

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Tuesday, July 11, 1972

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports. The Honourable Minister of Industry and Commerce.

HON. LEONARD S. EVANS (Minister of Industry and Commerce)(Brandon East): Mr. Speaker, with respect to questions asked of us regarding the Tantalum Agreement, I have a statement here which is I'm afraid rather long. I'm quite prepared to read it in the record, Sir, it's almost seven full pages plus a second part which is a little over one page or I could simply table these which gives you and gives members of the House a background of the agreement. In addition I have copies of an agreement between certain of the companies and the MDC and I have some answers to specific questions in addition. Now I'd like the advice of the Speaker and the House with regard to the procedure.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier)(Rossmere): Mr. Speaker, my understanding of the place in the Order Paper where we come to Ministerial Statements and Tabling of Reports is that if there is a policy statement to be made by a Minister of the Crown, then of course this is the appropriate place at which to make it. In this particular place what is involved is the tabling of answers which are in some detail in response to written questions that were allowed before Orders of the Day during the question period, and as such this is not really -- this is not a statement of policy but merely the written reply to a number of detailed oral questions and therefore the material should merely be tabled along with any agreement if there be one. Agreement in itself does not constitute a policy statement either and should be merely tabled.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition)(River Heights): Mr. Speaker, may I remind the First Minister that there was an undertaking given to the House that a statement would be made -- (Interjection) -- Mr. Speaker, and on that basis I assume that the statement would be both in answer to the questions that have been asked as well as in answer to, or as well as additional information that the government in its wisdom may decide to give us. And I would suggest that in the interests of clarity with respect to this issue, because I believe it is confused at the present time, I think it would be the wisest course to have the Minister read the statement into the record and give all the members an opportunity to understand it with his presentation and with any comments he may have with respect to the direct presentation as well.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: If there is any confusion it's because of the efforts of my honourable friend. If there is any undertaking that was given it was that a statement would be given to the House and, Mr. Speaker, here it is. It's tabled.

MR. SPEAKER: Notices of Motion; Introduction of Bills. Order, please. Order, please. Oral Questions. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I rise on a point of order and I rise frankly because of the manner in which the First Minister has handled this matter. Mr. Speaker, he gave the undertaking to this House that a statement would be made -- (Interjection) -- Yes, a statement would be given. Mr. Speaker, the normal course under the revision of the rules is for the Minister to make a statement and for that statement to be presented. Mr. Speaker, we may delay another day before questions that have been asked are answered and it may very well be, as I suspect it will be because that's the only justification I can see for the course of action that the government's undertaken, that the number of other questions are going to be asked based on the information that's furnished. But surely in the interests of attempting to clarify this matter, the statement itself should have been read because this was, I think, the clear undertaking on the First Minister.

MR. SPEAKER: The Honourable First Minister. On the point of order?

MR. SCHREYER: Yes, Mr. Speaker, this is a document which gives written replies to a series of oral questions that were asked before the Orders of the Day, yesterday -- correction, earlier today and on Friday. The Member for River Heights is now alleging that I gave an undertaking that there would be an oral statement. I said that there would be a statement given to the House and, Mr. Speaker, unless something escapes me here, I fail to see what

(MR. SCHREYER cont'd) . . . . substantive difference there can be to my honourable friend opposite whether a statement is made orally or whether it is given in writing. I should think that perhaps he would prefer the latter. But furthermore it is my understanding that Ministerial Statements are generally regarded as statements of policy declaration made at the appropriate time and as such, I say again, that this statement here does not relate to policy, it has to do with answering particulars raised during oral question period.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): On, if there is such a thing as a point of order at the present time, then I would ask the First Minister because as he has indicated the statement contains replies to a number of questions that have been asked in this House, then may I ask the First Minister if it would be in order for the statement to be tabled and printed in Hansard so that the record of the questions that have been asked is complete. Surely I can see no objection to that course of action and if the Minister would suggest that the statement that he now has released form a part of the record of Hansard, I think that would be satisfactory.

MR. SPEAKER: Order, please. I would concur that the tabling of the reply will be entered in Hansard and that should close the matter. It is just the answers to the questions that have been posed, the statement has been given. It's been accepted. The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour)(Transcona): Mr. Speaker, if I may on a point of order, we have provisions within our rules for written questions, and also for the reply to written questions, which are recorded in Hansard and I would suggest that if the document that we have before us is in reply to a written statement or a written request, then quite properly it would be recorded in Hansard. However, and that is the rules of this House, whether my honourable friends opposite would agree or otherwise. We should adhere to the rules of the House.

However, Mr. Speaker, there have been on occasions a request from honourable members on all sides of the House that statements be recorded in Hansard other than those provided for within the rules. If this is the desire of the House, Mr. Speaker, then I suggest that the same be complied with, but if an honourable member of this House is rising on a point of order that this is automatic, may I suggest to that honourable member that such is not the case. There is provision for written questions; there is provision for written answers to be recorded in Hansard; there is no objection that I can see of the statement that has been tabled to be recorded in Hansard for the benefit of the members. I suggest in all due respect, Mr. Speaker, that that would be at the request of the House and not in accordance with the rules of the House, and I have no objections to that being done as a request and not as an order under the rules of this House.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: It's a pleasant surprise to see the Minister want to invoke the rules of the House, and if he wants to invoke the rules of the House, Sir, then the questions that were asked orally should be answered orally, if he really wants to invoke the rules. I asked as a matter of courtesy in order to avoid any undue discussion on this particular subject to have that report tabled as an appendix to Hansard so that the oral questions that were asked will have answers, and if that is too much for the House Leader to grant why then, Sir, we'll take another course of action.

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: I'm somewhat surprised to hear from my honourable friend the Member for Morris that he wants to observe courtesies in this House. As far as I am concerned I have no objections at all for the recording in Hansard of the document that has been forwarded this evening.

MR. SPEAKER: Oral questions. The Honourable Leader of the Liberal Party.

MR. I. H. (IZZY) ASPER (Leader of the Liberal Party)(Wolseley): The resolution is quite acceptable to me with one caveat and that's this, that the questions that were asked were taken as notice in many cases by the Minister and that because Hansard is running a week late members opposite on this side will not have available to them the statement. Will the Minister undertake -- (Interjection) -- I will, but the members won't. Will the Speaker undertake, or will the House Leader or the First Minister, undertake to distribute copies to all members so that we can carry on the business tomorrow having these answers before all of us.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, as House Leader I think that is my responsibility. If

(MR. PAULLEY cont'd) . . . . there happens to be the lack of communication within the respective caucuses, in order that that might be enhanced I will see that there are copies available to every member within the caucus.

MR. SPEAKER: Order, please. I hope the Honourable Minister of Labour will also have a copy for the Independents who do not have a caucus.

MR. PAULLEY: Of course. Mr. Speaker, the Honourable House Leader is the most amiable person in this House.

MR. SPEAKER: Thank you.

#### MINISTERIAL STATEMENT - TANTALUM MINE

Many questions have been asked about Chemalloy Minerals Limited of Toronto. I would like to stress that the MDC has entered into an agreement with Tantalum Mining Corporation. While Chemalloy is a party to the agreement, it is not to receive MDC funds. Furthermore, its ownership interest in Tantalum does not in any way alter the fact that we are primarily interested in Tantalum, the company which, after all, our basic security is vested.

We do know that shares of Chemalloy are openly traded on the Toronto Stock Exchange. This could not happen unless the firm complied fully with the requirements of the Exchange, and also the Ontario Securities Commission which is an agency of the Ontario government.

There has been much interest in Chemalloy's ownership. Since the firm's shares can be purchased on the Toronto Stock Exchange by anyone who meets the Exchange's regulations it is not realistic to expect the Government to provide detailed information on this point. It is our current understanding that presently there are roughly 7500 shareholders in the firm made up of individuals and companies from all over the world.

I notice that several questions have been asked about a Swiss Bank. To these I can answer that Handels Bank of Zurich holds roughly 25% of Chemalloy's common stock on behalf of a number of clients. This purchase took place several years ago as a result of a conversion of a \$3,000,000 debenture previously issued by Chemalloy to Handels Bank. Instead of accepting repayment of the note the bank exercised its option to waive repayment of 90% of the debenture's value and accept in lieu of it 1.8 million shares valued at \$1.50 each. Since the debenture had been originally issued against treasury shares of the same total value the transaction was in effect a simple conversion of treasury shares to ordinary voting stock.

#### NOTES ON THE TANTALUM AGREEMENT

In order to clarify the circumstances surrounding the Tantalum investment, the facts will be presented as past, present and future.

##### (a) PAST:

On February 22nd, 1971, Chemalloy agreed to purchase from Northern Goldfield 60% of Tanco to give Chemalloy 100% of Tanco's equity. The 60% of Tanco's equity was acquired for a total payment of \$2 mm plus a substantial participation in any savings derived from a settlement or a court adjudication below the \$7 million claimed by General Host. The last payment of \$500,000 on this purchase was made by Chemalloy to Goldfield in January, 1972, before the MDC loan was made.

On April 20th, 1972, by Order-in-Council, the Government of Manitoba authorized the MDC to make a \$900,000 production loan to Tantalum Mining Corporation. The loan was well secured by inventory of Tantalum oxide held in a bonded warehouse in the name of the MDC. At the time the loan was made, litigation which endangered the mine's market and development projects was in process. The litigation involved a suit by General Host and the Union Bank of California against Chemalloy Minerals and Tantalum Corporation for \$7.0 million which General Host claimed to be due and payable to them by Tanco. The litigation in Canada was tied into a larger U.S. lawsuit for \$77 million brought by Goldfield against General Host. The U.S. lawsuit is not expected to be resolved for another 3 to 5 years and, as Goldfield wished to use the Tantalum note case to establish a precedent against General Host, the Canadian case would probably not have been resolved for a long time. In the meantime, the continued litigation left little hope for the proper management and development of the mine. As an added element of confusion, Justice Wright of the Ontario Courts handed down a judgment appointing a Receiver for the assets of the Tantalum Corporation. Since Justice Wright's judgment applied only to Ontario the appointment of a Receiver for assets in Manitoba had to be approved by the Manitoba courts. On April 26, 1972, Mr. Justice Nitikman of the Manitoba court halted all court

proceedings and denied General Host the appointment of a Receiver until all appeals filed by Chemalloy had been heard. Instead, he appointed a Treasurer to watch over the assets of the mine. On June 27th, a settlement agreement was reached between all parties. This agreement, *inter alia*, has resulted in the termination, with court approval, of all the litigation in the General Host - Tantalum action.

(b) PRESENT:

The terms of the settlement agreement and the MDC/Chemalloy agreement provide for MDC to invest \$1.5 million in Tanco. (This issue appears to have been a source of confusion to some people who incorrectly imply that the MDC is buying shares from Chemalloy.) The money to be invested by MDC will be used for working capital and for the construction of a lithium pilot plant. For this investment, MDC will receive newly issued Tanco treasury shares to an amount which will give the MDC 15% of the equity of the company. In addition, MDC is to receive 10% of Tanco's equity in consideration of its guaranteeing payment of \$2 million to General Host by Tanco 18 months from now. No money will be paid to Chemalloy and no shares are being purchased from Chemalloy.

Payment from operating cash flows to General Host against its debenture are not to start before January, 1974. All payments are to be limited to 50% of net cash flow as described in the agreements. The objective of this repayment formula is to lift the burden of debt payment from Tanco in its earlier years when it is striving towards establishing sound markets.

Terms of the settlement agreement are:

1. Tanco will grant to General Host a first mortgage debenture:
  - (A) Principal: \$5,000,000
  - (B) Interest: 5% simple interest
  - (C) Term: 10 years
  - (D) Payments: \$2,000,000 within 18 months; 50% of net cash flow from sale of Tantalum bearing 10% of unpaid principal and interest, annually for second five years; balance of principal and interest is due 10 years after date of debenture.
  - (E) No future infusion of capital will subordinate this debenture.
2. Chemalloy will provide Tanco with \$2,000,000 within a period of 18 months, which \$2,000,000 shall then be transferred to General Host in reduction of principal owing. Chemalloy's cash infusion will be by way of equity to Tanco, but Chemalloy equity in Tanco is not to exceed 75% of the issued and outstanding shares. Thus, Chemalloy's investment may be recorded as contributed surplus as new shares will be issued to MDC and Chemalloy to maintain the 75:25 balance of equity.
3. MDC will provide a guarantee for a maximum period of 18 months for the payment of the \$2,000,000 referred to in the agreement. As security on this guarantee, Chemalloy will pledge all the shares of Tanco to the MDC.
4. MDC will convert its \$900,000 loan, which includes approximately \$400,000 in advances to date, plus an additional \$600,000 into 25% of Tanco equity.
5. Tanco will terminate all existing employment or management agreements. No money will be paid to Chemalloy, its employees or affiliates, except that for any one year during the term of the debenture up to \$50,000 will be disbursed to Chemalloy, MDC, their officers, employers, or agents for actual services rendered for the production or sales of tantalum oxide.
6. Tanco will have a regular annual audit which shall be made available to General Host, and General Host will have complete access to all internal records and management information.
7. Besides the specific mention of tantalum, there is additional reference to cesium sales as follows:
 

Tanco will grant General Host a \$2,000,000 income debenture at 5% simple interest, payments of principal and interest to be solely out of the sale of cesium, on the basis of 20% of the gross sales of cesium. Chemalloy is entitled to a royalty on cesium sales (per an earlier agreement), but this money is to be applied as a credit against the first mortgage debenture.
8. Also to be applied as a credit on the first mortgage debenture is 20,000 lbs. of tantalum oxide valued at \$7.00 per pound, owned by Chemalloy - title to be returned to Tanco, the proceeds of which comprise the credit.

9. Chemalloy agrees not to sell a further 40,000 lbs. owned by them, giving Tanco the first right to fill such a contract.

As a result of the agreement, the Receiver in Ontario and the Receiver-Manager in Manitoba have been discharged, thereby placing Tanco on a better footing to handle markets.

VALUE OF THE MINE:

Based on proven reserves of tantalite with an average price of \$7 and 6 million pounds remaining at present, the ore body value is estimated at \$42 million. This does not take into consideration an estimated 300,000 tons of cesium oxide - estimated value of \$100 million - and lithium reserves estimated at 30 years and \$260 million.

(c) FUTURE:

Alternatives at the end of 18 months moratorium

There are two possible outcomes at the end of the 18 month moratorium period:

Either (a) Chemalloy invests an additional \$2 mm in equity in Tanco and the debt to General Host is reduced by that amount

or (b) Chemalloy fails to come up with \$2 mm within the moratorium period and MDC's guarantee is exercised. This outcome will result in MDC investing \$2 mm in Tanco to reduce the debt to General Host. The debenture will still be reduced to \$3 mm but MDC would possess 100% of Tanco's equity since the remaining 75% of Tanco shares have been pledged to MDC for its \$2 mm guarantee.

In either case, there would remain \$3 million payable to General Host from sales of tantalite and \$2 million payable to General Host out of cesium sales.

Chemalloy, on the most conservative estimate of the value of the mine, now has an equity in Tanco worth about \$10 million. If it makes good on its commitments it will invest an additional \$2 million in Tanco equity in 18 months time. Thus, Chemalloy may be regarded as having an interest in 75% of the equity in Tanco for \$12 million. The MDC, on the other hand, will have a 25% interest in the same equity for a cash investment of \$1.5 million.

With anticipated rise in demand for tantalite over the next two years and with the programme of vertical and horizontal integration being planned, it is actually anticipated that the debt to General Host will be fully repaid by 1975.

AGREEMENT

WHEREAS General Host Corporation (hereafter called "General Host"), Chemalloy Minerals Limited (hereafter called "Chemalloy") and Tantalum Mining Corporation of Canada Limited (hereafter called "Tanco") are engaged in litigation in the courts of the Province of Ontario and Manitoba;

AND WHEREAS the litigation in part concerns an operating mine in Manitoba;

AND WHEREAS it is essential for the continued operation of the mine that funds be provided to it and the litigation referred to above be settled;

AND WHEREAS The Manitoba Development Corporation has an investment in the said mine and is concerned as a government agency for the continued welfare and operation of the said mine;

AND WHEREAS it is necessary before any settlement of the litigation can be concluded that the Supreme Court of Ontario and the Court of Queen's Bench of Manitoba approve of such settlement;

AND WHEREAS it is understood that this agreement must be implemented by further agreement or agreements implementing in detail the principal points of agreement set out herein;

1. The parties hereto agree that upon signature by all parties hereto application will be made to the Supreme Court of Ontario and the Court of Queen's Bench of Manitoba for approval in principle of this settlement agreement and that the parties will then draft documentation to implement this settlement agreement as set out above, following which further application will be made to the courts of both provinces for final approval of the agreement or agreements as settled. Following such final approvals the agreements will be executed, such execution to be on or prior to June 30, 1972. Upon such final execution the parties agree to the withdrawal or dismissal without costs of any and all actions between the parties, or any of them, in Ontario and Manitoba and to orders setting aside the appointment of the Receiver Manager in Ontario and the Receiver Manager or Treasurer in Manitoba.

1A. Tanco shall pay to The Clarkson Company Limited, and to William E. Shields their remuneration, disbursements and legal costs as passed or approved by the proper Court in

## 1A. (cont'd.)

respect of the services rendered by them as Manager and Treasurer of Tanco and pursuant to the undertaking dated October 1, 1971, given by Tanco and Chemalloy through their counsel. Prior to the termination of the appointment of The Clarkson Company Limited as Manager of Tanco and William E. Shields as Treasurer of Tanco, Tanco shall pay to The Clarkson Company Limited and William E. Shields a sum of money equal to the estimated total of the said remuneration, disbursements and legal costs and the said sum shall be held in trust by The Clarkson Company Limited and William E. Shields pending the final passing or approval by the Court of their accounts.

1B. Tanco covenants and agrees to indemnify and save harmless The Clarkson Company Limited and William E. Shields in respect of any obligation or liability properly incurred by them as Manager or Treasurer of Tanco. General Host shall guarantee the obligations of Tanco to The Clarkson Company Limited and William E. Shields pursuant to this paragraph and any moneys paid by General Host pursuant to this guarantee shall be at once payable by Tanco, shall bear interest at five percent (5%) per annum and shall be secured by and have the benefit of the charges of the first mortgage debenture on the assets of Tanco.

2. Until the final steps referred to in Paragraph 1 have been taken no party hereto shall make public in any fashion (with the exception of any necessary applications to Court) the terms of this agreement.

3. Tanco will grant to General Host a first mortgage debenture on the assets of Tanco containing a first fixed mortgage on all fixed assets and a floating charge on all other assets, including inventory and accounts receivable, providing for a payment of Five Million Dollars (\$5,000,000.00) Canadian plus simple interest thereon at five percent (5%) calculated quarterly, payments to be as follows:

- (a) At the expiry of 18 months from the date of the debenture Two Million Dollars (\$2,000,000.00) on account of principal;
- (b) During the first five years of the debenture a payment on account of accumulated interest and then principal at the end of each period (hereafter defined) equal to fifty percent (50%) of the cash flow (hereafter defined);
- (c) During the second five years of the debenture a payment during each period equal to the greater of
  - (i) The amount which would be payable as calculated under Paragraph (b); or
  - (ii) Ten percent (10%) of the amount of accumulated principal and interest owing thereunder at the expiry of the first five years, plus interest which has accrued on the remaining balance during the period for which the payment is made.
- (d) The balance of principal and interest is due and payable ten years from the date of the debenture.

4. The "period" referred to in Paragraph 3 (b) hereof means, at the beginning of the first five-year period the remaining portion of the calendar year and at the end of the first five-year period the elapsed portion of the calendar year. In the interval between it refers to a calendar year. The same meaning is given to the word "period" with reference to the second five-year term, except that in any period which is less than 12 months the 10% minimum payment referred to above will be reduced to the proportion which the period bears to 12 months.

5. The term "cash flow" as used in this agreement shall mean all funds of Tanco derived during the period from all sales (excluding sales of lithium and cesium) less the costs (not including depreciation, depletion or capital cost allowance) attributable to Tantalum production or Tantalum administration at Bernick Lake or Lac du Bonnet incurred by persons working at the mine, sales commissions not exceeding 2% of gross sales, and taxes attributable to the mining, processing and selling of tantalum ores and concentrates for which Tanco is liable. Sales shall be considered as made at the higher of the actual selling price or the then current market price of ore or other product, and in any event, at not less than \$6.00 Canadian per pound for contained tantalum oxide. Expenses, including payroll, shall be no more than is reasonably necessary to operate the mine on an economic basis. The word "sales" as used in this paragraph shall include any disposition of any kind of any tantalum-bearing product in the ground or otherwise. Should any differences arise as to the terms of this paragraph or any alleged breach thereof the matter may be referred to arbitration pursuant to the Arbitration Act of Manitoba by either party and the award shall determine the matter.

6. It shall be a term of the first mortgage debenture agreement that, so long as any moneys remain unpaid thereunder the following conditions apply, upon breach of any one of which General Host will be entitled to the appointment, without the necessity of court order, of a Receiver and Manager of Tanco as well as any other remedies as would flow from a default in mortgage payments.

(1) William Shields of The Clarkson Company Limited, as agent of General Host, or some other person appointed in his stead by General Host, shall have full and complete access to all records, transactions and dealings of or on behalf of Tanco from time to time and at such intervals as he shall indicate from time to time, to the intent that General Host will at all times be as fully informed of the affairs of Tanco as if it were the management thereof.

(2) All moneys heretofore or hereafter advanced to Tanco by MDC, Chemalloy, or any other company, companies, person or persons, shall be by way of equity participation or shall be subordinated to the first mortgage debenture obligation and not be repaid until all such obligations are satisfied.

(3) No moneys shall be paid by Tanco or permitted by any of the parties to be paid by Tanco, except ordinary trade accounts, payroll and salaries in the ordinary course of business, legal and accounting fees, payments under the mortgage debenture herein, and in no event shall moneys of any description be paid or advanced to Chemalloy, its officers, employees, servants, agents, subsidiaries or affiliates, or any company in which any such officer or servant has an interest, or officers, employees, servants, agents, subsidiaries or affiliates of Tanco or any company in which any such officer or servant has an interest, without the express approval in writing of General Host, such approval not to be unreasonably withheld. Prior to closing, Tanco will terminate all employment or management agreements then outstanding. General Host expressly approves of payments of royalties due to Chemalloy on the sale of cesium under a contract dated November 1, 1967, but until the obligation of Chemalloy under Paragraph 10 is fulfilled, such royalties shall be applied as a credit against such obligation and not be paid over to Chemalloy, and further approves of payments in any calendar year, during the term of the first mortgage debenture, to Chemalloy, Manitoba Development Corporation, their officers, employees, servants or agents, in an aggregate amount not to exceed Fifty Thousand Dollars (\$50,000.00) for services actually rendered and properly accounted for with respect to the production or sales of tantalum oxide.

(4) Tanco shall have a regular annual audit of its books which shall be made available to General Host.

7. Chemalloy shall execute the first mortgage debenture as agreeing to cause Tanco to carry out the provisions thereof from time to time.

8. The first mortgage debenture shall at all times be open for pre-payment of all or any part thereof without notice or bonus.

9. All moneys advanced by Manitoba Development Corporation to Tanco prior to the execution of the first mortgage debenture shall be considered as moneys paid in under Paragraph 6 (2) hereof.

10. Chemalloy agrees to pay Tanco Two Million Dollars (\$2,000,000.00) Canadian at or before the expiry of 18 months from the date of the first mortgage debenture agreement.

Manitoba Development Corporation agrees to guarantee the payment of \$2,000,000.00 by Tanco to General Host as set forth in Paragraph 3 (a) hereof and in consideration of this guarantee Chemalloy agrees to pledge to Manitoba Development Corporation all of the shares of Tanco.

11. Manitoba Development Corporation shall, prior to the expiry of 18 months from the date of the first mortgage debenture, invest a total of One Million Five Hundred Thousand Dollars (\$1,500,000.00), including advances previously made, in Tanco to develop the mine and all subject to the provisions of Paragraph 6 (2) hereof.

12. Tanco shall enter into an agreement with General Host by way of an income debenture to provide for a payment of Two Million Dollars (\$2,000,000.00) Canadian plus interest from time to time at five percent (5%) calculated quarterly, payments to be solely out of the sale of cesium on the basis of twenty percent (20%) of the gross sale price thereof and to be made from time to time as payments for such sales are received. If the obligation hereunder survives beyond the obligations under the first mortgage debenture referred to herein Tanco shall provide to General Host from time to time such information as may be reasonably necessary to determine the amount of such sales and the payments due.

13. Chemalloy agrees to deliver to Tanco or to transfer title to Tanco prior to execution of the first mortgage debenture referred to herein 20,000 pounds of contained tantalum oxide and Tanco is to give to Chemalloy a credit therefor at Seven Dollars (\$7.00) per pound, such credit to be subordinated to the payments to General Host under the first mortgage debenture referred to herein. Chemalloy warrants that it presently owns a further 40,000 pounds of contained tantalum oxide located in Rotterdam and subject to a pledge. Chemalloy agrees that it will not for the life of the first mortgage debenture sell, assign or otherwise dispose of the said tantalum oxide without the consent in writing of General Host and Manitoba Development Corporation and without giving Tanco a first right to fill any such contract for disposal out of its own inventory and on the same terms and conditions.

14. It is agreed that should this agreement not be implemented by further detailed agreements as contemplated the steps taken hereunder and pursuant hereto shall be without prejudice to the rights of the parties in the pending litigation.

DATED this        day of June, 1972.

GENERAL HOST CORPORATION, per: \_\_\_\_\_ (signed) J. J. CARTHY

CHEMALLOY MINERALS LIMITED, per: \_\_\_\_\_ (signed) C. L. CAMPBELL

MANITOBA DEVELOPMENT CORPORATION, per: \_\_\_\_\_ (signed)

THE CLARKSON COMPANY LIMITED, \_\_\_\_\_ (signed)

Receiver and Manager of Tantalum Mining Corporation of Canada Limited, per: D. E. BAIRD

TANTALUM MINING CORPORATION OF CANADA LIMITED, per: (signed) ENVER HASSIM

#### ORDERS OF THE DAY - GOVERNMENT BILLS

MR. PAULLEY: There being no oral questions, Mr. Speaker, I wonder if we can continue with the adjourned debates on Bill No. 59 standing in the name of the Honourable Member for Rhineland.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. FRANK JOHNSTON (Sturgeon Creek): Mr. Speaker, the member is right outside the door if you would care to wait.

MR. SPEAKER: No. 59, the proposed motion. The Honourable Member for Rhineland. Bill 59.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, this is giving third reading to Bill 59, the Mineral Acreage Tax Act which was discussed and passed in Committee of the Whole this afternoon. I adjourned debate in order to check on a few things and also to think on a couple of points that were not clear in my mind and which I had some reservations about. The first one is the principle of applying a tax on a potential asset. As we know the tax will not apply to farmers who own mineral rights but it will apply to corporations and other companies. But it is a potential asset as far as the farmer is concerned and that some day he might find himself being taxed on it. Just two years ago we had a bill tabled in this House which was referred to the Municipal Committee in connection with tax deferral. This had to do with a potential asset as well on farmlands surrounding the City of Winnipeg where certain properties were sold at high prices for speculative purposes and the neighbouring farmer next to the parcel that would be sold or was bought for speculative purposes, his property was assessed unduly at a very high rate as a result, and his taxes were very high as a result, and the returns on the farm as they are, this meant in certain cases that they just couldn't carry on farming. And to me it seems that we're embodying that principle into this act now and I certainly wouldn't want to . . .

MR. HARRY E. GRAHAM (Birtle-Russell): On a point of privilege, I would like to listen to the Member for Rhineland and if these private conversations carrying on are . . .

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I was pointing out that here we were taxing a potential asset and that this principle was more or less embodied in the bill that was brought in two years ago by the Municipal Affairs Department, which was referred to a committee and which had hearings on it and later on was reported on, but as far as I know no action was taken. But it seems to me that we're embodying that same principle into this piece of legislation and I'm rather leery of adopting this principle now in this bill and then later on they might come up with another bill putting it in a tax deferral bill, and then having the argument that we accepted it in this particular bill, now we will not accept it in another bill, and that we should be consistent. This



(MR. FROESE cont'd.) . . . . is the reservation that I have on this piece of legislation. I don't object to what they're trying to do here in that they are trying to clean up a lot of things where probably people made certain stakes and never exercised, and a lot of these loose things hanging around that the government might want to clear up and do away with, and most likely by putting on a tax that a lot of these things will fall by the wayside, and that they will not be exercised, and that under provisions of the act the Crown will acquire a lot of these so-called lands or resources in this way. I don't object to that but I have great reservations that if this principle is carried forward in other pieces of legislation that I certainly would want to reserve my right, by accepting the principle in this bill, to reject it in another piece of legislation that may come forward at a later date.

The other point is that it was arranged this afternoon in connection with the exempting of individual farmers yet making the act applicable to corporations. In the last few years quite a number of farmers have incorporated their holdings, and I take it that these would now be subject to the tax under the legislation. I don't think it's spelled out in that way in the bill but I think it can be done so under the regulations if I'm correct, and I would like the Minister to correct me if I'm wrong. Certainly this is one point that I think we should take great care in this House by passing this legislation that we do not trap ourselves as farmers if we intend to incorporate, or for those that are already incorporated.

I think this could probably have other implications that we are not aware of at the present time and that after a year or so we might find that it affects other things than we know at the present time.

So, Mr. Speaker, I know the bill will pass but because of these two principles I cannot accept the bill on third reading - not that I object to what they are trying to do in imposing this tax of 10 cents to the big corporations. I have no objection to that but I have objection to the implications that it could lead to.

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

MR. EARL McKELLAR (Souris-Killarney): Mr. Speaker, I just want to say a very few words on this bill because the member has brought out a very important point. One of the reasons why many farmers' family, brothers and fathers and sons have incorporated recently is because they try to - well it works out better anyway in the father-son deal, or two brothers, or three brothers, as it may concern. Many of them have done this and many of them find it beneficial both from a farming standpoint and from a business standpoint, and I would ask the Minister, maybe he could exclude everything that's zoned agriculture in the bill, and that would eliminate any farming operations because all the land is zoned nowadays either agriculture or commercial or residential, and if you eliminated the land that's zoned agriculture in the Province of Manitoba from this bill, then this would I think correct some of the problems that are brought up by the Member for Rhineland.

I'm one of those that do own mineral rights on my farm and while I can't see any great benefit in the next 25 or 30 years, maybe in the next generation there will be some benefit but I don't think it's right and proper that I should have to pay in the meantime, so that's all I have to say, Mr. Speaker. I recommend to the Minister that he exclude all lands that are zoned agriculture so that the farmers who are incorporated, farmers who are incorporated will be excluded from paying mineral rights tax.

MR. SPEAKER: Is it the pleasure of the House to adopt the motion? (Agreed) - so ordered. On Division? the Honourable Member for Assiniboia wish to speak to it?

MR. STEVE PATRICK (Assiniboia): Yes, Mr. Speaker. I rise to make a few comments on this bill. I'll be very brief. I rise to support the legislation. I believe this type of legislation is long overdue. We at the present time have mining companies and corporations holding large acreages, large acreages of land and are not developing. At the same time these same companies are expanding into other areas, into other countries, into Australia, into Dominican Republic, and developing the mining in that area, at the same time they are holding large reserves in the Province of Manitoba. I see no reason that this mineral, the acreages should not be taxed. I think the tax is most reasonable at 10 cents per acre because the only thing that this legislation can do is start the corporations, or start the mining companies to develop the ore in the Province of Manitoba instead of sitting on their reserves and doing nothing and expanding the operation in some of the other provinces. In my opinion I think this is good legislation, it's overdue. I believe the Member for Wolseley mentioned earlier today it should not apply to the mineral rights as such when we are considering the farmers and the farm land, and I agree.

(MR. PATRICK cont'd.) . . . . I don't believe that it should apply to the farmers as such, but certainly, Mr. Speaker, it should apply to corporations; certainly it should apply to mining companies. I am sure that we must appreciate and understand that the ore is a non-renewable reserve in this province and 10 cents per acre is a most reasonable tax. In fact it is much more favourable, it is much more favourable than some of the other provinces in Canada in respect to, I understand, Ontario and the Province of Saskatchewan. So I agree with this legislation and I rise to support it.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I think, and I think we all realize that we are in a position that many opposition parties find themselves at the end of the session when we are attempting to deal with major and significant legislation, and to deal with the actual sections that are before us, it does not follow necessarily that the process that we follow through will logically give everyone the opportunity to understand fully the implications of the act and to understand fully the implications of every section. I think that there has been a concern expressed, and I know it was expressed before, but I think it's been expressed probably more directly by the Honourable Member from Rhineland with respect to the application of the act and not of any future potential that could occur by the adoption of the principle with respect to this act to more than a corporation, than it is to individuals, which may or may not be a government policy in the future, but talking directly with this act to recognize that there is a concern right now that those farmers who have incorporated and who have a corporation as such, as owner of their farm property, but whose purpose is only agriculture, should in fact not be included within this act for the purposes of the taxing act and for the objectives that were attempted to be achieved by the Mineral Right Acreage Tax Act itself.

Now our problem, Mr. Speaker, at this point is that we are in third reading, the Minister has only an opportunity to speak once. I think there is a statement that may be forthcoming on this which will clarify it. I think it's necessary because I think some legitimate doubts have been raised as to whether because of the definition and because of the lack of change that's occurred, that there is a possibility that an owner, meaning a corporation, owning farm land will in fact come within the purview of the act now and come within the terms of the act, and therefore would apply. I don't see, Mr. Speaker, necessarily that there's a position here where the Minister is going to be in a position to exclude that, and it may mean that they're - if that was not their intention, if it's the government's intention to in fact apply the act to a corporation formed by a farmer for farming purposes, then I think that this is not the objective of the act, and I don't think it was understood by the Members on this side. Our difficulty is that the only opportunity we are going to have, unless someone answers for the First Minister, the Minister of Finance, would be to ask him whether there is a specific exclusion intended and how that would apply, or whether the understanding that's been given is correct and if it is, is he prepared to put it back to committee to amend it so that there will be an exclusion put in, which we would be prepared to accede to, or whether it's the government's intention to include agricultural land under the control of a corporation.

MR. SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Speaker, might I just ask the Minister for a complete clarification on this, because in the definition of minerals in the first section of the bill this would appear to include agricultural lands, to the extent that if the farmer were to sell his mineral rights in an area which would normally not be considered in nearly all cases to come under mining, or a claim for mining purposes, you could have the condition where a person had for some reason or other without little investigation had simply gone in and bought a farmer's mineral rights expecting that at some time there might be sand or gravel there. Now as I read it, sand and gravel is excluded providing the owner of the surface rights also owns the mineral rights and the sand and gravel is therefore excluded, but in the case where a person has bought on an agricultural piece of land the mineral rights in the hopes that there was sand and gravel there, this is normally done say on a whole quarter section of land, or half, or a full section of land where the sand and gravel itself may well only be a small deposit that they have a future interest in. Therefore again it would appear that this act should be categorized so that it applies only - I assume that you're after the mineral rights that come under the claims that are filed for mining purposes, and therefore it would seem incongruous to try and apply it across-the-board, including agriculture.

MR. SPEAKER: Is it the pleasure of the House . . . The Honourable Minister of Finance.

MR. CHERNIACK: Well, Mr. Speaker, I'm . . .

MR. SPEAKER: Order. Order please . . . the Honourable Leader wish to speak?

MR. ASPER: Mr. Speaker, I wonder if I can ask on a point of order, can we ask without abrogating our right to speak for the Minister to make a clarification, there's no procedure . . .

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: It's not third reading of the bill . . .

MR. SPEAKER: This is third reading.

MR. JORGENSEN: . . . there's nothing stopping you from speaking if you have not already spoken, from speaking after the Minister has spoken. Every member is entitled to one round on this particular debate. It doesn't necessarily mean that the Minister speaks last or closes debate.

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): Mr. Speaker, we have been discussing the matter that I brought to the attention of the Minister of Finance earlier this afternoon. I think it's a subject matter that concerns all rural Manitobans, that is the farmers particularly, and I think that it's a matter, and I ask the Minister because we are not certain as to the clarification of this legislation, insofar as this mineral tax is concerned, and we have no assurance that he's going to stand up and state in the House that farmers, whether they are farming on an individual basis or whether they have sought to incorporate their farming business - and I indicated a number of reasons why farmers are doing it today. One of them, and I must repeat, Mr. Speaker, is the tax jungle that the Federal Government brought into this country as of December 31st last that have forced farmers to take another look at their farming business because of economic reasons, also the tax measures that this government has brought in in the Province of Manitoba. While they have indicated that they're, you know, paying out the \$100.00 to each farmer for certain reasons, and they know best themselves, assisting in some small way to putting in sewers, and what have you, but this does not offset the tax measures that this government has imposed upon the people of Manitoba and for these various reasons farmers have incorporated their business. And there's one other important reason, Mr. Speaker, I want to stress and that is, that if we want our young people to carry on in the footsteps of those of us who have been farming, and our forefathers or our fathers, that this is one of the ways of getting your son involved in the farming business in such a way that he can afford to start, because if a farmer, or a young fellow, wants to start farming today there's no way he's got \$50,000, \$75,000 to start that business, and as a result this is one means by which he can start farming where his father can incorporate and bring him into the business in a small way and over the years develop to the point where he increases his holdings on that corporation.

So, Mr. Speaker, I think it's a very valid position that we are trying to stress before the Minister of Finance when he talks about taxing mineral rights as it pertains to a farmer's property. I think there's a difference here as opposed to the taxing of minerals which are being explored and being expropriated, or operated on a business-like license where it's a business. I would like to hear the First Minister rise and make some comment as to the position that his government has on this particular point before the Minister of Finance makes the closing remarks on this bill, because, Mr. Speaker, I think it's a very important one, in order that we can come to a decision as to how we can vote on this measure, and I for one am not opposing legislation that may be good, and I want to leave that thought with the government.

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

MR. ASPER: Well, Mr. Speaker, I don't want to be lengthy because I detailed the Liberal Party position earlier in the day in the committee. However, I think it needs to be said before the whole House exactly what our position is here and that is:

No. 1. The principle of a mineral tax is acceptable, not only it is acceptable it is long overdue and we welcome this proposal from government.

No. 2. A tax which is discriminatory in that it is only applied to those who choose to hold their rights in a corporate manner rather than in an individual manner is unfortunate. Nevertheless since the error is made not in favour of taxing somebody but is in exempting somebody, we will still support the bill.

No. 3. We would like to hear from the Minister an assurance that it is not the plan of the bill nor the scheme to tax under any circumstances the mineral rights which are attached to land used primarily for farming, which is my understanding of the bill.

No. 4. That an assurance from the Minister that he will consider amendments, either at

(MR. ASPER cont'd.) . . . . this session or next year, to (a) bring the tax up to where it ought to be, which I think is at least the 20 cent level; and (b) to exclude from the tax, or rather to include in the tax those individuals who are clearly dealers in mineral rights.

If we could have some explanation from the Minister as to his future intent on those matters we could finalize the bill I think rather expeditiously. But as long as there is the discrimination against the individual who holds his mineral rights by a corporation who will be taxed, and the partnership who hold their mineral rights in partnership and they will not be taxed, there is a blatant loophole in the law and surely our sense of co-operation to the Minister should not be misunderstood as being opposition but rather an attempt to be helpful, and to get legislation which will have the respect of all taxpayers, who will not then observe some taxpayers being hit because of the way they do their business, and some being excluded from the tax because of the gimmick of not incorporating. So we would ask for some statement of intent from the Minister which would enable us to support this bill even more enthusiastically than we now do.

And finally, Mr. Speaker, the point that is made by the Member from Rock Lake, I believe, and I think by my friend from Rhineland, that the mere act of incorporating a farm by a family shall provoke a mineral tax, whereas the act of carrying on a family farming business in partnership amongst the family will not provoke a tax, is inequitable. And while it is an inequity in favour rather than against the taxpayer, it still enables us to vote for the bill but it encourages us to urge the Minister at the earliest opportunity, whether it's now, or next session, to correct this anomaly in his own intent. And that is to tax --(Interjection)-- Yes, the ability to correct it right now exists. And in so doing he will earn praise and the applause of this House. But in any event the act of incorporating one's farm for limited liability purposes, which is every man's right under this law, for estate control, estate planning purposes, and there are literally hundreds of Manitoba farmers who have incorporated their family operations for a variety of reasons, because banks prefer to lend sometimes to corporations, and so on. Only corporations can give to bankers certain kinds of security, such as floating charges in Section 88 under the Bank Act, in many respects. And so here we would impose an unwarranted tax penalty on some and an unwarranted tax lessening on others, and I know that's not the intention of the Minister.

So while I have exhausted in this presentation my opportunity to respond again, I urge the Minister of Finance to accept the hand of co-operation that we hand him in a most unusual circumstance of approving a tax bill in this House. It would be very simple, Mr. First Minister and Mr. Speaker, for an opposition party to take advantage of these proceedings to rant and rail and to say, you are driving resource developers out of the province, you are again imposing a tax, and we don't say that. We say that this is a warranted, a proper tax. --(Interjection)-- I'm sorry the Minister of Labour asked a question? If the Minister of Labour considers this an unusual practice, then let him celebrate it with us instead of interjecting. --(Interjection)-- Button, Button on the other side.

Mr. Speaker, I conclude my remarks by repeating my appeal to the Minister of Finance to not only earn the support by having produced the bill in the first place but to earn the enthusiastic support by correcting its anomalies. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Finance.

HON. SAUL CHERNIACK, Q.C. (Minister of Finance) (St. Johns): Would the Honourable Member permit a question? Would the honourable member care to elaborate on the theory and philosophy which might be involved in the concept of a person using land for his livelihood in tents of use let's say of a farm, having paid for it on the basis of its productivity and having in one case two neighbours, one who acquired the mineral rights along with his title, and the other one who didn't. Does the honourable member feel that there should be a distinction made in the taxation or whether it wouldn't be something worth considering whether given the option to give up his mineral rights a person shouldn't be taxed if he wants to retain it? If he understands my question could he deal with . . .

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

MR. ASPER: That's a fairly ornate question and I'm not sure I understand it. Please interrupt me if I haven't grasped your meaning. If you're suggesting that where farmer A has mineral rights and farmer B has no mineral rights, I would assume a fair taxation system, bearing in mind that both pay real property tax, would take into account the absence of or the possession of mineral rights. We don't do it. --(Interjection)-- Yes. The value of land I'd say, which is a wealth tax, real property tax, should take into account farmer A has 640 acres

(MR. ASPER cont'd) . . . . with mineral rights, farmer B has 640 adjacent acres without mineral rights. A fair taxation system would assess farmer A higher than farmer B obviously. Because the value of the wealth is greater --(Interjection)-- I know it doesn't do it, Mr. Speaker. I didn't make the law I'm only talking about it.

MR. CHERNIACK: . . . and so I'll just interrupt him for the moment if I may.

MR. SPEAKER: Order, please. I wonder if we're getting into an irregular procedure here. I do wish - we should direct our address to this Chair. If that's not possible we'll just have to discontinue what is going on. We had the opportunity I believe in committee to do this; I don't see why we have to do it in third reading again. Does the Honourable First Minister wish to address his remarks? Order, please. Is the Honourable Member for Wolseley complete with his remarks? The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, on a point of order if I may have your guidance, Sir. It's my understanding that in order to attempt to deal with the point that was raised earlier in this debate by the Member for Rhineland, the Leader of the Liberal Party, and the Member for Rock Lake with respect to this bill, it would be necessary to revert back to Committee of the Whole stage, and that would require leave. And therefore, Mr. Speaker, if I may I would like to move adjournment so that the matter can be considered and dealt with tomorrow. I move, seconded by the Minister of Finance, that debate be adjourned.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: I wonder, Mr. Speaker, whether you'd call the adjourned debate on third reading on Bill No. 12 standing in the name of the Honourable Member for Rhineland.

MR. SPEAKER: The Honourable Member for Rhineland. Bill No. 12, third reading.

MR. FROESE: Mr. Speaker, Bill No. 12, is the Act to amend the Pharmaceutical Act. It's some time ago that we dealt with it in committee and also previous to that on second reading. In discussing it on second reading I took very strong exception to the bill on certain grounds and then when we came to committee the government offered a certain number of amendments to the bill and while some I think are good nevertheless I took strong exception again in committee, Law Amendments Committee, on one point and I brought in an amendment to 46 (2). This has to do with substitution of interchangeable products and where it's now under the amendments that have been passed, mandatory for a pharmacist to when filling a prescription, and when the doctor hasn't ordered a certain drug by its brand name, that the pharmacist has to take the lowest priced drug on hand, I guess, because certainly he cannot give us any other drug if he hasn't got a lower priced drug on hand.

This to me, Mr. Speaker, means that the druggist or the pharmacist will have to have a full stock of the lowest priced drugs on hand and that he is now required, or will be required after this act goes into force, that the lowest priced product has to be given to the person under those circumstances. I disagree with this principle and I made the amendment that it should - instead of "shall" it should read "may", so that there would still be a matter of choice. It would still be a choice that would be left open to the person. And I feel this is very important, because if we apply that on other matters, other matters than drugs, and this, once we accept a principle of this kind, certainly can be incorporated into other legislation, and there's no saying or no such thing that it cannot happen. And I rather suspect that if we allow it to happen once it will happen more often, and I certainly - if I went to a store I wouldn't want to be in a position where I would have to buy a certain kind of goods that I didn't want because it was the lowest priced goods that they had. I would want to have my choice, and this is denied under this legislation. If the doctor doesn't prescribe a certain brand name of a drug the pharmacist is required to hand out the lowest priced drug that he has of that kind. I think there should be other ways and means of providing lower priced drugs than to make it mandatory in this way and not leaving the people of this province a choice in the matter.

Therefore I still take exception to the bill and I will oppose it on third reading as a result. This doesn't mean that I'm opposed to lower priced drugs for that matter. This doesn't mean that I am for high priced drugs at all times, not at all. But I don't believe in compulsion of this type that an individual has to be compelled by legislation to a certain thing of this type. We had representation made by the Manitoba Medical Association, as well as by some drug companies from . . .

MR. SPEAKER: Order, please. I wonder if I may appeal to members who are having their little meetings to tone them down a bit so I can hear what's going on. The Honourable Member for Rhineland.

MR. FROESE: Thank you, Mr. Speaker. The other point that I wish to raise has to do with the dispensing of a drug, or a prescription, and the information that is to be included on the prescription. And we find that under the various items listed that the identity of the manufacturer of the drug dispensed has to be on it. And when asking for information on this in committee we were told by one of the manufacturers here from the Winnipeg area, who actually in my opinion was not a manufacturer but just a packager of goods, and that he was importing his drugs from another area. Now we say in the legislation here, the identity of the manufacturer. Well to me manufacturer means a different thing than just a packager, and I think there should be a definition in the bill whether we mean manufacturer or just a packager of goods. And therefore I think that an improvement could have been made. If we mean a packager certainly we should state so and not say manufacturer.

Here again there were other amendments proposed. I did not take exception to them. I think some of them are valid and are good. I noticed an amendment was brought into committee after the official amendments had been brought forward so that the quantity of the drug dispensed would also be put on the container. I thought that was quite in accord, but again I wish to point out and I don't want to go into detail on the Doctor Klass Report from which the recommendation originally came forward in connection with prescription of drugs by their generic name, and as one of the recommendations from that report. There are many other numerous recommendations in that report; most likely some of these will be implemented at a later date, at a later session. I also discussed some of those on second reading because I think they are closely associated with the bill. I do not want to go into those matters at this point either.

I have had correspondence and received submissions from certain people who pointed out a number of matters that I could have brought to the attention of this House but I don't think I should do that at this late date. But, and I won't prolong the debate on third reading on this particular bill at this time, but I certainly cannot subscribe to the compulsion that is brought in in this particular Bill 12 and therefore I oppose it.

MR. SPEAKER put the question and after a voice vote declared the motion carried.  
(On division)

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: I wonder, Mr. Speaker, whether you would now call third readings on bills that have been passed starting with Bill No. 67. It may be, Sir, that you haven't the list available to you. I'm sure the Clerk will accommodate you. Bill No. 67, in the name of the Honourable the Minister of Tourism and Recreation for third reading.

BILL No. 67 was read a third time and passed.

MR. SPEAKER: Bill No. 79. The Honourable Attorney-General.

HON. A. H. MACKLING, Q.C. (Attorney-General)(St. James) presented Bill No. 79, an Act to amend the Law Society Act, for third reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: On this particular bill. --(Interjection)-- I didn't hear.

MR. SPEAKER: Order, please. The Honourable Member for Rhineland.

MR. FROESE: Thank you, Mr. Speaker. I haven't got the bill before me but I recollect the particular bill that we are giving third reading now, which amends the Law Society Act, and which has to do with certain funds on which interest is accruing and which shall now be used for the purpose of legal aid. We had a full discussion on second reading. I took exception on certain parts. Amendments have been introduced to that particular bill and I think some of the matters that we disagreed with have probably been lessened but I think the main principle is still being carried forward in the bill dealing with Section 30 as a whole. I disapproved of it in committee and I still have those reservations. I thought that the amendments were brought in so that we would get an annual report on the moneys that are so collected and will be made available to the Law Society for the purposes named in the bill; this will be a matter of record and we will get a record of it, so I think improvements were made in committee on it. But nevertheless, I disagree with the principle of it; that we are taking money that rightfully belongs to others and I think this could be termed a tax in other words, which in my opinion is not proper and which I could not subscribe to.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, I also wish to record my reservations about the bill as it is now constituted, and particularly that part of the bill which provides for the interest on accounts held for clients by members of the legal profession, the interest

(MR. MCGILL cont'd) . . . . accruing being accumulated for the purposes of the government and legal aid. We have no objection to the purpose for which the interest is to be put, but we do object to the principle involved here that the interest does not properly belong and should properly accrue to the person for whom the estate or the moneys are being held.

We did introduce amendments hopefully to the committee stage, wherein it would be required that every client would be given complete information as to his rights, and he would be required to give his signature as to his intent; whether he wishes to include his interest in this fund for government purposes, or whether he wishes it to be retained and accumulated in the estate. I still feel that that was a reasonable amendment; it was not accepted by the committee, but I am nevertheless still convinced that this is not a proper principle and I am somewhat surprised that the law society are endorsing this bill in its present form. I realize now that we have done what we could to prevent the bill being passed in its present form but we still have reservations as to its propriety. Thank you.

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

BILLS Nos. 91, 100, 82, 94, 103 and 111 were each read a third time and passed.

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: I wonder, Mr. Speaker, whether you would kindly call Bill 104, the adjournment in the name of the Honourable Member for Emerson.

MR. SPEAKER: The proposed motion of the Honourable Minister of Labour. The Honourable Member for Emerson.

MR. GABRIEL GIRARD (Emerson): Mr. Speaker, I beg the indulgence of the House to have the matter stand.

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Bill 98, I believe, Mr. Speaker, stands in the name of the Honourable Member for Roblin.

MR. SPEAKER: The Honourable Member for Roblin. The honourable member has approximately 25 minutes left.

MR. J. WALLY MCKENZIE (Roblin): Thank you, Mr. Speaker. Mr. Speaker, it's a very formidable task to leave the meat of your speech at 5:30 laying on the table and have to come back here and be told by the clock that you have 25 minutes left. But, Mr. Speaker, I'll abide by your rule and do my best.

Mr. Speaker, in my remarks this afternoon I tried in various ways and on several points tried to draw to the attention of the Minister of Agriculture and this government why this bill will not work. And the first words that I drew to the attention of the First Minister and his government is the words "import" and "export" where they were national words that were used for many years in this province and in Canada, now those two words "import" and "export" are being Balkanized and being made to be a little cell in Manitoba, that's what import and export is going to mean to the farmers of this province if we pass this bill.

I went on, Mr. Speaker, further on in my remarks, and I talked about the dream of the so-called people that believe in this type of marketing today. And I think beyond any shadow of a doubt, Mr. Speaker, I proved that there is no way politically where you can get ten ministers of agriculture or ten boards and commissions to sit down and talk about a national scheme at any level and make this bill meld into the problems of agriculture in Nova Scotia or British Columbia or Ontario or Quebec; it just can't be done politically because each political jurisdiction has its own wisdom, and therefore that will not work politically.

Mr. Speaker, I went on in my remarks and I said, further on, I drew the remarks of this great economist, Dr. Warley, recognized nationally in Europe and the United States as one of the most outstanding agriculture economists in the world today who said this type of legislation and this thing that we have before us today is a farce, and he meant it. He was sincere because he said this rise of provincialism that we have today in agriculture is alarming to him; not only to me, but this man is an economist, so you think - well he's alarmed, well I'm alarmed. Here we have the dying days in the session, like the Labour Bill, they bring it in late - the farmers are busy haying and they're busy people, they have to make a living, and here's a bill I would suggest, Mr. Speaker, there'll be very few farmers if any have a chance to come and debate this bill. So while we may be quarrelling on the labour bill, I am sure going to quarrel on this bill.

Mr. Speaker, if this government and this City of Winnipeg is fair to the agriculture and the farmers in this province, I challenge the Mayor of this City, Juba, to come here and fight the battles of the farmers of this province on this type of legislation, because you can't have it

(MR. McKENZIE cont'd) . . . . both ways. You can't build this big city - what it is going to be, grants in lieu of taxes, convention centres, Man and Museum; look at the money that went out of this treasury bench since we opened this House up. And what has the farmers in Roblin constituency got? Nothing - got a piddley little bill here that tells them they're going to be nationalized. And so, Mr. Speaker, I challenge Mayor Juba to come and help the farmers in this province fight their battles; they're haying, they're busy people out there today. They're not going to be in Law Amendments, no way, cause this bill was brought in the dying days of the session, so I hope that His Worship will come. If we're going to make one Manitoba, let's make it fair for all. And I'm all for Winnipeg, all the way, but I think a lot of this legislation is unfair. This is unfair coming in late like the Labour Bill, and I ask the Mayor if the farmers can't come and give us agricultural guys on this bench a hand to fight this bill. Because this is defeatism, this is the end of agriculture in this province.

Mr. Speaker, I'll go on in my remarks. Let's look at hogs and beef. Mr. Speaker, if we impose the restrictions that's in that bill and the controls that's in that bill on production of those products in this province, you know what's going to happen? We'll condemn the farmers of this province, Mr. Speaker, as sure as I'm standing on my feet, to nothing but poverty and frustration. And how, how can we of this province deal with Ontario in an equitable manner? A province of several million people - wealthy. What are we? How can we meet them on equal level? How can we meet Quebec on an equal level - politically, economically, any way; no way, Mr. Speaker, it's not going to happen. We must stand up and demand from the Federal Government a national agricultural policy that will look after all Canada. How are we going to go out and trade in the world with the little Balkanized systems we have in this bill? It can't be done.

Mr. Speaker, I ask the First Minister and I ask the Leader of the Liberal Party here and the leader of my party, let's not get hung up on this type of philosophy and wisdom for the future of this province and all of Canada in agriculture. Let those three men go down, and if they haven't the guts in Ottawa to put a national policy, let us write one ourselves, and put it on the record. Surely somebody, somebody must be able to write a national agricultural policy for Canada. And I respect the First Minister, he's smart, alert and let us attack the problem that way rather than this piddley little bill that we've got before us tonight, Mr. Speaker. Instead of dealing with this type of legislation, Mr. Speaker, I said we should be condemning Ottawa and nailing them to the cross; because it's complete failure on the part of the Government of Ottawa, because they have never provided leadership for the farmers of this country and they never will, and I hope that we will meet that challenge at the election. They've never come up with an agricultural policy.

Certainly I saw a couple of members react over there this afternoon, Mr. Speaker, -- (Interjection)-- when I'm finished I will. But, Mr. Speaker, as I said earlier, due to our political imbalance - you know, how can the Premiers of the ten provinces sit down politically and agree on anything. Impossible. Impossible. They just can't meet that challenge because it's political. And that's the structure of our society, and that's fair, I don't quarrel with that. So let's look at the direction at the national level, and what do we find? We find provinces today in this country, they're turning back from that challenge to try and meet at the table politically. You know, a constitution; if you can't solve a constitution, how in the devil are you going to solve an agricultural policy with this type of an agreement and bring in protectionism, isolationism, Balkanization.

Mr. Speaker, at this day and age in our history, it's interesting. We've got political leaders, we've got farm leaders, believing in some kind of a gospel about marketing boards. Isn't that interesting? Farm management, supply and management, I've heard all kinds of words; provincial self sufficiency. My God, provincial self sufficiency in this province, in agriculture? It's got to be a dream. That's why I asked the Mayor to come and give us a hand. What a regressive step in Manitoba today with this bill that we're debating today with this bill that we're debating here tonight. In the history of this country, do you mean to tell me that I'm going to have to isolate ourselves in little cells, and talk about the word "import"? The word "import" means importing into Saskatchewan, or Ontario; or exporting back, that's what the word means today. That word, Mr. Speaker, to the average farmer out in the country is a national word. When he's talking about importing, he's talking about Europe; or exporting he's talking about Russia. But here the whole philosophy of Balkanizing is brought out . . . Mr. Speaker, with this province in agriculture is going to move into a shell, it's enforcement.



(MR. McKENZIE cont'd)

The Canadian Federation of Agriculture, they're hung up on this brief too. And the National Farmers Union, I've heard Atkinson -- he comes from where my wife comes from; I don't know where it is -- (Interjection) -- yeah he does, he went to school out there, the President of the National Farmers Union. He never was a great genius in school and I suspect he never was a great genius at farming, but here he's heading the National Farmers Union in this country today and setting agricultural policies. Why don't they listen to the great economist from the University of Guelph, Dr. Warley? Why don't you listen to that man, a national economist, recognized all across Europe, all across the United States? Why don't the NDP or the Farmers Union recognize a man of that calibre? But no, they're hung up on a guy by the name of Atkinson, because it's political. And of course, Ottawa, through its much heralded programs, and we've got all this data coming out of Ottawa. They're talking about a National Farm Marketing Products Board; the Leader of the Liberal Party knows about that, and he likely has it memorized. But they're in support of this program too, so are the Grits, and that's interesting. The Liberals want to Balkanize Manitoba, they want to isolate Manitoba; they're talking about it every day. And who's going to gain, Mr. Speaker? Who's going to gain from all this? -- (Interjection) -- Yeah, Wally McKenzie. Yeah, I happen to be a little country storekeeper depending on agriculture for my livelihood, I'm going to be the loser.

And, Mr. Speaker, when the debate's all over, when the shooting's all over, and they try to put this thing together and they try to make, you know, these marketing boards sit down at a national level - first of all I say they can't meet because it's political; secondly I say they can't agree, because how is Manitoba going to deal with Ontario? We are a million people, they are what? Ten, eight, they've got all the wealth. How are we going to meet with Quebec, at any level? Not only the political level. How are we going to deal with the problems of Maritimes? How are we going to deal with Alberta who are talking expansionism? And yet we're joined together in a group and we're talking about cut-backs, supply management with control. Is there any way, Mr. Speaker, that the Minister of Agriculture in Alberta can sit down with the Minister of Agriculture in this province, and deal with any subject? What's the number one priority? Politics. Politics is the number one priority so it won't work. So, Mr. Speaker, I submit to you that the high population areas of Canada such as Ontario, Quebec and B. C. will make some gains if this kind of legislation is passed and provincial self-sufficiency will be established, but we're going to be the losers. By controlling imports and by boosting prices those big provinces can gain. But who's the loser. We are the losers in this province because we're small.

In the long-term interests, Mr. Speaker, I say that we should go back to where we started, day one, and get the Federal Government of this country to get with a national policy, a policy to look after all the provinces, rather than have to come into this kind of a piddley legislation, and I challenge the Leader of the Liberal Party to go down and bring us back for the first time in the history of Canada a national agricultural policy. You're brand new, you're fresh, maybe you can get to those Grits down there. But I challenge this to the Leader of the Liberal Party to get his bag packed and go down and for once in two or three decades give us an agricultural policy for all the farmers of all Canada. Mr. Speaker, when we get to that day in society we'll have a farming industry that'll grow and grow and grow and we'll build better markets, we'll build a better society, and we'll have a better world for all the farmers of this province. Mr. Speaker, in the last few moments that I have, why would this type of legislation retaliate against Ontario? Or why should we retaliate against Saskatchewan, or Alberta, or British Columbia? You know what that is? We're retaliating against our friends. We're setting up provincial barriers that shouldn't have been there in the first place. We're retaliating against those provinces and saying, "Look, you can't buy chickens from Manitoba," or "You can't sell pork in this province." That's unfair, Mr. Speaker, and we'll never build a Canada on the basis that is established in that bill.

So, Mr. Speaker, as I close I say: for Canada as a whole I want a policy of self-sufficiency for all the farmers of all Canada, and I ask the Leader of the Liberal Party to go with my senior and for the first time in three decades get to those Grits in Ottawa and say, "We want a national agricultural policy."

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

MR. ASPER: Mr. Speaker, will the honourable member yield to a question? Inasmuch as he's invited me to lead the charge for a national policy for farming, and which is tied of course to a national policy for the west in many other respects, do I have the member's support for the other aspect that must be accomplished in the renegotiation of the whole position of the

(MR. ASPER cont'd) . . . .west, which includes banking. I'd like to hear the view of my honourable friend and the position of the Conservative Party on banking --(Interjections)--

MR. SPEAKER: Order, please.

MR. ASPER: . . . and the other aspects of western development . . .

MR. SPEAKER: Order, please. I should like to indicate the honourable member can have 40 minutes - Order please. Order please. I should like to indicate the honourable member has an opportunity to speak for 40 minutes if he so desires. Questions, as I've repeated occasionally, and must repeat, are just for questions of clarification, not for opening up further areas of debate. I do wish the honourable members would co-operate. It would save a lot of time; I wouldn't have to admonish the House or any other member. The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Speaker, thank you. I will assure you that I cannot debate this bill with the eloquence that we just heard from the Honourable Member for Roblin, but I want to share with him the concern concerning this bill. I'm sure that other members previous to me, including the Member for Roblin, have stressed some of the points that are the concern of anyone that is at all concerned as far as the problems of agriculture are concerned.

Over the last year or so I have never been as confused in my mind when it comes to commissions, when it comes to boards, and I know the intention of this bill is perhaps more concerned with the processing, the buying and the purchasing, or the offering to buy or to purchase, than directly dealing with commissions, but indirectly we are dealing with commissions, we are dealing with boards, because we can only attain that goal through commissions or boards if this bill, or actions similar are taken. So I would like to say to the honourable member, Mr. Speaker, that he is certainly not alone in his concerns. I think that, as I started saying, when it comes to commissions or boards I have become very confused at times as to what really a board can achieve, or what can a commission really achieve? You take some of the examples, and I'm not trying to say this to favour the Honourable Member for Rhineland, you take some of the controls, the consideration that takes place in the Province of B. C. when they start paying prices up to \$3.00 per head just so that they can raise broilers, and we realize that as far as the poultry business is concerned perhaps --(Interjection)-- this is correct - perhaps this is one of the more viable businesses in Manitoba especially when you take into consideration the egg-laying producers, I think one must weigh the thought that what is it really. Take our own dairy condition in Manitoba. We seem to have a very viable industry. It looks like perhaps we can expect in the near future that certain principles will be attacked or approached or changed as far as the control of quotas, and I would like to say here that I agree with what was said by the Honourable Member for Morris the other day. I think a three-year period or a trial period for establishing our quotas, especially in the manufactured milk, is not enough, and I think if this bill passes the Minister should make sure, try to get more leverage or a longer time for this problem alone.

Now I do not want to dwell on all the agricultural aspects that are concerned in this bill because I happen to be one of those members that wishes to go home this summer as soon as possible, and I won't be very much longer. I would like to say this that the negotiations between the provinces that are going to take place if and when the Marketing Act is completed, I'm very much afraid that we're fighting an uphill battle when we want to compete with provinces like Quebec and Ontario, and I'm very much afraid that this whole National Products Marketing Act, including the federal end of it, will be set up so that we will not be gaining what we should be gaining. After all we happen to be a province that can 'way over-produce, perhaps more so on a percentage basis than any other province. We have much more production than we can consume in this province. And I know it will be a great task to try and negotiate and try to equal the deals with some of the greater provinces or the larger provinces, and I think, Mr. Speaker, that while we're on this Agricultural Committee we've heard many recommendations, and I don't intend to go into them at this time, but I was very sorely disappointed and I realize that it has not been tabled, but I realize during the committee stage that an attempt was made, that we want to do the best we could, but so little was really mentioned in the proposed report and it's not at all satisfactory to some of the problems that exist in agriculture today.

And I wish to bring this to the attention of the House, Mr. Speaker. In my mind there is a great concern as far as the bureaucracy of government on various levels, whether it be provincial or whether it be federal, and I think it is very hard for many members in this House

(MR. BARKMAN -cont'd) . . . to try and put our trust into a setup, or to try and say that this Natural Products Marketing Act will work, when we've seen so many things happen that are completely opposite than what we wish them to obtain. I'm sure the intention of the Minister is honourable; I'm sure the intention of the bill is even honourable, but it can't be if you take certain aspects into consideration, and I hate to disappoint the Member for Roblin when he kind of prejudged this group here on this side. I certainly agree with him that my leader should rush to Ottawa as soon as possible and take him along, and many others, and start fighting this battle, but I think he probably prejudged this group a little bit when he said that they may be voting for this bill. At this time, taking into consideration that as long as these commissions, as long as these boards are not operated by the producers themselves, I for one cannot support this bill, and if we get to that point, that to me is a completely different setup. Then we can go into these negotiations with an open mind and I think we can get to some worthwhile conclusions, but I think I would like to leave this thought - I'm sorry the Minister's not well and not here today - I would like to leave this thought with the government. I think we must warn the rest of Canada that we should not tolerate the restriction on agricultural production in our province. We cannot afford to. This province is set up so that all of us know we cannot afford to do this, I hope the Minister keeps this in mind when he goes either with my leader or with other members of this group, or whatever group it may be, I hope they keep this in mind.

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

MR. WILLIAM URUSKI (St. George): Mr. Speaker, I beg to move, seconded by the Honourable Member for Ste. Rose that debate be adjourned.

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

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, would you call Bill 109. The Member for Sturgeon Creek?

MR. SPEAKER: Proposed motion of the Honourable Minister of Finance. The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Thank you, Mr. Speaker. Mr. Speaker, Bill 109 are amendments to The City of Winnipeg Act, the act that created the greatest percentage tax increase on the people of Greater Winnipeg that's ever been had in the Province of Manitoba, the act that created a system of government in the City of Winnipeg that is almost impossible. (I wish you'd either move or leave me alone.)

Mr. Speaker, when the Minister introduced this bill he mentioned that he had spoken to different delegations or officials of the City of Winnipeg. In the information that I can receive during the past couple of days I found out that there is an official delegation policy which is directed by council in the City of Winnipeg. It is made up of the Mayor, the Deputy Mayor, chairmen of the three official committees, the standing committees, Mr. Speaker, plus other members of that council who may be interested in the particular subject, and to my knowledge and to the information that I can receive, that official delegation has never met with the Minister regarding the recommendations the City of Winnipeg made to the province on the changes to the City of Winnipeg Act.

So, Mr. Speaker, we are experiencing in this House for the past few days some very great inaccuracies, and unless these things can be cleared up I would say that until the Province of Manitoba decides to approve or disapprove the recommendations of the councillors, the elected members of the City of Winnipeg, they should first speak to the official delegation on that subject which is directed by council to speak on that subject.

Mr. Speaker, this bill, or the amendments to the Winnipeg Act, Bill 109, is almost devastating in the respect of its definition of the word "supervision". Mr. Speaker, the Winnipeg councillors who were elected last fall, have worked very hard to make this legislation work. They took seriously the statements and the great speeches of the government side in the province to say the community committees would be the marvelous part of the government. This would be people legislation, this would be people designing the legislation that they must live under. Mr. Speaker, why did they do that? They started very diligently to try and give some of the authorities to the community committees. In fact, at the present time there is a committee or a recommendation that will go to council, that will designate the authorities of the community committees, and it will also delegate the authorities of the central committees. This particular report will no doubt have a certain amount or considerable debate by the city aldermen as to these delegations of authority. But there is no sense them even putting in the report

(MR. F. JOHNSTON cont'd) . . . . because the definition of the word "supervision" strips, absolutely strips the community committees of any reason for being there, and I assure you, Mr. Speaker, it strips any thought of people-participation in government. It makes them side-walk superintendents peeping through a hole in the fence, and I assure you this is the reason why the City councillors decided that they would try to work to make this bill work, to work to make this legislation work, and now they've had the rug pulled from under them as the people of Winnipeg have had it pulled out from under them. And why do I say it's been pulled out from under them? I am reading from Page 23 of the White Paper, the Urban Reorganization in the Greater Winnipeg Area Proposals - I believe it's page 19 on the small booklet, Mr. Speaker. And it says, it is explaining why there'll be 48 members of council just ahead of that; it gives - the reasons for this are simple and particular: "In light of the proposal to establish a system of community committees to function, to be assigned to them, has deemed essential that no municipality area should have less than three representatives." I will come back to that in a minute because it's under a heading of 48 councillors, and I would like to comment on that, but to carry on. "As it will be explained subsequently it is expected that substantial administrative responsibilities and powers will be retained at the local level. In addition the community committees will have important and permanent duties onerous for one or two councillors, too onerous for one or two councillors to fulfill." In other words we've heard from this government again, as we have heard from 1969 the empty promises of White Papers that are changed when it becomes legislation. The community committees, Mr. Speaker, when I think of the glowing speeches from the Minister, the Attorney-General, and from the Minister of Education on how this will be wonderful people participation as far as the City of Winnipeg is concerned, and now you make the definition of the community committees to supervise which makes them nothing more than people with no faces.

Mr. Speaker, why this government seems to allow this sort of thing to go on and seemingly enjoy it, is for one reason. They stood and said, Mr. Speaker, that Bill No. 36 was not total amalgamation. We said it was. Now we have legislation the following year that just about makes it complete total legislation, the stripping of the community committees. It's complete amalgamation right at the present time.

Mr. Speaker, the amendments, some of the amendments in this bill, now, what do we have? The Minister explains many of his amendments in this bill, and I can agree with him, certainly I would agree with subdivision control, I believe that that will give at least some discussion with the people, although they have no authority, to have the sub-division control to be more in the hands of the city than it is now, and the system they are setting up seems to be rather good, but also rather ridiculous in that they are giving this kind of control to sidewalk supervisors, but that particular section of the bill I can certainly have no quarrel with, and it's a very large section of the bill.

Mr. Speaker, getting back to where I said a council with 48 members surprisingly enough, surprisingly enough, Sir, and it's not surprising because there's all kinds of inaccuracies in this bill. Surprisingly enough, Mr. Speaker, if we leave the legislation the way it is, I believe under sections 687, which says, towards the end of the bill, "notwithstanding any other legislation, the Mayor will be elected on this occasion, for this occasion only, and there will be fifty members of council". We revert back to the original legislation after the first election of the mayor, and all of a sudden in section 6 of the legislation -- or some -- maybe I'm not sure, I believe somewhere in that section, or at the beginning of the bill. Anyway, it can be found very quickly, Mr. Speaker, it says: "There will be 48 councillors", so if we don't change that particular section towards the end, we've got two guys floating in limbo. And by the way, Mr. Speaker, I think it's rather disappointing to the people of Winnipeg to now find that after a year, after a year of this legislation working in the election of a mayor, and the tremendous turnout there was at the polls at the Unicity election for the mayor; and with the direction that has been given by him, especially letting this council work hard to make this legislation work, which is almost impossible; but now we turn around and we say we aren't going to elect him. We argued that last year when the bill was brought forward, Mr. Speaker; we argued that the system under this particular legislation might be better if the mayor was appointed, but the government at that time decided to have the mayor elected for the first time. We said then and we say now if you have him elected once, you have him elected forever, but I assure you this government wants to hold an axe over the head of any man that's the head of the City of Winnipeg with this type of legislation that is before us.

(MR. F. JOHNSTON cont'd)

Mr. Speaker, we now have the Municipal Board -- there is no change again. We have a group of people in the present government who firmly believe that the Municipal Board should have -- we should have a board set up to complete control of spending. And Mr. Speaker, I being one who came from a municipality who appreciated the Municipal Board, who was our last resource against Metro, can say that I can appreciate the Municipal Board today, but I certainly can't appreciate the Municipal Board when they put a limitation of \$500,000 on the City of Winnipeg's spending, capital spending; or they must refer to them over \$500,000 and over. It happened this year that the Municipal Board was able to knock off part of the capital spending of the City of Winnipeg, and it had happened to be that part of the City of Winnipeg's spending that the province would participate in -- and it's almost a tool, it's almost a tool at the present time to have this government reach in and keep trying to control the City of Winnipeg. This government never gives up trying to have control, Mr. Speaker; they're famous for it, and it's pretty obvious that the legislation that we continually see put before us, and even the legislation we just spoke of on marketing boards that this government wants control.

Mr. Speaker, we have before us some amendments in this legislation also, that basically also reach in and tell the elected city members that they're going to run it this way. They're saying, you know, you're not running it the way we want you to, or the way we think the bill should be set up, you're going to run it this way. Mr. Speaker, when the Province of Manitoba was constituted by the Federal Government, they laid down rules and regulations for elections, and after those elections were held we were basically a free Manitoba to make many of our rules and regulations. And I don't recall at any time that the Federal Government started to tell us the duties of the Attorney-General, or the duties of the Minister of Labour, or the duties of any of the ministers in this province. But what have we now? We have an elected body of men, elected by the people, who under the commissioners' system have basically made decisions that because one person is more close to a subject than another; that he should probably handle that subject, or he should probably handle that particular affair. And now because of the closeness of the work that this man is doing in assorting and stacking up in other departments, that this man should handle that; and the authority given to these particular gentlemen in the city is there, and the city councillors have been trying very hard to work this out so it works smoothly. But no, now we have amendments that says oh no, oh no, let's do it my way, let's do it the way I tell you to do it. Let's really have a system where the head commissioner is the only one that can speak to the executive committee; let's have a system where the chief elected member is the only one that can speak, or should I say can't speak to other commissioners but must speak to them through the chief commissioner.

You know, Mr. Speaker, when we get this type of thing carrying on, that all these rules and regulations for the City of Winnipeg after you've had an elected body come forward, I say to you, Mr. Speaker, that it's rather disgusting and it's rather hard to understand why somebody doesn't tell the Premier that when the Member from Inkster resigned, and he decides to put the portfolio of Mines and Natural Resources onto the shoulders of the Minister of Industry and Commerce, I don't really think that there was somebody running around telling him what to do. When he gave the Minister of Higher Education or Universities the portfolio to look into health and social welfare and education, I'm sure there was nobody running around telling him what to do. Yet we have a group of people here in the Province of Manitoba, Mr. Speaker, who want to reach in, reach in, and keep running and governing a body of elected members that they have set up.

Mr. Speaker, they won't let go. Strangely enough they're going to have to let go of the City of Winnipeg one of these days, because the people of the City of Winnipeg told them in no uncertain terms that they didn't want party politics in city affairs; they told them in no uncertain terms that they weren't wanted, weren't wanted as far as party politics were concerned in the City of Winnipeg. Well, if they're talking about -- you know, Mr. Speaker, the government members have a very very funny way of putting things, they say that the Independent Election Committee is made up of Conservatives and Liberals. Let me tell them something, Mr. Speaker, the Independent Election Committee is made up of men who do not believe in party politics in civic government; and do you know that there's one heck of a pile of NDPers in this city believe the same thing, and all you have to do is look at the election results to find out. Take a look at it. Take a look at it. So, Mr. Speaker, really what would happen, what happened is the government goes by the same old rule of theirs, everybody's out of step but us; do

(MR. F. JOHNSTON cont'd) . . . . it our way, and you're wrong, this is the basic principle. "We know better" is the philosophy of the Provincial Government, and my desk mate here realizes it also.

Mr. Speaker, the obstacle course that was set up by Bill 36 was started to be smoothed off by the elected members and made look very much as if it could possibly work with some changes and some recommended changes. What really bothers me when I took a look at the recommended changes that was put forward by the city, they received it back with a letter; and the committee that received it back is a constitutional committee, or the recommendation of the legislature committee; all they did was take the letter, and write, yes, no, no, yes, no, on what the government would approve, and what they wouldn't approve, and certainly there were many more "nos" than there were "yesses". And I assure you, Mr. Speaker, that to my knowledge there's never been any discussion with an official delegation from the city with the Minister -- and I explained the official delegation set-up of the city -- but one of them that really irked me, one of them that really bothered me, was the request to enforce housing standards in the City of Winnipeg. Here we have a government that wants public housing, better places to live, and the City of Winnipeg requested that they be able to enforce housing standards that would make the slum landlords start to abide with a standard that would give the people living in those houses a good place to live. And what do we have from the NDP government? A "no" on that request. I think probably, Mr. Speaker, that's probably one of the most depressing things I have ever read; it's probably one of the most ridiculous things that I have ever read; it's probably one of the most hypocritical turn-downs I have ever seen from an NDP government, that they would not want the city to have better housing standards than they presently have. Now really, Mr. Speaker, there are many other places where they were turned down, many of them were technical changes, etc., but here we have a situation where the city wanted to do something to help people living in certain types of housing, and it's turned down by the NDP government. Isn't that amazing?

Mr. Speaker, there's another section of this legislation, and I remember very clearly when we were in committee, there was a large section of the Winnipeg Act referred to the Law Reform Committee. I have Sir, Mr. Speaker, the Law Reform Commission Report, the City of Winnipeg Act, and this report is dated January 1972, those gentlemen got right to work. We have before us a report that comments on licensing powers, powers of answering inspection and search; powers of seizure, confiscation, and expropriation; powers to compel furnishing of information, city's liability on damages and important miscellaneous comments from this committee, the Law Reform Committee of this province. We have before us -- I must say they found many things. In section 89 I would say, and it's one of the sections that's generally in this amendment, Mr. Speaker; it really questions the section, you know. The Law Reform Committee said, you know, it doesn't seem right that if the city is working on a project, and they happen to damage the neighbor's property or something, that the neighbor should be compensated. You know, it really -- I would question this section, and I would say to the minister, would damage to an adjoining land they harmed, would it be compensated? When we look at section 89, or 646, 1.3 of the existing legislation, but that's not really -- that's one, Mr. Speaker, it's in the amendments; but really what is devastating is this, what is left out. Let's take a look at what's left out. On the section that says "licensing powers" they left out comments of the original act on 532, 524 (1)(m), that is, basically (1)(m) is a redraft for natural justice, I am told by a consultant, natural justice; this government seems to shy away of any amendments that come to natural justice. 524, stricter guidelines were wanted regarding the licensing for the benefit of the people; 524 (1)(aa), the power to enter and inspect without a warrant -- that hasn't been changed, recommended changes by the Law Reform Committee, 524 (2). No appeal for suspended -- and there should be an appeal for suspended people. If you've got your licence cancelled there's an appeal, but if it's suspended the Law Reform Commission does otherwise.

Mr. Speaker, the power of entry and inspection. You know, we have sections 145, 432, 433, 434, right down and I say there's at least twelve or so here, and what did they put in the new bill? The Law Reform Commission makes recommendations and what do we have? One, one of their recommendations as far as power and entry and inspection is concerned. You know, Mr. Speaker, it's getting rather insulting to the people of Manitoba, or Winnipeg, that this would happen.

Power of seizure and confiscation. There's three sections that the commission commented on. Powers of expropriation basically, and the right to expropriate personal property

(MR. F. JOHNSTON cont'd) . . . . is something in Section 144 that the Law Reform Commission commented on, and really it is not that clear in this bill.

Mr. Speaker, when we get to the other section here - Power to compel furnishing of information - on Page 33 of this report there's an extensive explanation by the commission and all of the powers that are furnishing information, there's six we have a comment on. Well there was no recommendation in the bill that came from the Law Reform Commission on that particular powers of information.

This is the government of the people who said, "We will refer this to the Law Reform Committee." Now we have city liability and damages - none. Didn't go into any of those. Didn't think that was really good. But basically the Law Reform Committee said should the City be responsible the same as anybody else when there's damages to other people's property. And they have a very extensive section on this, not in the bill.

The miscellaneous sections of the bill which were recommended by the Law Reform Commission, Mr. Speaker, here we go. We have reference to the Metro Act, that because we couldn't get time to get Bill 36 completely drafted we were told that we could use the City Act or the Metro Act and we would put it back in there last year but this would all be changed in the One City Act. And now what do we have? We have still reference to the Metro Act and when you go on and read the Metro Act it refers to the Greater Winnipeg Sanitary District or the Greater Winnipeg Water District section. And so what are you doing? Administration-wise you look at the City of Winnipeg Act, it says to go to the Metro Act, and from the Metro Act to the City of Winnipeg Water District or Sanitary District, and what's been done about that? You know, these gentlemen finished this report on January 24, 1972, and these people over here have been sitting on their prats ever since, telling us, for goodness' sakes, that we can't get it back. We can't get any answers from the City but they had the answer from the Law Reform Commission on the request made of them by January of 1972. Mr. Speaker, the Minister ought to be ashamed of himself.

Mr. Speaker, the financial base of the City of Winnipeg at the present time is getting very serious. We know that if this government is going to keep passing legislation that eliminates people from paying local improvements and taxes, etc. such as the new cultural centre in St. Boniface; such as the cultural centre on Main Street; and on all of these things that you have public buildings within this city; if you are going to continue to scrounge off the City of Winnipeg so that you can save provincial bucks that will have to be collected from the people of the city and you'll sit back and say, "Oh, it wasn't us that raised the taxes, it was the City of Winnipeg." Mr. Speaker, I assure you this is the old game of the Minister of Finance playing mambo-jambo again and he's dancing all around the subject of taxes.

Mr. Speaker, the City of Winnipeg if this continues is going to have to look for a different tax base. When we had the situation of the cities and municipalities in this Greater Winnipeg area, or the Metro area, nobody really approved of Metro being able to level taxes because we would have then had a fourth taxing body; we'd have had, well probably five: the Provincial Government, the Federal Government, the City of Winnipeg, the School Board and Metro would have made five, if Metro had have been allowed to tax to pay for some of their projects. It wasn't desirable, but at the present time there is no more Metro, there is no more regional government there is one large city which this government put together and they are now trying to reach in and control this city and at the same time say: "We'll control the way you get your tax base from; we'll control what you do."

I think the people of Winnipeg should have more control over their governing powers. It really gets me back to memory, Mr. Speaker, when I think of the answers that I've heard from the Minister of Urban Affairs in this House when he has been questioned on the affairs of the City of Winnipeg from time to time, the standard answer is: "Oh, I don't really meddle in the City of Winnipeg's affairs." We've seen meddling, Mr. Speaker, as far as I'm concerned, where they buy their buses; and we've seen meddling as far as control on how you're going to operate this thing is concerned, with no, with absolutely no regard for the members who were elected, who have been doing an excellent job of trying to make a mess work. And now, and now you say, "I don't like what you're doing; you're going to do it my way again."

I can say that we get two sides of the story every time we speak to this government, Mr Speaker, and it really makes me laugh when I say, when I read "as will be explained subsequently." This is what was said at all the meetings that were held around this city. "It is expected that a substantial administrative responsibility and powers will be retained at the local level." And this bill kills it.

(MR. F. JOHNSTON cont'd)

Mr. Speaker, this government has the tricky little habit of presenting bills to the Legislature that you can agree with probably 85 percent of, which you have to say is good legislation or you have to say is probably legislation which is housekeeping, and really how could you oppose it? But they always put a kicker in there. They always put a kicker in a bill that just makes it absolutely smelly. That's just about the proper word for it. You just make the bill stink, because you turn around and tell the people of Winnipeg they no longer will have any control in their community committees and they're sidewalk superintendents. Then you go out and you say, well, we voted against this section of the bill. They wouldn't pass this bill. How could anybody, unless there are changes to these amendments -- quite frankly I would have to say that I'm looking forward to the subdivision legislation, I'm looking forward to much of the legislation in there. I'm still looking forward to legislation in the bill that the Law Reform Committee put in that I don't think we'll ever get, Mr. Speaker. But then we turn around and we put in the little stinker all the time that makes it so hard to vote for the bill, and what are those little stinkers most of the time? It's usually taking more freedom away from some member or citizen of this province, and we keep continuing to have them put in.

Mr. Speaker, I assure you that to try and amend the amendments that we have before us would be the largest task that I would ever try to accomplish, because to amend the amendments you would have to probably get rid of the complete act. We should be in, Mr. Speaker, the committee system in the city, we should not be in the commissioner system. We should very definitely, Mr. Speaker, be looking to the elected people having more control over their destiny or over the people of this city, the elected councillors, and it is almost impossible to really conceive that the commissioner system, which was sold by the people of Winnipeg, by the people of Metro, that the commissioner system was not a desirable way of operating this city but they insisted on it. So therefore they should be in the committee system. It's time you started to take a look at amendments from that point of view. It's time, Sir, that they should start taking a look at amendments to get out of this mess where they should look to more of a representation from the community committees on council, say 13, 14 members of the central council. It's time that they admitted they were damn well wrong. It's time they got rid of those eastern boys that wrote the bill, and it's time they got sitting down with people with experience in municipal affairs and city affairs in this city and listened to them, because they've let it go a year too long now. Thank you, Mr. Speaker.

. . . continued on next page.



MR. SPEAKER: The Honourable Member for Charleswood.

MR. ARTHUR MOUG (Charleswood): Mr. Speaker, after the good job that the Member for Sturgeon Creek did I'll just speak briefly, and it will be on taxes outside the old Metro area and in the controversial Headingley area. The amendments, I believe, that are in the bill in front of us are mostly those that were recommended by the City of Winnipeg Council, and certainly not all that were recommended by the Council but, as I say, those that we have in front of us are some of the ones that they put forward to the government.

The complaints that I seem to receive from time to time from the existing administration of the City of Winnipeg, the community committees seem to be classed as nothing groups. The advisory groups that they have working with the councillors are too large and certainly the advice that is taken from the advisory groups to the councillors on the community committee goes on down the chain to the ladder up to the executive groups and to the City Council, ends up getting lost in the shuffle, so the grass root work that was being done over the years by the councillors of smaller municipalities has been lost. The advisory groups in a good many instances are told that when they are needed for advice they'll be called by the councillors and invited into a community committee meeting, and then they'll be asked for advice.

The problem outside the Perimeter area is the high increase in taxes that came out with the 1972 tax bill. I think it is the responsibility of this government to see that the City of Winnipeg does something for these people. They don't know where to go. They've had meetings, I know particularly in the Headingley area although this is not the only area in the City of Winnipeg now that has the problem. The Headingley people have had meetings time after time. They don't know what to do. It's pretty hard for a group of citizens to get together, try and sum up what the assessment is in the area in question, try to figure out what a budget would be in the way of public works, what they would have to pay towards schools, what the administration would be, what it's going to cost for snow clearing, road maintenance; they don't know. They're sticking figures together, discussing them with each other, but there's nobody there to advise them, if they could manage on this, would it be cheaper if they got out of the situation they're in? I think the government, the Department of Municipal Affairs, somebody should go out there and help these people to see if they're wise to stay in or wise to get out.

I have tax bills here, they've been coming in to my place literally by the dozen, and the reason the people are in trouble, they're farming, they've been in trouble for a few years but now it's starting to hit them. A man with 285 acres of land, he paid a tax to the Municipality of Charleswood for \$751.72; he's now suddenly hit with \$1,221.40. He gets a subsidy on that of 147.00, so he has an increase of 55 percent. It's a little hard to take with today's economy; we hear that agricultural groups on this side of the House when they get up and complain about the economics that farmers are facing in the Province of Manitoba - they haven't been hit with this tax increase that these people have been hit with.

I have one or two tax bills here that I got from the municipality of Cartier, and their tax bill doesn't vary 10 cents on a hundred acres. They go on from year to year. I'm not handing you one tax bill - here's another one. This man was paying \$3.00 an acre last year, he's paying \$5.65 an acre this year. He's right at the west extremity of the Municipality of Charleswood, right at the west extremity of the City of Winnipeg, and he doesn't know where to go now. He figures that - he doesn't know whether to listen to these people and get himself involved in trying to become a separate entity in the west end beyond the Perimeter and see whether he can break away. They don't know what to do.

There's another one here who has 100 acres of land. He was paying \$257.17 in '71; he's now paying \$417.85 - a 60 percent increase. One year; 385 acres of land, the same owner. He's paying \$1,317.00 this year, and he was paying \$810.00 last year - a 60 percent increase. He sent me acreage bills, and I don't seem to have them in front of me right now but they were from Cartier, adjoining land. Here's one from the R. M. of McDonald. This man's name is Stuyan. He farms in Charleswood, and has 287 acres of land, he paid \$631.00 last year to the Municipality of Charleswood; he's now paying \$975.00, \$4.00 per acre. He's got no gravel roads, very little drainage, and the south side of his property borders on the R. M. of McDonald, and out there he pays \$1.70 per acre. He pays \$129.00 on 77 acres of land. He has another piece of land - 155 acres, \$265.00 - \$1.70 per acre; 155 acres, \$1.70 per acre, \$265.00. This is the comparison, this is what the people are fighting out there. They don't know where to go. They are looking for help. Some of this came in to me because they thought that I still

(MR. MOUG cont'd) . . . . had authority in the Municipality of Charleswood, and I have since informed these people by letter that I am a representative in the Legislature but not in the municipality or at the City of Winnipeg level.

There's a man out there by the name of Victor Dyck. He had 279 acres of land in Charleswood - still has, and he paid \$615.00 last year, he paid \$999.26 this year. That is an increase of 50 percent - or 60 percent probably. He also farms in the Municipality of Cartier - just a minute, I'll check. Yes. Victor A. Dyck, Victor August Dyck, R. M. of Cartier, address to Springstein. This man in this particular instance has 78 acres of land and he pays \$143.00. Now there's a good example of the difference between what's going on in the City of Winnipeg versus - and this was bordering land, simply a fence line down there separating this man's land in Cartier with what he has in the City of Winnipeg, as the other one did have in the R. M. of McDonald. And from 1971, on the 78 acres where he paid \$143.05, in 1972 he was asked to pay \$142.08. There's another one here for 80 acres, the same man in the same municipality of Cartier, 80 acres \$145.18, he's now asked to pay \$145.18; there's no change in that whatsoever.

Mr. Speaker, I have some land like that, that's bordering on the municipality, other municipalities and the City of Winnipeg. That is instances where I say that these people are strictly far out from any improvements; they can't make use of our transportation system as was the case, as is the case of the closer-in farms. Some farms are just simply a mile or two away from the Perimeter Highway, a mile or two away from improvements that may come out there in the future; but these people are ten miles away from the closest sewer, water, bus transportation, metro streets, no planning, no zoning, and they're that far away from it.

Now there's areas, I'll try and search them out here for comparison's sake. Just in an overnight situation, this man has 5.17 acres of land; to the Municipality of Charleswood he paid \$136.28, he's now paying \$221.44. He's looking at this without the provincial subsidy of \$26.00; he feels that that's coming off so he wanted it put forward in that manner. He has a parcel of 674 acres, he paid \$1,704.00, he's now paying \$2,436.00 on. He feels that if this keeps on he has no alternative but to get off his farm entirely, and he doesn't know what to do with the land. These people are not in a position to sell it to anybody; anybody that has the money to purchase this I think would be able to look into it and know that they are certainly going to be in a problem if they get into a mess like this, and people with money I don't think would bother investing.

There's another man in the Headingley area here with 256 acres of land, the Municipality of Charleswood collected 641.38 off of him last year. He's now paying \$1,042.12, a 60 percent increase before subsidy, 35 to 40 percent increase after subsidy. He's also in a quandry, he doesn't know what to do. He came to my house and sat with me on a Sunday evening and said that he had problems, and I agree with him.

There's commercial property which is not subsidized, and I own a small piece of commercial property; there's a 240-foot frontage and backs off and makes up two acres. Now I paid the Municipality of Charleswood \$452.27 last year, I'm paying the City of Winnipeg \$592.30 this year. I don't ask for any pity in a case like that, because after all if I own commercial property I guess it's up to me to pay for it, I'll pass it on to the consumer. Another piece of property I have, 120 feet, \$23.69 last year; for some reason they give subsidy on this to me for \$5.05, it went from \$23.69 up to \$33.09, and it was about a 40 percent increase in taxes.

I asked the Minister, and I asked the Minister of Municipal Affairs with him, if they would kindly get together, hold a meeting with these people in Headingley, I'd be glad to go out - I know the people, I know the problems they are up against - I would just love to go out there and meet with the people, with the two ministers, with their deputies and see if we can be of some help to them. These people can't carry on, not on their farming, they can't carry on in their own homes. There's areas here, another man with a small piece of commercial property and they seemed to think that he had a lot of money all of a sudden; he was paying 662.00, he's up to something like \$1,400.00 now, and this just happens in one past year.

So with those figures, Mr. Speaker, I ask that if the Minister could take into consideration that these people don't have any bus service, they have to rely on their own cars, their neighbours don't come and visit them by bus, sewer and water will never be in their area, not in fifty years; none of those people living there now will ever see the sewer and water in that area, never. The metro streets downtown, they may make some use of it. While I was in council last year, and for five years previous to that, our metro mill rate, for instance, last year, was 11.32 and we used to discount 85 percent of that, or 9 mills, and we charged them

(MR. MOUG cont'd) . . . . the other 2, something else, close to 3 mills. That's all we charged them for the benefits that some of their friends may get out of the bus, some of the use they may get out of metro streets, some use they may get in zoning in that area - and it was very, very little, really and truly, and sewer and water they got no benefits out of at all. And really that was the name of the game, it was the only service that Metro gave to anybody, that's the reason we gave them the 85 percent discount. So I ask that the government - I know that in Section 257 of the City of Winnipeg Act it spells out clearly that the City of Winnipeg can give these people tax relief, they can give them tax concessions if they feel it just to do so. The City of Winnipeg and their council there, their bureaucracy if you will, that they have there, does not seem to think it's justified to give these people any discounts whatsoever or any concessions. I think it's the government that has got Charleswood into the position they are in, they got St. James-Assiniboia and those people in the west end out there into this position, and several other areas in Fort Garry, and some places in the west and northeast corners of the city; but I think it's time that they get out and ask the city to do something for them, if not require that they do, because these people are being forced off their farms, their market gardens and out of their homes. Thank you.

MR. SPEAKER: The Honourable Member for Wolseley, the Leader of the Liberal Party.

MR. ASPER: Mr. Speaker, I move, seconded by the Member for Assiniboia that debate on Bill 109 be now adjourned, unless anyone else wants to speak on it.

MR. SPEAKER: Agreed? (Agreed)

MR. PAULLEY: Mr. Speaker, would you kindly call the adjourned debate, the amendment on Bill 70, the Honourable Leader of the Liberal Party.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Tourism and Recreation, and the proposed motion of the Honourable Member for Rupertsland. The Honourable Member for Wolseley, the Leader of the Liberal Party.

MR. ASPER: Mr. Speaker, the issue before the House is not Bill 70, but rather the amendment which would have the effect of killing Bill 70, and the issue that we have to come to grips with is whether or not Bill 70 has sufficient merit to go to Committee. I should say, at the beginning, that it is the position of the Liberal Party that there will be in our caucus a free vote on this entire matter because sufficient of our members regard this as a matter of individual morality and individual conscience. That is not the issue before the House tonight, and I would like to make as speedy a disposition of the amendment as possible. The amendment would kill Bill 70, and that would be an evasion of the responsibility of the elected members of Manitoba who have been called upon to judge the question of whether censorship or classification should be the rule vis-a-vis motion pictures and video tape.

Mr. Speaker, to those who oppose Bill 70 it doesn't require me to point out that they can vote against it on third reading, they can move the six-month hoist in third reading. But it is in the best interests I believe of this province that the matter go to committee where we may more freely discuss methods of resolving some of the differences between various members, who in good conscience in this House have a very strong position on the bill. The basic position of the Liberal Party and liberals throughout history, Mr. Speaker, is and always has been that there be no censorship of anything, because if we are going to make an error the state must err on the side of freedom rather than on the side of restriction. And it being a fundamental precept of men of liberal thought throughout history that there be total freedom of thought, total freedom of expression, total freedom of association, total freedom of communication, with one caveat that we in society place on ourselves, and that is that by exercising our freedom, our individual freedom, we place no impediment in the path of another to exercise his freedom. And that's why it's always been accepted that if there is a motion picture or any exhibition of any kind that may offend the rights of one citizen, while permitting the rights of another to view it, that it be the advertising, the outside exhibition that one can't escape that be controlled, not the tenor of Bill 70, that controls what one might say about what's being exhibited in a movie or in a television production, video tape production. So because we start on the premise that censorship is a form of state control which is unacceptable, because we take the position that throughout history, in the name of censorship and in the name of morality, some of the greatest offences against mankind, against individual liberty have taken place, we begin on the premise that there must be no censorship - the Liberal Party.

The censorship throughout history has produced the anomaly where today one of the books which is historically every year on the best seller list and has been for decades, is a book which

(MR. ASPER cont'd) . . . . was censored not that many years ago - I'm referring to the Bible which has historically been on the best seller list, and yet it was formally censored. Many people see in the document truth, a way of life, a code of ethics, which had there been censorship perpetually throughout the ages would not have been available. And in the name of morality, Mr. Speaker, history has been haunted by Spanish Inquisitions which censored freedom of thought; and in our own generation, Mr. Speaker, the leader of a nation in Europe burned books in the name of morality; and in South Africa today apartheid is practised in the name of censorship of movement, of communication amongst people.

So you will not see Liberals, regardless of what label they wear - I'm referring to the philosophy of liberalism - sponsoring or approving censorship, because if the concept of censorship is valid in Manitoba as it stands today in the absence of Bill 70, then I would say that our government is remiss in discriminating against who and what will be censored; if movies, then books - why not books? Is our Attorney-General failing in his duty as a conscience if he is the censor? Is he going to read the books, and if not, why not? And television productions, why not? And magazines, why not? Should we now not now censor the conversations that go on between people on the Manitoba Telephone System? Should we not wire tap to make sure nothing that offends is being said? Should we not now introduce electronic surveillance of all conversations that take place if the principle of censorship is valid?

A few years ago, Mr. Speaker, there was a case before the Manitoba criminal courts - I won't site the case although it's reported in the proceedings of the court - where the police of this Metropolitan area, at 3 o'clock in the morning, I believe, in the early hours of the morning, entered the home of a married couple under one of the famous no knock, no-search warrant break and enter laws that we pride ourselves in giving to our police force - which were the subject of the city bill's discussion earlier - and a man and woman were charged with committing an indecent act. This is a matter of only a few years ago in this city. And they were two married consenting adults who in the privacy of their own home communicated sexually in a way which offended the police officers, who were peeping through the window. That charge brought Manitoba into contempt. Now, I'm happy to say that the couple was acquitted, but that the police would make the charge is a form of censorship, that they imposed their morality on this couple --(Interjection)-- about five, six years, four years ago.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, the honourable member in reciting the facts of the case - and I think I recall them fairly well - indicated that the police had entered, as a matter of fact they had broke and entered under one of these so-called no-knock provisions, and now he indicates that they peeped through the window. Isn't it - as a matter of fact, as he recalls the facts of the case clearly, there was no breaking and no entering, there was observation through a window from outside.

MR. SPEAKER: The Leader of the Liberal Party.

MR. ASPER: I don't think, Mr. Speaker, I suggested that they broke and entered. What I said was that in one of these clauses which permit no knock, break enter, but I did not suggest that they broke and entered. I'm saying that in a Peeping-Tom-way, as the Attorney-General - who incidentally I don't think was the Attorney-General at the time, '68? - an interested observer, found it so odious that two middle aged consenting married adults in the privacy of their home should communicate in their peculiar and particular way, and charged them because it was indecent.

This raises the question that has been raised throughout history whenever this subject has been discussed, and that is, who censors the censor? Where is the ultimate authority, and since there is no answer the state cannot provide the answer by censorship. But this is not to suggest having stated a general position opposing censorship, this is not suggesting that the bill is not free of difficulty. I reserve the right when we get to the bill itself to debate the bill, but earlier in the day I made a statement in this House and I would like to make it again, in respect of this bill and the amendment. It may be taken in parliamentary tradition that when a party votes in favour of a bill or an individual votes in favour of a bill on second reading, it is a vote in favour of the principle, as I argued with my friend from Inkster earlier in the day or yesterday, and I'm not interested in that tradition, Mr. Speaker. I make it plain that the Liberal Party and I as its Leader do not regard ourselves as bound to be in favour of a principle, howsoever anyone else may regard it, in voting for it. We vote frequently to take a bill into second reading, and I apply this to those members who oppose Bill 70 because the mechanics, the rules

(MR. ASPER cont'd) . . . . of the parliamentary system, only give the public and we the right to communicate in a committee sense and to seek amendment in the stage between second and third reading, and it is with this explanation that I again say that our opposition, or our support of the final stage of Bill 70 should not be misunderstood from what I'm saying tonight. That is: 1. The hoist must be defeated, No. 2. I'm urging the House come to the business and vote on Bill 70; and I'm urging the House to vote in favour of sending Bill 70 to the committee where the real problem as I perceive it, Mr. Speaker, can be dealt with, and that's this. We have in Canada a dichotomous situation when it comes to the subject of censorship. Honourable members will do well to reflect that the British North America Act by which we govern ourselves in Manitoba provides that we have sole jurisdiction over property and civil rights and therefore it is legal for us to limit or expand civil rights; and we censor under Section 91 and 92 of the British North America Act, our authority lies there. But concurrently the British North America Act provide that the Government of Canada will have the right to legislate exclusively in matters of criminality and so we have the dichotomy. The Government of Canada is not censoring but the Government of Canada, because presumably public opinion supports this view, makes it a criminal offence to conduct certain activities. One is obscenity; two may be sedition; three, may be the distribution of hate material, hate literature, so on.

I pass no comment, I don't wish to enter with my honourable friend from Inkster into a dialogue on whether the concept of the state legislating criminality, because it's an academic exercise, we are not in the Parliament of Canada. But, because of the dichotomy, if Manitoba abandons the censorship - this is the area of amendment we are asking the Minister responsible to consider - the innocent must commit a crime in order to know that they've committed a crime, and this is an unsatisfactory situation for me. I'm not worried about the producers of film, I'm not worried about the distributors of films, and I'm not worried about the major chains which exhibit films, but I am concerned about the innocent, the man who in every small town in Manitoba that still has a motion picture theatre is the manager. I'm concerned about the person who owns the building. I can cite the examples of where ordinary low-income, semi-retired people are running theatres, and if there is no censorship then the Criminal Code applies. The Criminal Code is applied in the section under which the government, the Attorney-General seems to be operating, and most provinces are operating under these sections, is to charge the manager of the theatre and to charge the owner of the theatre, and as a result innocent people are charged; people who did not intend to commit a crime, have no intention or interest in committing a crime, but who work for a living.

So when we get into committee we will ask - and this is why I ask that this bill be moved quickly - we will ask for the collective wisdom of this House to limit the state censorship, but not at the expense of putting people into a position where they must commit a crime in order to find out that they've done something wrong. What we'll be saying is we want an advance ruling system so that no inadvertent criminality can arise. The reason - this is not a traffic offence, this is not a parking ticket - this is a man or woman who is a married person with children and responsibilities and respect in his community who will carry with him all his life the stigma -- subject to the abrogation of criminal record provision - five years -- he will carry with him the stigma of having been convicted of a criminal offence dealing with obscenity. And inasmuch as this is a matter which goes on one's passport application when one wants to travel, and one's mobility, it is well known in certain countries, is restricted if he has such a conviction on his record, it's our duty as legislators never to pass a law in which the innocent become victimized just because the majority have been placated. It will be a test of our own skill as legislators if we can't find in committee the appropriate amendment - and I'll be happy to provide our own ideas on it - that will permit the freedom of expression, permit the freedom of communication in the restriction of censorship while still protecting the innocent who inadvertently become involved in what might become an obscenity or a seditious or a hate literature charge or what have you. That will be our view and, Mr. Speaker, in summary we ask that the hoist, the amendment be defeated immediately and that we call the vote to get on to Bill 70 on its merits. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Tourism and Recreation. The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, if I understood the Member for Wolseley correctly, the Leader of the Liberal Party, he was suggesting that he might find reason to maintain some degree of censorship if only because of the need to provide some measure of protection with

(MR. SCHREYER cont'd) . . . . respect to possible fines that might be incurred by theatre owners, so it's in a sense a monetary consideration. Would he advocate then the same kind of arrangement so as to provide parity of treatment and protection for those who operate book-stands and bookstores where I understand they are liable to prosecution under the Criminal Code where I believe there is no prior restraint or censorship that would give them that sought after protection?

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

MR. ASPER: Mr. Speaker, I recognize that there are other areas of the law that require improvement also, and yes, the answer to the First Minister's question is absolutely. I'm not speaking — and the same incidentally, Mr. Speaker, must apply to the hotel bar room waiter who has the same problem although at least he has an opportunity in judging whether someone's over 18 to ask for his ID card, but otherwise if he doesn't, he may be convicted; and as a matter of fact he may be convicted anyway. The fact that we have other areas of the law though that leave gaps in the protection of the innocent doesn't merit us doing the same thing here, and if we can find any manner in which -- as it stands today, the most recent decision of our courts is that it is a defence against conviction by the innocent doorman, manager or lessee of the theatre who had no part in trying to break the Criminal Code; it was ruled in the most recent case that this a valid defence against conviction, something I happen to believe is a very meritorious decision notwithstanding the opinion of the Attorney-General, because these people are innocent. And so as long as that is the court ruling in this province that that is an absolute protection against conviction as it was, perhaps we can legislate that right into the bill; I would hope to see something like that. I will suggest at the appropriate time some of the amendments we might consider but this is still on the amendment for the six-month hoist.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, would the honourable member repeat what he said about me about the prosecution. You indicated that there should have been no prosecution brought against the film, is that what you indicated? Would you clarify that please?

MR. ASPER: I said that the fact that the court decided that the innocent manager of a theatre who shows a film which may or may not offend against the Criminal Code, the fact that he relied on the Censor Board's protection, that the court acquitted him, I say is a meritorious decision, yes. And obviously my friend the Attorney-General must agree otherwise he would have appealed the decision.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, if the honourable member would like me to comment on the case I would love to but I don't think he's asking me a question, it's not appropriate for me to answer at this time.

MR. SPEAKER: The Honourable Minister of Tourism and Recreation.

MR. DESJARDINS: Mr. Speaker, you've allowed much latitude in this debate. We've had members who've brought in views on different ideologies; certain members have criticized others quite strongly; we have heard about state aid, this was debated here; the economy and the industry was brought in here also; we've heard a lot about freedom; we've had confirmation faith; confessions of weaknesses and corruptions; we've had stories, some a little more risqué and off-colour; I think that probably all these things, Sir, were of some value in this debate. But I think, Mr. Speaker, that something should be settled immediately and this is why I'm speaking at this time, not waiting to close the debate.

I think it should be understood that the people that are supporting this bill are not in favour of pornography and those who are opposing this bill are not necessarily those that are against pornography. I think this should be settled right now, should be understood right now. In fact I'm convinced that not a single member in this House is in favour of pornography. --(Interjection)-- Yes, I am . . .

MR. SPEAKER: Order, please.

MR. DESJARDINS: I don't have to ask the front bench, I'm convinced of that. Now mind you, what is pronography? It might be that holding hands is pornography to certain members in this House; it might be that what the Honourable Member from Thompson feels is pornography will not be pornography to the Honourable Member from Churchill; and what the Honourable Member from Churchill feels is pornography will not be to me; and what I feel might be pornography is not pornography to the Honourable Member from Inkster. I think that this is the thing that we should determine, and I think it is most unfair to go around this province, either in the

(MR. DESJARDINS cont'd) . . . . House or outside the House, and try to get the public to think that because there is such a bill here that the people that are in favour of this bill are not only in favour of pornography but are porno-pushers and that those that say yes, we want censorship, well then they're the pure people in this House and they're against pornography.

We have censorship now and, Mr. Speaker, can any members in this House feel that this is working? Shortly after I took office and I became the Minister responsible, we had the case of The Stewardesses. Now this is what I did, I talked to the people on the Board, in fact many of them felt that I was interfering, I told them that they should follow the Act that we have now and I'd like to read what this Act says. It says, "The Censor Board may refuse to approve any film or slide depicting some scenes of an immoral or obscene nature or which indicate or suggest lewdness or indecency or marital infidelity or showing the details of murder, robbery or criminal assault or depicting criminals as heroic characters and the Censor Board shall refuse to approve any other pictures that it may consider injurious to public morals, suggestive of evil to the minds of children or against the public welfare". This is in the act now, this is in the act now; and I told these people that their role was not to anticipate but to obey the act. We know what happened, they let The Stewardesses go. The Attorney-General laid a charge and that was easy, it gave this film an awful lot of publicity, free publicity, and then what did the judge say? What you have appointed, a Censor Board, they have said that this should not be rejected, they have passed on that so how can you come back as a province and say now that you're laying a charge. And this is what has happened time after time, that they have used this, the action of the Censor Board as just a screen, or more than that, it's been the stamp of approval. If they don't like it, they have a chance to appeal. I tried everything. I've had nuns on Appeal Boards, nuns belonging to my friend and my religion; I've had people, I've had the Censor Board who have rejected a film and then what happened, there was an appeal, the case was brought in, the film was brought in - not only was it not rejected, but it was reclassified adult instead of restricted. I did everything I could, I took this thing back - maybe I was stretching a point, stretching my authority - I sent it back to the Censor Board, I thanked the Appeal Board, but I told them that they were requested only to judge to see if this should be rejected. I sent it back to the Censor Board and asked them to classify it again and thank God it was restricted and we could keep seven-year-old kids out of the theatres. This is the way that this is going.

Now I think that certain people will support this bill for different reasons and I think that certain people will reject this bill for certain reasons. I think that as far as I'm concerned with some of my colleagues it is a compromise and it's not perfect, it will not certainly answer all the need or please everybody but I think it is a good bill. I don't apologize for it and I certainly will not support this business of giving it a six-months hoist. The situation now makes the Criminal Code meaningless. People are talking about classification. There is still a law, there is still the Criminal Code and it's still against the law to bring in obscene movies. --(Interjection)-- Why isn't it used? If my honourable friend was listening, I gave him an example why it wasn't used. Because you have a Censor Board and they figured if you've got a Censor Board that's the approval. And I'd like to tell my honourable friend something. Every single theatre owner, every chain here has been after me insisting that we keep censorship - they love censorship - and I've asked them, why do you really want censorship and one of them was man enough to say, yes, because then I'm safe, I'm protected, I'm protected. --(Interjection)-- What do you mean, what's wrong with that? --(Interjection)-- All right, if there's nothing wrong with that, if there is nothing wrong with that I would say the same thing to my honourable friend that I told these people. We will give you censorship. You really want censorship? We'll give you censorship. You just join together an organization and you come to us willingly and say, "We will submit to voluntary censorship and we will abide by your rules and we will go along", we would say, okay, as far as we're concerned this is wrong. But they don't want that. They want the approval, they want to be able to come back and say, "all right, you've given us the approval", they want something to put between them and the Criminal Code, that's exactly what they want. --(Interjection)-- All right, I'm not saying it's wrong for them to ask that, but I'm saying it's wrong for us to pretend that we really have censorship in this province; that censorship could be meaningless, that we can go ahead and charge somebody under the criminal code when we have censorship, this is what I'm saying. --(Interjection)-- Maybe they were but we weren't here, and I certainly did not render a judgment.

Now I said in this House when I introduced this bill that I favoured censorship, and I added

(MR. DESJARDINS cont'd) . . . . that I favoured censorship on one condition, if I was allowed to do the censoring. I wasn't trying to be funny. My honourable friend from Thompson said that I was copping out by saying that, that it was ridiculous. I certainly don't think that it's an insult for any intelligent man - because what in effect I was saying that I want to censor if I can do the censoring, because I have my ideas about what is right and what is wrong and every single member in this House has his ideas about what is right and what is wrong. My honourable friend feels that he has a monopoly or that he has the market cornered on this, on what is virtuous in this, and he has brought in a question of religion and so on. Well, for my honourable friend, I'd seek somebody that I thought was knowledgeable, somebody that is respected; that is a Christian, if my honourable friend likes to talk about Christians; that is a member of the Catholic Faith, the same as I am, the same as my honourable friend is and I think that the man is qualified, and without too much explanation I'd like to read a certain letter, Mr. Speaker, that I'll table.

I wanted to know if a certain gentleman who I'd heard - I've never met him, I haven't seen him, I don't know what he looks like; he was recommended, I wanted to know if he would accept when this bill becomes law I'll have to bring in some names to my colleagues and ask them to appoint a board; and as I said I want this board to be representative, and I got in touch with this gentleman and I asked him if he would serve if my colleagues would accept my recommendation, and this is his answer: "Thank you for your phone call this afternoon. This letter will cover three areas that we discussed; first, my own background; second, some of my views and ideas on censorship third, some difficulties which I believe I know could be resolved. Background: I was born in 1939 in Thunder Bay; my father, a theatre manager was transferred to Brandon in 1941." He was two years old, and his father was a theatre manager, so he had some background. "1953 to 1957 I attended St. Paul's High School in Winnipeg. I entered the Jesuit order in 1957 and have since studied with them in Guelph, Ontario; Spokane and Seattle, Washington; Detroit, New York, San Francisco and Toronto. In 1971 I was ordained a priest. My academic degree is as follows: B.A. honours, Classical, B.. University, Spokane, Washington; M.A. in English, University, Spokane, Washington; M.A. in Films, San Francisco State, San Francisco, California 1968; M.A. in Theology, St. Mary's University, Halifax, Nova Scotia; I have three years' teaching experience in English, Drama and Latin at St. Paul's High School in Winnipeg from '64 to '67. My teaching experience in films includes 1969 and '72 summer session at the Communication Art Department of Loyola College in Montreal where I taught three graduate courses and one under-graduate course in films at St. Michael's College University of Toronto in the fall of 1969. Currently I'm stationed at St. Paul's where I direct the drama, serve as senior students' counsellor and teach Grade XI English, Grade XII Religious Knowledge, and Grades IX, X, XI and XII Film History, Theory and Production courses. I have reviewed films for the CBC radio program The Passing Show and have appeared on several CBC TV programs on film.

"Censorship: I have enclosed two pages which I am using in my current film course at Loyola. They contain some key ideas on this whole situation which I am in total agreement with and which I hope you will find helpful. I have marked these sections which I find most relevant, that seems more practical for now. It is my belief that classification and considered criticism must be the only form of restraint in this area of film." I think I should repeat this, Mr. Speaker: "It is my belief that classification and considered criticism must be the only form of restraint in this area of film. A classification board such as being proposed would not put us in the situation that Mr. Borowski fears. At the present time, rushed with class preparation but if you wish more information than this letter I could try to work on it." Then he has difficulties - saying that if he can set the time there is nothing that he would like better but to act on this classification board because he believes in it. And I will not read all that he wrote, but I will read a paragraph and I think that should give us an explanation. "It seems evident that we have undergone a perversion of our moral sensitivity, one which will blind us to the larger picture of any film and forces us to respond like the censors of a fire detection system to a specific stimulus. The trouble is that we not only respond to an increasingly specialized stimulus, but we become increasingly insensitive to other potentially more destructive situations. It is so much more safe and comfortable to say no nudity is ever to be permitted in a film, that to judge each film and what makes . . . It is so much easier to list sex, violence, marital infidelity and the glorification of crime as disqualifying phenomena in a film than to judge in each instance between what is portrayed and how it is portrayed; between the attitude of the characters



(MR. DESJARDINS cont'd) . . . . towards their feelings and the attitude of the directors towards his characters; between what is merely shown honestly without comment and what is actively approved. But perhaps even more important than all these observations, the blinding of the moral sensitivity which cripples us the most is that which presents a scene of perversion of an entire philosophy of life contained in a work of art as a whole independently of the morality of this or that scene or action."

Now, I'm not saying that he's right. His name is Reverend Father John J. Pungente, S.J.  
--(Interjection)-- Yes I'll table it.

Now I'm not saying that I agree --(Interjection)-- beg your pardon? I'm not saying that I agree with everything this man said. I'm saying that those that do not agree with the Honourable Member from Thompson are not all people that are pushing pornography. --(Interjection)--

MR. SPEAKER: Order please.

MR. DESJARDINS: Why don't I ask the people? This is what I'm doing today, trying to inform the people what the situation is. I don't go around trying to pretend that part of the people are just interested in pushing pornography. We might disagree, I might disagree with some of the things I said. Maybe I'm more old-fashioned. I saw "Clockwork Orange" and I thought it was awful, I thought it was awful - I've never seen anything like it. I've gone to another . . . that - there was another thing about some stewardesses following this stewardess, or the Sweden Fly Girl, Swedish Fly Girl - I walked out. I wasn't shocked, I was just disgusted. What I'm saying and this is why I keep referring to my honourable friend because I hope that he's talking about Christianity and I hope that he's going to be a Christian enough, because this is what Christianity says, not to point the finger at somebody else and say you're doing this and you're doing that, because we don't agree. I remember I was brought up in the Catholic religion also and it was quite tough. This was black and this was white at one time; I didn't ask a thing, it was automatic.

I remember my young daughter at one time was helping her mother with the housework, she was about 12 years old, she was in slacks, she received a phone call from a nun, one of her teachers at St. Joseph Academy who needed a book in a hurry and there was a bookstore in front of St. Boniface Hospital, very close to where we lived, and she asked my daughter if she would be good enough to pick up the book, she would phone the bookstore, the nun would phone the bookstore, and my daughter could she take the book right away. My daughter did that. She came into the convent - it was during the summer holidays - she rang the bell and it was an old nun that was there and she gave her proper hell because she had slacks. Now is that right? Is that right? Some people were brought up like that. I remember when it was a sin to go in church with short sleeves let alone no sleeves at all. And it was wrong even for male people. I remember the first time I saw a movie and I saw breasts that were exposed I thought it was awful. Yes I thought it was awful, and it was something that it was not done in a way to exploit, it was native people that were coming to meet a boat, and I looked out the corner of my eye like this to see what my daughters, to see if they'd go under the seat, and so on. I was the only one that was worried, that was shocked. They didn't think anything of it, about it. I don't think that they had any bad thoughts. I'm saying that it's all in us and times are changing. That doesn't mean that I favour pornography. And I still would like to see censorship if I could censor it myself, because certain things don't bother me, therefore if I want to see it and certain things do - as I say this thing that I saw, this Clockwork Orange, there was so much violence, and so on, I was disgusted. But it might not - and I read review after that and I figured, geez is that the same film I've seen, and I stayed till the very end. I was accompanied, and the person that was with me wanted to leave, that person was sick and I said, I've got to get that almighty message, they say that the message comes at the end. I didn't see a message. Maybe I'm too stupid. It was a hell of a message, and the next day when I read the review, I didn't see the message. --(Interjection)-- The what? So I say, what about if we do the censoring, everybody doesn't feel the same. This is what I'm trying to say. Who's going to determine what obscenity is? Fire the board, they say. Who's going to appoint the next one? Will it be somebody named Borowski? Will it be somebody named Desjardins? Will it be somebody named Cherniack or Mackling? There'll be different people, and they have to be representative. What is obscene, and what is obscene to whom? --(Interjection)-- What do you mean, who sits in court? The people that are appointed. All right who sits in court? I know here in the court of appeal, I know a judge that would agree with my honourable friend 100 percent, and I know another one that would agree with my other honourable friend 100 percent. So where do we go?

(MR. DESJARDINS cont'd) . . . . So where do we go? If my friend's friend is sitting, you know what's going to happen; if the other one is sitting - therefore I'm saying, who is going to determine what obscenity is. --(Interjection)--

MR. SPEAKER: Order please.

MR. DESJARDINS: Well you would want to get rid of one . . .

MR. SPEAKER: Order please. Order please. Order please. I'm going to ask the Honourable Member for Thompson to take his own advice. This afternoon he indicated that I should adhere to the procedures of this House and carry them out explicitly. I'm going to ask him not to continually interject.

MR. SPEAKER: The Honourable Minister of Tourism and Recreation.

Would the Honourable Member for Thompson state his point of privilege.

MR. JOSEPH P. BOROWSKI (Thompson): Yes. My point of privilege is, Sir, if there's going to be rules enforced, then tell those jackals to shut up too. I'm not the only one that's interjecting. I'm getting sick and tired of your bias against this side just because you happen to have certain views on a certain subject.

MR. SPEAKER: Order please. I should like to indicate that the application of the rules are for everyone. There is to be no interjection but all I can do is ask for order. And the honourable members that persist, in that case they individually have to be pointed out. The Honourable Minister of Tourism and Recreation.

MR. DESJARDINS: I don't mind if there is any discussion. I would mind thought if we keep on with the attitude that there's two camps, and that we're enemies, and that one is good and one is bad. I would like all the honourable members to listen to the different contributions that are made by myself and by others, and to see, to be open enough to see if we're wrong, to see if we can modify our thinking, and if nothing else, if after I sit down, if at least it can be determined that we all want to work for the people of Manitoba in our own way even if we don't all agree. I think this is the important thing and there's no need to yell at each other, to accuse each other of being immoral, there's no need for that at all. We all have the rights to our views and as I say, certain people will support this bill for different reason. I support this bill because I think the other way couldn't work at all. It's open in certain ways, and I'm convinced that everybody is going to win with this bill. It's not perfect but it's going to improve things an awful lot. I was saying, well what guidelines could we follow? Who's going to give the guidelines? I would say that only in the majority of cases, and we're all concerned with this and we have a criminal code, then only in certain extremes that we would agree that certain things should not be shown. It was said that I haven't got the guts, that I won't accept my responsibility, that I was copping out, that I was a moral draftdodger. Well I reject this completely, and I won't apologize; I'll stand behind this bill 100 percent. I wasn't forced to bring in this bill. I worked hard on it, I wasn't the only one. The former Minister, the different members in the Caucus and the Cabinet made contributions. We read - there were many reports, have received much literature on this, and I've tried to do the best that I could, but I certainly don't feel that I'm copping out, and I'll be able to sleep very peacefully. I might be because of some action of certain members - I'm getting certain letters by the Knights of Columbus, and so on, but I have to look in the mirror in the morning, and I know what I'm trying to do, and I feel that I'm taking my responsibility and I don't apologize at all.

I think that the role of the State in this pluralistic society is not to legislate goodness. You don't legislate goodness at all. I think that this was the idea when they say the State should not favour any religion, that this is what is really meant when you talk about separation of church and state when you have a country such as we have. We heard an awful lot about Christianity, which is great, but we have some Jewish people here who feel that they're just as good, they're just as good as anybody else, and their faith is just as good. And I'm glad to see certain members be so strong a believer in their own faith; I think this is wonderful. But then, Mr. Speaker, if I'm going to fight for ten years for aid to private schools and say, let me have a right to be wrong, let me have a right to be wrong, how can I start imposing my will on others in this instance. I don't think that I can do it, Mr. Speaker. I think that we're there to bring certain protection of society, yes. Not to assist any religion but not to work against any religion. I would say that this board, we will try to make it as representative as much as possible and when they're finished with the work that they are supposed to do for the province, for the state, what prevents the catholics on this board to go and see the bishop, and so on, and say, here we offer our services; we have a chance to see these bills; we will, if you wish,

(MR. DESJARDINS cont'd) . . . . we will apart from that, and this has nothing to do with the province, we will give you our guidance, and they can print it in the newspaper and they can say, and the people can go ahead. We are at least giving the information and if my honourable friends feel that this film is wrong, well they don't have to go, they'll be told what the film is all about, they can stay home and they can tell their children to stay home. And the members of the church can tell their flock to stay home also. What is better than that? --(Interjection)--

MR. SPEAKER: Order, please.

MR. DESJARDINS: Mr. Speaker, I could suggest that they should tell them to go then they won't go. But if we have so little space then there's something wrong with our churches if we have so little space, and that proves that if the church could not give the direction, if the people won't follow them, why should the state order people, force people, and boy, if you say this, if you tell them to do something they'll do the opposite, you know if you put a law like the Honourable Member from Inkster said, when you had prohibition you know what happened, and it's going to be the same thing here. --(Interjection)-- Do I think what is wrong? I'm just giving a chance to answer a question, I'm not . . .

MR. SPEAKER: The Honourable Member for Churchill.

MR. GORDON BEARD (Churchill): Well, if the Minister admits then that it is wrong, why is he allowing it to be wrong? He is suggesting that if it is wrong then the church or the family should tell the people to stay away. Then if he is admitting that it could be wrong, why isn't the government keeping it from being distributed to the public?

MR. DESJARDINS: I'm not admitting that anything is wrong, because I'd have to know what I'm talking about, what film we're talking about. I'm saying that after the information, assessing of the film, the classification, the evaluation has been made, if a church thinks that this is wrong and they want to direct their people not to go - this is what I'm saying. It might be that a certain church, for instance they Holy Rollers might feel that it's wrong. They don't go. And if the Catholics think it's all right, that's up to them. This is what I'm saying. But now we're asking that the state -- the church can't do anything with the people, the families can't do anything with the people, so therefore we should legislate goodness. Well that doesn't work and this is not our role here at all, Mr. Speaker.

It's been said that why don't we accept our responsibility, that more power should be given to the Minister, that there's no teeth in the act at all, that we should have a code of morals, everybody is saying, "Well, let Joe do it. You do it, you're the Minister, you do it." Sure I'll give you mine, are you going to accept it? I'll have 56 different people that would say, "No, you're wrong".

I think that the only way that we can give what everybody wants is if we had a Censor Board for every single person, or at least for every group. Politically we have different groups that have different ideas. It doesn't mean that all the others are wrong. We believe that we can help society, that we govern by following a certain rule. Now the only way that could do, if a Catholic would have a Censor Board -- and I'm sure that the liberal Catholic would - I'm not talking about liberal politically - would want a board, that the others would want a board, the people over a certain age, and the young people would want another board. The Protestant the same thing. We would have too many boards. And in effect I'm trying to give you this as much as possible because I'm giving you the information and I'm saying, "censor yourself, Censor yourself". This is what I'm saying. No, not shove it - censor yourself. --(Interjection)-- Eighteen years old. What have you got for the eighteen years old now? We've got the permission in extreme cases here where the eighteen years old cannot go - in this bill. If you bothered to read the bill before getting up and saying, well this is a bill, you know - who's accusing you of hypocrisy? Who's accusing -- sixteen. Well I thought that sixteen came before eighteen so I guess it's the same thing.

Somebody here was very much opposed to it - I think it was the Honourable Member for Souris-Killarney. What did he say? He said you can't blame the theatre owner. "If I owned a theatre I'd be damned if I'd kick the kids out, because that's my livelihood". Well that's just it. Where do you start and where do you end? He thinks it's awful but if he was a theatre owner he would like to see more people come to the show. So you can't win on that either.

I think that this bill, Mr. Speaker, will make it possible to reinstate the Criminal Code. I think that we will give the information evaluation to the different members, as I said, and we will not absolve the industries from any responsibility. My honourable friend the Leader of the Liberal Party, and I agree with a lot of the things that he said, but he had concern about the

(MR. DESJARDINS cont'd) . . . . managers and so on, if a charge is laid, who could be in trouble, and I have the same concern, and I've discussed this with the Attorney-General and he tells me that there's a possibility that a charge could be laid against the distributor. But I say to my honourable friend, don't for a minute repeat what you said, that we are making laws that will put the innocent in trouble, this is not -- just because we're removing another law that they used as a cushion doesn't make us responsible. And if you feel that strongly -- and I would accompany you again on that same trip, when you pack your bag and go to Ottawa, tell them to change the Criminal Code, because this is not a provincial act that we're doing here at all -- and I would go along with this. I think you'll be busy in Ottawa for the next little while.

Now, there are some other points that I would like to cover before closing, that you've noticed that the advertising is a little stricter on this. Nobody's mentioned anything about that. Because we feel that on this it's not a question of choice, you have a captive market, people open the newspaper and so on, and you might have kids of a certain age, and there's more power in this act for this, and as I say it's really in certain instances to keep the people under 18, the minors out of the theatre.

Then some people brought in some ridiculous thing. They brought in this business of a classification board, it's going to cost more money because you have 15 members. Well I would like to repeat for the umpteenth time, that those that are working will get paid, that's all; so they could be 36, 22 or 18, it's only those that will be working. But we are proposing that instead of having two -- you see this was -- I don't know if this will sink in when you're talking about censorship, but there were two persons in Manitoba -- we had a board of 17 and we might happen to have two persons, and they were right, they knew exactly what was right and what was wrong. You see that this is impossible; it doesn't make sense no matter who you put in. If you get a young person --(Interjection)-- a question? Yes.

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

MR. ASPER: Mr. Speaker, I wonder if the Minister could explain the rationale, before he leaves that section of the bill, explain the rationale behind saying, "We will censor the advertising but not the film". It escapes me, the rationale behind that.

MR. DESJARDINS: I would think that my honourable friend would be the last one that asked me this because he says that he favoured, he wants to get away from censorship, but just a few minutes ago he said we must have partial censorship to protect certain people, so I thought that my friend would be the last one to ask me this question, but nevertheless I will try to answer them, I have already. I'm saying this, that when the people have a choice this is something else. But there's certain things -- if it's put in the paper where as I say you have a captive - everybody gets a newspaper and so on, anybody can look at it, 16 years old and so on -- we want a little bit of taste and so on, this is what we're saying that certain things -- which is against the criminal code anyway -- that they have certain things what they have and I'm told that the newspaper - I said that the newspaper themselves are the ones that are censoring some of this themselves, they have a certain code the newspaper themselves, I don't know if you know that. So I don't think this is so difficult to understand. --(Interjection)--

MR. SPEAKER: Order, please.

MR. DESJARDINS: I'm just telling you my feeling on it, I've just finished saying how do you justify it, because you are free to go to any theatre that you want and there is a certain censorship with classification with kids under 18 years old. Do you recognize that - do you accept that? All right. Well I'm saying the same thing in newspapers, that you have a captive market you have everybody looking at the newspaper, so therefore in the advertising under theatre it's wide open and we'll say we want good taste. This is all we're saying. We might be wrong, we might be wrong but this is the way that I feel, I don't find that so difficult to understand. And now another thing . . . --(Interjection)--

MR. SPEAKER: Order!

MR. DESJARDINS: What's the matter with the rural people? --(Interjection)-- One theatre? - they see one advertising instead of 33, I don't understand the question of my honourable friend. What is the difference between the rural people, they're guided by exactly the same thing. I thought that if a film is classified in a certain way in the city it was the same thing in the rural points. I thought we had enough trouble, but now my honourable friend who favours retention of censorship is saying now that censorship should be different in the city than it is in the rural points. Well what is it that you're saying? I mean . . .

MR. SPEAKER: Order, please. I wonder if the Honourable Minister would be kind enough

(MR. SPEAKER cont'd) . . . . to address his remarks to the Chair and not across the Chamber and that would eliminate the interjections. The Honourable Minister.

MR. DESJARDINS: Thank you, Mr. Speaker, and I wonder if I could through you ask my honourable friend to stand up and ask his question if he has one, if not to refrain from interrupting.

There's another point that came in, Mr. Speaker, it was said that we were - somebody questioned the fact that we had a clause in there and I think it's in there in the present act, where we could discuss with other provinces and eventually maybe have a classification for it, that will serve two or three provinces. I don't see what's wrong with this somebody criticized that. I would say, Mr. Speaker, that we will certainly have an open mind when it goes to committee, we'll listen to the different amendments, we think that fundamentally this is a step in the right direction. I think that it will be accepted not only by society I think it will be accepted by the different churches, maybe not immediately, but I think that we're moving this way, and probably that there will be some suggestions that might make this bill a better bill, we'll certainly keep an open mind. But, Mr. Speaker, the main point that I wanted to make, that let's look at this the way we look at it individually but not accuse people that don't agree with us of being pushers or lovers of pornography and I certainly reject and I will certainly not support the amendment. Thank you, Mr. Speaker.

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

MR. ASPER: Mr. Speaker, will the Minister yield to a question?

MR. SPEAKER: Question of clarification . . .

MR. ASPER: The question, Mr. Speaker, is in what way does the Minister propose to protect the innocent who do not wish to commit a crime and will the bill not result in greater censorship than we have today, in that . . .

MR. SPEAKER: Order, please. The question is argumentative and not one of clarification, I'm sorry. I do think that the honourable member should realize that questions on a debate can only be of clarification on what has been said.

MR. SPEAKER: The Honourable Minister of Tourism and Recreation.

MR. DESJARDINS: . . . I would say this, and I'm glad that my friend reminded me. I would like to say here publicly tonight that any members who will be selected on this board, I say to them now and I'll repeat once they're selected, that they retain every right that they have as private citizens. And if it's their wish to inform me or anybody else that in their opinion a certain film contravenes the Criminal Code that's fine, they have the right to do that this is not censoring at all, and if by doing that proper steps are taken to stop this as soon as possible fine, this is something that could be stopped because a lot of people feel that eventually you'll have to wait weeks before laying a charge, that's not true. And another thing if my friend is speaking about the theatre owner, well this is a federal law and I've said that I talked to the Attorney-General who tells me that there's a possibility that we'll be able to lay a charge against the distributor, we're looking at that now, we're just as concerned but we will not accept responsibility because we take censorship away that we've got to complement the federal law that because there's certain law that is not adequate we have to make certain laws to cover them. I don't think this should be asked of us.

MR. SPEAKER: Motion before the House is the amendment. All those in favour please say ayes. The Honourable Member for Rhineland wish to speak.

MR. FROESE: I beg to move seconded by the Honourable Member for Churchill that debate be adjourned.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Is the Honourable Member for Riel available? He had indicated to me earlier, Mr. Speaker, that he may be ready to go ahead with the resolution in the name of the Honourable the Premier and I would like to call that resolution if somebody can just see if he is available. Maybe, Mr. Speaker, it would meet with the agreement of the House just to remain quiet for a moment.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: I wonder if at this time the government side would accept a substitution on the Industrial Relations Committee. We would like to make a substitution tonight effective tomorrow morning and we expect another substitution to be made tomorrow. We wish therefore to substitute the Honourable Member from Swan River, and that will be in exchange for the

(MR. GIRARD cont'd) . . . . Honourable Member from Riel. We wish to remove the name of the Honourable Member from Swan River and replace him with that of the Member from Riel.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: . . . no objection, I was hoping my friend was going to say that the Leader of the Opposition would be on the committee but we have no objections whatsoever. I wonder then while we're trying to chase up the Member for Riel -- and I say this affectionately not derogatorily -- in case somebody attacks me once again today. I wonder if in the interim the Honourable Member for Rhineland might speak on the resolution that the Minister of Labour proposes insofar as the rules of the House are concerned.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I wasn't quite prepared to speak on the resolution at this time. I wasn't quite prepared to speak at this time because I had a few notes made but I had some more thoughts that I was going to express and I haven't put them on paper and therefore I think I'll run short. But we seem to be setting up a committee of this type now year after year to look after the rules. This has been the case now for the last five or six years and in my opinion it's not been so much for the better, I think too often it has worked out for the worst and that instead of having better rules that we find ourselves curtailed many a time with some of the new inventions that they come up with. I think for one, the matter that bills are being considered in committee, in one of the standing committees, coming back to the House and we in the House do not consider them clause by clause. This means that a number of the members who are not members of the standing committees are not permitted to make amendments of their own because we as a member may go to a committee meeting, not being a member of that particular committee, we can ask questions but we have no vote and we cannot make motions, and this deprives us as a member of this House of a certain right of making amendments to legislation that we would like to do. I know this has happened to me and we even changed the rules from last year because last year at least when we gave notice those bills where amendments were attached to, they were being considered in Committee of the Whole. This year it's not the case. I proposed amendments and all that we were able to discuss when the bill was reported back to the House was only the amendment that we registered, and I don't think this is fair.

I think every member of this House should have the right to propose amendments to any bill that is being passed by this House, and therefore I would say that rather than we deal with the bills in Standing Committee clause by clause that we just have hearings outside the House by these committees and come back to the House and have the clause by clause study right in this House so that every member of this House could participate. I think this would be much superior than what is the practice at the present time. That is if we will only be considering them once as we are doing now of late. -- (Interjection) -- Well, no this isn't unreasonable. I made the same suggestion a year or two ago and it wasn't followed. I hope it will register better this time so that when the committee meets that we have a change along this line. I'm sure it would shorten the time in the Standing Committee meetings and I think would be all to the good; this would certainly give all members an equal opportunity to make amendments.

I think as far as hearing outside representation, this could still be carried out the same as we do now and if they had some suggested amendments they could be entertained by the committee if they so desired, it could be discussed in that committee and probably could be brought to some conclusion or where the government is sponsoring the bill could consider them and then bring in amendments later on to Committee of the Whole so that they would be ready, prepared, and also at that time we would know which ones would be agreeable to them and which ones they would go along with. I certainly took very strong exception to Rule 68 when it was brought in by the committee, I think a year or two ago; in my opinion it hasn't worked out and I think we should abandon it.

One other matter that I wish to draw to the attention of the House is -- and I don't want to reflect in any derogatory way on the Speaker -- but since we're dealing with the rules, I think so often when a vote is called, is just whether we concur or whether we pass and this means that either we all say "yea and nay" at the same time and I don't think this augers well for a vote at all. I still feel that we should go back to the former practice where we had yeas and nays on a vote when a vote was called. -- (Interjection) -- I don't know whether the Minister of Public Works was trying to make some comment or not. -- (Interjection) -- Oh.

(MR. FROESE cont'd)

I notice this year, too, that when we have speed-up that we no longer get copies of Orders of the Day except for the first time in the morning and so often I notice that amended copies are given to leaders of the two other parties but we, the members on this side at least very often don't know where we're at, who's got the adjournment, what bills are still on the Order Paper when we come back for the second and third time in a given day. I think I would like to see help given to the Clerk so that we could have up-to-date Orders of the Day as much as possible. I think this would be a big improvement.

A matter that I've raised in past years is that of being named to standing committees of the House. It seems to me that year by year I'm put on less and less committees and I imagine in another year or so I'll be off the list completely. This has been the practice now for the last number of years and I'm sure that members who are on the committee to set up committees that are appointed on opening day, certainly are aware of this; I'm sure they are aware of this because I'm sure that it's not by accident but rather by design that this is so. I certainly didn't give up some of the positions on some of the committees voluntarily. I raised objection to it and made appeals but without any result. I certainly feel that on such committees as Economic Development, I have a great interest in that committee; I was on it, I was taken off it without any reason, without any explanation. I was taken off the Agriculture Committee this year, I don't know for what reason, why; I certainly have the same interests in agriculture that I had a year ago. This has happened and I'm now back to, or on three committees. I know there's a good number that are probably on six or more. I don't mean to say that I want to be on every committee, not at all, but I think members who have a special interest to sit on a special committee, on a certain committee should have some right or some way of indicating and being put on the committee that they'd like to sit on. Why must we have first of all by setting up a committee saying so many members will be on a committee, I don't think this is necessary and I don't think this is right. Let the members that wish to sit on a certain committee, let them have the right to sit on it so that they can participate and make your contribution. I feel this is important enough otherwise why do we appoint the committees if we don't want to get results from them. I think in this way we would get much better results from the committees if members are interested in their work so that they will be making themselves more useful.

These are some of the points. I had a few more and they don't occur to me at the moment; I'm sure it was in connection with certain practices of the House but maybe at some later time I can convey them to the members that are listed on the committee on the rules. At one time I used to be on that committee as well but I've been off it now for three years or more and I feel that the Independents as well as myself would like to have a say on the rules because the changes that are being made on the rules of this House, I think affect the Independent members of this House more so than members of parties that have more members or of parties that are recognized by the Chair. And therefore I feel that we should as a group representing the Independents have some representation on this particular committee.

Mr. Speaker, these are some of the points that I wish to make on this particular resolution. I certainly hope that when they come in with their report at the next session that it will be one of value and that consideration will have been given to some of the changes that I have been suggesting. Thank you.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, if I may close the debate, I want to say how much I appreciate the contribution of the Honourable Member for Rhineland. Some of the suggestions that he has made this evening are very very valid, I'm sure that they are shared, Mr. Speaker, with other members and will be given every consideration. I suggest that the resolution now pass, Mr. Speaker, and I want to assure my honourable friend that his points will be taken into consideration — if His Honour will just wait for a moment.

ROYAL ASSENT

SERGEANT-AT-ARMS: His Honour the Lieutenant-Governor.

MR. SPEAKER: May it please Your Honour, the Legislative Assembly, at its present session passed several bills, which in the name of the Assembly, I present to Your Honour and to which bills I respectfully request Your Honour's Assent:

- MR. CLERK: No. 12 - An Act to amend the Pharmaceutical Act.  
 No. 46 - An Act to amend The Municipal Act (2).  
 No. 47 - An Act to amend The Municipal Act (3).  
 No. 49 - Le Centre Culturel Franco-Manitobain Act.  
 No. 50 - An Act to amend The Public Libraries Act.  
 No. 57 - The Apprenticeship and Tradesmen's Qualifications Act.  
 No. 63 - An Act to amend The Workmen's Compensation Act.  
 No. 66 - An Act to amend The Equal Pay Act.  
 No. 67 - The Museum of Man and Nature Act.  
 No. 68 - An Act to amend The Vacations With Pay Act.  
 No. 69 - An Act to amend The Tourism and Recreation Act.  
 No. 71 - An Act to amend The Consumer Protection Act.  
 No. 72 - An Act to amend The Employment Standards Act.  
 No. 73 - An Act to amend The School Tax Reduction Act.  
 No. 75 - An Act to amend The Companies Act.  
 No. 76 - An Act respecting The Town of Grandview.  
 No. 78 - An Act respecting The Village of Minitonas.  
 No. 79 - An Act to amend The Law Society Act.  
 No. 82 - An Act to amend The Jury Act.  
 No. 85 - An Act to amend The Provincial Police Act.  
 No. 88 - An Act to amend The Securities Act.  
 No. 89 - An Act to amend The Snowmobile Act.  
 No. 90 - An Act to amend The Trustee Act.  
 No. 91 - The Provincial Judges Act.  
 No. 92 - An Act respecting Certain Former Employees, now deceased, of  
 Moose Lake Loggers Limited.  
 No. 94 - An Act to amend The Legal Aid Services Society of Manitoba Act.  
 No. 96 - An Act to amend The Hairdressers Act.  
 No. 97 - An Act to amend The Barbers Act.  
 No. 99 - An Act to amend The Taxicab Act.  
 No. 100 - The Provincial Park Lands Act.  
 No. 101 - An Act respecting The Town of Steinbach.  
 No. 103 - An Act to amend The Health Services Insurance Act.  
 No. 105 - An Act to validate By-laws Nos. 2096 and 2097 of The Town of  
 Neepawa.  
 No. 111 - An Act to amend The Public Schools Act.

In Her Majesty's name, His Honour the Lieutenant-Governor doth assent to these bills.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: I believe, Mr. Speaker, that just before the announcement of His Honour entering the Chamber was made, we were ready to take the vote on the adjourned debate on the resolution proposed by the Minister of Labour dealing with the establishment of the Committee on the Rules. I would respectfully suggest that that motion be now put.

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

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: Mr. Speaker, I beg to move, seconded by the Honourable the Attorney-General that the House do now adjourn and stand adjourned until 2:30 tomorrow, with a reminder to honourable members of the Industrial Relations Committee that the meeting of that committee will take place tomorrow morning at 10 o'clock.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 tomorrow (Wednesday) afternoon.