

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Saturday, April 23, 1966

Opening Prayer by Madam Speaker.

MADAM 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 the Member for Winnipeg

Centre.

ORDERS OF THE DAY

HON. DUFF ROBLIN (Premier) (Wolseley): reading of the Psychologists Bill? BILLS Nos. 40, 9, 24, 25, 33, 46, 50, 56, 91, 27 and 31 were each read a third time and passed.

In the absence of Mr. Steinkopf, MR. J. B. CARROLL (Minister of Welfare) (The Pas) presented Bill No. 84, An Act to amend The Consumers' Credit Act, for third reading.

MADAM SPEAKER presented the motion.

MR. SAUL CHERNIACK, Q. C. (St. John's): Madam Speaker, I have looked through the list of bills that we have had before us and it seems to me that this is the only bit of legislation that one can find in the field of consumer credit.

The Speech from the Throne spoke of the fact that there would be proposals made, placed before the House on consumer credit, and as far as I can see this is the only bit of legislation and there is a resolution along the lines of endorsing the principle of Orderly Payment of Debts Act to be passed in the Federal House. Now, it seems unfortunate that we were unable to get any active legislation in this field. There's been a great deal of study made by various people involved in government starting back with the Tallin Commission and the Premier's Advisory Committee on the problem, and then the committee of this Legislature itself, which produced a report which was printed and filed and we have it. The last meeting of that committee was held on January 25th of this year, and in the three months that have transpired, this bill which we are now dealing with is the only one that has come along and it is one which is so minimal in its nature that it wasn't even discussed or proposed in the report of the committee.

Now I'd just like to bring to the attention of the House that there are a number of matters which have not been covered in this bill or any other bill. The committee recommended that there be legislation on disclosure of costs of loans, on advertising the terms of loans, on the statutory form of conditional sales contract to include prepayment privileges, notice before seizures are made, relief against acceleration of forfeiture. There was a proposal made for garage-keepers' liens; a proposal on motor vehicle registrations; exemptions in connection with household goods and providing that both spouses be involved in signing chattel mortgages on household goods; and a proposal on repossession, limiting same after two-thirds of the principal had been repaid to permission with court approval only.

The report also recommended that an office be established of some form on consumer credit, of a kind which could be sponsored or supported by various organizations such as the Better Business Bureau, Consumers' Association, Credit Managers and the like. Now there's nothing indicated in the Budget or in the speeches by the Provincial Secretary that anything was being done along those lines that would be administrative, involving expenditures of grants, which I presume is still possible.

There was also the resolution regarding Orderly Payment of Debts and we do have that resolution before us, but there's no power in this legislation to deal with it other than to request that it be dealt with elsewhere.

Now I think it's unfortunate that we were unable to have legislation. The Honourable Minister indicated that there was a great pressure on the people charged with drafting bills, and that this type of legislation had a lower priority than others. I think that that is unfortunate because I think they dealt with the basic fundamental protections that must be afforded to the consumers, a large group in Manitoba. We did find that there was a Universities bill presented here which was intended to be passed in the contemplation of something which may or may not happen. It will lie dormant until, or unless, a certain report comes in from the Council of

(MR. CHERNIACK cont'd) . . Higher Learning, which may make a recommendation which would put it to use.

We learn that The Social Allowances Act was proposed in the same way. Now there was apparently time for the drafting and presentation of these bills which are not yet to be put into operation and yet there was not time for the Consumer Credit. I think that the question of priorities is the one with which I must quarrel. I would indicate that the committee had the benefit of the advice of a highly competent counsel who worked with the committee, who studied the various materials presented to the committee, who drafted - I believe drafted the report; in any event worked with us on it - and I would imagine that with his background he could well have been the one to have prepared all the various amendments and the small bills. There's not one great large bill of complicated draftsmanship involved in the proposals of the Consumer Credit Committee, but rather a number of amendments and smaller bills which could well have been prepared and brought before us. We had emergency legislation which was brought here and passed, considered and passed in one day, and we were able to manage it. I think it's unfortunate that the government did not set so high a priority on the recommendations of the Consumer Credit Committee so as to pass it. It would be remiss on my part, Madam Speaker, if I did not at the same time indicate that I feel that the Chairman of the Committee, the Provincial Secretary, did a great deal in this field in the manner in which the meetings were conducted, seeing to it that all sides were heard, and I think that this report redounds well to his credit. I'm sorry that he was unable to bring it into execution so that we could have the legislation following it, because I'm convinced that his attitude indicated his sincerity and desire but unfortunately we don't have the results this year.

HON. MAITLAND B. STEINKOPF, Q. C. (Provincial Secretary) (River Heights): Madam Speaker, I would like to say just a word on the matter of priority which the honourable member has made much of just now. The preparation of the bill took not as long as it did to prepare the work that led up to the final committee report. Correct that. It isn't a preparation of the bill, it was a preparation of the Consumer Credit Report.

The Committee had a number of meetings. As a matter of fact it was the second year of the committee, and the report of the committee wasn't ready till early in January of this year. The drafting of the necessary legislation to implement the recommendations of that committee report was only one of the reasons why legislation wasn't ready for this Session. Besides the legislation there was a large amount, an extremely large amount of administrative work that had to go along and to complement any legislation that was passed or could have been passed at this Session. The word "priority" was used in connection with bills that were being drafted for my department - the Provincial Secretary and the Public Utilities - and I had placed a high priority on a bill that has been before this House at this Session, that is the complete revision of the Highway Traffic Act, and all of the legislative talent that my department could muster was directed to having that bill ready for this Session, and then after that I gave priorities to other legislation. I didn't want to suggest that the production, the fundamental production of the Consumer as shown or as in part of -- in the field of consumer credit, isn't as important, say, as safety in the field of traffic, but I do feel that the consumer who has been protected to a great degree during the last few years by legislation passed in this House was not being prejudiced or was not being affected by the fact that some of the recommendations that we supported in the report would not be ready and would not be implemented until probably this time next year, so although I accept the kind remarks made by the honourable member, I think that he is putting too much emphasis on the word "priority" and really taking it out of context of the whole story of why the report hasn't been implemented, or more of it hasn't been implemented with the necessary legislation at this Session.

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

BILLS Nos. 26, 34, 53, 62, 79, 81, 112, and 119 were each read a third time and passed.

MR. ROBLIN presented Bill No. 22, an Act to authorize the Expenditure of Moneys for Capital Purposes and to authorize the Borrowing of the same, for third reading.

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

MR. ROBLIN: Ayes and nays, please, Madam Speaker.

MADAM SPEAKER: Call in the Members. The question before the House, the third reading of Bill No. 22, an Act to authorize the Expenditure of Moneys for Capital Purposes and to authorize the Borrowing of the same.

A standing vote was taken, the result being as follows:

YEAS: Messrs. Baizley, Beard, Bilton, Bjornson, Campbell, Carroll, Cherniack, Cowan, Evans, Guttormson, Hamilton, Harris, Harrison, Hillhouse, Hutton, Jeannotte, Johnson, Johnston, Klym, Lissaman, Lyon, McDonald, McGregor, McKellar, McLean, Martin, Mills, Moeller, Molgat, Patrick, Paulley, Roblin, Shewman, Shoemaker, Smellie, Stanes, Steinkopf, Strickland, Tanchak, Watt, Weir, Witney, Wright, and Mrs. Morrison.

NAYS: Mr. Froese.

MR. CLERK: Yeas, 44; Nays, 1.

MADAM SPEAKER: I declare the motion carried.

MR. ROBLIN presented Bill No. 55, an Act for granting to Her Majesty Certain Sums of money for the Public Service to the Province for the fiscal year ending the 31st day of March, 1967, for third reading.

MADAM SPEAKER presented the motion.

MR. NELSON SHOEMAKER (Gladstone): I just received a Gazette for Saturday, April 2, and while I admit that it's three weeks old it has only just come to my attention, and there is a regulation here that I would like to speak on briefly. It has to do with the expenditures and revenues of the Province, and in looking over the bills before us it seems to me that this is the only opportunity I would have to mention it. It appears as Manitoba Regulation 23-66, being the regulation made by the Board of Directors of the Manitoba Agricultural Credit Corporation under The Agricultural Credit Act to amend Manitoba Regulation 13-61. It has four parts and it seems to me that it not only increases the interest rate on all loans made under The Manitoba Agricultural Credit Act but for the third time, I think. As I recall it, in 1958 or 1959 when the Act was first introduced, a young farmer was one who was 31 and under, I think, and he qualified for loans at four percent interest. Then all farmers 32 and over were considered to be older farmers, I guess, and they were charged five percent. I think that was the original rate. Now, apparently the rate for the young farmer is 4 3/4 percent and for the older farmer 6 1/4 percent, and I think this is probably the second or third time that the rates have gone up.

Now there is another feature about it that I don't like too well and I know that certain farmers in my area don't like too well, and that is if a farmer now comes back and reapplies for additional money, that he pays the high interest rates on the whole loan -- on the new money that he's borrowing and on what he still owes the corporation. Now, anyone who attended the Farm Outlook Conference or the week at the University, will certainly know that the capital cost required for farming efficiently and effectively today is just going up annually. In fact Dr. Gilson, I think, who gave the paper on the Capital Requirements of a Farm, said that it appeared that \$50,000 was the minimum amount that any farmer could start on, so it is only natural and normal to expect that a lot of farmers who borrowed five or ten thousand dollars in '58 and '59 will be coming back now for a further loan. Many of them likely will be, and if they do, they're going to have to pay the new rate on the new borrowings and also on the old borrowings, and it seems to me that this is rather a hardship on the farmers and will tend to discourage them from borrowing from the Corporation. In fact, I think the older farmer that we talked about can still borrow money from the Farm Credit Corporation at five percent. I think he can; and he can get it a lot quicker and he can get a lot more of it, I think, from the Farm Credit Corporation; so perhaps what the government is attempting to do is to unload a lot of their loans and encourage them to get money from the Farm Credit Corporation.

I know my honourable friend said that he wished that the Farm Credit people would get out of the business and lend him the money and he'd run their affairs for them. Well I don't know whether this will encourage them to do that or not, but I thought that I should raise this point at this time because it seems to me that in light of the cost-price squeeze that the farmers find themselves in today, that this is not one way of alleviating it.

HON. GEORGE HUTTON (Minister of Agriculture) (Rockwood-Iberville): Madam Speaker, the regulation that the Honourable Member for Gladstone refers to reflects the requirements of the Act. A year ago the Legislature revised the provisions of The Agricultural Credit Act to allow for larger loans, reduced substantially the equity requirements on the part of the borrower roughly from one-third to one-fifth; in other words instead of the farmer being required to put up one dollar for every two that the government put up, under the present provisions of the Act he puts up one dollar for every four that the government puts up. The philosophy behind the changes last year was that the availability of capital - and this I think bears out what the Honourable Member for Gladstone has said about the capital requirements of a modern farm, that they're very great today and growing - the availability of credit was more important than the cost of that

(MR. HUTTON cont'd)... money, provided the cost was a reasonable cost; and so we made these amendments and as far as I can recall all the members in the Legislature supported them. That is, the increased size of the loan available, it was increased from \$25,000 to \$30,000, the reduction in the equity requirements from roughly 35 percent to 20 percent; the change in the subsidy to the young farmer from one covering the entire life of the loan to one which was effective the first five years of the loan, and at the present time the Act requires the Agricultural Credit Corporation to charge a rate of interest which is one quarter of one percent above the cost -- or at least one quarter of one percent above the cost of money to the government, and the rates that the Honourable Member for Gladstone read to the House reflect the increased cost of money.

Now the rate to the young farmer is set at 1 1/2 percent below the rate to the ordinary farmer. The only information that I could give you that would shed some light on the efficacy of the new loan as opposed to the old provisions, is the fact that in the last year we had a bigger business than any year in the history of the operations of the Agricultural Credit Corporation. Our loans totalled some \$7 million, and it does appear that in spite of the fact that cost of money has risen somewhat since the first year of operation, that the farmers are using it and finding it even more useful today than it was four or five years ago.

I think there's one thing I want to emphasize and that is that when the interest rate goes up by regulation, this does not affect the loans that have been in effect unless the borrower comes back and applies for additional amounts of money. When he does that, of course, he comes back and he applies for money under the new provisions of the Act, in which he can get more money, he can get it with a great deal less equity, and it is the feeling of the Board of the Credit Corporation that it is an equitable arrangement where they make an additional loan that the borrower assumes the responsibilities of other borrowers who are making current loans from the Board.

HON. GILDAS MOIGAT (Leader of the Opposition) (Ste. Rose): Madam Speaker, I wonder if I could ask a question of the Minister? What is the rate now charged by the Federal Farm Credit body insofar as adult loans? I'm not speaking of young farmers' loans.

MR. HUTTON: The rate charged by the Federal Government is five percent but this does not include charges for appraisal, and they have some additional charges that are not included in the interest rate but really, if you add them to the interest rate, make it somewhat higher than that five percent. Then this subsidized rate is limited to \$20,000 in the case of Part I loans, those that are secured by land alone, and is limited to \$27,000 under Part III. Now, as you know, the outside limits are \$40,000 and \$55,000, I believe, respectively, and the farmer, or the borrower pays the current rate on anything over that minimum of 20 or 27 thousand, whichever the case may be.

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

HON. GURNEY EVANS (Minister of Industry & Commerce) (Fort Rouge) presented Bill No. 124, An Act respecting the Department of Tourism and Recreation, for third reading.

MADAM SPEAKER presented the motion.

MR. SHOEMAKER: Madam Speaker, this is not to suggest that I'm going to speak on every bill hereafter, but it just so happens that I did want to say something on these two.

I agree with my honourable friend in that we should be doing a lot more than we are doing to not only attract tourists to this province, but to get them to linger longer when they are here, because I have said this I think every year that I have been in the House, that the figures spent per capita by the tourists are unchanged from what they were 16 years ago. They're still spending roughly \$28.00 apiece. Yes, in spite of inflation, so actually they're not buying nearly as many goods and/or services.

Now it's known and certainly advertised every hour of the day and night practically, that we are going to have two centennials shortly and we should be doing a lot more to encourage people to visit our province, and to encourage people within our province to do some travelling within the province, and I have always maintained that we are short of tourist attractions. We are short of historical markers; we could develop a great deal more than we have done. I can't help but cite the Old Fort Garry as one - the old fort in the Fort Garry grounds. You can't find it. You can hardly find it. I'm sure there must be thousands in Winnipeg that couldn't direct you to it, and it seems to me that it should be restored, should be restored in time to have the people in the centennial year that are visitors here have a look at it.

And you can cite many more. Three times last summer I went down to spend an evening and have my dinner in the Ernest Thompson Seaton Park in your constituency, Madam Speaker, and it's a beautiful spot, it has a very colourful history in connection with it, and I was happy, incidentally, to see them name the bridge after it. But, two or three weeks before that on a

(MR. SHOEMAKER cont'd)... Monday afternoon - because we do have a Monday afternoon - because we do have a Monday holiday in most of the province - I went down to see Canada's only desert, and you know where that is, Madam Speaker, because it too is in your constituency; and why did I go down? Because of a full page Week-End Section colourful story describing Canada's only desert. Well, when you drive down from Neepawa to Carberry you go right past the RCMP Barracks, so I dropped in to the RCMP office there to get directions to Canada's only desert. You know what happened? They told me I couldn't go - I couldn't go down there. And you know what I did? I went anyway. The day I was there, well it was getting late in the evening by the time I found Canada's only desert, and I was delighted with it and I could have spent -- by that time it was getting near sundown; it had been a beautiful day and the sunset shining over the desert was something to look at. You would almost think you were in Arizona, and I commend it to anyone in this House that has not seen it, but the sad part of it is we're making no use of it at all as far as tourist dollars is concerned - none whatever.

Now certainly -- I know my honourable friends will say, well, this is a national issue and we've got nothing to do with it. Well, they're on speaking terms. They must be on speaking terms with the people in Ottawa, and surely to goodness it can be developed and surely we can encourage people to go there. Incidentally, the RCMP people at Carberry told me that they had turned away literally thousands as a result of the Week-End Section. (I think it was in the Free Press. I also believe the Tribune put out a similar story.) So that when the story gets around to everybody in the Province of Manitoba and beyond, that we in the Carberry-Neepawa area have Canada's only desert, they're going to go and see it. This is what you get by advertising. --(Interjection)-- Certainly.

MR. R. O. LISSAMAN (Brandon): Did the RCMP tell you why they refused you access?

MR. SHOEMAKER: Because of the military operations.

MR. LISSAMAN: more than that?

MR. SHOEMAKER: I don't recall if they did. But Madam Speaker, as you proceeded south along the trail you had to pass a couple of signs that said "Warning. You're in a war zone" or something like this by this time, and you're liable to get shot down any minute. But they're going there. They're still going there and I think it should be developed; it should be one of the major attractions. It should be developed into one of the major attractions now that the bridge is open and there is black topping from the north and soon will be, if it is not already there, in from the south. It is so readily accessible to the travelling public from No. 1 highway, from No. 2 highway. It's so easy to get at and I'm sure that it can be developed - I'm sure that it can be developed. Now I'm not boasting when I say that my wife and I have travelled in 47 of the 50 United States, and one of the things that we try to keep our eyes and ears tuned to is the historical points of interest. And you can travel from one end of Manitoba to the other in any direction and you won't likely find one of them. In fact, a class of school children that I think was in this week, if not this week, I've had three or four classes in here - they wanted to be directed to Louis Riel's grave and a few other places. I couldn't direct them there. I couldn't direct them there, and I don't know how a tourist would find these places if he was in Winnipeg. I think that we should do a lot more in this regard and I thought I should mention it at this time for your benefit, Madam Speaker, and for mine.

HON. STERLING R. LYON, Q.C. (Minister of Mines and Natural Resources) (Fort Garry): Madam Speaker, I don't wish to prolong the debate but I do feel I should say a few words following upon the remarks of the Honourable Member for Gladstone. After hearing him speak today, may I say to him and congratulate him on still being with us, because this area he is so anxious to attract people into is part of the firing range of Shilo Military Camp, and while of course it's not used daily, there are - we're told by the military authorities - hundreds if not thousands of projectiles still in there, some of which are unexpended, and that is why the large signs, which apparently my honourable friend walked blithely by out onto the sand dunes, are placed there to warn the public and all other people who can read, that they should not move into this area on pain of some danger to life and limb.

Now, having said that, I agree with him that the Manitoba desert of which he speaks is an exceptionally attractive part of Manitoba, and he will be glad to know that it still is part of the Crown's land that is owned by Manitoba although it has been for many many years under the previous government and under the present government under a lease to the Department of National Defense for purposes of the artillery range at Shilo, and particularly I think the concern now - and my honourable friend the Leader of the Opposition would know more about this than me - with Long Johns and other such pieces of artillery at Shilo, this area is still required by them.

(MR. LYON cont'd)... So I merely rise and say that while I join with him in extolling this area which we hope ultimately will become part of the new 55,000-acre Sprucewood Park in that general vicinity, I would seriously hope that no citizens of Manitoba would listen to my honourable friend about going in there until such time as it has been cleaned up, and that if he will have a little bit of patience, that over the years this place will be added, I hope, to the provincial parks system, but only after such time as the present lease runs out, and I want to make sure that I leave it on the record that this area is being retained for the subsequent use of probably subsequent generations in Manitoba, but at the present time in order to make, we are told, in order to make Shilo a feasible entity as an artillery centre it must be retained under the lease that they presently have. So notwithstanding my honourable friend's invitation to the public of Manitoba, I would sincerely hope that in this one instance at least that they would pay absolutely no attention to what he says, and stay clear of that area which is potentially dangerous to life and limb.

MR. SHOEMAKER: Madam Speaker, would my honourable friend permit a question? Is it not a fact that my honourable friend in the Province of Manitoba sells hunting licences, and they are not barred; they shoot down there in hunting season all the time.

MR. LYON: We presume that most of the hunters can read even if my honourable friend can't. The area is posted and anybody who goes in there goes in at their own risk.

MR. M. E. MCKELLAR (Souris-Lansdowne): Madam Speaker, this subject matter has been of great concern to me, because we do have in Manitoba Canada's only desert, as the member for Gladstone mentions, but I'd advise him to stay out of there, because as the army tell me at Shilo, they can never tell what day they're going to be firing those artillery shells, and someone caught in there unexpectedly might never return to tell the story. So I advise the Honourable Member for Gladstone if he's on a vacation, for goodness' sake go to the east of the new highway, don't go to the west. This does create quite a problem in the Glenboro district because everybody in Glenboro or in that area knows you shouldn't go in there at all, and most of them take heed because they hear the shells going off from time to time and some of the shells are live shells that have never exploded in that particular area, and this is a danger in itself to children or adults who might be walking through that area. I've been there myself with a guide - I wouldn't go there without a guide - and I am just wondering how the honourable member managed to get out of there without a guide because there is -- because if the sun was under a cloud I defy anybody to know their directions in that area. It's all pure sand - there are thousands of acres in there - and it's a most unusual area in itself. While in the Glenboro district, as mentioned this morning, they do have problems, I would like to say in having this new Sprucewood centennial park within a seven mile distance of the Town of Glenboro, this is going to be a great help, and I know that with this desert as mentioned by the Minister here, it is the hope of the government that this in the very near future will become part of this centennial park.

MR. DOUGLAS L. CAMPBELL (Lakeside): Madam Speaker, I don't think that the debate on Canada's only desert should be allowed to terminate without someone mentioning the Devil's Punch Bowl, because this isn't just a desert that we're talking about --(Interjection)-- Pardon? There's a geological (if that's the right word) formation in that area that people certainly should see. A desert of course, to begin with, suggests sand in great quantity, but not only is there sand in great quantity but for some reason or other the one area is of sand that has a water supply, and they have developed a huge depression, and the sands from the sides and at the bottom are continually shifting and reforming. It's a rather terrifying but a magnificent sight, and I would certainly recommend to the government, while I'm conscious of the fact that we must have co-operation with the federal authorities and we must have co-operation with the military people as well, I would recommend that they try to find some method by which the most scenic area, including the Punch Bowl, could be - I won't mention that other word because some of my honourable friends seem to have a guilty conscience when it's referred to here - so that the Punch Bowl along with some of the rest of the desert could be seen by more people in Manitoba. It's quite an interesting place and it's some years since I have seen it but, like my honourable friend, I was very much impressed by it.

MADAM SPEAKER put the question.

MR. LEMUEL HARRIS (Logan): I was just going to put a few words in myself, being a Canadian you know, I have to talk about this Canada of ours. They're talking about this desert out there, I don't hear anybody explaining how this desert come about, how they go back into time and tell you how this desert came about. Why is it there? Of course sitting beside a geologist, you know, I get all this information. I just steal it out of him quietly. So I would say,

(MR. HARRIS cont'd)... you know, that where these ice ranges have come in here, this has been quite a country. We have a theory that at the time of ten or fifteen thousand years and the ice creeps back and forth and our country. Well, our rivers, they run in different directions, and through the formation of the ice they change their courses, and I was fairly surprised at my friend from Lakeside that he wouldn't give you something on that because he can really give you something. And through the years they changed their courses. We have of course the Missouri River; it used to come north here and it flowed down into the Mississippi - flowed down in that direction anyway. And these big rivers come here and they were stopped by the ice and changed their course and that is the formation of the desert in that particular part of Manitoba. So giving you that little bit of information from a Canadian, I'll sit down now.

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

BILLS Nos. 77, 66, 96, 86, 106, were read a third time and passed.

MR. W. G. MARTIN (St. Matthews) presented Bill No. 120, an Act for the Relief of Tjitske Medgyes, Feikje Bosma and Tina Stuve, for third reading.

MADAM SPEAKER presented the motion.

MR. LYON: say only a few words on this bill, and I'm speaking to the principle of extension of time. I make it clear at the outset that I know nothing about the parties in this matter; I know nothing of them at all. I've heard the case that is advanced on their behalf and I've heard the case advanced by the potential defendants in this matter, but really it's not those matters that I wish to speak upon. It is upon the principle of this Legislature disturbing in any instance a general law of the province which has application to all of the people of the province, and I must say that in principle I am opposed to this kind of legislation. I must say, no matter how strong the case can be made on behalf of the individual applicant, the law is passed for a purpose, the general law. It is to give some finality to actions that can be brought on behalf of aggrieved people for either tortious wrongs or contractual wrongs or whatever, that they may wish to sue upon in our courts. The doctrine of the Statute of Limitations is as old to our legal system as is any other basic doctrine that upholds this whole system. It is a very important foundation of our whole legal system. It is a foundation that should seldom, if ever, be tampered with except to change it in a general way and to let people have notice throughout the province if you are going to change it - then that from this time forward the law of the province is going to be thus and so - but with respect to all people in the province. And I submit, with the greatest of deference, that the Legislature is not acting in the public interest when it moves from time to time, as this Legislature has on very rare occasions, but still has done - I suggest it is not in the public interest to have an Act which benefits two people but which conceivably does harm to the other 990,000 people in the province. And this is in effect what we are being asked to do.

Now if I were to bring a bill before this House to say - and I'm using here a hypothetical example - to say that some other member of this House had been charged with a particular offence against the statute, a quasi-criminal offence, and to say that in this particular case this offence, or this charge should not be proceeded with or the Act should be held not to apply to the particular member, why then of course in that field I would be laughed out because everyone would see immediately how ludicrous the position is. If you have a general law you follow the general law. If you're going to make exceptions to a general law, then you make exceptions that apply generally to all people and you give notice generally to all people that from this time forward the law is going to be changed in a certain way. I suggest that Manitoba is perhaps unique in Canada in even having this kind of legislation introduced. Now I can't state categorically that this is the case but I am informed from conversations that we have instituted with other provinces across the country, that bills of this nature are never even introduced in other Legislatures because the principle is so well imbedded that you do not make particular amendments or specific amendments to a general law which are of benefit only to the two people who are the subject of the Act, or the three or the four people or whatever the case may be. This is a form of special legislation.

Now on the other hand, people say well, of course, what harm is done, because it's only the insurance company or it's only the lawyer who's going to be sued, or it's only some other person. But the harm that is done, the erosion that is done to this principle of the Statute of Limitations, the doctrine of finality is serious indeed, and that is why in most of these matters that have come before the House I have either voted or opposed this type of special legislation, and I think that in this case that we would be doing the general law of the province a disservice if we are to pass special legislation of this kind. I put these comments on record, Madam Speaker, merely to indicate that insofar as the principle of the bill is concerned, I am opposed

(MR. LYON cont'd)... to it on principle because I do not feel that it is in the interest of the people of Manitoba. I do not feel that it is in the public interest. I do not feel that this Legislature would be acting in the public interest if it were to pass.

Furthermore, I suggest that at the same Session we had another bill which in a different set of circumstances - and really the circumstances don't interest me because it's the principle that is of concern to the House - but in another bill where there was sought to be an extension of time on another matter altogether, this Legislature saw fit to defeat that bill. Now I suggest that before the people of Manitoba we must take a consistent position on these matters, and we can't allow our hearts to tell us what is in the public interest. I think we must allow our heads to tell us what is in the public interest. So I suggest - and I speak only on my own behalf as the Member for Fort Garry - I suggest that I cannot in conscience vote for this bill because I feel it is contrary to the public interest to do so.

MER. CHERNIACK: Madam Speaker, I'm inclined to agree with the general hypothesis presented by the Honourable the Minister of Mines and Resources, and say that his statement of the situation I think is well-assessed, but it is a well-known fact amongst students of law that the law always runs behind the society - society's requirements - as society develops and adapts to a rapidly changing world and a speeded-up life where many problems arise that are not fully contemplated by the law, and when - I imagine the very first year that I was a member of this House but certainly in the year following - we had bills of this nature, and at that time we had great debates on this matter, some of us pressed for a consideration of the general law regarding limitations of actions in order to provide in the law itself certain methods whereby consideration could be given when there appears to be, firstly, a justifiable excuse for the problem that created or caused the limitation, and secondly, that the parties affected by it were not adversely dealt with, so that an assessment could be made as to the relative impact on people and on the general society that a bill of this type would bring about.

At the time we discussed this we were given the information that the Law Reform Committee, which was apparently an advisory committee to the Attorney-General, was studying this problem, and as I recall it most of - I think all of the bills in the last few years of this type were passed. But I may be wrong in that and that's not important. What we said at that time when the matter first came up, was that a committee sitting in Private Members Committee could not really assess the facts, take evidence, decide who was telling the truth, provide all the facilities of a court, and we said that we couldn't really judge because it was all presented to us on an emotional basis and that the entire problem should be referred to the courts which have the proper machinery and the proper procedure and the proper atmosphere in which to judge the various factors involved, and the bills were amended and now come in the form where they are referred to the courts. But, as was pointed out by the Honourable Member for Selkirk on another occasion, the preamble in that case was so final and constituted a finding by this legislation which would have given a court no opportunity to exercise its judgment or discretion but would have to find in accordance with the preamble and that that was weighted. So it was obvious, and it is obvious as was pointed out by the Honourable Minister, that we're dealing with a difficult situation and yet the indication is that a goodly number of people, both in this House and outside of the House, feel that there are occasions when there should be relief given to certain people who are adversely affected.

Now for two years we've been waiting to hear from the Attorney-General on the consideration of proposed changes to the general law and The Limitations Act, and in the expectation that these bills would be coming up for second hearing, on April 19th I inquired from the Honourable the Attorney-General as to what had been done in regard to these studies and whether there was any plan or possibility that amendments would be brought in to the limitations sections of the various Acts, and he replied that this has proved a much more difficult task than he had anticipated, and he was very doubtful, and the fact is we were all therefore sure that there would not be any legislation at this Session.

Well I think that's unfortunate. I think that after two years of study something should have come out, either a yea or a nay, but surely it doesn't take that long to think through the process of deciding what to do with this. And in light of the fact that the Attorney-General and his advisory committee of whom we know - it's not a formal committee, as I understand it, and not one that is responsible to the Legislature - if they haven't been able to come up with something, then we are bound to cope with this problem, recognizing that it is a problem. If we brush it aside as being no problem, then we should deal with it the way the Honourable Minister has suggested, but I think it is a problem.

(MR. CHERNIACK cont'd)...

There are occasions when people should have the right and should be given the right, but I agree that it should not be in the Legislature that this right is granted to them. However, until the Attorney-General or some other group is prepared to come along with a report of the problems involved, a report of considerations given by people who have knowledge and experience in this field, we must stumble along as indeed we are doing.

I was disappointed that I could not be in the House at the time this bill and the other one were being considered, because I would have been interested then, and participated to the extent of my limited ability in this field, but it seems to me that we will have to cope with the problem - and it will come back - until we get some definitive recommendation. If the recommendation would come, and even if it were worded in the words of the Honourable Minister for Mines and Resources, that then might be a new policy which might be accepted by Members of this House, but until we have that it seems to me that we're bound to deal with it in this peculiar and unhappy fashion, because as far as I could tell from reading Hansard and reading the bills, I could see no reason why one bill passed and the other didn't except on the basis of some emotional change of mind in a matter of minutes from one to the other. It's unfortunate but I think we're married to the problem until the Attorney-General comes up with some sort of solution which may divorce us from the problem.

MR. T. P. HILLHOUSE, Q. C. (Selkirk): Madam Speaker, I speak to this motion strictly on the basis of the principle which I think that this Legislature should follow in making a decision as to whether or no this bill should be given third reading. I have already made myself clear at this session of the Legislature in respect of a similar bill, and at that time - without going into what I said in detail - I think I stated as a fact that Statutes of Limitations were not enacted for the benefit of one individual but for the benefit of the general public. I think I also stated on that occasion that notwithstanding the fact that a bill passed by this Legislature did contain a provision that the Court was to look into the matter, and having regard to all the circumstances decide whether or no the Statute of Limitations should be waived, notwithstanding that fact, our courts have taken the position that any such bill passed by this Legislature was a directive to that court to try that action because -- and I think they're justified in taking that stand. My position is this, that we have a general law in the Province of Manitoba and this is the law we're asking the courts to waive. Now we are the only body . . . if a Statutory Law -- we are the only body that can change that law, and I think that we're guilty of a lack of intestinal fortitude if we slough off our responsibility on another body altogether, and that's what we're doing here. Now, the Honourable Member for St. John's does say that sometimes our laws are behind the thinking of society. That may be true, Madam, but the point is this, that a Statute of Limitations is enacted for the benefit of the general society and not for the benefit of one individual. I'm sorry that I have to take this position. I know nothing of the facts in this case; I wasn't even in the Legislature when the matter was discussed. As a matter of fact, the Honourable Member for St. John's and I were both absent at the same time. My point is this, though, that regardless of the facts, we're dealing with the matter of principle and I think that that is the only way that we can handle it.

Now, for a long time I've had a great deal of conscience-searching regarding this whole question of limitations, and in view of the fact that we have so many statutes giving to different bodies and in respect of different actions giving different time limits for bringing actions, I think we should try and insist, where a claim is made against any individual or any corporation and that claim is rejected, that there should be some way of notifying that individual who makes that claim of the limitation period which applies to that particular claim. Now what I have in mind particularly is this. In the City of West Kildonan, of which I am solicitor, as all members of this House know, there are very short periods of limitations in the Municipal Act. I think the period of limitations in respect of an action brought against a municipal corporation as a result of injuries on a highway due to non-repair or omission to repair is three months. Now the City of West Kildonan, as a matter of practice, when it receives a claim from any individual whomsoever regarding any such claim, they acknowledge that claim without prejudice, but they point out to that individual that under the provisions of such and so-and-so's Municipal Act, if they have to bring an action that action must be brought within a certain period of time. --(Interjection)-- Beg pardon? Well, I don't know if it is, but I think it's a matter of courtesy to an individual.

Now, I have before me here a motor vehicle liability insurance card. Every person in Manitoba who carried automobile insurance has one of these. They are all issued by the various

(MR. HILLHOUSE cont'd)... insurance companies. On the back of that insurance card they give you certain information as to what you're to do in case of an accident. Now I think it would be an easy matter for the registrar of motor vehicles to change the regulations so that that card, that motor vehicle liability insurance card, would have a notation on the back to the effect that the period of limitations in respect of an automobile accident is one year, and it would give notice to the general public of that fact, because the average individual is not aware of the fact that it is a one-year period within which you have the right to bring an action in respect of injuries in a motor vehicle accident. Most people are aware of the fact that in ordinary torts you have two years within which to bring your action.

Now just recently there was a case - I think against a policeman, and it was an automobile accident too, in which that policeman was driving this automobile, but because that policeman was a public officer, under the Public Officers Act there was a period of six months' limitation for bringing an action against him. Now I feel this way, that no doubt when that claim was made against this policeman, it was also made against the municipality in which that policeman - where he was employed, and I think as a matter of fairness to the claimant that the municipality should have notified that claimant that in this particular case there was a six-months' period of limitation, whereas the solicitor who had the case thought it was the ordinary one-year period under the Highway Traffic Act, and then found out he was out of court when he brought his action.

So I think ignorance of the law is no excuse, and we must retain that principle in our law because if we don't we'll have chaos, but at the same time I think, in fairness to any individual who has any claim, that that individual, once he makes that claim, should be informed as to what the period of limitations is in respect of it.

MADAM SPEAKER: Are you ready for the question?

MR. EVANS: ... just before the debate closes. We have heard from a selection of those representing the legal profession, and I recognize that they have their principles that are important and important to the people of Manitoba, and I think something ... must be taken to preserve those principles. Those are important; I acknowledge that.

It does seem, however, that some weakness has appeared in the system by reason of which some cases of hardship are created, and if we have to make a choice between the preservation of a system just for the sake of preserving it, and the taking care of some case of hardship which can very well be adjusted, I'm on the side of the people who say "Let's look after the people," and I propose to vote in support of this measure.

The argument is advanced that we may very well bring on us a flood of similar cases, or cases which have so far been put outside the realm of the law because of the Statute of Limitations. But if that's the case, if that comes about, I'm sure it will hasten the process of fixing whatever is wrong with the system at the present time, and I would urge -- I think I'm speaking now because I think so many people have spoken who are in fact practitioners before the law, and that side of you has been performing strongly and ably, and I think temperately. I'm sure they find themselves in an unenviable position and I sympathize with them for that reason, but I do think there's the other side, and I rise to speak for that side, if not with any persuasiveness, at least to allow my voice to be heard on that side of the case at this time.

MR. CAMPBELL: Madam Speaker, I said a few words on this same bill a few nights ago. At that time my honourable friend and colleague and desk mate was not present, and I endeavoured to protect his position at that time by mentioning that I thought that if he were here he would likely take the other side of the argument to the one that I took, and I'm glad that he has been here to day for him to express that point of view - the same one that has been expressed by the Honourable the Minister of Mines and Natural Resources.

But, like the Honourable Minister who has just spoken and the Honourable Member for St. John's, I think there is the other side to this case as well, and I pointed out the other night what to me seems to be a fundamental principle here, and that is that Canada inherited at its birth that basic philosophy of the British Constitution that the citizen has the right to come and lay his claim at the foot of the Throne. When all other things fail and all remedies have been exhausted, then that avenue is still open, and I know that some of my honourable friends will say that not all remedies have been exhausted in this case. That being the case, Madam Speaker, then in my opinion it is available to anyone who feels that to be the situation, to raise that argument before the judge before whom this case will go.

Now I disagree also with my honourable friend and colleague and desk mate, who says that the judges of our court are very likely to take this as a direction. I can't see how they could

(MR. CAMPBELL cont'd).. or should take that position, and the instructions in this bill are very very clear. We simply say to them if we pass this bill: on the hearing of said motion, the court, having regard to the real question and controversy, the very right and justice of the matter and all the circumstances of the case, may in its discretion enlarge the time allowed by Subsection (1). Now if the court feels that there's an action against the lawyer in this case, and that that should be taken, surely the court will take that into consideration; if the court feels that there are some other matters. And it seems to me that the most sensible way for this Assembly to discharge its responsibility is to exercise its judicial function in the first instance by saying that there seems to be a case for lifting the bar which we by legislation imposed, but then having lifted it far enough, say, "This can go to a court for final decision; can go before a judge who is used to weighing the evidence; who recognizes the right of both sides to be heard before him and who is in duty bound to weigh all the evidence that comes before him." I can't see that anything could be fairer than that, Madam Speaker, and consequently I still support the bill.

MR. SHOEMAKER: Madam Speaker, when I listened to the debate that took place in the committee the other day, and I think it was Mr. Huband that was speaking for the All Canada Insurance Federation, and he suggested that as such he was speaking for all the insurance companies of Canada, he made the pitch and the point that the claimants had not exhausted all of the avenues for recovery that were available to them and so on, and I think he said that about 99.9 percent of the lawyers carry errors and omissions insurance, and that they should be taking legal action against the lawyers.

Now that may be so - that may be so. But I know that if I were attempting to recover any amount from (a) a lawyer, or (b) an insurance company, I would certainly far rather be attempting to recover it from an insurance company, and I wonder if there is not -- Madam Speaker, are we down in Canada's only desert or what's going on around here? (Interjections) They're shooting at me. Well. It is common practice for one insurance company to recover money from another. They do that in nearly every car insurance claim, and if the law somehow amended to permit the insurance company to pay the claim - in this case pay the claim, and then the insurance recover from the lawyer, if in fact the lawyer was guilty of allowing it to go beyond the limitation of time, then I think it would solve it all.

Now I don't know what can be done. I don't know what can be done, but if the lawyers - and in this case it apparently has been established that it was their negligence - and if we could amend the law somehow whereby the insurance company could pay the claim, go to court if there was in fact a legal claim, pay it and then recover from the lawyers, that would, in my estimation, pretty well fix it.

MR. LISSAMAN: Madam Speaker, I certainly don't want to present myself as a lawyer but I think this last argument might be a little bit deceiving, because if you read the last paragraph or this part of the last paragraph, "... the matter and in ... circumstances ... the case, may in its discretion enlarge the time allowed by Subsection (1) of Section 98 of The Highway Traffic Act for the bringing of an action or actions by the said three people against the owner." Now, if you extend this limit of extensions this makes it legal, and what recourse could you have afterwards, as the Honourable Member for Neepawa suggests?

Now my sympathies in most of these bills have almost always lain with the people who appeared to have an injury, and in cases where further evidence was discovered after the fact, or after the period of limitations, then I think there's every grounds for this Legislature giving extension to the time.

The Honourable Member for Lakeside - I was thinking of Flee Island - the Honourable Member for Lakeside suggests "that when all other things fail and when all other remedies have been exhausted." Well, in this case I don't think that has been satisfied. Here's a case obviously of negligence due to one cause or another by a lawyer, and more than bringing relief to people we are exonerating that sort of action. I think people should be held responsible for their actions, and as I suggested in committee the other day, if that avenue had have been exhausted, and then this bill were before us, and these people had not had any relief, then I would be very pleased to vote for the bill, but I don't think that last avenue of remedy has been exhausted and therefore I will vote against the bill, Madam Speaker.

MADAM SPEAKER: The Honourable Member for St. Matthews.

MR. MARTIN: Madam Speaker, we've had a prolonged discussion over this bill. It went through its second reading and was passed on to the committee, and after a very thorough discussion in the committee, there were three lawyers taking part in the arguments - it was by a substantial majority reported to the House and this morning received the approval of the Committee of the Whole House.

(MR. MARTIN cont'd)...

Now we recognize, of course, the idea of principle, but legislation of this type has passed this House, and I don't think that when they did it was a question of doing it with their hearts and not their heads. It was in 1963, a similar case, identical case - I mean it was a collision between two cars, and the lawyer made an error. He put down the time for the year to expire as the 22nd of November and discovered when it was too late that the time was the 22nd of October. It was an error on the part of the lawyer, and this House passed the legislation permitting the plaintiffs to apply to the judge of the Court of Queen's Bench for an enlargement of the time for filing their claim. In due time it came before the late Mr. Justice Ferguson and he granted the request, and in dealing with the one point of exhausting all other remedies, he referred to the argument that had been made in the process of the case of the question of the suing of the lawyer, and he would not accept that under the circumstances.

This case was just last year. The negligence of the lawyer was a matter of 16 days. That's readily understood, I think, under the circumstances. That lawyer was only given the case the end of June, just six months before. The injuries of the people were serious. As I outlined the other day, in the one case it was severe shock and the strain of the muscles of the neck, and it took many many months for her to be recovered. In the second case there was a fracture of eight ribs and it took over a year before there was any satisfaction as far as a cure was concerned, and the third lady had many months of treatment in the Manitoba Rehabilitation Centre, and it wasn't until very very late in the year that there was any assuredness that she would have a complete recovery. Just at that time the senior partner, as I said the other day, of the firm had been quite ill; the junior partner was placed with the responsibility and coupled with his own work he allowed the time to lapse, and it was just 15 days beyond the year.

Now, Madam Speaker, when we think of these facts, my opinion is that the neglect of the lawyer for 16 days should not overshadow the fact of the serious injuries suffered by these three ladies. We don't minimize the neglect of the lawyer, of course, but I think there's a humanitarian place in this case, and it's the humanitarian aspect of it that has prompted me to take the stand that I have, and I don't think it would be fair in any circumstance, for these poor women, who have suffered physically, mentally, financially to a very serious degree, to be penalized for something for which they were entirely innocent. And I, Madam Speaker, do not think of this Legislature going on record as refusing to give these people who have suffered, the plaintiffs in the case, the opportunity as expressed by the Honourable Member for Lakeside, to make their appeal to the very foot of the Throne. Humanitarianism, and I don't want to be charged with being emotional - something was said about emotionalism - well of course we're human, but I think humanitarianism plays a large part in government policies under our democratic system. We see it here. We've seen it here for the last 11 weeks in our legislation for education, for health and for welfare, and even Madam Speaker, when it comes to the processing of our economic programs, there isn't a thing of importance that has come before us that has not been fundamentally related to what is good and fair for the people's good. And the provisions of the bill is in harmony with that principle.

I like the sentiment expressed here, well-known of course to you all, the real question in controversy, the very right and justice of the matter. That, Madam Speaker, I consider is typical legislation that we would expect in a country that is boastful of the fact that it gives top priority to whatever concerns the wellbeing of the people, and that is the thing we should have in mind at the present time.

I agree with the Honourable Member for St. John's that perhaps the time is long past due when we should have a thorough review of the Statute of Limitations legislation, and until that has been done, then I say, Madam Speaker, that we must be prepared to deal generously with exceptional circumstances.

The Member for Selkirk suggested there should be a notation stating that the limitation is one year. I'll guarantee that many of these people do not know, the majority of people do not know that there is that one year limitation. So I think Madam Speaker, that when we take it thoroughly into consideration, that we should decide this issue, not just on the basis of "The lawyer was negligent; let them sue the lawyer." I don't think that is a fair and just thing to do under the circumstances. We have before, I repeat, we have had legislation before, and I looked up my Hansard and when that legislation came before the House in 1963 for second reading, the speech was very short on the part of the member who introduced it, the sponsor - just about two lines - and I couldn't read anywhere where there was any real debate upon this question.

(MR. MARTIN cont'd): . .

So, Madam Speaker, I leave it with you, with all the earnestness that I possess and not to be charged with being over-emotional because of the nature of the case, because of the nature of the injuries, because of the fact that the senior partner of this firm had been ill; and perhaps fundamentally to all that, the very fact that this Legislature three years ago passed a similar Act placed upon the Statute Book of the realm, so I contend, Madam Speaker, that we should be - I was going to say very generous - I'd like to prefer to say the word "just", under the circumstances, and allow this Bill to be placed upon the Statute Book of the Province in this year of 1966.

MADAM SPEAKER put the question and after a voice vote declared the motion lost.

MR. MARTIN: The yeas and nays please, Madam Speaker.

MADAM SPEAKER: Call in the Members. The question before the House, the third reading of Bill No. 120.

A standing vote was taken, the result being as follows:

YEAS: Messrs. Baizley, Beard, Bilton, Bjornson, Campbell, Cherniack, Cowan, Evans, Froese, Groves, Hamilton, Harris, Harrison, Jeannotte, Johnston, Klym, McDonald, McGregor, McKellar, Martin, Mills, Moeller, Molgat, Patrick, Shewman, Shoemaker, Stanes, Tanchak, Watt, Wright and Mrs. Morrison.

NAYS: Messrs. Carroll, Hillhouse, Hutton, Johnson, Lissaman, Lyon, McLean, Paulley, Smellie, Steinkopf, Strickland, Weir and Witney.

MR. CLERK: Yeas, 31; Nays, 13.

MADAM SPEAKER: I declare the motion carried.

BILLS Nos. 125, 83, 85 and 37 were each read a third time and passed.

HON. GEORGE JOHNSON (Minister of Education) (Gimli) presented Bill No. 102, an Act to Amend The Education Act, for third reading.

MADAM SPEAKER presented the motion.

MR. CHERNIACK: Madam Speaker, when we had occasion to discuss this bill on second reading, I indicated then certain very serious doubts I had as to the advisability of creating legislation which would enable affiliated colleges to become -- Madam Speaker, I apologize, I misread - misheard it really.

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

MR. JOHNSON presented Bill No. 71, an Act Respecting the Establishment of Universities, for third reading.

MADAM SPEAKER presented the motion.

MR. CHERNIACK: Madam Speaker, if I had the ability to start in the second half of a word, I would do so and just continue, but I did want to indicate that I voted in favour of the Bill, as I said I would, in order to learn just what the Council of Higher Learning had recommended and what the affiliated colleges or other parties interested in this Bill would have to say, because I indicated, and I will not repeat, but I did indicate that I could only see difficulties arising from this enabling legislation and I myself had very serious doubts about the feasibility of any of the affiliated colleges of the university other than Brandon College being created universities.

Now, no one came to speak to the committee when the committee considered this Bill, therefore, we did not have the benefit of any other people's thoughts about it. The Council of Higher Learning, we were advised, had never made a report on this issue at all, neither in writing nor do I gather in any other form, because the Minister indicated he had no idea what their recommendation would be, but, he said, in the expectation of the possibility that they would be making a recommendation and since that recommendation might possibly be to recommend that Brandon College might become a university of its own, then this enabling legislation was being passed.

Well, Madam Speaker, throughout the discussions the Honourable the Minister did not express his own opinion and as of this moment I haven't the slightest idea as to whether he thinks it would be good, bad, or indifferent, to the government if Brandon College were to be made a university, or indeed if any of the affiliated colleges could be made into separate universities. Therefore, we've been asked to pass this enabling legislation without having any opinions expressed by anybody on the government side of this House, and I think I'm correct in making this statement, that I'm sure it does apply to the Honourable the Minister. The impression that I have received in committee - not in the House but in committee - was that the Honourable Minister would bring this to the Lieutenant-Governor-in-Council if the Council of Higher Learning recommended it, and it seemed to me that this might be almost automatic.

Now I know it need not be, but since the Honourable Minister did not indicate an opinion

(MR. CHERNIACK cont'd)... at all, then I must conclude that he places so much reliance on the opinion of the Council of Higher Learning that its recommendation might well be put into effect even contrary to the opinion of the Honourable Minister, because the fact is that if it makes a recommendation and the enabling legislation is there, then indeed he would be in a very difficult and embarrassing position if he did not accept the recommendation.

Well, Madam Speaker, there are members in this House, and I am one of them, who have made a definite statement saying that they do agree that Brandon College should be made a university, but there's nobody that I heard that said that any of the affiliated colleges should become universities; and yet if the Council of Higher Learning recommends one of the affiliated colleges, or if indeed it does not recommend it but the Minister decides to recommend it to Cabinet, the Act makes it possible to do so.

It seems to me that this is wrong, Madam Speaker, and for that reason, in committee we tried to amend the Act in a very simple way but a very very positive way by stating that instead of it being any of the affiliated colleges, it should apply to Brandon College. We thought that this was sensible because since there has been no argument against Brandon College being a university and since there has been no argument in favour of any of the other affiliated colleges becoming universities, then this Act would then say exactly what we had discussed and what we meant.

Unfortunately, the Minister would not accept our recommendation or our amendment, and as a result this Act is now wide open to all the affiliated colleges and I feel that this is wrong. It's too general; it does not take into account the various factors that are different, possibly different in the case of each of the affiliated colleges, but the Cabinet is given blanket powers and I feel that it would have been the better part of discretion on the part of the Minister to have accepted our amendment so as to make clear just what his intention was. As of this moment, I do not know his intention; I do not know whether he will accept the recommendation of the Council; I do not know if he will not accept it; I don't know the extent to which he will do it. I think this wrong.

Madam Speaker, I for one do not intend to vote against this bill because I feel that in spite of the fact that the Minister was silent in so many respects in this matter, in the event that Brandon College may become a university in between Sessions, I wouldn't like to stand in their way. I would hope that nothing else would be done, but by passing the bill we are of course laying the whole responsibility and the entire power in the hands of the Cabinet which I think is wrong.

MR. MOLGAT: Madam Speaker, my position and that of my group is unchanged in respect of this bill. I spoke on it when it came for second reading. We said then that we are in favour of Brandon College being a university; we said that we feel that possibly United College is reaching the point where it could become a university. We see no objection, in fact we favour the establishment of universities if they are going to contribute to the advancement of higher education in the Province of Manitoba.

We do object however though to this method of setting up a university. In our opinion the establishment of a university is a very important matter and one that should be done by an Act of the Legislature. We believe that a university should not be set up by an Order-in-Council, what you might call instant university creation, but done by a proper Act of this House establishing the university itself -- done in that manner. I see no difficulty insofar as delays in this. The question of Brandon College being a university has been discussed for some time now. We do not know when the Council of Higher Learning will make its recommendation. Surely, all of this could be done quite properly by an Act of this House.

The Bill as presented to us now, in our opinion, is an anticipation of the work of the Council of Higher Learning. It is not the proper way to proceed and we are not prepared to support the Bill. We are quite prepared to support a Bill to set up Brandon College as a university; quite prepared to consider one so far as United College; but we're not prepared to proceed with the establishment of universities in the Province of Manitoba by this method. We say do it by an Act of the House, give them the proper establishment from the beginning, and we are prepared to support that action.

MR. JOHNSON: I don't intend to spend long on this Bill. I think I've said all I can say on the matter. I think we take the opposite point of view to the Leader of the Opposition who just said that he would like to establish the university and without waiting for the report on the Council of Higher Learning which he recommended previously in this House.

As I tried to explain before, we have felt that we had a great deal of interest in the

(MR. JOHNSON cont'd)... concept of a university in the western part of our province, namely Brandon College, but until such time as we have a report from the Council of Higher Learning which gives us some guide lines as to the extent of university development outside our present one university concept, that we should proceed with some caution. This was the reason for bringing in the university enabling Act and taking a measure at this Session, which we have done, to incorporate or to organize a university type board with respect to the operations at Brandon College which at this time is receiving pretty well 99 percent of its fund through public funds and is the only denominational affiliated college.

This university enabling act is restricted to those affiliated colleges under study by the Council and they are all represented on the Council. There is no intent on behalf of the government to create instant universities. We intend to take the Council for Higher Learning's recommendations into consideration and certainly a full report will be made to the honourable members. This legislation gives us the opportunity to plan to get things into operation should the report come down in the near future.

I've nothing more to say other than that Brandon College is the only group that I've heard from in connection with this Bill. The President has written to me saying that their group endorse Bill No. 71. Thank you, Madam Chairman.

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

BILLS Nos. 89, 92, and 121, were each read a third time and passed.

MR. JAMES COWAN, Q. C. (Winnipeg Centre) presented Bill No. 116, an Act to Amend The Winnipeg Charter, 1956, and to validate Bylaws Nos. 19061, 19190, and 19204 of The City of Winnipeg, for third reading.

MADAM SPEAKER presented the motion.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party) (Radisson): Madam Speaker, I will not be long. I feel that I must make a comment or two in respect of this Bill and express regret that the Minister of Municipal Affairs did not see fit to allow to remain in the original Bill a measure of tax relief for the single family owner-occupiers of houses in the City of Winnipeg.

The City of Winnipeg Council in its wisdom passed a resolution endeavouring to bring relief to the local taxpayer of single dwellings and thus enable them to receive reductions in assessment for taxation purposes. During this Session, while refusing this particular Bill for the relief of small people and single home owners - single family home owners - we refuse relief to them and during the Session we give relief to large corporations even without the boundaries of our domain. So I want to express, Madam Speaker, my regrets on the deletion of the judgment of the Council of our capital city, which of course contains almost half of the population - more than a third of the population of the whole Province of Manitoba.

There has been some suggestion from time to time that this Assembly should consider giving home rule to the City of Winnipeg. As a matter of fact, I think we came very close on one occasion to having this proposition accepted by the House.

There's another section, Madam Speaker, removed from the Bill on the suggestion of the Minister of Municipal Affairs, that dealing with the question of assessments and not having added on to the assessed value certain local improvements. I'm glad that the Minister has taken another method of achieving what was desired by the Council of the City of Winnipeg. So, Madam Speaker, as I said at the outset that I would be very brief on this, I just want my regrets expressed on the third reading of this Bill.

HON. ROBERT G. SMELLIE, Q. C. (Minister of Municipal Affairs) (Birtle-Russell): Madam Speaker, I think that I can be just as brief as the Honourable Leader of the NDP. The section which was removed from the Bill before us at this moment was a section which not only did it offer some relief to certain taxpayers, but in general achieved a shift in taxation which in my view was not desirable. The section provided would remove from the taxable assessment of the City of Winnipeg a little less than 10 percent of their total taxable assessment and would, in effect, shift a greater burden of taxation onto the balance of the privately-owned homes and all of the commercial and industrial properties within the city. It would have meant, to maintain the same level of public spending in the City of Winnipeg, an increase in the mill rate in that City of approximately 5 mills. If a consideration is to be given of such a shift in taxation, it's not my view that it should be confined to one municipality only but that it should be a uniform statute, at least within the metropolitan area if not across the province as a whole. I don't believe in any case that it is desirable and I felt, as does the government, that this section should be removed from the Bill before us.

MR. HILLHOUSE: Madam, if that is the case, my stand on this particular section is misconstrued. I voted for the exclusion of that section from the Bill on the grounds that it would affect the grants received by the City of Winnipeg, and to that extent, unless we made that exemption general throughout Manitoba we would be discriminating against the other municipal corporations in respect of grants.

Since speaking on the Bill in committee, Madam, it has also occurred to me that Section 1 of that Bill was out of order inasmuch as it affected the Consolidated Revenue of this province; and it was out of order for a private member to introduce such a Bill into this House, because had that section been enacted it would have given to the City of Winnipeg a greater share of our Consolidated Revenue in the way of grants, and in my opinion that would be a money bill.

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

BILLS Nos. 118 and 97 were each read a third time and passed.

..... continued on next page

MR. SMELLIE presented Bill No. 75, An Act to Amend The Municipal Act, for third reading.

MADAM SPEAKER presented the motion.

MR. CAMPBELL: Madam Speaker, I move an amendment, seconded by the Honourable the Member for Selkirk, that Bill No. 75 be not now read a third time but that the Order be discharged and the bill recommitted.

MADAM SPEAKER presented the motion.

MR. CAMPBELL: Madam Speaker, I'm sorry to have to appear to deal with the whole Bill when as a matter of fact there are only a couple of sections out of more than 60 sections that I complain about. The fact is, however, that I consider that an injustice is being done to an area, that is part of my constituency, by the terms of this Bill.

Briefly stated, I once again place on the record the fact that the government or the department has acquired, or is in the process of acquiring, land in the Rural Municipality of Portage la Prairie which has been yielding approximately \$8,400 in taxes. Now when title finally passes to the government it will be forever, and yet by this Bill it is proposed to pay grants in lieu of taxes for only, or rather I should say, for a maximum period of three years. This, in my opinion, Madam Speaker, is unjust. It is argued that there is benefit to the municipality. I sincerely hope that there will be benefit to the municipality, though I have had grave doubts about the efficacy of the public work that is involved there and have expressed them here, yet other people whose opinion I value believe that the work will be beneficial and, to some extent at least, to ratepayers of the Rural Municipality of Portage la Prairie.

But, Madam Speaker, even if this work is most successful, even if it accomplishes everything that its most ardent supporters expect for it, it will still give little protection to Portage la Prairie - that is the Rural Municipality of Portage la Prairie - in comparison with the benefits that it gives to other municipalities, among them the municipality lying just east of Portage la Prairie and including Greater Winnipeg, much greater benefit to them than to the Rural Municipality of Portage la Prairie. And that being the case, Madam Speaker, is it not grossly unfair that the Rural Municipality of Portage la Prairie should, after a three year period, have to carry the whole penalty of loss of taxes rather than the public as a whole carrying it, or at least it being shared in proportion to the benefits derived.

So, Madam Speaker, this is my last opportunity of making my protest against the very small consideration that is being shown to the Rural Municipality of Portage la Prairie, and when I speak of the Rural Municipality of Portage la Prairie, the principle applies to others as well. This legislation applies to all municipalities and I know that others who are here can raise the same type of an argument with regard to the Winnipeg Floodway and perhaps many others.

But the one I'm particularly interested in is in the Rural Municipality of Portage la Prairie and in line with the representations which have been made by the solicitor of rural Portage before the committee, I want to once again appeal to the government to give further consideration to this matter. That's the reason for suggesting that the Bill be recommitted so we can once again discuss that point.

MR. MOLGAT: Madam Speaker, before the Minister closes the debate, I just want to say a very few words on this subject.

It seems to me that this is the occasion to make the change in the law that will be satisfactory to all of the municipalities in the province. My honourable colleague the Member for Lakeside speaks specifically of the problem that represents his area of course, but this does repeat itself all over Manitoba and undoubtedly will repeat in the future again where certain steps will be taken by the province of general benefit to the province, but a very specific change in the assessment of certain municipalities. I think we have to face the fact that this will recur.

Now would it not be wise while we're dealing with this to set the situation up so that all the municipalities will know exactly where they stand in the future and be in a position to receive the benefit of taxation for these over a long period and not simply over a very short one. We're dealing here with works of general benefit to the province, not of specific benefit to a municipality, and it seems reasonable then that the municipality should not be asked to bear an undue portion of the cost.

MR. HILLHOUSE: I would also like to make the same request on behalf of the municipality of St. Clements. Now it's true that that municipality is not in my constituency but it is a neighbouring municipality to my constituency, and I'm quite satisfied that if I had gone to Ottawa and the Honourable Member for Brokenhead were in his seat here, he would have raised the same

(MR. HILLHOUSE cont'd). . . . point in respect of my constituency had it been affected by the Floodway.

Now the Municipality of St. Clements has had a very large acreage of land taken off its assessment roll by reason of the construction of the Floodway. That municipality is not going to benefit one bit by the construction of that Floodway and I think it's only fair to that municipality that since it is not going to benefit and that acreage has been lost to it for assessment purposes so as to benefit other parts of Manitoba, that the Province of Manitoba should, in perpetuity, give to that municipality by way of a grant the loss in taxes which it would have had had it still retained that land on its assessments rolls.

MR. J. M. FROESE (Rhineland): Madam Speaker, I rise to support the contention raised by the Honourable Member for Lakeside and the motion that we're discussing.

I, too, feel that when we do take assessment out of a municipality under this section and under the matter of floodways and so on, that the municipality loses assessment, and just by compensating them for three years we're not doing justice to the case. I think that it should be extended over a longer period of time and probably at a diminishing rate so that these municipalities would have a better chance of adjusting themselves to a situation of this kind. I feel this matter is too drastic in my opinion.

MR. PAULLEY: Madam Speaker, I just want to say that I, too, will support the intent of the Member for Lakeside in his motion and I base my support on a little different basis. If in effect this had been a university, a building of the Manitoba Hydro or the Manitoba Telephone, of a permanent nature, then the exemption would apply or the grants would apply for all of the years that the building was there.

Now I think that the same principle is a valid one insofar as other construction is concerned of a major nature which benefits approximately a third at least of the whole of the area of the Province of Manitoba - the Portage Diversion and the Red River Floodway. I think on that principle, Madam Speaker, one can quite readily support the contention of the member for Lakeside that the Bill should be recommitted for the removal of that section, or at least to make that section so that it would be applicable while the Floodway was in effect still there and still being used.

MR. SMELLIE: Madam Speaker, I think that it's necessary that I put on the record the reasons why the government cannot agree with the contentions that are raised by members opposite.

I think first of all I should state that this amendment was brought in for the specific benefit of the Municipality of Portage la Prairie. Honourable members will remember that just a year or two ago we introduced legislation which would allow the payment of specific grants based upon a loss of assessment formula to municipalities who lost assessment by reason of the fact that the government had undertaken certain large works of the nature of water control or water diversions, and upon examination and reflection it was felt that the formula that had been passed by this House was in fact not really fair to the large municipalities, because Portage la Prairie had suffered more in a dollar loss in assessment than certain others.

But because of the fact that Portage la Prairie is a very wealthy municipality and a very large municipality - it has a large assessment - the previous formula did not allow the payment of anything to the Municipality of Portage la Prairie. When this was brought to my attention very forcibly by the solicitor for the Municipality of Portage la Prairie, we began to search for another method that would allow us to assist these municipalities, particularly in the period of conversion, in the year or two when the expropriation took place.

The argument that was used at that time by the Municipality of Portage la Prairie was this, that in the year of expropriation not only did they lose because the land became exempt from taxation as soon as the government expropriated it, but they lost in another way because their budgets had been made up for schools based upon the total assessment of the municipality, and the municipality must then pay to the school the amount of the school levy based upon the original assessment whether or not the municipality collected it, and it seemed to me that this was a very forceful argument.

So we searched for another formula that would assist municipalities like Portage la Prairie and we determined, in order to be fair to them, there should be at least a period of three years in which they received these grants in lieu of taxes in order for the municipality to make the adjustment and so that they would know beyond any shadow of a doubt what their future situation would be, and the Leader of the Opposition is right, that this should be dealt with now so that municipalities in the future would know where they stand.

(MR. SMELLIE cont'd).....

They knew where they stood in the past, Madam Speaker - they knew - they didn't get anything; and it was always a principle that was followed by the government of this province that where the government expropriated lands for certain public works - and I think of roads and I think of major drains and I think of parks - no taxes were payable. This only becomes a problem now because the works being undertaken by the government at this time are larger than the works that have been undertaken in the past, and the impact upon the municipality is consequently larger. Therefore I agree that the municipalities should have some relief and I agree that they should be able to know where they stand.

I suggest to you, Madam Speaker, that this is not in the same position as universities, because where you establish a university, the municipality has certain responsibilities. The municipality must supply certain services to that university. Even to this Legislative Building the municipality supplies certain services and therefore the municipality is entitled to expect certain revenues from these properties even though they are owned by the government; but where the government acquires property for use as a park and where the roads in the park are all maintained by the government and where there are no citizens living within the park that require to be educated, the government doesn't pay taxes and doesn't pay grants in lieu of taxes on those properties acquired for parks.

Nobody has suggested here that government should pay taxes on roads, and, Madam Speaker, I can't see why government should be expected to pay taxes or grants in lieu of taxes on other properties in the nature of provincial waterways, on the Shellmouth Reservoir, for example, which will create a recreation opportunity in that area that they never had before. It's true it takes a large acreage out of taxation, out of the assessment picture in certain municipalities, but those municipalities will be compensated, either under the previous formula or under this formula, whichever is the most advantageous to them, so they will receive a grant in lieu of taxes that enables them to make the adjustment and so that they will know exactly where they stand in the future. Therefore, Madam Speaker, I cannot agree with the motion that is being presented by the Honourable Member for Lakeside.

MR. CAMPBELL: Madam Speaker, may I address a question to my honourable friend the Minister? When my honourable friend said that this legislation was put in at the request of the Rural Municipality of Portage la Prairie, is he suggesting that they expressed agreement with this provision?

MR. SMELLIE: Madam Speaker, I did not say that. I said that this legislation was introduced in order to give to the Rural Municipality of Portage la Prairie the same consideration that was being given to other municipalities who would have benefitted under the previous formula. I did not suggest that they ever asked for the three year formula. They did however object to the fact that they were left out of the previous formula and under this formula they will not be left out.

MR. CAMPBELL: Madam Speaker, is it not correct that my honourable friend said this legislation was put in at the request of the Rural Municipality of Portage la Prairie?

MR. SMELLIE: No, Madam Speaker, I said it was put in because the Rural Municipality of Portage la Prairie had complained that they were being left out of the previous formula. If I worded it awkwardly before, I apologize. I certainly didn't intend to give the inference that my honourable friend takes.

MADAM SPEAKER put the question and after a voice vote declared the motion lost.

MR. MOLGAT: Yeas and Nays, Madam Speaker.

MADAM SPEAKER: Call in the Members. The question before the House, the motion for the Member for Portage la Prairie in amendment that Bill No. 75 be not now read a third time but that the Order be discharged and the Bill be recommitted.

MR. CAMPBELL: Lakeside, Madam Speaker.

MADAM SPEAKER: Pardon me - the motion of the Honourable Member for Lakeside. A standing vote was taken, the result being as follows:

YEAS: Messrs. Campbell, Cherniack, Froese, Harris, Hillhouse, Johnston, Molgat, Patrick, Paulley, Shoemaker, Tanchak, Vielfaure, and Wright.

NAYS: Messrs. Baizley, Beard, Bilton, Bjornson, Carroll, Cowan, Evans, Groves, Hamilton, Harrison, Hutton, Jeannotte, Johnson, Klym, Lissaman, Lyon, McDonald, McGregor, McKellar, McLean, Martin, Mills, Moeller, Roblin, Shewman, Smellie, Stanes, Steinkopf, Strickland, Watt, Weir, Witney and Mrs. Morrison.

MR. CLERK: Yeas, 13; Nays, 33.

MADAM SPEAKER: I declare the motion lost.

MADAM SPEAKER put the question on the third reading of Bill No. 75, and after a voice vote declared the motion carried.

HON. STEWART E. McLEAN (Attorney-General)(Dauphin): Madam Speaker, I move, seconded by the Honourable Minister of Education, that Madam Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the Bills which stand on the Order Paper on Pages 3 and 4.

MADAM SPEAKER presented the motion.

MR. PAULLEY: Madam Speaker, I think this is a little contrary to the understanding that I thought I had with the Honourable the First Minister as to how we would proceed for this afternoon, and I confess, Madam Speaker, if I have the privilege of the House, that I tried to conduct some negotiations with my honourable friend as to not having to stay until 5:30 to-night. It was my impression that we would deal with the third readings of bills and then to government resolutions and we'd go home when that was done or at 5:30, whichever came first. Now I say that was my understanding. It might have been that the First Minister was thinking of third readings in Committee of the Whole as well and I was thinking of the formal third readings, and by jove they have taken to 10 past five and I think it was understood that in any case we'd go home at 5:30, so I guess maybe we couldn't get the resolutions through. They may take lesser time than going into Committee of the Whole House, I don't know. I just raise this because I thought that was my understanding of it.

MR. ROBLIN: I thank my honourable friend. I appreciate his co-operation in the matter. What I really said, or intended to say and hope I did say about whether 5:30 or else, was the completion of government business. That was the phrase I think I used and I meant to include by that the Committee of the Whole. I don't imagine -- we may not get through the Committee of the Whole so I think perhaps we should start it and see how far we can get.

MR. PAULLEY:honourable friend, Madam Speaker, if I may be permitted, realizes that in the Committee of the Whole House there's a lot of non-government business in there or bills as well, and for that reason I didn't think of Committee of the Whole House. But it doesn't matter, apparently we're going to be here until 5:30 now anyway.

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

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: (Bills Nos. 110, 122, 58 105, 111, 16 were read section by section and passed.) Bill No. 109 - Page 1 --

MR. CAMPBELL: There is an amendment that deals with the matter that was raised by Mr. Ivan Deacon with regard to authorization for Metro to make a grant to the YWCA building. Will you tell us when that section comes? What Page?

MR. SMELLIE: Mr. Chairman, when this bill was in Law Amendments Committee the First Minister suggested that an amendment would be introduced in the Committee of the Whole which would allow Metro to commit themselves to making grants not in excess of the grants being made by the Province of Manitoba for the construction of a YWCA hostel. But since that time we have had some discussions on the matter and it is my feeling that this is not advisable for several reasons.

First, at the present time Metro has no specific responsibility for social welfare and this would be a considerable extension of Metro's responsibility. Secondly, at the present time a Metro Council has no authority to bind future councils as to the grants that they will give. They could make grants to the YWCA under their present statute on a year-to-year basis but each council would have to make up its own mind what the grant would be in any given year.

Now I recognize that this may put the YWCA in an awkward position, but I must say that government had no knowledge of this matter until about a week before the matter came up in the House, at which time it was discovered that Metro has verbally undertaken to seek this addition to their responsibilities. I believe that there was a real misunderstanding as between the officials of Metro and civil servants of this government who sat in committee with the City of Winnipeg and with the representatives of the YWCA. When the province gave the undertaking

(MR. SMELLIE cont'd).....to underwrite a cost of the proposed building to a little better than 25 percent of total costs, we understood that this was the extent of government support and that there would be no requirement of Metro to do a similar thing. This was not however the understanding of Metro, or they didn't ask us in any way, they went ahead with their negotiations with the YWCA. Now although I recognize that this may be an embarrassing thing, I am not prepared to move such an amendment and such an increase in Metro's responsibilities and powers at this time for the reason stated.

MR. CAMPBELL: Mr. Chairman, the fact is, is it not, that Metro has asked for this, and surely under the circumstances - my honourable friend uses the word embarrassment to the YWCA - I would think it would be much more than an embarrassment, it would simply be a complete change of plans, because as I understood, the representations that were made there, government representation was present. Now perhaps that representation was by a civil servant but

MR. SMELLIE: If I might explain, Mr. Chairman. There was a civil servant there who was to explain to the YWCA that this was as far as government was prepared to go and that there was no point entreating us for any further government contribution. He was not specifically instructed to deal with the question of Metro and he did not do so. He didn't enter this discussion in any way and he didn't report to government that Metro were going to make this application, and I must say that it came as a surprise to government when it was presented about a week before it was presented in the House.

MR. CAMPBELL: Well, appreciating the fact that it was not a representative of the Cabinet that was present - at least he was not a member of the Cabinet but it was certainly a very senior civil servant - and what Councillor Willis told us in the meeting was that there was a meeting of the representatives of the YWCA, Winnipeg and Metro, and a senior civil servant of the provincial government, and according to the words that Councillor Willis used, it was stated that we - he used that term as I took it down - "we would seek an amendment to authorize that arrangements insofar as Metro was concerned." I do not doubt my honourable friend's word at all but I find it very difficult to credit that such a high level conference would make what to me appeared to be such a definite decision on a mighty important matter involving a very large amount of money, and that that would not be fully reported to the various spheres of government concerned.

Now a little later, Metro Council, so Councillor Willis told us a little later, Metro Council approved an arrangement that they hoped would be satisfactory to Central Mortgage and Housing Corporation. Again I can't quote Councillor Willis' words exactly, but he said something along this line, that as we understand it, the Provincial Government also intends to make its contribution. The figures that were used, perhaps not by Councillor Willis but by Mr. Deacon, was that Metro was to undertake to carry \$375,000; the Provincial Government would undertake to carry or finance or guarantee on some terms suitable to Central Mortgage and Housing, \$262,000; and I thought from the statement that the Honourable the First Minister made in the committee that this arrangement had been agreed to and that there was an understanding that such an amendment would be prepared for today's meeting. Was that not the undertaking that the First Minister gave?

MR. SMELLIE: Yes, and the amendment has been prepared, but, as I say, after some consultation I am not prepared to move the amendment.

MR. CAMPBELL: Well, is the First Minister prepared to? We're not choosy about who submits it.

MR. ROBLIN: No, sir, I'm afraid I'm not. I must agree with my honourable friend that at the committee stage, and I have to admit that I wasn't there for the full discussion because of other duties, but I intervened at the debate, perhaps unwisely, to make the comment I did. But on consideration with my colleagues, we decided that we'd have to change our minds on it and we don't intend to propose the amendment now.

MR. CAMPBELL: Would the First Minister, Mr. Chairman, give his reasons why they do not intend to do it now? Are they not in favour giving Metro Council this authority?

MR. ROBLIN: Mr. Chairman, I think my reasons are the same as my colleague's.

MR. CAMPBELL: I'm afraid that I was so intent on some other matters that I didn't get the full import of the announcement that the Honourable Minister of Municipal Affairs made. Could we have the reason again?

MR. SMELLIE: Mr. Chairman, I was under the impression that my honourable friend was listening to me very carefully. I told the committee, Mr. Chairman, that I was not

(MR. SMELLIE cont'd).....prepared to make this amendment at this time for several reasons. The first reason is that at the present time Metro does not have any authority in the field of social welfare. They can make grants to charitable organizations if they so desire on a year to year basis. The second is that Metro nor any other municipal organization has no right to bind future councils to the making of grants over a period of many years - in this case I believe, fifty - and the amendment asked for would give Metro Council this right.

In other municipal corporations there is the right to take such matters to the ratepayers. In Metro there is not. And as I say this matter came before us - although there is some misunderstanding in this matter, Metro did send a letter to the Legislative Counsel approximately a month before I knew anything about it and Legislative Counsel was aware of the request for this change in Metro's authority. He assumed that I and the Department of Municipal Affairs knew all about it and made no mention of it to me and it was not until I received back the complete draft of the amendments to the Metropolitan Winnipeg Act that I had any knowledge of the request for the inclusion of this power to make grants over a period of many years to the YWCA.

At that time there was no other member of Cabinet who knew anything about it either and it was Cabinet's decision that such a request coming up near the end of the Session should not be considered and it was removed. And as I told you previously when the Province made the commitment to underwrite the cost of this YWCA hostel to the extent of \$262,000, it was understood that this was the extent of government participation. It was not our understanding at all that there would be any request of municipal government or of the metropolitan government for additional funds.

It is true that a senior civil servant did sit in on meetings with all the parties concerned, under instructions to advise this meeting that this was the extent of government participation. I was not there, I don't know what happened. It is my understanding that he did not say that municipal government or metropolitan government had no authority to make any additional grants or to offer any assistance of any kind and I believe that he did not. But certainly there was no report from that meeting advising any member of the government that this authority was going to be requested. I think this puts Metro into a whole new field if this request is accepted. I think perhaps also, there may have been a misunderstanding that because of the fact that there was a senior civil servant present at the meeting that Metro may have understood that government wanted them to do this. I don't know. I can't go into the background of it any farther than we have done. I do know that Metro did agree to seek this legislation. I have also told the Committee, Mr. Chairman, that in my view this legislation is not desirable at this time and I am not prepared to make the amendment.

MR. CHERNIACK: Mr. Chairman, this

MR. CAMPBELL: Mr. Chairman, if this discussion is going to be continued then I have something further to say but I was waiting simply because I was looking at the clock.

MR. ROBLIN: I think, Mr. Chairman, that at least two members wish to speak, there may be a rebuttal and perhaps we had better postpone this discussion until Monday. So I move the Committee rise.

MR. CHAIRMAN: Call in the Speaker. Madam Speaker, the Committee has adopted Bills Nos. 110, 122, 58, 105, 111 and 16, without amendments and request leave to sit again.

IN SESSION

MR. COWAN: Madam Speaker, I move, seconded by the Honourable Member for St. Vital that the report of the Committee be received.

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

MR. ROBLIN: Madam Speaker, I beg to move, seconded by the Honourable the Attorney-General that the House adjourn until Monday morning.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 9:30 Monday morning.