

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Thursday, May 28, 1970

GOVERNMENT BILLS

MR. SPEAKER: On the proposed motion of the Honourable Minister of Labour. . . .

MR. LAURENT L. DESJARDINS (St. Boniface): Mr. Speaker, I wonder if I could have leave to inform the -- there are not too many members here, but that the next meeting of the Special Committee on Professional Associations will be held on Thursday next at 10:00 o'clock.

MR. SPEAKER: On the proposed motion of the Honourable - my apologies - Minister of Municipal Affairs, Bill No. 7. The Honourable Member for Wolseley.

MR. CLAYDON: Mr. Speaker, I've examined this bill and I've been in touch with the principals of the City of Winnipeg, and it does not appear likely that they will even appear at committee, and I am therefore prepared to let the bill go to committee.

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

MR. SPEAKER: On the proposed motion of the Honourable Minister of Municipal Affairs, Bill No. 56. The Honourable Member for Brandon West.

MR. J. DOUGLAS WATT (Arthur): In the absence of the honourable member, could we have the matter stand? (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Minister of Mines and Natural Resources, Bill No. 65. The Honourable Member for The Pas.

MR. PETER FOX (Kildonan): May we have this matter stand, Mr. Speaker? (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Minister of Finance. Bill No. 66. The Honourable Member for St. Vital.

MR. WEIR: Mr. Speaker, if I may, on behalf of the Member for St. Vital who I was talking to earlier today, we had an opportunity to examine the bill and we're prepared to see it go to second reading this evening, and any comments we have we'd reserve for committee.

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

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 67. The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Speaker, I beg the indulgence of the House to have this matter stand. (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Minister of Agriculture, Bill No. 53. The Honourable Member for Arthur.

MR. WATT: Mr. Speaker, I haven't got too much to say on this bill actually at this point. I think that the bill actually is a progressive step towards some conservation of our natural resources in the Province of Manitoba, but I must say, Mr. Speaker, that I'm a little disappointed in the remarks of the Minister of Agriculture in introducing the bill, when he said that this bill had been long overdue but at the same time he indicated that probably there would be no active use of the bill made in the immediate future, and I want to point out, Mr. Speaker, that I am a little surprised in the bill coming forth at this time while at the same time the Minister of Agriculture has terminated the project that has been carried on in the Province of Manitoba for the last three years, and I'm referring to the Turtle Mountain area where municipalities combined there, and residents of the municipality, and interested and active people, in carrying out a pilot project which was supported by this from the Federal Government in actually indicating and bringing forth precise possibilities of the development and the conservation of our resources in the Province of Manitoba. I'm somewhat at a loss to understand why this program was terminated in the light of the introduction of the bill at the same time coming into this Legislature for consideration. However, I say that we will be supporting this bill and that I would hope that there would be some activity and some participation on the part of the Provincial Government in going forth with the intent of the Act, which is not presently indicated by the termination of the Turtle Mountain Resources Conservation District.

There are some areas of the bill I think there will be some disagreement with when it comes to the committee stage. I would expect that the Turtle Mountain Conservation District people will be in, in regard to certain sections of the bill, particularly that section that confines it to a municipality. Now, there have been arguments, of course, pro and con on whether this should be extended into a number of municipalities or probably a division of a municipality, because we have in the province, Mr. Speaker, considerable distinction in the

(MR. WATT cont'd.). . . . size of the municipalities. We have municipalities ranging from as low as four townships to as much as, I believe, 18 or 20 municipalities, and there is some, I wouldn't say discord, but there has been some controversy over the particular portion of the Act that refers to the size that a conservation district may be established.

I have looked fairly carefully over the bill and I believe it is consistent with the bill that had been prepared when I was Minister of Agriculture, with the exception of the fact that a commission is being established which will in effect, in the light of what I see it anyway, it's a sort of a cushion between the Ministers involved, actually, or the direct contact with the boards that will be established and the Ministers that will be involved. However, at this point we, on this side of the House, do not take exception to this portion of the bill which will establish a commission. I expect that there will be some representation made at the committee stage and we're prepared to see this bill go through, to go to the committee stage for consideration there.

MR. SPEAKER: The Honourable Member for Roblin.

MR. McKENZIE: Thank you, Mr. Speaker. This is a type of legislation that I have been looking forward to for a long time and have had some of my interests expressed in the bill, and I'm wondering, now that we have it on the table, just whether in fact the Minister has gone far enough or where he is going, because the sections that I'm looking for some guidance for the constituency that I represent are not basically laid out in the Act, and possibly the Minister of Agriculture could co-operate with the Minister of Mines and Natural Resources and take a look at some of the water conservation problems of the province. I'm speaking now of the Duck Mountain and the Riding Mountain areas where the run-off -- this is a matter of something similar to the Turtle Mountain area where you have a run-off that's expensive, it creates many many problems, and I think it's something that we have to start and go way back to even attack it today to be serious about it. With that, then, I'm wondering, the boundaries of these parks, where are we going to establish, where is the periphery that, you know, that the province is going to become involved or where is the Minister of Mines and Natural Resources going to become involved? What is the periphery of a park?

So all these problems are conservation, I don't think there's any debate there. They are of nature and they're serious, and the erosion and pollution problems of anybody that has a constituency involved, such as I have, being with the Duck Mountain and the Riding Mountain, it's a very serious thing, so I hope the Minister can maybe give me some answers.

And then the one of great concern is the wildlife problem, and the wildlife is a part of our province, is a part of our every day life. We have it there. Now, who's going to look after it? Who's going to pay for the damages? How is it going to be resolved? And the Minister of Mines and Natural Resources is well aware of some of the real serious losses that have been suffered by citizens of this province, taxpayers through no fault of their own, and they have no control over it; it's a matter of conservation because we're conserving the wildlife for the future of this province and those programs I have no quarrel with, Mr. Minister, but it's something that I think should be, you know, even if the Minister is prepared to discuss it at this stage of the bill, that he should be studying it and maybe next year can bring these programs in, because years back they haven't been that serious but now, like this spring as an example, of all the water that we have with us this year, you can imagine the thousands and thousands and thousands of dollars of damage that's been done in rural Manitoba and in my constituency through the excess run-off which new water channels have been created, de-da de-da—

So, with those few thoughts, I would hope that, while it may not be in here at this phase of the game, this is my philosophy on conservation. It's all part of the same program, and I humbly submit that the Minister of Agriculture and the Minister of Mines and Natural Resources will have to sit down and have many discussions together because one is related with the other.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Souris-Killarney.

MR. EARL McKELLAR (Souris-Killarney): Mr. Speaker, I beg to move, seconded by the Honourable Member for Lakeside, that debate be adjourned.

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

MR. SPEAKER: On the proposed motion of the Attorney-General, Bill No. 72. The Honourable Member for River Heights.

MR. CRAIK: Mr. Speaker, in the absence of the member, could this be allowed to stand? (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Minister of Labour, Bill No. 77. The Honourable Member for Lakeside.

MR. HARRY ENNS (Lakeside): Mr. Speaker, may I have the indulgence of the House to have this matter stand? (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 78. The Honourable Member for River Heights.

MR. WATT: In the absence of the honourable member, could we have this matter stand? (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Minister of Health and Social Development, Bill No. 80. The Honourable Member for Fort Rouge.

MR. CLAYDON: Mr. Speaker, in the absence of the honourable member, could we have this matter stand? (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 61. The Honourable Member for Fort Garry.

MR. CRAIK: Mr. Speaker, in the member's absence could we have this matter stand? (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Minister of Agriculture, Bill No. 81. The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, I ask the indulgence of the House to have this matter stand. (Agreed)

MR. GREEN: Mr. Speaker, I wonder whether the House would not be willing to go back to Bill No. 65. The Member for The Pas was not here but is here now and is prepared to speak on this subject.

MR. WEIR: Mr. Speaker, may I say that we would be prepared to grant leave on the understanding that any time we're to juggle around the Order Paper for members of the House that we juggle around the Order Paper.

MR. GREEN: Well then, he won't speak, Mr. Speaker. I thought that it had slipped by very quickly, and it was done the other day, but we won't agree that we're juggling up the Order Paper.

MR. G. JOHNSTON: Mr. Speaker, we are prepared to grant leave if it can be arranged.

MR. WEIR: As long as leave will be granted any time any member of the House is missing at a given period of time, because you know, Mr. Speaker, the rules, on the point of order, the rules are such that they apply to everybody and I've really got no objection but I think when we grant the favours we have to recognize that they should be granted to all.

MR. GREEN: I don't think, Mr. Speaker, it would be a good practice. I was asking as a matter of exception. My honourable friend is of the view that it wouldn't be a good exception and we'll just go ahead.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Agriculture, Bill No. 82. The Honourable Member for Morris.

MR. CLAYDON: Mr. Speaker, in the absence of my colleague, could we have the matter stand? (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Minister of Health and Social Development, Bill No. 83. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Speaker. When I looked at this bill dealing with the Clean Environment Act and the fact that two years ago the Conservative Government of that day brought in the Clean Environment Act and they set up a commission to administer the Act, they had some reservations. It was something new; they weren't entirely too sure of how much work was involved, and if today we find that the work of that commission is too much to be handled entirely by the commission and it requires additional help, we have no objection to that. But in analyzing the bill, I find that really this is the only point of significance that is in the present amendment, and I think that if we in all sincerity are concerned about pollution and the fact that the environment of our country has to be protected, then an amendment of this nature is rather insignificant at this time. So that if I have anything to say in criticism of the present amendment to the Act, it is not for what the amendment states, but for what the amendments do not include.

MR. SPEAKER: I do believe that some honourable members of the House are finding it extremely difficult to hear debate that's in progress. Could those members have the cooperation of the House and allow the honourable member to proceed with his debate in a manner that he could be heard. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Speaker. At the present time, anything that is included in this Act refers to property of a stationary nature. There is no mention of a piece of property such as a bus or a tractor or something that is of a movable nature, and we all know each and every one of us has driven down the streets here in the City of Winnipeg in a wintery day only to have our windshields fogged by the dense clouds of black smoke that are emanating from the buses. There is nothing in this Act at the present time to control something of this nature, and yet at the same time we find the City of Winnipeg is eliminating trolley buses and going to a further program of dieselization of their buses. I will admit that they are doing everything in their power to control the emissions of black smoke from those buses, but the problem has not been solved yet, and I have not seen large clouds of black smoke emanating from an electric trolley bus. While some of the questions of air pollution from automobiles may very well lie within the field of federal jurisdiction or national jurisdiction, there is no attempt in this bill to attempt to put some encouragement or limitations on the manufacturers of automobiles to curb the air pollution.

So Mr. Speaker, it's with a great deal of regret that I look at this Act. I've only mentioned the question of air pollution; there's nothing mentioned in this Act about noise pollution, and noise pollution today is something that is going to be with us for many years to come. With the increase of larger and larger aeroplanes and close proximity of the International Airport to the City of Winnipeg, the problem of noise pollution is going to be quite serious. Here again, I realize that one province by itself cannot act alone, but I don't think that any of us in this Legislature here can think of pollution in a light vein. It's a serious matter. And I, for one, would like to see a great deal more placed under the jurisdiction of the Clean Environment Act. We cannot do it all at one time but I would urge the Minister to continue, as soon as this Act is passed, to continue to work towards further measures in the field of controlling the pollution of our environment.

And so, Mr. Speaker, it's with reluctance that I accept the recommendations that are in this Act at this time, and I seriously hope that there will be further amendments in the years to come.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Emerson.

MR. GIRARD: I move, seconded by the Member from Roblin, that the debate be adjourned.

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

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 76. The Honourable Member for River Heights.

Stand? (Agreed)

MR. GREEN: No. 84. Bill No. 84 please.

MR. SPEAKER: Adjourned debate on the proposed motion of the Honourable Minister of Finance. Bill No. 84. The Honourable Member for Fort Garry.

MR. CLAYDON: In the absence of the honourable member, I wonder if we could have the matter stand? (Agreed)

MR. SPEAKER: Second reading. Bill No. 85. The Honourable Attorney-General.

HON. AL. MACKLING, Q.C. (Attorney-General)(St. James) presented Bill No. 85, An Act to amend The Consumer Protection Act, for second reading.

MR. SPEAKER presented the motion.

MR. MACKLING: Mr. Speaker, the amendments provided in this Act are diverse in nature. Some of them really provide for technical amendments that arose out of a clarification of the intention of the Act, in some instances to make the application of the Act a little bit more feasible without sacrificing any of the original objectives of the Act. As is the case with any substantially - well, any new legislation in a new field where there is substantial technical provision, draftsmen find that they can't cover all of the foreseeable problems, and such is certainly the case in the Consumer Protection Act. So there's an extensive catalogue of amendments which are rather technical in nature.

Some amendments clarify the description of a collection agent and a debtor for the purpose of the application of a new part, Part 12 of the Act, and I'll comment on that further. A further section revises the description of goods to include sales of home improvement supplies and services, an area which hadn't been covered in the previous Consumer Protection Act and an area in which there had been substantial abuse in years past.

A further section revises the description of "variable credit plans" to include plans that

(MR. MACKLING cont'd.). . . . provide for either a cost of borrowing or a default charge, or both.

A further section removes any conflict that may have existed between certain subsections of Section 12. It has been argued subsection (14) of the present Act eliminates any need for a master agreement to be in writing. If this interpretation were allowed to stand, it could frustrate the intention of subsection (2) of the present Act whereby a master agreement must be signed prior to the first extension of credit.

A further section of this bill provides that where a loan is secured by a chattel mortgage, the goods taken to secure the loan shall be clearly described in the document or memoranda within the documentation.

A further section clarifies the requirement that where an account is prepaid and the buyer requests cancellation of any insurance provided in the agreement, the credit grantor shall refund the unearned premium to the buyer.

A further section provides for a rewording of Section 59 of the Act to clarify the original intent.

A further section provides a new part to the Act to control collection practices by any person engaged in collecting debts. Sections of the bill provide a general code of collection practices, and other sections make specific requirements to which collection agents, including bailiffs, will be required to adhere.

Thus, Mr. Speaker, the essence of the amendments are to clarify certain of the previous sections where the intent may have been in some way misconstrued. Some of them are highly technical in nature, some others are broadening the scope of the Act. As I've indicated, one new section deals with the whole question of a general code for collection practices dealing with collection agents. In effect, then, it will make of the Consumer Protection Act a more useful and utilitarian tool to cover the whole of the provisions of the Act.

MR. SCHREYER: Mr. Speaker, I'm wondering if I could appeal to you, Sir. There seems to be such a din and hub-hub of voices. I'm not looking at any side of the House in particular, but it's difficult to hear the speaker even being two feet away from him.

MR. SPEAKER: A similar appeal had been made from the Chair less than five minutes ago.

MR. MACKLING: That concludes my remarks, in any event, Mr. Speaker.

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

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

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

MR. SPEAKER: Bill No. 88. The Honourable the Attorney-General.

MR. MACKLING presented Bill No. 88, an Act to amend The Registry Act, for second reading.

MR. SPEAKER presented the motion.

MR. MACKLING: Well Mr. Speaker, the explanation of this one can be very brief. The bill is fairly self-explanatory. It authorizes the destruction of a number of classes of documents filed under the Registry Act. With respect to general instruments, the destruction will occur only after 20 years after the date of registration and after micro filming. In respect of other kinds of documents, destruction is authorized even without micro filming and for various lengths of time.

I suggest, Mr. Speaker, that this is a very simple and elementary Act. It will facilitate the matter of storage of documents and it will provide for ample protection for such documents as are necessary to be stored for extensive periods of time.

MR. WEIR: Mr. Speaker, we would be happy to see the bill go to Committee, and any discussion we have, we can have there.

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

MR. SPEAKER: Bill No. 89. The Honourable Attorney-General.

MR. MACKLING presented Bill No. 89, an Act to amend The Child Welfare Act (2), for second reading.

MR. SPEAKER presented the motion.

MR. MACKLING: Mr. Speaker, this Act provides amendments to certain sections which will allow a judge to vary or discharge any order made under a section of the Act. The Act, as it presently stands, permits only the making of orders under Section 16 but does not authorize

(MR. MACKLING cont'd.). . . . any variation or discharge of any such order. The Wives' and Children's Maintenance Act has a similar provision, and this amendment would make for consistency. Under the Wives' and Children's Maintenance Act, an order that's made may be varied by the court at any time, whereas in an order made under the Child Welfare Act, a variation could not be made.

MR. GRAHAM: On a point of order. Are we dealing with the Wives' and Children's Maintenance Act or are we dealing with the Child Welfare Act?

MR. MACKLING: Well, if my honourable friend had been listening, I indicated that we are dealing with the Child Welfare Act. An amendment to the Child Welfare Act sought here will give the same flexibility to an order made to a judge in dealing with an order under the Child Welfare Act that a judge has under the Wives' and Children's Maintenance Act, and as my honourable friend probably knows, maintenance can be provided under the Wives' and Children's Maintenance Act for an infant, and similarly a maintenance order can be provided under the Child Welfare Act for the maintenance of an infant, so in effect the Acts, in a sense, deal with very similar provisions but the Wives' and Children's Maintenance Act has the provision for variation in these orders that are made, whereas the Child Welfare Act does not, and so the amendment, one of the amendments that is constituted in Bill 89 provides that flexibility that is necessary in respect to variation of an order.

A further section of this Act permits a judge of the family or juvenile court to make an order awarding the custody of a child to either the father or mother of the child. Under Section 113 of the present Act, the court may make an order granting a parent the right of access to his child where custody is granted to the other parent. Under Section 114 of the present Act, the court may make an order requiring a parent of a child to make payments for the maintenance and education of his child, where custody of the child is granted to the other parent. The enforcement of these orders by the court has in the past been rather difficult, mainly because the enforcement section of the Act, the present Act, the present Child Welfare Act Section 115, appears to be deficient. The new Section 115 proposed by this bill, gives the court a great deal more authority to enforce those orders and to vary or discharge any of those orders. In addition, the court is being granted the authority to award costs if the court considers that it is just to do so, in making any order under present sections 102, 113 and 114 of the existing Act. In the existing legislation, the court cannot do this. It is to be noted that under the Wives' and Children's Maintenance Act the court has authority to award costs, so in effect, Mr. Speaker, these amendments will provide the same flexibility, variability, in the authority of the court to vary orders and to provide costs.

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): Mr. Speaker, I beg to move, seconded by the Honourable Member for Wolseley, that the debate be adjourned.

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

MR. SPEAKER: Bill No. 90. The Honourable the Attorney-General.

MR. MACKLING presented Bill No. 90, an Act to amend The Wives' and Children's Maintenance Act, for second reading.

MR. SPEAKER presented the motion.

MR. MACKLING: Mr. Speaker, this Act is a very, very small one. The principle of the amendment is a very narrow one and perhaps it was small enough that it might possibly have been included in that omnibus bill that later on I will be introducing, the Statute Law Amendment Act, but nevertheless this bill amending the Wives' and Children's Maintenance Act will amend subsection (1) of Section 28 of the existing Act which presently makes it mandatory to file an order made under that Act - that is the Wives' and Children's Maintenance Act - in the County Court. The amendment will make it permissive rather than mandatory to file the order. It was mandatory that the order be filed and no proceedings of enforcement by default on the order could be taken unless the order had been filed, and so on. Now this will make it permissive and will overcome the inflexibility that had been provided before. It's a very minor amendment which the court considers ought to be proceeded with so that the enforcement of orders can be proceeded with less technicality.

MR. WEIR: Mr. Speaker, we will be happy to have the matter go to committee for any discussion there that might be found necessary.

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

MR. SPEAKER: Bill No. 91. The Honourable Minister of Labour.

MR. PAULLEY presented Bill No. 91, an Act to amend The Department of Labour Act, for second reading and referral to the Industrial Relations Committee.

MR. SPEAKER presented the motion.

MR. PAULLEY: The bill itself is self-explanatory, Mr. Speaker. All that it does is to give to the Labour Relations Board the right to designate the time and place of the taking of a vote on certification. At the present time the Board is not authorized, really, to designate the time and the place of the vote, and this has resulted in some delay and some inconvenience on the taking of the vote and the purpose of the amendment to the Department of Labour Act is so that this will be overcome.

MR. SPEAKER: The Honourable Member for Assinibola.

MR. PATRICK: Mr. Speaker, I checked the bill and our party is prepared to let it go to second reading in committee. I understand all it is is the bill is just straight ordinary house-keeping. It's legislation that now prevails in other provinces and all it does it gives the Labour Board the authority to hold vote on the premises and if we use an example, for instance, Churchill Forest Industries, if a vote couldn't be held there it had to be held somewhere else it would almost create a chaos, an impossibility, so I believe it's good legislation and our party will be prepared to support it.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I just have one question. It says that they may enter any place designated by the board. Could this mean a private home for that matter or just what are we referring to. I haven't checked the bill that we are amending. I would like to have the Minister just give us an explanation on that point.

MR. ENNS: Mr. Speaker, perhaps before the Minister closes debate on the bill -- because it's not my intention to hold up the proceedings of this bill -- we in our group here are also satisfied that this is legislation of the kind that should be passed as my honourable colleague from Assinibola has indicated, legislation that's common in other jurisdictions and that we have no objections to at this time, and would certainly concur in it passing this House.

MR. SPEAKER: Are you ready for the question? The Honourable Minister of Labour.

MR. PAULLEY: . . . answer the question if I may of the Honourable Member for Rhineland. I'm sure that he would give to the Board the attitude of using common sense, but if the final analysis on a small vote it was desirable to have the cooperation of someone to have the vote taken in a private home, certainly this could in the extreme case. I'm sure my honourable friend would agree that the calibre of the members of the Board would be such and are such at the present time that this would not be an invasion of private rights should I say. There has been times, Mr. Speaker, when there has been some confusion insofar as the taking of a vote on certification that the most logical place may be the industrial complex where the employees work. The Board hasn't got the authority to designate that particular area for the purpose of taking a vote and this is the purport of the amendment. -- (Interjection) -- Pardon?

MR. FROESE: They can use the manager's office?

MR. PAULLEY: It could be in the manager's office, Mr. Chairman. I'm sure that if it was my honourable friend from Rhineland would be more than happy.

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

MR. SPEAKER: Bill No. 93. The Honourable Minister of Labour.

MR. PAULLEY presented Bill No. 93, an Act to amend The Workmen's Compensation Act, for second reading. (To be referred to the Industrial Relations Committee.) (Recommended by His Honour the Lieutenant-Governor.)

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, for some considerable period of time there have been many problems arising from the present application of The Workmen's Compensation Act particularly in respect of the methodology in arriving at the amounts that are paid on partial disability pensions. The reason for this confusion is because of the fact that about three years ago, or possibly more -- I think the actual year was 1965 so that would be about five years ago -- a legal interpretation was sought by the Workmen's Compensation Board as to what was the intent of the present legislation regarding the assessment and application of partial disability pensions and the then Attorney-General, or his staff, deemed that the application of the Act implied that where the workman did not suffer a loss of actual income as a result of a disability encountered in his normal employment, that the Workmen's Compensation Board would

(MR. PAULLEY cont'd.). . . . not be in a position to award a pension, or a partial disability pension to the workman concerned.

In other words, Mr. Speaker, if you as an employee suffered a loss of a finger or two or three fingers which did not impair your earning capacity then — (Interjection) — Pardon? -- (Interjection) — Maybe it would be advisable and maybe then the penetration will take place. If for instance, Mr. Speaker, that you or any of the honourable members of this House lost a finger or two or even a hand in the course of employment, the interpretation was placed at that particular time by the legal authority that providing there was not a loss of income the Compensation Board was not obligated to pay compensation. It had no relationship at all to inconvenience or the other pursuits of the individual such as playing baseball or golf or fishing, or even curling, and this has been the basis on which the Board as the result, as I understand it of that legal interpretation, has not been paying partial disability pensions because they did not directly affect the loss of actual earnings. This has raised many problems for the Workmen's Compensation Board but more particularly problems of those who have had some partial disability pensions. One of the purports of this bill is to enable the Board to compensate an injured workman for physical loss on a clinical basis in such an amount as it may determine after having given consideration to incidences where the injury has occasioned a demonstrated loss in earning capacity and where such payments may be made either during rehabilitation training or where additional training is not indicated, where the Board is satisfied that after an honest effort for the claimant rehabilitation has not produced an earning capacity that is reasonably equated to his earning before the accident. What this really implies that while at the particular time of the accident the employee may not have lost earnings, he could conceivably suffer in the future as a result, as a result of the application of the present legal interpretation in the future. I'm sure my honourable friends in all quarters of the House have received complaints from their constituents and others insofar as the application of the partial disability pensions.

I want to say too, Mr. Speaker, that in proposing these amendments to the Workmen's Compensation Board I realize that this is not a total answer to the problems of workmen's compensation. I did suggest a year ago when introducing another bill dealing with Workmen's Compensation Board which did grant certain increases to widows and children, that there would be a review taken of all aspects pertaining to workmen's compensation. I want to take this opportunity in the presentation of the suggested amendments to The Workmen's Compensation Act to say to the honourable members of this House and to management and to labour and to all workers covered by The Workmen's Compensation Act that it is still the objective of the present administration to undertake a more complete review or a complete review of legislation pertaining to workmen's compensation in Manitoba. I'm sure honourable members are aware of the fact that commencing the first of January of this year a new Chairman of the Board, the former Deputy Attorney-General, who incidentally, Mr. Speaker, I want to point out was not the legal person who made the interpretation in respect of the matter of partial disability pensions, but anyway the former Deputy Attorney-General, Mr. Bill Johnson, now the Chairman, has had a considerable number of discussions with me and we're working very closely together and we have not yet arrived at a consensus or come to some concrete proposal as to the type of review that should be made into the Workmen's Compensation Act. We're not sure whether that review should be a judicial review under some learned judge, whether it should be more internal within the Department of Labour in cooperation with the Workmen's Compensation Board, or whether it should be a joint undertaking between management, labour and the Workmen's Compensation Board to take a look at the whole Act. I'm sure that honourable members will agree with me that with a new Chairman of the Board heading up the Workmen's Compensation Board as Bill Johnson has on the first of January that he should have an opportunity of considering all aspects in making his recommendations, because as you know, Mr. Speaker, that while as the Minister of Labour is required under our legislation to answer in the Legislature on behalf of the Workmen's Compensation Board by and large the Workmen's Compensation Board is an autonomous body.

Going further with the suggested amendments to The Workmen's Compensation Act, Mr. Speaker, contained within the Act is a provision which would enable the compensation board to enter into an agreement with the Federal Government covering employment safety. Previously they were only entitled to enter into an agreement with the Federal authority covering repayment of compensation. We are in this amendment suggesting for the consideration of the

(MR. PAULLEY cont'd.). . . . Legislature that the number of commissioners of the Workmen's Compensation Board may be increased over the present three, namely the chairman and two other full-time commissioners. The reason for this, Mr. Speaker, is that this would allow a certain amount of flexibility with the Workmen's Compensation Board so that the Board may have hearings in different parts of the province without the necessity of all of the members being present as they are here in the Greater Winnipeg area. It is our opinion, it is our opinion that the time has come where this board can act something similar to what some of our other boards like the Public Utility Board; they may have two or three members on a part time basis go, say for instance, into Thompson and into Flin Flon and The Pas to hear representations insofar as complaints or suggestions respecting Workmen's Compensation Board. So there is the amendment to the Act that in the event that there are part time commissioners they can be taken care of on a different basis from full time commissioners and that is regarding the holding of hearings in all parts of the Province of Manitoba.

We have found when we have made a superficial investigation into the Act or an assessment of the Act, that at the present time the way the Act is worded, that there is no firm protection for the officers and other employees of the Board to be protected from action for damages as a result of the actions that they may take in the performance of their duties. We also find in the Act as it is at the present time, Mr. Speaker, that the employees of the board have not got the same protection in relationship as many of the other boards in giving evidence before courts and the likes of that as at the present time is the case in the Department of Labour Act, the Public Officers' Act or the Municipal Board Act.

And then it was very strange to us, Mr. Speaker, as we looked at the present Workmen's Compensation Act, that the Act does not explicitly cover the rights of the Workmen's Compensation Board to cover its administration expenses at the cost levied to those who — that is the administrative costs are not really legally costs that can be assessed against the Board fund at the present time. There is some question of legality in this but it was a very peculiar portion of the Act that we discovered.

And then members will note, Mr. Speaker, that the suggestion is made that this Act should become effective on the 1st of July, and the reason for this is because we consider that there would be some difficulties that may arise if it were not to be made effective as of the 1st of any peculiar month due to the question of payment of disability pension and the likes of that.

Again, Mr. Speaker, I want to emphasize to my honourable friends in the House, and others, we know full well that this is not the answer to all of the problems being encountered at the present time in respect of Workmen's Compensation, but we do submit this as a proposition for the consideration of the House pending the complete investigation and assessment of the whole of Workmen's Compensation application in the Province of Manitoba, and I commend it to the House.

MR. SPEAKER: The Honourable Member for Assiniboia.

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

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

. . . . continued on next page

MR. SPEAKER: Bill No. 96. The Honourable Attorney-General.

MR. GREEN: Call Bill No. 37.

MR. SPEAKER: Bill No. 37. The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): Mr. Speaker, I'm afraid I need the motion.

MR. GREEN: Mr. Speaker, I'm sorry, I slipped by Bill 97. Bill No. 96 is not being introduced right at this time.

MR. SPEAKER: Bill No. 97.

MR. MACKLING presented Bill No. 97, The Suitors' Moneys Act, for second reading.

MR. SPEAKER presented the motion.

MR. MACKLING: Mr. Speaker, the Suitors' Money Act is a very small bill that is proposed to replace another bill which is a special kind of bill, which is entitled the Suitors' Fund Act. The Suitors' Fund Act governs the payment of moneys in and out of the Court of Queen's Bench, and the present practice in these matters has been found by lawyers, by litigants, and by the court, to be very cumbersome and has been the subject of complaints to the legal profession and by the legal profession. The proposed Act will enable the judges to adopt new rules simplifying the practice in these matters of payment of moneys out of court. It will also provide that government, by Order-in-Council, may provide for payment of a much more reasonable rate of interest on moneys held which presently is held at the rate of two percent per annum.

The provisions of this Act have been discussed with the officers of my colleague, the Honourable the Minister of Finance, with the Chief Justice of the Court of Queen's Bench, and all parties concerned are anxious that this Act be brought in to simplify the provisions of payment out and to provide much more realistic interest. As I indicate, the bill is a very small one, the principles are very narrow, the principles are few, and I would think, Mr. Speaker, that this bill might be passed now and referred to the Law Amendments Committee where it would be considered. As I indicate, I don't think that there could be anything very contentious. It is an advance that all parties seem to recognize, I mean all parties that are involved with the provisions of the former Act, are anxious that this change be made.

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

MR. GRAHAM: Mr. Speaker, I move, seconded by the Honourable Member for Riel, that debate be adjourned.

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

MR. SPEAKER: Bill No. 37. The Honourable Minister of Agriculture.

MR. USKIW presented Bill No. 37, The Credit Unions Act, for second reading.

MR. SPEAKER presented the motion.

MR. USKIW: Mr. Speaker, before going into the details of Bill No. 37 I want to indicate that I hope the House appreciates that there are many technical points that I will mention in my remarks and that for that reason I hope the House allows me to use extensive notes in that this is a very major document with a lot of technical matters that have to be dealt with.

I would like to give the House a brief summary of the history of credit unions in this province, because the history of the rapid development of these institutions and their acceptance by a very large percentage of the people of Manitoba make it necessary not only to bring this legislation up to date but to provide in a complete rewriting of the Credit Unions Act for the opportunity of credit unions to serve the needs of the people of Manitoba in the way in which the members want to be served.

Credit Union legislation was first provided in Manitoba in 1937. The intent of the legislation was to make it possible for relatively small groups of people with a common bond of association working in the same industrial plant or office, belonging to the same association or club, living in the same parish, etc., to join together on a corporate structure to pool their savings and out of these savings to provide loans to their members. This legislation was under part of The Companies Act.

In 1946 the first Credit Unions Act appeared removing Credit Unions from the jurisdiction of The Companies Act, except for such things as winding up and other general applications of company law dealing with penalties, service of papers, tariff of fees, for incorporating and the filing of annual returns. This Act was amended numerous times since 1946 and in recent years it began to resemble a patchwork quilt with a new patch being put in almost every year in an effort to meet the growing needs of credit unions.

MR. USKIW cont'd.)

At this point, Mr. Speaker, we might take a look at the growth that has taken place in credit unions in the last 25 years. In the savings area, we had on December 31, 1945, \$1,350,000; on December 31, 1960 we had \$37,243,000 in savings. On December 31, 1969 we had \$134,832,000. In assets in December of 1945 we had \$1,450,000; in 1960 \$42,000,000 round figures; December of 1969 \$168,500,000. In loans outstanding, 1945, \$850,000; 1960, \$35,000,000; 1969, \$139,000,000. Membership, in 1945, 60,186 members; in 1960, 92,622 members; in 1969, 184,000 members, approximately. You will note, for example, the spectacular growth in the last ten years, total assets which represent an increase of 400 percent, members' savings increased just a little less than 400 percent and membership has doubled during the ten year period.

A number of rural community credit unions are providing the only available financial service to people in their community. A great many are providing the only alternative financial service to a single bank in a community. It may be a surprise to some that right here in Greater Winnipeg where there is an abundance of financial services from banks and trust companies, the members of credit unions have accumulated close to \$70,000,000 of assets in approximately 100 societies. It cannot be denied that credit unions have received a very broad acceptance in this province and it is the feeling of this government that we should do everything we can to encourage the involvement of people in the administration of financial services which they can democratically own and control. Since the inception of Credit Unions in Manitoba they have made loans available to the members in excess of \$700,000,000, and during that period of time losses have been less than one-quarter of one percent of the loans made. This is an excellent record and it proves to us that the ordinary man in the street is capable of looking after his financial affairs. In considering this legislation it should be kept in mind that credit unions are not serving the public generally but they are serving their members; those who apply for membership in a credit union must be accepted by the Board of Directors as members of the credit union before they can be served. This is the same principle that applies to all co-operatives. When a person applies for and becomes a member of a credit union, he is not only entitled to the services rendered by the credit union, but he also assumes responsibility for its proper operation through the election of directors and the establishment of policy. Boards of Directors therefore assume the responsibilities of trustees of the savings of members and it is important that we keep this in mind.

The bill before this House is the result of a great deal of time, effort and discussion spread over the last two years and intensified over the last 10 or 11 months. The director of the branch assumed the responsibility for drafting the legislation and he surrounded himself with a central committee made up of representatives appointed by the Credit Union League, Caisse Populaires Cooperative Credit Society of Manitoba. This committee spent many hours going over each draft; there were six drafts altogether. The fourth draft was submitted to all credit unions and Caisse Populaires in the province and this was followed by district meetings held throughout the province, which the representatives of credit unions were invited to discuss the details and the implications of the new act and to answer any questions in connection with it. These meetings were very well attended and resulted in numerous changes which were incorporated in later drafts. I doubt if any bill of this magnitude has ever been presented to this legislature that has had more involvement of the people who would be affected by it, than this bill. I feel confident that the Credit Union people in Manitoba and certainly their leaders are strongly in support of this legislation.

I would like to make one more general comment. This bill is probably one of the most advanced pieces of credit union legislation in North America. All other legislation including our own up to this point was based on a credit union thinking largely taken from an American pattern about 35 years ago. This would seem to be the first move in the direction of modernizing this kind of legislation to better serve the thousands of people who would be affected by it and taking into consideration the needs of people and the modern uses of savings and credit. Since this work was undertaken in Manitoba two years ago a select committee on company law has been set up by the government of Ontario. Their report recently tabled in the Ontario Legislature follows very closely the major principles incorporated in our legislation or in this new proposed bill.

While it may be a little unusual I would like at this time to acknowledge with thanks the very important contribution made by the Credit Union League of Manitoba, the Co-operative

(MR. USKIW cont'd.) Credit Society of Manitoba and the representatives of Caisse Populaires, in arriving at the final drafts of this legislation which were then submitted to the Legislative Counsel for the preparation of the bill before us. In preparing a new Act of this kind it is obvious that a number of standard procedures would be maintained. As a result there have been no fundamental changes in the method by which Credit Union Charters would be applied for and issued. In my comments on the bill therefore I will deal with what I consider to be the main differences between this bill and previous legislation.

Shares. In the past, Credit Union shares have been treated as savings and these shares have been withdrawable as they would normally be withdrawable from a savings account. As a result there had been a certain amount of misunderstanding about share capital particularly among those outside the Credit Union movement. The new legislation therefore makes share capital permanent and withdrawable only when a member withdraws from the Credit Union; one \$5.00 share is a requirement of membership and no interest or dividend is paid on the share. As a result, no member is allowed to hold more than one share.

It is felt that many credit unions would like to retain the common bond principle which simply means that those who may belong to a credit union must have a common bond of association. This applies particularly to employees or employee groups where they want to keep the membership within their own group or employees. At the same time, however, the bill recognizes the need for open membership where credit unions desire to serve a whole community. Under our present legislation artificial boundaries are presumed to maintain the common bond principle but the new legislation provides that a credit union may choose to operate with an open sphere of operation, but to do so they would have to apply to have their by-laws amended to state that they were making, rather, their services available on an open basis and at the same time they would be required to register under Part 3 of the new Act. This part provides for additional auditing requirements. When we use the word "open" we simply mean that the services of the credit union are available to any person, provided he applies for membership in the credit union and is approved by the Board of Directors.

This bill provides that the overall responsibility for the sound operations of a credit union will be vested in the Board of Directors. In the past this responsibility has been divided between the Board, the Credit Committee and the Supervisory Committee. This has resulted in a certain amount of buck passing, and the new Act should result in the maximum amount of attention being paid to the election of responsible people as directors. I might add that we have provided that if credit unions choose to have the credit committee and supervisory committees elected by the annual meeting, they may do so by having such provision made in their supplemental by-laws.

In the past, reserves have been a statutory requirement without relation to the actual condition of the law. The new Act has done away with the statutory reserve requirements and instead have made provision for an allowance for doubtful accounts. This means that credit unions would have to age their loans at the end of each year and suitable provision made out of their operating revenue as an allowance for doubtful accounts. We are given to understand that this is a more modern accounting procedure and we also feel that it will not penalize those credit unions who do a first class job of keeping their arrears at a very low level. We have some credit unions now that have statutory reserves that are far in excess of any reasonable requirement. If a period of adjustment is required, when this Act becomes effective, we have made provision for such an eventuality by extending the adjustment period over a period of a few years. I might also add that we have provided that a credit union may have a contingency reserve if they feel this is desirable to protect their financial security.

The ceiling on interest has been removed in the new legislation. Credit unions will therefore be able to pay interest on savings accounts based on the amount they can afford out of their earnings. They can establish various types of savings accounts or chequing accounts. This eliminates the more rigid requirements in the old Act.

We have provided that credit unions do business with municipal governments, school boards, hospital boards, and any provincial or federal government agency operating in Manitoba. This of course would be contingent upon the legislation under which these bodies operate allowing them to deal with credit unions. There are many cases in Manitoba where the credit union is the most convenient financial agency through which these government bodies could carry on business, and we feel that there should not be any discrimination against credit unions where they are willing and able to serve such a need.

(MR. USKIW cont'd.)

In recent years, credit unions have been somewhat restricted in making loans to members with a high credit rating because they were required to have the borrower pledge security for a loan over \$500.00. The new Act raises the limit to \$750.00, which means that a credit union would make loans up to this amount with only the promissory note of the borrower. It is felt that this is an adequate ceiling for credit unions with assets up to one million dollars, which includes the great majority. And for those over one million dollars, the ceiling is raised to \$1,500.00. This does not mean that such loans should be made without security. It simply makes it easier for the handling of loans covered by such things as payroll deductions and other special and convenient methods of repayment.

In the past, the by-laws of credit unions were prepared by and subject to the discretion of the Registrar of Cooperative Associations. This Act provides the standard general by-laws will be established by the Lieutenant-Governor-in-Council for all credit unions. These by-laws would deal with all matters that would apply to all credit unions within the province generally. In addition to this, the Act provides that each credit union will have supplemental by-laws and these would be adapted to the particular needs of the credit unions. The supplemental by-laws would deal with such things as sphere of operation, the number and the term of office of directors, the election of committees if required, the establishment of district boundaries where credit unions have to serve a large area, and other similar matters that could vary from one credit union to another. These supplemental by-laws would be subject to the approval of the Registrar of Cooperative Associations and copies would be filed with him. The purpose of this, of course, is to make certain that such by-laws are within the powers of the Act and the separate principles of credit unions.

The new Act provides that the word "Society" will be dropped from all credit union names. This is done at the request of the Central Credit Unions who feel that it does not serve any useful purpose. The Act also provides that Caisses Populaires do not have to use the words "Credit Union Society Limited" at the end of their name, which was a requirement of the old legislation. This appeared to be an unnecessary repetition and greatly increased the length of the names of some of the Caisses Populaires.

All credit unions in the province will be required to register when the new Act comes into force. The purpose of this is mainly due to the fact that the old credit union by-laws will now become obsolete and new supplemental by-laws will be required, which will be quite different from the old by-laws. There is also the need for registering the new name of credit unions with the word "Society" eliminated, along with other changes that may be made by some credit unions. The requirement for registration is prior to May 1st, 1971, which gives plenty of time for it to become effective.

Under the old Act, winding-up procedures come under The Companies Act and there were some difficulties in applying this procedure to the operations of credit unions. It was also felt that this was almost the only important reference to The Companies Act, and a Credit Unions Act could and should be made complete in itself by spelling out the winding-up procedure. This takes up a very large part of the new Act running all the way from Section 126 to 176. It is based on the principles and procedures adopted for other companies under The Companies Act, and simply adapting these to the way in which credit unions operate.

We have not made any material change in the stabilization part of the legislation except to tie it in with some of the other changes made in the new Act. These funds, one of the Caisses Populaires and one for the credit unions, are a form of protection to the shareholders for any savings they may have in a credit union in case a credit union goes out of business and is not able to meet its commitments to the shareholders. The main purpose of the fund is to make certain that the shareholders of a credit union do not have to wait until all loans are collected before they receive the return of their savings. For example, a credit union may have a number of good loans but it might take two or three years for the borrower to fulfill his loan contract when a credit union ceased operations. In such circumstances the stabilization fund would take over and pay off the shareholders along with their savings, and the loans would be collected over a period of time reimbursing the fund. The only important change in these sections has to do with the method of contribution to the stabilization fund, which will now be based on shared capital and savings rather than earnings.

When this bill is considered in Committee there may be other questions required and we will deal with them at that time, but I think I have covered the important differences between

(MR. USKIW cont'd.) the new Act and the old one. In closing, may I say that I feel this is a very important piece of legislation that has been carefully considered and discussed by credit union people who are in a position to assess its value in serving the needs of the people in this province. Mr. Speaker, I recommend it to the House.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I beg to move, seconded by the Honourable the Leader of the Liberal Party, that debate be adjourned.

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

MR. GREEN: Mr. Speaker, would you call Bill No. 75, on Page 6, please?

PUBLIC BILLS

MR. SPEAKER: On the proposed motion of the Honourable Member for Radisson, Bill No. 75. The Honourable Member for Swan River.

MR. CRAIK: Mr. Speaker, in the absence of the member could we have this stand?

MR. GREEN: Mr. Speaker, would the Member for Riel be able to say that there is no objection to somebody else speaking?

MR. CRAIK: Yes.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I would like to address a few remarks in respect to this bill. Essentially, Mr. Speaker, this bill covers a great matter of various sections of the Act and it's very detailed. I don't at this time intend to deal in any particular way with all of the subject matter of this bill. What I would like to do however, though, is comment on some of the highlights of the bill and reflect some of my thinking and, as I understand it, some of the thinking of the people with whom I have discussed various amendments to the Liquor Control Act. As you know, Mr. Speaker, since I am responsible to report to the House in respect to this Act, from time to time persons who were interested in the whole field covered by the Liquor Control Act make representation to me in respect to the Act itself, and I've considered representations that have been made from the Hotelkeepers' Association, from the Restaurant Association, from the brewers and so on, and by and large the resolutions which they have submitted have certainly, have certainly reflected a concern with respect to an extensive matter of the items that are listed in Bill No. 75.

There have been, over the course of some years, a concern for substantial change in The Liquor Control Act. Some of the clauses in Bill 75 are fairly substantial changes in principle from the existing Act. I think some of the highlights, so far as I'm concerned, of Bill 75 deal with a provision for flexibility in the sale of alcoholic beverage that I think is long overdue. Before commenting on specifics in the Act, I think that honourable members have to reflect on the adequacy of The Liquor Control Act legislation and the principles that are embodied in the present Act, and as I've indicated in remarks earlier in respect to various other amendments and discussions surrounding various sections of the Act, I think that at some stage in the not too distant future, and hopefully it will be in the near future, there will be occasion for a complete study of the Act, because I am given to understand that the Act, the drafting of the Act itself, was a rather hurried performance because of the fact that a report was brought in and there was some urgency to prepare an Act to cover all of the principles of the Bracken Liquor Enquiry Report. And the legislative draftsman, for example, has indicated to me a desire on his part to do a complete revision of the Act at some time.

Now it could well be that if Bill 75 in its entirety or a substantial portion is passed, it will so affect the principles of the Act to such a substantial degree that there will be, as of necessity, a need to review the major principles of the Act. I think that when individual members concern themselves with amendment of this type of legislation they have to search their conscience as to whether or not there ought to be at this stage any relaxation in liquor laws, or whether in fact there ought to be a tightening of liquor control legislation, and it's certainly a matter that is not dealt with in an offhand manner, because it does reflect, in part, the moral and social attributes of the society in which we live. But we're living in an age of increasing permissiveness and we're living in an age of a frankness and an honesty and a soul-searching on the part of youth that I think is a very healthy thing, and youth in this country are looking at legislation, they're looking at adults and their attitude towards the law, and they are questioning the honesty, integrity of adults, they're questioning the appropriateness

(MR. MACKLING cont'd.) of the laws, in a manner that's healthy and refreshing. I, for one, accept the challenge of youth with warm welcome because I think their approach is an honest and sincere one. And I admit that so far as I'm concerned I think that, as was reflected in the study that was carried out by the Bracken Liquor Enquiry Commission, the law even today is considerably deviated from on the part of a great many people. Certainly there is far less restriction than there was in the days prior to the Bracken Liquor Enquiry Report, and I think that one of the MLAs in this House - he's not a member now - who has to be given a substantial degree of credit for bringing public attention to bear in this field, was the present Mayor of the City of Winnipeg, Stephen Juba, whom I remember carried on an extensive campaign to bring to the attention of the government a necessity for a very substantial reform in this area.

I think again, now that we've moved into the decade of the 70's, there will be, and is, a necessity to evaluate some of these laws that deal with subject matter of real conscience in a complete and exhausting manner. I don't think that Bill No. 75 really does that in any way, shape or form, but it does provide some relief, some amelioration of some of the harshness and irregularity, I would say, of the present law. I think it makes for a much more sane and reasonable use of alcoholic beverage at certain levels.

I'm not going to deal with the question of the consumption of alcoholic beverage by young people. I think that the rights of young people have to be dealt with in total, not dealing with the question of whether or not they should have the right to do this or that or the next thing at varying ages; I think that the approach has to be on a more comprehensive basis. And that's why the Age of Majority Act, when it is introduced and I undertook that that work was proceeding, will cover the situation in its entirety, but I think that a lot of people in our society are very concerned. They're very concerned about perhaps providing greater flexibility in liquor legislation, perhaps making liquor more accessible to younger people and to more people perhaps, than otherwise would be the case if we had more restrictive and much more narrow liquor control legislation.

But I really don't think it's possible, Mr. Speaker, to turn back the clock, so to speak; to retreat to the puritanical position of the early 1900's. I think, Mr. Speaker, that we do recognize the dangers of so many chemical comforts in our society, and alcohol is certainly one that can lead to a great deal of social difficulty, and I for one am not blind to the fact that government must assume a very substantial responsibility to assist those who have exhibited a propensity to indulge to excess and therefore undermine their health and undermine the security and the welfare of those who are dependent upon them. And there is a very real need for a very comprehensive look at our educational programming in respect to alcoholic consumption and our treatment for those who suffer from alcoholic disease, but I don't think that we can be blinded by the fact that there are problems that we can somehow turn it off, because people, particularly young people, if they don't have access on a reasonable, responsible basis to those things which other adults have, seem to turn to other things, and I'm not suggesting - I'm not suggesting, Mr. Speaker, I'm not suggesting, the Honourable Member from Lakeside - that what we do is turn on the tap, so to speak, to allow more alcoholic beverage much more readily and become much more restrictive in respect to other things.

MR. ENNS: Fill my glass.

MR. MACKLING: But I suggest to the Honourable Member from Lakeside that filling his glass is not going to alter the attitudes of the people in his constituency towards the consumption of alcoholic beverage. Young people, particularly, look at adults and they note that they consume alcoholic beverage, they drive vehicles when they consume alcoholic beverage; sometimes when they drink to excess their driving privileges may be taken away. But you know, for a long time the safety people, for example, tried to sell, tried to sell the public on the slogan "If you drink, don't drive" but people still weren't accepting that admonition, and it's much more acceptable today to prove to a person - and my honourable colleague distributed some leaflets which are getting a greater deal of acceptance by people because you are being more frank, you are being more honest, you are telling the facts as they are - that at a certain limit your ability to drive is substantially affected. It's not saying that it's not affected at all when you take one drink, but if you take several drinks then your effective ability to drive is impaired, and this honesty, this honesty about the consumption of alcohol, is something that I think has to permeate right through our society.

It's not right to say to the young people, you know, "You mustn't take a drink," and yet

(MR. MACKLING cont'd.) adults are drinking, some of them, and we note some people drink in some cases to excess. It's just not possible, it's just not possible to tell young people that this is an area that's taboo, because if they can't consume alcoholic beverage responsibly in concert with other of their adult friends, then there are innumerable chemical comforts that can be turned to, and some of them with much more devastating effect, and I say that alcoholic beverage has been known since almost the beginning of time, the beginning of civilization, and it's true that with the knowledge of alcoholic beverage there has been knowledge of the social distress that it has brought, but I indicate that it's not possible to turn back the clock. Hopefully, what we can do is certainly tighten our laws in respect to the proliferation of other chemical comforts whose effects scientists can't confirm on the human body at this date. So I suggest, Mr. Speaker, that in approaching the various amendments that are proposed, we should do that in consideration for the general framework of our laws and the general attitude of people in respect to alcoholic beverage in our society.

One of the most significant changes, I think, that Bill 75 will bring so far as the general public is concerned, I think, is a recognition that beer, for example, which is a relatively mild alcoholic beverage, can be consumed at sporting events. This is an amendment that I think will find wide favour on the part of many many people, because presently it is possible for those who can afford the \$1.00 per shot, to be able to buy a drink, a cocktail, a straight whiskey drink, at the Centennial Arts Centre, and I don't think that what's good enough at the Centennial Arts Centre should not be reasonably, comparably good enough at sporting centres. And I think that the man on the street, the man who would like to enjoy much more of the benefits of reasonable, social drinking, will accept with warmth the amendment which will provide their ability to purchase beer at a sporting event. I think that there's very little possibility that there will be opportunity, particularly those of you who have gone to a football game, hockey game, baseball game, where there is extensive queuing to get a soft drink or any of the other confections, and will realize there is very little probability that someone will be able to buy sufficient alcoholic beverage under those conditions to cause any extent of inebriation or difficulty in the association with his peers.

I think that the amendments to the Act will provide a flexibility in respect to some of the newer cultural facilities in our environment. The paddle-boats, for example, have been operating under rather straitened conditions in respect to the sale of alcoholic beverage because of the provisions of the Act, and I think that if the actual letter, the actual letter of the Act were followed, there may have been some deviation in the exact working of the Act in respect to that. So, Mr. Speaker, there have been instances when the Act has not been followed to the exact letter, and one of the departures, of course, was that incident in St. Boniface which was regrettable, but the end result, the end result was a very good one.

Also, the changes that are provided in the Act provide for more flexibility in rural points, which I think is highly desirable because the requirements, the demands of the Act, makes it almost prohibitive in some areas to develop the kind of facility that that environment can reasonably afford.

I think also that the extended hours in the vendors makes for and will satisfy the hotel-keepers who have found extensive problem in, particularly again, in country points where someone will come into the town, may have spent all evening in shopping and visiting and so on, and would like to have a drink of ale in the beverage room, and then for the weekend pick up a case of beer, and there is a difficulty because they have to rush out and get it and plug up the beer parlour and so on. This extension of a half an hour . . .

MR. ENNS: I'm all for the two-party system on Friday or Saturday.

MR. MACKLING: Well, I'm glad that you're a party man. I wish that you weren't that kind of a party man.

So this will provide a relief that has been long demanded by the hotelkeepers. In respect also to the hotelkeepers, the provision for sale of liquor to guests in rooms where the hotel has a dining room license, I think will be warmly appreciated and I can't see any real objection to that. The extension in the cocktail hours, the hours of the cocktail rooms and the cabarets, is just in keeping with the modern demands of people who expect that they ought to be able to stay out as late as one and two o'clock on Saturday night. They don't feel the magic transformation when the clock strikes midnight.

I could go on, Mr. Speaker, dealing with many of the sections of the Act, but I'm sure that the Honourable Member for Assiniboia would be disappointed if I didn't touch on the section which would have some effect of revising the rigidity of the standards as presently provided in

(MR. MACKLING cont'd.) the Liquor Control Act. Now I don't suggest by any way, shape or form, that the very small amendment that is here is a wide open door to the specialty restaurant, but what it does is indicate, at least at this stage, if this amendment passes, the agreement by this House that there can be some variation in the high standards that are required for various outlets, and I think a case can be made, and ought to be made, in the Liquor Control Act legislation for specialty type restaurants, but I don't think necessarily that means that we throw the door wide open and we forget about the relationship of food and liquor, because as I have indicated on a number of occasions, the provisions that were enshrined in the Act dealing with the relevancy of food to liquor, has been used by the Liquor Control Commission since the report, the extensive report, to provide a substantial upgrading and development of the finest of restaurant facilities perhaps in North America. We can be very proud of the facilities which we have, which in large part ensure substantial success to our tourist industry, which is one that we are also very concerned to maintain and promote.

Some of the other sections of the Act are very minor. Someone says, "What about advertising?" Well, I put to you, "what about advertising?" Advertising, it's a question of whether or not there should be the same rigidity enshrined in the Act or whether against the Commission ought to be able to reflect on what seems to be reasonable, what seems to be reasonably acceptable to the people in the community, and I for one think that a responsible Commission ought to be given the authority to set the standard, to set the hours and the standard for liquor control advertising. I don't think that we want to enshrine, in an Act, the rigidity of the standards that were set in the decade of the 50's. I think that we want to give the flexibility to the Liquor Control Commission to respond to changes in our society as they occur.

Now I may not, the views that I have in respect to advertising, don't mean that I'm one who would want to see a tremendous increase in liquor advertising because, well — my honourable colleague from Crescentwood says there will be. Well, that's up to the Liquor Control Commission and I think that -- well, I say if the Liquor Control Commission is given that kind of discretion it would be up to them, and certainly I think that the remarks that are made in this House bearing on this subject will be looked to as a guideline for them in respect to our attitude. I for one, I indicate, don't believe that there should be a substantial development of extensive or increased advertising in this field, but it is extremely difficult, as the Honourable Member from Lakeside appreciates, for this government, or for the Liquor Control Commission to develop the kind of control in respect to advertising that comes from out of this province into this province by way of magazines, newspapers, television, radio and so on.

Now, I'm not suggesting that because it's difficult to control those things that we abrogate our rights or our concern in respect to this field, but I think that it's an area that will require considerable study, and even though the Liquor Control Commission might be given more extensive discretion or flexibility in this area, I believe that they would go very cautiously in making any changes in this area.

Now if the majority of the members of this House are disinclined to grant that flexibility, it certainly will not in any way make me feel that the members of this Legislature, the majority of the members of this Legislature are unreasonable or unwilling to respect the necessity for more flexibility and a willingness to see some change, because I think that perhaps that section could, along with some of the other provisions of the Act, await the more exhaustive study that I think is necessary to the whole Act and the fundamental principles in the present Act that would still remain even after all of the other amendments, and I anticipate that that kind of study could be initiated hopefully in 1971. I don't think, though, it's the kind of priority item that government is going to exhaust itself on, to the expense of other legislation for which we are anxious to move, but I think, Mr. Speaker, I have indicated my general acceptance of the provisions of Bill 75. I regret the fact that I'm not dealing with all of the sections but I think that I dealt with sufficient of them to indicate that my understanding of the sections in Bill 75 and the attitude of the industry that has been made known to me, is that these amendments would be certainly most welcomed by the industry, and my own view is that they will receive a wide degree of acceptance by the people of Manitoba, and I for one am willing to and look forward to the adoption of the sections of the Act as they are printed, and hope that even after the conclusion of discussion on Bill 75, in the House and in Law Amendments Committee, that it will be possible to proceed further with a further and more comprehensive review of the Liquor Control Act and the principles in it.

MR. SPEAKER: Is it agreed that the motion stand?

MR. G. JOHNSTON: Would the Honourable Minister accept a question?

MR. MACKLING: Indeed I would.

MR. G. JOHNSTON: In view of the fact that the bill contains over 50 amendments to the Act, could the Minister tell the House why the government hasn't proposed a revision to the Act in the government's name, instead of a private member's name?

MR. MACKLING: Well, Mr. Speaker, I must make a confession to the House. The confession won't be that long and it won't be a religious type. I take the attitude, as one of you, as one of the legislators, that we shouldn't as government, or as legislators, await perfection. Since coming to office and discussing with members in my department various pieces of legislation that have been desired, I have found that quite an extensive number have been deferred for exhaustive study, and I have found that a large portion of the legislation which has been considered and studied, it would be possible to move ahead with fairly quickly, but because of a desire by people who want to perfect an entire piece of legislation they put it on the shelf and you know it just gets delayed and delayed to the detriment of those who are anxious for some modification or change fairly quickly.

So when I came to consider resolutions and representations that had been made by the Hotelkeepers' Association, not just in 1969, but over the years, and they indicated that these were long standing concerns, I felt that even though it might be a fairly extensive compendium of amendments, I thought that they should be proceeded with, because I don't think that the major principles of The Liquor Control Act are done away with or eroded by the amendments that are here. It's a substantial, I agree, it's a substantial list of amendments but they don't really I think impinge upon the basic principles which remain. However, some of these amendments deal with matters to which I think there can be a substantial measure of disagreement between one individual in caucus and another because certain members take different attitudes towards different sections. I don't think that the government should insist on bringing in a comprehensive catalogue of amendments at this time which really don't deal with all of the major principles but rather that we should bring in, as has been done, the amendments by a private member so that anyone in the House can disagree with any section and if that section is defeated it won't frustrate the early change of other sections for which a change has been requested for an extensive period of time.

MR. G. JOHNSTON: Mr. Speaker, I'd like to ask one more question of the Minister. The Minister has stated that he has had extensive representations from the hotel association and the restaurant association for changes in the Liquor Act. Could I ask the Minister how many representations he's had from the ordinary citizen of Manitoba for extensive changes in the Act?

MR. MACKLING: I don't think that I've had great demands from individual citizens. I've had some representations made to me, not in any formal way because I haven't advertised or called upon citizens to give me their opinion, but I have had from time to time individuals asking me why the law was such that this was the state of things and I indicated that well the Act is there and we haven't changed it and if the provisions seem harsh it's, you know it's not designed that way, in its working sometimes it might be, but there have been different ones that have indicated they thought that the Act in some respects was far too rigid. But I can't say that I've had a long list of individual citizens who have come forward but from time to time -- and after all we've only been in office what? -- eleven months -- there have been a number of people who have commented upon different sections of the Act and thought that it ought to be revised.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, I have two specific questions. I wish to thank the Minister for answering some of my questions because I raised quite a few on Bill 75 when I spoke on it. My first question is: is it the intention of the insertion under Section 121, Specialty Restaurant, will this avoid specialty restaurants having to serve other courses or other course meals instead of -- is this the definition of a specialty restaurant -- if that's what it is, if the Minister can be specific - Number 1. Number 2: I was glad that he removed the requirement of chairs in a restaurant as such because it could be benches or some equipment, the recent kind, but he still has left tables and I mentioned today we have all kinds of tables, suspended tables and very expensive equipment that is coming out every day and every year which is very modern and maybe much more comfortable than ordinary tables. I see it's still left in the Act and perhaps this is a section that maybe we could look at in Committee and perhaps we could

(MR. PATRICK cont'd.) maybe have some recommendation in that respect.

MR. MACKLING: Well your question as to whether or not there would be one food item only, I really can't say categorically. My understanding is that the probability or that possibility exists, because I think again it's a matter of assessment of the nature of the food product and whether or not it's sufficiently variable and sufficiently interesting and worthy. I don't think that the section as amended will, as I indicate, prohibit, and it doesn't now prohibit the kind of speciality restaurant that my honourable friend was concerned about, and still has a measure of concern about I'm sure. That type of restaurant is presently operating with a licence even though they really deal with one major food product that is varied to some extent.

So far as the question of tables, I don't know. Again it's a matter of construction, interpretation of a high standard of decor. I wouldn't like to say that this would obviate the necessity for tables but table could be interpreted to be different than the standard table that one normally considers with a standard -- there's all sorts of supporting devices rather than regular leg structure tables. I really wouldn't like to be exact in my attitude there.

MR. SPEAKER: Is it agreed that the adjournment of the debate stand in the name of the Honourable Member for Swan River? (Agreed)

It is now 10:00 o'clock; the House is adjourned and will stand adjourned until 10:00 o'clock tomorrow morning.

MR. GRAHAM: Mr. Speaker, before the House is adjourned could the House Leader give us any indication of the agenda for tomorrow?

MR. GREEN: To proceed with bills, Mr. Speaker. -- (Interjection) -- Yes, there's Law Amendments at 9:30 and in the House we intend to proceed with bills, the government intends to proceed with bills.

MR. GRAHAM: Thank you.