

THE LEGISLATIVE ASSEMBLY OF MANITOBA
2:30 o'clock, Monday, March 8th, 1965

Opening Prayer by Madam Speaker.

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

HON. MAITLAND B. STEINKOPF, Q. C. (Provincial Secretary and Minister of Public Utilities) (River Heights) introduced Bill No. 63, an Act to amend The Companies Act.

HON. GEORGE HUTTON (Minister of Agriculture) (Rockwood-Iberville) introduced Bill No. 62, an Act to amend The Agricultural Credit Act.

MADAM SPEAKER: Before the Orders of the Day, I would like to attract your attention to the gallery where there are some 90 Grade 8 students, from Varennes School under the direction of their teachers, Mr. Wieler, Mrs. Harper and Mrs. Havelock, and Miss C. G. Franzmann. This school is situated in the constituency of the Honourable the Member for St. Vital; and there are some 28 Grade 7 and 8 students from Oak River Elementary School under the direction of their teacher, Mr. McCrady. This school is situated in the constituency of the Honourable the Member for Hamiota. On behalf of all members of this House, I welcome you.

MR. HUTTON: Madam Speaker, before the Orders of the Day I'd like to table the following reports: the Annual Report of the Milk Control Board of Manitoba for the period October 1, 1963 to September 30, 1964; the Annual Report under The Water Power Act for the year ended December 31, 1964 -- this report is incorporated in the Annual Report of the Department of Agriculture and Conservation under The Water Control and Conservation Branch; the Annual Report under The Water Rights Act for the year ending December 31st, 1964--the Orders and Regulations published are published in the Manitoba Gazette; it is a nil report; the Annual Report under the Watershed Conservation Districts Act for the year ended December 31, 1964, which is a nil report.

HON. CHARLES H. WITNEY (Minister of Health) (Flin Flon): Madam Speaker, before the Orders of the Day I'd like to lay on the table of the House a copy of a letter from Mr. Pickering, the Chairman of the Hospital Commission, to Mr. Bonnycastle, the Chairman of the Metropolitan Corporation of Greater Winnipeg.

While I'm on my feet, Madam Speaker, a short while ago a question was asked by the Honourable Member for Selkirk about an article which appeared in MacLean's Magazine, entitled "A Safer Start for 50,000 Newborn Babies". I gave an answer at that time and also indicated to the House that I would get some more information from the department as to what we might be doing, and I feel it will be of interest to the House to hear what the department is doing with respect to the Guthrie test and the other tests for the various metabolic diseases.

Amino acids are extremely complex biochemical substances formed by the breakdown of proteins within the body by metabolic processes or digestion. The importance of amino acids in the whole complicated field of biochemistry is well recognized but specific knowledge about amino acids is only beginning to accumulate as a result of modern research. Phenylketonuria is a condition in newborn infants resulting from a defect in the metabolism of one of the amino acids, phenylalanine. If unrecognized and hence untreated in early life, the child develops mental retardation. The condition is rare, estimated to occur once in 10,000 live births. Phenylketonuria, PKU, can be recognized by a blood-screening test, the Guthrie test, done in the first few days of life and repeated in the early weeks of life as indicated by the results of the tests. Through the facilities of the provincial laboratory, the Guthrie test has been carried out on all newborn infants at the Women's Pavilion, Winnipeg General Hospital, since October 1964, and the program will be extended to other hospitals in Manitoba with the object of eventually screening all newborn infants.

The Department of Pediatrics of the Faculty of Medicine at the University of Manitoba is fully informed about the experimental work being conducted by Dr. Scriver and his co-workers at the Montreal Children's Hospital. Arrangements had been made for one of the full-time members of the Department of Pediatrics to spend some time this year working with Dr. Scriver in Montreal and with Dr. Dent in London, England, an outstanding world authority on neonatal metabolism. The blood screening test developed by Dr. Scriver and his co-workers differs from the Guthrie test in that it reveals, or appears to reveal, defects in the metabolism of the

(MR. WITNEY cont'd). known range of amino acids. As mentioned in the MacLean's report, phenylketonuria, although rare, one in 10,000 live births, is the commonest of the diseases resulting from errors in the metabolism of amino acids.

The Department of Pediatrics, using the laboratory facilities of the Children's Hospital, Winnipeg, has been carrying out the Scriver method of blood testing at the rate of 24 to 30 per week since April, 1964 on in-patients and out-patients at the hospital. To date, no cases of defect in amino acid metabolism have been discovered in this series.

MR. T. P. HILLHOUSE, Q. C. (Selkirk): Madam, with the leave of the House I wish to thank the Honourable Minister for his additional information.

MR. MARK G. SMERCHANSKI (Burrows): Madam Speaker, may I ask the Honourable Minister a question? Is he talking about saturated or unsaturated amino acids when he's talking about these acids?--(Interjection)--Madam Speaker, it's quite factual. I think there was a lot mentioned in terms of technical knowledge and amino isn't a serious matter -- are you talking about saturated or unsaturated amino acids?

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Madam Speaker, before the Orders of the Day, I'd like to address a question to the First Minister regarding the Thompson Inquiry Commission into Air Canada. I understand that there is some action now in Eastern Canada to have the Montreal hearing cancelled. Is it not correct that those were requested by Eastern Canada originally?

HON. DUFF ROBLIN (Premier and Provincial Treasurer) (Wolseley): Madam Speaker, I don't think I should get into this discussion because I know no more about what the people in the east have done than has been reported in the newspapers.

MR. MOLGAT: Has there been any contact with the Manitoba Government relative to the inquiry since the hearings here?

MR. ROBLIN: On whose behalf?

MR. MOLGAT: By either the Federal Government or by the Thompson Commission itself.

MR. ROBLIN: There's been no inquiries that I know of. I think the matter's entirely within the jurisdiction of the Commissioner himself.

MR. MORRIS A. GRAY (Inkster): Madam Chairman, before the Orders of the Day, I notice in the Manitoba Gazette of March 6th a proclamation designated as Education Week by the Canadian Education Association. I commend the action taken by the government and everyone realizes that education is the main approach to a free and decent world.

MR. STEINKOPF: Madam Speaker, before the Orders of the Day, I would like to table the Annual Report for the Public Utilities Board for the year ending December 31, 1964.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party) (Radisson): Madam Speaker, before the Orders of the Day, I'd like to express my appreciation to the Minister of Health for tabling the letter that I requested a copy of between Mr. Pickering and Metro. I would like to ask a further question if I may, Madam Speaker. I note according to newspaper reports that Mr. Pickering is going to leave, or has left, his capacity as Commissioner of Hospitalization. I would like to hear from the Minister if this is so; if so, when will he be leaving, if in fact he hasn't gone, and who will be his successor if one has been named.

MR. WITNEY: Madam Speaker, the present chairman of the Manitoba Hospital Commission will be leaving on May 2nd to begin a new hospital in Toronto, in Scarborough, and his replacement has not yet been chosen.

MR. JAMES COWAN, Q. C. (Winnipeg Centre): Madam Speaker, before the Orders of the Day, I would like to draw the attention of the members of the House to the fact that on Saturday last, the youthful Honourable Member for Kildonan became a grandfather for the second time within the last month.

MR. ARTHUR E. WRIGHT (Seven Oaks): Madam Speaker, before the Orders of the Day, I would like to direct a question to the Minister of Public Works. In view of the fine job of street lighting which has been done on both McPhillips Street and in the area of Lockport in the recent year or so, many people are wondering why the Bergen cut-off of the CPR subway has been neglected. Is it the intention of the government to see that some kind of lighting is placed in the subway in the near future?

HON. WALTER WEIR (Minister of Public Works) (Minnedosa): Madam Speaker, I'd like to thank the honourable member for having given me notice of the question. As far as the intentions for the future are concerned, I'm not in a position to say. This is a Metropolitan street and the maintenance of this area is looked after by them with our assistance. Following

(MR. WEIR cont'd). the honourable member's indication that he would like to ask this question, Madam Speaker, I had the area checked and I find that there is some mercury vapor lights on both sides of the Bergen cut-off and there has also been provision for fixtures underneath the structure itself. On inspection it was found that none of the fixtures within the subway were working; Metro have been notified to this effect and I presume that probably action will be taken in that regard.

MR. HILLHOUSE: Madam Speaker, would the Honourable Minister take under advisement the question of constructing these mercury vapour lights at bus stops on No. 4 Highway between the Bergen cut-off and Lockport. I might say that there have been, during the past several years, quite a number of fatal accidents, and it certainly would be in the interests of safety if these mercury vapour lights were constructed or placed at these bus stops along that highway.

MR. WEIR: Madam Speaker, I'd be happy to take it under consideration, although I must say that my advice is that there is often a tendency that the cure is worse than the disease in this type of a situation where you get a relatively large number of lighted areas and cars find themselves moving through shadows from one lighted stop to another; and unless you have continuous lighting it can tend to be more dangerous than not having it lit at all. But I'll be happy to take it into advisement and have the matter checked again with respect to this particular situation.

MR. GRAY: Madam Speaker, I'd like to direct a question to the Minister of Public Works. When will I be able to open the front door without any assistance?

MR. WEIR: Well, Madam Speaker, I really can't answer that question. Every effort has been made to attempt to improve the hinges even to the extent of putting new hinges on the doors. It hasn't been satisfactory. We've reached the position where either the doors won't stay closed or you can't get them open unless you are a person of a physique similar to mine. We've no intention of keeping the Honourable Member for Inkster out; other means are being looked at, and one of the dangers that we face is the possibility of having to change the entrance to that part of the building -- removal of the porch and possibly revolving doors, or something of this kind. It's a problem that we have been looking at, Madam Speaker, but no answer has yet been found.

MR. MOLGAT: Madam Speaker, I'd like to address a question to the Minister of Public Works. Some time ago there was a fatal accident near the intersection at Lockport, and the Minister announced immediately after that he would have an investigation into the particular abutment there that had been the cause of the accident. I wonder if the Minister can now report on that investigation.

MR. WEIR: Madam Speaker, I think the enquiry that I asked for was not specifically for that abutment but, in the light of information that the designers of our roads now have, to have a look at all of the abutments that we have on our highway system and see whether or not any of them should be changed; whether they should be redesigned, or whether something of a less solid nature should be in their place. A lot of the ideas of traffic design. separations of this nature have changed. I haven't got a full report yet, Madam Speaker; possibly by the time I get along to my Estimates the department will have had an opportunity to have a look at them all and I'll be in a position to discuss it further.

MR. MOLGAT: A subsequent question to that one, Madam Speaker. Is it correct that a previous jury had recommended in the case of that particular abutment that it be replaced?

MR. WEIR: No, Madam Speaker, I don't believe that that is exactly correct. The information that I've been able to find is that the coroner suggested that there might be a means of re-designing the abutment, and this is the only recommendation that I've been able to have traced, as a result of the press story that I heard earlier.

MR. MOLGAT: a subsequent question. It is correct, however, that there had been previous accidents there and a recommendation made for it changed?

MR. WEIR: Madam Speaker, yes, there had been two previous accidents -- one fatal -- and as far as we can tell there have been 11½ million cars go by that spot since it was installed; as far as we know, there were only three reported cars hitting it. So, it's one of those areas of judgment. It's just difficult to say at this stage of the game what is the best step to take.

MR. JOHN P. TANCHAK (Emerson): Madam Speaker, I'd like to direct a question to the Honourable the First Minister. Would the Honourable Premier be kind enough to inform the House of his new formula in connection with the financing of Pan-Am Games, as we understand was proposed to Mayor Juba by letter?

MR. ROBLIN: I was hoping that at the time of the Committee of the Whole, the Committee of Supply stage, I could then read the letter that I wrote to Mayor Juba, where there could be any discussion if it was thought desirable. So if my honourable friend would agree, I'd hold it until that time.

HON. GEORGE JOHNSON (Minister of Education) (Gimli): Before the Orders of the Day, I wish to thank the Honourable Member from Inkster for drawing to the attention of the House the fact that this is Education Week. This has been proclaimed Education Week by Order-in-Council in this province, and in Canada, and no doubt members will take the opportunity to visit the open house that will be held by most of our schools throughout the province. I had hoped at this time, during this week, to invite the members to see some of our new facilities at the former Ford plant, parts of which are being converted to educational purposes, largely dealing with teacher aids, and I would hope because it wasn't possible to arrange this this week, that I could later in the week extend the invitation to the honourable members to go out there some morning -- next Tuesday or Thursday -- but I will be in touch with their whips. However, I know that, due to the significance of education today, it is only proper to draw this Education Week to the attention of the honourable members.

While I'm on my feet, Madam Speaker, on Friday the Honourable Member from Lakeside wondered whether I would inform the House at my earliest convenience as to whether the Text Book Bureau will place in stock a text known as "Reading with Phonics". The book "Reading with Phonics" by Hays and Wingell has been listed in the Manitoba Teacher Guide and Text-book Bureau Price List for a number of years. On Page 19 of that price list it shows the pupils' and teachers' edition, or the prices for it, plus the accompanying phonetic picture cards, in addition to work books and text work books, in both teachers' and pupils' editions to accompany this book. I got some further information for the honourable member that in the year '64-65 there was one bulk order from St. James School Division for 35 copies and about 14 other individual purchases made for not more than four copies of any one title of the 15 titles listed under this particular series. I just wish to bring that to the attention of the honourable member.

Also, last week the Honourable Leader of the Opposition wondered if what was referred to as a text book, "More Power to Them", was authorized text, and do we supply it to schools in general. I would draw the attention of the House to the fact that this is really not a text book; it was a series of 30 pages of notes distributed by the instructor at the Manitoba Teachers College for the use of students and sold, I believe, by her for 30 cents. It is not an authorized text, and while this is a large subject, I'd be prepared to deal with any further questions the honourable members have during Estimates, but the department -- we have carried out the instructions, as you recall, in referring the matter of phonics to our advisory board in the past year. Last year instructions were given to the Teachers College to use phonics in addition to the curriculum series, and a questionnaire was distributed, the preliminary report of which the advisory board have under consideration.

MR. J. M. FROESE (Rhineland): Madam Speaker, last week I posed a question to the Honourable the Provincial Secretary who was absent at the time, as to whether he had received any complaints from truckers, especially gravel truckers, who are unable to get insurance on their trucks. Apparently there is a number of truckers that have had serious difficulty in getting insurance, and in order to obtain licenses they have to have insurance. This meant that they have to pay the penalty of the \$25.00. A further question was at that time whether there was provision in the Act for a refund, and if not, whether such provision was contemplated during this session.

MR. ROBLIN: Madam Speaker, the question might be answered by myself as coming under The Insurance Act. I remind my honourable friend that there is the "assigned risk system" operating so that nobody in Manitoba, with very few exceptions, should be unable to secure insurance. If my memory is correct, 48 people only in 1964 were unable to get insurance under the assigned risk plan. If the assigned risk plan fails to insure, then the person concerned has the right to take it to appeal, to the License Suspension and Appeal Board, and if it is a worthy case then insurance will be arranged. So I think that if my honourable friend's friends will follow that procedure, they will find that they can get insurance.

HON. STEWART E. McLEAN, Q. C. (Attorney-General) (Dauphin): Madam Speaker, the other day the Leader of the New Democratic Party asked me a question concerning orderly payment of debts legislation. I can now answer the question, that the bill, which is the Bankruptcy Act and part of which relates to the orderly payment of debts legislation, the Bankruptcy Bill

(MR. McLEAN cont'd) was twice passed by the Senate of Canada but died with the session and has not as yet been re-introduced. I interpret this to mean that it was one of the bills that was introduced in the first instance in the Senate and that it didn't actually get through the House of Commons before, in each instance, the session came to an end. It is my further understanding that it is proposed to re-introduce this bill at the current session of the House of Commons.

MADAM SPEAKER: The adjourned debate on the Second Reading of Bill No. 52. The Honourable the Member for Lakeside.

MR. DOUGLAS L. CAMPBELL (Lakeside): Madam Speaker, I have been very interested in the terms of the bill that is before us now, as well as in the discussion that has taken place with regard to it up to date. In my experience in the House I have found that matters connected with horse racing, and particularly with the running races, seem to always get a lot of attention in the House, to spark considerable difference of opinion, and to assure a reasonably lively debate. I checked with the library staff to find the earliest legislation on this subject so far as the Province of Manitoba is concerned, and if I am correct in my researches, the first Act was put on the statute books in 1926, and it has varied -- so far as the regulation of horse racing is concerned, it has varied very little since. It appears to me that it has always been very stringent legislation, as though it was in the public mind to exercise great control over this particular sport, or business, or both, as it is these times. In addition to the rather definite legislation that the province has had for the last 40 years, or approximately 40 years, it is well-known of course that the Federal Government also takes a great interest, and like the Provincial Government, makes quite a bit of money out of this business; and the Federal Government has really the essential control rather than the Province of Manitoba over the number of days of racing, and they presently also have the control over the operation of the pari-mutuel betting system; but always when the question has come up in this House -- I was present when the Act was passed in 1926 -- always there has been a great discussion, and I was interested in the remark of the Honourable the Minister of Industry and Commerce when he moved second reading of this bill -- if I caught his language and the intent of that language properly -- when he said that the present bill was not introduced because of any feeling that there was anything wrong in the racing game, but the implication I got from these remarks was that the need of close regulation of that industry or sport continues to be a matter of public concern.

I have found it interesting to note, Madam Chairman, that even as far back as 1926 the same severe penalty was put into the Act as obtains today in Chapter 115 of the Revised Statutes against any person who contravenes the Horse Racing Regulation Act, and here is that section -- in my opinion, a most severe section: "Section 7 - Every person who in contravention of this Act holds or conducts, or is owner, occupant or lessee of a race course, permits thereon a horse race meeting or horse racing, or aids in, enters in, judges, starts, races in, drives in, or rides in, a horse race, is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000 with costs, and, in default of payment, to imprisonment for not less than one month or more than six months, and each day's repetition or continuance of any such contravention shall constitute a new and distinct offence."

I would think that is one of the most severe strictures that I have seen in an Act that on the face of it would appear to the layman to be a very minor crime compared to many that appear to be less severely dealt with, which all seems to indicate that the public has the feeling that this industry, this sport, must be very carefully controlled. I suppose it's for that reason that we have the bill before us now.

The Honourable the Leader of the New Democratic Party, in speaking on the second reading of this bill, mentioned with considerable interest the fact that in 1958 there was a spirited debate in this House with considerable difference of opinion, and with the point of view and final decision cutting across party lines. Well there was quite a debate; party lines were crossed to some extent; but my honourable friend who introduces this bill and his leader, who is now the Premier of the province, both objected to the 42 days of racing. Both objected quite strenuously and inasmuch as they came into office reasonably soon after that, I suppose one would have expected that folks who objected so strenuously at that time to an extension in the number of days of racing would have proceeded to curtail the days of racing in accordance with their expressed beliefs. But no; that was not done, Madam Chairman, and the great concern that my honourable friend the Minister of Industry and Commerce and the Premier of the province had had about the number of racing days in Manitoba had evaporated very quickly once

(MR. CAMPBELL cont'd). they were in office, and I suppose we must assume that the revenue that the Crown derives from racing is at least one consideration in their changed point of view.

My honourable friend the Leader of the New Democratic Party could have mentioned, as well, that there was a great debate also on the question of whether a guarantee should be given to complete the plant at Assiniboia Downs, and those of us who were in the House at that time will recall that these matters, as well as the provision of some new charters, were very carefully considered.

Then we come to this Bill No. 52, and one of the outstanding matters here, in my opinion, Madam Speaker, is the fact that the sections appear in the bill repealing the present Act. Now my honourable friend the Minister has stated that it is his intention to move in committee that Section 17 be deleted. I'm.

HON. GURNEY EVANS (Minister of Industry and Commerce) (Fort Rouge): slight reservation there and say that it may not take that form, that it may be the purpose to introduce an amendment which will make it very clear that this Act is subject to the Horse Racing Regulation Act. I just rise on the pure technical point as to whether it means repeal or otherwise, but I'm sure the point can be taken care of.

MR. CAMPBELL: Yes, I can understand that it could be done in different ways but the interesting thing to me, Madam Speaker, is how this section got in here in the first place. I'm sure it isn't here by accident.

MR. EVANS: is by mistake.

MR. CAMPBELL: Well, that's a pretty serious mistake. If this is by mistake -- yet it wouldn't be unique just because of that feature, but I still wonder how a mistake of that kind could occur. However, I must disagree with my honourable friend, the Leader of the New Democratic Party, when he says that the Minister cannot commit the government at this stage. I think he can; and if the Minister takes the position that this is going to be either deleted or the substance of it changed so that it does not accomplish what it appears in this bill to accomplish, I'll take his word for that, which brings me to a consideration of the bill itself.

I think the first comment that I would like to make on it is that even for this House, and even for these times, when this House and in these times the idea of delegating more and more responsibility is becoming more and more prevalent, that this bill still sets, in my opinion, a new high, or I would prefer to call it a new low, in the matter of delegation of authority, and while I assume that the first principle of this bill, the main principle is to set up a racing commission -- and I think that is the central theme and therefore what could be termed the main principle -- and while I'm prepared as one member of our party to agree with that principle that a commission should be set up for the obvious reasons, yet I must say that there are other principles contained within the bill which I definitely disagree with and wish to be put on record in that regard. Some of them are matters of principle -- one in particular, this question of delegation -- and I say without any qualification, Madam Speaker, that I think this Legislative Assembly would be making a serious mistake if it accepted the principle that's contained in this bill that we delegate our legislative authority, that this Legislative Assembly delegate its legislative authority not to the Lieutenant-Governor-in-Council, but to a racing commission, a group of people who are entirely outside of the purview of the legislating authority, and I think that's a principle that needs to be most carefully examined here. But there are some other matters.

In one of the sections we are told that the Horse Racing Commission shall be composed of not less than three. Well, if we are going to have three members on the commission, why not say three? I don't suppose any serious trouble will happen that it will need more than three before the House meets again, and I would think three were enough. It's not a big point, but why say 'not less than three'? Why not tell the Legislative Assembly how many people you are going to put on the commission and let's at least know that much about it. Then we have some very usual provisions about the quorum and the chairman acting and all the rest, and then we come to a clause that I'm always interested in wherever and whenever it appears, and that is this one: "In addition to his ordinary vote, the chairman has a casting vote on any question". Madam Chairman, I disagree with that principle. I know that we have it in one of our own committees of this House. I have always objected to it; I object to it still. There is no need of it, in my opinion. It offends the democratic principle of one person one vote, and on a commission of three you don't need it because the chairman would be the deciding vote anyway, but whether you need it or not, in case you might happen to have such a membership

(MR. CAMPBELL cont'd)..... that there could be a different result, I still say it's wrong. I don't like it wherever it occurs, and the Honourable the Provincial Secretary in this case will recall when we were discussing the Companies Act, I kept asking where the section was that dealt with this principle because I meant to attack it when it came up, but it appears that it's usually contained in bylaws of the company rather than in the Act itself. However, I say get rid of it. I don't like it and I think it's wrong.

Then we come to some of the other terms and conditions. I agree completely with the position taken by my colleague the Honourable Member for Ethelbert Plains about the revenues and the position of the Provincial Treasurer, and I shall not take any time to deal with that. But then we come to Section No. 9, and here is the real meat of this bill. "The commission shall govern, direct, control and regulate horse racing in Manitoba and the operation of all race tracks". And when later on in the bill the term is used about the "intent" of the bill, here is the intent; here is the key point; "The commission shall govern, direct, control and regulate horse racing in Manitoba and the operation of all race tracks." Then a little further on, after giving this sweeping authority to this commission, a little later on we come to the terms "and among the powers of this commission," -- a commission outside altogether of any legislative authority except what we give them; "among the powers that we give them, the commission may fix, impose and collect fines and other penalties."

Now, Madam Speaker, are we really in this Legislative Assembly ready to hand over that authority to a body, not the Lieutenant-Governor-in-Council, but a body completely outside of review by this Legislative Assembly, and I have not noticed in this Act where they even make a report to us although they do have to, of course, be audited and that sort of thing, but is there no court hearing on these things? Is there no appeal? I see no provision for an appeal. This is extremely arbitrary in my view. Then a little further on, we find that this board which is given such autocratic and dictatorial powers doesn't even have to give notice of meetings that it's going to have, and Madam Speaker, this board is going to be dealing with the livelihood of a lot of people -- we come to that a little later on -- and they don't even need to give notice of the meetings, because you see over in a later section; "The commission may, in its absolute discretion, grant or refuse to grant any license, registration or approval required under this Act or regulation," and under the terms of license or registration, all of the horse owners, or all of the trainers, all of the jockeys, all of the people who perform the various acts, including ownership, out there at the race course, must have either license or registration, and this commission in its absolute discretion can grant or refuse any license. It doesn't say anything about refusing the license because of cause or anything of this kind, and no word, so far as I can see, made about an appeal.

Then in a still later section; "For the purpose of carrying out the provisions of this Act according to their intent," and I have already read to you what I esteem to be the content of this Act, that they shall govern, direct, control and regulate horse racing in Manitoba and the operation of all race tracks, "the commission may make such regulations and rules as are ancillary thereto and are not inconsistent therewith, and every regulation and rule made under and in accordance with the authority granted by this section has the force of law." So here we have a law-making body apart altogether from either this Legislative Assembly or the Lieutenant-Governor-in-Council.

Now I know that the members of the House have heard me many times criticise the fact that we are more and more and more inclined toward giving power to make what is actually law, or an extension of the present law, by regulation of the Lieutenant-Governor-in-Council, and I claim that that practice which is necessary in some cases and to some degree, that that should be held to the absolute minimum, but I still maintain that; but to go and give that authority to a commission completely outside of either the Legislature itself or of the Lieutenant-Governor-in-Council is, in my opinion, completely wrong. This is to be according to the intent, and the intent gives complete control to this commission, and they have the absolute authority to carry it on, and among the things that they can do, where they can make these regulations having the force of law, among those things are: requiring race horse owners, race horse trainers, drivers, jockeys, apprentice jockeys, grooms, jockeys' agents, etc., etc., to be licensed or registered, and all of those people will likely be licensed and registered and yet, in their absolute discretion, they can refuse a license, apparently without reasons given, and as I have mentioned earlier, to a race horse owner and I suppose also to a trainer and to many of these other people, this is their livelihood.

Once again we come down to the prescribing of fees and all these other powers. Well

(MR. CAMPBELL cont'd). horse fees are completely nominal. It may be all to the good -- probably it's necessary -- to have the Lieutenant-Governor-in-Council or somebody make by regulation to meet the conditions that arise at different times, but surely, surely in a situation of this kind, we should not have a completely outside body with all of this power, and once again I say that so far as I've been able to discover, there is no appeal. Well now, certainly we must put an appeal in there, Madam Speaker. So, as far as I am concerned, I am in this position, that while I agree with the central theme or main principle, namely, of a commission -- because I believe the public interest requires that this industry, having assumed the size and importance that it has, a commission is desirable -- yet many of both principles and details of this bill are ones that I certainly cannot approve of, and consequently will be prepared to argue against in the committee as I am doing here.

My honourable friend the Member for St. John's and the Leader of the New Democratic Party have both argued that because of this, because of criticisms, that they have urged that the bill should be withdrawn and a bill more in keeping with the thoughts of the Assembly should be introduced. I would think that perhaps that is the better course, but if that is not the course that's taken then I certainly join with those two gentlemen and my own colleague, the Member for Ethelbert Plains, and others who have drawn attention to what I esteem to be glaring errors in this legislation which we shall certainly oppose if it is the government's decision to put it through this House in its present form and depend upon the committee to make the necessary revisions. Well, the ones that I have mentioned are not completely exhaustive, but I think they're the main ones as far as I am concerned, and I do want to give notice that in the committee stage, if that's where we're going, I will be prepared to debate them at even greater length.

MADAM SPEAKER: Are you ready for the question?

MR. ELMAN GUTTORMSON (St. George): Madam Speaker, I move, seconded by the Member for Gladstone, that the debate be adjourned.

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

MR. McLEAN presented Bill No. 36, an Act to amend The Manitoba Evidence Act, for second reading.

MADAM SPEAKER presented the motion.

MR. McLEAN: Madam Speaker, there are three things in this bill. The first has to do with Tissue Committees, and members will recall that at our session a year ago we had before us a proposed amendment to The Hospitals Act to give certain legislative protection with regard to persons who were associated with the investigations and reports of Tissue Committees, as established under the provisions of The Hospitals Act. There was some objection to the terms of that bill, and it was suggested that it should be withdrawn and not proceeded with at that session, and the matter referred to the Law Reform Committee for their consideration. This was done and a very thoroughgoing consideration was given, and what is now before us in the first section of this bill is the result of our further consideration of that matter. It represents what we believe to be the protection requested by the medical people and the hospital people in order to ensure that the work of the Tissue Committees will be as effective as possible while at the same time safeguarding the rights of citizens who may, for one reason or another, have to rely upon evidence that might be given in certain proceedings from time to time; and perhaps it would not be necessary for me to speak of it at any greater length at this time and the matter will receive, I am certain, the very careful scrutiny of the Law Amendments Committee when it is before them.

I have mentioned the Law Reform Committee because it was the particular request of the House that the matter be considered by the Law Reform Committee, but wish to make it again, as I indicated the other day, quite clear that in presenting this we, particularly myself as Attorney-General, accept full responsibility and present it to the members of the House and will do so to the members of the Law Amendments Committee as representing, in my opinion, satisfactory legislation on this particular topic.

The second item covered by this bill is of a technical nature with respect to the calling of expert witnesses in cases which come before the court. At the present time, the number of expert witnesses are limited to three, and if it is the desire of a party to a proceeding to call more than three, application must be made to the court for permission to do so. The present law, however, requires that permission to be requested at the beginning of the case, that is before the Council, and indeed the parties, have had an opportunity of really knowing whether

(MR. McLEAN cont'd) or not additional expert witnesses may be required. And so the effect of the amendment now presented for consideration would simply allow the application for additional expert witnesses to be made to the court at any time during the proceedings. I should say that the difficulty of the operation of the present provision was brought to our attention by the Honourable Mr. Justice Monnin of the Manitoba Court of Appeal at the request of his fellow judges in the Court of Appeal, who had found certain difficulties arising in the practical hearing of cases that had come before them, and as a result of their suggestion we have prepared and do submit and recommend this change.

The third item in this bill has to do with the taking and recording of evidence, and essentially is here, Madam Speaker, because we now wish to have legislative authority for the taking of evidence by mechanical or recording means, although members will note as they read the bill that we have included all means of taking evidence, because apparently that had never actually been specifically provided for before, and so it will be noted that not only are mechanical means of taking evidence provided for here, but the taking of evidence by shorthand writing, as well. And this is really just the necessary legislative authority to cover the taking of evidence by whatever means are available. These provisions will be complimentary to provisions in the Criminal Code and will allow us to take advantage of provisions which are already in the Criminal Code with respect to the mechanical recording of evidence in criminal cases. Perhaps I might venture one step beyond simply the presentation of this amendment, or this bill, in that regard by saying that we are shortly to embark on an experiment in Manitoba in the use of mechanical recording of evidence because of the shortage of shorthand reporters, and it is my sincere hope that this will prove successful and that we will be able to move beyond that to an extension of this method, which will be helpful in expediting the work of the court. Indeed, that is the reason that this proposal is here because we recognize the need of having legislative authority if we find that that means is successful and will meet our particular circumstances in Manitoba.

MR. HILLHOUSE: Madam Speaker, regarding -- as the Honourable the Attorney-General has just stated, this bill can rightfully be divided into about three parts, and regarding that division 1(a), the taking of evidence and providing additional means by which evidence can be taken in addition to the present method of shorthand, I have no objection to that whatsoever and I think it's a step in speeding up the administration of justice in this province, because one thing with which we have been confronted lately has been a shortage of shorthand reporters and great difficulty in sometimes arranging for the presence for examinations for discovery, etcetera. As to the other part of the bill dealing with the increasing of the number of expert witnesses, I'll go along with that, too.

Now, as to the first part of the bill, I have certain reservations in respect of it. These reservations may, Madam, be based upon my ignorance of the procedure that is followed in connection with the Tissue Committee. And it may be that the Attorney-General, when he closes this debate, he may satisfy me in respect of the doubts that I have in my mind at present. The doubt that I have is this, that my understanding of this Tissue Committee was to determine whether or no the tissue taken from a patient was a healthy tissue or whether it was a diseased tissue, or what was wrong with it. I thought that it would be a means of ascertaining whether or no the operation in question had been actually necessary. Now I may be wrong in that, but that was my feeling. Now if that is going to be the only means of determining whether or no an operation was necessary, by submitting this tissue to a Tissue Committee, and the findings of that committee are not going to be available in evidence, well then, what service is going to be performed in respect of the patient? Now, as I say my fears in this connection may be unfounded and it may be that the Attorney-General can explain it to me, but what I am interested in is this. I don't want the image of medical men in this province to be further clouded. I think it has been sufficiently badly clouded during the last several months, and I wouldn't want it to be said that any legislation was being passed by this House for the purpose of protecting them. At the same time, I appreciate the fact that medical men should be encouraged in research work and in all types of work which will be progressive in its nature. But keeping that thought in mind, I am a little fearful of the extent to which this section goes.

Now it says here in the Act that the Subsection (1) which is a subsection which makes inadmissible the findings of a Tissue Committee or a hospital committee, and so on and so forth, that Subsection (1) does not apply to original medical and hospital records pertaining to a patient. But the point that I am not quite sure about is, supposing an operation is performed

(MR. HILLHOUSE cont'd). on a patient; certain tissue is taken from that patient; it goes to the Tissue Committee. Does the finding of that committee become part of the original records of the hospital? Or does the finding of that committee remain in the committee and not become admissible in evidence in respect of any action that may be brought? That's what I'm worried about. I don't want to do anything which is going to stop medical research. I don't want to do anything that will stop the advancement of the knowledge of students of the medical college, and anything that will be to the betterment of human nature, but at the same time I don't want to see us enact any legislation here which is going to protect someone against malpractice.

MR. GRAY: Madam Speaker, I'd like to address a couple of questions to the Honourable Minister. One is, has he received any official notification from the other provinces as to what they are doing? My second question is. will define that under this bill be prohibited to get up at sunrise and quit his work at sunset?

MR. M. N. HRYHORCZUK, Q. C. (Ethelbert Plains): Madam Speaker, I was one of those that objected to the bill when it was presented to us at one of the previous sessions, as the Honourable Minister will remember. I feel that this bill is an improvement over the last one, but it still doesn't completely cover the objections I made at that time. Now, I feel the same as my colleague, the Honourable Member for Selkirk, does insofar as the medical profession is concerned. It's understood that they require these committees, the Tissue Committee and the other committees that are mentioned in this particular bill. There is no question that without those committees the work of the medical profession, especially the research division, could not be made, and for the sake of progress these committees are, in my humble opinion, essential to the work of the medical profession. But, if I read this bill right, then it appears to me that when, say, a piece of tissue gets into the hand of the Tissue Committee or the research committee of a hospital, or a medical staff committee, then it's no longer available for evidence. It is lost to the patient. And that is where my main concern is. If the Honourable Minister can tell the House that the patient will still be able to obtain that tissue or any other part of his body that has been removed for the purpose of evidence in the event he wants to take court action and feels he has good and sufficient grounds for it, if that evidence will be available to him or her, I'm satisfied to support the bill. But that is my main point of concern, and if the Honourable Minister can clear that up, then I for one will have no objection to the passing of the bill.

MR. SAUL CHERNIACK, Q. C. (St. John's): Madam Speaker, I think I recall the debates last year pretty well. As a matter of fact I seem to recall that in committee it was members of the Cabinet who suddenly became aware of what they thought were the implications of this bill. It seems to me on their insistence this was withdrawn. And I thought then that this was one occasion when the Minister hadn't had an opportunity to discuss this matter with his own Cabinet members to clarify it.

Now, as I recall it, there are several points that were made then and which should be made again. One of them is, I think, that a Tissue Committee is not necessarily a committee which examines tissues; it is not necessarily a committee which has the physical possession of a piece of a person's body. As I recall it, the title "Tissue Committee" refers to a committee which reviews the practice which has taken place in the hospital in connection with patients, and of course in matters involving operations does involve a review of the actual work done, and if something has been removed from the body then of course they report on that. But, the point that was made, Madam Speaker, and I think it was made rather forcibly, was that the doctor is not the scientist to the extent that he always knows in advance exactly what is the trouble, and is therefore a person who has to use his skill and knowledge and mainly his judgment as to the procedure that he intends to follow. And it may well be that, in his judgment, a certain action has to be taken, and that in the judgment of all the other doctors around there that action has been taken, and the actual tissue itself, in this case, might prove to be healthy tissue. That would not in any way derogate from the ability of the doctor or his judgment. And the fear that has been expressed that where the tissue committees of a hospital or any of the research committees will be concerned with the overall picture of the method in which the operations of a hospital are carried on, their conclusions should never be made available as a target or as a basis for attack on any one particular case, because then it would become distorted and would derogate against justice being done in any particular case because of the danger of misconstruing what conclusion may have been come to with any one piece of evidence.

Now the important section, I think, that we must recall is the one that has already been

(MR. CHERNIACK cont'd)..... cited, and that is Subsection (4) which excludes original medical and hospital records. Now that is the place, I am sure, where the actual report on the piece of tissue or on the actual procedure in any case that has been hospitalized, that is recorded and that is available. What would not -- oh, yes, I think that's quite clear, that the original record would indicate all the information which is needed regarding the patient, but the conclusions to which a committee may come, after studying a group of cases and arriving at an opinion, that would not be available, and the fear there was that doctors would hesitate to express an opinion on a committee level which is based on a general review of a group of cases. That is the type of thing that ought not to become a matter for the courts to take apart and review. But the original records are not part of the report of the committee and would not be withdrawn from access to the courts. I think on that basis we are strengthening the hands of the medical profession in reviewing their own work and reviewing the work done by members of the profession in progressing in the fields of research and of study, and at the same time not hampering justice which must at all times be done to the individual patient. If the review committee did nothing, then the original record would still be available for court action. The work that the committee does is not related to finding fault in any particular case and therefore should not be made a subject for court review. I think that was the point that was made and I think it's valid.

MR. JOHNSON: In speaking to this bill, I couldn't improve on the statement made by the Honourable Member from St. John's. That was clearly my understanding; and the reason I have risen to speak on this is because three or four years ago, when the tissue committees were first set up..... with the help of the Hospital Commission and the medical profession, especially with this drawn to our attention through our Infant Mortality Committee, where a group of doctors appointed by the Medical Association review every single maternal death throughout the province, none of the records -- it's not suggested, as I understand it, that any of the records would be not permitted to be in court at the regular case or the post-mortem findings, etcetera. It's just when these members of the committee, appointed for their knowledge and special skills in this field, sit down to review this, at times matters of judgment arise; modern recording machines put all this sort of thing down, and they don't want this coming out in court because chaps can be in private practice in opposition to the very particular gentleman in question. But it will, in practice, ferret out the type of thing, if too many appendices are coming out in one particular area in one week, or there's an epidemic in one family, this Tissue Committee can be most effective. I don't think the Member from Selkirk wanted to suggest that the profession was under any cloud in the last few months or that this would put them into deeper water in any way. This is purely -- I don't think you meant that when you said there is a bit of a cloud, and you wouldn't want the wrong impression to get out. I don't think there's any cloud -- I can't see any problem at all here. As I understand when my colleague the Attorney-General explained the law, I think in practice this is a highly desirable thing if the lawyers can just agree to the rights of individuals, and so on. Isn't this, I think, Madam Speaker, the problem? But there's no intention of anything being withheld from the courts with respect to the case as said by the Honourable Member from St. John's, and, as I say, which I can't improve upon. But I did want to emphasize I think how important this is because it is my understanding that many of the Infant Mortality Committee, for example, has not been and will not work effectively until this kind of evidence -- or this kind of legislation is on the Statutes.

MR. McLEAN: Madam Speaker, I think, just one or two comments. There's a certain poetic justice, of course, in my having the introduction of this bill this year because I was certainly one of the ones who was concerned about the legislation last year when it was proposed to put it in the other Act.

With regard to the question asked by the Honourable the Member for Inkster about other provinces, I regret I cannot advise the House what the situation is in other province. The question -- the two questions, the question asked by the Honourable Member for Ethelbert Plains and the question asked by the Honourable the Member for Selkirk, which are two sides of the same question, can be answered in this say; to the Honourable the Member for Ethelbert Plains, that when the tissue..... gets into the hands of the committee, is it gone to the patient, the answer to that question is no, as I understand this legislation, and indeed that is the purpose of it, to make it quite clear that it is not, as indicated by the Honourable the Member for St. John's. On the other hand, to the Honourable the Member for Selkirk, who said, does the finding of the committee become part of the original record, the answer is a very definite

(MR. McLEAN cont'd)..... "no", because that's the whole purpose of this, is to protect the finding of the committee from any scrutiny by persons outside of the committee or outside of the hospital, and to make that finding, whatever it may be, unavailable for the purpose of any other proceedings such as court proceedings, but that the original evidence on which such a finding might be made by a committee would always be available for other purposes as for example the court, the purpose of a court action is one were brought; then leading back one further step, the question whether or not the purpose of the bill was to protect the medical people, I would say the answer to that is: no, it is to protect those persons who may give judgment evidence, opinion evidence, to a committee and provide that whatever opinions that may express to the committee they are not thereby prejudiced with regard to any other proceedings that may arise from the incidents relating to the question. And it is my understanding that this protection, which in a sense is given to the proceedings of the committees only, will enable these committees to assist hospitals and the medical profession in improving the general standard of professional care that they are able to give.

MR. HILLHOUSE:permitted to ask the Honourable Attorney-General a question. My question is this, that if when tissue is removed from a patient in the process of an operation, and it goes to the pathologist, does the finding of the pathologist become part of the original hospital records? If your answer is 'yes', I withdraw any objection I have to the bill.

MR. McLEAN: The pathologist would be acting in an official capacity.

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

HON. ROBERT G. SMELLIE, Q. C. (Minister of Municipal Affairs) (Birtle-Russell) presented Bill No. 41, an Act to amend The Official Time Act, for second reading.

MADAM SPEAKER presented the motion.

MR. SMELLIE: Madam Speaker, I was sure that all of the honourable members would be familiar with the content of this bill and that it would require no explanation. However, in a few words it can be explained. This bill provides that official time in the area of Metropolitan Winnipeg will be Daylight Saving Time for the period from the last Sunday in April until the last Sunday in October, and for all other areas of the province official time will remain the same official time that they have now, namely, Daylight Saving Time from the last Sunday in April until the Sunday after Labour Day in September. There is a further provision, however, that any municipality that desires to do so may pass a bylaw extending the official time in that municipality to the same period as that which will be enjoyed in the Metropolitan area of Greater Winnipeg.

MADAM SPEAKER put the question.

MR. LAURENT DESJARDINS (St. Boniface): Madam Speaker, I'd like to move, seconded by the Honourable Member for Selkirk, that the debate be adjourned.

MADAM SPEAKER presented the motion.

MR. CAMPBELL: Madam Speaker, I would like to ask the Honourable the Minister one question. Would he tell us what is the principle of the bill?

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

MR. SMELLIE presented Bill No. 5, an Act to amend The Municipal Board Act, for second reading.

MADAM SPEAKER presented the motion.

MR. SMELLIE: Again, Madam Speaker, I thought that this bill had received considerable discussion when it was in committee. However, the first section -- there are three things covered by this bill. First of all, at the present time the Act provides that the board shall consist of not more than five members. This amendment will allow the Lieutenant-Governor-in-Council to determine from time to time how many members should be appointed to this board. Secondly, in the past the Municipal Board has had a function as Court of Revision for local government districts. This has meant that some of the officers of the board have had to spend considerable time away from the duties of the other duties of the board to look after Courts of Revision in the various local government districts. The supervisor of the local government districts was last year given an assistant, and it is felt that this function could properly be exercised by either the supervisor or the assistant supervisor of local government districts, and legislation to this effect was proposed last summer.

The third principle is the matter dealing with debentures which have received the approval of the board, and this requires the printing, or rather the signature and the seal of the board on debentures. Sometimes there are many copies. This will allow the signature of the chairman, or other person authorized for the purpose, to sign the debentures to be printed

(MR. SMELLIE cont'd) on the note or memorandum of indebtedness. The revision that's here also provides for the seal, and I would propose an amendment to this part of the section when it is before committee to remove this provision.

MR. HILLHOUSE: Madam Speaker, I oppose the principle of this bill in stating that the board shall be composed of not less than three members. I think surely the government should know how many members are required in the Municipal Board. Here there is no limit to the number of members that can be appointed, and surely this is a rather dangerous power to be given to the Lieutenant-Governor-in-Council. I think that the government should know from time to time how many members are required, and as long as the government can satisfy this House that additional members are required, I'm quite sure that this House would give the necessary legislation, but giving to the Lieutenant-Governor-in-Council the right to increase the number of that board without limitation at all, appears to me to be too wide a right to give to the Lieutenant-Governor-in-Council.

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

MR. GUTTORMSON: Yeas and Nays, Madam Speaker.

MADAM SPEAKER: Call in the members. The question before the House, the second reading of Bill No. 5.

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

YEAS: Messrs. Alexander, Baizley, Bilton, Bjornson, Carroll, Cherniack, Cowan, Evans, Gray, Groves, Hamilton, Harris, Hutton, Jeannotte, Johnson, Klym, Lissaman, Lyon, McDonald, McGregor, McKellar, McLean, Martin, Mills, Moeller, Paulley, Peters, Roblin, Schreyer, Seaborn, Shewman, Smellie, Stanes, Steinkopf, Strickland, Watt, Weir, Witney, Wright, and Mrs. Morrison.

NAYS: Messrs. Barkman, Campbell, Desjardins, Froese, Guttormson, Hillhouse, Hryhorczuk, Johnston, Molgat, Patrick, Shoemaker, Smerchanski, Tanchak, Vielfaure.

MR. CLERK: Yeas 40, Nays 14.

MADAM SPEAKER: I declare the motion carried.

MR. SMELLIE presented Bill No. 8, an Act to amend The Local Government Districts Act, for second reading.

MADAM SPEAKER presented the motion.

MR. SMELLIE: Madam Speaker, there are two things involved in this bill. First of all, it has come to our attention, when one or two of the local government districts have wanted to pass bylaws concerning libraries, that they had no power to take a vote in a local government district, and as the honourable members will know, ordinarily this is not necessary in a local government district, because they do not have to elect their council. Therefore, there is no voters list and they have no election machinery, and therefore no machinery with which to take a referendum, so that this will allow the administrator of a local government district to prepare the list of electors and to take a vote wherever he is required to do so by any provincial statute.

Recently there was an action commenced in the courts under the planning scheme of Thompson, and their defense counsel raised certain questions as to whether or not necessary powers had been given to this local government district in its letters patent to pass the planning bylaw. When we examined the situation in detail, we found that a phrase had been left out of one of the sections of the letters patent of the local government district of Mystery Lake, and incidentally this error was repeated in certain other letters patent of local government districts. It was almost impossible to detect, because if you read the section through it made sense, even without that phrase in, but it did leave out certain powers to the local government districts, so the remainder of the amendments in this bill will amend that error and give to those local government districts the ordinary powers that they should have had from the beginning under The Municipal Act, and will also say that they have been deemed to have had those powers always because this was certainly the intention of the letters patent and it was an inadvertent omission.

MR. MOLGAT: Madam Speaker, I thank the Minister for the explanation he has given. I was curious as to why we had singled out Lynn Lake, Mystery Lake, Pinawa and Snow Lake for these particular revisions.

I presume, then, that this will leave us in the position where all of the local government districts are on exactly the same basis; that is, any that are not listed here, say Churchill, presumably have the powers now that we are granting to Lynn Lake and the other three. I gather from the way the Minister spoke that this is what we will end up with. I think it is

(MR. MOLGAT cont'd). desirable in any case that as much as possible we have the same basic rules for all of the local government districts and that they carry on in the same way.

Turning to the other section of the bill, the first part of it which will permit the local governments to establish a list of electors, I presume that here, as well, this will apply to all of the local government districts, and furthermore that the rules that we will establish and the manner of making up the lists and the determination of who is allowed and who is not allowed to be on the list, will be consistent with the powers in the Municipal Act and also applicable in all areas, so that we will have, throughout the province, the one set of rules as to what qualifies you to be an elector, what qualifies you to be a ratepayer, the situation where it's a husband and wife joint ownership, and that there be one standard rule for municipal and LGD's.

MR. PAULLEY: Madam Speaker, before the Minister replies, I would like to make a comment or two in connection with this bill.

May I say from the offset, the points which I wish to raise at this particular time have nothing to do with the local government districts that are being included in the bill so that they may have the privileges of the various Acts that are named in the bill. I rise, however, Madam Speaker, to object to the general principle of the most important parts of this bill.

The Honourable the Minister of Municipal Affairs, if I heard him correctly, said that one of the principles of this bill was to allow people in the local government districts to have an opportunity of voting on such things as municipal libraries, and for this reason the local government districts were being given an official to compile a voters list. This is all to the good but, Madam Speaker, we object most strenuously to the principle that this isn't along the line that was suggested earlier today by the Honourable Member of Lakeside wherein I believe he said he believes in the old democracy of "one man one vote" when he was referring to the tie vote on a committee.

Actually, what this bill does, it extends and perpetuates not one man one vote, Madam Speaker, but \$400.00 one vote. Here again, we are putting into legislation that the ratepayer, or before you can vote on such a matter as the Minister of Municipal Affairs says so important as a library in a municipality, you have to be the owner of rateable property to the degree of \$400.00. And I suggest, Madam Speaker, and we of the New Democratic Party suggest, that that day is long past, that tenants, lease holders and others are vitally concerned as to whether or not libraries are built in their respective areas. Indeed, Madam Speaker, under the former government -- my friend the Member for Lakeside -- we found that it was essential that the principle of a vote being by elector resident, rather than an elector ratepayer, was necessary in order to make provision for schools across the Province of Manitoba. Now I would suggest to my friend the Minister of Municipal Affairs that libraries are as important as schools, and surely, Madam Speaker, if a resident elector can vote for schools, he or she should be entitled to vote without the necessary property qualification that is being imposed under this legislation is our local government districts.

I also note, Madam Speaker, in this case, and I think this is a little different even than it is under the Municipal Act, that in order for both the husband and wife, where they are joint owners of property, and ratepayer, in order to have a vote, the assessed value of the property must be \$800, or twice the amount, if I read the Act correctly. And I respectfully suggest, Madam Speaker, the principle contained in this bill is wrong. And again I say it's far different in the principle as enunciated by the former Premier, the Member of Lakeside, of one vote one man. The principle in this bill is one vote, \$400.00. And if you haven't got rateable property to the degree of \$400, then you are going to be deprived of the opportunity of declaring whether or not in your local government district you can have such a thing as a library. And I say this is absolutely wrong, and oppose this particular bill on that basis.

MR. HILLHOUSE: Madam, I wish to move, seconded by the Honourable Member for Lakeside that the debate be adjourned.

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

MADAM SPEAKER: The Second Reading of Bill (No. 14). The Honourable the Minister of Municipal Affairs.

MR. SMELLIE presented Bill No. 14, an Act to amend The Municipal Act (1), for second reading.

MADAM SPEAKER presented the motion.

MR. SMELLIE: Madam Speaker, there are several things involved also in this amending bill. First of all, it will provide authority for municipalities to create debt for the purpose of carrying out a Centennial project. This will apply only in cases where there has been no levy imposed under the legislation proposed a couple of years ago, which would allow them to levy one mill in each of the years 1963 to 1970 inclusive, for Centennial projects; or in the alternative, that if a levy has been imposed under this section that the amount of debt that can be created would be reduced by a like amount. Another amendment will allow municipalities the right to borrow temporarily to carry out a capital work without having first issued the debentures. The temporary financing would be a first charge on any debenture issued, but the amendment will permit municipalities to know the exact amount of the debt before having to issue the debenture. The Municipal Board recommend this procedure for the reason that in many cases when they are asked to approve a debenture before there have been any tenders called, the approval is given then when the call for tenders comes, we may find either that the tenders are lower or higher than the actual approval that was given, and it is then necessary to change. So what they are recommending that municipalities should do, would be to pass an interim bylaw authorizing the borrowing of certain moneys so that work can be started. For example, so that the vote can be taken and that proper plans and specifications can be prepared and the tenders called. Then after the exact amount of the debt that will be created is known, there would be a final bylaw issuing the debentures which of course would require the approval of the Municipal Board and the consent of the ratepayers.

A further amendment will eliminate the necessity that exists at the present time for duplicate audits being made of the books and accounts of any corporate body to which two or more municipalities make grants. In other words, if they've got one audit and the municipal auditor is satisfied with that audit, he may accept it.

The next amendment is one which will permit municipalities in financing local improvements to pay four-sevenths of the cost as a municipal share, where in the opinion of council, it would be inequitable to raise the whole cost of the local improvement by special assessment. Now really this is very little change from the present provision of Section 702, but it does make it perfectly clear that the amount that is raised, not exceeding four-sevenths of the total cost, is a local improvement charge and those taxpayers and institutions particularly that are subject to levies for local improvements, will be subject to this four-sevenths levy. The municipality would be permitted to pay its share out of either general funds or a reserve fund established for the purpose or by the issue of a debenture. And it would permit the municipality to levy for the funds over a period of years to repay moneys advanced out of general funds or reserves, in order to repay money borrowed for which debentures were not issued. This amendment will make it quite clear that schools are liable to all local improvement levies. In the past schools have been liable for local improvement levies, but there was some doubt as to, in the case where a municipality said that four-sevenths of the cost would be levied over the municipality at large, whether the school should be charged with that portion of the levy. We believe that they were responsible for that portion of the levy but because this doubt has existed and in some cases the levy has been resisted by schools, this will just make it clear.

One of the most important amendments in this bill is an amendment which will change the exemptions for taxation purposes. In the past, most of these institutions which have been exempt from taxation, have been exempt from municipal taxation but have been liable to school taxes. In many cases, particularly in the cases of old folks homes, and other institutions of like nature, there have been applications made to municipalities to reduce the taxes on these properties. The municipality was unable to reduce taxes on those properties because they were exempt from municipal taxes, but they were subject to local improvements and to school taxes. Insofar as the school taxes were concerned, the municipality had no control whatsoever. The only way that the municipality could offer relief was by tax cancellation. But in this case, the municipality in which the institution was situated, would have to pay over to the schools the amount levied for school purposes even though it was not collected from the institution. In cases like the elderly persons housing project at Virden, where you have some seven or eight municipalities who have joined together to conduct one project, it meant that the Town of Virden

(MR. SMELLIE, cont'd). in which the housing project was situated, was having an unfair burden placed upon them in that they were paying the share of school tax, if any reduction in taxation was granted, for all of the other six or seven municipalities.

This amendment is the one which was recommended by the Michener Commission, which will make the lands liable for municipal taxes or for local improvement taxes, but exempt them from the payment of school taxes. Generally speaking, the following lands will be liable for local improvement taxes only: municipal lands, school lands, but not the residence for the teacher which is taxable, hospitals --no, I'm mistaken there-- school lands, including teachers' residences; hospitals; nurses' residences; educational institutions; churches; retreat houses; Sunday school buildings; and so on; and public burying grounds. The following lands will be liable to municipal taxes and to local improvement taxes only: homes for the aged and infirm, elderly and infirm persons housing; agricultural and horticultural society lands; colleges or seminaries of learning, to the extent of four acres; lands used for religious, educational, charitable and recreational purposes, to the extent of two acres; veterans' associations where the association is not licensed within the meaning of the Liquor Control Act; lands and buildings used for missionary, charitable or educational work in connection with Indian missions; YWCAs, YMCAs and YMHAs. A further amendment will permit the municipality in any case where they deem it desirable, to reduce the municipal taxes on any of these institutions, but not to exempt them from local improvement levies. A further amendment will make it clear that the courts of revision for assessment purposes will be in the case of a municipality, the council; or in a municipality under administration, the resident administrator; in the case of local government districts, the supervisor of local government districts or his assistant; or in the case of the City of Brandon, any person appointed under that charter, in the case of Metropolitan Winnipeg, the Board of Revision.

And a further amendment, changing the date when the assessor is to deposit the assessment roll with the municipality to the first of October. It seemed desirable that they should have the assessment roll earlier than in the past.

And some other amendments dealing with tax sale, and particularly the one I would draw the attention of members to is the one which makes it mandatory that in a case where land is put up for tax sale and no bids are received, that the municipality must purchase the land for the amount of the outstanding taxes. This was done in most cases in the past but in one or two instances municipalities have done nothing about this and just left the land on the roll and this eventually creates a nuisance which has to be cleaned usually at greater expense than if it had been done at the time. This would make it mandatory for the municipality to clean the thing up as we go along.

MR. GRAY: Madam Speaker, may I direct two questions to the Minister. One is: Is an educational institution like a school based on the acreage or on the population of the school or on the school? And question number 2 on section 3, what is the necessity for the change?

MR. SMELLIE: Madam Speaker, I didn't get the gist of the second question.

MR. GRAY: Section 3 --the necessity of the change from one Minister to the other.

MR. CHERNIACK: Madam Speaker, I think it's high time that we receive clarification here as to the policy of this government and the principle behind the need to vote on money by-laws. I think it is time that the people of this province would understand just what it is this government thinks ought to be entrusted to councils and what ought not to be entrusted to councils. We find that in many cases a municipality cannot raise a money bylaw, which means of course borrowing on a debenture, that is the point of the bylaw, without going to the rate-payers for approval. I think there was a time when you had to get 60 percent. I think now it's been reduced to 50 percent. Why? Because apparently the 60 percent wasn't --there were not enough cases where a vote of 60 percent made it possible for councils to proceed with work so it was reduced to 50 percent. Now we find that for some reason, which to me has not yet been explained, a Centennial project is something which a council is perfectly capable and responsible in making the decision about. But there must be other fields of municipal endeavour where a council cannot be trusted to make a decision and therefore it must go back to the ratepayers for approval.

Madam Speaker when will we get a clear cut policy so that people will understand where it is that they may trust their council and their elected representatives and what occasions come up where they may not trust them and have to check their work to the extent of either approving or disapproving of their proposals. It seems to me that it's always a question of expediency which brings these matters before us. In this case this government has embarked on a policy

(MR. CHERNIACK, cont'd)..... relating to Centennial projects and apparently wanting to involve municipal corporations in it, and fearful that ratepayers will turn down proposals of projects made by municipal councils, they are taking away from the ratepayer the right to review and approve of the decision of a council. Why take away the right from the ratepayer when they in other cases say that the ratepayer has the right? Where's the consistency involved in this kind of a policy?

I do not believe, Madam Speaker, that the persons elected to the Legislature of the Province of Manitoba are necessarily any more responsible than the persons elected to municipal council. I don't believe that the persons elected to the Metropolitan Corporation of Greater Winnipeg are any more responsible than the members elected to an area council. And it seems to me that if this government in its wisdom feels that it is not necessary to go to the ratepayers if the Metropolitan Corporation decides on a certain issue, then it ought to be consistent about not going to the ratepayers on municipal bylaws. And if this government persists in feeling that it is necessary to go to the ratepayers in certain instances on the question of bylaws, then why should it not be consistent and say in the case of Centennial projects, it too shall be a matter where there is education to the ratepayers, there is review before the ratepayers, there's an opportunity for the ratepayers to learn what is behind the project and then give council an opportunity to sell it to the municipal voters and get their approval in the traditional way. When I say the traditional way, Madam Speaker, I want to make it clear that I am personally opposed to any reference back to ratepayers for approval of money bylaws. I believe that when people are elected they are elected to show responsibility in their positions and the ability to throw important decisions back into the laps of ratepayers takes away from the responsibility of an elected person to undertake a project and to carry it through on the basis of his own conviction. Therefore I voice my opinion as to the inadvisability of referring bylaws to the ratepayers; but I do appeal to this government that if it believes that it is necessary to go back to the ratepayers then why not in the case of the Centennial projects?

When we speak of the ratepayers, I've been using the words of this government and of this Act and I again join my leader in the expressions which he has already given vent to this afternoon, in which he indicated that ratepayers are persons who have property and therefore it's not a one man, one vote, but one piece of property, one vote. We hear reference to second-class citizens. This to me is a clear example of a discriminatory policy as between people who own real property and people, wealthy as they may be, who find it advisable because of their personal desires to own property or not. To rent property or to own property is a matter which I always felt was a question of personal desire and did not in any way indicate a lack of responsibility as a citizen.

Now, Madam Speaker, this Bill perpetuates that policy, and says in effect, to tenants, you are not entitled to vote on money bylaws. It doesn't say why but I believe the reason is because it is felt that they cannot make an adequate decision. And this is peculiar, Madam Speaker, because many times it is felt that a tenant being a transitory animal who moves from possibly one municipality to another doesn't care enough to approve of a project which will take some period to carry out and therefore will not vote in favour of a project because he doesn't care. That tenant who does not vote in favour is actually the person who lives there and it is much less likely that he will take an interest than it is that the owner of the property who may live in another municipality would. He is only concerned with taxation. He is only concerned with the costs involved and has no real need to concern himself with the amenities of life that often come about through a money bylaw. So that I would indicate our rejection of this continuation of the policy of ratepayer approval. But I do say if you need it, be consistent and ask for it in all cases.

Further matters in this Act are the, as the Honourable Minister indicated, the exemption which are revised and given to certain bodies. I again fail to understand the government's justification in this. We have had certain reports come before us which reflected to a large extent the platform of the Party for which I ran at the last election, that was the policy of people paying for services to people and property paying for services to property. Here we find, I believe, another contradiction to that principle which has been accepted, I believe, by the Michener Report. Here we find that there are certain bodies that are exempt from paying municipal taxes. These bodies are bodies that own land and have buildings who need fire protection, who attract a great number of people and need police protection, and these are costly things. And if you had some form of equity in the raising of the funds, then I could understand some adjustment so that the persons who live in a municipality should not be doubly taxed

(MR. CHERNIACK, cont'd). . . . in order to provide dues, or rather contributions to a society which is also paying taxes in the municipality.

But when we think in terms of Metropolitan Winnipeg, we think in terms of 12 to 14 municipalities where people live in one municipality and go to church or participate in the recreational facility or an educational facility in another municipality. And here we find that one municipality cannot collect for the police and fire which it must provide to protect the lands and buildings of an organization, the members of whom may well be persons who live in other municipalities and do not get the benefit of a sharing of the tax burden for the provision of these necessary services such as I suggest -- fire. Roads and sewer and water are other examples of necessary services which must be supplied to buildings regardless of who the occupants are or the corporate structure or entity of the owner.

There's one reference, Madam Speaker, to the change in tax certificates, that it is not mandatory to issue a tax certificate and there is the addition later about a certain certificate indicating whether or not premiums under the Hospital Services Act have been paid. This has been a difficult matter, Madam Speaker, because the premium, if not paid, may be added to the tax rolls in the case of those people who own property, and if they don't own property then people can be charged -- an information may be laid in the Police Court. This too, I believe is a somewhat discriminatory policy in that if they own property they needn't pay because it's just added on to the tax roll and they pay it that way and no harm done. If they don't own property they are liable to be prosecuted. But on the other hand I've run into just recently an example where property was foreclosed by a mortgagee. The owner of the property had no equity whatsoever in the property. He owed taxes, he owed enough in four mortgages I believe so that he had no equity whatsoever in it. A mortgage sale went through, the buyer under the mortgage sale suddenly discovered that there was an addition to the tax roll and that is the Hospital Services payment. Now this is a problem which need not necessarily be explored here, but I marvel at the fact that municipalities are not bound to issue a tax certificate if that were the case, then when a tax certificate were applied for, the municipality would have to investigate whether or not the hospital premium was paid and if not paid, would be able to indicate it on the tax certificate. In this case, if it need not issue a certificate then it can avoid that problem which might otherwise occur. Now it seems to me that people interested in the encumbrance on land will have to obtain two separate certificates. I'm sure the honourable minister will clarify for me whether or not this is correct.

Another matter covered in this Bill Madam Speaker, is the question of the municipality being able to pay up to four-sevenths of the cost of local improvements and charge it to the ratepayers generally. I presume this again means an occasion when the municipality, the council, may borrow money without reference to the ratepayers by money bylaw. The Honourable Minister pointed out that schools become liable to pay for this amount and I wonder just why that is, that schools have to pay on the local improvements and thus I presume, add it to their tax burden, whereas other institutions have certain exemptions in the very same Act. I see no justification for charging schools to contribute to local improvements when these schools are part of the amenities of the municipality. The Honourable Minister shakes his head and I presume he will reply to this point in clarifying.

There is one other matter he might clarify Madam Speaker and that is, his reference to a portion of the Act which dealt with the report of the assessor in regard to the tax roll. I think he stated that it was felt advisable to have the tax roll reported on, or completed, at an earlier time and that the change is October 1st. I think this is what he said. The way I read the amendment, it seems to me that it is made a later time. I believe that the prior section being amended referred to closing the roll on July 15th and that this change is to extend the time to October 1st. I am wondering whether the Honourable Minister, or whoever felt it advisable to do whatever is being done here, had in mind the question of the school tax rebate. I would like the Minister to inform us now just what this section means in relation to the school tax rebate; and I want to suggest to the Honourable the Minister, that this section is the section which is used to close the assessment roll, in the year preceding any year in which that tax rebate would apply. I raise this point because last Friday night we adjourned during a discussion which we had which dealt with when and how persons can change the assessment roll in order to become qualified in any different way for this school tax rebate and I remember our discussion I think it was Steep Rock or some other place, where the Department of Municipal Affairs had been carrying on a correspondence indicating to the owners of the plant -- Canada Cement is it? just how they could accomplish the purpose of getting a rebate on each parcel.

(MR. CHERNIACK, cont'd). The Honourable Minister didn't say then and I wonder if he would clarify now, whether it is not true that all this is academic for 1965? Is it not true that once the tax roll, the assessment roll rather, was closed last July or last October or whenever it was in 1964, that there can no longer be any change at all in 1965; and were we wasting our time last Friday in discussing this problem as it might affect 1965? Could the Minister therefore clarify this matter that he raised here about the change in the date --in the light of the school tax rebate?

MR. HILLHOUSE: Madam if no one wishes to speak further, I would move seconded by the Honourable Member for Lakeside, that the debate be adjourned.

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

MR. SMELLIE presented Bill No. 21 an Act respecting the Provision of Public Housing Accommodation and the Rehabilitation and Renewal of Urban Areas be now read a second time.

MADAM SPEAKER presented the motion.

MR. SMELLIE: Madam Speaker, most of the revision of this Act --and it is a complete revision of our Housing Act-- is required in order to bring our legislation in line with the new legislation under The National Housing Act. We have also added here the section on Urban Renewal which is new in provincial legislation, but really which covers the procedures which have been used in the past. There is very little change in the procedure which will be used there.

In the part of the Act dealing with Housing you will find there is a reference which will allow the inclusion of the provision of municipal services to lands included in a housing project. This will be valuable in the cases of properties, such as the Lord Selkirk Park Development where it is necessary to provide new municipal services in at least a part of this area. If this can be included in part of the cost of the project, it is then shareable by the senior levels of government and does not fall on the municipality by itself.

The Bill before you will set out the incorporation procedure for a limited dividend housing company and we believe that this is clear and simpler than the provisions which were previously in the Act. Honourable members will find this in part 2 of the Bill.

It also includes a provision which would allow for the purchase of existing buildings for use in a housing project. This is, as we discussed the other day, the provision which will allow us to purchase, but not clear, good buildings from an area in an urban renewal scheme, and that these buildings which are purchased can be used for public housing in that area along with new housing which may be felt desirable.

Part 3, the part on Urban Renewal is entirely new. It does embrace the current concept of acquisitions and clearance as expressed in section 5 (2) of the current Act, but it goes beyond this to support the recent amendments to the National Housing Act in respect to the designation of Urban Renewal areas, the preparation of schemes in the installation of municipal services in these areas. In brief, the creation of this part will broaden the scope from that of our present Act which is basically slum clearance. With the new Act the province may participate in renewal quite apart from that restricted to the provision of public housing and may now participate not only in the redevelopment but rehabilitation and conservation as well.

The procedure for participation under this section is very similar to the procedures followed under 1 and 2. I think it should be understood that Urban Renewal, that is, the whole concept of clearance or redevelopment or rehabilitation in future will not be eligible for assistance under The National Housing Act unless it has been declared to be an area that is eligible prior to the time that work starts. The cost sharing formula that is set out here is the formula that is currently existing for the acquisition and clearance of properties under the old section 52.

I think Madam Speaker, that this sets out in a general way the principles that are involved here and the changes that are being made where there are changes being made and it might serve more purpose if the honourable members ask any questions they may have concerning details of the Bill itself.

MADAM SPEAKER put the question

MR. G. E. JOHNSTON, (Portage la Prairie): Madam Speaker I beg to move, seconded by the Honourable Member for Assiniboia the debate be adjourned.

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

MR. McLEAN presented Bill No. 29 an Act to amend The Garnishment Act for second reading.

MADAM SPEAKER presented the motion.

MR. McLEAN: Madam Speaker the purpose of this bill is to increase the exemptions of persons who are employed and who may have a garnishee against them. In the case of a married person, the exemption is being raised from \$125 per month to \$250; and in the case of a single person, the exemption raised from \$75 to \$150.00. This Bill recognizes the change in the value of the dollar and the inflationary process which has been going on for some time.

MR. HILLHOUSE: Madam Speaker, I rise to support the increase in both categories but I would like to point out that this original section dealing with exemptions I think was drafted a number of years ago when there was no such thing as working wives or wives who perhaps were completely independent of their husband. I would refer you to the present working of this section 6 which is being amended, and it says "subject to all other provisions of this Act, the debt due or accruing due to an employee for the wages earned by him for each month is exempt from seizure or attachment under a garnishing order issued out of any courts to the extent of --then it gives the sum-- if the employee is a married person, except where the garnishing order is issued in respect of certain claims." Now if you read on further, and it says "if the employee is a widow, widower or unmarried person who is supporting" --then it gives certain dependents. Now my submission is that in view of the fact that we are increasing the exemptions of a married person to \$250 I think we should make it clear that that married person has a dependent. Take for instance, now, a husband. The way this reads now, if you amend that to \$250 the husband would have an exemption of \$250, regardless of what the earnings of his wife may be; or regardless of whether or no he's even supporting a wife; or regardless of whether or no his wife's even in this country. He's a married person. Now I think that some further thought should be given to this section so that we're not going to extend the exemption away beyond \$250.00. It may be an exemption of \$250 in respect of that individual's salary, that wife or that husband, but it does not say that the other party of the marriage must be dependent on that person or must not have any other means. I think it's worth looking into because we are giving an extension here which I don't think we intend to give.

MR. PAULLEY: Madam Speaker, I'd like to say a word and at the risk of being accused of buttering the government up as I sometimes am, may I compliment the Attorney-General in the introduction of this legislation.

It is one of those matters that I have been concerned with for a considerable period of time. As a matter of fact, Madam Speaker, I did write to the First Minister in connection with a case or two back last fall. One case in point, Madam Speaker, was an individual, a married person, with three children, his wife was expecting a fourth. He was a railroad worker and because of the fact that there was some back pay coming to him, on one check, which included the back pay over a period of six or eight months, his check amounted to somewhere in the neighbourhood of \$350.00. Because of the fact that he had a garnishee against his wages, he landed up with \$62.50. This is an illustration of the circumstances which prevail due to the limitations under the former Act. Now it's my understanding the present Act was changed in the year 1951, prior to that I believe somewhere in 1940.

Now I can't understand the reasoning of my honourable friend the Member for Selkirk and the point that he raised in this connection because as I read the Act, the sections have been in there since 1951. Now the interpretation that I gather from my honourable friend that if the woman happens to be working it may be that the exemption could be \$500.00. Well this certainly wasn't the case under the former Act, and I don't think I don't think --(Interjection)-- Well, I may have missed the point, Madam Speaker, or it may have been that my honourable friend wasn't very clear in presenting his point which led to my missing it. Now possibly the Honourable the Attorney-General when he replies to the Member for Selkirk will put us both straight. So I'll leave that point.

But the point really though, Madam Speaker, is, to me, the Act hasn't been changed in substance except in amount from what it was previously and again I commend the government for taking this step. I would like though at this particular time to make one suggestion --one suggestion-- and this would be to the Honourable the Minister of Labour that he use every effort that he has to persuade the Minimum Wage Board of Manitoba to so make the minimum wage in Manitoba possible for an individual to receive such wages that even under the Garnishment Act they would be assured of in total having sufficient wages in order to come under the present Garnishment Act, because I'm very much of the opinion that at the present time there's some who are so low paid in the Province of Manitoba under our minimum wages that they might not even reach the ceiling now suggested under The Garnishment Act. So I ask the Honourable

(MR. PAULLEY, cont'd)..... Minister of Labour to get up, get cracking, get working and make sure that no one here in the Province of Manitoba earns less than what we're suggesting here of \$250 for a married couple.

MR. FROESE: Madam Speaker, while I support the Bill in that it increases the amount substantially, I feel that the increase is too much. We have the smaller lending institutions which quite often have to resort to a garnishing order and in quite a few cases I would say where it's a common laborer they might be unable to touch him and therefore this would have the effect of some of the people not being able to get credit when they need it. I feel that this could, rather than helping a person it could prove to be the very reverse. --(Interjection)--Not necessarily. I would like to know from the Minister whether it is not the case that in some of the other provinces it is a percentage of the income rather than a fixed amount that is set out in our Act. I think it's the case in Ontario. I just happened to come from the Ontario Credit Union League Annual Meeting where they had a very thorough discussion on bankruptcies and so on where it was indicated that many people went into --a person declared personal bankruptcy as a way out, and they were working on various means as to how to apply deterrents for people to declare bankruptcies, and this matter was touched on as well, but I think he mentioned a percentage of income. Maybe the Honourable Minister would be able to help us out on this.

MR. McLEAN: Madam Speaker, just a word or two. The Honourable the Leader of the New Democratic Party is not in his seat but we appreciate his words of commendation. I'd just like to remind him that this government is always in the forefront of good legislation of this sort and I'm sure there'll be many occasions for him to pay us the same compliment. I regret that I can't advise the Honourable Member for Rhineland what the situation is in other provinces, and I was not aware that there was any province where it was expressed in terms of a percentage. I would be of the opinion that the principle as set out in this Bill and indeed the principle as it was in the Act before of a specified amount which would be considered to be the minimum on which a man and wife and family or a man himself, if he were single, might secure the necessities of life, would perhaps be the better principle on which to proceed.

I think I have the point quite clear as made by the Honourable Member for Selkirk and would like to say that I think his point is well made and that we should look at it when we get into Committee because what in effect he's saying is it would be possible, if you just simply say that by virtue of marriage alone one is entitled to \$250 exemption under this Bill, it might well be that while married he's not assuming or carrying out his obligation, the normal obligations we associate with that state for alternatively that the wife might be employed and in her own right earning money of an equal amount or greater. So I want to just say that we'll look at that because perhaps there's now need of a rewording that will make what is intended perfectly clear.

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

MR. HUTTON presented Bill No. 33, An Act to amend the Horticultural Society Act for second reading.

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

MR. HUTTON presented Bill No. 34, An Act to amend The Livestock and Livestock Products Act for second reading.

MADAM SPEAKER presented the motion

MR. HUTTON: Madam Speaker, this is a case where the Standing Committee on Statutory Regulations and Orders has upon examining the regulations under the Act come to the conclusion that an amendment was necessary to the Act to authorize the regulation which has been in effect for some time which enabled the inspectors under the Act to detain a product, poultry products which were being sold contrary to regulations. I think there's little more that I can add.

MR. TANCHAK: Madam Speaker, I move, seconded by the Honourable Member for St. George the debate be adjourned.

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

MR. SMELLIE presented Bill No. 7, An Act to Amend The Planning Act for second reading.

MADAM SPEAKER presented the motion.

MR. SMELLIE: Madam Speaker, this Bill really does only two things. First of all, it sets out that the Minister may require the Director of Planning to implement a program of planning education and that the Minister may make grants to other organizations to foster and promote public understanding of and participation in planning. This was the matter which was discussed at great length in committee before the introduction of the Bill.

(MR. SMELLIE, cont'd).

The second thing that this Bill does is to make provision for the local authority to handle matters of variations in planning schemes. The things that are contemplated are small variations of a planning scheme, such as the variation of a side yard requirement in an individual case. These things are handled in this manner in the metropolitan area by the board of revision. At the present time it is necessary for the municipality to pass a whole new planning scheme, an amending planning scheme, in order to allow a change in side yard requirements for example for one property, and then the matter had to come before the Minister and all the usual formalities had to be observed. Under this new revision, local people will be able to look after these matters themselves; but it does provide for a right of appeal for any person who doesn't like what is proposed, and they may make an appeal to the Minister. I believe that this will be of great value in allowing local people to get over much of the red tape that has created so much objection to planning in the past, and I would recommend it to members of the House.

MADAM SPEAKER presented the motion.

MR. GUTTORMSON: Madam Speaker, I move, seconded by the Member for Emerson, the debate be adjourned.

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

MR. STEINKOPF presented Bill No. 18, an Act to amend The Coat of Arms, Floral Emblem and Tartan Act.

MADAM SPEAKER presented the motion.

MR. STEINKOPF: Madam Speaker, at the present time the Act prohibits the use of the provincial emblem by persons outside the government, for any purposes whatsoever. The amendment would make it an offence to use it only when it was used in such a way as to indicate an association with the government. This is pretty well the same as the provisions now being practiced in other provinces.

MR. GUTTORMSON: Madam Speaker, could the Minister indicate to the House what prompted this change. Was there something that happened that made this legislation necessary?

MR. PAULLEY: I wonder, Madam Speaker, if I might make a comment on this. I'm not quite clear. Does this mean now that members of the Legislative Assembly may be entitled to have a supply of the lapel buttons that the government has at the present time to use as courtesy tokens at various functions with which we are connected? I'm saying this in all seriousness, Madam Speaker. For instance, I had the honour to participate in a community club event on Saturday evening at the crowning of a queen. I would have liked to have had, if I was entitled to --and I wasn't sure whether I was entitled to or not, maybe this clears up the situation, I wasn't sure whether I was entitled to have a supply of these lapel buttons that the Government Ministers have, I know-- in order to send greetings on behalf of the Assembly, certainly not on behalf of the government, but on behalf of the Assembly to the queen and her consorts in this carnival. This is one point that I haven't been clear on. Maybe the Minister could clarify this in reply, on introduction of this bill, and then if we as members of the assembly are entitled to have these buttons, or any of the other tokens --although maybe I should exclude the buffalos and the Order of the Buffalo-- I guess I couldn't afford them anyway -- but apart from that, if we are entitled to use these, could we purchase them at the same price as the government purchases them so that it was not too costly?

MR. CAMPBELL: Madam Speaker, before the Minister replies, I would like to ask a couple of questions also. Is it not a fact that in the present Act that there is authority given for permission to use the armorial emblem? And if that is a fact, then isn't that really a better way of handling the situation than of leaving it up to the individual to take a chance on complying with this rather involved method that's mentioned in this bill. I'm simply giving my recollection of what the Act contains; I haven't looked it up. I think the plan of giving permission to use it would be better than asking the one who wishes to use it, to have to decipher exactly what this rather involved expression means?

MR. STEINKOPF: Madam Speaker, I cannot recall anything that came up, anything specific that caused us to bring in this amendment to the Act, in reply to the question asked by the Honourable Member for St. George.

So far as the question asked by the Honourable Leader of the New Democratic Party, I don't think there is any intention of --I think quite the opposite-- to release the control that the government has over those items that are considered official. It's just the contrary. It's those that are unofficial that are not indicative of anything associated with the government, or not

(MR. STENKOPF, cont'd)..... prepared to lead one to believe that they are official. And may I, in order to try and make my point --and I think that this might answer the matter brought up by the Honourable Member for Lakeside-- that it is the present indiscriminate use of the emblem and mostly by manufacturers and people of that type, outside of the Province of Manitoba, that has led to this. It's a very difficult thing to control -- let's say, an ash tray is being sold in various stores in the province having the Coat of Arms of the Province of Manitoba on --to track down who the manufacturer was and then point out the necessary parts of the old Act. There has been, for instance, there are Coat of Arms up in one of our hotels in the City of Winnipeg, and really it is not an offence and yet under the Act they may have required --under the present Act, they may have sought permission from the Provincial Secretary to have this authority to place the emblem up there. But that emblem in no way represents that the government is in any way endorsing the hotel or the products that the hotel sell.

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

MR. McLEAN presented Bill No. 26, an Act to amend The Jury Act, for second reading.

MADAM SPEAKER presented the motion.

MR. McLEAN: Madam Speaker, this amendment is required only by reason of the alteration respecting the former northern division of the Dauphin Judicial District which is now known as the Northern Judicial District, and makes the necessary technical amendments to The Jury Act for that purpose.

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

MR. HUTTON presented Bill No. 32, an Act to amend The Agricultural Societies Act, for second reading.

MADAM SPEAKER presented the motion.

MR. HUTTON: Madam Speaker, the only explanation I can give is the one that I gave at the committee stage. I might add that there is one further amendment other than the one specifically giving us the authority to make grants to the fairs in respect to the costs incurred in retaining judges, and it is a change of what appears to have been an oversight during the drafting of the amendments that we made in 1959, which gave the Minister rather than the Lieutenant-Governor-in-Council the authority to determine the conditions under which the grants would be made to the agricultural societies. There was one section where the reference was left to the Lieutenant-Governor-in-Council and in opening up the Act at this time we recommended it that it be changed to "Minister" rather than as it stands now, the "Lieutenant-Governor-in-Council".

MR. CAMPBELL: Madam Speaker, I'm afraid that after the remarks that I made on the other bill that was before the House earlier this afternoon, namely The Horse Racing Regulations Act, if I didn't, following that up, voice my objection to the principle of this change, I would be accused rightly of inconsistency. I am making the point that I prefer to not have legislation dealt with by Order-in-Council. I prefer it to appear in the Act that was passed by a legislature, but I realize that there are some cases where power of delegation to the Lieutenant-Governor-in-Council is advisable and necessary; but, in the same line, I prefer to see that delegation being given to the Lieutenant-Governor-in-Council rather than the Minister. I think for the Minister's own protection, if for nothing else, that it's better that it should be by Lieutenant-Governor-in-Council. I recognize that the change has already been made in other parts of the Act and this is just carrying through what's already been decided upon, but I still don't like the principle. So far as I'm concerned I would rather not see it carried into this Legislation.

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

MR. HUTTON presented Bill No. 35 an Act to amend The Natural Products Marketing Act for second reading.

MADAM SPEAKER presented the motion.

MR. HUTTON: Madam Speaker, last year when we revised The Natural Products Marketing Act it was intended that anyone who handled the regulated product and felt that they had a grievance, should have an appeal to the Manitoba Marketing Board which is the independent body with representation from the entire community. We find however, unfortunately, that the way the Act is presently worded, only the producers of the regulated product would have such an appeal. So we are amending the Act to provide that any person affected by a decision or directive of a Board or Commission should have the right to appeal.

The other matter that is dealt with, is in the case of the Directives that go out from time to time from the various Boards and Commissions that may be established, which are or may be established in the future. At the present time the Act requires that the Lieutenant-Governor-in-

(MR. HUTTON, cont'd)..... Council approve of all of these directives and orders. This would be a very cumbersome way to handle these --I wonder if it's safe to say orders that really are of lesser importance. They should be referred to the Manitoba Marketing Board to see that they are within the authority of the regulation which provides for any plan of operation under the Act. So the change is being made from a reference to the Lieutenant-Governor-in-Council to the Manitoba Board.

MR. CAMPBELL: Madam Speaker, perhaps you would prefer that I just say "ditto" and let it go at that, but I think I should say a little more than that, so I move, seconded by the Honourable Member for Selkirk that the debate be adjourned.

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

MR. McLEAN presented Bill No. 37 an Act respecting the Liability of Guarantors of Debts for second reading.

MADAM SPEAKER presented the motion.

MR. McLEAN: Madam Speaker, Members of the House will recall that at our regular session in 1964, we had given consideration to a Bill of the nature which is now before the House and that I informed the members that at the request of the Insurance Federation of Canada we were deferring our final consideration at that time since they hoped to be able to come up with a plan which would make legislation on this particular topic unnecessary. They asked for a year in which to have the matter under consideration and I advised the House that no longer than that amount of time would be given.

We were subsequently advised approximately two months ago that the Insurance Federation were unable to arrive at a plan and hence this legislation is brought forward as I had indicated to the House a year ago. In the meantime members will also remember that the Department of Public Works under the authority of a letter between the province, particularly the Department, with the insurance carriers was in fact carrying on a scheme which in principle was the same as is represented by the provisions of this Bill.

Briefly this bill makes it clear that where a bond is entered into with the province --as a matter of fact it wouldn't necessarily be only with the province-- but a bond is entered into which provides for the guarantee for the payment of material and labor accounts arising out of the execution of a contract, that third persons who are not contracting parties to the bond will have the right of proceeding against the bonding company or the guarantor up to the extent for the recovery of their accounts. There is a condition precedent to being able to recover, namely, that is that they have established their account or their right to payment by virtue of having a judgment against the original debtor, but having done so, they would then be able to proceed against the guarantor who had put up the bond. Our principle interest from the standpoint of the Government of Manitoba is in the fact that in contracts entered into with the province with regard to public works, that the Department of Public Works is now requiring a performance bond with regard to the performance of the work and a second bond with regard to material and labour and the amount of that bond is in the same proportions as the bond that is given with regard to the performance of the contract itself.

This is to provide a measure of protection to those people who supply material or perform work for persons who hold contracts. In the past there have been some unfortunate incidents with regard to difficulties in obtaining payment for material or payment for work that has been done and this method has been evolved and this bill establishes the rights of creditors who may have accounts owing to them. And I recommend the Bill to the House.

MR. HILLHOUSE: Madam, our group heartily support this legislation. I think it's long overdue.

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

MR. SMELLIE presented Bill No. 11 an Act to amend The Lord's Day (Manitoba) Act for second reading.

MADAM SPEAKER presented the motion.

MR. SMELLIE: Madam Speaker, honourable members will recall that last year when this Act was before the House, before the Law Amendments Committee, there was some discussion as to whether or not a municipality could have a vote within the first year of the operation of the Act without a petition of the electors. We discussed it with the Legislative Counsel at that time and he was of the opinion that this was allowed by the Bill we were discussing at that time, so was I; but after the Bill came into operation several other lawyers stuck their oar in and they were of the opinion that it was not. So the municipalities who were concerned contacted the

(MR. SMELLIE, cont'd). department to ask this question were assured that they should go ahead with a vote if they desired to do so and that we would introduce an amendment at this session and ask the House to approve what we thought we were approving last year. So that this will provide that any votes which were taken without a petition in the first year of operation of the Act would be legal and should not be questioned. --(Interjection)-- Well I think --we've been around this often enough; I hope this should be a final answer.

Also the question has come up as to whether or not it should be necessary to have a by-law of a municipality or a local government district cover the whole of the area of a rural municipality or a local government district. At the present time there is a petition being circulated in one of the local government districts which would call for a bylaw, but really the only part of the local government district that they're interested in is in one of the villages that lies wholly within that local government district. It is the Local Government District of Fisher and it would seem hardly logical that we should ask the people over on Hecla Island to vote on a matter if it is really going to deal with only the residents of one particular locality. So the other amendments to this bill will make it possible for the petition and the bylaw in either a rural municipality or a local government district to specify a part only of that rural municipality or that local government district, and that the vote then would be taken only for that portion of the municipality which would be affected.

MR. HRYHORCZUK: Madam Speaker, as a matter of principle I'm opposed to these activities on the Lord's Day, but that's beside the point, and I'm not going to go into the argument all over again. But it does seem to me that this particular bill is not consistent. Under section 1 authority is given to a part of a municipality to pass a bylaw. When we get down to section 3, (8) only deals with a municipality, that is with a municipality they can extend, increase or decrease their activities, whereas a part of a municipality is not able to do so. And while you are making this amendment you might as well make one applicable to both instead of dividing them up.

MR. PAULLEY: There's just one point I would raise, Madam Speaker, in connection with this Bill. It actually deals with the general principle of having uniformity within our legislation so that one Act doesn't differ in basic principle to other Acts; and I wonder if there was any consultation between the Minister of Municipal Affairs and the Attorney-General in this regard. I'm referring now as I understand provisions under The Liquor Control Act which in some respects in principle is the same as this. I'm thinking on local option votes, Madam Speaker, where a large town or a reasonable sized town is within the centre of a large municipality, the vote is taken in the municipality as a whole and insofar as the local option is concerned or the extension of the outlet the main concern is within the town itself within the municipality. Now I understand this is the provision in The Municipal Act that it goes to the whole area --I mean in The Liquor Control Act-- goes to the whole area. In this Act under The Lord's Day Act it's changing the basic principle into a part of the municipality, and as the Minister mentioned, it mainly is due to the Local Government District of Fisher where there's the one relatively large centre in it. And again Madam Speaker, I would like to suggest that maybe this point can be considered because we will be establishing once again different legislation dealing basically with the same principle in two different Acts and I would respectfully suggest this be looked into.

MADAM SPEAKER put the question.

MR. PAULLEY: Madam Speaker, I wonder if the Minister might make some comment on that. I notice it's 5:30 Madam Speaker, and I thought that's what you were rising to say to us.

MADAM SPEAKER: It is now 5:30 and I leave the Chair until 8:00 o'clock.