

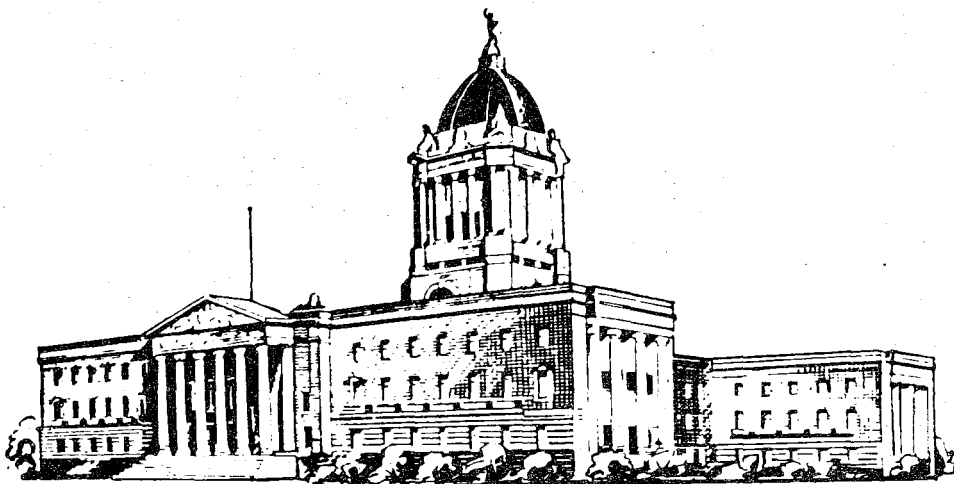


Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

Speaker

The Honourable Ben Hanuschak



Vol. XVII No. 129 9:30 a.m., Thursday, June 25th, 1970. Second Session, 29th Legislature.

ELECTORAL DIVISION	NAME	ADDRESS
ARTHUR	J. Douglas Watt	Reston, Manitoba
ASSINIBOIA	Steve Patrick	10 Red Robin Place, Winnipeg 12
BIRTLE-RUSSELL	Harry E. Graham	Binscarth, Manitoba
BRANDON EAST	Hon. Leonard S. Evans	Legislative Bldg., Winnipeg 1
BRANDON WEST	Edward McGill	2228 Princess Ave., Brandon, Man.
BURROWS	Hon. Ben Hanuschak	11 Aster Ave., Winnipeg 17
CHARLESWOOD	Arthur Moug	29 Willow Ridge Rd., Winnipeg 20
CHURCHILL	Gordon Wilbert Beard	148 Riverside Drive, Thompson, Man.
CRESCENTWOOD	Cy Gonick	115 Kingsway, Winnipeg 9
DAUPHIN	Hon. Peter Burtniak	Legislative Bldg., Winnipeg 1
ELMWOOD	Russell J. Doern	705 - 33 Kennedy St., Winnipeg 1
EMERSON	Gabriel Girard	25 Lomond Blvd., St. Boniface 6
FLIN FLON	Thomas Barrow	Cranberry Portage, Manitoba
FORT GARRY	L. R. (Bud) Sherman	86 Niagara St., Winnipeg 9
FORT ROUGE	Mrs. Inez Trueman	179 Oxford St., Winnipeg 9
GIMLI	John C. Gottfried	44 - 3rd Ave., Gimli, Man.
GLADSTONE	James Robert Ferguson	Gladstone, Manitoba
INKSTER	Hon. Sidney Green, Q.C.	Legislative Bldg., Winnipeg 1
KILDONAN	Peter Fox	627 Prince Rupert Ave., Winnipeg 15
LAC DU BONNET	Hon. Sam Uskiw	Legislative Bldg., Winnipeg 1
LAKESIDE	Harry J. Enns	Woodlands, Manitoba
LA VERENDRYE	Leonard A. Barkman	Box 130, Steinbach, Man.
LOGAN	William Jenkins	1287 Alexander Ave., Winnipeg 3
MINNEDOSA	Walter Weir	Room 250, Legislative Bldg., Winnipeg 1
MORRIS	Warner H. Jorgenson	Box 185, Morris, Man.
OSBORNE	Ian Turnbull	284 Wildwood Park, Winnipeg 19
PEMBINA	George Henderson	Manitou, Manitoba
POINT DOUGLAS	Donald Malinowski	361 Burrows Ave., Winnipeg 4
PORTAGE LA PRAIRIE	Gordon E. Johnston	Room 248, Legislative Bldg., Winnipeg 1
RADISSON	Harry Shafransky	4 Maplehurst Rd., St. Boniface 6
RHINELAND	Jacob M. Froese	Box 40, Winkler, Manitoba
RIEL	Donald W. Craik	2 River Lane, Winnipeg 8
RIVER HEIGHTS	Sidney Spivak, Q.C.	1516 Mathers Bay, West, Winnipeg 9
ROBLIN	J. Wally McKenzie	Inglis, Manitoba
ROCK LAKE	Henry J. Einarson	Glenboro, Manitoba
ROSSMERE	Hon. Ed. Schreyer	Legislative Bldg., Winnipeg 1
RUPERTSLAND	Jean Allard	602 - 245 Provencher Ave., St. Boniface 6
ST. BONIFACE	Laurent L. Desjardins	357 Des Meurons St., St. Boniface 6
ST. GEORGE	William Uruski	Box 629, Arborg, Manitoba
ST. JAMES	Hon. A. H. Mackling, Q.C.	Legislative Bldg., Winnipeg 1
ST. JOHNS	Hon. Saul Cherniack, Q.C.	Legislative Bldg., Winnipeg 1
ST. MATTHEWS	Wally Johannson	15 - 500 Burnell St., Winnipeg 10
ST. VITAL	J. A. Hardy	11 Glenlawn Ave., Winnipeg 8
STE. ROSE	Gildas Molgat	463 Kingston Crescent, Winnipeg 8
SELKIRK	Hon. Howard Pawley	Legislative Bldg., Winnipeg 1
SEVEN OAKS	Hon. Saul A. Miller	Legislative Bldg., Winnipeg 1
SOURIS-KILLARNEY	Earl McKellar	Nesbitt, Manitoba
SPRINGFIELD	Hon. Rene E. Toupin	Legislative Bldg., Winnipeg 1
STURGEON CREEK	Frank Johnston	310 Overdale St., Winnipeg 12
SWAN RIVER	James H. Bilton	Swan River, Manitoba
THE PAS	Ron McBryde	531 Greenacres Blvd., Winnipeg 12
THOMPSON	Hon. Joseph P. Borowski	Legislative Bldg., Winnipeg 1
TRANSCONA	Hon. Russell Paulley	Legislative Bldg., Winnipeg 1
VIRDEN	Morris McGregor	Kenton, Manitoba
WELLINGTON	Hon. Philip Petursson	Legislative Bldg., Winnipeg 1
WINNIPEG CENTRE	J. R. (Bud) Boyce	777 Winnipeg Ave., Winnipeg 3
WOLSELEY	Leonard H. Claydon	116½ Sherbrook St., Winnipeg 1

THE LEGISLATIVE ASSEMBLY OF MANITOBA

9:30 o'clock, Thursday, June 25, 1970

Opening Prayer by Mr. Speaker.

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

INTRODUCTION OF BILLS

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. JOSEPH P. BOROWSKI (Minister of Transportation) (Thompson) on behalf of the Minister of Municipal Affairs introduced Bill No. 146, an Act to amend The Municipal Act (Second Reading Friday);

And Bill No. 148, The Municipal Tax Deferral Act (Recommended by His Honour the Lieutenant-Governor) (Second reading Friday).

MR. SPEAKER: The Honourable Minister of Cultural Affairs.

HON. ED SCHREYER (Premier) (Rossmere): I believe that the House Leader indicated last night that this bill would not be proceeded with and accordingly asked that leave be given to have it removed from the Order Paper. (Agreed)

MR. SPEAKER: The Honourable Minister of Finance.

MR. SCHREYER on behalf of the Minister of Finance introduced Bill No. 115, an Act to amend the Mining Royalty and Tax Act. (Recommended by His Honour the Lieutenant-Governor).

MR. SPEAKER: Orders of the Day; Address for Papers.

HON. SIDNEY GREEN, Q. C. (Minister of Mines and Natural Resources) (Inkster): Mr. Speaker, before the Orders of the Day are called I would like to indicate a change in government proposal relative to Public Utilities Committee. Yesterday I had announced that the committee would meet on Friday at 9:30 and then on Saturday. I now wish to alter that to say that the Committee will meet on Saturday at 9:30 but the regular business of the House will be proceeded with on Friday at 9:30. So the promised sleep-in on Friday I'm afraid is not possible.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. GILDAS MOLGAT (Ste. Rose): Mr. Speaker, I presume then that there will be three sittings on Friday, 9:30 in the morning, 2:30 in the afternoon and 8:00 o'clock at night?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, before Orders of the Day are called I would like to reply to a question asked yesterday by the Honourable Member for Ste. Rose. He was asking about, as to whether or not invitations had been or will be sent out inviting members of the Assembly to a dinner that will be tendered by the Lieutenant-Governor for members of the Federal Cabinet. I believe that was the question. And the answer is that there are a number of activities involving members of the Assembly but the buffet dinner is not one of them. I think that answers the question.

MR. MOLGAT: Mr. Speaker, if I may, I was not seeking an invitation. I was merely trying to verify whether what I read in a letter that was sent to me at home was true, because I hadn't heard about it. I presume then we are free on the evening of the 30th?

STATEMENT

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I think that I'd like to announce that we have received word of an Order-in-Council passed by the Federal Cabinet to this effect; His Excellency the Governor-General-in-Council on recommendation of the Minister of Regional Economic Expansion of the Treasury Board is pleased hereby to approve the entering into an agreement with the Government of the Province of Manitoba in accordance with the memorandum of understanding of April 28, 1969 in the form annexed hereto between Canada and the Province of Manitoba for the construction of the Pleasant Valley Dam and Reservoir at an estimated cost of \$167,000.00. There has been no official notification from the government but it appears that this matter is now going to be under way.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): May I thank the Minister, Mr. Speaker, on behalf of those that I represent who have been waiting in anticipation for several years for this announcement. Thank you.

ORAL QUESTION PERIOD

MR. SPEAKER: The Honourable Member from Fort Rouge.

MRS. INEZ TRUEMAN (Fort Rouge): Mr. Speaker, I would like to address my question to the Honourable Minister of Health and Social Services. I would like to ask whether he would consider a publicity campaign concerning the importance of having polio shots in view of the fact that some immigrants from other countries are not aware of the fact that the disease is endemic in Manitoba and they arrive here without protection.

HON. RENE E. TOUPIN (Minister of Health and Social Development) (Springfield): Mr. Speaker, I'll take that question as notice, and I do take it into consideration.

MR. SPEAKER: The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): Mr. Speaker, I'd like to direct a question to the Honourable Minister of Cultural Affairs. A few days ago I asked him as to when members would learn of their responsibilities throughout the Royal Visit and he said in a few days. I wonder when those few days come to an end?

HON. PHILIP PETURSSON (Minister of Cultural Affairs) (Wellington): Mr. Speaker, a few days have passed and I will have to ask the honourable member for an additional few days, which I hope will be very early in the week when I will be able to bring that information in.

ORDERS OF THE DAY - MOTIONS FOR PAPERS

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Speaker, I beg to move, seconded by the Honourable the Member for La Verendrye, that an Humble Address be voted to His Honour the Lieutenant-Governor praying for copies of all correspondence from September 1966 to date, between the Manitoba Government and the Government of Canada, regarding the proposed dam project on Rock Lake, such project being a result of hearings held in the fall of 1966.

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

MR. SPEAKER: Order for Return. The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Speaker, I beg to move, seconded by the Honourable the Member for La Verendrye,

THAT an Order of the House do issue for a Return showing the following information with regard to the proposed dam project on Rock Lake in the Pembina Valley.

1. Whether the Manitoba Government has at any time since 1966 requested the construction of this dam by the Government of Canada.
2. When and how such a request was made.
3. What was the reply of the Government of Canada.
4. Whether the Manitoba Government has at any time since 1966 requested funds from the Government of Canada for the construction of this dam on a cost sharing basis.
5. When and how such a request was made.
6. What was the reply of the Government of Canada.

MR. SPEAKER: Are you ready for the question?

MR. GREEN: Mr. Speaker, with regard to this Order, is it not a duplication of the Address for Papers that was previously moved, except insofar as something was not done by correspondence, and if we could accept it on that basis, because otherwise, the Order for Return would be a release of information that would not be released in accordance with the same rules that guide us with regard to Address for Papers. Therefore, if my honourable friend will be agreeable to accepting the Order for Return as being answered to, accept insofar as it will be answered in the Address for Papers, then I see no difficulty with it at all.

MR. MOLGAT: Well, Mr. Speaker, can I express any comment at this time?

MR. GREEN: I believe that I have indicated the response to the Order. If the response is not satisfactory, or if it has to be clarified, perhaps the Member will be permitted to speak as if it was debate at this time, because there are no Private Members' days to speak to it on.

MR. MOLGAT: Mr. Speaker, I think what the Minister suggests is satisfactory but I would like to speak to him privately or see exactly what he said, so I know exactly what he is offering to do. I don't wish to speak on the Order.

MR. GREEN: Mr. Speaker, can we have the Order stand and I'll speak to the Honourable Member. (Agreed)

INTRODUCTION OF GUESTS

MR. SPEAKER: At this point I would like to introduce 88 Grade 10, 11 and 12 students from Eagle Grove High School in the State of Iowa of United States of America, who are guests in the gallery. They are under the direction of Mr. Thomas. On behalf of the members of the Legislative Assembly I welcome you here this morning.

MR. SPEAKER: Committee of the Whole.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs) (Selkirk): Mr. Speaker, I beg to move, seconded by the Attorney-General, that Mr. Speaker do now leave the House and the House resolve itself into a Committee of the Whole to consider the following bills:

No. 3 - The Local Authorities Election Act.

No. 106 - An Act to validate certain agreements entered into by the Government of Manitoba and The City of Winnipeg.

No. 48 - An Act to incorporate Souris Golf and Country Club.

No. 66 - An Act to amend The Insurance Act.

No. 72 - An Act to amend The Executions Act.

No. 7 - The Municipal Assessment Act.

No. 44 - An Act respecting The Town of The Pas.

No. 70 - An Act to validate By-law No. 656 of The Rural Municipality of Langford and By-law No. 1997 of The Town of Neepawa.

No. 73 - An Act to amend The Flin Flon Charter.

No. 103 - An Act to amend The Transcona Charter.

No. 124 - An Act to amend The Winnipeg Charter, 1956 (2).

No. 84 - An Act to amend The Income Tax Act (Manitoba).

No. 107 An Act to amend The Motive Fuel Tax Act.

MR. PAWLEY: Mr. Speaker, . . . also on the form, although I understand it's not there, should be No. 75, an Act to amend The Liquor Control Act. It wasn't included in the motion.

MR. SPEAKER: Before I put the question I'm wondering if the Honourable Minister has the power to move the type of motion that he did, directing the Chair to take the action that he'd indicated the Chair ought to take. I believe he meant to leave the Chair, rather than leave the House.

MR. SPEAKER presented the motion.

MR. WALTER WEIR (Leader of the Opposition) (Minnedosa): I'd like maybe to just note that you corrected the motion, because had you not, Sir, I was prepared to move an amendment so that you wouldn't be forced out of the House, that you would only have to leave the Chair and be welcome back.

MR. SPEAKER put the question and after a voice vote declared the motion carried, and the House resolved itself into Committee of the Whole with the Honourable Member for Elmwood in the Chair.

COMMITTEE OF THE WHOLE HOUSE

MR. GREEN: Could we have No. 3 stand for a little while and proceed with the other bills. (Agreed)

MR. CHAIRMAN: (Bills Nos. 106, 48, and Sections 1 and 2 of Bill No. 66 were read section by section and passed.) Section 3 - The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Chairman, in the Law Amendments Committee dealing with this section, I asked a question about a definition of the word "household". I did not get an answer on that. Could we have a further explanation or a definition of the word "household" at this time?

MR. SPEAKER: The Honourable Minister of Finance.

HON. SAUL CHERNIACK, Q.C. (Minister of Finance) (St. John's): Mr. Chairman, I thought it was clarified at the committee level that the word "household" has meanings which have been interpreted by the courts. This is a standard expression which, as was indicated, would be applicable to all the provinces and one which is obviously acceptable throughout as an adequate description. I think that it is one that doesn't need any definition because it is defined, I believe, in The Highway Traffic Act, and it does have meaning that a court can attribute to it as to me is obvious because of the fact that it's standard usage.

MR. CHAIRMAN: (Bill No. 66 - Sections 3 and 4 were read and passed) The Honourable Minister of Finance.

MR. CHERNIACK: The Minister of Mines and Resources has been discussing with Mr. Tallin a certain proposed amendment, and I wonder if we could just hold this to find out from Mr. Tallin if he has it in connection with The Insurance Act.

Mr. Chairman, if I may, I'm sorry. There are a few copies available. Mr. Tallin is now distributing them. The idea was that in connection with the discussion that was held in committee on the burden put on the owner of a vehicle who would have been denied any protection if a member of his household was driving the vehicle and that person was a disqualified person; you may recall that the concern was expressed that the owner of a vehicle might in fact not know that the member of the household had been disqualified. I think honourable members will recall that that was a matter of concern and it was assumed that a father would know whether or not his son was disqualified, but there was a concern expressed in committee that he might indeed not know. It's just possible that he wouldn't know, that the son may have kept the information from him and that this would be a hardship on him. Therefore, because of that discussion, we had Mr. Tallin draft a proposed amendment which I'd now like to read and I'll move it so that we could discuss it. I trust sufficient honourable members have copies of it so that they can follow it.

I beg to move, Mr. Chairman, that sections 4 and 5 of Bill 66 be renumbered as Sections 5 and 6 respectively and that the following section be added thereto immediately after Section 3. Do I need a seconder in committee, Mr. Chairman?

MR. CHAIRMAN: No.

MR. CHERNIACK: Subsection (4) of Section 238 added.

4. Section 238 of the Act is amended by adding thereto at the end thereof the following subsection: "Application of Clause (b) (1) of Subcondition (2) of Condition 2.

"238 (4) Where a person who is a member of a household of the insured under a contract uses the automobile described in the contract while that person's license to drive or operate an automobile is suspended or while that person's right to obtain a license is suspended or while that person is prohibited under order of any court from driving or operating an automobile, Clause (b) (1) of Subcondition (2) of Statutory Condition 2, as set out in Section 237, does not apply if the insured did not know at that time he permitted, suffered, allowed or connived of the use of the automobile by that person, that that person's license to drive or operate an automobile was suspended or that that person's right to obtain a license was suspended or that that person was prohibited under order of a court from driving or operating an automobile, but the onus is on the insured to prove that he did not know that fact."

That amendment then would mean, Mr. Chairman, that if indeed the owner of the vehicle, that is the person who is insured, didn't know that his son, for example, had been disqualified, then he is not denied protection, but it is up to him to prove that he didn't know and we felt that the onus should be put on him to prove that because this kind of information would normally be within his knowledge and therefore it would be assumed that he knew unless he can prove that he didn't, and this is a protection that honourable members have suggested would be a fair one to take care of probably a most exceptional or possibly a non-existent to date case of a person who really didn't know and can prove he didn't know that his son or a member of the household was disqualified.

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

MR. GRAHAM: Mr. Chairman, on that same point, it's fairly difficult to prove that a person does not know something. I think it would be more simple to prove that he did know something or that he had access to that information rather than to prove that he did not know.

MR. CHERNIACK: Well, Mr. Chairman, how could you possibly prove that a person did know when it's something that goes on in his own household. We're not entering into the homes of the nation in order to have to prove that a person did not know because it is assumed that all members in a family group know important matters such as this within the family group, and for any insurer - and I'm speaking on behalf now of the insurance company which can't go into a household and say well, you really did know - so it can be assumed, as was assumed by the drafters of this Act, which means the superintendents of insurance of all the provinces, they said well, we have every right to expect that members of the same household will know enough about each other to know whether or not they are disqualified, but since it is possible that they wouldn't know then they should be able to prove it - and I presume that they will have difficulty in proving it and so they should. But you must realize that what this amendment does is to make it possible for a person to prove that he didn't know and therefore get protection. What

(MR. CHERNIACK cont'd.) we're doing here is protecting the individual against the insurance company.

Now the Honourable Member for Birtle-Russell seems to want to go even further, and what that would do, from what he says, by shifting the onus back on the insurance company would really make it impossible for the insurance company to be able to prove a fact which is only in the possession of the people within the household, and I think that this kind of onus provision is necessary to protect the insurance company from having to pay substantial claims on the basis that it is not in the household and not a member of it and therefore is unable to prove it. Now I think that we've gone -- we've certainly departed from the agreement that all the superintendents of insurance have arrived at by giving a little more protection to the insured, but then we say well, let's protect the insurance companies. I don't feel at all uncomfortable in suggesting that the insurance companies need protection because they do have to be protected against people who will make up a story within their household and not be able to substantiate it but say well, it's up to the insurance company to come into my house and prove that I did indeed know.

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

MR. GRAHAM: Mr. Chairman, I have not got the legal knowledge that the Minister of Finance has but I seem to recall that in the instance of any juvenile being called into court for any misdemeanor that the guardian or the parent is supposed to appear in court with them, so that if their driver's license is suspended then quite definitely the head of the household or the parent or guardian would know in that case. I would suggest that if a parent or guardian is not in the court that the court should then send him a registered letter to notify him. I think that this is far easier to prove that he does know about it by informing him by registered letter if a member of his household has had his license suspended for any reason, and I think it would be much easier if this was done and then you would have definite proof that the man has had his license suspended. I think that by proving that he does know it would be relatively simple.

MR. CHERNIACK: Mr. Chairman, that might be correct in the case of an infant member of the household, but it might not be correct in the case of a wife or in the case of a son over 21 or in the case of a father who is obviously over 21. There are members of the household that are not infants and don't have the guardians. It may well be that my son will own a vehicle and permit me to drive it without knowing that I had become disqualified. Now that is quite possible. Now it's not likely but it's possible, that I would conceal that knowledge out of embarrassment and shame, and therefore the analogy given by the honourable member would be applicable but only in the case of the parent of an infant child and there are broader implications involved and I really feel that the insurance company is entitled to that protection.

MR. GREEN: Mr. Chairman, . . . try to prevail upon the honourable member to look at the situation without the amendment and with the amendment. The Act was approved by committee without the amendment, but at the time of the meeting some people expressed misgivings that a person who was driving a car while his license was suspended and if the owner didn't know, he would then be responsible to his insurance company even though he didn't know that someone was driving the vehicle whose license was suspended. At the meeting various members said well, parents should know if his son's license is suspended. It wasn't members on this side who said that, it was members generally who said that no parents or no person who lets his car go to someone whose license is suspended should be able to hold his insurance company liable.

It was a result of that that this section is being brought in which I understand is different than in other acts, so that Manitoba will be slightly different in that we say that the person, if he's to lose his coverage, he has to know that the license of the driver was suspended, but if it's within his household he is presumed to know unless he can show otherwise. And all he has to do is show otherwise. -- (Interjection) -- Well, he gets into the witness stand, evidence is to the effect that I did not know, and if he swears that he did not know, that will be accepted in my view as long as he is believed and as long as there is no evidence to the contrary. So when you are talking about proof, you're talking about the normal standard of proof that is required in every civil case. What happens if you don't require this standard of proof is that he just sits there and doesn't say anything and it's impossible to prove that he knew.

So all this is is what's called in law a rebuttable presumption that a person is deemed to know what happens in his own household unless he shows the contrary, and he gets into the witness box and he says that I had no idea that my son's license which was suspended had not

(MR. GREEN cont'd.) been reinstated, and I suggest to you that if it's a witness who under cross-examination maintains that position and there is no evidence to the contrary, then the great probabilities are that it will be accepted by the court. But, Mr. Chairman, I really don't know why we are arguing because we were just about ready to pass the section without this provision which would be much more imposing than putting the provision in.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Chairman, the Honourable Minister says that we were prepared to pass it without having it in. I think we raised objection in committee on this point. The point that I wish to raise is this, that the insurance company can come out and say well you did know and therefore we don't accept this claim and then the onus is then on the party to go into court on this.

MR. GREEN: . . . go to court anyway because the insurance company will not pay his claim. This starts by the insurance company — (Interjection) — No, not — he goes to court. The insurance company must pay the victim. The way these cases start is that the insurance companies — let us take an actual case. A son drives the car and he hits somebody. That person sues the man who hit them — the owner of the car. He gets a judgment of let us say \$3,000.00. The insurance company pays the judgment, they can't withhold payment. They then sue the owner; so he's going to be in court one way or the other and when they sue him he says "I did not know" and if he can get the judge to believe that he did not know that is a defense and he will not have to pay. But there is no way of preventing him from going to court. They will go to court because the insurance company will sue. As a matter of fact, this is likely to reduce court action because under the section as previously worded the insurance company would always sue because they would be entitled to recover as of right. Now, there would have to be established by the court that the young person knew. And I suggest that this is a relief that is not found in any other Act. We are giving the owner relief here which is not going to be standard, which the insurance companies in other provincial jurisdictions apparently won't have to establish.

MR. FROESE: I don't want to dispute — the amendments that we have before us or the section that we have before us I think is good. My only point was if the person was to prove that he didn't know and if the court wouldn't accept his word, what other proof could he bring about? This is the point.

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

MR. GRAHAM: Thank you, Mr. Chairman. Ever since I can recall the basic principle of British justice was that a person had to be proved guilty. The basic concept was that he was innocent until proven guilty. However, we have found increasing evidence as the years go past where little by little this principle has been eroded and people have had to prove that they were innocent rather than the converse; and I see this here again where a person has to prove that he does not know rather than have the courts prove that he does know. It's a basic principle, Mr. Chairman, that I think — I am concerned because every day we're getting more Acts passed which are going against this basic principle of innocent until proven guilty. They're little things, they're inconsequential things by themselves but you add them up in the total and you get a change in the principles that are the fundamental basis of our society.

So, Mr. Chairman, I just raise this point at this time. I still think it would be easier and fairer if the onus was on them to prove that the man did know rather than for that person to have to prove that he did not know.

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, I have a great deal of respect for my honourable friend's advice with regard to rural questions in farming, but I ask him not to move into the area of legal principles because the principle that he has suggested is very broad and very general but doesn't apply in many, many cases involving the British justice that have been developed over the last four or five hundred years. A man who fires a gun and kills somebody is "presumed" to have known what the consequences of his act would have been and he has to prove the contrary. A man who is holding goods that have been recently stolen is "presumed" to have known that they were stolen and he has to go in too and prove the contrary. There are literally thousands of instances where circumstances are regarded as proof and if a person wishes to prove the contrary he has to go in and do it. And all that we are doing is saying that living in the household is sufficient evidence that a man knew that the other person's license was suspended and if he didn't he has to go in and prove the contrary. I don't want my honourable

(MR. GREEN cont'd.) friend to take this as demonstrating a trend towards removing basic rights because it's not that. The thing that he is talking about I could -- I could but I won't -- stand here and quote thousands of examples where circumstances are regarded as proof and once those circumstances exist the insurance company will still have to prove that there was an accident, that the man lived in the household, and once they prove that he has to go in and say well I didn't know. And I don't think that this is affecting basic principle.

MR. CHAIRMAN: The Honourable Member for Winnipeg Centre.

MR. BUD BOYCE (Winnipeg Centre): Notwithstanding what my colleague says, I was glad to hear my friend from Birtle-Russell make his statement because you watch him from that side and I'll watch him from this side, because I was one of the ones that raised an objection also. In my view the amendment takes care of this because if it is assumed that the man should know then all he has to do is make a statement in court that he doesn't know and then it depends on the credibility of the person. I'll support the amendment but I was sure glad to hear the Member from Birtle-Russell just talk to us this way because you know these lawyers once in a while, like last night you know when the Attorney-General got up and said something about the lawyers I think there was quite a reaction. But you watch him from that side and I'll watch him from this side that they don't get too much of this -- what do you call it? -- prima-facie case -- that's the word. -- (Interjection) -- Beg your pardon?

A MEMBER: Does anybody look after your side when you're in Greece?

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. GORDON W. BEARD (Churchill): I just came in at the right time, Mr. Chairman, because when the Minister of Agriculture, or the Minister of Mines and Natural Resources said that he respected the Member for Birtle-Russell when he talked about agriculture he was in fact saying he was talking about common sense things that are very easy to understand. And when you move into the realm of law then as a good friend of mine, a lawyer, once said, you can't have laymen as magistrates, you've got to have trained men as magistrates in -- trained in law -- because when we say things we really don't mean what we say we're saying something else.

MR. CHAIRMAN: The proposed amendment of the Honourable Minister of Finance. Section . . . The amendment, Section 4--passed.

Apparently there is another amendment forthcoming.

MR. CHERNIACK: . . . four. The old 4.

MR. CHAIRMAN: Yes, Section 4 of the bill is -- former 4--passed.

MR. CHERNIACK: Passed? All right Mr. Chairman. I move that Section 5 of Bill 66 as printed and renumbered as Section 6 be amended by striking out the word and figures "2 and 3" where they appear in the first line thereof and again in the third line thereof and substituting therefor in each case the word and figures "2, 3 and 4". It's obvious that the intent of this is to bring in the added sections into the proclamation portion of the Act. -- (Interjection) -- Five. Well old 5, new 6.

MR. CHAIRMAN: On the proposed amendment of the Honourable Minister of Finance. Passed? (The remainder of Bill No. 66 was read and passed.)

The Honourable Member for Radisson.

MR. HARRY SHAFRANSKY (Radisson): Mr. Chairman, by leave can we go on to Bill 75? There's a certain amount of urgency in a number of the communities which are dependent upon the passage of this bill in order that they be able to get their permit for a beer banquet for July 1st.

MR. CHAIRMAN: Leave? I hear some objections. The Honourable Minister of Finance.

MR. CHERNIACK: I hear leave is being denied and therefore I think we'll have to follow this order. I'm not sure that we need leave actually but I suspect that the other matters could continue rather quickly. I don't think any of them are contentious and -- (Interjection) -- Pardon?

MR. WEIR: . . . won't take long to reach Bill 75, the one to take the time, and maybe have the others passed in the meantime.

MR. CHERNIACK: Yes, I think that the Honourable Leader of the Opposition and I are in agreement that we can get through quickly, but if it takes too long then I think we can assert our right to reshuffle them.

MR. CHAIRMAN: (Bill No. 72 was read section by section and passed.)

Bill No. 7. The Municipal Assessment Act. By Page? Section 1 as amended -- passed.

(MR. CHAIRMAN cont'd.) Pardon me, Page 1—passed. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Is there an amendment to this?

MR. CHAIRMAN: I said there was an amendment to Page 1. Under Section 1 (a) (1) in quotation marks "Board means the Municipal Board." That is the amendment. (Bill No. 7 pages 2 to 9 were read and passed.) The Honourable Member for Rhineland.

MR. FROESE: I think on Page 7 it should read "as amended." Was there not an amendment on 9 (8) striking out "834" and inserting "758"?

MR. CHAIRMAN: Page 7 has a correction. Under 2 (9) - "Land not used for exempted purposes." Subsection 4 should re numbered section 3. (Bill No. 7 pages 11 to 58 were read and passed.) Schedule as amended — passed. The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): I would just like to have our group go on record that much more could be said about this bill. If it wasn't for the fact that a committee will be set up to study the assessment picture -- we appreciate the fact that there has been quite a bit of housekeeping in this bill, but in the meantime I would like to go on record that much more would be said about this bill if it wasn't for the fact that this committee is set up. That is the reason why I wish to put it on the record.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: For that same reason I spoke out in committee on that very point because we know the need of revision in connection with assessment and criterias other than are being used today should be put into effect as far as assessing land and rural municipalities. In committee we were given the assurance that this would be taken care of by this new committee by bringing in new legislation. I accept the Minister's word for it and on that basis I am allowing the bill to pass.

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

MR. GRAHAM: Mr. Chairman, my feelings on the Municipal Assessment Act are well known and have been stated numerous times in this House. I realize this is just a housekeeping bill until we have a re-structuring and I urge the Minister to carry forward with that program as quickly as possible.

MR. CHAIRMAN: Preamble -- passed; Title — The Honourable Minister of Finance.

MR. CHERNIACK: I want to indicate that it wasn't just a question of assurance, the government is most interested and recognizes the need for a study and revision of the assessment provisions of the Municipal Act, and for that reason, because it wasn't really covered between sessions, it was decided and agreed by that committee that we would take this portion out of the Municipal Act in order to maintain it but study it, so I don't want any interference to — that is needed, to indicate that the government is most anxious to proceed with the proper study and revision of this very Act.

MR. CHAIRMAN: Title — passed; Bill be reported. (Bills Nos. 44, 70, 73, 103, 124 and 84 were read section by section and passed.) Bill No. 75, an Act to amend The Liquor Control Act (3). Section 1 as amended — passed; Section 1 deleted. The Honourable Member for Roblin.

MR. MCKENZIE: I move, seconded by the Honourable Member for Swan River, that Bill 75 be amended thereto at the beginning thereof the following section: Section 10 amended . . .

MR. CHAIRMAN: I'm sorry, I haven't reached that point yet. — (Interjection) — I'm sorry, that is in order for the Member for Roblin. The Honourable Member for St. Boniface.

MR. LAURENT L. DESJARDINS (St. Boniface): Mr. Chairman, I'd like to move, seconded by the Honourable Member for Radisson, that Bill 75 be amended by adding thereto, immediately before Section 3 thereof, the following section: Section 10 repealed and substituted. Section 2. Section 10 of the Act is repealed and the following section is substituted therefor:

MR. CHAIRMAN: I'm sorry to interrupt the Member for St. Boniface. I incorrectly ruled the Member for Roblin out of order but actually he is in order to make his amendment, so I would recognize him first, and then following that I will recognize the Member for St. Boniface. So we are dealing with Section 1 which has been deleted and the Member for Roblin has a proposed amendment.

MR. MCKENZIE: It's Section 2 basically, Mr. Chairman, I guess is where I . . .

MR. CHAIRMAN: Well both sections are eliminated, so I don't think it matters since only Section 3 is in the bill.

MR. McKENZIE: I move, Mr. Chairman, seconded by the Member for Swan River, that Bill 75 be amended thereto, at the beginning thereof, the following section: Section 10 amended.

1. Section 10 of the Act is amended

- (a) by numbering the present section as subsection (1); and
- (b) by adding thereto, at the end thereof, the following subsections:

Estimate of value of advertising.

10 (2) In each year the commission shall estimate in accordance with the regulations the value of the advertising published in Manitoba during the previous year by radio and television broadcasting and by printed material by or on behalf of each distiller, brewer or winery from whom the commission purchases liquor.

Assessment.

10 (3) The commission shall, on or before the thirty-first day of May in each year, by notice in writing sent to the distiller, brewer or winery, as the case may be, assess each distiller, brewer and winery for an amount equal to fifty percent of the value of the advertising published in the previous year by or on behalf of that distiller, brewer or winery as estimated under subsection (2).

Payment of assessment.

10 (4) Within ninety days of the date that the assessment is sent to the distiller, brewer or winery under subsection (3), each distiller, brewer and winery shall pay to the commission the amount for which it is assessed under subsection (3).

Action by commission on non-payment of assessment.

10 (5) Where a distiller, brewer or winery has not paid the amount for which it is assessed under subsection (3), within the period mentioned in subsection (4), the commission shall not purchase liquor from that distiller, brewer or winery, as the case may be, until that distiller, brewer or winery has paid the amount for which it has been assessed under subsection (3) together with interest thereon at the rate of eight percent per year calculated from the day on which the amount is payable under subsection (4) to the date of payment, compounded yearly.

Allocation of assessments.

10 (6) The commission shall pay the money received under this section into a special account for alcohol education and rehabilitation, and shall pay the money out of the account for alcohol education on the direction of the Lieutenant-Governor-in-Council.

Regulations.

10 (7) The Commission, with the approval of the Lieutenant-Governor-in-Council, may make regulations prescribing rules for estimating the value of advertising published in Manitoba by radio and television broadcasting and by printed material by or on behalf of any distiller, brewer or winery.

MR. CHAIRMAN: I just want to clarify that the member has added the words, under subsection 10 (6), alcohol education, he's added "and rehabilitation".

The proposed amendment of the Honourable Member for Roblin. The Honourable Member for Churchill.

MR. BEARD: I only got the first half . . .

MR. CHERNIACK: It occurred to me in reading this that this was a tax measure and I was going to ask whether there was a message from His Honour. Now I'm not really clear myself whether this isn't a form of taxation, what it obviously is, but whether it can be brought in by other than the treasury bench I'm not quite clear. The suggestion has been made that since this money would not go into Consolidated Revenue then it is not a taxation measure. On the other hand, it is clearly a form of taxation and I raise it at this stage, suggesting that there is doubt in my mind as to whether or not this can be brought in by other than a member of the treasury bench with the consent of His Honour.

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

MR. WEIR: Mr. Chairman, may I say that advice was sought in the matter and the advice that the Member for Roblin got in seeking it was that it wasn't a tax measure in view of the fact that the Consolidated Revenue Fund was not involved, it was the operation of the Liquor Control Commission. The only thing that there is involved in terms of the Lieutenant-Governor-in-Council is directing the manner in which the money was paid out by the Liquor Commission. It's between the Liquor Commission and the companies involved and the Consolidated Revenue

(MR. WEIR cont'd.) Fund is not involved in any way, shape or form, and the advice that was obtained when the enquiry was made, and prior to it being presented, was that it qualified.

MR. CHERNIACK: That may well be, I'm not quarrelling with it, I'm questioning it, because the net revenue of the commission is in Consolidated Revenue and this would indeed increase the monies that are paid into Consolidated Revenue because of the profits of the Liquor Commission being paid into Consolidated Revenue and having a line right in the budget portion of the receipts, anticipated receipts of the profits. It may be that on a technical basis that the Leader of the Opposition is correct.

MR. WEIR: . . . net profit, may I suggest that it wouldn't be the case because there is an indication of where every dollar that comes in is directed to go, and it's just a manner in which it does that the Lieutenant-Governor-in-Council would correct, so that it wouldn't affect the profits of the Liquor Control Commission in any way, shape or form as I read the amendment.

MR. GREEN: Mr. Chairman, I rather think that notwithstanding advice being obtained - and I am sure that this occurred - that it's still an argument as to whether the advice is correct or not. I am rather worried about the precedent because what it could mean, if what my honourable friend says is correct, is that without a message from His Honour a non-government bench member could introduce taxation by means of saying that the taxes recovered be paid into a fund which doesn't go to Consolidated Revenue and then is directed to be paid out of that fund by the Lieutenant-Governor-in-Council or by anybody else. But it still amounts to the government receiving revenues from the citizens and it would open the door, if it was in order, to this kind of measure being introduced at any time with regard to any particular matter by merely saying that the monies wouldn't go to the government, the taxation measure could provide for monies going to the Children's Aid and then paid out of the Children's Aid funds to purposes of the Children's Aid.

So on the principle, Mr. Chairman, that you cannot do indirectly what you cannot do directly, I would suggest that this is the raising of revenues and therefore it requires consent of Her Majesty.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I'm not sure whether this applies to the matter under the way the denturists are being fined and whether the revenues of those fines are - (Interjection) - Well, what else? You could call it something else but I think the principle is embodied there, that the monies received from fines are handled by an outside group and handed over to an outside group, so I think we have a precedent.

MR. GREEN: Mr. Chairman, I hope I won't repeat myself. This is in the nature of the government raising money and I suggest that that has to be a matter of government consideration. - (Interjection) - That's right.

MR. CHAIRMAN: This is a proposal by a private member to raise monies or to impose a special tax, and I would accordingly rule that this is not in order. The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Chairman, I regret your decision and I would like the yeas and nays on your decision.

MR. GREEN: Mr. Chairman, of course . . . of the Chairman is challenged, then the Speaker has to rule on the question. That should not stop the member from challenging, but he then understands that we have to leave committee and go back into the House.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: On what grounds are you ruling the motion out of order?

MR. CHAIRMAN: It would seem to me that the Honourable Member for Roblin is asking for a tax measure which can only be requested by the Lieutenant-Governor-in-Council on a message from His Honour, and therefore I would rule his proposed amendment out of order.

The Honourable Member for St. Boniface.

MR. DESJARDINS: Mr. Chairman, I move, seconded by the Honourable Member from Radisson, a proposed amendment to Bill 75, the motion that Bill 75 be amended by adding thereto, immediately before Section 3 thereof, the following section: Section 10 repealed and substituted.

Section 2. Section 10 of the Act is repealed and the following section is substituted therefor:

(MR. DESJARDINS cont'd.)

Regulations respecting advertising.

(10) Subject to the approval of the Lieutenant-Governor-in-Council, the commission may make regulations regulating advertising with respect to licensed premises and liquor.

MR. CHAIRMAN: The proposed amendment of the Honourable Member for St. Boniface, the effect of which would be to reinstate Section 2 of the original Act. The Honourable House Leader.

MR. GREEN: Mr. Chairman . . .

MR. DESJARDINS: I hope you don't mind. -- (Interjection) -- Okay, thank you. Mr. Speaker, I want to tell the members of this House first, before somebody feels that this is something sinister here, that we are not dealing with the type of advertising at all. This remains exactly the same. The only thing -- this is the way that the section reads, Mr. Speaker: "Subject to the approval of the Lieutenant-Governor-in-Council, the commission may make regulations regulating advertising with respect to licensed premises and liquor." And this is when I suggest we stop, so that the present Act reads thus: ". . . but such regulations shall not permit broadcasting of advertisements with respect to licensed premises or liquor between 7:00 o'clock in the morning and 10:00 o'clock in the evening. So as I say, the type of advertising would not be changed at all, the commission still will have to agree or to accept this, to pass on it, and then of course the Lieutenant-Governor also.

Now the reason why I think that this should be changed, Mr. Speaker, is first of all looking at the advertising itself, the people that apparently with this section we don't want to be reached. Now we have - I don't know if any of you and I imagine that some of the members of this House watch TV once in a while - from 10:00 o'clock on until they finish, all you hear is advertising on liquor. That's all there is. Practically every single bit of advertising after 10:00 o'clock is liquor because this is the field that they're restricted in their hours, and I think that this is a lot worse. Now we're talking about children, we don't want the children to see this. Well, what do you call children? What do you call children and at what age, because most of the kids now, except maybe the infants and the very young children, are watching TV after 10:00 o'clock, especially in the summer with daylight saving time, and they're watching and they're seeing the same advertising.

I feel that if there is a good program and the Commission, the Lieutenant-Governor-in-Council is careful, we can have this advertising without doing any damage at all. I'm not going to use this point. It's true that we see the advertising from television stations from across the line - it is a fact and I'm not saying that this is the reason why we should change this - but the main reason is that there are many events that we could probably have here, sporting events especially, there might be different, important games and so on, important spectacles that the people have a right to see, the people want to see, and I don't think that if the advertising is in good taste and if we follow the same rules for advertising, I don't think that it should matter that much.

As I say, there's an awful lot of children over 10 years old that are watching TV after 10:00 o'clock, so in view of all these things -- we've compared this advertising in liquor with the advertising of cigarettes or tobacco and I don't think it's the same thing, because we are told and we know that tobacco is harmful, any kind of tobacco is harmful. I think that this is the thing, where liquor isn't harmful, it's the abuse, the abuse of everything is harmful, and I think that I would agree that if there was a system where we would give good education in schools and so on -- (Interjection) -- Thanks, I'll smoke that later. I wish you'd bring me a bottle though, it would be a lot better.

Well, Mr. Speaker, I think that this is an important factor, that the tobacco is something that we should do away, if possible we should do away completely, and most of us would like to. But there is no need for this, there is nothing wrong with liquor, and especially in committees. We wanted to introduce it in hospitals, everywhere. Well, darn it, this is the worst kind of advertising, when you're going to go visit and you see a bottle sitting there, it's a lot worse than watching a game and seeing a wrapper or saying that the Morris Winery is in business or something like that.

So I would think, Mr. Chairman, I would ask the members to look at this seriously, to realize what we're asking now, that it's not going to change, it's not going to make boozers or drinkers out of every Manitoban, and I say that what we were trying to get, that the children would not be exposed to this, I think it's more important to have the proper type of advertising,

(MR. DESJARDINS con t'd.) and I think that the children are exposed to it when they're looking at other stations and after 10:00 o'clock, as I say, most of them are watching this anyway. So I hope that the members will consider reinstating this.

MR. CHAIRMAN: The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Chairman, I thought that we had heard the last of this when the Committee on Law Amendments decided to take this out, this section out of the bill during the considerations in Law Amendments. I'm going to differ to my colleague the Honourable Member for St. Boniface on this occasion, although the other night we were buddy-buddies in respect of another section of the bill, and I'm happy to know that in the consideration of Bill 75, a private member's bill, that each of us can go his merry own way in respect of the same and all of the sections contained therein.

I want to point out to the House a little history on the present sections in the Act. It is true, it is true that subject to the approval of the Lieutenant-Governor-in-Council regulations made by the commission in respect of advertising can be approved or rejected except for the hours from 7:00 in the morning and 10:00 at night in respect of broadcasting and TV. This matter was debated in the House, a previous House, for a long period of time. It was a very vigorous debate and the reason for the debate was, as some of the delegates before our committee the other day pointed out to us, of the effect on children. My friend the Member for St. Boniface doesn't seem to define children and they can't be children of all ages and I agree with him.

I agree with him that it's the abuse of alcohol that is the objectionable feature, but I also raise objections for the same reason that the House a few years ago raised those objections, and that the young lady that appeared before the committee -- (interjection) -- well, the lady who appeared before the committee from the university, who has a knowledge of the effect of this type of advertising on children, I think put the case very very well, and it persuaded me at least that the wisdom of the former House in putting in this restrictive clause for this period of time was right then and I think the committee was right the other night in rejecting this contention.

I suggest, Mr. Chairman, that the members of the House would be wise, on the resolution before us, to do the same with it as it did with the original resolution that was before the committee on Law Amendments. It's not going to harm the advertisers. They've had to live with the lack of the rights of advertising for the last number of years and it won't hurt them to do without it, because I don't see many of them going broke. Insofar as it seeping in from the outside, it's true, but I'm not concerned with what happens in outside jurisdictions per se. I am concerned with what we do here in Manitoba, and if they're wrong outside that's their business, but let us at least attempt to do what is right in the Province of Manitoba.

MR. CHAIRMAN: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Chairman, I want to take advantage of our speaking to this amendment on advertising. In order to indicate that I personally favour very much the principal suggestion by the Honourable Member for Roblin in regard to the amounts and costs of advertising within Manitoba, one of the doubts that I had about the control of advertising is that we should not harm the advertising media which publish within Manitoba by directing or diverting advertising funds out of Manitoba publications into national or international publications which would therefore get the benefit and hurt the media industry within Manitoba, but I know that the intent was that the value of the advertising that came into Manitoba from outside would have to be regulated in some way or assessed in some way, and that's what the proposal was, so it wouldn't be harmful. I wanted to indicate that we have taken the position at Dominion-Provincial conferences that advertising in itself ought to be in some way made less attractive to those who push goods which are not really basic to our way of life and that there should - and we requested this on the Federal basis - that there ought to be a tax on advertising.

Now this discussion on the advertising of liquor and spirits is one which zeros in on one of those areas where advertising of the product itself is not important to our way of life and one which could be diverted, as is being suggested by the Member for Roblin, into alcohol education to in some way make our citizens more aware of the dangers of alcohol, and I agree with the Honourable Member for St. Boniface who says that there's nothing wrong with the use of alcohol, it's the abuse of alcohol which we are concerned with, and education is of course the best way of dealing with the abuse much less than is rigid control.

So I would like to indicate that on this question of advertising which is a complicated

(MR. CHERNIACK cont'd.) matter, and the proposal of the Member for Roblin is complicated and should be studied carefully, that I for one intend to carry forward the idea in a proper investigation of the ramifications and I really hope that before the next session we'll be able to come up with something that carries forward the principle suggested by the honourable member and is one which has been tested as to feasibility, as to how it's being handled in other provinces, and to see just how the controls can be brought about along those lines.

So I want to indicate that in dealing with the advertising section that I'm sure that this government will seriously consider the proposal and its ramifications and hopefully come back to the next session with a proposal which will encompass the matters that are suggested by the Honourable Member for Roblin, the principle of which I think is good.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. MCKENZIE: I thank the Minister of Finance for his remarks and support and, Mr. Chairman, I am prepared at this time to submit my resolution as a private member's resolution where it could be debated in the House, if it's too late for this session then possibly next session of the Legislature, and I'm sure with the wisdom of the members and the Minister of Finance's study that will go on, we will come up with a sensible solution in answer to the problem.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. BEARD: Thank you, Mr. Chairman. I am in agreement with the Member for St. Boniface that it shouldn't be deleted entirely, that is advertising, and I again bring forward to the committee the recommendations of the A. A. Society when they appeared before us in our committee. To each of us they gave what they felt was the proper type of advertising that appealed to people who use the advertising of liquor in a way in which it would suggest to them that they should be using that type of product in a sensible way. I think that I had suggested that maybe the Commission could suggest to the distilleries and to the breweries that they produce advertising in which half of it at least would be towards education in the field of drinking and in fact that would probably be a tax in one form in regards to advertising.

While the Minister of Finance has said that possibly they should be taxed on their advertising, I don't know where you would stop on that basis because if you brought a broad tax in on all advertising it would be a way of raising revenue for the province but it would be rather difficult to tax different products on a different percentage basis.

If the Commission could in its discussions with the industry that produces liquor and beer, wine, etc., ask them to make sure and approve only that type of advertising and advertising time that would in fact give half of it towards the education of liquor, and if that would allow them at the end to put their brand name down, well then they get the benefit of the money that they're spending on the advertising. On the other hand, they are probably best qualified in bringing forth an education program which people could live with.

I think this is the proper type of approach to give to the whole concept of drinking because there's no doubt about it, it's with us and it's with us to stay, and whether the Minister of Labour feels that by wiping out advertising he is going to wipe out all the problems of drinking, then I think that he is hiding behind an argument that just doesn't hold water, because it's here and we proved it in prohibition, there was no advertising but people drank, so the more that you hide it from them the more that they're going to want it.

If, on the other hand, you use the industry as an educational basis and working with the Alcoholic Foundation and through maybe the Department of Education in approaching schools and approaching the community of Manitoba as a whole, then they would be doing a service not only to the community but they would be doing a service to themselves and it would be more acceptable to those that do not drink and do not feel others should drink, or those that drink and do not feel that others should drink. So there are the two types of people that we are faced with, those that are teetotallers and those that are drinking and feel that others shouldn't be encouraged to drink.

I think really that it's sensible if we approach it on the fact that people should be encouraged to drink properly. I think that it's proved itself popular enough that we're not going to kill it by killing the advertising industry. If that brings industry into the community on a proper basis where you have an education program - and this is important and we could be a leader in this, in encouraging the industry to do its thing in educating people how to drink and when to drink and when to stop drinking - then I think that we would solve the problem without having this discussion as to when advertising should take place.

(MR. BEARD cont'd.)

Mr. Chairman, I think that if you're going to try and strike out through those youngsters who everybody seems to be concerned about that go round singing the popular jingles that are on the air, then I think that those are the people that we should be trying to bring the education program to and it's certainly not going to do it by saying don't drink. We've proved that this is wrong. I think that you've got to show those children or teenagers that they've got to learn to drink properly, and everything that we do in this House should be done towards encouraging the people to drink properly.

If, on the other hand, if we accept what the Member for Roblin has brought forward, which is an ideal program, it's 50-50 percent, it's a principle that should be brought forward. I don't really particularly agree that they should be forced to give 50 percent to the A. A. program without having some means of knowing how it is going to be spent, but if they in fact work with the A. A. Foundation I'm sure that they could get along together. The Foundation has certainly indicated that they would be willing to co-operate with the industry and this is not promoting further drinking but trying to get people to drink properly.

Lastly, I would again reaffirm the fact that we are losing a tremendous opportunity to see particularly the sporting programs, and I've seen other programs that have been sponsored by the breweries in which they bring good things to the community, and I'm sure that if they were allowed to go ahead and spend their money during the better time areas that they would bring programs which would be good to the community. I think it would maybe bring even Canadian content to television and radio.

I think we're taking a negative attitude when we say we're just shutting our eyes to the fact that people can see it on television being brought in from the United States and publications being brought in from all over the rest of Canada. I believe that we're hurting ourselves in this negative attitude and I believe that really the education program itself can be best placed at the doorstep of those that are making a profit out of the sale of the liquor itself or the beer, and say to them, if you're going to advertise then do it on an educational basis where it helps people to understand better the use of liquor and beer and wine.

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, I want to apologize to my honourable friend the Member for St. Boniface for trying to usurp his speech. I thought that his making of the motion was all that he thought was necessary for him to put his argument across.

I have been thinking about this matter for several days and I'm very happy that he put the motion because I would have been in a position of feeling obliged to put it myself had he not put it. And the reason for that, Mr. Chairman, is that I find that I misunderstood originally just what the effect of this section was. Possibly the Member for Morris's suggestion with regard to how legislation changes the existing Act should appear side by side with the Act so you know exactly what has happened is what would have prevented my own misunderstanding, because, Mr. Chairman, when this matter did come up in Law Amendments Committee I looked at the section and it reads as follows: "Subject to the approval of the Lieutenant-Governor-in-Council, the Commission may make regulations regulating advertising with respect to licensed premises and liquor." My impression was that the Cabinet had the power under this section to eliminate all advertising or to permit all advertising, but essentially that it could eliminate any advertising whatsoever, and of course that's correct, and I thought that the existing section permitted advertising between the hours of 10:00 and 12:00 o'clock, and therefore using the formula that I would prefer to be less restrictive than more restrictive, I thought that the existing section was less restrictive than the section which is proposed.

Now it has been brought to my attention, Mr. Chairman, not by any legislator but as a matter of fact by a reporter, that this is not the case, that the existing section is more restrictive than the one that is proposed because the existing section says, "Subject to the approval of the Lieutenant-Governor-in-Council, the Commission may make regulations regulating advertising with respect to licensed premises and liquor, but such regulations shall not permit broadcasting of advertising with respect to licensed premises or liquor between 7:00 o'clock in the morning and 10:00 o'clock in the evening." So that the present situation with regard to the Commission is that they can prohibit all advertising and they can allow advertising except between certain hours. The amended section still puts them in the position of being able to prohibit all advertising but it doesn't exclude their discretion between the hours of 10:00 and 12:00.

So I find with some embarrassment, Mr. Chairman, that I voted contrary to what would

(MR. GREEN cont'd.) have been my normal wish at the Law Amendments Committee, and that being the case, I'm glad that it's before us again so that I can correct myself. -- (Interjection) -- The Minister of Labour says that I'm a turncoat. I readily concede that I am changing my vote, but it's only to get my right coat back on again because I have always adopted the position in this House, and have spoken for it, that I believe that the big problem relative to liquor is the mystery which our society has surrounded it with. I think that the more we do to make the consumption of alcohol in normal quantity an ordinary part of our society the less problems that we will have with liquor.

Now I may be misguided in that respect but I — (Interjection) — Well, the Minister of Transportation says that that applies to stealing, and of course the difference between him and I in this connection is that he thinks stealing and liquor are the same and I do not think stealing and liquor are the same. I suggest, Mr. Speaker, that the normal consumption of alcohol is an ordinary part of our way of life and that the real difficulties, or some of the major difficulties that are created are created by the mystery with which we surround it.

I submit, Mr. Speaker, that the biggest advertisement that we have for alcohol is its prohibition, that there is nothing that leads to the difficult problems that surround alcohol more than the aura of mystery and prohibition that has been surrounded by it, and I think that to the extent that we remove some of these mysteries and develop civilized and normal behaviour with regard to this commodity, the better chance we have of removing some of the difficulties that will be created.

I don't pretend that the difficulties will be eliminated, but, Mr. Chairman, that would be pretentious to believe that that could happen in any area. If one talks about food, it can be a great danger and people who are gluttons kill themselves consciously by eating too much food or eating the wrong kind of food. We know that tobacco could be a problem and we know that people consciously commit suicide by smoking cigarettes, and yet, Mr. Speaker, I have no hesitation in saying that if we prohibited cigarettes that we would have no better situation than we have today and we'd probably have a worse one, because some of the results of prohibition in the past have proved that it becomes an illicit activity, it becomes necessary for people to engage in crime in order to be able to satisfy their needs in order to deal with this thing and many many side effects too numerous to mention here.

Let me shorten my remarks, Mr. Speaker. I'm sure that the advertising of liquor or the normal light of society's attitude towards alcohol will not be a move in the direction of increasing alcoholic abuse. I put it in a different way some time ago. When Eve bit the apple, it wasn't because it was advertised, it was because it was prohibited and I suggest that the same thing applies to what we are now dealing with. It was not advertised, it was prohibited, -- (Interjection) — Yes — well the Attorney-General says it was advertised and I agree, the advertisement was that it was prohibited and that made it all the more desirable. So, Mr. Chairman, I'm glad to have been able to be corrected in this matter, because I have previously indicated and I'd like to follow the practice that any move which is made to be more restrictive I will oppose; any move which is made to be less restrictive, I will approve of.

I'm interested in the suggestion that was made by the Member for Roblin. I had some discussion earlier in the session with the Member for Morris indicating to him that I, myself had the notion of making this kind of suggestion but I do believe that it is something that has to be studied by a government and seeing that it will tax citizens in our community it has to come in as a taxation measure if it does come in, but it's certainly something that's worth studying, because in any of the remarks that I have made I don't want anybody to get the notion that I believe that there should be more liquor advertising or more liquor consumption. All I believe is that there shouldn't be prohibition with regard to this commodity which don't exist with regard to others.

MR. CHAIRMAN: The Honourable Attorney-General.

HON. AL MACKLING, Q.C. (Attorney-General) (St. James): Mr. Chairman, my remarks will be few. Some of the remarks of my honourable colleague indicate some of my concern. Is this amendment — (Interjection) — well my colleague who has just recently spoken. — (Interjection) — No there has been some interruption I think in the remarks of some of my colleagues. I'm satisfied, Mr. Chairman, that there are some marked disadvantage to local advertising firms and that there is an existing inequity in a situation whereby apparently other interests outside of the province have been able to capitalize on what appears to be a situation that allows them to exploit an advertising market that isn't open to local people and

(MR. MACKLING cont'd.) as I indicated during the course of the discussions in the Law Amendments Committee it's a matter that I certainly will look into very closely to determine what steps can be taken to redress what appears to be an unfair situation, but other than that I don't become terribly exercised about this whole subject matter. I'm neither very hotly agitated for or hotly agitated against. -- (Interjection) -- No, I'm rather cool, as a matter of fact, as is the case with this Chamber I find the last couple of days. I'm talking about the temperature, not really the political aura.

But I really do feel that the representations that were made by the advertising media that we heard before the committee were sincerely made. At the same token I respect the real heartfelt sincerity of those who are very much concerned about any expansion, considerable expansion of advertising during other hours of the day and the effect that it could have on children in the home and so on. I'm satisfied that there is no reason why these provisions in this Act cannot receive very searching study during the course of the next year and hopefully, there may be further recommendations made for the next session of this House. I don't think that necessarily there's a crisis in the area of this legislation.

I do think that there has been very serious argument advanced for some change in this section but I for one have not studied all of the ramifications and all of the potential answers to the problems that may arise and I agree with my honourable colleague, the Minister of Finance in his comments in respect to the proposed idea that of the advertising revenues that there be an allocation, a direct allocation perhaps in some way, to alcohol education and I think that principle is one that we want to look at and look at very closely. I am satisfied also that there has to be much more thorough study given to the whole aspect of alcohol education, more time and effort spent in connection with programs for relief of disease from alcoholic addiction and so Mr. Chairman, I really feel that this area of the Act can be the subject for searching study, during the interval between this session and the next and I'm not convinced that it's imperative that we make any change in the Act as it is now written right now. The inequities that exist there now, that others see, I think have been there for some time. I don't think it's terribly desperate that we make this change without having had an opportunity to look into all the ramifications of changes that might be made and that are sought actually by the proposed amendment as it had stood and would be replaced by the motion of the Honourable Member for St. Boniface. I appreciate the sincerity of the remarks of those who have spoken for and against this and I really do feel that there will be an opportunity to really go into this matter in depth and consider all of the possible changes that could be made, and so I would go along with the decision of the Law Amendments Committee that was made and leave the Act as it presently is and go along with the deletion as at this time.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): Mr. Speaker, I have always been one to believe that private members' bills and resolutions have a particular purpose in this Chamber or any elected chamber and I don't believe that it's the function of a private member's resolution to make or to suggest the kind of substantial changes that are being suggested in this particular bill. I would be inclined to agree with the Attorney-General in that this is the sort of thing that should require a great deal of study on the part of those who were responsible for the enactment of The Liquor Act and the Cabinet who are responsible for bringing legislation in, changing existing statutes. But I was interested in some of the remarks that have been made, one by the Member for Churchill who suggested that one of the real problems was the abuse of liquor and that a more careful use of liquor would be beneficial. I was wondering, I hesitated to interrupt him when he was speaking but I wondered if he would suggest the setting up of training schools, could be government sponsored as a matter of fact, to teach people how to properly use liquor. It wouldn't be out of keeping with what we've seen this government do in any case.

But I was more interested in the position that the Minister of Mines and Resources now finds himself in and the attempt that he made to justify that position. It's rather interesting to listen to the Minister and I must say that if ever I get into difficulty in the courts there are two things I don't want to have happen to me and that is to have the Attorney-General defend me and to be tried in front of Mike Baryluk at the present time, but one of the people that I would like to have defend me would be the Minister of Mines and Resources because he can make the greatest case out of nothing that I have ever heard. His effort here - he set up a beautiful straw man - he started talking about prohibition and there is no suggestion of prohibition in this instance at all, but he built around that word "prohibition" his complete case that

(MR. JORGENSEN cont'd.) we should not attempt to prohibit the use of alcohol and nobody is suggesting this. What is being suggested here is that we leave the Act the way it is, because it is a fundamental thing involved. What the Member for St. Boniface is doing is simply bringing back into existence a section of this bill to amend, that was thrown out in committee and I think quite justifiably thrown out because I think it's far too fundamental a change in the concept of The Liquor Control Act that was developed for this province, far too fundamental a change to be treated in this cavalier fashion.

I rather think that the advice given by the Attorney-General would be advise that we could all follow, let the proper authorities have a proper examination of this subject and it seems strange that we are moving in the direction of freer advertising, while at the same time, governments are moving in the opposite direction with respect to cigarette advertising. Now surely, surely we can't both be right - they are both harmful and injurious to health. I think we all know that. -- (Interjection) -- Well, the honourable member says it's not true. He will have to present to me some pretty convincing evidence to the contrary because I don't believe that, there is just too much evidence to substantiate the belief that both are harmful and injurious to health and if it is right for government after some lengthy study and consideration to impose some restrictions on cigarette advertising, then surely, then surely it is not wrong for us to maintain the restrictions that we already have insofar as liquor advertising is concerned and for that reason I'm certainly going to vote against the proposed amendment.

MR. GREEN: . . . the honourable member a question? Is the honourable member not aware that the section as now worded in this amendment, that is, without the 10 to 12 restriction was brought in in 1967, I believe, really as a free vote but brought in by the then Attorney-General, the Honourable Sterling Lyon and it was only after discussion that the hours 10 to 12 were inserted in the bill so that this was the situation three years ago.

MR. JORGENSEN: To answer the Minister's question I would say that I would feel a lot safer if I thought that the Attorney-General, who has the advice of the competent people surrounding him, I would feel a lot safer if he brought that amendment in. I'd feel a lot safer if this amendment was being brought in under that same . . . but simply to be brought in as a private member's amendment, I have no assurance at all that it has been duly considered by the people who are administering this Act.

MR. CHAIRMAN: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Well, I didn't expect this amendment, Mr. Chairman, and as a result I'm caught without my speech writer again but the argument in my view, the argument that KCND advertises on TV and comes in here, my view is not an argument at all, and perhaps it's an area that we should approach the Federal Government on because some of the figures that came out - 90 percent of this particular station's revenue comes from Canadian advertising - and I think it's an infringement on our sovereignty in this regard but that isn't my basic argument.

Notwithstanding what the Minister of Mines and Natural Resources said just at this particular moment - I think he makes a good argument - but calling to mind what he said earlier today when he was talking in another debate about there being assumed in law that a person should be aware of his actions when he shoots somebody, if he pulls a trigger on a gun he is assumed to know the consequences of his act. Well it brings to mind the fallacious argument of Polemarchus that - I'm away back to Plato again - it's a good thing I'm going to Greece, perhaps I'll get updated in all my arguments but Polemarchus' argument was that justice is that you give back to a man that which is owed to him. Of course it's easily refuted by just asking would you give a man a gun, that you knew was going to shoot somebody, just because it was owed to him. Of course, no one would.

But we are in kind of a Unicorn country, most people kind of think and they get emotionally involved in it, they were talking about freedom of speech and perhaps we are but I suggest that it's the responsibility of this Legislature to make, in some instances, some valued judgment. I'm not saying moral judgment, I'm saying in this particular instance, valued judgment but just in connection with valued judgment, vis-a-vis moral judgment I would like to hear some of the arguments that have been made in support of this particular amendment. Just change the word "liquor" and talk about sex. You know we would have the greatest argument for the establishment, I would change the word "whore houses" you know because that has certain connotations. -- (Interjection) -- If you follow some of the arguments made by my colleagues to a logical conclusion, just change the word liquor to sex and it would be beautiful. We would

(MR. BOYCE cont'd.) compete with Sweden perhaps. -- (Interjection) -- Is it here to stay? Well, I'm certainly glad to hear that.

When the Member for Churchill says you know this is going to solve our problem, really you know this is begging their whole argument because no one is claiming that this is going to solve the problems which come out of it. You know the whole advertising area is dependent on one fact, that it has some psychological effect on people, that people don't buy something and by presenting certain words, pictures, images, that they will buy something and this is my personal objection to it. It is the type of advertising. I said before in this particular debate that I wouldn't give a tinker's dam if you built beer troughs down Portage Avenue, in fact if somebody brings in an amendment you want to sell beer in grocery stores, I'll support it. I supported beer at ball games; I'll support beer at bingo games; I don't care where you sell it. In my view it doesn't do a darn bit of good to restrict it and for the Minister of Mines and Natural Resources I agree with him that you should remove the mystery of it but I am diametrically opposed to the creation of psychological needs, be it liquor or be it anything else because if you're taking people and - they don't say it - but of course this is their business, and they are good at it. You take a company, wants to increase their sales on something they will advertise and how do they do it? They depend in this particular case with liquor advertising of the psychological need of all of us, you know, and some of the psychological needs of people are just as absolute, just as real as our biological attributes. You've got two arms and you've got two feet, you've two eyes; well every cotton pickin' one of us has got the need to identify, everyone of us and of course this is how they do it. Watch your beer ads - what do they do? It's all a good time and as a result it has an effect on people. If it didn't have an effect on people they wouldn't do it, so as a result, these people identify with it and where do they go? Out to swing with a case of Old Blue, the Big Blue, Vienna and all the rest of it and they are good at it and good for them. If we could just convince these people who are good at this to take it and put them in some area and be good at that for the uplifting of humanity, by God, we'd have the best society in the whole world. We'd be an example. -- (Interjection) -- I've got to get back to my notes.

One more point that the Minister made about - and I agree with him, I agree with the Minister of Mines and Natural Resources. The way the amendment reads now it does some things which in my view should not be done. But I can live with this, I can accept this. But I will oppose, in this instance and in all instances, the giving up by this Legislative Assembly of what I think is their responsibility and the psychological responsibility of this particular case, the philosophical responsibility, I suggest, belongs to this group and not the Executive Council. I mentioned this with reference to philosophy behind education or the philosophy in education and I think that this has been given over to a Department of Education and in my view this is not the place that it should rest. It should rest with the members of this Assembly. So, Mr. Chairman, I am sorry I cannot support this amendment.

MR. CHAIRMAN: The Honourable Member for Churchill has a question?

MR. BEARD: Yes. How could the Member for Winnipeg Centre, our philosopher, justify the driver education where you train a person to drive but to drive not too fast and to drive carefully and still not be able to justify an educational program where you teach somebody to drink but to drink carefully too, not too fast and not too much?

MR. BOYCE: It will probably take me about 40 minutes to answer this question because you know your question really doesn't pertain to what I was talking about. It's entirely different. I'm for a great expansion in alcohol education but I wouldn't follow your particular case along that we should put booze in the school and you know train everybody, you know. Well I'm sorry but in my view this is where your argument leads, that you put booze in the school and you show everybody. Let them experience what .8 feels like. Perhaps this is, you know, if we keep going in this particular direction then we'll put sex in the schools; I'll go back to the class tomorrow.

MR. CHAIRMAN: I recognize the Member for Rhineland.

MR. FROESE: Mr. Chairman, I listened with great interest to the discussion that has gone on here this morning in connection with the particular amendment that is before us and especially so to the last speaker, the Member for Winnipeg Centre when he discussed the mystery of it. To me it seems that by the time the mystery will be removed from any particular person, by that time he is either a drunk or an alcoholic so that the mystery, I think, will continue regardless of whether we have prohibition or not.

(MR. FROESE cont'd.)

I oppose the amendment that is before us. I think the Honourable the Minister of Mines and Natural Resources already referred to Section 10 that's presently in the Act and I would like to read the second part of it. "But such regulations shall not permit broadcasting of advertisements with respect to licensed premises or liquor between 7:00 o'clock in the morning and 10:00 o'clock in the evening." There is this restriction in it as far as advertising is concerned and I don't feel that we, as members, are negative in our approach if we state our case as we do in that particular section, that there will be no advertising between those hours. Reference was made here that we were taking a negative attitude and I can't agree with that. I think by leaving it to regulations that's when we take a negative attitude, that's when we are not positive. This way we are positive in stating our case that there will be no advertising between certain hours.

Then again listening to the Honourable Minister of Mines and Resources and the example that he put forward rather left the implication that the Lieutenant-Governor-in-Council would do more restricting than there is presently in this section. In my opinion the reverse is true, that if I size up the Cabinet properly I think we would have more advertising and not less. I may be wrong in this but that is my assumption and that probably on a previous occasion, with a previous Cabinet this might have been different. But by opening it up as the amendment proposes, this would then be completely in the hands of the Lieutenant-Governor-in-Council, which is Cabinet, and they could do as they well pleased and I feel that as has been expressed by the Member from Winnipeg Centre that we as members are here to make our views known and also to put them into legislation.

If I could have my way I would put further restrictions on advertising in that section, not 10:00 o'clock but make it 11:00 or 12:00 o'clock, because I have no use for liquor advertising on TV at all. I feel that there are lots of other fields in which the advertisers can still make money and put that time to use without constantly having liquor ads before our children and adults. Too often I think we're just always saying that we should not have advertising because of our children. I think we should not have advertising because of adults as well, not just children, because why are people advertising the way they do? Why are the coke people constantly putting forward cokes? Because they want people to drink, and if it didn't pay off they wouldn't be advertising the way they do so there must be a pay-off in this and therefore I feel that advertising should be restricted more than it is presently done.

I rather go along with the Member for Roblin in the proposition that he brings forward, and also according to the representation that was made in committee that we should spend more money probably on alcohol education, show the young people and the people that are probably subject to drinking where this eventually will lead them to and the heartaches that are involved and so on - destruction of lives and the destruction of families.

I feel that this is a very very important matter and I rather feel that we should have a full House here this morning. I hate to see the absenteeism that we have in this Chamber this morning when we are discussing this very very important matter. I feel that all members should be present and voting on this. The bill has gone through committee, but I feel that they should be here this morning as well to vote on these amendments, the motions that are being put.

So, Mr. Chairman, I will not support the amendment before us. I feel that the restriction that is presently contained in the Liquor Control Act in Section 10 is a valid one and that it should be maintained.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. HARRY ENNS (Lakeside): Well, Mr. Chairman, your generosity this morning overwhelms me. I thought perhaps the Member for St. Boniface had risen to his feet earlier than I did.

Mr. Chairman, you know, all things are rapidly changing in this world and this Chamber's general approach to the liquor question is certainly one of them. I don't think that despite the change in government or change in faces in this Legislature, we still approach very cautiously and very gingerly any changes in this Act, and perhaps correctly so, and I want to assure you, Mr. Chairman, I'm no exception. The fact that we all have some pretty schizophrenic hang-ups about how we approach changes in the Liquor Act might amuse some persons that are listening in the gallery or indeed the public, but again I don't think that there need be any apology for it. It happens to be a particular issue that over the time we have always allowed

(MR. ENNS cont'd) ourselves that absolute freedom of approaching it in a very personal way, free of any party restraints or party direction, and under those set of circumstances one is bound to have just about 57 individual approaches to the whole question.

Mr. Chairman, I was not present during the Law Amendments consideration of the bill, or at least not this portion of it, and I would like to go on record for explaining my own hang-ups with respect to this bill because I do intend to support the amendment that's before us.

Mr. Chairman, I think that we've been talking about - you know, we get so easily diverted on this subject and not really addressing ourselves to the fact that some pretty blatant discrimination exists with respect to the advertising that the media can use with respect to liquor, discriminating against that media that is within our own province. I think that this is nothing new to us here in Manitoba, it's a situation that's prevailed generally in different forms in other provinces, other jurisdictions. But that really to me is what's a part of the root concern here, the fact that within the various different means of the media we have some very outright discriminatory practices being practised.

Now perhaps some members, and indeed those members that were in the Chamber in 1967 when the last look at this was given, so decreed it. I find myself not generally supporting liberalization of liquor laws. I said earlier I wanted to explain some of my own hang-ups. I find myself in all kinds of difficulty where I can support the reduction of the voting age, I can support many aspects of the majority age bill that's before us, but I find myself hung up about the reduction of drinking to age 18, and in fact on that particular measure would have to cast a negative vote against it. I'm not suggesting that perhaps a casual - not a casual but a more gradual reduction somewhat like that taking place in B, C from 19 perhaps could be acceptable to me, but generally speaking I find I have difficulty. So I just wanted to say to you, Mr. Chairman, that I'm no exception in approaching the liquor question in about as an illogical fashion or manner that so many of us have demonstrated in this House.

But I'm concerned about two things here in this bill. Number one is the fact that we have chosen - as the Member for Winnipeg Centre would say, or South, we set ourselves up here as being responsible for making value judgments - we have chosen to single out specific members of the media, the advertising media, which is more harmful than others. The radio and TV is considerably more harmful than newspapers we have said to ourselves here. I don't really know. I read the newspaper sometimes and I think they can be pretty damn harmful, at least to any aspiring politician. So these are the kind of judgments that we have made in this business of advertising and I find that a little difficult to accept.

The other thing, Mr. Chairman, I tend to agree with the Member for Morris, although we're possibly going to be voting at odds on this amendment, but just to show you that even while I'm voting against the Member from Morris perhaps I'm doing so partly because I agree with what he says, that on a substantive issue, which this could be described as, I rather feel and suspect that the decision-making should rest more fully in the hands of Cabinet and government, or the government of the day generally. If I had some hopes, or some inclination that these members or this present government caucused more often, I'd include the caucus in that general statement but I don't know whether that would be an accurate description of how this government is running the affairs of the day. Certainly it would appear from the deliberations of Bill 75 that very very few of the members of caucus had an opportunity of looking at the bill or it wasn't caucused too much. However, I'm being sidetracked.

I would like to support it for the other reason, because by supporting the amendment I'm not necessarily suggesting nor do I particularly wish to disclose what I stand for with respect to the advertising and so forth. I tend to agree with the Minister of Mines and Resources, but what I'm really attempting to do in supporting the amendment is to suggest my approval, to show my approval of the fact that if the government does anything, I want that government to be in a position to take credit and take responsibility and take blame or anything else for it. In other words, we've toyed with the various aspects of the liquor question. There's no question that in many cases the individual positions taken have been taken for individual constituency political reasons. Well, the Minister of Mines and Natural Resources shakes his head, but I can assure you that on this kind of an issue there is a great deal of individual political pressure applied to individual members from various organizations pro and con and from groups of interested persons and people.

But, Mr. Chairman, the single point really that I think is worth discussing, and nobody has suggested it and quite frankly we have not got the experts before us - I was unhappy that

(MR. ENNS cont'd.) when the group that was making representation at the Law Amendments Committee I'm given to understand had little or no opportunity -- I shouldn't say that, Mr. Chairman, they had ample opportunity but nobody took advantage of their presence to have a meaningful question and answer kind of a debate evolve about the difficulties that they are facing or the restrictions that they're facing with respect to advertising and what the eventual decision would be by approving this amendment and putting it in the hands of the Lieutenant-Governor-in-Council. I would rather suspect that they would arrive at decisions in a more -- at least it would be available to them to arrive at the decisions - I'm not so sure that they always do - it would be available to them to sit down and in a calm, cool, collected manner, have the needed experts around them, have the needed representation of the industry and others, have the opportunity to check the situation in other jurisdictions and then decide in their wisdom how to use the amended section that we are talking about now, should this be passed, and that is the Lieutenant-Governor-in-Council and the Commission make the regulations regulating advertising with respect to licensed premises and liquor.

Mr. Chairman, it's really with that one concern that I have, that while we're talking about the ills and the abuses and the general concern that all of us have about the problems of liquor, I rather suspect that none of us are really addressing ourselves to the specific problem that the industries find themselves in in this particular case, and that is what I would have to describe as some pretty blatant discrimination. When I say discrimination, not only within this, the discrimination that worries me most is the discrimination which we can't control from outside sources, from beyond our borders, from our most prestigious books and magazines and publications that come into this province regularly, which we have no intention of in any way curtailing because of their wide acceptance, and all this taking place at the time that we kind of blindly put our heads in the sand as ostriches and tell our people in this province that we're going to pass value judgments on it and that this is bad and we'll not allow it. So I'll support the resolution for that reason.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. WILLIAM JENKINS (Logan): . . . was on second reading. Unfortunately, as the Chairman of the Law Amendments Committee I couldn't take part in the debate that took place at the time. However, I feel very strongly on the question of advertising of alcohol. I think it's quite significant that in all the representations that were made before the Law Amendments Committee, no representation was made by a brewery, a distillery or a winery for the relaxation of liquor advertising. I recognize that the pressure that is being put upon this Legislature for the relaxation is being put on by the advertising media in the Province of Manitoba, and I recognize the fact, Mr. Chairman, and fellow members, that they do have a problem. However, I think before any relaxation of the liquor advertising in this province, that a complete study should be made of the effects, harmful or beneficial, whatever they may be, from the use or the abuse of alcohol.

Now, it is stated that some members wanted to see some fancy programs, programs that we don't get here because the liquor advertising media can not sponsor between the hours of 7:00 in the morning and 10:00 in the evening, and we lose some football games from Eastern Canada or something of that nature. Well, Mr. Chairman, I'm not interested in that portion. Advertising is done for one purpose and one purpose only, and that is to increase the sales of the product.

Now the occasional drinker, the hard drinker, the alcoholic, I'm sure that the advertising that is going to appear on the boob tube or on radio or in the periodicals that appear, is certainly not going to affect him. If a man is an alcoholic any old drink will do; it doesn't matter. It doesn't matter whether it's Molson's or shoe polish, because he is an addict and all the advertising in the world isn't going to get him to drink any more because he's already hooked. So who is it beamed on? It's going to be beamed on new customers. This is what the advertising is going to do. It's not going to convince me that I should drink somebody else's brand of liquor because I might like this brand. If I like this brand, I don't need anybody to advertise and tell me that the other brand is better.

So, Mr. Chairman, and notwithstanding what the Honourable Minister of Mines and Natural Resources said, that he would vote for any liberalization in liquor laws, I would do so also, Mr. Chairman but in the field of advertising I think that we have a responsibility as members of this House, and I agree with the Member from Winnipeg Centre, I don't want to see this in the hands of the Legislative Council, because this is a smaller group of people who can be pressured - and let's not kid ourselves, be it this government or any other government - they can be pressured by the advertising media, and if they can convince more people to drink they can perhaps convince an Executive Council that they should liberalize and extend the advertising hours. So, Mr. Chairman, I'm going to vote against the amendment.

MR. C HAIRMAN: The Honourable Minister of Youth and Education.

HON. SAUL A. MILLER (Minister of Youth and Education)(Seven Oaks): Mr. Chairman, I didn't think we'd have this many speeches, but I feel that in view of the last few remarks made, I think I should contribute something to this. I don't imagine anyone is going to be swayed from their position by anyone's rhetoric today; I think everyone's mind is made up.

On the other hand, I think that we're distorting or kidding ourselves about many of the things we're saying. The position taken by some of the members, the Member for Winnipeg Centre, the impact of advertising and the impact of the media generally on people - and I agree the impact is great, much greater I think than we recognize - but I think we're hiding our heads in the sand if we're just limiting our discussion to the impact of advertising in itself. It's the whole impact of television, the media itself which is important, and in my own mind, for the world of me I can't see how we can separate or how people here can separate the films, the movies, the plays that one sees on television day after day, hour after hour, morning, noon and night, where in many cases liquor is being consumed, it's part of the play, it's part of the plot, it's part of the life that's being projected on the screen where liquor and the consumption of alcohol is part and parcel of what is being shown. How we can say, well that's one thing, but advertising something is another thing completely. I think this is hiding our heads in the sand.

Somebody used the word "schizophrenic" and I think there is a schizophrenia on this subject, because it's all part and parcel of the impact of the media, and whether the impact is through an ad, Blue Label or Carlings or what have you, or it's a Dean Martin show where it's built around the myth - and I think it is a myth - of Mr. Martin's prowess as an imbiber of alcohol which children see at hours of six and seven in the evening, I suggest that that has a greater impact than an actual advertisement.

If the Member for Winnipeg Centre is right, and I think he is, that people tend to react to images and they tend to try to identify with the play or the mood that is being projected on TV at that moment, they identify with the people involved because they want to emulate them, because they figure this is being sophisticated, then they're seeing it day in and day out anyway, and to say that an artificial cut-off of a certain hour where the actual advertising can take place and not before is I think, as I say, hiding our heads in the sand and really not looking at the problem honestly and fairly and realistically, because I don't believe for one moment that you're going to lower or in any way limit the consumption of alcohol by simply zeroing in on advertising unless this House is prepared to go into the whole spectrum of censoring all movies, all plays and all films that are shown on TV, and this I'm sure is not the intent of this Legislature. I'm sure no one here would even suggest such a thought, and yet I think this is what we really are addressing ourselves to because you can't take advertising in isolation from everything else that is on TV. If the Member for Winnipeg Centre is right, that every one of us psychologically tries to identify and is motivated by what he sees, by the world around him, the world around him is pictured and the images come through on television, this is the impact, this is the important impact, and this is what is influencing the young people and old people today and why we go out and buy new things and why we feel we can't live with a certain commodity in our house. It isn't just the advertising, it's the style of life that's being projected through the plays, as I say, the various programs that one sees as part of the everyday menu on TV.

So I'm suggesting that we are really skirting the subject, that in fact by voting against this amendment we are trying to placate our consciences maybe - some members may be trying to do that - and saying well, if we don't allow advertising between 7 a. m. and 10 p. m. we've done a good thing, but in fact we have evaded the major issue, we have ignored the fact that day in and day out TV is having its impact and you don't have to leave it to the 60-second or 90-second commercial to make its impact. The medium through its programming is having a far greater impact than the 90-second commercial, and whether it deals with the automobile, whether it deals with liquor, it's the same thing.

We can talk all we want on automobile safety, we can have commercials on how we should drive carefully, but when young people or old people see movies and plays which describe the feeling of exultation which is portrayed very often by the speed with which one can travel in a car, that has a far greater impact than any ad that you can put on the air. That is a greater and lasting impact and will mean more to the viewer than the commercials. So I'm suggesting really that we're unrealistic and we are kidding ourselves and I think probably trying to salve some consciences here by trying to impose a limit.

Now the question, the thought that perhaps you can't leave it to the Lieutenant-Governor-in-Council to approve regulations, in fact they're doing so now. The only thing is that there

(MR. MILLER cont'd.) are certain limitations on hours, but when you talk in terms of you can't trust a handful, which is the Lieutenant-Governor-in-Council, it's really the Commission that would be making the regulations; it's the Commission who would be looking at the advertising to see whether it's proper, whether in fact it's going out of bounds or whether they're contravening the present Act in the type of advertising; and all we're talking about here is the extension of hours and not the type of advertising at all. So I'm not really concerned about that aspect of it.

The fact that Channel 12 is beaming in day in and day out and is being available to over half the province can't be ignored and you cannot control what comes out of the United States. They're not subject to Canadian regulations, they're subject to STC regulation. They're just across our border and they're not going to stop nohow no matter what Manitoba says about it. We might be able to control what comes on the cable TV because they have to get licensing through the Canadian radio CRTC authority, but certainly what comes across the border can't be controlled, and if anyone thinks that we can somehow do this, I suggest to them that it is completely unrealistic. They haven't been able to control them anywhere in any province in Canada where they are close to the American border.

So I think we're simply imposing a restriction on our media, Canadian media, and we're doing it supposedly to save our population from advertising between 7 a. m. and 10 p. m. Again, as I say, the advertising in itself is not nearly as important as the contents of the programming, and there's no mention here today, and I haven't heard any, that we should even discuss it let alone legislate against it,

So to those who are taking the position that they feel honour bound or conscience bound to vote against it, I suggest to them they're kidding themselves if they really think they're going to make the slightest impact on the influence of TV on whether a person drinks and to the extent he drinks or his drinking habits, and I suggest that we not kid ourselves, be very straight forward and honest about it. The media is with us, they are programming constantly, and if we don't recognize that we are simply deluding ourselves into thinking that we are doing something when in fact we aren't.

MR. CHAIRMAN: The Honourable House Leader of the Liberal Party.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Chairman, I didn't intend to speak on this, I spoke a few words in committee but . . .

MR. CHAIRMAN: Does the Honourable Member for Crescentwood have a question of the last member?

MR. CY GONICK (Crescentwood): Mr. Chairman, through you, I wonder if the last speaker would tell us, if the advertising has no effect on drinking habits, why then would the breweries, etc., spend so much money on advertising?

MR. MILLER: Mr. Speaker, the brewery or any particular company that's selling a particular product is simply doing this. They want the people and the public to consume their particular product. I suggest to you, I suggest —(Interjection)— this is all. I suggest to you though that the atmosphere, the mood, that is the need and the desire to participate in society by drinking, is not created by the advertisers but by the programming. The advertising steps into the picture when he's trying to grab a piece of the market for himself and to sell more of his particular product. He's not creating the demand. I suggest to you that what is creating the demand is our life style which is projected on TV day in and day out, and the advertising is simply trying to cash in on a market which has already been created and he's trying to simply get it to sell his particular product. He is not, with all due respect if I may complete, he is not himself creating the demand. The demand is there; he's trying to get a piece of the action.

MR. BUD BOYCE (Winnipeg Centre): . . . is psychologically through advertising?

MR. CHAIRMAN: The Honourable House Leader of the Liberal Party.

MR. G. JOHNSTON: Mr. Speaker, I really am surprised that a Minister of Education would have so little understanding of advertising that he holds the feeling he does. Really, it worries me.

One thing that worries me most of all, and the Member for Morris has said it, is that such profound changes in the Liquor Act should be introduced in such a casual way. I think that for MLAs that come and go through this House, and there's a pretty high mortality rate, and there are exceptions - the Minister of Labour has that unique facility for being on top all the time and he and a few others have been here for a number of years and they have given some stability to the House, but for the rest of us who spent a very few years here and go, I

(MR. G. JOHNSTON cont'd.) think that we morally do not have the right to make the major changes that are being asked for in Bill 75 when we consider the careful and measured manner that a previous administration had approached this problem. I have in my hand the Bracken Report, it's 700-odd pages and represents many months of hard work by some pretty sensible people, and for us in the heat of a debate to decide whether or not certain fundamental changes should be made, I think doesn't lead to very sound and sensible legislation.

MR. CHAIRMAN: . . . members to keep the level of conversation down, it's been rising in the last while.

MR. G. JOHNSTON: The Minister of Education suggested that the 10:00 o'clock restriction on broadcasting advertising is sort of a salve to some of the consciences of the members, I think, and he inferred that it's just to make them feel good. I'd like to remind him that at the time when the debate went on about the last major change in the Liquor Act there was a move by some members of the House to take out the advertising completely, and motions were made and they were voted down. Finally, at the end of the debate, on that particular part of the bill, Mr. Campbell made a speech and said: Well, seeing that all has been lost and we can't stop the liquor advertising, we're willing to settle for a little bit. Would the members of the House consider this little bit. And that's how it went through. It wasn't a salving of a conscience, it was the best that could be done at the time by those who opposed advertising. So I hope that the newer members realize that, that that's how the 10:00 o'clock got in there. It wasn't -- well, --(Interjection)-- it's a salving of the conscience of the ones who were for wide-open liquor advertising, that's whose conscience was being salved, not the ones who were against advertising of liquor. Well, other members of this House have a conscience, too, I'll tell my friend from St. Boniface.

Now I don't think I've heard anything in the debate so far that has mentioned the right of people in their own home with a television set. Surely the people who have strong objections to their children or themselves being exposed to high-powered advertising to encourage and expand the use of beer, wine, surely they have the right to object to that and surely they shouldn't have to stand beside their television set to turn off the objectionable material. Surely they have this right. The liquor laws are broad and moderate and reasonable, but for those who don't agree and do not wish this, do they have to have it thrown at them and thrown at their families when they really object to it in conscience? I don't think they should have to, and for those who do not mind, well they won't miss it themselves if they don't mind it; it doesn't bother them or their families.

But there are many many families in this province who sincerely object to having some other outside influence in their home influencing their own children, and I think they have the right to object and they have the right to write their M. L. A. and ask for certain things. I see nothing wrong with this. The members are not here to represent the business interests. It's going to be hard on some television and radio stations, I know that, they need revenue and this is how they operate, but for those of us who do have strong feelings on this, to have the remark thrown that was thrown by the Member for St. Boniface a minute ago, I don't think that we should give in to remarks like that and pretend we didn't hear them and let it slide by.

I would like to quote only one of the recommendations in the Bracken Report. It says on Page 557, 5 recommendations to do with advertising. The first one is that no advertising of liquor be permitted in any way except a sign on a brewery, distillery or a winery. And then the fourth recommendation, and I quote, "that the Province of Manitoba ask the Dominion Government to convene a conference of all provinces with a view to the establishing of a national code of liquor advertising for the purpose of encouraging uniform restriction throughout Canada."

Well, Mr. Chairman, I had a resolution on my desk for a week and I thought because we are reaching the end of the session I should scrap it or forget about it, but I felt impelled to file it and I filed it a few minutes ago and it is saying just that, and I included the usage of tobacco as well. It seems strange to me that when the Federal Government at this time -- and I'm sure they would like to go a little further on other matters, but they are considering the elimination of tobacco advertising -- it seems rather odd that we should be opening up further in the use of liquor when both of these products I think are injurious to health and also they create social problems.

So I find that -- well, I hope that some day we'll be able to eliminate the advertising of both of these products, and not forbid the use of them or not restrict bringing in a form of prohibition and let people decide for themselves. I don't think that the young people should be

(MR. G. JOHNSTON cont'd.) subjected to high-powered advertising to condition them to the uses of certain products. I think they should be left alone to make up their mind and do what they feel they would like to do when they reach the age of majority.

MR. CHAIRMAN: The Honourable Minister of Health and Social Development.

MR. TOUPIN: Mr. Chairman, really I didn't want to speak on this and I hope the honourable members will believe me, I haven't got notes. But I was pondering, caressing many thoughts in my mind. I was pondering equally and meditating the comments that had been made by all honourable members of this House of all different parties, accusations of members on the other side that we had not caucused on Bill 75. I can tell by the comments that we have received from other groups that the caucus wasn't too lengthy so far as the other caucuses were concerned.

I do have to mention -- and I've been trying to decide in my own mind if I wanted to be conservative and hold on to the status quo and I felt that in one sense maybe we should, but I felt equally that we had to look at an aspect that is progressive, and I feel personally - and keeping aside all party lines - that we can't be conservative and progressive at the same time when we talk about Bill 75. So I've decided to be what I like to be known as, a Social Democrat, in the sense that I want to use this Chamber as a society and make use of all the good thoughts that we can derive from this Chamber, of all members of the House.

In many aspects and many bills I would accept wholeheartedly that the Executive Council be delegated with functions by the honourable members of this Chamber for us to decide. But this, apart from being a conscience matter for many members of all parties in this House, even though we decided to accept this amendment we would not be solving the problem regarding the intrusion of other news medias, say, from the States and so on. I feel that we as members of this House have to look at this matter and arrive at a decision that I don't believe we could arrive at as an Executive Council before the next session. If we hold on to the existing section of this Act we're not actually limiting the amount of advertising, we're not giving more because we feel that we do have to look at the health of the people of Manitoba - and now I'm not only talking about the physical health but equally the mental health of our people, especially our youngsters.

I hope to think that I'm equally a liberal when I talk about the choice and the choice of the people who are really concerned about advertising. I'm sorry to see that some medium of advertising in our province will be definitely affected. They are losing thousands of dollars every year, but like I said a few minutes ago, this will not solve their problem if we accept this amendment. Unfortunately, I do have to say that I can't accept this amendment at this time. I would like to have all members of this House look between sessions at this amendment and through the Attorney-General come back at the next session with something that would be more viable.

I could criticize, you know, the way this bill was brought forth in this House, not being a government bill and so on. I don't want to do this because wanting to criticize somebody else for a bill, I could be criticized just as much and who am I to judge. But I would like to urge the honourable members of all sides of this House to think of this. This is very important for the people of Manitoba who we want to serve and serve well.

MR. CHAIRMAN: Committee rise. Call in the Speaker. Mr. Speaker, the Committee of the Whole has and begs leave to sit again.

IN SESSION

MR. RUSSELL DOERN (Elmwood): Mr. Speaker, I beg to move, seconded by the Honourable Member for Kildonan, that the report of the Committee be received.

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

MR. PAULLEY: Mr. Speaker, I beg to move, seconded by the Honourable Minister of Cultural Affairs that the House do now adjourn.

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