

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, July 18, 1978

Time: 10:00 a.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Presenting Petitions . . . Reading and Receiving Petitions.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for Springfield.

MR. BOB ANDERSON: Mr. Speaker, I beg to present the first report of the Standing Committee on Agriculture.

MR. CLERK: Your Committee met on July 12, 1978, and appointed Mr. Anderson as Chairman. Your Committee agreed that the quorum for all future meetings of the Committee should consist of six members.

On July 12, 13 and 14, 1978, your Committee heard representation with respect to Bill No. 25, The Cattle Producers Association Act, as follows:

Jacie Skelton, Region No. 5 Co-ordinator, National Farmers Union.

Margaret Hayward, Sinclair.

Ken Sigurdson, Swan River.

Brad McDonald, Strathclair.

Mrs. Clarice Nicholson, Shoal Lake.

Tony Riley, Strathclair.

Richard Chorney, R.R. 1, Selkirk.

Ross Thomas, Hartney.

Lloyd Atchison, Pipestone.

Charles Mayer, Manitoba Beef Growers Association.

Manitoba Cow-Calf Association: Larry Clifford, Dauphin; Terry Eyjolfson, Steep Rock; and Cliff Graydon, Carlowrie.

Jim Pollock, Neepawa.

Ron Sangster, Kenton.

Mrs. Marguerite Larson, Lac du Bonnet.

Harvey Dann, R.R. 1, Winnipeg.

Bert Hall, Manitoba Farm Bureau.

Lawrence Delichte, Swan River.

Jim Chegwin, Swan River. (Read by Lyle Ross, Basswood)

Mike Taczynski, Gypsumville. (Read by Lyle Ross, Basswood)

Bruce Medd, Vice-President, Local 511 MFU, Beulah. (Read by Lyle Ross, Basswood)

Mac Lelond, President, Local 511 NFU, Miniota. (Read by Lyle Ross, Basswood)

Keith Proven, Local 516 NFU, Basswood.

Rudy Usick, Manitoba Independent Cattle Producers, Erickson.

Lyle Ross, Basswood.

Darlene Henderson, Sinclair.

Lorne Parker, Ste. Agathe.

Peter N. Friesen, past-president, Manitoba Cow-Calf Association, Carlowrie.

Brian Larson, president, Region 10, Manitoba Cow-Calf Association, Lac du Bonnet.

John Wtaker, Erickson.

Mrs. Norman Edie, Dugald.

On July 17, 1978, your Committee considered Bills:

No. 25 — The Cattle Producers Association Act,

No. 67 — An Act to amend The Farm Lands Protection Act,

No. 68 — An Act to amend The Real Property Act (2), and has agreed to report the same with

certain amendments.

MR. SPEAKER: The Honourable Member for Springfield.

MR. ANDERSON: Mr. Speaker, I move, seconded by the Honourable Member for Emerson, that report of the committee be received.

MOTION presented and carried.

MR. SPEAKER: Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills.

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. EDWARD SCHREYER (Rossmere): Mr. Speaker, I would merely like to ask the Minister reporting for the Manitoba Telephone System if he's in a position to make a statement or indicate when he may be making a statement with respect to the policy position relative to the allegations contained in the statement forward to him last week by a spokesman on behalf of the cablevision operators.

MR. SPEAKER: The Honourable Minister of Consumer Affairs.

HON. EDWARD MCGILL (Brandon West): Mr. Speaker, I'm not in a position to comment in detail on the statements that were published and were referred to me by the Leader of the Opposition. I'm not able to say exactly when that may occur, but that matter is under consideration and as soon as those responses are received, I will make a statement to the House.

MR. SPEAKER: Orders of the Day. The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: Thank you, Mr. Speaker. I would like to take this opportunity, Mr. Speaker, to ask the Minister of Industry and Commerce if he can advise the House whether there has been any progress whatsoever in bringing first-class jet air service to the City of Brandon.

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

HON. ROBERT (Bob) BANMAN (La Verendrye): Mr. Speaker, as the Member for Brandon East probably realizes, Great Lakes Airways has got an application in right now for a jet service that would service Brandon, Dryden and Toronto. A decision on that particular run has not yet been made by the federal authorities, but we are hopeful that that decision will go in favour of that particular route change and have lent our moral support in order to try and see that Brandon will get a jet service that would link them up with the eastern cities.

MR. EVANS: A supplementary, Mr. Speaker. I thank the Minister for his answer. When he says that his department has my moral support to the application, does he mean that his department or he, himself, has not filed a formal brief with the Canadian Transportation Commission, or indeed has his department filed a formal brief with the Air Transport Committee of the CTC?

MR. BANMAN: Mo, Mr. Speaker, we haven't filed a formal brief. We have been watching and monitoring the situation fairly closely. As the member will appreciate, this was part of the problem that we faced when the TransAir-PWA merger was upon us. TransAir had an application in to service Brandon. That was one that was lost in the shuffle. Air Canada did not want to pick that up, and right now with the Great Lakes proposal that would solve that particular problem out in Brandon. So we are monitoring it. We have indicated that we support the Great Lakes proposal to service Brandon and we will have to see once the ATC has made their ruling, then we will have to see what happens.

MR. EVANS: Well, another supplementary for clarification. I understand from the Minister that they have indicated, in effect, publicly the support of the Great Lakes Airline's application, and yet for some reason — and this is my question — for what reason would the department or the government not file a formal brief, because that has been customary in the past except in cases where there are more than one company from Manitoba attempting to get a particular air licence. But in the

case of this type of air service, I believe there is no other Manitoba company necessarily competing for this type of jet air service. So I ask the Honourable Minister for clarification. Why would the government or the department not file a formal brief before the CTC in support of this application, as has been the custom in the past?

MR. BANMAN: Mr. Speaker, I will undertake to check into the matter a little further. I believe, and if my memory serves me right, I did write the Minister in charge of Transportation in Ottawa a letter. I will have to check that to verify that, but we are going to be doing everything possible to try and make sure that we do get a jet service into Brandon.

MR. SPEAKER: The Honourable Member for Transcona.

MR. WILSON PARASIUK: Thank you, Mr. Speaker. My question is directed to the Minister responsible for Manitoba Hydro. Can the Minister confirm that despite an intention to indicate it in the Throne Speech for the government to clarify the position of Manitoba Hydro and the Public Utilities Board, can the Minister confirm that legislation will not be brought forward in this session to clarify that relationship?

MR. SPEAKER: The Honourable Minister of Finance.

HON. DONALD W. CRAIK (Riel): Mr. Speaker, I will have a statement to make to the House in a matter of a few days.

MR. PARASIUK: A supplementary, Mr. Speaker. In the light of no legislation clarifying the role, does that mean that Manitoba Hydro will not be proceeding with its court case to rule that the Public Utilities Board did not have the power to order the interim rate increase which they ordered in the fall?

MR. SPEAKER: Order please. I believe the honourable member is asking for a legal opinion, and I would ask him if he wanted to rephrase his question.

MR. PARASIUK: Yes, Mr. Speaker, I will rephrase it. I will, asking if Manitoba Hydro will not be proceeding with its court case in the absence of government policy to clarify what its relationship is to the Manitoba Public Utilities Board since this court case can conceivably cost Manitoba taxpayers a great deal of money.

MR. CRAIK: Mr. Speaker, the specific answer to the question is that they cannot, but I will be covering that in a statement to the House.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. EVANS: Thank you, Mr. Speaker. I'd like to address a question to the Minister of Finance responsible for the National Energy Board. I believe it is the intention of the National Energy Board to hold public hearings in the City of Calgary, starting on October 11th, regarding future gas supply and to receive representations from various provinces, companies and others interested in this matter. Is the Province of Manitoba planning to submit a formal brief before the National Energy Board and, if so, what position will the province take?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, I have indicated on a number of earlier occasions that our intention is to participate in the general gas hearings that are being held this fall by the National Energy Board. We are in the process at the present time of formulating our presentation for them and also for the Polar Gas hearings, if in fact they follow the general hearings, which it is anticipated they will. But our position with regard to both will be made in preparation for the October hearings.

MR. EVANS: A supplementary, Mr. Speaker. I thank the Minister for his information. Can the Minister at this time advise whether the Government of Manitoba will take a particular stand with respect to future export of natural gas out of Canada to the United States?

MR. CRAIK: Well, Mr. Speaker, we are still in the process of gathering material for our presentation. It would be premature to speculate at this point on what our position might be.

MR. SPEAKER: The Honourable Member for Transcona.

MR. PARASIUK: Thank you, Mr. Speaker. My question is directed to the Minister of Consumer and Corporate Affairs who is responsible for the Public Utilities Board. Can the Minister indicate if and when the Public Utilities Board will hold Phase II of its hearings, as it indicated it would, on Manitoba Hydro rates, especially the fixed rate contracts in the north, those held by INCO and Sherritt-Gordon? The Public Utilities Board, in its last order, indicated that it would be holding follow-up hearings in this regard. When will they be held?

MR. SPEAKER: The Honourable Minister of Consumer Affairs.

MR. MCGILL: Mr. Speaker, I cannot indicate when the follow-up hearings will be held, that will be determined by the Public Utilities Board.

ORDERS OF THE DAY BUSINESS OF THE HOUSE

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, I wonder if I might table four returns that would normally have been tabled next year, but by virtue of the late sitting of the Legislature this year should be returned this year. One is the Special Municipal Loan and General Emergency Fund Act, and that's a return under Section 13. A return under Section 20, The Public Offenders Act; a return under Section 30.2, The Law Society Act, and a return under Section 114.2, The Insurance Act.

Mr. Speaker, just to repeat, they are to be returned within a certain number of sitting days after the fiscal year-end. That's why I table them this year rather than next.

MR. SPEAKER: The Honourable Member for Gladstone.

MR. JAMES R. FERGUSON: Yes, Mr. Speaker. I have three changes on Municipal Affairs. Mr. Orchard for Mr. Domino, Mr. Sherman for Mr. Mercier, and Mr. Banman for Mr. Johnston.

MR. SPEAKER: Are those changes agreeable? (Agreed) The Honourable Member for Kildonan.

MR. PETER FOX: Yes. I'd like to make a change on Municipal Affairs. The Honourable Member for Selkirk to be taken off and the Honourable Member for Flin Flon to be put on.

MR. SPEAKER: Are those changes agreeable? (Agreed).

The Honourable Minister responsible for Housing.

HON. J. FRANK JOHNSTON: I just want to take a very brief moment to answer a question for the . . .

MR. SPEAKER: Order please. We are past the question period.

The Honourable Government House Leader.

MR. JORGENSON: Mr. Speaker, will you call Bill 63?

MR. SPEAKER: Bill No. 63, second reading.

The Honourable Member for St. Matthews. Order please.

SPEAKER'S RULING

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. WARREN STEEN: Yes, Mr. Speaker. During consideration of Bill 39, The Family Maintenance Act, by the Standing Committee on the Statutory Regulations and Orders, the Member for Transcona moved an amendment as follows, that Section 25(4) be included, which reads as follows:

"The Lieutenant-Governor-in-Council may make regulations respecting

"(a) the establishment of a Central Registry System where maintenance orders would be filed;

"(b) interim payment by the province of the maintenance to a level at least equal to the prevailing social assistance rates or the full value of the maintenance order, whichever is less;

"(c) collection by the province of the full amount of the maintenance order and

"(d) payment by the province of maintenance collected which exceeds the interim maintenance payment."

The point of order was raised, Mr. Speaker, by the Honourable Minister responsible for the Task Force regarding the admissibility of the proposed amendment on the grounds that the amendment should be accompanied by a message because it proposed a draw on consolidated funds of the Province of Manitoba. On this basis, Mr. Speaker, I ruled the amendment out of order, and the Honourable Member for St. Johns challenged my ruling. That was at approximately 2:50 a.m. this morning, Mr. Speaker.

MR. SPEAKER: I have perused the rough transcript of what occurred last night, and I concur with the ruling of the Chairman of the Committee.

MR. SIDNEY GREEN: Mr. Speaker, with the greatest of respect to you, I don't think that that is your function with respect to this. I think that you should ask the House whether the ruling of the Chairman of the Committee should be sustained.

MR. SPEAKER: Shall the ruling of the Chair be sustained? (Agreed)

BUSINESS OF THE HOUSE

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSEN: Mr. Speaker, I intend to call just that one private bill this morning, and then the House resolve itself into Committee on Statutory Regulations and Orders which will continue its hearings, and the Committee in Municipal Affairs, which will be prepared to hear representations from several people who have indicated that they want to make representations before that Committee.

I wonder in the light of the fact that the Member for Wellington is also on the Committee on Municipal Affairs, if the Member for Kildonan would want to change that person as well.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Yes, Mr. Speaker, I'd like to change the Honourable Member for Wellington, and have him replaced by the Honourable Member for Rupertsland.

MR. SPEAKER: Is that agreed? (Agreed).

MR. FOX: Municipal Affairs.

MR. JORGENSEN: Will you then call Bill No. 63, Mr. Speaker?

PRIVATE BILL — SECOND READING

BILL NO. 63 — AN ACT TO GRANT ADDITIONAL POWERS TO THISTLE CURLING CLUB LIMITED

MR. LEN DOMINO (St. Matthews) presented Bill No. 63, An Act to grant additional Powers to Thistle Curling Club Limited, for second reading.

MR. SPEAKER: Could I have the seconder of that, please?

MR. DOMINO: The Member for St. James.

MOTION presented.

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

MR. DOMINO: Mr. Speaker, I bring forward this bill on behalf of the Thistle Curling Club Limited which was incorporated February 8th, 1921. Under the Companies Act, 265 original common shares and 176 Class B shares were issued. The problem faced by the Thistle Curling Club at this point

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is that of the original 265 shares issued and outstanding, in excess of 100 of the ordinary common shares are held by persons whose present status and whereabouts are unknown. This creates a problem in organizing the affairs of the corporation since, with the whereabouts of so many shareholders unknown, it is difficult for the corporation to even get a quorum at its annual meeting of shareholders. A great number of the shareholders have died and in the administration of the estates it is obvious that no attempt was made to transfer the shares to the heirs of the deceased's shareholders. Difficulties and expenses of tracing through the estates of the various deceased shareholders to determine the actual legal owners would be a tremendous cost.

This bill is presented as a remedy to the problems faced by the corporation. By granting to the corporation the power to levy an assessment against each of the issued shares of the corporation and to cancel any shares in respect of which the assessment is not paid, would serve a two-fold purpose, and this is what this bill purports to do.

Those shareholders who have died or whose present whereabouts are not known would obviously not pay the assessment and their shares would be cancelled, thereby updating the corporation records. There is a second benefit to this, the corporation would be able to obtain additional funds for the operation of its affairs.

This is not anything new and I don't think it sets a precedent of any sort. Essentially the same Act was passed by this Legislature in 1969 under an Act called An Act to Grant additional Powers to the Rossmere Golf and Country Club Limited. This was Bill 26 of 1969 which was assented to on May 22, 1969. I've spoken to the Legislative Counsel and I've received other legal advice on this from the Curling Club, and they suggest that it's nothing that would set a major precedent, that other clubs have done this and it would simply bring this club, who were incorporated in 1921, into line with other clubs and organizations of that type who have been incorporated in recent years under more recent law.

MR. SPEAKER: The Honourable Member for Kildonan.

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

MOTION presented and carried.

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSEN: May I suggest now that you recess the House to return at the call of the Chair and we will resolve into Committee of Statutory Regulations and Orders in Room 254, and Municipal Affairs in Room 200.

MR. SPEAKER: The House is accordingly recessed' to return at the call of the Chair.

IN SESSION

MR. SPEAKER: Order please. The Honourable Government House Leader.

MR. JORGENSEN: Mr. Speaker, we are just returning to adjourn the House for the morning session. The House will reconvene at 2:30 this afternoon.

MR. SPEAKER: The hour being 12:30, the House is accordingly adjourned and stands adjourned until 2:30 this afternoon.