

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Friday, April 28, 1967

Opening Prayer by Mr. Speaker.

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

Orders of the Day. The Honourable Member for Turtle Mountain.

MR. EDWARD I. DOW (Turtle Mountain): In the Throne Speech. Mr. Speaker, certain reference was made - and I would like to direct this question to the Minister of Health - "and to set up air pollution controls will also be proposed." Are we going to have that at this session or not?

HON. CHARLES H. WITNEY (Minister of Health) (Flin Flon): Mr. Speaker, the answer to the question is no. Legislation was prepared, but after it was prepared we found that it was not in accord with other legislation that was on the books from a very early time, so I have had the legislation held and it will be brought forward at the next session.

MR. SAMUEL USKIW (Brokenhead): I wish to direct a question to the Honourable the Minister of Agriculture. Will the Honourable Minister table all reports or documents connected with the Baron Enquiry Commission, and if so, when will he table them?

HON. HARRY J. ENNS (Minister of Agriculture and Conservation) (Rockwood-Iberville): I believe, Mr. Speaker, that all that is called for, and indeed all that I am able to table, is the actual report itself. Any documents received in the issuance of getting out this report - I am not aware of the conditions under which these were given to the Commissioner and they may well have been privileged information.

MR. USKIW: A second question, Mr. Speaker. Does the Minister know how many growers - vegetable growers - are represented by the United Vegetable Producers Association?

MR. ENNS: Mr. Speaker, I know how many growers are purported to be in that organization by the newspaper accounts. I am also well aware of the fact that these accounts may not be accurate.

MR. SPEAKER: Orders of the Day. Committee of the Whole House.

ORDERS OF THE DAY

HON. STERLING R. LYON, Q. C. (Attorney-General) (Fort Garry): Sir, I wonder if you would first call, on Page 4, the adjourned debate standing on the proposed resolution of the Honourable the Provincial Secretary and the amendment thereto, standing in the name of the Honourable the Member from Logan.

MR. SPEAKER: Did that matter commence on Page 3?

MR. LYON: Page 4, Mr. Speaker, of the 2:30 Order Paper that we have.

MR. SPEAKER: The adjourned debate on the proposed resolution of the Honourable the Provincial Secretary. The Honourable Member for Logan.

MR. LEMUEL HARRIS (Logan): Very nice of you gentlemen. Mr. Speaker, on this white paper, I know that it has been hanging around here quite awhile now, but I believe that action speaks louder than words. Our side here has pushed this thing around quite a lot and they don't believe that they are getting justice in putting this into another committee. Our people need help right now, and I think that we should go along and put this resolution and bring it back on the floor here, that this resolution be introduced by the government at this session, not in committee after this session but right now. Our people, as we say, need action and people have suffered long enough under the various actions that have taken place. Our people here have shown you all the way along what has been going on. I won't go very far into this right now as I know you people would love a forty minute speech very dearly. I'm thinking of your wives and children, you know, and therefore you want to get home by next Christmas.

So I would say, Mr. Speaker, that we would like to see, from this side, that the government would go along and bring this thing in at this session, not later on. Thank you very much.

MR. SPEAKER: Are you ready for the question?

MR. RUSSELL PAULLEY (Leader of the New Democratic Party) (Radisson): Mr. Speaker, I just want to say a word or two to agree and support the remarks of my honourable friend and colleague, the Member from Logan.

MR. PAULLEY cont'd.)

The subject matter of this resolution is one that has been to the fore here in the Province of Manitoba for a long long time. I recall over ten years ago there were resolutions presented to this House calling for investigations into matters of consumer credit, the question of the disclosure of interest rates, the question of provision of legal advisers to those who haven't the ability to pay for that advice. I recall a proposition from this corner of the House for the provision of assistance for those who found themselves before the bar - and I mean the legal bar and not the liquor bar - from time to time, and in many cases who had to suffer penalties because of the fact that they were not adequately represented in the courts of the province, and as a result, a continuation of these complaints aired not only here in the Legislature but outside as well. Eventually, it appears to me that, rather reluctantly, the government of the day, who claim unto themselves the self-righteousness of being progressive and dynamic and forceful, presented what we now call - or they call - Citizen's Remedies Code.

Well I guess the Citizen's Remedies Code is okay, there is not too much wrong with it. There are some questions that one would ask as to the real significance of the sections dealing with the provision of Ombudsman and the likes of that. They are pretty willy nilly, they are pretty meek, they are pretty mild. The reading of the report indicates a little less dynamic approach than that of quite a number of the members opposite, but I suppose that this is typical of government and of course typical of the present administration. They have to move slowly; they have to move cautiously; and they have to move in sort of a manner of a tortoise. They can't get along very rapidly because of the fact that I feel they may upset some of their historic friends. This is of course, I suggest, Mr. Speaker, the trend of action rather than verbiage of my honourable friends opposite.

So I say this matter has been to the fore of this House ever since the government opposite came into power back in 1958, that magic year in which progress started in Manitoba in the opinion, particularly of the present Minister of Education. I love to hear my honourable friend make references to the difference between the dark dark ages prior to 1958 and the enlightened age since. Well I confess, Mr. Speaker, there may have been some enlightenment in some areas, but certainly the procrastination and the delay and sloughing off of meeting the problems insofar as the matter before us this evening is concerned, certainly is not very enlightening, certainly not very progressive, because it seems to me that this is another stalemate in the progress in the provision of services so sorely needed by the citizens of Manitoba.

We don't hear very much or read very much in the Citizen's Remedies Code in respect of the setting up of a Consumers Credit Department. I recall that the former Provincial Secretary had indicated, on at least two occasions after the presentations of my honourable colleague from St. John's and myself and others in this House, of the need for a new approach in the field of consumer credit and consumer affairs in Manitoba. The former Provincial Secretary indicated that the time was ripe and the time was now for real serious consideration into this very important field, and he had indicated in this House the great possibility of setting up a section or a department of consumer affairs in Manitoba.

Well I guess he's not around now. He has been replaced by a very capable and charming young fellow, the present Minister of Industry and Commerce, and while the previous Minister was charming too, some of the possible progressive ideas that the previous Member for River Heights may or may not have rubbed off to my honourable friend who now represents that constituency. And the reason I say may or may not have, Mr. Speaker, is because I am sure, unfortunately - and I'm speaking I'm sure for all of the members of the House - that unfortunately my friend the present member for River Heights, the Minister of Industry and Commerce, has not had too much opportunity to give to this House the full knowledge of his wisdom because of the fact that as a new Minister in a very important portfolio I think that he has, possibly because of compulsion or order, had to remain rather silent in the field of the political life of Manitoba and has not been able to give to us, as yet, the opportunity to really hear how progressive he may be as the representative for River Heights.

So I say to my honourable friends opposite, I'm hoping - and I guess hope springs eternal - I'm hoping that my honourable friend the Member for River Heights had some of the progressive ideas, at least in some fields, that his predecessor from that great constituency had, and maybe convince the present Provincial Secretary as to the need of setting up a Department of Consumer Affairs.

We had quite a debate this afternoon on the question of advertising and I suppose one can confess that if advertising in that amber fluid reaches the same proportion as it does in the

(MR. PAULLEY cont'd.) . . . . . respect of soap flakes, we can expect a considerable increase in the costs to the consumer as the result of gimmicks and excess extra advertising costs which we oppose in other fields as well. So I say to my honourable friend the Provincial Secretary, he has an opportunity now in supporting the amendment to his resolution, the amendment being proposed by my colleague from St. John's, to really get cracking, really get cracking at this session. I know that there are those, Mr. Speaker, that are anxious and hoping prayerfully that this session will finish tomorrow or Monday or Tuesday so that those who are from the farm can start seeding their potatoes and onions. I know that those that are selling automobile insurance are anxious to get back so they can sell some more automobile insurance and those in the building industry can get back to hammering a few more nails in some barns, and the likes of that. I think it's far more important, though, for all of us to stay here in the Legislative Assembly and do something for the people of Manitoba, and I think one of the avenues in which we can be rendering a great service to the people of Manitoba is in the field contained within the White Paper that the Honourable the Provincial Secretary presented to this Legislature last December. -- (Interjection) -- My honourable friend the Provincial Secretary says here, "Here - welcome to the club." The only difference apparently between my honourable friend and myself is that he does not want to do anything about it at this time; he wants to sit on it a little longer. Well he's a pretty big fellow and after he sat on it a little bit longer I wonder how much more of the propositions that we have considered in this House will be watered down.

So I ask my honourable friend to take a look at the amendment proposed by my colleague the Honourable Member from St. John's. It simply says, let's take a look at the White Paper; let's take a look at the Citizen's Remedies Code, and let's do it now - at this session. There's time. There's time. There's no need for haste in getting out of here. I'm sure His Honour the Lieutenant-Governor will be around for a considerable period of time and will be available two weeks from now or a month from now, as the case may be, to give us the honour of his presence to prorogue the House. So I want to make an appeal similar to that of my honourable friend the Member from Logan, to the Provincial Secretary to realize the importance of action now. Simply to refer this matter back to the Committee of the Legislature on Statutory Regulations and Orders is not good enough. People are being rooked today in many avenues of industry and consumer credit in the Province of Manitoba. Action is needed now. I suggest and ask my honourable friend the Provincial Secretary to do something about it at this Session.

MR. SPEAKER: The Honourable the Leader of the Official Opposition.

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Mr. Speaker, before this debate is closed I would just like to say a few words. The amendment that is before us at this stage I think is rather academic. I don't think that there's really any expectation or hope that the Minister would bring in legislation before the House closes, but I nevertheless intend to support the amendment because I think the amendment, Mr. Speaker, puts in clear terms a criticism and a protest to the government for its lack of action. And Mr. Speaker, if you look back at what the Minister said when he introduced the White Paper and the whole background of this problem, whether it be aid to citizens, or whether it be ombudsmen, or whether it be legal aid to indigents, or whether it be credit controls - all of these matters - the government has consistently been dragging its feet. It makes statements, admittedly. It produces White Papers like this one. It professes concern. But it is only after a great deal of pressure from all sides that the government moves. And when you look at what the Minister said, Mr. Speaker, when he presented this, and at the acclaim that it received at that time in the press - and properly so, because I think the White Paper is not a bad piece of work - but the trouble is it's only on paper. There's no action.

At the time he brought this in, the Minister said - and I quote from his statement in Hansard at that time. He didn't suggest, Mr. Speaker, that he was going to refer this to a committee and wait another year; he said then, and I quote from Page 71 of Hansard - and this was very very early in the session, on the 8th of December to be exact. It's been a long time between the 8th of December and now, Mr. Speaker, if the Minister intended to act, and at that time he said: "May I say also that we are in the process of drafting legislation at the present time." There wasn't any question, Mr. Speaker, that he was going to refer this to a committee. He was in the process of drafting legislation, and here we are now, almost five months after, and what does the Minister propose? Any legislation? Not one whit. Not one line, not one bill, not one proposal, except that we should refer it to another committee for further study. Mr. Speaker, I ask you, is this in any way in line with what the Minister said back in

(MR. MOIGAT cont'd.) . . . . December? Or what he said last year? Because, Mr. Speaker, if this had been something that just came out of the blue, one could consider that my friend would study it for awhile.

But let us take some of the matters that are before us in the White Paper. Legal aid to indigents, for example. Well, we had a committee of the House to study legal aid to indigents for a year. We listened to the Law Society who presented a brief to us, and they had studied it - for how long? Two years? At least. And were they operating in the dark, Mr. Speaker? Not at all. They were operating on the basis of what had been done in the Province of Ontario prior to that. So it isn't something that's just new; that suddenly appeared before us. And I think it's fair to say that the Minister indicated a year ago that he wasn't going to study any further - he was going to act; time for action had come. And now what do we find in this whole matter? We're referring it to another committee. And, Mr. Speaker, if you go back to the White Paper you will find all the way through the White Paper the same pious statements that we get from the government all the time.

The Minister of Health was questioned on another one tonight on the subject of air pollution; made a statement in the Throne Speech. They were going to do something about air pollution. What does he tell us now? Well, the bill's a little more difficult to draft than what he thought it was, so there's not going to be anything on air pollution; it will have to wait until next year. What did the White Paper tell us back in December? The very first sentence, Mr. Speaker, introduction: "The government proposes to introduce legislation providing measures for extending remedies and relief provisions more adequately to protect the citizens of Manitoba in the circumstances of contemporary society."

My honourable friend was in great flights of prose on the 8th of December. He was going to act, at that time; he was going to introduce legislation. And then when he carried on, he brought in the importance of it, Mr. Speaker, and the need for legislation at that time, because he went on to say, "With the increasing pace and complexity of commercial and social relationships, the existing safeguards of the private person are not adequate to protect him in many of the situations in which he is increasingly involved."

All the way through, when you take it step by step, he repeats the same importance. On consumer credit he says, "It is of paramount importance that ways and means be instituted to place the credit consumer on the same plane or basis as the credit grantor," and all the way through my honourable friend speaks about urgency, about the need for action, about the fact that the government is going to act. Mr. Speaker, there's not going to be any action. The government doesn't intend to act. The government intends to refer this to a committee for further study. Mr. Speaker, this is what we've had from this government on so many items and so many important issues over the years that the Minister just cannot get away with that sort of an explanation. He cannot get away with an explanation, for example, on the matter of legal aid to indigents, that the bill was improperly drafted, because he's had more than a year to draft the bill; well over a year, because it was back in the fall of 1965 that the committee of this House heard from the legal people who studied this, who made a report. The Minister agreed with it. What possible excuse is there for now referring this for further study? Mr. Speaker, it's a clear-cut indication of more government procrastination, delay, lack of action; just words in White Papers; pious statements in this House with no intention behind those statements except to delay, wait and hold back.

And so, Mr. Speaker, while I know that we're not going to get legislation at this time, the Minister can't say, "Well it's too late; we can't do anything about it," he's had this resolution before him now for, I would say over a month, and had he intended to do anything about it there was no reason why the resolution could not have been discussed a month ago in this House and a decision taken then, so the Minister can't hide behind that one either. There's no excuse, Mr. Speaker - none whatever. It is a clear-cut case of deliberate delay, deliberate tactics to prevent action. There is no excuse for it when you consider the study that has gone into many of these proposals in the past.

MR. T. P. HILLHOUSE, Q. C. (Selkirk): Mr. Speaker, in the government's White Paper the expression "to protect the citizens from the circumstances of contemporary society" appears. Now that expression at the time that it was used did not have the same sinister meaning as it has today. Just recently, we have heard from the Pacific Coast of a convention of Chiefs of Police of Canada, and the utterances that have come from there make it all the more urgent that we take immediate steps to introduce a code of civil rights in this province, and it's unfortunate that we haven't got that code now so that we could use that code as our answer

(MR. HILLHOUSE cont'd.) . . . . to the retrogressive, barbaric and archaic utterances that came from that convention. I'm sorry that we haven't got that code because when I hear people who are charged with the administration of justice in this country from a police standpoint taking the position that the Chiefs of Police just recently took in Vancouver, I wonder whether or no the expression "due process of law" is going to have a different meaning in Canada if their thoughts are to prevail, and the only way that we can show to these individuals that the expression "due process of law" has a humanitarian connotation and not the barbaric connotation they would like to attach to it, the better it will be for the citizens of this province.

MR. SPEAKER put the question on the amendment, and after a voice vote declared the motion lost.

MR. PAULLEY: Yeas and nays please, Mr. Speaker.

MR. SPEAKER: Call in the members. Order please. For the benefit of the honourable gentlemen who might have been out of the Chamber, we are dealing with the adjourned debate on the proposed resolution of the Honourable the Provincial Secretary, and the amendment thereto by the Honourable Member for St. John's.

A COUNTED STANDING VOTE was taken, the result being as follows:

YEAS: Messrs. Barkman, Campbell, Cherniack, Clement, Dawson, Dow, Doern, Froese, Guttormson, Hanuschak, Hillhouse, Miller, Molgat, Patrick, Petursson, Uskiw.

NAYS: Messrs. Beard, Bjornson, Carroll, Cowan, Craik, Einarson, Enns, Evans, Hamilton, Johnson, Klym, Lissaman, Lyon, McGregor, McKellar, McKenzie, McLean, Masniuk, Spivak, Stanes, Steen, Watt, Weir, Witney and Mrs. Forbes.

MR. CLERK: Yeas, 16; Nays, 25.

MR. SPEAKER: I declare the amendment lost.

MR. PAULLEY: Mr. Speaker, I was paired with the Honourable the First Minister. Had I voted I would have voted in favour of the amendment.

MR. HARRIS: Mr. Speaker, I was paired with the Honourable Member for Pembina. Had I voted I would have voted for the amendment.

MR. PETER FOX (Kildonan): Mr. Speaker, I was paired with the Honourable Minister of Labour. Had I voted I would have voted for the amendment. Thank you.

MR. SPEAKER: Now we're dealing with the main motion. Are you ready for the question?

HON. STEWART E. McLEAN, Q. C. (Provincial Secretary) (Dauphin): Mr. Speaker, as I'm closing the debate on the motion, I'm certain that the members would wish me to review in some detail the provisions of the White Paper, and deal of course at length with the criticisms which have been levelled at the . . .

MR. MOLGAT: Mr. Speaker, I wonder if we couldn't ask the Minister in fact to read the White Paper again about the things he was doing to do during this session.

MR. SPEAKER: Order please. I don't think the Honourable Minister interrupted the honourable gentleman when he had the floor.

MR. McLEAN: Mr. Speaker, I think perhaps there may be a slight misunderstanding although that is a matter of one's point of view. I would recall two things; that the White Paper was an outline of proposals with respect to matters which came under the general heading of what was entitled a Citizen's Remedies Code, and I think that a careful reading of the White Paper will indicate that there was no undertaking or suggestion - perhaps I should say undertaking - to introduce the legislation at any particular moment of time. But of more importance, I believe, will be the, almost the concluding paragraph of the White Paper in which it was indicated quite clearly that it was, in our opinion, advisable that the widest possible consideration be given to the matters of principle that were outlined in the White Paper in order that legislation that might come from that consideration would be the best possible under all possible circumstances, and it is for that reason -- or at least that is the approach that we have adopted in this, and I think that having said that I have perhaps said as much as needs to be said about the general criticism that has been indicated - and not unfairly; I don't mean in any -- I'm not critical of that fact - during the debates that have taken place.

May I also point out that, of course, far from doing little in this general field, the government has done a great deal, and even were no new proposals under consideration I think a fair assessment would have to acknowledge the steps that have been taken over the years in introducing legislation which was of a general type that was important in this field. Indeed, Mr. Speaker, many of the activities that have been carried on by the present administration have been copied and used in other jurisdictions, and I refer particularly to the Tallin Report,

(MR. McLEAN cont'd.) . . . . to the committees on consumer credit, the Unconscionable Transactions Act, and other similar legislation introduced within the memory of members of this Chamber, so that I would have to reject with as much force as I can, the suggestion that we have been in any way dilatory or procrastinating in this field of activity.

May I also point out that we have been active, together with of course other provinces, in meeting with the Federal Government on the subject of interest disclosure, and have taken steps to ensure that our action here in this province will be in keeping with the action taken in other provinces of Canada and by the Canadian parliament itself. So I just put forward the point of view that, far from being slow, we have been in the forefront in the Canadian provinces in this general field of endeavour.

Now, Mr. Speaker, in this situation in which I find myself, after having received some critical comments this evening I find, of course, that there are two possible rays of hope. One is that the Legislature will continue in session for several months, which would of course enable us to present and consider the legislation. The other, Mr. Speaker, is a rather more substantial ray of hope for me, because sitting on the desk or the table of the Clerk is the legislation which the honourable members have been so anxious to see, and it is I believe a rather comprehensive document insofar as the fields with which it deals. It does not deal with all of the various matters that were set out in the White Paper; it has been prepared because there are many parts of it upon which there will be substantial differences of opinion within this Chamber, within the membership of this Chamber, and substantial differences of opinion among many members of the public who will be both affected by it and who will have to deal with it, when and if it becomes law, and so it is of the utmost importance that these proposals be given the most careful consideration. And that was the reason that lay behind the resolution; that the White Paper itself - which is a statement of principles - and legislation arising from the White Paper should be referred to the Standing Committee on Statutory Regulations and Orders in order that it would receive the careful attention it required, the careful study it required, in order that there would be ample opportunity for people who will be affected by it to present their views for consideration for modification or improvement of the legislation that we have been able to draft so far. And so, as I say, this is the basis upon which we have been proceeding. And, Mr. Speaker, if it pleases the members of the Assembly to approve of this resolution, it will then be possible for the Clerk to distribute to the members the draft bill which we have prepared and which deals, as I have said, with quite a number of subjects that are set out in the White Paper, and then at the suitable time before we conclude our sessions there will be the necessary resolution to authorize the Committee on Statutory Regulations and Orders to examine the draft that has been prepared.

The approach being adopted here insofar as the examination of the draft is concerned, is the same as is being followed in connection with the Expropriation Act. And it is my firm opinion, even though I recognize the need for proceeding with reasonable speed, in my opinion there is another important consideration and that is that we not proceed so hastily that we come up with legislation that won't work or that is not acceptable, and it is for this reason that I believe our proposals require, and indeed will benefit, from that kind of consideration which it will receive.

And so, Mr. Speaker, it is on this basis that I seek the support of the Members for the resolution, pointing out as I have already said, that we have the draft bill ready for distribution to the members and that the necessary resolution providing for its consideration after the House rises from its present work, to provide that that consideration may be given to the legislation which we have been able to draft.

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

MR. LYON: . . . you could call the next resolution standing in the name of the First Minister, I believe the Honourable Member from St. John's has the adjournment on it, Mr. Speaker.

MR. SPEAKER: Adjourned debate on the proposed resolution of the Honourable the First Minister. The Honourable Member for St. John's.

MR. SAUL CHERNIACK, Q. C. (St. John's): Mr. Speaker, when I commenced discussing this resolution, I dealt with various studies that had been made in the past and I questioned as to the attitude of the government in this regard, in that it spoke in its resolution of the need to proceed with special measures at this time, preceding that by stating that at present study representations of inter-governmental negotiations have been proceeding, and I wondered as to the purpose. Of course I must admit that at the time I spoke on this last, I had forgotten

(MR. CHERNIACK cont'd.) . . . . that prior to the filing of this resolution there had been a resolution presented by the Honourable the Member for Churchill, not unlike this but, as he admitted, more limited in scope, and I was reminded that just as the Honourable the First Minister brought in this resolution dealing with the establishment of a commission after a prior resolution had been filed on the same issue by one of his own backbenchers in similar vein, the Honourable the First Minister brought forth the proposal for a commission to study the status of women after we had presented a resolution by the Honourable the Member for Logan on a question of day nurseries.

So this has become a sort of technique, and the reason that I wondered about this, Mr. Speaker, is that I couldn't understand why this resolution was here at all. I didn't know just why it was that the First Minister found it necessary or advisable to come to this House for instruction, unless he is becoming a little uncertain about the support that he has and wants to make sure that -- (Interjection) -- I think so. I think that there is enough indication for him to wonder whether he doesn't need to consult with members of the Opposition, and I am supported of course by what was said by the Honourable the Attorney-General when the question was raised last Tuesday on whether it was necessary to have a resolution, and indeed a message from His Honour, in proposing the Commission on the Status of Women, and the Honourable the Attorney-General said then, on Page 2889 of Hansard, "The government has Acts under which we can set up inquiries to look into matters of this sort." But, he said, "either you want to be consulted or you don't want to be consulted . . . and that's the reason they came here."

So the Honourable the First Minister, apparently with a feeling of uncertainty and wanting to consult the House, has suggested that a commission be appointed, so when I saw the purposes of the Commission I thought this was a desirable matter to study and I wondered whether or not it had been studied before; and, Mr. Speaker, the responsibility for this type of study is in the Statute Book. We don't need to have a resolution brought in 1967 to the Legislature. Indeed, in 1963 we passed an Act - an Act respecting the Establishment of the Manitoba Development Authority, and that Act set out certain purposes, and that Act set up the Nelson Agency, to assist various departments of government and the Crown agencies to achieve the greatest economic and social benefits from the Nelson River Development, and Section 3, subsection (2) of this Act, the Manitoba Development Authority, sets out the specific objectives: the definition and development of economic objectives and means of achieving them; the consideration of obstacles to economic growth and the development of means of overcoming them; the examination and development of the means available to achieve the measures required for the promotion of major economic development projects; means of implementing them; co-ordination of public and private activity in pursuance of the objectives; and particularly the co-operation of all sectors of society in attaining a higher level of economic productivity; the adoption and implementation of plans and methods by which there may be brought to the attention of investors in Canada and throughout the world, opportunities that exist in Manitoba for the productive employment of capital; co-ordination of economic policy; etc. etc., Mr. Speaker.

Great powers, great objectives, great responsibilities; and then when one reads the Act further, one finds in Section 6 that there is established a board to be known as the Manitoba Economic Consultative Board, and in Section 12 one reads that the objects of the Board - the Manitoba Economic Consultative Board - the objectives shall be to advise the authority of ways and means of achieving the objectives as set out in Section 3, and generally to consider and advise on such other related matters as may be referred to it by the authority.

Section 14, Mr. Speaker, "Where so directed by the Lieutenant-Governor-in-Council the Board, for the purposes of any enquiry, may exercise all the powers of a person appointed as a commissioner under Part V of the Manitoba Evidence Act." So why do we need a commission established under this resolution? We have the Manitoba Development Authority, whose purposes are broad and include what is in the resolution. We have the Manitoba Economic Consultative Board, whose responsibility it is to deal with these matters and which has the powers of a Commission, and one looks at the Order-in-Council which established the Manitoba Economic Consultative Board, and one finds that it has powers, and, Mr. Speaker, please listen to these powers because pretty soon you are going to find out what happened to these powers, and when we stop to think about sitting here and waiting for a month now, for the report of the Manitoba Economic Consultative Board - it would be the fourth report I believe - let us find out what happened to the powers and to that report.

In 1963, this government established the Manitoba Economic Consultative Board with the

(MR. CHERNIACK cont'd.) . . . . following purposes, objectives and duties: Advise the Authority on programs and policies to achieve development of the province's economy, etc. Examine the economic performance of the province. Seek agreement between the various sectors of the economy upon ways of improving the economic performance. Study other matters under direct government control which may affect the growth and development of the economy of the province. Reports whether or not such projects involve governmental participation by way of financial aid. Sounds good, doesn't it, Mr. Speaker? It doesn't have this authority. The Manitoba Economic Consultative Board does not have the authority which I just read and which was given to it, and there is a simple reason for it, Mr. Speaker. The authority was taken away from the Manitoba Economic Consultative Board on July - I don't want to make a mistake - July 13, 1966. There was an Order-in-Council passed which deleted the powers, purposes, and objectives and duties which I read out, and replaced it with something else, Mr. Speaker. It replaced it with the following:

- (a) Examine long-term economic trends in the province and identify the obstacles to more rapid long-term growth.
- (b) Identify the alternative methods by which improvement may be achieved in the long-term economic growth rate of the province in overcoming obstacles identified in improving efficiency, in achieving the optimum usage of the resources of the province.
- (c) Mr. Speaker; Consider, evaluate and make recommendations concerning what? Concerning particular projects referred to it by the Manitoba Development Authority.

Now we find that when it comes to evaluate projects it is only those projects which are referred to it by the Manitoba Development Authority, and then it must report regularly; and its reporting date is not the same, Mr. Speaker. Last year, I think it was the day that the Honourable the Leader of the Liberal Party made his address on the Budget, that report was delivered on our desks, and he didn't have an opportunity to read it before his Budget Speech was prepared. I made the presentation on behalf of our Party the following day, and I at least had had an opportunity to scan through it. And there have been questions asked on this side of the House by the Honourable -- both leaders of the Opposition parties; when is the report coming? The answer was, "soon".

Well, I don't know if they know it, but in July 13, 1966, there was a change made and the change that was made is simply this; that in 1963 the Order-in-Council provided that the Board shall submit a report, not later than three months after the close of the calendar year, and give an advance copy to the Minister 30 days before it was made public. Then it said the fiscal year shall be March 31st; which means that in the original Order-in-Council, by March 31st that report had to be submitted - March 31st. And we had it, I believe, in March last year. In 1966 -- (Interjection) -- oh that's interesting. The Honourable the Leader of the Liberal Party says it was at 4:00 o'clock in the afternoon of March 31st. They got it under the deadline but they've got time now. They have time now, Mr. Speaker, even if the Session continues as long as the Honourable the Provincial Secretary forecast it might, because the change that was made was that the Board shall prepare it and publish it not later than three months after the close of its "fiscal" year, and I just read to you that the fiscal year was March 31st, so now we have June 30th as being the date by which the report must be filed. So we've been waiting with bated breath, but we shouldn't have. We should have relaxed a bit because it's not coming for awhile yet.

The other change is not a serious change, but it provides that the report shall be in the hands of the Minister 60 days before it is made public, not 30 days as it had been. So now we find that this Board, this Manitoba Economic Consultative Board, which I thought had all the power and indeed the duty and the responsibility to do what it set out in the resolution of the First Minister, has been emasculated to the extent where it can't do it unless it's instructed so to do by the Manitoba Development Authority. What was formerly its responsibility is now only its duty if it is so instructed, and maybe that's why the Honourable the First Minister had to seek around and say, "Where can I find somebody to do the job that's needed, because I and my Cabinet last July . . ." which I think was after an election; yes, it was after an election, about a month after an election in which the Conservative Party did not do too well; at that time, what has proven to be a very interesting report, a report with a great deal of information, a report which made public to the people of Manitoba all the problems of Manitoba without favour, without special consideration for the government, but objectively - because I believe it was objectively - was emasculated on July 13, 1966, and the powers which it originally had that are now missing - let me indicate again are to advise the authority on programs and policies to



(MR. CHERNIACK cont'd.) . . . . achieve this development of the economy - gone. "To examine the economic performance of the province with particular concern for plans for the future in both . . . and public sectors." Gone. They no longer have the authority to examine the economic performance of the province. "To seek agreement with various sectors of the economy to improve . . ." Gone, Mr. Speaker. "To study other matters under direct government control which may affect the growth and development of the economy of the province." Taken out, Mr. Speaker. "To report upon particular projects, whether long-term or short, and whether or not such projects involve governmental participation by way of financial aid or means," has been changed considerably. So that's why we need to have the Minister come here and ask, "What shall I do?" because the Attorney-General indicated that this is a consultative approach by the government - at least it was in connection with the status of women.

MR. LYON: . . . principle.

MR. CHERNIACK: Discussing principle, he says -- (Interjection) -- Well let's do that, because -- the Honourable the Attorney-General is now suggesting that we do not talk politics. . .

MR. LYON: You. You.

MR. CHERNIACK: . . . and he is well advised. Well I am "we" when I speak in the sense of this side of the House. Now, the Honourable the Minister, who is usually first to jump up and speak in the political manner (and who criticizes him for that? Not I.) is now saying to me that he would suggest that I do not talk politics. Well I'm talking the work of this province, whether it's politics or otherwise.

MR. LYON: I suggest you . . . on the resolution. You've been out of order for 15 minutes.

MR. CHERNIACK: Mr. Speaker, the address by the Honourable the First Minister, which ranged far and wide and I re-read it, spoke of COMEF and spoke of the reports of COMEF and what is contained in COMEF, and of course I shouldn't even deal with that because the Honourable the Attorney-General, sitting as he does in the chair, makes comments and I've enough respect for him to listen to them. I really shouldn't unless he wanted to stand up and make them, so I'll just continue.

MR. SPEAKER: I wonder if I might give a thought here. I have endeavoured to be lenient and understanding in all these matters, but looking over the resolution the honourable gentleman has been talking for some time and he has never mentioned the north-south transportation, water transportation, or all those factors that are in there, and I wondered when he might be getting around to that part of the resolution.

MR. CHERNIACK: Thank you, Mr. Speaker. The problems of the north-south transportation of this province - and I've just referred to it - are problems of an economic nature that affect northern Manitoba and southern Manitoba and every person in Manitoba regardless of where he lives. And in order to study . . .

MR. SPEAKER: The honourable gentleman will understand that all I'm endeavouring to do is to keep within the bounds of the business before us and I hope he'll assist me to do so.

MR. CHERNIACK: Oh I appreciate that very much, Mr. Speaker, and I'm doing my best to assist you in keeping us in line to discuss the problems raised by the Honourable the First Minister, which are problems dealing with transportation, highways and other forms which are necessary in order to carry out the aspects that he considers. Transportation in all its aspects has been a subject of grave and continuing concern, and transportation, Mr. Speaker, on the north-south level or any other level, is a matter which was directly under the responsibility for study of COMEF, and so the Honourable the First Minister said; and when I indicated that there was need for study I was only carrying out and pointing out to you, Mr. Speaker, that the Manitoba Development Authority Act provides for studies of that kind. That's the purpose; one of the purposes of it; and the creation of the Manitoba Economic Consultative Board was designed at that time to do these studies for and on behalf of the authority, and to study government projects and study the economic needs and the entire problem, and as I say, I thought I wouldn't have to speak at all on this because I thought, why the COMEF is working on this, and it occurred to me to wonder why we needed this commission in this resolution, this specific matter, since this was a COMEF problem, but now I've discovered, Mr. Speaker, that COMEF, as I say, has been emasculated and can no longer do this job unless - and I'm coming to this, Mr. Speaker - unless it is instructed to do so by the Manitoba Development Authority which, if I remember correctly, comes in right under the responsibility of the First Minister. So that it's a simple matter and was a simple matter and could have been a simple matter all the time this was standing on the Order Paper, which is quite awhile, for the Minister in his capacity of

(MR. CHERNIACK cont'd.) . . . . the Manitoba Development Authority, to say to COMEF, "It is true that the Lieutenant-Governor-in-Council on July 13th, 1966, cut the real meaning out of your work. Yet I have still retained the authority to refer to COMEF particular projects for consideration and evaluation of recommendations." So although all the powers and objectives that I've read have been taken away, it would still have been possible for the Honourable the First Minister to instruct COMEF in its emasculated form to do this kind of work. I'm assuming that he could also possibly have persuaded members of his Cabinet to give back to COMEF the responsibilities and authorities it had so it could have continued the job while we were sitting around doing other work and waiting for this to come up again on the Order Paper.

So, Mr. Speaker, although it may be unpleasant to hear, I am only saying that it's fine that we should study it, but why wait on the Order Paper, let it sit in order to consult with us, when we as the preceding Legislature of 1963, gave all the authority, all the responsibility, the entire problem, in a proper way to the Manitoba Development Authority and set up the Manitoba Economic Consultative Board with the powers of a commission to have done all this work. And therefore I'm bound to say that this matter has come before us - possibly the Honourable the Member for Churchill deserves credit for having updated this problem because he is the one who brought it before us and then it was that the Honourable the First Minister brought the resolution. Now I don't know what happens because as a result of this, nothing need be done by this Legislature. If this resolution passes, it is not necessary for the government to come back here to present any sort of creation, or permission to create a commission. Indeed the Honourable the Attorney-General made it clear when he spoke last Tuesday that the government has all sorts of acts, and money, which gives it the power and the ability to set up a commission.

It seems to me, Mr. Speaker, that we've been sort of led down the garden path. We've been waiting for the report of the Manitoba Economic Consultative Board for quite some time, now knowing that there's been a change not only in the purposes and objectives but indeed of the reporting date, and if this weren't one of the longest - or I think it is now the longest session in the history of this . . .

MR. SPEAKER: We have two days to go.

MR. CHERNIACK: Oh, well I don't intend to -- well let me say this, had it not been this long a session I might not have been considering this problem to the extent of having made inquiries to see these Orders-in-Council to justify in my own mind what were the objectives of COMEF, and we may all have gone away wondering just why it is that we hadn't yet received the report. When we do, of course, we'll know the reason - well we know now the reason for the delay - we will also know and be able to forecast that it will be quite a different report from what we've had in the past because the teeth have been pulled from the authorities they have. This I regret very much, Mr. Speaker. I do feel it was proper to bring it to the attention of the House because of the fact that apparently now the Honourable the First Minister finds it necessary and advisable to come to us for consultation to see whether or not we agree with him that there should be a commission established. The time is long past, I think, when he should have taken the responsibility of establishing a commission as set out in his resolution.

MR. LYON: Will the honourable member permit a question?

MR. CHERNIACK: Yes.

MR. LYON: We listened with a great deal of interest the other night to the Honourable the Leader of the Opposition make what I consider was a most useful contribution to this debate in discussing the question of north-south transportation, but will my honourable friend sometime after the House adjourns send me a copy of Hansard containing his speech tonight and point out what he said about north-south transportation, or if he has any ideas on it at all.

MR. CHERNIACK: Mr. Speaker, I think that it's an affront on the part of the Honourable the Attorney-General to make a speech such as he did. He can read Hansard as well as I can. He should have the ability to read my speech and pick out from that that which he feels is of real consequence in the administration and management of this government. If he heard nothing, then he ought to read; and if it meant nothing to him, Mr. Speaker, I can only deplore the fact that this government has the arrogance to do what it did in connection with COMEF and then have its representative get up today and attack the form in which I've made my presentation.

MR. LYON: What about north-south transportation.

MR. PAULLEY: I beg to move, seconded by the Honourable Member for Logan, that the debate be adjourned.

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

MR. LYON: Mr. Speaker, I wonder if you would now be good enough to call the Committee of the Whole House.

MR. SPEAKER: Committee of the Whole House.

MR. LYON: I beg to move, seconded by the Honourable the Minister of Welfare, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the Bills standing on the Order Paper.

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

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: We have before the committee a motion that Section 15 of Bill 38 be deleted. Are you ready for the question?

MR. PAULLEY: Mr. Chairman, what is the ...

MR. CHAIRMAN: The motion before the committee is that Section 15 of Bill 38 be deleted. The effect of that would be that there would be no change in the hours for beer parlors.

MR. LYON: Mr. Chairman, not to beer depots or any of the other premises.

MR. CHAIRMAN: Correct. The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Chairman, just a few words on the amendment that is before us. I think we could do no greater service to society in Manitoba than to support this particular amendment, because too often I've seen that people are spending late hours in there and the families are waiting in their cars and the poor wives have to wait outside for their husbands to come. I think this would certainly worsen the situation by extending the hours and therefore I would ask honourable members to support this amendment.

MR. CHAIRMAN: Are you ready for the question?

MR. HILLHOUSE: What is the motion, Mr. Chairman?

MR. CHAIRMAN: The motion is that --(Interjection)--Yes. I think the effect of this would be simply that the hours will stay as they are if Section 15 is deleted - for beer parlors.

MR. MOLGAT: It will leave the closing hour as it is now?

MR. CHAIRMAN: I understand, yes.

MR. MOLGAT: And leave it 11 o'clock closing.

MR. CHAIRMAN: Yes.

MR. HILLHOUSE: But I mean the one hour closing at supper time.

MR. CHAIRMAN: That will be retained.

MR. DOUGLAS CAMPBELL (Lakeside): It may not make a great deal of difference to the thinking of the committee, but as one who is in support of the amendment, it probably would be not out of order if I mentioned the fact that it isn't long ago - I would say four or five years - since an hour extension was given. Is there someone here that remembers what year that was?

MR. LYON: ...four or five years too. I can say that to the Honourable Member for Lakeside. I believe it was actually eight years ago.

MR. CAMPBELL: Was it that long?

MR. LYON: Time flies very rapidly: It was 1959 I believe.

MR. CAMPBELL: Well at that time, if my memory serves me correctly, Mr. Chairman, the closing hour was 10:00 o'clock and then it was extended to 11:00. The proposal now is to extend it to 12:00, and it's easy to take the arithmetical progression into account and see where it would be in a few more years. I think that the night time, the later that you allow these dispensers of alcoholic beverages to run at night, the greater is your hazard on the highway because that's the difficult time of driving anyway, and when you extend into that time you're just, in my opinion, increasing the hazard very greatly. If - if an extra hour is really required for the consumption of these beverages, let's give it to them at the first part of the day, not at the end of the day. They'd be a lot safer --(Interjection)--Yes. Yes. Personally, I'd give them a little while at 7:00 o'clock in the morning if they want to, but I just do not like - I just do not like extending the time at night. So I'm in favour of the amendment, Mr. Chairman.

MR. LEONARD A. BARKMAN (Carillon): Mr. Chairman, I am supporting the amendment for two reasons. Basically, not just for the sake of lessening the hours of drinking, but I think it is the wish of many of the country beer parlor operators that the hours actually are

(MR. BARKMAN cont'd). . . long enough and I believe - at least quite a few that I have spoken to - this is something that they actually wish because they know some of the customers that they have. As the former speaker just said, they would much rather open up an hour earlier in the morning than be open an hour later. I think we're actually serving two purposes here, doing the wishes of what most of the country beer parlors would like.

MR. WALLY MCKENZIE (Roblin): Mr. Chairman, I would like to reiterate the statements of the Honourable Member from Lakeside and the Honourable Member from Carillon. I may be one of the few here in the Assembly who has a problem with Indian drinking which becomes very difficult in our town at 11:00 o'clock at night, because in most cases we must see that these people get back to the reservation. The liquor statute at the present time does not permit them to drink on the reservation, so they have to drink off the reservation. It's a problem which no doubt some of you here in the Assembly are not concerned with, but I am greatly concerned with it because we must get these people back to their abode and try and see that they get back the best way they can.

It is a problem today, Mr. Chairman, with the Indian population, that on their reservation in most cases they have not got something whereby they can occupy their spare time and it seems to be the general tradition amongst them that they move off the reservation and move into the town for something to do. One thing leads to another and invariably they have a problem with the beer parlors. So I possibly appreciate the sentiments of the people that live in the urban areas where this problem can be controlled possibly better than we can in our area.

I appreciate the cocktail people. They're doing a fantastic job. I go quite often to my honourable friend's establishment here at the Hollow Mug and I don't think that there's a better establishment anywhere in Manitoba, bar none. I go there at 12:00 o'clock at night or 1:00 o'clock in the morning and I think this is - well, excellent entertainment; well controlled. But on the other aspects of it, we have the problem that I've got which makes it very difficult for me to support the amendment, but, Mr. Chairman, all other aspects of the bill except this one - it would become very difficult for me to support, so I'm sorry that I just can't -- I support the amendment of the Honourable Member from Pembina.

MR. MOLGAT: I would like to ask the honourable member a question just for clarification. Was he suggesting that the Hollow Mug should remain open later and that the beer parlors in his constituency could close earlier? Just for clarification.

MR. MCKENZIE: No. I'm sorry that I wasn't able to get through to the honourable member from the Opposition. I was just trying to clarify a point, that there are people that can run an establishment at 1:00 o'clock in the morning and look after it; there are other establishments that can't handle the patrons at 11:00 o'clock at night. --(Interjection)-- I don't think I need to answer that question.

MR. MOLGAT: Thank you very much. I appreciate the reply.

MR. BEARD: I would like to make two comments. One is of course that we must keep in mind that the rural hotelkeepers, if they so wish, can overcome this by opting out which they're allowed to; and secondly, I would draw to the attention of the Member for Lakeside that these jumbo beer glasses are a lot bigger than they were nine years ago so possibly they take that extra hour at night to finish off.

MR. DOW: Mr. Chairman, one of the reasons that in my opinion this will not work in the rural areas is the fact of opting out. If you take the geographic locations of many communities, you find beer parlors in smaller communities and bigger communities, and if you have the permissive legislation in regards to hours you have the ones that opt out at the early hour travelling to the other places that stay open longer and therefore it becomes a menace on the highways.

I'm quite sure that to satisfy the general public that I don't think in my opinion that they want to see the serving of liquors, particularly in the rural areas, an hour later. They run into labour problems and the time element is -- surely up until 11:00 o'clock anybody that likes a bottle or two of beer can get enough by that time without having permissive legislation to start driving looking for more, and I would support the amendment of the Honourable Member from Pembina.

MR. CHAIRMAN: Are you ready for the question? The motion before the committee is that Section 15 be deleted.

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

MR. CAMPBELL: Yeas and Nays, Mr. Chairman.

MR. CHAIRMAN: Call in the members. The motion before the committee is that

(MR. CHAIRMAN cont'd)... Section 15 of the Bill be deleted. That would have the effect of leaving beer parlor hours as they are at present.

A COUNTED STANDING VOTE was taken, the result being as follows: Yeas, 17; Nays, 26.

MR. CHAIRMAN: The motion is lost. Section 15 --

MR. J. DOUGLAS WATT (Arthur): Mr. Chairman, I don't intend to make a speech at this time on this particular section of the Bill. I spoke on the bill on second reading at which time I think I made it clear that I was supporting the bill with the exception of the clauses dealing with extended hours in respect of beer parlors and beverage rooms. I don't think there's any point in me speaking any further on it. I wish to move now, seconded by the Honourable Member for Roblin, that Section 15 of the bill be amended (a) by striking out the words "section is" in the first line thereof and substituting therefor the words "sections are"; and (b) by adding thereto, immediately after the proposed Section 98 of The Liquor Control Act, the following section of The Liquor Control Act:

98A. (1) Notwithstanding section 98, subject to subsections (2), (3) ...

MR. CHAIRMAN: If the honourable member would wait a minute, I think copies of the motion are being distributed and then members would be able to follow the motion better.

MR. WATT: Do you wish me to proceed now, Mr. Chairman, on 98A?

MR. CHAIRMAN: Proposed 98A.

MR. WATT: I proceed from 98A.

(1) Notwithstanding section 98, subject to subsections (2), (3) and (3A) of section 159, no sale or other disposal of beer shall be made or take place, in or from, and no beer shall be consumed in, any beer parlor situated outside a city or town with a population of more than 5,000, or the metropolitan area, as defined in The Metropolitan Winnipeg Act, after eleven o'clock in the evening on any day on which the beer parlor is open, unless the council of the municipality in which the beer parlor is situated has passed a by-law providing that the whole of section 98 applies to beer parlors situated within that municipality.

(2) The council of a municipality shall not pass a by-law providing that the whole of section 98 applies to beer parlors within the municipality unless

(a) a petition therefore has been filed with the clerk; and

(b) after first and second readings, and before third reading, it has submitted the by-law to a vote of the duly qualified voters of the municipality and a majority of such voters voting on the by-law approve of the by-law;

and provisions of Part VIII apply, Mutatis Mutandis, to the petition, the by-law and the voting on the by-law.

MR. CHAIRMAN: If the honourable member will ...

MR. WATT: There is a further amendment on Section 18 of the bill, Mr. Chairman, which would apply the same to licensed beverage rooms.

MR. CHAIRMAN: If honourable members will note, there's a small change from the copy that's been distributed in that the sixth line of the proposed Section 98A, after the word "outside", you insert the words "a city or town of population of more than 5,000"  
--(Interjection)--Yes, after the word "outside" you insert "a city or town of population of more than 5,000 or." In the sixth line - the fifth line, I'm sorry - the fifth line of the proposed 98A after the word "outside", "a city or town of population of more than 5,000 or".

...continued on next page

MR. LYON: ... might make just a brief comment on this. I appreciate the motivation of my honourable friend the Member for Arthur but I for one cannot support this amendment. This would be importing into the question of liquor hours or hours of opening and closing for the first time the concept of local option which of course now does not apply to anything except the establishment of certain licensed premises; and while I am confident of his motivation and his well meaning by making this motion I suggest that it would lead to unwanted confusion, unwanted expense to vast areas of Manitoba outside of Metropolitan Winnipeg and cities, towns or villages with a population of more than 5,000, for the sake of what? -- for the sake of one extra hour in licensed premises. I don't think the expense of the referendum would justify that in any circumstance at all.

Now it has been pointed out that there are some communities, I am sure that they are in a minority in Manitoba, who might not wish to have the extra hour - if that is the case, and particularly in those villages where there is one liquor outlet with a beer parlor type of premise, it is within the option of the licensee himself to opt out, as indeed it always has been within the act. The sections on opting out that we are re-enacting here at the present time have been in the Act heretofore in a previous statute, but in wording that was slightly different.

So I suggest that there is a fairly fundamental principle involved in this amendment that really should not deserve the support of the House; that is putting the principle of local option into the setting of hours in local communities and here for the sake of one hour permitting that to be done and all that goes with it; the requirement for a petition of 20 percent of the electors, the expense of the council in putting through the by-law and printing the ballots and all of the attendant requisites for the taking of an option vote. These are perhaps required and are worthwhile when it comes to a particular town or area deciding whether or not it wants certain types of premises as indeed the Act has provided from the initial instance, but I suggest that having regard to the fact this would deal only with an hour of closing that we would be labouring to bring forward a mouse and I don't think we would be doing any service particularly to the people of Manitoba by suggesting this means of restriction of hours to them. There is a means, albeit not a perfect one, within the Act at the present time. The section as presently drawn at 12 o'clock puts Manitoba just about in the median range of all of the other provinces of Canada with respect to beer premises, tavern or beer premises. It is not the type of a thing I suggest with the greatest of respect that is susceptible to local option; there are alternative means for achieving this end in the Act and I suggest that for these reasons I will not be voting for the amendment.

MR. HILLHOUSE: ... question. You said you added after "outside". "A city or town of a population of more than 5,000 or" - well, does that - you see that would read "and no beer shall be consumed in any beer parlor situated outside a city or town of a population of more than 5,000 or the Metropolitan area." Is that the way it reads?

MR. J. DOUGLAS WATT (Arthur): That's right; that's right, Mr. Chairman.

MR. ELMAN GUTTORMSON (St. George): Mr. Chairman, the Attorney-General stated that municipalities have the option - or beer parlors in the country have the option to opt out of the extra hour if they so choose. What mechanism is available to a beer parlor that's located in an unorganized territory or a municipality such as St. Laurent which has a government appointed administrator?

MR. LYON: ... a municipal matter, Mr. Chairman. The actual mechanics are that the licensee in question writes to the Liquor Control Commission, expresses his desires to have shortened hours or different hours than those described within the Act and then if that is approved by the Liquor Control Commission he is so advised and he is free to remain closed during those hours.

MR. SIDNEY GREEN (Inkster): Mr. Chairman, can't he just shut the door? I mean, does a person have to stay open the hours that are permitted under the Act?

MR. LYON: I think that's hypothetical or abstract. We haven't run into any cases where they have not been in touch with the Commission. I think the intent of the previous section and of the present section is that they would so notify the Commission as to their intention. I'm not aware of any case where the intention has been expressed that the request has not been granted. It's a rare occasion.

MR. GREEN: Mr. Chairman, I'd just like to ask the Honourable Member for Arthur if it's the intention that in cities or towns which are populated by more than 5,000 people - and we won't be concerned then of course with the Metropolitan area because this would mean any place with a population of over 5,000 would have the permitted additional hour, that is 12 o'clock

(MR. GREEN cont'd).... at night. Now would that not create a problem - and I'm asking you this - let us say take the City of Portage la Prairie, Manitoba, that could stay open until 12:00; the Town of McGregor, Manitoba, that would have to close at 11:00. Would you not be creating a problem if as you think people are going to rush to be in the beer parlors all night - and I don't assume that that will take place - but won't you be having a worse problem with people driving from McGregor to Portage la Prairie, staying there until 12:00 and then driving home and being on the road for a longer time - if they wanted it that badly and I don't assume they do - but is that not going to take place all over Manitoba, that the people who want a drink that badly that they need the extra hour as you put it will converge on the cities or towns with over 5,000 people.

MR. WATT: Mr. Chairman, in respect of the liquor laws, local opinion has always applied to as far as I know - we go back some years where local option applied as far as the establishment of beer parlors within a municipality were concerned. The people in municipalities voted, if they wanted beer parlors they voted for them; if the people wanted mixed drinking or beverage rooms, they voted on it. I see no complication here, with all due respect to what the Attorney-General has said. As far as I'm concerned I consider that it is an important issue, the closing of beer parlors extension from 11:30 to 12:30, which is what it is now, is an important issue in rural Manitoba and I think it should be left as far as I am concerned with the municipalities to decide and the people therein. I ask the support of this committee.

MR. MOLGAT: Mr. Chairman...

MR. HILLHOUSE: The only point that I wanted to raise was this, that I don't think this is the same as the honourable member would make out. It isn't a question of local option; they already have liquor; it's voting on what the hours shall be. I join with the Honourable Member for Inkster in raising an objection to varying hours in the Province of Manitoba, because I know what happens when we have daylight saving in some areas and standard time in other areas and I know the increase in drunkenness and drunken driving and impaired driving which occurred in this particular area to which I have reference during the period that there was that change in time, and you're going to perpetuate the same problem if you allow this opting out or if you even allow this amendment to go through.

MR. MOLGAT: Mr. Chairman, I was rising to make the same point as my colleague the Member for Selkirk. I'm a great believer in freedom but I'm afraid that if we followed this amendment it's not freedom that we'll have but total chaos, because there'll be no means of regulation at all of the hours and while I'm all in favour of local option to decide whether or not there will be outlets in an area, I think once that decision is made that there has to be some logic across the province. Other than that, you will end up, Mr. Chairman, in this movement at 11:00 o'clock from those areas that are under the restricted hours to other areas and this will be evident around every centre of 5,000 population. I think that the problems on the highways are going to be very difficult; the administration is going to be very difficult, it just doesn't make any sense. I voted in favour of leaving the hours as they are now, not extending them. I frankly cannot see that we would improve the situation by having the local option on this subject. I think we would aggravate the problem on the highways and it would be a very difficult situation across the province.

MR. PHILIP PETURSSON (Wellington): Mr. Chairman, I am going to vote for this amendment, but at the same time I don't see that we'll be without problems no matter what is done, whether hours are extended or whether they're not extended in larger towns or in smaller towns. The problem will continue to exist.

I was familiar with two little towns not too far out of Winnipeg, Oakville and Elie. Oakville had no beer parlor, Elie had a beer parlor, and there was traffic back and forth, of course there was. People in Oakville who wanted a drink in a beer parlor went to Elie, but they voted down the beer parlors in their own town every time that the question came up. I don't see that voting for this or voting for something other than this is going to create any kind of a greater problem than what we already have; it doesn't matter what you do, you're going to have the problem. For the present I would go for this particular amendment and vote for it, realizing that the problem is still going to be there. I don't see that you can blow it up out of all proportions simply by making a difference of an hour in one place as opposed to another. We had these differences in an hour during a time while certain places didn't and automatically there was that hour differential. Beer parlors operated on daylight time if it suited them or on standard time if that suited them and so on. You get a confused state of affairs regardless.

MR. MOLGAT: Did I understand the member to say he was going to vote for this

(MR. MOLGAT cont'd)..... amendment? Did I understand him properly, after he explained the problems there were in these areas. Mr. Chairman, before people vote on this amendment I would suggest that they check with the RCMP; let them ask the Police forces in this province what problems they had when there was daylight saving in certain areas and standard time in other areas. Let them just check with those authorities and see what they think of this sort of an amendment that will provide dual hours.

MR. HILLHOUSE: Just look what happened in Winnipeg and Brooklands.

MR. FROESE: Mr. Chairman, I think you have many more centers involved between daylight and standard than you will have under this section because how many towns or centers do we have with 5,000 population or more outside of the Greater Winnipeg area? There are only half a dozen or so or a few more.

MR. HILLHOUSE: I don't think the honourable member understands the situation. This only applies to cities, towns or villages with a population of 5,000 outside of a Metropolitan area, but a rural municipality adjacent to one of these cities, towns or villages would not have to vote this in.

MR. RODNEY S. CLEMENT (Birtle-Russell): Mr. Chairman, I'd like to clarify that. Just what do you mean by that? A municipality with 5,000 adjacent to say the town of Russell, if there were over 5,000 people in the municipality do you mean to say -- I just don't follow this. I can only say, Mr. Chairman, that I kind of compliment the Honourable Member for Arthur. I think he's a kind of very brave man to stand up, particularly having been a little ill, to bring this problem to the light because although it has its problems, but as the Honourable Member from Rhineland has just mentioned, there are only a half a dozen towns and I would far rather see a few of the people that are going to get drunk anyway on the highways than to have a whole lot of people on the highways after midnight. This law is going to permit them to drink beer till 12 o'clock and till 12:30 till they clear the tables off, and quite frankly this Attorney-General, or the Attorney-General, Mr. Chairman, is the most forceful Attorney-General that I've seen in this Legislature since 1949. I have been here for nearly five months and he has never relinquished not one-half an inch since we started. It doesn't matter what it is. God help the country if he ever gets in that seat in the middle there, we will be in trouble.

I'm going to support the Honourable Member from Arthur. It's not perfect. I would have liked to see the hours stay as they are, but this is just another thing, and as far as Russell is concerned, there isn't a town of 5,000 people within 75 miles and I'm not concerned about the few people that are going to be on the highway for that extra hour in 75 miles.

MR. LYON: ... the town 5 miles from his own vote for the extended hours.

MR. CLEMENT: No, but this was the situation for 25 years before ...

MR. LYON: St. Lazare for instance.

MR. USKIW: Mr. Chairman, I think I have to oppose this motion because I have had a lot of knowledge with respect to a different time zone with respect to the hours of drinking. In the town of Selkirk at one time they used to operate on the daylight saving time idea; the village of East Selkirk used to operate on the standard time idea and twice daily, during the supper hour closing and during the night closing, we used to see a stream of traffic travelling from the town of Selkirk to East Selkirk and vice versa. I don't think I'm in agreement with the honourable member to my right here who states that it's going to put more drunks on the highways. You will put drunks on the highways by having local options and I think this is terrible. I think we have to vote against this type of thing.

MR. M. E. McKELLAR (Souris-Lansdowne): I have been listening very attentively to all this discussion tonight. I tell you there is one little thing that I think many of you have forgot here, when you are talking about beer parlours and beverage rooms. I can tell you that you are not consistent here at all because there are two different time zones that you have already in this Act and I'll tell you what's going to happen. The people from Brandon constituency are going to be going to Souris-Lansdowne constituency after the beverage room closes at 12:30 and they will be going to the cocktail lounge in Souris-Lansdowne constituency which opens an hour later. So the problem does exist, whether - you can go from the beverage room to the cocktail lounge which is open an hour longer. I realize that while -- talking about an hour difference, you are not going to keep them off the roads anyway. If there is a cabaret such as there are in Winnipeg, they can go on another hour longer, from the cocktail lounge to the cabaret, so there is going to be some confusion.

I realize the problem there is though with some of the machinery to be setup under this but I don't think anyone needs to kid themselves that they are not going to go from the beverage



(MR. McKELLAR cont'd)... room to the cocktail lounge. If you have them both in the same building that's so much the better, they're not going to be on the highway. In Souris we do have that; in Brandon there isn't that, but there are cases where they are not going to have the privilege of - where they only have the beverage room in one hotel and the cocktail lounge in another hotel, whether it's ten miles or not, they'll be going there anyway. I thought I would like to bring this to your attention. What I would like to see is the cocktail lounge hours and the beverage room hours ending the same time.

MR. McKENZIE: I would like to reiterate the statement of the Honourable Member from Souris-Lansdowne also my good friend from Russell-Birtle. I certainly back him up in his statement when he says we have the best Attorney-General Manitoba has ever had. This is an understatement if there ever was one. But back to the Bill.

The Honourable Leader of the Opposition said it's the same problem regardless and I don't think I can support his statement. This is not the same problem; this is an urban problem and a rural problem and the problems are as different as day is from night. I have nobody in my constituency that can drive a place where there are 5,000 people and make it in an hour. It just isn't possible. But we must face the fact that in these smaller towns we have no policing in our area to take care of some of the problems that are encountered and if there is anything that will suit me good in my constituency is see everybody packing it up from the licensed premises at 11 o'clock at night. Much better than 12.

MR. RUSSELL DOERN (Elmwood): What about the bootleggers?

MR. McKENZIE: Well if they want to go to the bootleggers they are going to go anyway and the hours are not going to - it could be 12 o'clock. I would support the Honourable Member for Arthur with his amendment, Mr. Chairman.

MR. MOLGAT: May I ask the honourable member a question? He says there are no places in his area at the moment, but if he passes this amendment, he says specifically that any of them can request it and any place in his area can request the municipality to pass a by-law. So my honourable friend could end up with one or two or three places in his constituency that are going to ask for a by-law and the by-law might be passed, having extended hours, and the other 15 places in his constituency having a different time. Now then isn't my honourable friend exactly in the same position as if he were sitting next to a major center?

MR. McKENZIE: Mr. Chairman, I have made a very thorough study of this problem. I have talked to the hotel men in my constituency; I have talked to the people that are directly involved and it is my opinion that they don't want it. I stand here, Mr. Chairman, -- I think I have made a very thorough survey of my constituency and the general consensus of opinion is that they do not want it and why should I stand here and support it.

MR. DOW: I feel that we have to have some uniformity in the province. I took a stand that I was in favour of uniform hours by keeping the same hours throughout the province and if you wish to go into the rural areas and if you wish to take a constituency I think Turtle Mountain is a very good example. We have six different communities with liquor outlets and they are all within a few minutes driving time and if three of these go to one set of by-laws and three to another, we have absolute confusion, that's all we have. So in my opinion, I would suggest that if we have got to go for a thing like this, I would sooner have it uniform. I am all in favour of getting back to 11 o'clock but I am certainly not in favour of having different hours throughout the province.

There is another thing that I would like to warn the committee on. The whole liquor outlets were set up on local option and don't forget the fact that if we go too far and too much confusion, we might have a lot of places that are not selling liquor.

MR. CHAIRMAN: Are you ready for the question. The motion has been distributed. Mr. Chairman presented the motion and after a voice vote declared the motion lost.

MR. WATT: Ayes and Nays, Mr. Chairman.

MR. CHAIRMAN: Call in the members. The motion before the Committee is the motion of the Honourable Member for Arthur. This motion has been distributed.

A COUNTED VOTE was taken and the result being as follows: Yeas, 9; Nays, 34.

MR. CHAIRMAN: The motion is lost.

MR. CHAIRMAN: Section 15. 98. (1) (a) -- passed; (b) -- passed; (c) -- passed.

MR. SAUL MILLER (Seven Oaks): Where are we, Mr. Chairman?

MR. CHAIRMAN: We are on section 15 of the Bill, and we are at 98(1) (e). (Remainder of Section 15 was read section by section and passed.) Section 16 - this is the ...

MR. HILLHOUSE: This section 16, as it appears in the Bill has been redrafted by the

(MR. HILLHOUSE cont'd). . . . Legislative Counsel to work in the amendments that were accepted in principle in Law Amendments regarding the Legion Amendment.

MR. CHAIRMAN: I understand they were distributed this morning.

MR. HILLHOUSE: Yes they were. So I therefore move that these amendments be incorporated into the Bill. You have copies there haven't you?

MR. CHAIRMAN: I think you should read the motion.

MR. HILLHOUSE: I'll read it then. This will deal with the complete new section 16 and I'll read the whole thing. 16. Section 111 of the Act, as amended by chapter 38 of the Statutes of Manitoba, 1957; by chapter 33 of the Statutes of Manitoba, 1961 (First Session); and by chapter 40 of the Statutes of Manitoba, 1962, is further amended

(a) by repealing clause (f) of subsection (4) thereof and substituting therefor the following clause:

(f) unless

(i) it, or

(ii) it and an unincorporated club, the membership of which, in the opinion of the commission, is continued or adopted, or was or is essentially the same as the membership of the incorporated club,

has been in continuous operation and has operated club premises or a club house for at least one year; and -- now down to that "and" was originally in the bill. Now this is the portion that has been added to deal with the legion amendment:

(b) by adding thereto, immediately after subsection (8) thereof, the following subsections:

(8A) Subsections (8B), (8C) and (8D) apply only to those organizations mentioned in subsection (5) and to the duly chartered branches thereof.

(8B) Notwithstanding subsections (3) and (5) of section 112 and section 124, or any other provision of this Act, the commission may issue a club cocktail room licence to an organization mentioned in subsection (5) or to a duly chartered branch thereof that does not hold a dining room liquor licence or that does not have in operation on the club premises a dining room and kitchen.

(8C) Where an organization mentioned in subsection (5) or a duly chartered branch thereof, has, for a period of not less than three continuous years, during which it has held one or more club licences of the kinds mentioned in subsection (2) and in subsection (1) of section 112, a permanent local membership of not fewer than one hundred adult members, the commission shall not suspend or cancel the licence, or refuse to re-issue a licence because it does not have sufficient number of members as long as it has a permanent local membership of not fewer than fifty adult members.

(8D) A member of a duly chartered ladies auxiliary of an organization mentioned in subsection (5) or of any duly chartered branch thereof, whose name, with her address, is entered on a list of members of the ladies auxiliary of that organization or branch thereof and posted on the club premises in accordance with subsection (1) of section 117, shall be deemed to be a member of that organization or branch.

I therefore wish to move these amendments Mr. Chairman.

MR. CHAIRMAN: Are you ready for the question?

MR. LYON: Before the question is put I would like to reiterate, I trust briefly, a few of the comments that I made in Law Amendments Committee when these amendments were introduced.

These amendments were not in the bill that was brought before the House although the subject matter of the Veterans Clubs Brief had been before the government for approximately a year. I can say quite candidly to the House as I did to the committee, they were not introduced by the government because we felt that they did require some further consideration in that these do represent more fundamental changes to the Liquor Control Act of Manitoba than anything that we're dealing with in the present bill. Now you may ask why do I say that. I say that because the whole philosophy underlying (a) the Bracken Liquor Inquiry Report; (b) the present Liquor Control Act is that there shall be the inter-relationship of food and liquor. And I say that the veterans organization - I'm quick to say - I hasten to say - that the veterans organizations in Manitoba are organizations which have a high reputation in our communities and organizations which have conducted their licenced premises by and large in a very good fashion and they do not represent a large proportion of the amount of on-premise liquor that is presently consumed in them.

But I am concerned about the principle that is imported in these amendments because here

(MR. LYON cont'd). . . . we are for the first time essentially divorcing the food liquor relationship principally by the one amendment which would permit a cocktail room licence to be issued to the existing premises of veterans clubs. I say to my honourable friend and to other members of the committee, this may well be coming, and I think as we look at developments in other provinces if these were given to us we find that this privilege has been given in some other provinces where perhaps the philosophy or the inter-relationship of food and liquor is not as firmly imbedded in their legislation as it is in ours. And I say - I repeat again that here we are with respect to these amendments, so long as members know when they're voting upon them that we are eroding this basic inter-relationship and this basic principle that has been imbedded in the Liquor Control Act; and as long as we are all aware of that fact when we vote for this amendment then I say fine because I want everyone to know what we're doing here. And I want everyone to realize that next year, or if not next year, two years from now, when another group of clubs or commercial premises, licenced premises, come before this legislature and ask for the self same privilege, honourable members will then have to consider, as we have had to consider, whether or not this should be done on an all embracing basis for all premises in Manitoba - if we're going to breach the principle should we breach it for all or whether we should give it to one group. I make no further comment because I think the point is self-explanatory. As long as honourable members appreciate that this is a fundamental change in the Act, notwithstanding the fact that the privilege is being accorded to a private organization or a group of private organizations which all of us to a man favour and which all of us to a man probably support, in one way or another. And so long -- I'm not talking against the veterans clubs I'm talking about the principle that is involved in this amendment -- and so long as we all realize that then fine; let the devil take the hindmost and let the vote carry on.

MR. CAMPBELL: May I ask the Honourable the Attorney-General a question? Is it fair to ask which way you're going to vote?

MR. LYON: My honourable friend will be able to see that very shortly.

MR. CAMPBELL: I'd like to know now, Sir.

MR. LYON: On principle I will have to vote against these amendments at the present time because of the question that I've just spoken about.

MR. CAMPBELL: Mr. Chairman, I think that for the first time when we've discussed some of these amendments that I find myself on the same side as the Attorney-General, because I --(Interjection)-- I don't go along with him when he suggests that there'd be any likelihood that the House next year or the year after would be inclined to extend these privileges to other clubs or to commercial organizations because of the fact that we had made this extension this year, because I think these are recognized surely as being special considerations that are given to the veterans clubs and for that reason I don't think that that argument is valid, in my opinion. But the other one I think is completely valid and I certainly pay a lot of attention to that as the Bracken Liquor Inquiry Commission did, that I don't like to see the extension of the separation of the serving of alcoholic beverages and food. So even if we approach it from different angles on some parts of it I still would be inclined to vote against the amendment as well.

MR. MOLGAT: Mr. Chairman, the comments so far though have been related to only one section of the amendment proposed not to the other sections, and while I recognize the basis of the Bracken Commission on the one section surely on the other two items that are before us there is no problem there insofar as the Bracken Commission and there is a real problem for a number of the veterans organizations across the province where the membership is falling and there is no possibility of keeping up the membership. Surely if there is an organized club and if they have been conducting proper premises and doing a service in the community, and it happens that their membership falls below a hundred, under the present Act they automatically lose their privileges for a licence. Now all that is being suggested in the other two is that they not be forced to close their licenced premises which are limited to their membership completely and if it happens to cost them more money to operate it because they don't have enough people it's the same, the people who support it pay for it, there's no cost to the community at large. I think there is there a fundamental problem which unless we provide them with some extensions insofar as membership they just will not be able to continue. So I intend to support the amendments particularly in the case of the membership of the clubs -- and this applies mainly outside of Greater Winnipeg I admit -- but in those areas where there just isn't the possibility of increasing the membership because there are no new veterans arriving in the area and if we persist with the present laws we will simply be closing down these

(MR. MOLGAT cont'd), . . . premises. It seems to me that we have always recognized that the veterans clubs had a different position. This was recognized prior to the Bracken Report and prior to the change of the Act in 1956. It is not something new; I don't think we're establishing here a question of precedent; I think this was a matter that was established many years ago, I think in proper recognition to them, if they run their affairs properly and decent premises then I think that we should give them these privileges.

MR. LYON: My comments with respect to the food-liquor business were related to the one amendment, I believe it's 8B, and certainly insofar as the other amendments are concerned I think these are reasonable and well worthwhile.

MR. HILLHOUSE: Mr. Chairman, I wish to express my thanks and appreciation to the Honourable the Attorney-General for squarely placing before the committee what is involved in these amendments and suggesting to the committee that they can vote as they please as long as they understand the complete implication and significance.

Now I appreciate the fact that perhaps in Manitoba, well in Manitoba, there is a departure in 8B from perhaps the full recommendation of the Bracken Commission, but I would suggest to the members that those legions that would have the club cocktail room licence, or apply for it, do serve food, they have no dining room facilities but they do serve sandwiches and -- well I guess it's sandwiches mostly that they serve. --(Interjection)--So there is food involved with the cocktail.

I would also point out to the members of the committee too that most other provinces in Canada do give to their veterans organizations special privileges such as this. I had in the committee room there the one from the North Battleford Legion which showed the price list and it showed the foods that were served and I would ask the members of this committee to support each one of these amendments, but perhaps it might be advisable for us to vote on each one separately.

MR. PETURSSON: I don't know whether I have followed the debate as closely as I should have but I was wondering is this a package amendment? That is the two other amendments can be taken separately?

MR. CHAIRMAN: Yes. If the Honourable the Attorney-General wishes to move an amendment, I think he should do so.

MR. PETER MASNIUK (Fisher): I would like to add a few words to this Legion brief, speaking as a veteran and also as a zone commander. You might be giving the legions special privileges but it's my belief that the veterans that belong to the legion are special people. They did give up something and this is one of the most restricted clubs, Mr. Chairman. I would like to point out that to belong to the Royal Canadian Legion you have to have the qualification that you volunteered, otherwise you're not accepted. That makes our legion so restricted that when you volunteered you were given the privilege to join the legion. Other than that only 10 percent of your membership is allowed to be signed in. Any other club, and other incorporated club, if you have the money, qualifications, other than being a veteran, you can join these clubs, but not in the Royal Canadian Legion. So I don't think that you are going to be put in the position where other clubs should be also given this special privilege. I would ask all honourable members here to support this motion that without the privileges of having dining room premises we should be given the privilege of serving liquor. Thank you.

MR. FROESE: Mr. Chairman, first I would like to just briefly mention that the Honourable the Attorney-General mentioned that we were eroding one of the basic principles through this amendment. I think we eroded a much more important principle in that we amended the advertising section. However, on the amendment that is before us, are we going to deal with it as one amendment? - the whole number of sections? Because there are different principles involved in the various amendments and while we're dealing with this bill section by section how can we accept this amendment in total on one vote?

MR. CHAIRMAN: Because that's the way the motion is and if someone wishes to move that the motion be amended by deleting one subsection, they may do so.

MR. CHERNIACK: . . . for clarification. When we deal with what is in the Act we deal with it subsection by subsection. Do we in this case not deal with it subsection by subsection?

MR. CHAIRMAN: Dealing with all motions as they come in. We've had quite a few motions like this and we've dealt with the motion as a whole.

MR. CHERNIACK: Have we? I'm not aware that we took one with subsections in it.

MR. CHAIRMAN: Yes, we have. So my suggestion is that if someone wishes to change this that they move that a certain subsection be deleted.

MR. PETURSSON: I'll do that, Mr. Chairman. I move that you deal with what's on the

(MR. PETURSSON cont'd)... first page separately and each of the other two paragraphs on the second page, deal with them separately. They're not necessarily ...

MR. CHAIRMAN: Move an amendment to the motion of the Honourable Member for Selkirk by moving that certain subsections be deleted.

MR. PETURSSON: ... very quick reading, Mr. Chairman, I would -- has there been a motion made in this connection?

MR. CHAIRMAN: By the Honourable Member for Selkirk. Yes.

MR. PETURSSON: I wasn't following it closely enough. What may I ask...

MR. CHAIRMAN: The motion is simply as set out in the mimeographed sheet starting off "that Section 16 of Bill 38 be struck out and the following section substituted therefor."

MR. LYON: Mr. Chairman, I'm prepared to abide by your ruling. It's been done other ways at different times but in any case I think this is an expeditious way of dealing with it and in order to carry through the point that I was discussing, I would move an amendment that clause 8B be deleted from the motion.

MR. CHAIRMAN: And 8C and 8D be renumbered?

MR. LYON: I believe that's the right one: "Club cocktail room licence where no dining room." Clause 8B.

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

.... continued on next page

MR. EARL DAWSON (Hamiota): Mr. Chairman, before we vote on the amendment I would just like to say a few words. I think, to quote the Attorney-General, that this is a knotty problem as far as giving the extension of liquor to our legion clubs, those that are already licenced. I think that if one analyzes the situation he would see that the theory or the fear that we are expressing, or some of us are expressing in here, is not as great as what we think it might be. I know that we all want to be fair to our veterans and to our veterans organizations and I don't believe that they are asking for too much when they ask for the simple privilege of serving to their members liquor as well as beer and wine. I believe the Honourable Member for Selkirk brought out a good point that actually while they have not got dining rooms in the legions, in most of the legion clubs, they do have sandwiches of all varieties, they do have cakes and they do have pies and they do have chocolate bars, coffee, etc. So actually ...

MR. RUSSELL DOERN (Elmwood): Bubble gum?

MR. DAWSON: Bubble gum for people from Elmwood. I would say they have bubble gum. I think that when one analyzes the situation throughout the province too we have not got that many legions throughout, outside the City of Winnipeg that would be making a request for a licence. I would like to see the legislation supported for this time anyway because it would be on a trial basis and I'm sure that the legion clubs in Manitoba are worthy of this privilege. They have proven in the past that they are able to run their clubrooms properly and I think that they would not abuse this privilege. I did say trial basis; I didn't mean it that way. I meant that we should go along with them and I'm sure that they would do well in their operation.

MR. CHAIRMAN: Are you ready for the question on the amendment? The Honourable the Member for Turtle Mountain.

MR. DOW: May I ask a question of the Attorney-General? Is not 8B permissive legislation?

MR. LYON: No, this would be on the same basis as any other club applying for a licence and this would reduce the prerequisite or the pre-conditions for a licence. Ordinarily a cocktail room licence can only be issued to a club which has a cocktail room either contiguous to or closely adjacent to a club dining room and this would remove that requirement of having the club dining room. They could still apply and if they met the other requirements then they could receive the licence.

MR. CHAIRMAN: Are you ready for the question?

MR. MOLGAT: Mr. Chairman, I just want to clarify what we're voting on here now. The Member for Selkirk has moved all of these amendments and this is a sub-amendment by the Attorney-General that Section 8B which would permit the veterans organizations to have a club cocktail licence without having a dining room, be deleted. Is that correct?

MR. CHAIRMAN: Are you ready for the question? All those in favour of the amendment to the motion that clause 8B be deleted and clauses 8C and 8D be renumbered as clauses 8B and 8C.

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

MR. CAMPBELL: Ayes and nays, please, Mr. Speaker.

MR. CHAIRMAN: Call in the members.

MR. DOUGLAS M. STANES (St. James): ... good enough to explain exactly what would happen if ...

MR. CHAIRMAN: The motion before the Committee is an amendment by the Honourable the Attorney-General on the motion of the Honourable the Member for Selkirk and the amendment is: "that clause 8B be deleted and that clauses 8C and 8D be renumbered as clauses 8B and 8C". The effect of this is that the veterans clubs would not be allowed a club cocktail licence if there is no dining room.

A STANDING COUNTED VOTE was taken the results being as follows: Yeas, 15; Nays, 25.

MR. CHAIRMAN: The motion is lost.

MR. CHAIRMAN: Are you ready for the question on the motion of the Honourable Member for Selkirk?

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

MR. CHAIRMAN: Section 17 (a) (i)--passed; (ii)--passed; (a)--passed; 17--passed. Section 18.

MR. CAMPBELL: Mr. Chairman, I move that Section 18 of the bill be struck out.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. CAMPBELL: Mr. Chairman, I understand that I'm entitled to only forty minutes of a speech and --(Interjection)-- I can get leave to go a little longer then. I think everyone is aware of what the motion is, Mr. Chairman, but it's simply another registering of the same point of view that some of us are not in favour of extending the hours and this is one of the cases as I see it that this is done so I hope that the motion will receive the support that it deserves.

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

MR. CAMPBELL: Ayes and nays, Mr. Speaker.

MR. CHAIRMAN: Call in the members.

MR. CAMPBELL: Same Division . . . .

MR. CHAIRMAN: The motion before the committee is that Section 18 be deleted.

A COUNTED STANDING VOTE was taken, the result being as follows: Yeas, 10; Nays, 30.

MR. CHAIRMAN: The motion is lost.

MR. McKELLAR: Mr. Chairman, I would like to make another amendment, that the proposed clause (a) of subsection (1) of Section 132 of The Liquor Control Act set out in Section 18 of Bill 38 be struck out and the following clause substituted therefor: "(a) in licenced restaurants from one o'clock in the morning until one o'clock in the afternoon on every Sunday; (2) on other days of the week from one o'clock in the morning until twelve o'clock noon; and (3) after nine o'clock in the evening on every Sunday. There's a similar motion there for the dining rooms too, and I have some copies here.

Well this shortens up the hours on Sundays. It includes drinking with your meals from 1:00 o'clock until 9. I think the hours are from 1:00 o'clock until 12 o'clock at night. Is that right? I forget now - somewhere in that neighborhood. In other words, this would mean that instead of the employers having to hire two shifts, they would only have to hire one, and I think if they can't get enough to drink in eight hours there is something wrong with them.

MR. LYON: I would just point out to my honourable friend that there is no requirement for any licensee to stay open for any stipulated set of hours on Sunday. If he wishes to close during certain hours, all they have to do is write the Commission and they will give him approval to do so, so I would suggest the amendment is not needed.

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

MR. McKELLAR: Yeas and Nays please, Mr. Chairman.

MR. CHAIRMAN: Call in the members. The motion before the committee deals with Section 18 of the bill and it would have the effect of limiting the hours on Sunday in which meals can be served at a restaurant from 1:00 in the afternoon until 9 o'clock in the evening.

A STANDING COUNTED VOTE was taken, the result being as follows: Yeas, 10; Nays, . . .

MR. CHAIRMAN: The motion is lost.

MR. WATT: Mr. Chairman, I had a similar amendment to the Bill as I presented on 15, but since the countenance of the committee doesn't seem to have brightened any, I think probably I'll file it and go home and sleep.

MR. CHAIRMAN: (Sections 18 to 29 were read section by section and passed.) Section 30 --

MR. PAULLEY: Mr. Chairman, I have an amendment to propose in respect to Section No. 30 of the bill. I move that Section 30 of Bill 38 be deleted.

MR. CHAIRMAN: Are you ready for the question?

MR. PAULLEY: Mr. Chairman --(Interjection)-- Pardon? As Leader of a party I have unlimited time.

Mr. Chairman, the purport of this motion is to attempt to bar the advertising of liquor and beer and wine in the Province of Manitoba. As I read the legislation, Section 30 of the Act - and that's the section we are dealing with - under Section 175 of the Act it states that except as required or permitted by this Act, or any other Act of the Legislature, or as permitted by the regulations, no person shall exhibit, display, print - and so on - liquor advertising. I appreciate and realize that there has been a considerable amount of debate on the question of advertising in this House. I agree that a majority of the Members dealing with Section 5 of the bill felt that it should be retained. But as I read it now, Section 5 only gave authority to the Commission to regulate advertising respecting licenced premises and liquor, the word "liquor" not having been defined to include, as I understand it, wine and beer.

(MR. PAULLEY, cont'd) . . . . .

I voted against all of the amendments with the exception of one dealing with advertising, because I felt that if we were not going to have a prohibition that there shouldn't be discrimination insofar as advertising is concerned in the province. It might have seemed that I was trying to straddle two ways but I wasn't. Having lost the original motion to prevent advertising to some degree, I said that there should be no discrimination in effect. But I want to give to the committee another opportunity to vote against the advertising of liquor and beer and wine in the Province of Manitoba and I think that this can be done by the elimination of clause 30 in the bill that we have before us, because as I read the present liquor act, Section 175 sets up a prohibition insofar as advertising is concerned.

Now I want to remind this committee tonight that I'm not alone in this, that although I am paired with him generally on the votes in the House - and I'm referring to my friend the Honourable the First Minister and I'm not of course using him as an endeavour to influence any member of the House - but I want to point out that when we were in committee my honourable friend, with whom I am paired, voted with me in the prevention or non-acceptance of advertising in the Province of Manitoba. We lost on Section 5, Mr. Chairman, and I give to the honourable lady and gentlemen of this House, this committee, an opportunity of voting against inaugurating advertising in the Province of Manitoba.

As I said this afternoon when I was dealing with the matter, we love and pride ourselves on being first in Manitoba in so many instances. I can only repeat what I said this afternoon, let us be a last, if necessary, in Canada to allow the infiltration of advertising of liquor, beer, wine and spirits to our younger generation by voting for my amendment for the restriction of advertising in the Province of Manitoba. And when I say this - when I say this, Mr. Chairman, I realize that I will not get any friends in the advertising agencies and it might be a heck of a hard job from now on for me to appeal to them for any free advertising or the likes of that, but I'll run that risk, and I am asking the members of this Committee to reconsider the error of their ways this afternoon and join with me in the prevention of advertising in the Province of Manitoba.

MR. LYON: I will be extremely brief. I merely rise to say that I cannot support my honourable friend's motion because we have already in this committee passed a motion enabling advertising, subject to certain restrictions, to be permitted in Manitoba. If we were to pass his motion now, we would then have the Act permitting something in one section and prohibiting it in another section. I suggest the principle has already been discussed and decided and I intend to abide by that decision.

MR. PAULLEY: The only thing I can say to my honourable friend is there is so much legislation on the books of Manitoba as the result of some of the actions of my friends opposite, that if you read one page you'll find it opposite on one page to what it is on the other. I suggest that possibly within the Liquor Act it might be a very good place so that there would be so much confusion that the proposition of my honourable friend is not accepted in Manitoba, especially in respect of advertising.

MR. CAMPBELL: Mr. Chairman, I intend to follow the example of those who have preceded me and be very brief on this, much briefer I am sure than the seriousness of the matter that is before us warrants, because to me this is the key point that we are discussing now.

My honourable friend the Attorney-General says that we have already dealt with the question of advertising but we dealt with the question of advertising under the general provision of the regulations that can be made, and if we could convince - as I think we should be able to do - convince the committee now that this section which is really the section of the former Act that prohibited advertising, if we could convince the Committee that we should return to what the situation was before this Bill came in, then I think it would follow as day follows night that - yes, that's true too, that's true - it would follow logically that the regulations which the Cabinet has the right to pass under the section of the Act that we have already dealt with would not be implemented.

This is the key statement of opinion, because, Mr. Chairman, in the present Act Section 175, which this amendment would change, is the one that came into this Act as a direct result of an especially careful consideration that the Bracken Commission gave to this question of advertising. This is the controlling section, so there would be no conflict at all. If the committee could agree and the House would support the committee in it to change this, then I'm sure that the section previously passed would be a direct -- well having this one would be a



(MR. CAMPBELL, cont'd) . . . directive to the Lieutenant-Governor-in-Council that the regulations that are presumed under the other sections simply would not be passed. So this is the controlling section, Mr. Chairman, and I certainly suggest that the members who want to keep advertising out of the Province of Manitoba to the extent that it's possible for us should support this motion.

MR. PETURSSON: I would wish to add my word to this very brief debate. I'm supporting my Leader, as I always do, on every wise decision that he makes.

A MEMBER: Does he make any other?

MR. PETURSSON: Section 5 has been passed but we still have to deal with Section 30. The fact that 5 has been given consideration and the kind of reception that members feel that they should have given it, does not mean that automatically we have to pass Section 30. It's a distinct and separate thing apart from the other one. Earlier this afternoon, I think it was, the Honourable Member for Selkirk made a statement that he voted according to his conscience and I accept that as being true, and in this instance I too am voting with my conscience or as my conscience leads me, and also I believe in accordance with the conscience of a great number of other people who appeared before the Law Amendments Committee when this was up for consideration.

This Act did not get through Law Amendments Committee for four or five days simply because there were so many people coming in with briefs, most of them opposed to the idea of advertising. It isn't only the people who appeared before Law Amendments, it is all the people that these people represented which must make up rather a large number in the province, and it is because of these, because of my own feelings in this matter, that I feel that I must oppose this idea of advertising.

Today, my honourable colleague from Inkster mentioned free speech in connection with advertising and it doesn't seem to me in the slightest to be related to this particular matter. --(Interjection)-- In this instance he is. I have a tremendous admiration for my honourable friend and I told him several times that I do have and I listen with great attention to what he says, but in this instance I feel that he was dragging in an issue here by the heels which does not belong in this consideration. Free speech is not an issue in this instance at all. What we're talking about is advertising and the two don't follow. If we were going to emphasize free speech in connection with advertising there would be a great deal of advertising that is carried on that would be thrown out the back door, because while it may be free, it is far from representing the truth and is not related to the matter at hand.

Each cocktail lounge and every licensed dining room, every beer parlor and every brewery or distillery that is in existence in Manitoba, has the freedom now to advertise its presence in the community within restricted limits, and the prohibiting of advertising is simply a further restriction of certain rights that have been extended to others and are not being extended - at least according to my light, the way I see it - to be extended to the liquor interests or to the brewery interest.

There is also another kind of advertising that I can well understand that the brewery interests or the liquor interests would wish to counteract, and this is the advertising that appears in the newspapers whenever there is a car accident and liquor is involved. Not very long ago there was a 16-year-old boy who had fallen down the basement stairs . . .

MR. LYON: I hesitate to interrupt my honourable friend on a point of order, but I think we are considering liquor advertising and I'm just wondering if perhaps he's straying a bit far from the point.

MR. PETURSSON: I'm going to wind it up. This also, I would wish to inform my honourable friend, is a kind of advertising. When it appears in a newspaper and it is announced that liquor is involved in these things, I think this is advertising but it isn't the kind of advertising that the liquor interests relish. I'm perfectly willing to let them have that kind of advertising - they get it free, they don't have to pay for it - but this other advertising I am opposed to. I support the --(Interjection)-- Pardon? I wasn't going to speak long. I thank him for his interest in what I'm saying; I appreciate it that he's listening; but I'm opposed to the advertising that is recognized in this Section 30 and I'm simply announcing the fact that I'm opposing it and giving a few reasons why.

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

MR. PAULLEY: Mr. Speaker, I'm desirous of giving the boys another opportunity to assert themselves by a formal vote.

MR. CHAIRMAN: Call in the members. The question before the committee is the motion

(MR. CHAIRMAN, cont'd) . . . . that Section 30 be deleted.

A STANDING COUNTED VOTE was taken, the result being as follows: Yeas, 13; Nays, 27.

MR. CHAIRMAN: The motion is lost. Section 30 --

MR. FOX: Mr. Chairman, before we move on, now that we've dispensed with eliminating advertising, I think we can all join in my amendment because this is not to eliminate it. I move that the amendment be amended by adding at the end of subsection (b) of 175 (1) the following words: "Unless such advertisement or notice contains a prominent statement indicating the good and the deleterious effect of alcohol consumption."

MR. CHAIRMAN: The motion before the committee is that . . .

MR. FOX: Mr. Chairman, let me explain. All this amendment does is ask that we have a good standard of advertising and I think all the members would be in favour of this. It just says that when the people advertise they give us the good and the bad effects of liquor consumption. Now this happens when you have soap advertising. They tell you it's good for your health and so on, that it eliminates germs, and I think the alcohol people should be able to do the same for us.

MR. MOLGAT: Mr. Chairman, would placing a skull and crossbones satisfy the . . .

MR. FOX: Mr. Chairman, I didn't determine what should be there - this is entirely up to them - all they have to do is determine what's good and what's bad and put in in there.

MR. GREEN: How about a statement "Not to be taken internally."

MR. JOHNSON: . . . both external and internal application.

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

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

MR. CHAIRMAN: I declare the motion lost. (The balance of Bill No. 38 was read section by section and passed.) Bill be reported?

MR. FROESE: Mr. Chairman, I move that the bill be not reported.

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

MR. CHAIRMAN: Bill be reported --passed. Bill No. 15.

MR. LYON: Mr. Chairman, this might be a convenient time - unless there is a firm disposition to continue our deliberations - it might be a convenient time to have the committee rise. If there is a disposition to carry on of course we're quite happy to do so, but I think we wanted to quit at a reasonable hour tonight. I thank the honourable members for their co-operation and move the committee rise.

MR. MOLGAT: Mr. Chairman, I wonder if I might enquire as to the order of business tomorrow. We will meet at 9:30 and proceed with what?

MR. LYON: We'll meet at 9:30, Mr. Chairman, and proceed on government business of course. We may call the resolution on transportation, but otherwise we will go right into Committee of the Whole and get busy at the bills again, and the same in the afternoon until we adjourn to go into Law Amendments at 4:00 o'clock.

MR. FROESE: Mr. Chairman, before you decide that. Yesterday when we were in Law Amendments Committee was not the indication given at that time that Law Amendments would be held tomorrow morning and that some people might be coming there because of that.

MR. LYON: Mr. Chairman, there may have been some suggestion. There was certainly no indication from the Chair because there had been no time set for Law Amendments Committee. In fact it was only decided today that Law Amendments would meet tomorrow. We have set it for 4:00 o'clock tomorrow afternoon.

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

Mr. Speaker, the Committee has adopted Bill 38, with amendments, and asks leave to sit again.

#### IN SESSION

MR. COWAN: Mr. Speaker, I move, seconded by the Honourable Member for Souris-Lansdowne, that the report of the Committee be received.

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

MR. LYON: Mr. Speaker, I beg to move, seconded by the Honourable the Provincial Treasurer, that the House do now adjourn and stand adjourned until 9:30 tomorrow morning.

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