of rates by the Public Utility Board, and considerations to be observed by the Board are included, and I refer you to the Telephone Act, Sections 39(1) and 39(2).

Mr. Chairman, it's not my intention to speak at any length on this, simply to make one observation. I have in front of me the hearings on the Manitoba Hydro rates before the Public

(MR. SPIVAK cont'd.) Utility Board of Manitoba, April 2, 1969 and I should like to make reference to Page 35 that I have, to the submission by the Minister of Education, who's referred to as Mr. Miller, on behalf of the New Democratic Party. In the middle of a paragraph Mr. Miller said, and I quote: "Now, however, we are faced with a situation where the rates are on a rise and, of course, when that happens a public reaction has set in. On the other hand, I think it is right that any public utility or any utility which is governed by a board which is not answerable to the public, should have to justify its increases."

Mr. Chairman, it is the government's contention that insurance is a utility and that the take-over of the insurance industry is justified on the basis that it's a utility. Mr. Chairman, if there is consistency in the position of the New Democratic Party, and it was expressed in April of last year, when the Honourable Minister of Education spoke on their behalf, when he suggested that any public utility or any utility which is governed by a board which is not answerable to the public, should have to justify its increases, then I suggest, Mr. Chairman, that there should be no reluctance on the part of the government and on the part of the New Democratic Party who are now the government, to accept this amendment which follows the Telephone Act almost in every detail.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, I'd like to speak briefly to the amendment moved by the Member for River Heights. I begin by saying that I regret the fact that I was not in this Assembly when the debates were taking place in the last two or three years on the question of the necessity of having rates charged by a publicly owned utility subject to regulation by another publicly operated agency. Mr. Chairman, it seems to me rather a strange position, one that I have always contended amounted to something approaching incest, using it in the figurative sense of the word, not - I mean in the literal sense - literal, not - in the figurative sense of the word - let me explain just what I mean, Mr. Chairman. The contention that it is necessary for one publicly owned agency to have its rates subject to adjudication by another publicly operated agency strikes me as being the same as arguing that one public agency has the public interest more in mind than another, and I find that to be illogical, so much so that it falls to the ground at first utterance. Mr. Chairman, having said that, however, I could still come round to the argument of the Honourable Member for River Heights, I could still be persuaded to admit that there was some validity to having it subject to a public utility board regulation, if, there was an intention or a policy that . . .

MR. CHAIRMAN: Order please, it's rather noisy in the Chamber.

MR. SCHREYER: If it were the policy or the intention to use a publicly owned agency to earn moneys, the surplus of which would be funnelled into consolidated revenue, then my honourable friend from River Heights would have a valid argument; because a government could use a utility as a revenue source for purposes of consolidated revenue and in that sense it would be akin to a taxation measure. But, if a publicly owned utility has a non-diversion policy, as I understand Manitoba utilities have had for a long time, Manitoba operated agencies have had for a long time, well then if there is non diversion of any surplus or profits then why in the world would there be any reason for wanting a utility board regulation of the rates of that agency, because the earnings therefrom would be used in order to maintain premium levels and to maintain necessary reserves against contingencies.

I conclude my argument by saying that in the absence of a diversion of earned surplus or profit, there is no possible argument for having one public agency submitted to regulation or adjudication by another public agency.

MR. CHAIRMAN: Are you ready for the question? The Honourable Member for River Heights.

MR. SPIVAK: Mr. Chairman, may I now make reference to the Hydro Electric Board, which is also a utility and to the provision contained therein with respect to the rates, and may I follow logically the proposition that the First Minister has presented which has in fact been interpreted by Hydro, which is the conclusion that he would like to draw in this situation and which would be his proposal; and I'll show you how ridiculous this becomes.

There is a section in the Hydro Act 39(3) which provides that the corporation may apply to the Public Utility Board for a determination by it of the price that the corporation should charge for power pursuant to subsection (1), and it did so, Mr. Chairman, on the first occasion, and the hearing was held, and the order of the public utility board was given in this year February 13th. Now this was the first occasion on which Hydro applied to the Board,

(MR. SPIVAK cont'd) It did not have to, but it went to the Board for the purpose of determining its price that it would charge.

Now two things happened, and I quote from the board report: "The Board wishes to make a preliminary observation concerning the scope of the order contemplated by subsection 3 of Section 40 of the Manitoba Hydro Act. It is the view of the Board that this section imposes no limitation upon it regarding those factors which should be taken into account in the issuance of a rate order, other than the limitations imposed under the Manitoba Hydro Act itself. The point the Board wishes to emphasize, since counsel for Manitoba Hydro seemed to suggest, particularly in its closing summary on December 4, '69 that the size of the reserves to be established under subsection (1) of Section 40 and Section 41 of the Manitoba Hydro Act, was a matter lying solely within the discretion and judgment of Manitoba Hydro and consequently beyond the purview of the Board. The Board rejects the interpretation of the Act, if indeed it was intended to be advanced on the logical ground that if the very significant area of Manitoba Hydro's costs is to be regarded as sacrosanct and simply accepted without question, these proceedings initiated by Manitoba Hydro for an independent review of its rates could be nothing more than a sham. The Board cannot believe that the Legislature of Manitoba could have intended that such a futile exercise be performed in the guise of a serious review of the rates to be charged for electricity by Manitoba Hydro. Mr. Chairman, the Board's finding was quite significant. The new chairman of the Hydro Board in his testimony before the Public Utility Committee said, and I quote (he made two statement, I have one here and I'll read it here): "well Mr. Chairman", and this is on Page 13 of the transcript of June 1st, "Well, Mr. Chairman, I think that there may be some vagueness in the Manitoba Hydro Act, no doubt deliberate. It's quite clear that the corporation may appear to the public utilities board and the corporation take the position that it is asking for advice and this is, I think, the position that the Manitoba Hydro Board assumed at the time it asked the Public Utility Board to advise it on the rate and receive the advice that it should increase them 14 1/2 percent."

Mr. Chairman, I do not believe at the time that this Act was passed and there was a provision providing for a determination of the rate by Manitoba Hydro by the Public Utility Board, that it was to be considered that this was a question of asking for advice. The Telephone Act is direct, the rate cannot be increased or decreased unless it is subject to review of the Public Utilities Board. Hydro Act did not have the same wording but there is no doubt the intent was clear. Hydro have refused to act on the order, which in fact would have caused an increase, if one was to - and I'm not going to get involved in that - if one was to really analyze the board's decision, one would realize that in effect, at one point, if their information is correct and their judgment is right, the people of Manitoba are going to have to pay a tremendous increase in their hydro rates in order to meet the requirements specified in the Board order. Mr. Chairman, it is for this reason that the logic of the New Democratic Party's position in April still must be considered today, for the simple reason that it's obvious that there should be some private determination to determine fully, for those who may feel aggrieved, for those who may question that in fact the exercise by the corporation of its power with respect to fixing a schedule of rates for the service that it is to provide, is done fairly, properly and accurately. Mr. Chairman, this was the purpose of going to the Public Utility Board, this was the meaning and intent of the Honourable Minister of Youth and Education at the time he appeared before the committee and I suggest this is the rationale and the reason why this should be supported.

MR. CHAIRMAN: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Chairman, I don't know if the Honourable Member for River Heights has learned much in the last 12 or 13 months, but I must say that I have learned a good deal. I guess when one is exposed to the responsibilities that have been assumed by this government one learns a great deal. I don't know whether that applies to members in the opposition who have been in government but I know that year by year, I learn and I don't stay fixed with former ideas.

For example, I learned and I confess it openly, only within the last year, that the Telephone Company was a takeover of a previously privately owned, private enterprise company and the provisions in the Act at that time were to carry forward of the provisions of the Telephone Act of the private enterprise company and that in the minds of many people it is still an anomaly that Telephones should be required to appear before the Public Utilities.

I've learned also the principles which were enunciated by the First Minister, and I needn't

(MR. CHERNIACK cont'd.) . . . go into those, because he has cited them, but I learned quickly in my discussions with people at Hydro and with people at Public Utilities Board and with people who have been involved over many years, that it really is a peculiar thing to require a publicly appointed body to submit its views to another publicly appointed body for consideration and review. The cost of what took place in the review by the Public Utilities Board of the Manitoba Hydro proposed rates was very high and I am informed duplicated a great deal of the costs that were incurred by Hydro itself before it established its own rates. There were double boards and there were double costs, and who is to say which board is the more competent to make a decision which in any event has to be a decision in the public interest. Certainly it's the government that has to assume final responsibility for the actions of the board it appoints, and in the event that you have two boards with disagreeing points of view, then how does government really take on and accept its responsibility to the people for the board it appoints, if there is that kind of conflict.

Members may recall that a motion was brought in the summer session of last year, in identical words to a motion that was brought by our party some year prior to that, on the question of Hydro rates, and I undertook then that I would review and study the motion that was made and that was passed for consideration. I must say, Mr. Chairman, that I have not completed my review, and I have not completed my discussions, but so far, I have not received any cogent, positive advice to the effect that this should be done, and I am now seriously considering the advisability of proposing to cabinet the deletion of that aspect of the Telephone Act which appears to be redundant. I say that in the sense that I am not yet ready to make that recommendation. Honourable members will recognize that we've been busy for some period of time and I make no apology for the fact that I've not completed my studies, but I must say, again, that the best advice I've received, and I have consulted with the people involved, with Hydro people with public utilities people, with Telephone System people, and I'll be glad to consider this proposal also with public insurance board people; as indeed, I suppose we ought to consider it with the crop insurance people, because I looked through the Crop Insurance Act when the honourable member raised the question, and I find Crop Insurance Act, chapter c.310 under fixing premiums, Section 18(1) subject to the approval of the Lieutenant Governor in Council, the agency may by its written order prescribe premium rates or premiums or both premium rates and premiums and bonuses etc. etc. Nothing in the Act that I have found refers the crop insurance program for review by the Public Utility Board. Therefore, Mr. Chairman, without being contentious or quarrelsome, but I suppose being argumentative -- and the Honourable Member for Swan River isn't here so I suppose he won't complain that I'm being argumentative -- I am suggesting that this is not the right time in which to bring in this kind of a resolution or a motion, but rather it might be one for consideration in principle when one deals with the whole spectrum of Hydro, Telephone, Crop Insurance, and I don't know offhand what other rates, possible Medicare Hospital Insurance, there are many rates. I don't feel that this can be an acceptable motion but is one that could well be reviewed in a year or two or three as the program develops and as it becomes considered worthy of review again.

But I must say that I have not completed my own review; my inclination now on the basis of my partial and somewhat advanced review is that we ought to consider what to do with the Telephone Act rather than what to do with the Crop Insurance and Hydro and any others that may be affected.

MR. CHAIRMAN put the question on the proposed motion of the Honourable Member for River Heights and after a voice vote declared the motion lost.

MR. CHAIRMAN: Section 30--passed; Section 31 (1)(a) as amended --passed; (b)--passed; (c)--passed; (d)--passed; 31 (1)--passed?

MR. WALTER WEIR (Leader of the Opposition)(Minnedosa): Mr. Chairman, would you read out or tell us what the amendment is on 31(1)(a), please.

MR. CHAIRMAN: 31(1)(a). A power of attorney authorizing acceptance of service of notice, and "or" is crossed out, replaced by "of", and in the third line, "the" is crossed out and "a" substituted.

31(1)--passed; 31(2) as amended -- would you like me to read the amendment? "providing that where the insurer has received notice of process in any action or proceeding arising out of a motor vehicle accident for which the insured may be liable, which occurred outside of the Province of Manitoba, and it has, within five days of such receipt, either personally delivered or forwarded by registered mail to the last known address of the insured, a copy of such notice to the insured." Section 31 --

MR. JACOB M. FROESE (Rhineland): Can we not get printed copies of these amendments?

HON. AL. MACKLING, Q. C. (Attorney-General) (St. James): They were distributed to you some days ago.

MR. FROESE: If they are all in there then, because . . .

MR. MACKLING: Yes, they're all in this booklet.

MR. FROESE: Because when we were in Committee not all of them were . . .

MR. MACKLING: They were all there in committee, with the exception of the ones that were distributed, what? two days ago? I've lost track of days.

MR. CHAIRMAN: The Leader of the Official Opposition.

MR. WEIR: The point is that the motion as amended is very hard to put together and what I'm attempting to do is to get an understanding of it as we go along so we can understand the motion as amended.

MR. CHAIRMAN: Well, it's perfectly in order for any member to ask for an explanation. 31 (2) as amended -- passed; 31 (3)--passed; 31 (4)--passed; 31 (5) as amended, the change there "a" in the first line struck out subject to subsection (7), a motor vehicle and so on. 31 (5) as amended--passed; 31 (6)--passed; 31 (7) as amended -- would you like the amendment read? If not, 31 (7) as amended, or new section --passed. 32 (1) The Member for Souris-Killarney.

MR. McKE LLAR: Mr. Chairman, I would just like to say a word on this this. I understand that, in the past, Metro buses - they have been self-insured. Metro have been self insurers for all their buses, cars and small trucks. I take it from this section that they will have to carry insurance under the government compulsory automobile plan from now on. Now I don't know how much that will mean, but I would imagine 400 buses at \$500.00 a bus will be \$2 million, somewhere in that neighborhood - 400 times \$500.00 anyway. I'm just waiting on my seatmate to make the figures -- \$200,000 yes, \$200,000. Now is this the case, all people who have been self-insurers will have to take out insurance in the future? 32 (1).

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: I believe there was an amendment to this section . . .

MR. CHAIRMAN: There is an amendment in this sense, 32 (1). In the first paragraph right near the end, the words "the following sections of" are crossed out and the words "any of the persons" - I'm not just sure where the phrase "any of the persons" is substituted.

MR. SCHREYER: Well in any case, Mr. Chairman, while the Minister of Municipal Affairs may be able to elaborate further, I think I can answer the main point of the question asked by the Member for Souris-Killarney, and that is that the Section 39, which comes later in the bill, does enable the exemption of those such as, for example, those who are presently carrying self-insurance. I believe that was the question of the honourable member. Was he referring to fleets in particular, or any self-insurance?

MR. McKE LLAR: I was mostly concerned about public, like Metro, that have large -- even the City of Winnipeg have a number of -- and I think they are self-insurers both for automobile and fire. I think they're self-insurers for all their fire insurance. But I'm interested in automobile. I'm just wondering whether you are giving these people consideration under the bill or whether they are going to have to fall in line with everybody else.

MR. CHAIRMAN: The Honourable Minister.

MR. PAWLEY: The question is relating to the metropolitan bus fleet, I assume, operated by the Metropolitan Corporation of Greater Winnipeg. I would like to say that the corporation has indicated its interest in whether or not they would want to or not proceed within this type of plan that we proposed here, because of their present self-insuring arrangements. This will be given consideration. I can't certainly indicate tonight whether or not they will be included or not included. -- (Interjection) -- Yes, but this particular section would permit the exemption if it was deemed proper that they should be so exempted.

MR. CHAIRMAN: Section 32 (1) --

MR. McKE LLAR: If there's large truck fleets - Kleysen's out there on McGillivray Boulevard, and I was just wondering about them. I don't know how many units they have, but every time I drive by there, there must be couple of hundred anyway. I understand their license fees are a quarter of a million dollars but does this fellow out here, how do these people go about it? Do they apply to the corporation or how are they going to go about it to make these arrangements?

MR. PAWLEY: Well, the method by which they would apply would be set out, established by way of regulation. Insofar as the large truck fleets, this is another matter that will have to be looked into very closely in the future, and certainly some of the large truck fleets have indicated that they have presently a self-insuring arrangement and this will have to be looked at very carefully.

MR. McKELLAR: Just one other question. I wonder if there would be some arrangement, they'd have to have a bond or some arrangement to make it a legal . . . I see. Well, what I was just wondering, there are some people that are self insurers; in other words, if people are wealthy enough they can take their own risk if they wish to, but I was just wondering if they have to have insurance of some kind, or can they have a bond, in other words, for so many thousand dollars?

MR. CHAIRMAN: The Minister of Finance.

MR. CHERNIACK: Mr. Chairman, wouldn't that be part of the problem of any compulsory plan? I mean, the honourable member, I believe, endorses the compulsory plan and this would be the same problem which would have to be dealt with in a similar way.

MR. CHAIRMAN: The Honourable Member for Swan River.

MR. BILTON: Mr. Chairman, further to the Minister's answer a few moments ago. Is the same privilege being extended to other corporations that have fleets of buses that is being possibly considered for . . . ?

MR. PAWLEY: Mr. Chairman, in case the honourable member misunderstood me, I didn't indicate that any privilege was definitely being granted. I indicated that there were going to be provisions to permit this type of exemption, but insofar as whether or not those exemptions will be granted, will have to be dealt with after the passage of this bill when we have had opportunity to more carefully look into the merits or demerits of granting exemptions in any particular case.

MR. BILTON: Would the Minister be good enough to acquaint the House as to what happens with regard to fleets of school buses in the property of school divisions?

MR. MILLER: They are insured now, Mr. Chairman.

MR. BILTON: Will they come under the plan?

MR. MILLER: Oh yes they would, in the same way as everybody else will come under the plan.

MR. CHAIRMAN: Section 32 (1) (a)--passed; (b)--passed. (32 (a) to (d) were read and passed.) (e) as amended --passed. 32 (2)--passed. The amendment in the last sentence after the word "forfeited" - "provided always that where such forfeiture would appear harsh or inequitable, the corporation may relieve any person affected by such forfeiture from the forfeiture of all or any benefits or insurance moneys."

Section 32 (2)--passed. Section 33 (1) as amended - the amendment is replacing the number "(1)" in the first sentence, replaced with "(2) of Section 32". 33 (1) as amended -- passed. 33 (2) which has an amendment, (a)--passed; (b)--passed -- would you like that read? It's a long one. "Where loss or damage, injury or death arises out of or results from the use or operation of a vehicle" - this is under a section called "Liability reduced" - "Where loss or damage, injury or death arises out of or results from the use or operation of a vehicle, the liability of the owner of the vehicle, if it is designated in an unexpired owner's certificate, and the liability of the driver of the vehicle if he is qualified and authorized by law . . ."

MR. WEIR: Mr. Chairman, just as you were reading, I am following as well and I'm just trying to make sure that I've got it right. On my copy it says the liability of the "driver" of the vehicle; I thought you said of the "owner" of the vehicle.

MR. CHAIRMAN: That is what I read.

MR. WEIR: Is it owner or is it driver?

MR. CHAIRMAN: It says the liability of the owner of the vehicle.

MR. WEIR: Well it says driver on mine. That's why I'm asking to have it read.

MR. CHAIRMAN: ". . . if it is designated in an unexpired owner's certificate and the liability of the driver of the vehicle if he is qualified and authorized by law to drive the motor vehicle, shall be reduced in direct suit or by way of contributing or otherwise

(a) by the total of all benefits and insurance moneys paid by the insured to the person suffering the loss, damage, injury or death, his dependents or anyone claiming through, on behalf of, or in respect of any or all of them, and where the person suffering the loss, damage, injury or death, his dependents, or anyone claiming through on behalf or in respect of any or all of them; or" - Passed;

(MR. CHAIRMAN cont'd.)

"(b) has forfeited the right to claim any or all of the benefits and insurance moneys ordinarily payable under any plan; or" - Passed.

"(c) has forfeited or lost such benefits by reason of any regulation; or" - Passed.

"(d) has failed to make claim under any plan with respect to such loss, damage, injury or death, within the time limited therefor; or" - Passed.

"(e) is not entitled to any payment by reason of any term or condition in any plan or the regulations, the liability of the owner of the vehicle and of the driver of the vehicle shall be reduced by the amount of insurance moneys or benefits that have been so forfeited or lost."

(e)--passed. Section 33 (2)--passed. Section 33 (3) (a)--passed; (b)--passed; (c)--passed.

Section 33 (4) - there's a correction there in the first paragraph, the spelling of the word person. 33 (4) (a)--passed; (b)--passed; 33 (4)--passed. 33 (5) an amendment; would you like that read? "Where the insurer, under any plan or the regulations, is called upon to pay any judgment or unsatisfied portion thereof, obtained against the owner or driver of an uninsured motor vehicle, and where

(a) it has not been served with a copy of the originating process in the action, on or before the date on which the defendant was so served; or" - Passed.

"(b) the defendant did not enter an appearance; or" - Passed.

"(c) the defendant did not file a statement of defense; or" - Passed.

"(d) the defendant did not appear in person or by counsel at the trial, or" - Passed.

"(e) judgment was signed upon the consent or with the agreement of the defendant, and where the insurer has not been given notice of such failure, consent or agreement and has not been afforded an opportunity to take such action as it may deem advisable, it may, instead of paying same, have the judgment set aside by filing a statement of defense, and may make payment into court, appear by counsel at trial or take any such other action as it may deem appropriate, on behalf of and in the name of the defendant conduct his defense and may, where it deems it advisable to do so, consent to judgment in such amount as it may deem proper in all the circumstances, and all the acts done in accordance therewith shall be deemed to be the acts of the defendant." (e)--passed; Section 33 (5)--passed.

33 (6) an amendment - striking out, in the second line, the words "or judgment has been given or entered." 33 (6) as amended--passed. (33 (7) to (9) read and passed.)

New Section 33 (10): "Subsection (8) shall apply mutatis mutandis where the insurer has obtained judgment against the owner or driver of an uninsured motor vehicle, or has become an assignee of a judgment obtained against such an owner or driver, and has paid the amount of the judgment or any part thereof to any persons under the provisions of this Act or the regulations." --passed.

Section 33 (11), an amendment: "Notwithstanding the provisions of subsection (9), an insured may, on due notice to the insurer, apply to a judge of the Court of Queen's Bench for the privilege of paying the judgment in instalments, and the court may in its discretion so order and fix the amounts and times of payment of instalments, and where an order has been so made, the provisions of subsection (9) of Section 33 apply mutatis mutandis."--passed. 34 (1)--passed; 34 (2)-- The Member for Souris Killarney.

MR. McKELLAR: Mr. Chairman.... mentions the contract, and I'm just interested to know, I'm not acquainted with Saskatchewan and I don't know what you're going to do. Under the present system, it's stated right in the application if there's a mortgage and who it is payable to. Is it the intention of your corporation to have a contract, an insurance contract, or are you only going to issue the pink slips, pink cards?

MR. PAWLEY: I gather the question is whether or not there'll be individual insurance contracts?

MR. McKELLAR: Contracts or something of that nature.

MR. PAWLEY: There would be in respect to the supplementary coverages but not insofar as the basic compulsory automobile insurance plan would be concerned. There would be no individual policies or contracts.

MR. CHAIRMAN: The Attorney-General.

MR. MACKLING: Mr. Chairman, immediately someone applies for a license, that in essence is a contract, so in the event that there is monies payable to an insured, then as indicated, a creditor is not entitled to make a claim on those monies as provided here.

MR. McKELLAR: I just want to give you an example. If I have a mortgage on my car and you, your corporation decided to put \$200 deductible on all physical damage; my car burns up.

(MR. McKELLAR cont'd.). . . . The mortgage company doesn't hear about it; I get everything over top of \$200, and I'm gone, and I just don't know -- I was just wondering. Knowing what happens now where there's no problem, where the company selling insurance knows if there is a mortgage and there's no problem, I was just wondering whether you have something on your applications or somewhere that these companies can find out in the event of a loss.

MR. MACKLING: Well, in respect to titles of personal securities; as the honourable member knows now, an owner of a vehicle when buying it can buy under conditional sale contract. Presently there's no registration for conditional sales contracts in Manitoba. We hope to rectify that in the near future, and, as a matter of fact, as I've indicated I think in comments on my budgetary estimates, we're working on the development of personal securities registration. I think it's quite urgent. But in lieu of a conditional sales contract or even where someone has a conditional sales contract, they can take a chattel mortgage. A chattel mortgage presently can be registered in any County Court, and that is registered and that's registered as a lien and a person has a right to claim on that vehicle - there's a pledging; and so far as that pledge is concerned, that will bind the person who makes the pledge but the corporation wouldn't be bound to investigate all of those contracts. That would be up to the individuals involved.

MR. CHAIRMAN: 34 (2)--passed. 34 (3)-- The Member for Rhineland.

MR. FROESE: Mr. Chairman, a question to the Attorney-General. Any claim could be collected only on the basis of a judgment. Wouldn't that be right? Other than . . .

MR. MACKLING: No. If, for example, there's default under the chattel mortgage, the chattel mortgage can provide, the most chattel mortgages do provide for an immediate remedy of seizure.

MR. McKELLAR: Well, why I'm concerned about it, because credit unions, banks, finance companies, everybody's in the lending business for automobiles, and the only insurance they're concerned about is physical damage. Now you've mentioned the package policy. Well the only thing, if you bring in your \$200 deductible, the only thing the package policy will do is cover -- nothing to 200, and it really won't be much help if only because of the fact that that might be with another company altogether. Now mind you, if they're both with one company, I can see there's no problem; you'll have some record of it; but if the package policy is with another company other than the corporation, nobody'll ever hear about it for that very reason.

MR. CHAIRMAN: (34 (2) to (8) was read and passed.) Then 34 (9) in the bill was deleted and the new number 34 (9) renumbered, formerly 34 (10)--passed; new Section 34 (10) renumbered--passed. And then an amendment, 34 (11): "Notwithstanding the provisions of subsection (10), an insured may, on due notice to the insurer, apply to a judge of the Court of Queen's Bench for the privilege of paying the judgment in instalments, and the Court may, in its discretion, so order and fix the amounts and times of payment of instalments and where an order has been so made the provision of subsection (9) of Section 33 apply mutatis mutandis." Section 35--passed; 36--passed. 37 (1) (a)--passed; (b) - an amendment to (b), "that the 'Treasury Board' be struck out and 'Minister of Finance' substituted;" (b) as amended -- The Member for Rhineland.

MR. FROESE: Mr. Chairman, under 37 (1) dealing with the reports, these reports, will the same reports be tabled in the House to members that are being made available to the Ministers under this section?

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: If it's the official annual report that the Member for Rhineland is referring to, then that report is tabled in the Assembly and I understand that that is -- yes, my colleague the Minister of Finance refers to 37 (2) as being the reference to the official report that is so tabled.

MR. CHAIRMAN: (Sections 37, 38 and 39 were read section by section and passed) 40, striking out of the title the letters "of L. G. in C." (Sections 40 and 41 were read section by section and passed.) 42 (1), an addition in the first line after the word "permits", the phrase "in transit markers". The Member for Souris-Killarney.

MR. McKELLAR: Mr. Chairman, in 42 (1), will the same rules apply, like, for insurance for truck transfers and everything, apply anywhere? He mentioned stickers - that's just for five days. Is that the same system that's presently in existence right now? There's no change, is there, in this section?

MR. MACKLING: I would think that'll follow the same procedure as now.

MR. CHAIRMAN: 42 (2) . . .

MR. McKELLAR: Well another -- just pardon me. I'm just interested to know one other problem in 42 (1). Presently the law states that you have 14 days in which to change your automobile insurance for automobiles - like, say now I buy a car today, the old pink card will cover me for 14 days. Will that same law apply, or what law -- will that be under regulations?

MR. CHAIRMAN: The Minister of Municipal Affairs.

MR. PAWLEY: I think, if I gathered the question correctly, it was: would the law prevail today as it has in the past in that in the event of a transfer of a vehicle that the old insurance would carry for a 14-day period? In the case of the basic plan, of course, the insurance goes with the license plate, so there would be no problem insofar as any transfer. The insurance would go with the purchase of the car as soon as the license plate was on the car itself.

MR. McKELLAR: The package - I was referring to the package

MR. PAWLEY: If the package policies are supplementary, then that would be a 14-day period the same as now, whether or not it was from the private or from the public company.

MR. CHAIRMAN: 42 (2)--passed; 43--passed. 44-- there's a striking out in the title . . .

MR. McKELLAR: Is there going to be an Appeal Board of some kind, a suspension for failure to pay additional premiums? There might be some cases, I don't know, but there will be an Appeal Board, will there?

MR. PAWLEY: Yes.

MR. McKELLAR: The same board as set up right now or a different board?

MR. PAWLEY: We have a clause that provides for a board that will deal with appeals insofar as rating is concerned.

MR. CHAIRMAN: 44, striking out after the word "Suspension" in the title, "for failure to pay additional premium." So it just reads "Suspension" --passed; 45--passed; 46-- The Honourable Leader of the Official Opposition.

MR. WEIR: 46 - I think we touched on this previously yesterday, if I recall. Is my understanding correct that there is no inclusion in terms of the Insurance Act for other companies in this and that they operate under the common law? Is that a reasonable assumption?

MR. CHERNIACK: Yes. Yes, that's a very reasonable assumption.

MR. WEIR: Then, Mr. Chairman, that being the assumption, I think if the common law is good enough for the other companies it's good enough for this one until it's seen fit to change both. Therefore I vote against the section.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: Let me explain again. I think I made the views clear in respect to the necessity for this. In any claim that's presently processed now by any insurance company, if a person who has personal injury presses his personal injury claim, the insurance company is entitled to reasonably request and demand a physician's certificate and report, and that's forthcoming. In the event that the claimant does not wish to do that, then they, short of bringing proceedings in court, can force payment by the insurance company. When they bring proceedings in court, Queen's Bench rules provide not only that the person may be subjected to an examination for discovery where they're asked questions about the nature of their injuries, but also they can be ordered to submit to a physical examination, and the physical examination, the doctor's report, is then available to the insurance company. Now, in order to expedite the settlement of claims by insureds by both company -- in this case the public insurance company who will be dealing with these claims for both parties, this provision in the Act is provided, so that there won't have to be litigation in order to get the reports, and so it's a great savings. The reports would have to be obtained and submitted in any event, under the present system, so there's no departure from the common law in effect.

MR. WEIR: Mr. Chairman, if there's no departure from the common law, I see no point in the clause, but in any event the bill is not really going to go into effect until next year and I would suggest that if it's a good clause here, it's probably a good clause in the Insurance Act to improve on the litigation that may take place there, and the point I'm making here is I want to register my disapproval by a vote, and say that if it takes place in this Act it should also take place in the Insurance Act, and it should be taken out of this Act and put in them both at the same time next year.

MR. CHERNIACK: Mr. Chairman, if the Honourable Leader of the Official Opposition will inform me the date for which he intends to diarize his little note, I'll diarize it for the same date. We'll see which one of us remembers to do it next year.

MR. WEIR: Well, Mr. Chairman, I'll tell him I've made a note here if I don't lose the cotton pickin' file.

MR. CHAIRMAN: The Member for Swan River.

MR. BILTON: Mr. Chairman, before you proceed with this, I too feel somewhat as my leader does, and I feel that this is somewhat -- did someone say "as usual"?

MR. CHAIRMAN: Would the member please proceed?

MR. BILTON: I can assure the honourable member that I'm very proud to be associated with the gentleman in front of me.

MR. BUD SHERMAN (Fort Garry): What about the gentleman beside you?

MR. BILTON: You sit down. But in the meantime, Mr. Speaker, in all seriousness, I'm speaking from a personal point of view and I want to register my objection to the contents of this section. Now, I agree that a doctor should give a report of a patient in an accident, but I feel it should be with the patient's consent. The way this section reads, and particularly the latter part of it, it seems to me that an eager beaver, far removed from the City of Winnipeg in the hinterland of where have you, can go in to a doctor and ask for a report on the particular accident, and, Sir, he could go further and demand that he might see more, and that I feel is an infringement upon the doctor-patient relationship which should be guarded against at all times. I know it is not the intent, but the way this reads, Mr. Chairman, and as I said a moment ago, the latter part of it does give that particular person authority. And that will happen, and I don't believe that that doctor-patient relationship should be impaired in any way or under any circumstances.

MR. MACKLING: Mr. Chairman, I just want to . . . that under the compulsory scheme in Saskatchewan, this is a necessary part of the scheme, and apparently there has been no great problem, there's been no great hue and cry by the medical profession in Saskatchewan about this compulsory aspect of furnishing of reports.

MR. BILTON: I don't care what goes on in Saskatchewan, I'm speaking for the people I represent, and the doctors have told me that they resent this particular section and that part of it that I've tried to outline. And they are in fact telling me that they will refuse to go beyond, and I said, "You can't. The moment this is law, it's law, and you must abide by it." And some eager beaver, as I said a moment ago, there's another name I could use, could make life pretty well impossible for that doctor by this law.

MR. CHERNIACK: Mr. Chairman, the Honourable Member for Swan River participated with us when we brought in the Ombudsman Act and I'm sure that no eager beaver is going to go after a doctor to the extent that he describes it without some pretty strong action, probably from the Member from Swan River himself, who will certainly make it clear that this is an untenable position.

MR. BILTON: I trust the Honourable Minister of Finance will not regret those words, because he's going to have problems in that respect.

MR. CHAIRMAN: The Member for Rhineland.

MR. FROESE: Mr. Chairman, I think it's a matter of interpreting "forthwith". Is this two, three, four, five days' time? Because I think that's the big . . .

MR. CHAIRMAN put the question on Section 46 passing and after a voice vote declared the section passed.

MR. CHAIRMAN: Section 47 -- The Member for Swan River.

MR. BILTON: Mr. Chairman, before you pass 47, again I raise my objection, and I'm not speaking on behalf of the party but personally; and here again, here again, a personal matter between an employer and an employee, which in my humble opinion is private, and I'm talking of the small man, if I may, in rural Manitoba, and this is going to create resentment too. What business is it of the employer if his employee should have a car accident in his own time with his own property, and that the employer has to open his books to an adjuster or an inspector, whichever you like, and unfold the private affairs between he and his employee, and this I object to and resent.

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, I'd like the honourable member to know that I have been involved in, oh, I would think well into hundreds of claims under the present insurance provisions in the Province of Manitoba. I know that I have never been able to settle a claim for wages lost by a person claiming from the other side, which is 99 times out of 100 represented by an insurance company, and even if it wasn't I've never been able to settle a claim without providing to that insurance company a statement by the employer indicating the amount of wages that were lost by the employee as a result of the injuries sustained, so I can tell my honourable friend that what this section does is merely require that as between the claimant and the company and

(MR. GREEN cont'd.). . . . the company and the Crown. It merely requires what the company now require from the claimant. If it wasn't in the Act, the corporation would have to say to the person who was claiming money, and it could be the no-fault disability coverage, "I would like to obtain my wage entitlement." And the Crown corporation would say, "Well, what are your wages?" And he would say they're so many dollars, and the corporation would say a very reasonable thing: "Get us a statement from your employer," and to make sure that there is no argument about whether such a statement need or need not be produced, this section is in the Act, and I can tell my honourable friend that it is required in every - and I hope he will not take me literally - but in every insurance settlement of which I am aware; and if it's not given, if it's not given and the case goes to court, then the company or the claimant can call the employer in, ask him to open his books - and the court is not an eager beaver; the court is trying to examine a claim - they can call the company in, examine the books, and find out what wages the employees are entitled to. So it is now required by law.

Now, furthermore, in non-party claims, where we have what we call the direct claim on a disability policy - let us assume that it is not a claim arising from a motor vehicle or if it is a motor vehicle accident, a person has a disability policy, it's not a motor vehicle insurance policy - the policy itself provides it, and if it doesn't provide it, the company requires it - and I know they require it - a statement from the employer designating the amount of wages. We don't want the government or the public to be in an argument with a citizen as to whether it is or is not required. It is required now by the practice of the insurance companies; it will be required under this Act by the statute.

MR. BILTON: Mr. Chairman, I appreciate the opinion given and I accept the opinion given, but at the same time it's very obvious that the Minister of Mines and Natural Resources has never been an employer. We're hounded to death now with government inspectors and what have you. It's just one more, and by God, they'd better stay away from my door.

MR. GREEN: Mr. Chairman, I assure the honourable member that I have been an employer; that, as a matter of fact, one of my employees was injured in a motor vehicle accident, and in order to facilitate the employee recovering damages, we furnished a statement of the wages lost by that employee. The honourable member is going to say that he will not facilitate an employee of his who is going to get damages from the insurance company. Well, he'll have to live with that.

MR. BILTON: That employee, in the majority of instances, gets a cheque every month of which his stub is there, and he's quite capable of giving the information himself.

MR. GREEN: Can the honourable member tell me how the employee gets his cheque during a period in which he is disabled and is really receiving no wages? And that's what he's claiming for. We're talking about an employee who is claiming loss of wages. During the period that he has lost wages, he has not received the cheques with the stubs to confirm that he has lost those wages. What the employer is asked is how much wages did the employee lose by virtue of his disability in the accident.

MR. LEONARD H. CLAYDON (Wolseley): Mr. Chairman, I'd like to ask the Minister of Mines and Natural Resources if the annual wage survey that's put out by the Department of Labour would not suffice to provide you with the information that you have here.

MR. GREEN: Mr. Chairman, the infinite number of cases under which a person can lose wages, and the time that he would lose in overtime, relates to the individual employee who was injured and lost wages. It can't be handled by a general statistic.

MR. CLAYDON: If he came close to what his statement was, when you compared it against the wage survey you'd know if he was exaggerating or not.

MR. GREEN: Well I can tell the honourable member that no insurance company that I know of would be satisfied with the kind of information that he is now proposing. The insurance companies require a statement from the employer showing how much wages were lost.

MR. CHAIRMAN put the question on Section 47, and after a voice vote declared the section passed.

MR. CHAIRMAN: Section 48--passed. Section 49 -- The Honourable Member for Fort Garry.

MR. SHERMAN: Section 49. Some considerable objection was raised during the hearings of the Public Utilities Committee and also at second reading, if memory serves, though I may be wrong on that point with respect to second reading, but certainly during hearings before the Public Utilities Committee, objection with respect to the five-day period which is regarded as legitimate for establishing receipt of a notice of assessment once it has been mailed out by the

(MR. SHERMAN cont'd.). . . . corporation, or mailed out by the insurer. I think that it was established, in consideration of that section, that many persons appearing before Public Utilities Committee, and certainly many in this House, certainly I myself, regard that in the current situation with respect to mail and postal services in Canada as being a strict and an onerous provision, if not an unfair and an unreasonable one, Sir. It seems to me that in the light of the postal situation as we know it today, and I understand that in the United States and in other parts of the western world there are similar difficulties with mail services these days, that to assume that a person shall have received a notice or received anything five days after it was mailed, is a grossly unfair assumption, and I wish to register objection to that section as it's contained in the bill.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, this was explained in committee. I think there were questions and it's right to question this, but I think the explanation was given in committee and, I thought, understood. Presently, under the Highway Traffic Act, the Registrar does send out notices by registered mail and suspension of license is provided in the same way. Now there's an alternate provision here that it may be by personal service, and it's important that it be done within a reasonable time, and I can't see that there's any problem here. There has been this practice followed by the Registrar under the Highway Traffic Act for years in the province and it's created no great hardship.

MR. SHERMAN: Well, in response to that, I would only say, and I'll keep it brief, Mr. Chairman, that for years we got our mail on time and there was never any problem, but the situation is different today. As far as the alternative of personal service is concerned, I'd be perfectly happy if I thought that personal service would be invoked to make sure of these deliveries, but the clause does not say that; it says that it'll be by mail or by personal service, so I presume that the mails will be used in the first instance anyway, and I feel that there is a legitimate objection and wish to register same.

MR. CHAIRMAN: (Sections 49 to 52 were read section by section and passed.) 53--passed -- (Interjection) -- 53, a spelling change. 54 (1)--passed; 54 (2)--passed. 54 (3). In the second last sentence after the word "permit" the words "or licence" are added, and again in the last line after the word "permit" the words "or licence"; 54 (3) as amended--passed.

55 (1). The heading of 55 (1) formerly read "Onus on insured" now reads "Notification of conviction". Sections 55 to 61 (2) were read section by section and passed.)

61 (3), a few changes. In the fourth line, the word "head" is inserted before the word "office", and in the same line the words "at Winnipeg" deleted. 61 (3)--passed; 61 (4) - deleting the words in the second line "at Winnipeg"--passed. (61, 62, 63 were read and passed.) 64 -- The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Chairman, I have an amendment. I'd like to move that a new section be numbered 64 and be added to the bill to read as follows: "64. Section 145 of the Highway Traffic Act shall not apply with respect to any action brought against a corporation or any person, firm or corporation insured by the corporation," and that the subsequent sections be renumbered accordingly.

MR. CHAIRMAN: The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour)(Transcona): I wonder, Mr. Chairman, just before you put the motion, if we may permit some explanation from our honourable friend.

MR. PATRICK: Mr. Chairman, at the present time, I think a guest in a passenger car cannot bring action against the driver of a motor vehicle unless he can prove gross negligence. That's the present law, and I know that in the discussion we've had on automobile insurance in the last many years, we were thinking of amending the present Insurance Act that the guest does not have to prove gross negligence on the part of the driver to be able to claim liability, and I was surprised to see this same section in the government, in the public bill, still dealing the same way, that the guest, or the passenger, has to prove that the driver was driving with gross negligence in order to collect any liability, and I was surprised that the government still put the same section that we presently have when we were thinking about amending the present section in the Insurance Act.

MR. CHAIRMAN: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: This is an amendment that I have personally a great deal of sympathy for, and I want to tell the Honourable Member for Assiniboia that it was a principle that we did give a lot of thought to, and I think we want to examine it over the next period of time as to whether or not we should at this point go all the way in changing the law in this respect. I would like to

(MR. PAWLEY cont'd.) state this, however, that the plan as proposed, the no-accident benefits that will be supplied on a compulsory basis, will of course extend coverage to all passengers in a vehicle, including those in which vehicles the passenger would be unable to prove gross negligence against the driver -- yes -- so that it's true within the limitations of the no-accident plan that fixed sums that are there. So that the honourable member is stating that we should go beyond that to the next step and that we extend the benefits to such that we can recover, or the passenger can recover, in the liability area; and quite frankly, it's a matter that I cannot argue against. I have one chief problem at this point in that, though we agree in principle, we have to study in some detail as to what additional sums might be involved in respect to this. I have a suspicion that there might not be too large an additional sum. There are other problems that might be incurred as the result of this. I want to indicate to the Member for Assiniboia that I would hope that we would be able to come up with a similar type of amendment in the not too distant future. We have considered this very seriously; we were inclined to go ahead with this type of amendment, and then we felt that it would be more wise to remain with the present law until we've had a chance to have gone into it much more thoroughly ourselves.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Well, I just would like to ask a question whether we could have Section 145 of the Highway Traffic Act read out so that we'd know what the section says.

MR. PATRICK: Mr. Chairman, perhaps I can read it: "Limitation and right of action . . ." Has the Chairman got it there?

MR. CHAIRMAN: I don't have a copy myself. Is the Member for Assiniboia going to read out Section 145 of the Highway Traffic Act?

MR. PATRICK: Section 145(1) reads as follows: "No person transported by the owner or operator of a motor vehicle as his guest without payment for the transportation, has a cause for action for damages against the owner or operator for injury, death or loss in case of accident, unless the accident was caused by the gross negligence or wilful and wanton misconduct of the owner or operator of the motor vehicle and unless the gross negligence or wilful and wanton misconduct contributed to the injury, death or loss for which the action is brought."

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, just a few brief words. My former partner, Mr. Dale Gibson, who is a professor at the Law School, I know submitted a brief to the Automobile Insurance Investigating Commission and that the main thrust of that brief, as I know, was a concern in respect to this anomaly in the law in connection with gratuitous passengers, but as the Minister of Municipal Affairs has pointed out, it would be unreasonable to expect one insurance corporation to accept this variation in the law and not the others, and surely we want to deal equitably with all corporate structures. Surely you don't want to penalize a public institution and leave the private institutions to some other less reduced liability.

Now, the Minister has indicated, and I think that perhaps along with the notes that we've diarized for amendment to the Insurance Act, the Honourable Leader of the Opposition has made a note, and I'm sure that he'll make a mental note of this one as well, and I know I have, and I'll put it down on paper. This is one thing, this anomaly in the law, that certainly ought to be considered and certainly the technical committee that will be appointed can consider this as well. They can do it without this section being put in the law because they can make the benefits larger if they will, but I think that if there's going to be any change in the application of the Highway Traffic Act, it should be for all purposes to all corporations.

MR. CHAIRMAN: The proposed motion of the Honourable Member for Assiniboia that a new section to be numbered 64 be added to the Bill to read as follows: "Section 14 of the Highway Traffic . . ." Dispense?

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

MR. CHAIRMAN: Section 64--passed; Section 65 as amended--passed; Section 66, which is the renumbering of 65, Commencement of Act -- The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, it is in connection with 66 as renumbered that I wish to move this amendment. I move, seconded by the Honourable the Minister of Finance, that Section 66 of Bill 56, being the Automobile Insurance Act, be struck out and the following section substituted therefor: 66(1) Subject to subsection (2), this Act comes into force on a day fixed by proclamation. 66 (2) No plan of universal compulsory automobile insurance established under this Act shall become operative or have any force or effect prior to the thirtieth day of June, 1971.

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

MR. CHAIRMAN: Preamble passed. Title passed.

MR. PAULLEY: Mr. Chairman, I move that the Bill be now reported.

MR. CHAIRMAN: Bill be reported? The Honourable Member for Churchill.

MR. GORDON W. BEARD (Churchill): Mr. Chairman, before the Bill is reported, I would like to take this opportunity of speaking on Bill 56 which, I believe, will be for the last time. I do so with a great deal of feeling, just the same as, I suppose, all other members of this House, and possibly because of the position that I have taken, which any other member of this House could have taken, it makes it a little difficult and a little different to those who have voted as a block. I stated in the first place I supported the Bill up till this final completion so that I could make an assessment of what was going to be submitted by all sides of the House. And I think, Mr. Chairman, in rising, I feel that the time has come, in fact, to vindicate my stand on Bill 56.

I've had many reminders of what I have said in the last few months. In fact, one of the parties was so kind as to send me an outline of that which has been said in the past, and went to a great deal of work to outline it in red, to border it in red, and I say to them, thank you; it has saved me some time and I will probably use it from time to time, because really there's nothing in it that I'm particularly backing away from except that I say that I do not feel that at this particular time it is necessary to have an election over Bill 56. But as to all other things that I've said, I still retain the right to keep my thinking on that particular stand. And I point out that my vote is no greater than any other one cast in this House. It is only that I've chosen to seek what I individually feel is a personal approach, and in being an Independent I have not succeeded to any one particular political party discipline or majority vote.

Mine has to be both individual and personal. My particular problem is that I am not able to yield to the temptation to let someone else make this decision for me. Fortunately, in this free society of ours, we still have personal freedom of choice, and I trust while I remain in office the ever-changing face and philosophies of democracy will continue to prevail, also that the greatest right of those of us who are fortunate enough to enjoy this western-style democracy will see to it that the greatest amount of freedom will be allowed for people and their governments to adjust to the demands of the new generations - and I might add, to the new thinking.

Much has been said about being consistent in this doctrinaire debate. Unfortunately, I believe to be over-consistent creates guidelines so narrow that change is impossible, or if a change is decreed, it becomes so embracing that it does away with the basic foundations of democracy. I, along with most members, have listened to all aspects of Bill 56 and all reasons for supporting both approaches to the automobile insurance industry. I've come to feel that the automobile insurance industry is not the beginning or the end of Manitoba; I believe that the approach taken by the government in introducing Bill 56 to Manitobans and to this House showed an arrogant, amateurish attitude toward their responsibilities. They have not left an impression of being a party of the people, but rather a master with the divine right to rule. My concern is that Manitobans have been turned against other Manitobans and there has been a clash of segments within our society, the same society which met with the Royal Family and spoke of the mosaic culture and heritage.

I remain convinced that Manitobans in general are not prepared to have an election over Bill 56, particularly during this Centennial year. I wonder what the turnout at the polls would be. I feel it would be very poor. In reassessing the position, I wonder if either you, Mr. Chairman, or rather I wonder if government, or we in opposition, should be calling for an election over this one issue, regardless of which side the particular vote favors on Bill 56. Personally, I am against big government but am, through my very location in this province, forced to turn to the government for expanded northern programming.

And now I come to a portion that unfortunately I've never had to deal with before, but two former Conservative cabinet members have chosen to indicate that deals for the north have been made to gain my vote on Bill 56. There has, in fact, been no deals, but those members who suggest this innuendo will do me a great service, I say, if they go out into the Churchill constituency after this House rises, and during the election spread this tale of super salesman and dedication to all the constituents in the Churchill constituency. But, Mr. Chairman, these two former Ministers recently rose indignantly to demand retractions from the Minister of Transportation for what they called personal attacks, the vicious type which you could not fight, they said. Is it that type that the Conservative Party has now discovered as a tool to shape their platform for future elections? And I say, if so, their planks will be very warped. One

(MR. BEARD cont'd) wrong certainly does not warrant another. And while the mining industry in an honourable industry, one group working underground are called "muckers" by trade and their job is to deal in muck, the quality of which is much superior than was used by members to imply motive to my present stand. And when I took the opportunity to try and clear my name in portion before I made any indication as to how I'd vote, I asked the Premier of this House if any such deal had in fact been made by his Party, and he said no. But Hansard will not record it; but I heard one member say, "The future will tell," or something along those lines. But if this is the case, then I suppose, Mr. Chairman, I must rightfully take full credit and political benefit for all northern development from this time on. Certainly it is a tape that I am going to have and to play over and over again at a more convenient time.

In a more serious mood, I'd say I would like to turn to southern Manitobans of integrity at this point, and I plead with them to give me credit for my past record and do not be misled by this type of desperate, vicious, back-stabbing talk. What is the correct expression? It was used the other day - McCarthyism. I ask my Conservative friends to correct this. I say to you, Mr. Chairman, that I am prepared to take the Premier's word in public, just as I've accepted other Premiers' public statements in the past, and in making any qualifications on my stand I must thank members of the party opposite, I suppose, and the insurance industry, for the detailed research, not only on these past speeches of mine, not only on these past speeches but on my past friends. Not past friends - my friends, friends from childhood right through until now. They've done a good job; they've done a good job of making up my mind as to what stand I will take and who I must turn in trust to. I suppose that the last speeches that I have made in the past have expressed an inalterable feeling that nothing can be done unless there's a philosophy behind it, and now I feel that perhaps we must live from day to day and think from day to day and make sure that those things that guide us from day to day are in keeping with the times in which we live, and that we are living in changing times, none of which I dispute, Mr. Chairman, what I've said of the past, nor do I really wish to retract except that call for the election today, and that is because I feel that the Premier and the government in their judgment have left the door open that is all I have asked, that we be given further consideration - and that is all anybody can ask of their government.

Otherwise I do not apologize nor do I retract, nor do I wish to rephrase my terminology. I stand by those things that I have said, and, as I said before, I also retain the right to reconsider my thinking as time passes. Perhaps that's why I'm an Independent today. I feel I am right now, just as I thought I was right when I made these speeches and when I have made others in the past. It is I who openly indicate that I do not feel an election is in keeping with the feeling of most Manitobans at this time. Many members of this Legislature will agree with me, Mr. Chairman, but not in public, as I have, and to support what I am saying at this time and for the record of those researchers, both political and industrial, I must state my case. Bill 56 will not become effective until June 1971. The regulations are to be submitted along with other recommendations before the winter session preceding June '71. There will be an opportunity for us to fit Bill 56 and its regulations together to see what it will be like; and Mr. Chairman, as you sat through Public Utilities, isn't this what all of us have been asking for and what all of the people have been asking for?

It was rather interesting to find the amendments proposed by the Conservative Party, last night I believe it was, lay so close to those steps which I had myself suggested to insurance agents from time to time, week to week, as what I would have liked to have seen taken place. Perhaps they're a little more refined, but close enough to satisfy me that they had heard the message. Granted, they were fighting, delaying action, or maybe they wanted action right away, but I say to them and I say to you, to the public of Manitoba; again, I don't think an election at this time is necessary, nor do I think an election would necessarily be the answer. I recognize that these steps must ultimately be the responsibility of government, as it is only through their efforts that this legislation can and will take place, and, in thinking, I would say out loud, I shall expect the Advisory Committee to recommend to the Executive Council many things, and I shall expect that the Executive Council and the Premier will choose men of integrity and above reproach in respect to the eyes of Manitobans; maybe not politicians, because we unfortunately can find a fault with most people; but I hope Manitobans as a whole will, Mr. First Minister, accept those people that you name as people with integrity.

They will be biased either one way or the other, because all of us are, but if they're strong enough and open-minded enough to allow themselves to be convinced, then I don't mind the stripe that they carry. I would look to the recommendations, or the priorities given to

(MR. BEARD cont'd.). . . . these people, that they look into one of my hold-ups - or hang-ups I suppose, and that's compensation of some type for Wawanesa commensurate with their needs and the previous experiences that government can draw upon, or the Advisory Committee can draw upon, to give their advice to government.

I believe there should be an opportunity for agents to continue in their free enterprise life, and compensation for others who will not; and a right to defeat the government if regulations covering Bill 56 are not satisfactory. I don't call that a deal. I suppose it's a threat that hangs over your head, but I say it's worth waiting six months.

I think that the key word at this time is time itself. I believe it was in my first speech that I appealed for a cooling-off period. I have no idea how that cooling-off period could come about, but the door is open. The door has been opened by government through the efforts of the agents who have made their personal appeals, who have revealed their personal lives through the Utilities Committee, and more than anything, I think, through democracy that we love so much in our country; and I think that rather than whip this government, I would say that perhaps in a back-handed manner they have come to show that democracy does prevail, that democracy can prevail, and it is my hope that democracy will prevail in the minds of those that are affected.

I don't believe that you are going to be able to appease and comfort, satisfy all of the people - I won't say all of the time but not during this time. I don't suppose everybody will be satisfied, but I believe that if we have a proper committee with the rights to look into all aspects of the insurance and the effects that the insurance will have on Manitoba, the opportunity this will give for government to help financially or economically in Manitoba, and on the other side be able to look into the facts that have been placed before the Utilities Committee in respect to the stagnation of an industry and the problems of a takeover of this size, then I believe that we can see, in six months from now, the value of taking the advantage of time, and time has shown that there are fanatics on both sides of the House. One has just spoken, and if the Member for Roblin is stagnated in his thinking and wishes to use the guidelines that he has expounded just now in saying nationalization, then I'm satisfied to let him stand on record that way. But Manitobans, I don't believe, are ready to let time stand still and they want the most out of time, and I would say to the Member for Roblin that let him not worry about nationalization during those six-months period, because if it hasn't sunk in by now then let me say it again.

MR. J. WALLY MCKENZIE (Roblin): Look, I never slept the other night.

MR. BEARD: The bill will not come into force until June of '71. He can shake his head - no, it doesn't come up; he can go out if he likes; but if he would rather hear the facts of life and face up to them, then I say run. But I wish he'd stayed for another look at time, and this is an important one for all of us, maybe, in opposition, and perhaps in government. Time is important for opposition parties to establish election platforms, to establish separate Conservative and Liberal identities and candidates for an election, and it gives time for the government to put their plank together. It gives time to allow government to make mistakes, and we know in this House better than anyone in Manitoba that governments are not elected on the good things they are doing, but on their mistakes, and this has been driven home election after election.

Time to cool off. Time to cool off and take an objective, constructive stand, most of all on Manitoba's future, and for the public to assess all political parties' formulas for meeting the challenges of 1970 and on. We talk about the challenges of the '70s. I think it is time that the political parties were ready for the challenges of the '70s. Time is the most valuable asset, not time in wasting, wasted in useless debate, but time to get out of this Legislature and prepare programs complimentary to all Manitobans, whether they'd be insurance agents or whatever occupation they have, but they're all looking to government in one way or another for some type of leadership, for some type of advice.

I think that time is best used, is best when we use it to build for the future. Time wasted in fighting elections can and will bring the Manitoba economy to a grinding halt for almost a year. My vote will be for time, and my vote at this time will be for 56 and the Advisory Committee. I leave my option open to bring in my motion of non-confidence if I feel the government does not lay before us a Bill 56 and regulations that are in keeping with the thinking of fair-minded Manitobans commensurate with good business guidelines within this province in the coming session this winter, within six months.

I believe this to be a practical, non-emotional businesslike approach, and Mr. Premier, all Manitobans will be looking to you personally to establish your integrity along with strengthening your position with the business world and a logical approach to the blueprint for Manitoba, a continuing respect for human dignity and a fuller life for all Manitobans, which I am satisfied

(MR. BEARD cont'd.). . . . you have endorsed in the past. We will, in fact, be placing you on trial before the electorate of Manitoba who are the final judges of each and every member of this Assembly. Thank you, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. HARRY ENNS (Lakeside): Mr. Chairman, I would like to state the position of myself and my group on why the bill should not be reported at this time, and I'd like to begin by telling the honourable members that it's not my intention to burden them with any personal problems or anything else, so that if they choose not to listen - in fact I'd feel more comfortable if the House chose to resume its normal stance and continued its conversations that we have become accustomed to in the past.

Mr. Chairman, I'd like to assure you that I intend to speak to the motion and indicate to you why I believe Bill 56 should not be reported, and in doing so not repeat any of the arguments that we have had over the past two or three months - and I think you will agree with me, Mr. Chairman, if I can come close to doing that, that that in itself will be a reward, or make me worthy of the reward that you bestowed upon me earlier on in the session.

Mr. Chairman, the Conservative Party early, initially, indicated the position that we took on Bill 56, and I say Bill 56 - not the necessary rationalization of the automobile insurance industry within Manitoba, not the necessary changes that should be brought about within that industry, but Bill 56; and Mr. Chairman, I make no apology to anybody, to you, Sir, to anybody in this Chamber about the position that the Conservative Party took. We saw our responsibility as opposing this legislation as vigorously as we could - that's what we're here for, and whether you liked it or not, I'm sure that members opposite will at least agree that we carried out our function with stamina, and perhaps not always with the greatest amount of diplomacy and tact and skill but nonetheless with dedication and with effort that one would expect from the loyal opposition.

Mr. Chairman, I'm tempted to comment on some of the remarks on the past speech and the speech before that, but I will resist that temptation, other than to suggest to you, Sir, that the display of naiveness as represented in those speeches is one that stretches one's credulity. I want to suggest to you, Mr. Chairman, that this government should reconsider at this late stage moving forward with Bill 56, and I'd like to tell you briefly a few reasons why.

I had the occasion during the supper hour adjournment to travel to some friends in the Bird's Hill Park to enjoy a barbecued hamburger, and, you know, as I drove through there rapidly across the downtown core section of Winnipeg on the Disraeli freeway, I said to myself, and could say with some justifiable pride, "A Progressive-Conservative helped build that freeway." And as I carried on to the outer reaches of the City and got on to the multi-million dollar overpasses and the 59 Highway complex, I could say to myself, "I'm proud of that accomplishment of a government - the former administration that I was associated with, a Progressive-Conservative administration's accomplishment, achievement," knowing full well that perhaps members on the opposite side - those that were there - may or may not have voted in favour of these individual items that I may mention, but nonetheless knowing also, Mr. Chairman, and this is my point, that it was with the majority and the will, the clear will of the party in power of that day that accomplished these particular things and matters. And I drove on over the Greater Winnipeg Floodway and I again said to myself, "I'm proud of being associated with the administration that provided that protection for 500,000 Manitobans as experienced in the last two years when its use was put to the practical test." And already in a few years -- (Interjection) -- certainly; certainly - but on whose initiation? We're not arguing that - these . . . points. And I came to the Bird's Hill Park Development itself after travelling on the nine million dollar 59 Highway freeway, came to the Bird's Hill Park Development and again, particularly as the former Minister of Mines and Natural Resources, who was under extreme criticism and pressure for not having any understanding, any feeling for the necessity of preserving for future Manitobans wild-life areas, unspoiled areas, park-like areas, I drove through that park and I knew it was a difficult thing to put into being. It caused considerable hardship on individual persons concerned who had to be expropriated in acquiring that land, but when I asked the attendant how was the attendance at the park, and he said, "We're full-up, Sir," again, Mr. Chairman, I could say with some pride that I'd belonged to an administration that provided that particular service for the yet-to-be-born future Manitobans - not to say of the present.

Now, Mr. Chairman, the point of this little tour through the immediate area within half an hour's drive of this building, I left Bird's Hill Park at 7:30 and I was here at 8:00 o'clock

(MR. ENNS cont'd.). . . . -- (Interjection) -- That's right. I can stretch that list, I can stretch that list unendingly, I would suggest, Mr. Chairman, but I will not because it is not my intention to speak for 40 minutes, but I want to come to the one central point. I am sure that individual members opposite - the Member for Inkster, the Honourable Minister of Mines and Natural Resources, others - would like to say, pending successful passage of this Bill, that they, the New Democratic Party of Manitoba, could take full credit for the passage of what they consider to be an important step forward in a service to the people and citizens of Manitoba. -- (Interjection) -- I'm speaking about this particular bill, Mr. Premier - I'm speaking about this particular bill.

MR. CHAIRMAN: May I point out to the members of the public or in the galleries that although they undoubtedly have preferences, it is not appropriate to applaud or respond to the comments of members in the Chamber. I would ask them to refrain from showing their favouritism or lack of favouritism and to allow that to take place within the Chamber below them. I would ask the Member to proceed.

MR. ENNS: Thank you, Mr. Chairman. The point that I was trying to make, Mr. Chairman, was that can this government honestly say that Bill 56 will proceed through this House on the strength of the representation of the New Democratic Party in this Chamber? -- (Interjection) -- Mr. Chairman, the First Minister -- and I would ask him please to give me the courtesy that we have just given the other former speakers; I indicated early on in this speech that it was quite all right, if they didn't want to listen to me, to do otherwise and do other things, but the point that I am trying to make, Mr. Chairman, I think perhaps again the government who has so often displayed some particular areas of sensitivity, must surely feel this, that they cannot point in the future to this passage of this bill and say that they did it, and that the New Democratic Party can take full credit for the passage of what they consider to be an important service to the people of Manitoba.

And that, Mr. Chairman, brings me to the real core of the reason why I am suggesting to you, Sir, why Bill 56 should not proceed further at this time - a bill that has raised controversy beyond perception in this province. A visitor to this province with whom I spent the supper hour adjournment with, he asked me if he could recall any previous issue, any previous bill, that was being fought on the bumpers of the cars in Manitoba - both sides, I might add. Well, the First Minister, whose experience, of course, goes considerably beyond mine, may well remember but I cannot remember in recent history the kind of campaign - and I'm only using that by illustration of the kind of heated debate that has taken place, not only within this Chamber, although goodness knows, the focus certainly was here, but also outside of this Chamber. And so, Mr. Chairman, you have a government that is prepared to use - and I'm not suggesting for a moment, Mr. Chairman, that there's anything wrong with that use - but to use the support of members who are elected to this Chamber, not on the New Democratic Party's program, which I fully and have always acknowledged contained the item of compulsory government automobile insurance, and I ask you, Mr. Chairman: is this government really prepared and really satisfied - I'm not asking them to satisfy me or anybody on this side of the House, I'm asking them to satisfy themselves, and they obviously have mustered the votes so it's not a question of the bill passing - but are they really prepared, are they really happy with putting through a contentious bill of this nature in the manner and way in which they have mustered the necessary voting strength?

Well, Mr. Chairman, maybe they are. Maybe they are, and they have, of course, every right to be so if that's their decision, but I, Sir, want to point out to you that little dissertation that I gave about the things that I and future Conservatives and past Conservatives can be proud of, the singular and specific accomplishments that we can lay at the doorsteps of achievement of the Conservative Party without having necessarily to lean or share or connive to get the necessary supporting votes in. In fact, Mr. Chairman, if you recall the bitter debates on a question of major importance to this province with respect to Southern Indian Lake, when we faced, not in the same degree of heat perhaps, not to the same degree of intensity, but certainly a major divisive issue, we chose the route - not on its own merits, of course, but among others - to lay the matter before the people, and the people decided, and the people against us. There's nothing wrong with that - that's the way democracy works; that's why we're sitting on this side of the House and they're sitting on that side of the House.

Mr. Chairman, I want to refute the suggestions that have come that, because of our vigorous opposition to this bill, because of our carrying out of our responsibilities as we saw them, that we are automatically branded as election mongers. Mr. Chairman, I am proud of

(MR. ENNS cont'd.) . . . every 22 members of this caucus that stood up and talked and allowed you, Sir, and the Speaker, and the other members of this Chamber to know where they stood on this matter. We have not unnecessarily filibustered this bill. Indeed, Sir, if by careful scrutiny of the Hansards, when we get them, particularly of the last month, I would suggest to you, with all respect, that it is highly unlikely that the time and the speeches made by members of the opposition, the combined opposition, amount to the amount of time and the number of speeches taken up by the government with this particular matter. Now I don't have the research before me but I would suggest to you that that statement probably would stand.

So, Mr. Chairman, to suggest that simply because we put forward a progressive, aggressive, active opposition to this bill, because we thought it was not in the best interests of Manitoba, to make the automatic assumption that we were forcing a government to the wall and forcing a government to the polls for an election -- we made no bones about it. We'll go to an election tomorrow on this issue if it is the decision of the Premier. But, Mr. Chairman, let's have this understood that we are the Opposition. We do not control the events in this House. It is up to the government to decide whether they wish to modify the bill, withdraw the bill, change the bill, defer the bill as one member suggested, or indeed if they feel the opposition is such that an election is warranted, call an election, but Sir and I don't think the First Minister would take issue with me on that subject matter; he's made his position clear on it that it is not to be construed simply because of the vigorous kind of opposition that this bill has received from this quarter, that this was necessarily all designed to somehow bring about, through one means or another, an election call to the people of Manitoba.

Mr. Speaker, I'm satisfied that the Progressive Conservative Party on this particular issue stood very fast and firm on a principle which they took in the first instance and, Mr. Chairman, I recognize that we have somehow arrived at the state of affairs in the Province of Manitoba where it becomes nigh sacrilegious to talk about principles, or even traditions, because somehow that is being twisted into believing to mean inflexibility, rigidity, stagnation. Mr. Chairman, I will not take the time of the House to indicate to you that the Progressive Conservative Party, as its record stands for the past 10 or 11 years, under no circumstances, under no circumstances can be considered a group or a party that has stood for stagnation, for lack of aggressiveness, for lack of initiation. Quarrel if you like with the individual programs; quarrel if you like with the priorities that we place on programs; but for lack of action, for lack of initiative, for lack of imagination, no. Three times no, Mr. Chairman.

Mr. Chairman, there has been some allusion made by the speaker just past, again accusing Tory Ministers - Tory Ministers are favorite targets these days - that assumptions have been - ex Tory Ministers - that accusations or allusions have been made as to deals. Mr. Chairman, if it pleases the member, I certainly have no hesitation about withdrawing any inference that perhaps was left in that sense. I want to point out to the member, and he's not in the Chamber, that some sort of reaction was bound to happen when you consider, Sir, that after having passed the speed-up motion and subjecting ourselves - and all of us - to hours of one o'clock, two o'clock in this Chamber in an effort to process the business of legislation before us, then all of a sudden to find the House come to a kind of a faltering halt because of a speech on the part of one of its members, then there ensued, after an early adjournment, 12:30, a long summer weekend, and then positions changed on the part of individual members, and Mr. Chairman, if somebody - and perhaps myself - if somebody suggested that if not deals were being made, then certainly you cannot blame us from sitting on this side and watching the shifting sands. A reasonable conclusion would be that at least, at least, very long, serious conferences were going on. And this is quite in order, Mr. Chairman, again for a government that is seeking support for important legislation.

And again, Mr. Chairman, -- no, I take exception to the sudden sensitivity in this House with respect to the actions of its members and its politicians. I'm a scrapper, and the day I can't get out of a scrap, that day I don't be in this House any more. And so that if we act like politicians and work like politicians - and remember, this is a hard arena - I'm not overly concerned about the fact that certainly we have many difficult corners that we get ourselves into from time to time, and perhaps, and perhaps suggestions or innuendos are made that should not have been made, particularly after they come in a session such as we are having here, five months, in this heat, in this hour of the day.

Mr. Chairman, I suggest to you most earnestly that the government who is, after all, responsible to a great degree in the sense that they control this Chamber -- not this Chamber

(MR. ENNS cont'd) Sir, I wouldn't want to impugn any unfairness or any prejudice on your part or on the part of the Speaker -- but in the sense that through the office of the House Leader, the manner and the way in which business is brought before the House, the manner and the way in which business is called, that the government shares a greater responsibility, but the government shares a greater responsibility at the tenor, the tone that is set in this Chamber, and certainly Bill 56 in itself is perhaps the greatest culprit in that respect if we're talking about a degree of denigration that has taken place insofar as how we're treating each other and in the manners and morales of this House.

I suggest to you, Mr. Chairman, that the government reconsidering at this time and in light, in light of the very qualified kind of support that they are getting on this bill, two crucial votes, who have spent considerable time today in qualifying their votes, and suggesting that if we see the regulations and everything else then they will proceed to give final approval of the bill - this is the way, Mr. Chairman, the message came through to me. In the meantime, what's happening to those people whose livelihoods are depending on this industry? Mr. Chairman, I was certainly moved, as most members were moved, as all, at the concern, the difficulty an individual member of this Chamber expressed earlier this evening. I want to tell you, Mr. Chairman, that when Bill 56 passes tonight, in the ensuing months, the six months that the members who are giving their qualified support to this bill, as those six months pass there'll be grown men crying in their homes - not in public; nobody will see them - there'll be grown men, old men just not knowing where to turn, hopefully awaiting that the Premier, this government, will come up with a kind of a compensation program that will look to their needs and will be carried out with some justice, but in the meantime, Mr. Chairman, there will be these things going on in our city, and any of us who were at the Public Utilities Committee hearings must surely not doubt my words when I say that. Not all. I won't even care to suggest how many, but some - and "some" are people, Mr. Chairman.

Mr. Chairman, I suggest to you that a bill of this nature, supported with qualification, should not be reported at this time.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, the Honourable Member for Lakeside said he would try to be brief, and I believe that he did try, and I likewise will try to be brief although I don't know whether I also shall not succeed. But let me say, Mr. Chairman, first of all, that the Honourable Member for Lakeside raised a number of very interesting points and conclusions, some of which I could only agree with; some of which I cannot agree with; and some of which I hope to point out are inconsistent with his own position on matters in the past.

He stated, for example, that because this was a democratic system it was the duty of the Opposition to oppose, Mr. Chairman, there are some of us in this House who have been many years in the Opposition, and because we have, I think we have an understanding -- I'm sure the Member for Lakeside will give me credit for that much - have an understanding of the role and responsibility of the Opposition in our system of government. And, quite frankly, I know that at times the Opposition takes a position which they fight hard to bring to full view. It is my understanding of the function of government that it has a duty to bring forward legislation which it feels satisfied - and I used this expression earlier - just as satisfied as can be humanly possible, just as convinced, just as certain as it is humanly possible to be, would be in the interest of the general public. And of course in the very nature of the democratic system there will be those who put forward opposing points of view, and if a government persists in legislation that is not acceptable to the Opposition, they can carry on for a long period of time with their opposition. I seem to recall, not personally but from my reading of history, that in 1911 the session of parliament lasted for eight months on one bill, the Naval Bill, because there was strongly felt difference of views as to the nature of Canada's navy and what it ought to be and how it should be developed.

And then, not so very long ago, we had a situation within our own time, in 1965, '64, where there was again a period of approximately six or seven months in which the parliamentary institution, legislative institution such as this in our country, stood at a standstill on the issue of the flag, the adoption of the flag. There may have been other business interspersed, but Mr. Chairman, there were many motions proposed by the Opposition and amendments and sub-amendments and what have you, but in the end a government has to strike the position which it feels is right, and it has at the same time to try and retain the confidence of the Legislature, and if it makes no effort to, then it is charged with being arrogant, completely unheeding of points of view put forward by those who are not in the government. And if it

(MR. SCHREYER cont'd.) accepts some of the proposals as being not inconsistent with moving forward, then I suppose it stands accused - and probably is in the mind of the Honourable Member for Lakeside - of not really putting forward its own measure. It's not its own measure because it has the support of others who are not within the ranks of the government party.

Well, Mr. Chairman, if you look at that argument - but I mean hold it up to the light, to the clear light of logic - you will see that there have been many periods in Canadian history when all legislation passed in certain parliaments and legislatures was passed only with the support of at least some members who were not members of the government. Otherwise no legislation would have been possible at all. The period 1962 to '63, when the Honourable John Diefenbaker was Prime Minister, he did not have enough members in his own group to proceed with any legislation at all; and in 1957-58; in 1962-63, it so happened that while the government was not in a clear majority - in fact it was in a clear minority position - the intention, I rather suspect, was for it to carry on if there had not been internal dissension on a particular defence issue, so that even the minority group fragmented further, and so an election was called.

And from 1963 to 1965 and '65 to '68, it so happens that hundreds of pieces of legislation were passed in that five-year period. Now we may not have agreed in our respective roles; we may not have agreed with the legislation, but at least - I mean as citizens, as individual citizens we may not have agreed with the legislation, but legislation was passed, and every piece of it required the support of members other than those that were in the government at the time.

My particular interpretation of parliamentary democracy and parliamentary government is that when legislation is put forward, if it is possible to find an accommodating ground that is acceptable, then one has a duty and a responsibility to find it providing it does not go counter to the basic principle which was being put forward in the first place, and providing also that it does provide for more time for yet another look, for yet further analysis. And I put that position forward clearly yesterday, this morning and on previous occasions, that there was nothing fundamentally wrong, in fact there was something fundamentally good if there was clear and persistent disagreement as to basic facts - I mean basic data; then let's have that data looked at again by a group other than a group that has subjected it to long drawn-out debate. There's no point having that same group look at it again in terms of analysis of statistical data; let us have others look at it; and that is essentially what I have proposed. Convinced as I am that the information, the figures upon which we have put forward this legislation, is accurate and does prove our point, nevertheless we shall have others look at it again, and I would hope that in the event that the basic information and figures upon which we have made our assumptions are not disproved, I would hope to see the Honourable Member for Lakeside at least acknowledge the accuracy of that data. At least that much I would hope he would do.

Now I go on, because he has suggested - and this was not one of the nicer parts of his speech, because he did have some passages of his speech that were worthy of listening to and worthy of remembering, but one particular passage wasn't so very pleasant, Mr. Speaker, and I hope I can forget it as quickly as possible; and that is where he made some sliding reference to some conference that may have been held in some recent weekend. Mr. Chairman, I'm guilty. I was at a conference - of the Premiers of Canada. The reason why, if I seemed preoccupied for a couple of days or more, was because I had the responsibility of helping to prepare the agenda and sharing the discussions at the Premiers Conference, all the while that there was this debate and some acrimony going on. I hope that's the conference that the honourable member was referring to, but I rather suspect that it wasn't. He had some other conference in mind which he did not really describe with any clarity.

Mr. Chairman, I must say that during the course of this Centennial year so far, there have been duties and responsibilities and engagements which have been very time consuming, and I don't wish to be misunderstood. I deem it a matter of great privilege and honour to have had the opportunity to welcome many of the visitors that have come to our province, representative of other countries and provinces and to share in some of the meetings that have taken place.

Mr. Chairman, the Honourable Member for Lakeside, unless I misunderstood him, was suggesting that there was conferences of another kind and I want to tell him now to disabuse himself if he thinks that there were conferences of a kind at which - to use his term - some

(MR. SCHREYER cont'd) kind of deal was made; because, Mr. Chairman, that certainly is not the case. Perhaps it's the best way I should leave it - just say it that way and leave it. In the end, you know, the truth will tell, the facts will make themselves known and that is why I am one who has great confidence in the passage of time bringing about greater human wisdom, and that can even apply to automobile insurance.

The member went on to say that well, we hadn't brought the legislation forward in a way that was acceptable there was so much left to regulations - if he hadn't said so, certainly his colleagues have made that point. I want to suggest to him that the way we have proceeded here is commonplace and standard practice. And while others were speaking this evening just by coincidence, but I mean by coincidence, I happened to pick up a copy of the Statute book that my colleague, the Minister of Finance, had left on the desk and I was going through the Highway Traffic Act and I found a section called "Regulations", and I went through it - one page, second page and further - each authority for regulation was given an alphabet. So the entire alphabet was run out; we started over on the alphabet a second time - (aa) - (a), (b), (c), (d), (e), (f) up to (z), and then double a (aa), double b (bb), double c (cc), on almost to the end of the alphabet on the second run -- all giving authority for regulations; that's merely one statute. So I certainly, Mr. Chairman, do not apologize and do not accept the argument that with respect to regulations we have acted in a way different than has been commonplace and standard practice.

Now the Member for Lakeside made a couple of other points which I'd like to deal with before I take my place. He pointed with pride to some of the accomplishments of the past administration and made reference to the Disraeli Bridge, I believe, and to Birds Hill Park and to some other structure, the Floodway and something else.

Mr. Chairman, I'm well aware that there have been major improvements in the infrastructure of Manitoba - the Floodway, the Birds Hill Park; but if the honourable member is suggesting that there was some governmental genius that motivated all that, I'd like to take issue with him because there have been great improvements in infrastructure everywhere in the Western world; certainly in many other provinces in Canada and in the United States and in most countries in the Western world. And in any case, Mr. Chairman, it is not that difficult for a government to proceed with bricks and mortar construction or laying down of pavement. You can lay pavement, Mr. Chairman, circling the globe - if you've got the money or if you borrow the money. And, by the way, talking about borrowing money, I must say that if we simply take - and I'm not wishing to join argument here so much - but simply to point out what is a demonstrable fact; that if we borrowed money as consistently over 11 years as the previous administration, and speaking in relative terms, relative to per capita income, if we borrowed on the same scale in relative terms as was borrowed through the decade of most of the 60's, Mr. Chairman, we could build an awful lot of things. But government's function is not just that of bringing more bricks and mortar into place and laying down more and more pavement - although I certainly agree it's important - but there are other things too. Social legislation, legislation that attempts - and what I regard to be the most important purpose of all civil government - not to impose one particular ideology or another, but to work, always work in face of the odds towards greater equality of the human condition; because if you're not working towards that, you're not working towards dignity of man.

But anyway, Mr. Chairman, I must say that, you know, comparing 11 months, or is it 12 months now, since the beginning of the first session we were responsible for - I believe actually, Mr. Chairman, it is only three days to go to the end of the first year since we convened the first session of this Assembly - and it's really, you know, unfair of the Member for Lakeside to in any way attempt to compare directly or indirectly by inference or otherwise, the accomplishments of this government in a 12-month period with that of an administration that was in office for 11 years. -- (Interjection) -- Well, if that was not the attempt, then I make no further point about that.

But I do make further point about this, Mr. Chairman; that we do have concepts which we wish to apply for the better development, the greater development of our province and for a more balanced regional development in our province and we intend to pursue with that objective as long as we have confidence of sufficient members of this House and ultimately of the people of Manitoba re-endorsed.

Now the Honourable Member for Lakeside has made some reference to the number of people - grown men, he said - who would be feeling very badly because of the passage of this legislation. Mr. Chairman, I have already indicated, I don't know how many times, that this

(MR. SCHREYER cont'd). . . . legislation with respect to that part of the legislation that appears to have been so offensive to my honourable friends, that that will be subject to a thorough going, and yet another analysis of the figures upon which we have based our assumption; and if they are right, if those figures are shown to be right and not disproven, I do not know how my honourable friend could expect us to proceed otherwise than to proceed with this program because it would be of substantial, beneficial interest to the general public; and those individuals who are adversely affected, of course, something must be worked out that is tangible, that makes sense and can be justified. But, Mr. Chairman, I don't intend to be on the defensive for one moment in this respect because I say to my honourable friend, the Member for Lakeside, that if he goes - if he just takes a look at what has been done, or not done, by government in this or any other province or of the government of Canada, he will find that programs have been passed which have had dislocative effects but passed because they were in the opinions of the governments of the day of substantial benefit and improvement and reform and in the interest of the greater number, and the programs were proceeded - the legislation was passed, the programs were proceeded with. Those that were adversely affected - go back and look, look through the pages of the history of our country and our province and our sister provinces, what was done? I'm satisfied, and I say this in full conscience, that what we propose to do will compare more than favourably with any examples my honourable friends may wish to put forward.

MR. CHAIRMAN: Bill be reported? The Honourable House Leader of the Liberal Party.

MR. G. JOHNSTON: Mr. Chairman, as a member in the opposition but not in the official opposition, I would like to say to the question that is now before us that because one is in opposition it not necessarily is his duty to oppose, but when someone in opposition feels, truly feels, that there is a wrong course of action taken then they have a duty to oppose. Not to equivocate as to whether or not there may be an election; not to look at our own personal positions as the positions of our party, but to examine what is before us. The question before us, Bill 56, is not a question of figures, is not a question of figures, who can produce what the best; in my opinion it is to take into the context within the philosophy of the country and the province in which we live, to try and resolve a matter with what we are accustomed to. Now when I say what we are accustomed to, I don't say that we are opposed to change.

Bill 56 has been before the attention not only of the legislators but I would suggest most people who take a newspaper or listen to the radio, and even across the country there are people looking today, other than Manitobans, at what is going on in this province. I'm suggesting to you, Mr. Chairman, that this government in their wisdom have chosen a course which they feel to be right and correct but has created a great deal of divisiveness, and I said it when I spoke in second reading, and I accused the First Minister of setting Manitoban against Manitoban and class against class, and I do not change from that statement I made some months ago. It's true that governments have the right, they have the right by their majority that they can marshal, whether it's within their party or from individual members of the House, to proceed. Mr. Chairman, I don't dispute that fact. Certain members in this House have had a very difficult time on taking the stand that they have taken and I have no quarrel with that, no quarrel with that whatsoever.

I have no quarrel with the fact that members in this House feel that they speak for people, whether in their constituency or in the province and they place what they think is right ahead of parties. There's nothing wrong with that and I certainly don't quarrel with it. I know for a fact that in this House in the last few days, there are two members that I know of, who are very ill, they're not well, and they're sitting and waiting patiently for the session to be over. They have a problem with their own health; there are other members who have personal problems that need attention, and I do not question any member's motive in this House in the way he votes. While I don't agree, I certainly don't question how they act with respect to the matter that is before us. But I do really, Mr. Chairman, I do deplore the way that the government has brought this before the House and before the people of Manitoba.

While we have before us Bill 56, this is not what the people are looking at any more; when, as the debate goes on, and certain members say well, we have another reason. The Minister of Mines has suggested another reason. He has suggested that he has another prime concern in the passage of Bill 56 - and I give him credit for spelling it out, I give him credit for spelling it out.

(MR. G. JOHNSTON cont'd.)

Again, Mr. Chairman, I say on second reading of the Bill, when I accused the government - I made no bones about it, of accusing them - in the manner and the method in which they approached the problem. And let's not kid ourselves about that, there's a problem in the auto insurance industry, I agree with that; and as I listened to the debates that went on, members in the NDP or the government, were right in some of the things they said; members in the Conservative party were also right and they held a strong view. It's not a black and white issue. If it were a black and white issue we wouldn't be entering our sixth month in what's normally considered a two or a three month operation.

I'm sure tonight, after many weeks of a speed-up motion, and members' nerves are being frayed, we all felt a sense of personal shock when the Member for St. Boniface had to publicly state what he felt, and how it affected him and his family. Mr. Chairman, this is not a way to consider legislation for the people. This is not a way to consider, by emotion and by pressure, the Bill that has been brought before us. Perhaps a four-year term is the answer where members on the government side and the opposition side can get up and speak freely. I don't know, really; but I know that the passage of Bill 56 - and it looks like it'll pass - will not be one of the prouder moments in the history of the Legislature in this province.

There have been speeches made about the hardship that's going to be brought to certain people; there have been speeches made, and I admit that they're hitting the nail on the head sometimes when they say that the need for reform is now and we must do it in this manner; but Mr. Chairman, I don't feel very proud about what we have done in the last few months. Yes, this Bill will go into the Statute books and a few years from now it will be forgotten; the heat of the moment will be forgotten, and I accept that. There are more pressing problems before people - wars, famines, matters like that; but within the context that we are discussing our problems here in Manitoba, I'm surely not very proud about the progress that we have made in this session, and it is with regret that I say that the problems that face the government and the people were approached in the way that they were, and I say that while the government has made concessions, major concessions, they've made them under pressure, extreme pressure.

It's an open secret that members of the government caucus are not happy about the concessions that were made. It's also an open secret that had there been a degree of consultation, a course of action could have been taken that in my opinion would have resolved the problem to the benefit of the vast majority of Manitobans. There have been accusations of deals, accusations from all sides - I don't blame anyone - where a member of one party tries to talk to a member of the other party in an informal way and say, "Well, can we not figure something out?" and immediately it's reported that there's something shady going on. Is this the level that our politics are coming to in Manitoba, that a person because he is identified with a party cannot talk with someone else to see if something can't be done? Our party, our small group, has been accused many times of dealing, of bargaining and it makes me sick. I can understand the feeling of the Member for St. Boniface. It's got so bad that you can't even walk across the Chamber and say hello but there isn't someone in the press gallery, or someone in another party, who puts an interpretation upon it.

I won't go any further, Mr. Chairman, but I say that we in the Liberal Party have felt that by a discussion with the industry and by some regulation, tough regulation, that there should have been a sincere attempt to resolve these problems. However, we are now in the position of the final moments of the House and the final moments of Bill 56 where we have to decide which way we go. It's been evident by the way we've voted which way we are going, but I can tell you we're not very happy about it. We don't like it. We don't think this is the true democratic process. We don't think the government has made a sincere attempt to resolve the problem by way of persuasion in legislation and discussion. We feel that the government are locked into the position they've taken over the years and they avoided an attempt to discuss the problem sincerely with the people who are concerned in the industry, and I mean the companies, the agents and the people who are ancillary to that industry; and because of that, because of the government's position, although they have given an unimportant point to them, because of the way the debate has gone, we have to say that we do not support the government in their approach nor do we support Bill 56 in its present form.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I too would like to make some final comments before this bill is passed out of committee. I have made my views known throughout the discussions

(MR. FROESE cont'd) in Committee of the Whole as well as Utilities Committee, and also in discussing the principles of the bill on second reading. I have maintained that the government of the day, as any previous government, has the right to govern, but I have my doubts when it comes to government going into business and this is where I naturally differ from the present government in office here in Manitoba. I feel that we're there to bring about a climate in which private business can operate, can flourish in this province. I think it has been demonstrated over the hundred years that this province has now been established, that industry, private industry, has brought the problem to where it is today, and I think we're all proud of our province and its development that has taken place in this first hundred years. And I'm rather leery, and I have a concern that this bill and this legislation will harm our economy and the economy of this province, not only for the present but probably for many years to come.

I feel that this will be a setback rather than something where we will have progressive development. I don't think that the bill and the legislation is worth the upheaval that it creates. I don't think it is worth the sorrows that many people will experience as a result of bringing forward this bill and passing it into law. I already know of people who are sick as a result, and I feel very strongly that this action need not have been taken, that we could well have done without it. We could have amended the Insurance Act and brought about the situation whereby things could have been made whereby those principles that we would like to see could have been brought in without doing the harm that we're doing now.

I know every member has the right to his own decision, and I certainly feel glad about this because I am satisfied and I'm happy with the decision that I have made. I'm going to live with my decision and feel quite free about it.

Over the years that I've been in this House I've seen many bills passed that I did not like, in fact that I disliked very much and opposed very strongly. I recollect Bill 88 in 1966. I recollect some of the Education bills that I have opposed in this House. But I feel this one takes the cake. This one, I feel, does much more than just temporarily decide a course of policy. No. I feel that this leads the way to much greater action that will come about as a result, things that I don't think we as Manitobans will like to see happen, and this is the reason that I will not support the bill and have it reported.

Tomorrow is the 13th. We only have some 20 minutes left. The bill will not pass into law today; it will have to await the morning, and I think we should all have a night's rest and come back tomorrow with clear minds before this bill is finally passed into law.

MR. CHAIRMAN put the question on the bill to be reported, and after a voice vote declared the motion carried.

MR. WEIR: Yeas and nays, Mr. Chairman.

MR. CHAIRMAN: Call in the members.

A COUNTED VOTE was taken, the result being as follows: Yeas 28; Nays 27.

MR. CHAIRMAN: I declare the motion carried.

MR. GREEN: Move the committee rise, Mr. Chairman.

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

IN SESSION

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

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

MR. SCHREYER: Mr. Speaker, I thought earlier that if the hour were such, that it might be acceptable to honourable members opposite to proceed into third reading stage, but I don't suppose there's any inclination of that kind . . .

MR. G. JOHNSTON: Oh, I'm sure there is.

MR. SCHREYER: . . . therefore I don't put the request formally.

MR. G. JOHNSTON: Mr. Speaker, may I suggest that the members from other than Greater Winnipeg have to stay here in any case, and surely the -- I don't say this in a derogatory manner but I would hope that the members from Greater Winnipeg wouldn't mind driving to the Legislature tomorrow and we can finish our business hopefully tomorrow.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I move, seconded . . .

MR. SCHREYER: Mr. Speaker, it's not clear to me. If I understood the Honourable

(MR. SCHREYER cont'd) Member for Portage la Prairie, he was suggesting he would prefer to proceed this evening? -- (Interjection) -- Well, I didn't think so.

MR. G. JOHNSTON: Mr. Speaker, although I have no objection other than the fact that there's an Order Paper to finish off and I would prefer third reading tomorrow.

MR. WEIR: Mr. Speaker, that's all right. One group, I think leave would be required, and one group have indicated their preference, so I'm prepared to accept that without any further comments.

MR. GREEN: Okay. I move, seconded by the Honourable Minister of Cultural Affairs that the House do now adjourn.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried, and the House adjourned until 9:30 Thursday morning.