

THE LEGISLATIVE ASSEMBLY OF MANITOBA  
8:00 o'clock, Thursday, May 2nd, 1963.

MADAM SPEAKER: When we adjourned at 5:30 we were considering second reading of Bill No. 133. Anybody wishing to speak on this may continue.

Mr. MOLGAT: Madam Speaker, I do not wish to take any time on this Bill now. We've had ample discussions last year and brief discussions this year on the matter of teachers' pensions. I was happy to hear the Minister's statement on this Bill, that we urged him to bring in last year. He told us that he was bringing it in on roughly the same basis as the Civil Service Superannuation Act which was roughly our request of last year. I appreciate that there are some differences necessary because of different circumstances but basically I understood from the Minister that the principle was the same. On that basis we are going to vote in favour of sending the Bill to Committee. There are some matters the Minister discussed this afternoon of detail which we may want more information on in Committee and particularly his description of the two different funds, which I must confess was not very clear to me as to the necessity for the two funds. However, if it's better from the standpoint of the management of the finances I have no objections to it. The main point that we were concerned about, Madam Speaker, and which we brought out last year when we were urging the Minister to take action on this matter was that unless we had a reasonable pension plan for the teachers in the Province of Manitoba, then we were constantly in danger of losing teachers to other provinces and also in danger of not building up a good strong group of teachers who would remain in the profession and build up that continuing group that is so necessary if we are going to have a proper profession in the Province of Manitoba. So I commend the Minister for having brought it in this year. I think that the principles that he laid down were the ones that we wanted to see and we are voting in favour of the Bill.

Mr. M. GRAY (Inkster): Madam Speaker, we are supporting the Bill for second reading with certain reservations.

Mr. FROESE: Madam Speaker, I was quite interested to hear the Minister give a description of the Bill and of the new fund that we are setting up. Under this Bill we are now handing over the complete assets of the Retirement Allowances Fund as it was up to date to the Teachers' Annuity Fund, if I understood it correctly, and that we are starting from scratch so to speak as a government. Our contributions in the past have been roughly half a million dollars as a province and the teachers the last year or two put up one and a half million, and the school districts put up also a half a million. Now the money that is in the fund will be handed over to the Annuity Fund and we will still be left to pay for the pensions as such. We, the province and the school trustees, and I would like to know from the Minister just how much are we now going to pay? What is the total amount, the balance that will have to be put up by the province?

And, further, I would like to know from the Minister just what obligation do we have as a province toward our teachers to pay for them such large amounts in pensions. Surely enough if we can do that for one group of people, others are entitled to it as well, and while I feel that we should have a good pension fund for teachers, I feel that this should be paid in by the trustees, by the school districts and the teachers themselves. I don't think there is ground for us to make this large contribution as a province towards this fund and I certainly would like to know from the Minister how he justifies this setup that we are now arranging?

HON. STEWART E. McLEAN, Q. C. (Minister of Education) (Dauphin): Madam Speaker, if no one else wishes to speak I'll speak briefly in closing the debate, and just going in reverse order, the Honourable Member for Rhineland, I'm not too certain that I can answer his question as to what the obligation of the province is to provide pensions for teachers other than to say, of course, that that principle was accepted many years ago when a pension plan was agreed on to which teachers contributed employing school districts and the Province of Manitoba made substantial contributions equal to the contributions made by the employing school districts. It must not be forgotten that, of course, the Province of Manitoba contributes very substantially by way of grants to the education generally and toward the salaries of teachers, so that one might make a reasonable analogy between the position of persons employed completely by the

(Mr. McLean, cont'd.)..... province and persons who through the schools are employed, while employed by districts and divisions, are indirectly at least related to the Provincial Treasury by reason of the grant system.

With respect to the amount that it will cost the province, of course it is difficult to make any accurate forecast. Members of the House will remember that in our estimates this year we have provided for \$140,000 and our computations would indicate that there will be a steep rise in that amount but, of course, that will be dependent upon the actual experience and I must be quite frank and say that we have not made the projection that would be necessary to determine that at any particular point of time in the future.

I think that perhaps the Honourable Member for Rhineland has a misunderstanding about the fund. He said, "we're handing over the present fund and starting from scratch." Well, actually no such thing as that is happening. This is a matter of bookkeeping and I simply, or what I tried to explain was that the present fund which is the result of the contributions that have been made by teachers, by employing school districts, school divisions and by the province over and above what has actually been required to pay the pensions that have been paid, so far, is now being put into what I called Account "A" and that account will be responsible for the payment of very substantial payments and a very substantial portion of the pension plan. But the fund doesn't go any place; it remains there; it remains under the control of the Legislature and under the control of the Statutes and under the control of the boards who are appointed under the terms of the Statute to operate the entire Teachers' Pension Plan. But it was important and this comes now as well to something the Honourable the Leader of the Liberal Party mentioned and I'm sorry I didn't make the situation concerning the funds clearer. The significance of having Account "A" is simply that it was thought right, and I agree with this thinking, that the fund to which the teachers' contributions go should be what is known as 'funded' -- that is, in a fund which is based on a funded principle. That seems only reasonable because these folks will be contributing, many of them for many years in anticipation of the pensions which they will receive. An in order to do that it was necessary to make some mechanical division and we called it Account "A" -- it could have been called any name. The name isn't important, but that portion of the plan is based on a 'funded' pension plan and I think offers reasonable security to teachers who are making contributions to it.

The other fund is really again a mechanical operation because by reason of the Bill, that is, by reason of the obligation imposed by the Statute the Province of Manitoba must supply the necessary funds to make up the other section of the money required to pay the pensions. That's kept separate from the first, and the second of course is not 'funded', it is operated on the principle that each year the plan has a call upon the Province of Manitoba to make up the amount of money required to pay that portion of the pensions which are chargeable to that section of the Plan. And in that sense it operates exactly as the Civil Service Superannuation Fund. My colleague the Honourable Provincial Secretary each year asks the Legislature for the necessary funds to pay the half of the pensions that are payable to the members of the Civil Service and our plan operates on exactly the same principle.

With respect to losing to other provinces, I think I can now say to the Honourable the Leader of the Opposition that in my opinion we will have the best teachers' pension plan of any province of Canada and I would hope that that would attract people from other provinces in even larger numbers than they're coming at the present time.

Madam Speaker put the question and after a voice vote declared the motion carried.

MA DAM SPEAKER: Second reading of Bill No. 134. The Honourable the Attorney-General,

MR. LYON presented Bill No. 134, An Act to vest the Title to Certain Lands in Her Majesty the Queen in Right of Canada for second reading.

Madam Speaker presented the motion.

Mr. LYON: Madam Speaker, on the 1st of November, 1893, a Certificate of Title No. 2547 issued out of the Portage la Prairie Land Titles Office to approximately 25 acres of land bordering the Assiniboine River. The title issued in the names of three trustees, Samuel Reid Marlatt, a lumber merchant; Angus Daniel MacKay, a railway cashier; and William White Miller, a postmaster; all of the Town of Portage la Prairie -- I think that's wrong, it should be the city because it was incorporated sometime before that, I believe. The trustees entered

(Mr. Lyon, cont'd.) . . . . . into a trust agreement which was filed against the land by way of caveat, for and on behalf of 22 Sioux Indians of the Long Plains Sioux Band. The trust-lands were subject to flooding from time to time by the waters of the Assiniboine River and the Indians residing thereon requested the Government of Canada to purchase lands in another location for their use and benefit and they further requested that the trust lands be sold and that the proceeds be held in trust by the government for the use and benefit of the Long Plains Sioux Band. The Department of Indian Affairs did acquire other lands and subsequently moved the Indians to these other lands. The three trustees in the course of time passed away -- that was many, many years ago -- and although a careful search and enquiry has been made to the Registrar of the Surrogate Court of the Central Judicial District of Portage la Prairie, there is no record of any grant of probate or grant of administration having been issued in respect to the estates of any of the trustees named with respect to this land. The RCMP were requested to carry out an investigation to determine the place, and the date of death of each of the trustees and they report that they have been unable to obtain any information relative to this. The RCMP have also been unable to find the next of kin or the heirs at law of any of the trustees.

Sioux Indians who resided on the land and those who are entitled to reside on the land have been recognized by the Government of Canada as a band known as the Long Plain Sioux Band and the Government of Canada being charged with the administration and the control of Indian land have been administering the land set aside in the same manner as the Indian Reserves for other Indian bands. There are at the present time no Indians now residing on this land. The Department of Indian Affairs place a value of \$700.00 on the land and it is on their request -- that is on the request of the Department of Indian Affairs of the Federal Government -- that the Provincial Government here is taking steps by this bill to vest the title to the land in the name of Her Majesty the Queen in right of Canada. When this is done the Department of Indian Affairs will endeavour to sell the land which is valued as I mentioned at approximately \$700.00 and will credit the proceeds of this sale to the funds of the Long Plain Sioux Band of Indians to be held by Her Majesty the Queen in right of Canada for their use and benefit. That Madam Speaker is the principle of this bill. I think it should be supported.

Mr. MOLGAT: Madam Speaker I want to thank the Minister for the details on the bill. My concern was that when sold the funds would actually go back to Band funds. As long as this is clear, then there's no problem as far as I'm concerned and I propose to support the Bill.

Madam Speaker presented the motion and after a voice vote declared the motion carried.

HON. GEORGE JOHNSON (Minister of Health) (Gimli) presented Bill No. 135, An Act to amend the Health Services Act for second reading.

Madam Speaker presented the motion.

Mr. JOHNSON: Madam Speaker, The Health Services Act is set up in four parts and Section 4 of the Health Services Act deals with hospital districts. All the amendments contained in this Bill deal with this Section of The Health Services Act. The principles in this Bill are: (1) the first amendment here -- the present statute provides that only resident ratepayers of a municipality may act as hospital district board members and some of the most valuable and devoted board members have moved off the land which they continue to work while living in a nearby town and this amendment provides that the board members need only be ratepayers of the municipality represented and residents of the hospital district in order to sit on the board. We think that with hospitals having the autonomy they have that this is desirable and has come up on a few occasions. The second amendment here: In hospitals completed prior to the development of the Manitoba Hospital Services Plan in July of '58 no provision was made for the use of depreciation and interest payment allowances by the commission to reduce debentures and to pay debenture interest charges and such funds have accumulated in the capital fund bank accounts of these hospitals. This amendment permits the hospital board to enter into an agreement with the Commission regarding the use of the debenture and interest allowances and thereby reduce the charges to the member municipalities. I would point out that all voluntary hospitals now do this and we feel this is desirable at this time as some hospitals do not have capital programs going forward and this money has accumulated and it now can be used to reduce the levy -- this gives permission for this to be done. The third section here permits hospital boards to borrow from chartered banks pending the actual sale of debentures that have been authorized and approved. This is simple permissive provision being advised in opening the

(Mr. Johnson, cont'd.) . . . . . Act that this be put in at this time. In the present Health Services Act districts have always had the right to borrow against grants coming in and pledged -- that is, Federal and Provincial grants -- and have been able to borrow against debentures pending the sale, but this spells out that the moment the debentures are sold the borrowing should be reduced by that amount and was advised by the Municipal Board.

The fourth section deals with the tax base to be used in apportioning expenses to the areas within a hospital district. The amendment provides that new supplementary schemes shall make division or apportionment on the basis of the most recently equalized assessment. Under subsection (a) of the amendment this provision dates back to January '62 and includes any schemes that came into force since that date where no debentures have as yet been issued. I would point out to the House this really isn't retroactive in that certain schemes where the debentures have not been issued can still take advantage of this change which is requested by many locales. However we did not like to -- anything retroactive in this sense beyond this. Council has advised that the payment basis for existing debentures should not be changed without full consideration of the attitudes of investors; consequently if the municipality supporting existing debentures wish to alter the apportionment of payment to the most recent assessment a reissue of the debenture would be necessary. These are the principles involved in the four amendments contained under this Act.

Mr. GRAY: Madam Speaker, may I direct a question to the Honourable Minister? With the shortage of hospitals and the shortage of funds to build new hospitals, why should certain hospitals, either privately owned or publicly owned be allowed to accumulate funds which is not being used for the purpose those funds have been accumulated?

Mr. JOHNSON: . . . . . any more questions. Madam Speaker with respect to the question of the honourable member. I'm just pointing out that hospitals who had outstanding debentures at the time in which the plan came in had no provision, they had to keep on levying against the hospital district for these amounts of money. We are now paying interest and depreciation charges to hospitals in lieu of our policy of just saying that the hospitals have to contribute 20 percent in new capital programs. Now certain hospitals have been -- with the payments they are receiving from the hospital plan it has been unnecessary for them to use all the monies which they levied previously to the plan coming in. Therefore these monies have been accumulating in their capital fund accounts and in some instances no building programs are envisaged and it seemed only fair to permit these hospitals to reduce their municipal levies by -- if they so wish, in agreement with the commission -- rather than -- because after all the voluntary hospitals do have this privilege. I could explain some of the detail further probably in committee, but, I think it can be made quite clear.

Madam Speaker presented the motion and after a voice vote declared the motion carried.

Mr. JOHNSON presented Bill No. 136, An Act to amend The Psychiatric Nurses Association Act for second reading.

Madam Speaker presented the motion and after a voice vote declared the motion carried.

Mr. JOHNSON presented Bill No. 138, An Act to amend The Psychiatric Nurses Training Act for second reading.

Madam Speaker presented the motion.

Mr. JOHNSON: Madam Speaker, in all fairness to the committee I would just say briefly that these two bills -- these two bills just make provision for -- which was overlooked in the original drafting of legislation -- makes it possible for an interim certificate to be given to a person who completes their diploma course at one of the mental hospitals.

Madam Speaker presented the motion and after a voice vote declared the motion carried.

Mr. LYON presented Bill No. 139, An Act to amend the pre-arranged Funeral Services Act for second reading.

Madam Speaker presented the motion.

Mr. LYON: Madam Speaker, there is no single principle to this bill, there are a number of unrelated principles because the amendments run through the Act itself -- the existing Act. Briefly I might touch on some of the main points. One of the important provisions of the bill is that whereas at the present time licensees under the act are permitted to employ

(Mr. Lyon cont'd) . . . persons to act as their agent; no provision is made for the employment of salesmen. There is no provision similarly for bonding of agents and salesmen. The consequent result was that the board had at best a shaky control over the activities of agents and salesmen. As a result provision is being made in this bill to provide for salesmen and for the bonding and licensing of both salesmen and agents. It also makes it clear that the contract must be between the licensee and the purchaser. There is provision in the bill for licenses being made subject to such terms and conditions as are laid down in the act and the regulations and a further provision which at first blush might appear to be an extraordinary one but I think on reflection members will agree that it is probably a necessary one, whereby the Board may prescribe certain conditions in the license, that is in addition to those contained in the act and the regulations. It has been necessary for the board to set forth some certain routine procedure such as supplying copies of the contract to the purchaser and so on. It's unwieldy at best to prescribe these conditions in all cases that is by regulation because some are observed -- most of them are observed I would say by a good number of the licencees, but they want to attach these special conditions in special cases. Provision is in the act for the board after hearing to vary any terms and conditions that may have been prescribed in the licence. There is another provision in the act. At the present time the act might be interpreted as providing that the licencee may retain 12 percent of the face value of the contract even though the refund may be made after a very small amount has been paid. The board has to date refused to approve contracts which place that interpretation on the section. They have never been challenged as to this right, but to make certainty double sure we are inserting a provision in the act which gives the board just that power.

There's another section dealing with the interest on trust monies held by the trustee. The act is presently silent on the question of interest, but all agreements to date have provided that the interest on the money that is placed in trust by the licensee accrues to the licensee. The act does provide for a refund of the full amount after a contract has been in effect for three years -- while the act does provide for the full refund, actually only 88 percent of this amount is paid into trust. The trust account, therefore, is the only protection that the act provides for the purchaser. The provision that we are suggesting for the bill at the present time -- for the act at the present time -- is that the licensee may not retain the interest on any of these trust monies until such time as the full 100 percent value of the contract has been placed in trust, and thereafter the licensee may retain any interest that accrues on the monies in the trust account, but we are securing -- by this amendment we are securing assurance that the full 100 percent of the amount paid in will be available to the purchaser rather than the 88 percent which is prescribed at the present time.

There is another provision which is required stating that a contract -- which requires a contract to contain a provision whereby upon the death of the purchaser, before all installments have been paid by his personal representative, he may elect to pay the balance immediately and receive the benefits of the funeral covered by the contract. Presently, some licencees prefer to provide only for a refund of the amount paid in. We think it should be the right of the personal representative of the deceased to demand the service that was first purchased under the contract. He should have that option.

I'm not purporting to deal with all of the sections, but only those that are of some substance. --(Interjection) -- As a matter of fact that is enough because I've come to the end of those that really are of a substantial nature. Thank you.

MR. GRAY: . . . . question the Honourable the Attorney-General. As far as the special provisions, I'm sure that they're all good, because the Attorney-General will not do anything which is not in the interest of the public. My question is only one. Why have this bill entirely and what prompted you to have a bill on the future of a human being, in case he dies some time?

Madam Speaker put the question.

MR. LYON: I'm sure the honourable member -- and I hope -- I'm sure he means his question sincerely. I hope I'm interpreting it -- probably the honourable member is asking me, why do people buy pre-arranged funerals? I don't know why they buy pre-arranged funerals. --(interjection) -- Well, we have to have a bill, because -- what was it, three years ago when the original bill was passed -- the bill that is before the House at the present time, Madam Speaker, is an amendment to that original bill, tightening up certain of the provisions of that

(Mr. Lyon cont'd) . . . . . original act, in order to give what we deem to be even further protection to the public, that is, that portion of the public who purchase pre-arranged funerals. As to why they purchase pre-arranged funerals, I haven't the slightest idea.

Madam Speaker put the question and after a voice vote declared the motion carried.

MR. ROBLIN: Madam Speaker, may I suggest that we continue with the adjourned debates and second readings on other public bills until we reach the bottom of Page 3.

MADAM SPEAKER: The adjourned debate on the proposed motion of the Honourable Member for Elmwood. The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Madam Speaker, I adjourned the debate for the Leader of the Opposition.

MR. MOLGAT: Madam Speaker, while I'm not in complete agreement with everything that this bill calls for, because, for example, in the first section it repeals completely what was brought in last year in the matter of secret ballots, the position that we took last year and the position we still hold on this matter is that there should be secret ballots, but that they should not be supervised by the government; that the labour unions are quite capable of supervising them themselves, and we proposed last year and endorsed this year the proposition that we should have the same legislation as the Province of Ontario, which simply calls for secret strike votes and leaves it up to union supervision and union control. If there are complaints from members of unions who feel that the secret strike vote is not being held, then they can appeal to the Labour Board, and it seems to me that this is a desirable concept.

So far as the second section, it seems to us that the person belonging to a labour union should not in any way be more liable than the person who is a shareholder of a corporation for acts for which he is not directly responsible himself. This appears to us to be only a fair and reasonable concept. We proposed that last year as well, and in my first speech in the House this year on the Throne Speech debate, I suggested that this should be done -- to put the individual who belongs to a union in the same position from the standpoint of legal liability to the shareholder of a corporation; that is, for any act for which he is not personally responsible himself, that he should not be legally liable. This is surely the concept that we accept. In the case of the limited liability company, we don't expect the shareholders to be responsible for every act of the corporation and it seems to me that similarly, in the case of labour unions, we should have that same protection for the individual. I'm not too sure, Madam Speaker, that the amendments proposed by the member for Elmwood will quite achieve this. It seems to me that this is not exactly what he achieves by the repealing of the present sections, but I wanted to make clear the position of my group in this regard, and we propose to vote in favour of this particular bill, to have it go to committee at which time we would introduce some amendments which I think really are in line with the thinking of the member for Elmwood; which I think fit in with what he wants, but would make this a bill that would be better in keeping with his views and ours and certainly one that could be enforced in a better way.

MR. CHERNIACK: Madam Speaker, I wish to deal as briefly as possible with this matter, and to reassure this House I will inform them that I understand from the Honourable Member for Elmwood that he does not intend to speak.

I would point out to the Honourable the Leader of the Liberal Party that one way of dealing with this properly is to repeal what was done badly and start afresh to do correctly what ought to be done, and in this repeal that is the intention. As the Honourable Leader of the Liberal Party pointed out, the problem that faces so many of us, and apparently not the government, is the definition of what is a trade union as a legal entity. We know what a person is. We know what a corporation is. We know the rights of shareholders and of directors, but we do not quite understand the entity of a union, and the example has been given many times that when four people meet in a room there are four people, and when they are the directors of a company meeting in connection with the company, there are five people present -- the four directors and the company; and how a trade union as a legal entity enters into the picture is something that we cannot understand.

Now, the Honourable the Attorney-General requested solicitors representing various parties to make comments to him on the terms of reference or the questions to be asked to the Court of Appeal, and I have a copy of one of the replies which he received, which I think he received within a day or two after the request was made, because he gave very little time within which

(Mr. Cherniack cont'd) . . . . to reply. And the point then made -- and I'll read just a short excerpt -- is that "the new legislation is dangerous because it creates an entity unknown to the common law, and the interpretations which will follow will certainly broaden this sphere of existing liability. The following are possible difficulties which cannot be readily resolved: (1) When can torts be attributed to a trade union; (i.e.) who has to commit it? (2) Against whom may judgement be executed? There is not limited liability. (3) A trade union will be responsible for the acts of its agents and officers within the scope of their authority; (a) Who will be considered agents and officers? (b) What will be scope of authority?"

I would point out that the need to declare unions a legal entity for the purpose of suing or being sued is to my mind unnecessary, and not my mind alone. I'll just put two citations into the record to indicate that unions have been, as unions, parties in actions: (1) As a plaintiff -- The Wholesale Bakery and Confectionery Workers Union, Local 650, against The Manitoba Labour Relations Board and Paulin Chambers Company Limited, reported in 67 Manitoba Reports, page 371, which is the most recent publication -- and the entity of the union as a party in the action was not questioned or challenged. In the other case -- it's the well-known case of Dusessoy vs The Retail Clerks Union, Local 832, which can be found in 1961 in 30 Dominion Law Reports at page 51, where a union was a defendant to the action. Now the questions addressed to The Court of Appeal by this government ask as to the liability imposed on trade unions for conduct of members (a) which was not authorized, or (b) where the organizations did not aid or abet. Now the question of liability imposed for a breach which was not sanctioned is the question which was put to the Court, and when the Court reviewed it, the Court smiled at the question -- well I would say the Court laughed at the questions, but politely; and Mr. Justice Freedman says, and I'll quote just a sentence: "In other words, the question simply asks us whether the statute means what it says. So far as I'm concerned it does." Because the question gave the answer. It said, "where the act was not authorized or where the organization did not aid or abet." And elsewhere Mr. Justice Freedman says, "I regard it as unnecessary for our present purpose to consider whether a member of an employers' organization or a trade union is, or might be its servant or agent. That question would only be relevant to determine whether the member's act should be taken to have been authorized by the employers' organization or trade union." And the judge says, well, we were saved the problem of answering the question because the question was so precisely put that it only could be answered in one way. But this is the important question. The question is in effect that if a member is considered to be an agent or a servant of the union, his conduct could be taken to have been authorized, and this is what this Legislature, this House has been aware of, that the method of determining whether a person, a member of a union, is its servant or agent is one which is fraught with difficulties. There is no consideration given by the union in its questions or as a result by the Court of Appeal, as to how it will be interpreted that a union does "a prohibited act." How does a union do a prohibited act? If it is what a member of a union has done -- that is, the prohibited act -- does that cover a case of a shareholder? If a shareholder and a union member stand side by side outside of a strike-torn factory, and each throws a stone, what are the relative responsibilities and liabilities? Is the company liable because one of its shareholders threw a stone and caused damage? Is the union liable because one of its members threw a stone and caused damage? That question was not asked of the court and obviously that question was not answered. And because we do not know the nature of a trade union as a legal entity, the only way that question can be answered is in a hard-fought battle in the court, which didn't need the legislation to determine that but will now be influenced by the legislation and say, "Well now, the Legislature intended us to look, to find an authorization by the union and indicated to us what it is that we're expected to find." Now I don't want to deal firmer with this except to point out that as I understand it -- and I was not present a year ago -- as I understand it the legislation was held up by the government, by the government stating it will refer the "question," to the court for an opinion, and the question that was given to the court to answer was such that did not produce any sort of binding interpretation by the court, and the court made absolutely clear that nothing is said binds them in any action which it will have to deal with.

Now what does the government or the people of Manitoba now know which they didn't know a year ago at a time when the government said they would submit this question? No more at all. They haven't learned one thing, neither the government nor the people nor this House. And

(Mr. Cherniack cont'd) . . . . . yet the government withheld proclaiming the act. It said, "No, we'll find the section; we'll wait; we'll find out what it means, or at least we will assure you that we know what it means." Well, on October 19th, the Court of Appeal told them that the way they'd framed the question the answer was an obvious one, and I don't think it needed to take the time of the learned judges of the Court of Appeal to give them that answer. They were given that answer the minute they wrote the question. Yet it was proclaimed after the election -- and I don't know if that's a coincidence. If it was, it may have been a happy one. I want only to end by pointing out that this to me is an indication of the government's attitude to the whole question of the trade unions' ability to carry on their bargaining in a position which would be more fair. I think in this case the government has succeeded in stifling the unions' bargaining position and will continue to do so if this bill is defeated.

MR. CARROLL: Madam Speaker, I'm wondering whether the member would permit a question. He doesn't understand what legal entities mean with respect to trade unions but he does know something about the trade union movement in Sweden and other places. I'm just wondering whether the lawyers over there understand what legal entity means with respect to the trade unions there, or with respect to trade unions in the United Kingdom, or United States where they've had these things for many years. Surely -- The question I'm asking is how -- if they know what this means in those countries.

MR. CHERNIACK: I'm sorry to hear the Honourable Minister reprimanded publicly and I will not add to his embarrassment. I might say that I have never yet to my knowledge in this House spoken with authority on what happens in Sweden. I would guess that this is the first time the word Sweden has issued from my mouth. I would also inform the Honourable Minister -- I mean in this House -- I would also inform the Honourable Minister that I have not had an opportunity to go to Sweden, either at my expense or anyone else's, and I cannot vouch for the knowledge of the lawyers of the country of Sweden. If he can, no doubt he would have given us the benefit of his knowledge.

MR. BAZLEY: Madam Speaker, I wonder if I could temper this debate a little bit, and not being a lawyer but having responsibility for this department now, I would like to point out, Madam Speaker, that in recent years the status of the labour movement in Canada has undergone a distinct change; that unions have passed through what we might term the first phase of their growth. Now they had to win, in fact and in law, public recognition of their right to collective bargaining; and they had to establish that collective bargaining is in the general public interest. The mainspring of action during the early period of their growth and development was to reduce the injustice that existed on a fairly broad scale, and these injustices were in the form of low wages, long hours, poor working conditions, and a lack of security for the workers. Now the unions had to use their economic strength to stamp out exploitation by employers; and they had to use their political strength to persuade governments to provide a greater degree of security through various social measures. Now in this effort they enjoyed a high degree of success and public sympathy and support because of the basic justice of their cause. Now fundamentally it was widely felt that the balance of power lay too strongly with management. A greater degree of equality of strength as between labour and management was felt to be needed to bring about justice and equity.

Gradually and somewhat imperceptibly the public attitude has changed. There is, I think, a steadily growing feeling in the public mind that any undue imbalance between labour and management has been reasonably corrected, and under these circumstances the public has been quietly urging their representatives to assume a new role in labour-management relations and to see to it that each party assumes responsibility commensurate with their strength in the new status given them. Many informed people in this field feel that it is no longer a matter of choice that responsible government and responsible labour and responsible management enter into a partnership on equal terms for the public good. It is simply a matter of necessity for survival. The Manitoba courts have on some occasions refused unions the right to take court action, and on other occasions have held they were responsible for damages as legal entities. Now this law merely clarifies and confirms by statute the rights and responsibilities which labour unions have acquired by their growth and strength.

Now, having regard for all these circumstances, it is quite apparent that the honourable members of the New Democratic Party are opposed to these measures, and I think they're



(Mr. Baizley cont'd) . . . . .opposed from fear of unjust consequences that are not founded on fact. Assurance can be given that actual effect of the Manitoba law in this regard will be carefully watched, and if real injustices do occur, corrective action can be taken. There is very good reason to believe that the rank and file of workers and many labour leaders are quite prepared to accept the rewards and the penalties attendant to the position of responsibility which they have attained with widespread public support.

Now with regard to the supervised strike vote which some have attempted to make appear so objectionable, it may be noted that the criticism of this administrative safeguard of the individual right comes from those who feel that responsible and properly operated unions should not be subjected to this rather irritating procedure. They feel it is a reflection on their integrity. Now with this view I have great sympathy and understanding. However, where workers are deciding whether or not to go on strike, they are deciding whether or not they will cut off their income for an indefinite period. Now when such an important question is to be decided it is obviously essential that every possible precaution be taken to protect the right of the individual worker to express his wishes, and it is to ensure this right in all cases that the law provides for the taking of the supervised strike votes by the Labour Board. The board has conducted nine such votes and the unions concerned have been co-operative. In practice, I think this procedure is looked upon at worst as a minor irritant.

Now we are living in times and facing problems in Canada of far more importance and concern than these relatively minor matters of legal entities and strike votes, and we intend to apply ourselves to these vital matters and we shall solicit -- and I'm sure get -- the wholehearted support of both labour and management in our efforts at effective tripartite action, and I'm going to ask my colleagues to vote against sending this to committee.

MR. PETERS: Madam Speaker, I did not intend to take any further part in this debate but the Minister of Labour prompted me to get up on my feet. He says the public at large was getting concerned about the unions, which is not true. When he talked about the public that was getting concerned about the unions, he means the employers, the Chambers of Commerce, and the Canadian Manufacturers Associations. That's who he is talking about. He talks about when people are going to go on strike and cut off their livelihood -- they know what they are doing. Have the shareholders got a say in the final settlement of an agreement? The top brass has, and I would urge everyone in this Chamber to vote for this bill to go to the committee for consideration. If the government is serious about what it says, about promoting good relationship between unions and labour and the public at large, this should go to committee for consideration if the government is serious about this. If they're not, let them say so.

Madam Speaker put the question.

MR. PETERS: Yeas and nays, Madam Speaker.

MADAM SPEAKER: Call in the members. The question before the House is the proposed motion of the Honourable the Member for Elmwood for second reading of Bill No. 82.

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

YEAS: Messrs. Barkman, Campbell, Cherniack, Desjardins, Gray, Guttormson, Hillhouse, Molgat, Patrick, Peters, Shoemaker, Smerchanski, Tanchak, Vielfaure and Wright.

NAYS: Messrs. Baizley, Beard, Bilton, Bjornson, Carroll, Cowan, Evans, Froese, Groves, Hamilton, Harrison, Hutton, Jeannotte, Johnson (Gimli), Klym, Lissaman, Lyon, McDonald, McKellar, McLean, Martin, Mills, Moeller, Roblin, Seaborn, Shewman, Smellie, Stanes, Steinkopf, Strickland, Watt, Weir, Witney and Mrs. Morrison.

MR. CLERK: Yeas 15: nays 34.

MADAM SPEAKER: I declare the motion lost.

The adjourned debate on the proposed motion of the Honourable the Member for River Heights. The Honourable the Member for Brokenhead.

MR. CHERNIACK: Madam Speaker, the honourable member is not present and since there is a desire that this matter go to committee I am prepared to speak in his place and not deliver his 40-minute address which he had prepared to make -- if I may. Instead of that I thought I'd read this book to the honourable members.

Madam Speaker, I am sure that had the Honourable Member from Brokenhead been here he would have used this opportunity to point out again, as we have in the past, that the problem of gas distribution is one which is going to come on the laps of this House and this province more

(Mr. Cherniack cont'd) . . . . . and more as its use becomes more widely distributed throughout the province. We want again to caution the House of the need to take over this utility which is using natural resources of the country, and operate it as a public utility for the benefit of the people who consume it; people who use the gas and who are thus most entitled to get the benefits of it, rather than to put it in the hands of the private enterprise shareholders who are already receiving substantial benefits from their investments and will get more.

I think one more sentence, Madam Speaker, is to recommend to the reading of all of you the Chapter 7 of Part 10 of the COMEF Report which, as clearly as need be spells out the wide extension of use of gas within the foreseeable ten years as becoming the major competition to the oil industry, but mainly to the water power industry which is a vital part of the public utility system of this province. It seems a terrible pity for this province and for this government to know from the COMEF Report and all other reports that it need read, that in the very near future the gas utilities will be taking over a substantial portion of the power production -- the energy supply -- in this province to the -- and taking away the pre-eminence which the water power generation or the energy supply now has. We will find as we go along that this utility will become more and more a dominant factor in this community, and we will find more and more the need to distribute gas to the smaller areas which may not economically justify the distribution but certainly will justify it in terms of the growth of this province. I need only to refer to the Power Commission and the Telephone System as examples of the need to bring the services that they have to offer to the people of the Province of Manitoba regardless of the benefits -- the financial benefits or the profit benefits -- that will be derived from the extension as it has to be throughout the province. I'd like to speak much more but I have too much consideration for the people who are waiting for hearings.

MR. STEINKOPF: Madam Speaker, I came prepared to debate with the member for Brokenhead on the merits and demerits of the Bill No. 70, but must confess that I have not got a 40-minute reply on the merits of free enterprise over public ownership, and I think that as the bill has not been questioned that we should proceed with the passing of the second reading now.

Madam Speaker put the question and after a voice vote declared the motion carried.

MR. DESJARDINS presented Bill No. 108, An Act to amend The St. Boniface Charter, for second reading.

Madam Speaker presented the motion and after a voice vote declared the motion carried.

MR. JAMES COWAN, Q. C. (Winnipeg Centre) presented Bill No. 121, An Act to amend The Public Schools Act (2), for second reading.

Madam Speaker presented the motion.

MR. COWAN: Madam Speaker, this bill makes provision for debentures being issued for the Winnipeg School Board being issued in foreign currencies, and makes particular provision for the issue of debentures that are payable in funds of the United States. The bill also makes provision for the payment of a deferred annuity in the case of a death of a pensioner -- such to be passed by a by-law of the school division. It makes provision that the remuneration of trustees may be increased to \$3,000 for the chairman; \$1,800 per annum for the vice-chairman, and \$1,500 per annum for the other trustees. It also makes provision that the school division can make grants to the Manitoba Arts Council, that it can conduct schools for pupils over the age of 21 years both during the daytime and in the evening, and that it might raise up to a sum of \$15,000 in each of the years 1964, 1965 and 1966 in connection with the celebration of Canada's centenary.

MR. McLEAN: Madam Speaker, there is no central principle involved in this bill. I should just like to say to the House that I'm prepared to vote on second reading to send it to the committee, but in committee and on third reading there are a number of matters in the bill which I intend to oppose and reserve the right to vote against.

HON. ROBERT SMELLIE (Minister of Municipal Affairs)(Birtle-Russell): Madam Speaker, if there is one provision in this bill that you might call a central principle it seems to be a principle that money by-laws need no longer receive the approval of the ratepayers, and there are several sections in this bill which whittle away the principle --(interjection) -- Oh pardon me.

Madam Speaker put the question and after a voice vote declared the motion carried.

MR. COWAN presented Bill No. 102, An Act to amend The Winnipeg Charter, 1956, and to validate By-laws Nos. 18696, 18760 and 18764, for second reading.

Madam Speaker presented the motion.

MR. COWAN: Madam Speaker, this is the bill that has generally been referred to as the Sunday Sports Bill, and I would hope that in the future it would be called by its proper name: Bill to amend The Winnipeg Charter. I would like to give notice at this time that it is proposed in committee to introduce an additional amendment to the Winnipeg Charter, an amendment to this bill. The proposed amendment will be to section 699, which is a section of the charter which provides that in the case of a town planning scheme, the city may have only one board of arbitrators appointed by the Municipal Board instead of a separate board of arbitration for each parcel of land taken. It has been discovered that this section is not wide enough to apply to property taken for an urban renewal project, and it is therefore very important that the section be widened to include this. Apart from the additional work and inconvenience involved, the possibility of having several hundred arbitration boards instead of one in connection with an expropriating by-law for the Jarvis Avenue urban renewal development, there would be a considerable increase in cost which is being shared by the province as well as by the city.

In this bill, another 28 sections -- the first part deals with the fact that no longer can an employee of the Board of Police Commissioners or the Winnipeg Board of Parks and Recreation become a member of City Council, and in the future no one will be able to serve both on the Winnipeg School Division as a trustee and as an alderman on the Winnipeg City Council.

The further sections make provision for the fact that in the future the City Clerk will look after the preparation of the voters' list instead of the Director of Assessment as in the past.

There is another provision with regard to taxation of the CNR and the Midland Railway, whereby the method of assessment is changed, which will now conform with part 12 of the Municipal Act. This will result in a small increase in revenues to the City of Winnipeg. The fixed business tax for these companies will remain.

There is provision for a slight reduction in business tax applicable to restaurants with licensed premises. There is provision exempting space heating used for electricity as being exempt from the special tax on gas and electricity sales. The act also makes provision for the City of Winnipeg Board of Parks and Recreation being dissolved without the necessity of submitting the question to the electors, and this is a very important provision insofar as Winnipeg City Council is concerned. It is something that they have asked for unanimously. It will enable the City of Winnipeg to pay the money -- and I'm sure we're all interested in helping taxpayers in these days of high taxes and this is one method by which we can help in the City of Winnipeg.

The Winnipeg Parks Board lost about 80 percent of its work with respect to parks when Metro took over the large parks in Winnipeg, including the zoo at Assiniboine Park and the golf courses. It left about 20 percent of the work with respect to parks, and in addition the Board of Parks and Recreation has been given to it by the City of Winnipeg from time to time, some other duties such as looking after Brookside Cemetery, matters concerned with recreation and boulevards. Metro took away the Assistant Parks Superintendent, subsequently the Superintendent of Parks in Winnipeg passed away, and now this superintendent is the former accountant in the department. They have a surplus of staff there. It is run separately, and the City of Winnipeg, for efficiency and for economy, would like to be able to amalgamate the work of the work of the Parks Board with the work being carried on by the other departments in the city. In an effort to help the situation, but in a piecemeal way, the City has entered into an agreement whereby, as of yesterday, the City Engineering Department took over the care of stores; the Accounting Department is looking after the accounting; the Personnel Department of the City is looking after the purchasing; and the Purchasing Department of the City is looking after the purchasing for the Parks Board. However, this is a help, but it is all that can be done at the present time.

The City wishes to have control of the Parks Board because it can then have more supervision over the expenditures from time to time. At present, the Parks Board presents its budget to City Council and the City Council has a say as to its annual budget, but it has no say as to committee reports, as to its proposals during the year. The City wishes to have control of the Parks Board itself, and I submit that we should help the City in this regard and help the ratepayers of the City, and see to this wish of the City of Winnipeg Council.

The act also makes provision for increasing the amount that can be expended by the City

(Mr. Cowan, cont'd.) . . . in the promotion of tourism and conventions from \$10,000 a year to \$15,000.00. It makes provision for the City assuming local improvement charges and reactivating these charges on the sale of land where the improvements are made as part of an urban renewal project. The Act makes provision for increasing the amount that can be spent for certain structures in the City from \$75,000 a year to \$125,000 a year without obtaining the approval of the ratepayers. This is not a very large increase and it is the first time that this amount has been increased since 1947, and we all know how costs have increased since 1947 so it is in line with increase in costs.

Then we have another provision, enabling the City to construct drainage sewers without referring the matter to the ratepayers -- these are generally small expenditures -- and this question has come up in respect of drainage of Metro roads. There is also the provision in The City of Winnipeg Charter with regard to issuing debentures, payable in United States funds.

MR. PETERS: . . . . . going through the bill section by section now or are we going to let it go to committee.

MR. COWAN: We have this type of a bill, Madam Speaker, I think, where there's no general principle involved and where there are quite a few sections, quite a few different matters, and I think that the members of this House should have these gone over with them at this time. This is quite a long bill.

There is another clause which permits the Sinking Fund trustees to pay out \$600,000 from their surplus funds towards the cost of the construction of the new City Hall. This is surplus money and this proposal is agreeable to the Sinking Fund trustees who are prominent gentlemen in this City: Mr. E. D. Honeyman; Mr. C. E. Simonite and Mr. Frank MacCharles. In some municipalities they put aside money from land sales to help build new city halls or to help build city projects, but in Winnipeg proceeds from land sales go into revenues and in St. James, particularly, they have built a new city hall; they've extended it without a vote of the ratepayers, and this is city taxpayers' money and I think it is only right they should be allowed to use some of this money towards the cost of the new City Hall.

Then there is the section with regard to Sunday sports, and this is divided into three parts: Firstly, there is provision for having the public showing of motion pictures and the performance of concerts and plays. Then there is the portion dealing with public games or contests for gain, excepting horse races, dog races; . . . . .

MR. PETERS: Madam Speaker, again I say, the member is dealing with it section by section. It might not be one broad principle, but here he goes with one part of the bill and he's going into it into detail, and I don't think it should be gone into detail here. It can be dealt with in detail in the committee, not here in the House.

MADAM SPEAKER: I would suggest to the honourable member that he try to talk to the principle alone and leave the detail until you reach committee stage.

MR. FRED GROVES (St. Vital): Madam Speaker, there are 28 sections in the bill and the honourable member is only dealing with four. He said that at the beginning of his speech.

MR. COWAN: I think that this is the section which most of the members of the House are particularly interested in, and I wanted to point out that this portion with regard to games does not include horse races; dog races; automobile races; motorcycle races; boxing or wrestling or judo or other like contests; and the third portion is with regard to the operation of bowling alleys. Now, I think it is important when we're dealing with these that we should look at the vote in the City of Winnipeg, and in the City of Winnipeg they had a referendum on each of these three matters and with regard to the showing of motion pictures and plays the vote "For" was 43,092; "against" -- 29,453. You will see that that is a substantial majority. With regard to the sports, "For" -- 39,233; "Against" -- 29,14. . . . . (Interjection) --

MADAM SPEAKER: Order please, I think that you probably are giving us a speech on something that doesn't, in my opinion, pertain to the principle involved in the bill. I wonder if you could get your remarks to the principle of the bill?

MR. COWAN: Well, I think the principle involved in this portion is whether or not we should carry out the wishes of the electors, and in order to show that we must have the figures as to showing the substantial majority by which these votes were passed -- this referendum was passed.

I, myself, voted against two of them and I voted for the bowling, but we have here the wishes of the City of Winnipeg, expressed by substantial majorities and we're in a democracy

(Mr. Cowan cont'd) . . . . and we should carry out the wishes of the majority; and a large number did vote at this election -- some 48 1/2 percent -- much larger than usual. It's usually about half of that. But here we had a very large turnout. The largest there had been for years and years had been something under 60 percent, so you can see that the City of Winnipeg electors were very concerned with this matter when they voted.

MR. PETERS: . . . . . all this in the newspapers after the referendum.

MR. COWAN: Now, Madam Speaker, the remaining section is to do with ratifying City of Winnipeg pension by-laws.

MR. GRAY: Madam Speaker, there are 28 sections in the bill and I'm not going to deal with a single one. I'll take two or three minutes now. I'm only going to deal with one principle and perhaps repeat my speech I made for 21 times in this House -- it's my 22nd time that I'll make my two-minute speech. --(Interjection) -- I've learned from the other members not to get scared from kibitzing. Sometime I feel a little bit disgusted or insulted but not any longer. I've learned from the others. I think it is a most foolish -- I would like to change my word "foolish" -- can anybody lend me another assertion? -- on the part of the City of Winnipeg for 37 years that I know, coming to this House, with little petty requests for us to give them permission to carry on. After all, the Civic Council is an elected body, just as elected as this House, and they're not dealing with important problems; they're dealing with local problems. I urged them while I was in Council and I urged them for the last 21 years here, not to come whether the cars can be parked on one side of main street or the other side of main street. Everything that the mover of this bill, every section he told us about is not worth taking away the time of the Legislature in the last hours of its time, with matters which they could do themselves; and they know they could do it, but they don't want to ask for a home-rule charter which I urged them for 36 years, because they wanted to keep this Legislature to prevent them from doing something which a majority probably will -- a majority not approved by the head tables, and then comes to get this House to stop them from doing it. We have just this much right morally that we have to give you permission to do this, and year after year with the most insignificant unimportant legislation which they haven't got on their books as yet, coming out here and asking us to legislate it; ask us to give them permission. What can we do? I wouldn't dare to oppose a body of elected representatives of the City of Winnipeg of something they want. What right have I got to oppose it, unless I'm either selfish or thinking for myself. Otherwise I have no right to do it at all -- to oppose it. So it's almost -- couldn't find some nice words? -- unexplainable -- that's the finest word I have -- to listen, and for them to ask. They wanted to do away with the Parks Board. Who wants to do away with the Parks Board? The majority of council? Let them do away with it. --(interjection) -- well, who's talking then? --(interjection) -- So I feel, Madam Speaker, that it is absolutely unnecessary even to spend time on anything. It's just a waste of time -- it's a voice in the wilderness. We have to tell the City Council once for all they have just as much power as we have, and don't come around here with unimportant things. We don't want to waste our time on the little small political misunderstandings in the City Council, and come here every time for legislation, every year, every year, where they have a perfect right to come here at least once. Let's not refuse them -- let us having the pleasure of refusing at least, but not once in my experience in public life have I known the City Council to come in and say, "Gentlemen, we are an elected body by the people. The people can defeat us any time, much oftener than they could defeat the Members in the Legislature; they could do it every two years, and we have decided to get a home-rule charter. Let's manage our own affairs within the city limits of the City of Winnipeg. There is some sense to it. But the way it is now, as far as I'm concerned, I'm not interested at all in a single item of the 28 sections of that bill.

Madam Speaker put the question.

MR. MARTIN: Madam Speaker, there's a peculiar atmosphere here as we get into the discussion of this bill, but I feel that I should have something to say about it because I'm quite opposed to section 25. If I consulted my own feelings in the matter I would be prepared to move that it be deleted from the bill, but I do think that it's only fair that it should go before the committee. I rise to go on record because three years ago some of us spoke from this Chamber with reference to a Sunday Sports Bill, and we felt at that time that it was a mistake if the legislation passed. We said it was the thin edge of the wedge. It was putting the foot in the door. We also

(Mr. Martin cont'd) ..... claimed that we were convinced that commercial interests were beginning to show their hands. Now, Madam Speaker, the bill that is before us tonight shows that we were not wrong in our contention, for here's a bill that calls for Sunday commercial sports and movies and entertainments and plays, and all of it for the purpose of profit or monetary gain. And I wouldn't like to be accused of any "holier than thou" attitude when I stress the importance of our reverence for a day which is an established institution in our provincial and our national life, and to remind ourselves that the "freedom of worship" is a recognized principle of our democratic way of life. If we had any doubt about that it would be dispelled by the fact that every Session of the Legislature begins with a prayer. In the Second World War the people thronged the churches for awhile while the men were beginning to sacrifice, but then they forgot. At the end of the war there was a conference between the President of the United States and Mr. Winston Churchill, and out of the series of meetings that they held there emerged the Atlantic Charter, and one of the cardinal principles that they enunciated in that charter was "freedom of worship" as the rock foundation for the future security and well-being of the nation, and I say, Madam Speaker, that we're going to fail dismally if we do not give first place in our standard of values to religious worship. If we molest the sovereignty of the Lord's Day there's little hope for us coming to the time when we witness the advent of a new order of society.

Reference was made today to the Centennial celebration and a reference to the pioneers who came here generations ago. They didn't have much of material possessions but they had a rugged, irresistible faith in their moral and spiritual values, and on that foundation they built the superstructure of nationhood, and we, Madam Speaker, owe a tremendous debt to these pioneers. Now it appears that the octopus of the passion for material gain is steadily fastening its deadly tentacles about us, the one danger that confronts us is that of the degrading of the Lord's Day until it becomes just another day in the week. It isn't a question of whether I should go out and play golf on Sunday; whether I should play tennis; whether I should go on a motor trip or take the family for a picnic. That's not the question. That's my own affair. But the question is: Am I in favour of the commercialization of the day which on our Statute Books is designated the Lord's Day?

Reference has been made to the City Council. Well it's a very easy matter for the City Council to pass a referendum and when they got the approval of the electorate to say, "Now it's for the government to decide. We accept no responsibility." Playing both ends against the middle trying to keep their skirts clean. And I don't think that the Winnipeg Tribune acted in any better fashion when some time after the referendum was passed they said something to this effect: "that they couldn't see why anybody now could oppose this, because the people had spoken." When who asked for it, Madam Speaker, 50 percent of those who voted on the issue voted in favour of commercialized sport; 59 percent voted for plays; 64 percent voted in favour of the bowling. Less than 60 percent were in favour of the referendum as far as the Sunday sports and Sunday plays are concerned. And what percentage of the voters were they? Forty-eight percent of the people went to the polls, and less than 60 percent of those who voted, voted in favour of the referendum, so that you got about 25 percent of the eligible voters declaring themselves on this issue. For a long time past now 60 percent has been the minimum majority when the City Council wanted to go forward with the construction of a school, or I remember, I think, the same thing with the police station. They had to have a 60 percent majority before there was the green light to go ahead.

Now, Madam Speaker, this is something more important. This isn't dealing with bricks and mortar. It's a moral issue. It's something which touches every citizen; every man, every woman, every boy, every girl; and if you're going to have a vote, a referendum vote on this question, I would say that a two-thirds vote should be the minimum.

Now, at noon -- that's when it starts, this wide-open Sunday -- at noon, after 12 o'clock. What does that indicate? Well the majority of people who go to church go to the morning worship. Noon is encroaching upon that hour of worship and it's certainly encroaching upon the Sunday Schools that are held mostly in the morning, and I say now, Madam Speaker, when we think of the boys and girls in the Sunday Schools, we are certainly stepping on dangerous ground and engaged in a perilous pursuit if we attempt to interfere or interrupt the program of the religious training of the children. The Minister of Welfare said here this afternoon that religion

(Mr. Martin cont'd) . . . . . is vital in the welfare of a child. We bemoan the fact from time to time that there is quite a lot of juvenile delinquency -- perhaps sometimes it's parent delinquency, but the child gets the blame -- it's the juvenile delinquency. If this vote goes it will be on the increase rather than any decrease despite what we do, if we let down the bars that protect this day which is set apart for the private and public recognition of the place which moral virtues have in our community life.

Then, Madam Speaker, there's no curfew. Starting at 12 o'clock noon it can go right through to midnight -- everything wide open. The theatres, the games carried on, the bowling alleys, the cafes and restaurants, everything going full blast. At the present time I think we have a certain civic pride in the fact that we can walk down Portage Avenue on a Sunday evening -- people have said for years, "Let's take a walk down the Avenue." There's a sort of a quiet there that may be irksome to some people who come from some other parts of the world but if we have everything wide open, then we're going to lose that. The theatres, I say, and the bowling alleys, everything, will be going full blast.

Then we're limiting it for certain activities. This I don't quite understand. They're going to have football and hockey, and so forth; bowling. No, horse racing. If the other is justifiable, the bowling and football, why not the horse racing? Why not the dog racing? Why prohibit boxing and automobile races and motorcycle races and wrestling? Why, Madam Speaker, I've gone sometimes to the Stadium and I've witnessed the Blue Bombers in action. When I've watched some of them I've just wondered sometimes whether I was looking at a combination of Sonny Liston and Whipper Watson, and yet wrestling and those things are not in the Bill.

Then I want to say, Madam Speaker, it's not there this year, but give them this little leeway and it's not long before all these things will be placed in a referendum before the people, and the door will swing wide open. Following that it won't be very long. . . . . It happens across the line. It will happen here. You'll not only have the games and the theatres and the concerts, and so forth, I venture to say that there will be the demand, an irresistible demand for the beverage room and the cocktail bar and the poolroom, and what not. And I even foresee the day when retail stores and supermarkets will come with their demands to carry on their business as usual on the Lord's Day. It's the thin end of the wedge, and I don't think that by and large organized labour wants it.

I talked to a number of men, men that are engaged in the movie industry. Not the big moguls who want to make the money -- that's back of all this -- but the man who has his weekly job there, and the answer that I've had from a number of them is, "We don't want this. We want and we cherish our weekly day of rest. We want to preserve our Sunday." And I say, Madam Speaker, we should resist strenuously the enticements of this legislation. After all, the City of Winnipeg got after it in the wrong way. It should never have been a referendum. The only way that you can handle this situation is by an amendment to The Lord's Day Act, and no other way of handling it. We speak sometimes in condemnatory tones of nations where they have Godless ideologies and because of that their word isn't generally accepted as their bond. The people's rights are infringed upon and the people's freedom has to bow the knee to thralldom and oppression, and someone smiles at me and says, "It couldn't happen here." Maybe it couldn't, but let's make sure about it. Let's be on our guard and see that we're not going to tamper with a moral institution like reverence for the Lord's Day, and look upon that as the guarantee of the moral health of the people and the freedom and well-being of the nation.

MR. PETERS: Madam Speaker, I'd like to ask the honourable member a question. Does he think that the people in England are any more immoral than we are here, and their pubs and everything are open on Sundays? Are they any more immoral than they are here?

MR. MARTIN: All I'm saying is that -- what I will say in reply to that; we haven't it here; we know the dangers; we know what happens. Let's keep and preserve the sanctity of our day.

MR. PETERS: Madam Speaker . . . . .

MR. MARTIN: The biggest game in England is soccer, isn't it? And they can't play on Sunday.

MR. PETERS: They certainly do. I was there and played it.

MR. MARTIN: Not the big leagues. Not the professionals.

MADAM SPEAKER: Order. The Member for St. Boniface.

MR. DESJARDINS: Madam Speaker, I do not wish to oppose this Bill going into Committee. I would like to deal only with the one question -- the one question of Sunday sport. I am very much in favour of the principle of sports on Sunday, but I'm asking myself if we are doing the right thing by allowing this to go through. Why? Because it seems to me that again we have an example of -- and I'm not going to try and blame anybody, Madam Speaker -- but an example of the lack of co-operation between cities, municipalities and Metro. It seems to me that we should, like many of them said here tonight, that we should give home rule but to Metro. I think that it would be easier then. The people of the Metro area would not, for one thing, have to come here and ask people who represent rural points to decide what's going to be done in the city. I think that this would be wise, and it seems to me that on this, definitely if we're going to have a successful Metro, if we're going to give Metro a chance to do anything, this should be done pretty well along the lines of the whole Metro area or at least in co-operation as the municipalities agree. Not too long ago at this session we were asked to decide to change the election date in all municipalities on the same day. Now, as I say, I think this is an example of something which should be handled by Metro and I think that we should have an example again of the lack of co-operation between -- I'm not going to name just the City of Winnipeg -- between any municipalities or cities in Metro.

Now I certainly wasn't -- as I said before I am in favour of the principle of Sunday sports. I didn't intend to say anything, but the exaggeration of the previous speaker caused me to want to say a few words. First of all, I think that it is certainly a little more than exaggeration to start counting the people that are in favour of something in a referendum by adding all those that didn't vote, lined up against this, and this is exactly what the honourable member said. He said that there was only 48 percent of the people that went out to vote so therefore the others must be against this, and again saying that there should be two-thirds before this could be rectified. Well why not seven-eighths? Why isn't the majority good enough? I don't think that this is right. I think that the people know what they want. I think they have the right to talk on the -- I think that they have a chance -- whenever they have a chance they can all go and vote; they can all take advantage of that, so I think that this is not valid at all. Far from it.

Now it would seem -- it would seem, after listening to the honourable member, that all those who are in favour of Sunday sports are going straight to hell, and Madam Speaker, I think this is wrong. I think that the last speaker did not help, did not render a service to the people by talking the way he did today. You don't force people to worship. You don't say, "Well, there's nothing else to do, we'll worship." That is wrong, and I don't agree either in the honourable member's remarks that this is a day aside, the one day to worship. This is not true Christianity, Madam Speaker. You're supposed to try to live every day the best you can, and that doesn't mean that you should be on your knees or in bed all day Sunday. What is better than good sane recreation? What is wrong with that? To try and exaggerate that it's all for money; everything's for money. Yes, the member said, "I'll go and golf. This is all right; it's up to me." But then for the others to be able to do anything they need two-thirds of the vote. Isn't that commercial? I've never seen where you can golf for nothing. I've never seen that.

No, Madam Speaker, it's not the big interests that are asking for this. It's the common people. Those that cannot afford to go and vote, that would like to take the family -- that probably work nearly every day of the week -- that would like to take the family to go and watch a good baseball game or a hockey game. There's nothing wrong with that. And it's the way you live; it's not only worship, it's the way you live all day Sunday and every day of the week. It's ridiculous to say anything else, Madam Speaker. I think that this was exaggerated and I think that the member was certainly wrong. The common ordinary person wants to have a chance to go and see a game. There's nothing wrong with that at all and this is all what they are demanding. I don't think that we should exaggerate, that we should bring -- I don't believe in a government bringing in restrictive legislation -- legislation that will close everything so that people will go and worship, and it's not true that . . . . I don't think that the Sunday sports will take too many kids out of Sunday School. I don't believe that. Not if that's what they want. It'll get these kids -- these drug store cowboys to watch the games, and I think that's an improvement. I think that's an improvement, so let us look at both sides of this before we go to



(Mr. Desjardins, cont'd) . . . . far. I don't want to make a long speech on this, but this last member, as I said, exaggerated things and I thought that this should be brought up to the attention of the Assembly.

MADAM SPEAKER: The Minister of Municipal Affairs.

MR. SMELLIE: Madam Speaker, I trust that I am now speaking to the right bill. Under The Municipal Act most municipalities have to have a three-fifths vote of the ratepayers of the municipality before a money by-law can become effective. Two cities in Manitoba, the City of Winnipeg and the City of Brandon, require only a simple majority vote of their ratepayers to approve a money by-law. In addition to this, in the City of Winnipeg Charter there are several exceptions where money by-laws may be passed by the City Council without any reference to ratepayers, and for several years now there have been additions to these exceptions. There were two additions in 1959. There were two more in 1960, and I believe one in each of 1961 and 1962. There would appear to be a steady whittling away of the principle of ratepayer approval of money by-laws in the City of Winnipeg, and there is some demand, I might say, Madam Speaker, for a similar removal of the requirements for ratepayer approval in other areas. I have some reservations as to whether or not this is a good idea. I do not intend to oppose the bill going to committee. I think the bill should go to committee and I think we should hear what the City of Winnipeg have to say on the matter, but I would draw the attention of the members of the House to the provisions of this Bill which do provide for money by-laws of the city, extensions of the principle that they do not require ratepayer approval, and I think that this is a matter that would require the earnest consideration of the members of the House before it is approved.

MADAM SPEAKER: The Honourable Member for St. John's.

MR. CHERNIACK: I had no intention of speaking until I heard the Honourable Minister for Municipal Affairs speaking on the question of ratepayer approval as if this is something holy which must be so carefully maintained that one looks very carefully before one destroys it. I wonder if he was a member of this House when the Metropolitan Act -- Metropolitan Corporation Act -- was passed, which does not provide for ratepayer approval on any of the capital expenditures of Metro which admittedly are very large in amount because they involve so much. I commend it in my mind that people in this Legislature who passed that Act and who realize how foolish it is to submit for ratepayer approval certain requirements which might be either parochial in nature in terms of its location, its geographical location, or might be something which the people generally cannot appreciate without a proper educational campaign. Now I have heard a great deal said about the need for education, that this matter of referenda and this matter of submitting a by-law for ratepayer approval is an education to them in order for them to realize just what is needed. Well this hasn't worked. It didn't work in Plan C and it hasn't worked in many other occasions. The man on the street who is asked to vote has as much intelligence as anybody who sits on any council, but he does not acquire the technical information, nor the knowledge, nor the ability to assess the municipality's requirements nor its ability to repay the debt, and let us not forget that it is not a question of approval for the construction of a project; it is a question for the borrowing for a construction. The people who are elected can spend all the money they like and tax for it in that year, or spend all the money they like out of the residues -- is that the word I'm looking for -- the accumulated reserves -- all they like in that year, and it can be much more than any money by-law, and nobody can question them. They can fire them when they're through, but they can't question their right to do it, but when you want to build a -- what is it -- \$125,000 fire station -- or today I think it you want to build a \$76,000 fire station -- you must go for ratepayer approval. Well, Madam Speaker, it's just impossible in a city the size of Winnipeg to acquaint enough ratepayers -- I think they're electors now but at any rate the people who have the right to vote -- to acquaint them with the needs when these people don't realize the need of a fire station until they have a fire themselves, and I say that it's a retrogressive approach to it and I'm surprised that the Minister of Municipal Affairs should look at it on that basis when he sits in this House and votes on substantial expenditures without reference back to the people -- and that obviously would be foolish -- but the people of the City of Winnipeg make up a little over 25 percent of the people of the Province of Manitoba, and to have to go back to them for necessary things I think is a retrogressive step.

(Mr. Cherniack, cont'd) . . . .

Now I don't want to take up more time. I think it's unfair to all the people who have been out here, who have had to wait in the hope of appearing before committees. I want to point out that there are other ways of getting the protection which apparently the Minister of Municipal Affairs would like to have. One answer is what Metro has. That is the requirement to go to the Municipal Board which does have the ability and does have the experience and does have the background required for it to approve of such a thing. Well then that would be a progressive step, to say, "Well, you may do it, subject to approval of the municipal board." Another way is a formula related to the total assessment in the area. That is, the total debt as against the total assessments give some idea of the ability of the municipality to repay the debt, and that's all we're talking about. So I'm glad that the Honourable Minister brought this to our attention. Had he done that alone, I would not have bothered to get up and take up all your time, but he indicated his opposition to it. At least that's the way I understood it. He shakes his head -- and I still must say that the way I understood his manner of speaking is "Be careful because you may be making a serious mistake if you vote for it." I think you would not be making such a mistake.

MR. EVANS: Madam Speaker, I would vote for second reading, reserving my right to vote against certain provisions in committee.

MR. MOLGAT: Madam Speaker, I believe we have representatives of the City of Winnipeg here tonight, to appear before us in the Law Amendments Committee on this Bill, and I hope that we will get the bill into committee this evening so as not to inconvenience them in having to come here again at a later date, and let's hear what they have to say on the bill, and let's get on with the business.

MR. McLEAN: Madam Speaker, I wish to associate myself with my colleague, the Honourable Minister of Industry and Commerce. I'm prepared to vote for second reading. There are certain matters which I will oppose in Committee and on third reading.

MR. HUTTON: Madam Speaker, I would like to associate myself with the remarks of the Minister of Education.

MR. CAMPBELL: Madam Speaker, I would like to do something that I don't very often. I would like to associate myself with the Ministers.

MR. HILLHOUSE: Me too, Madam.

Madam Speaker put the question and after a voice vote declared the motion carried.

MADAM SPEAKER: Second reading of Bill No. 114.

MR. D. M. STANES (St. James) presented Bill No. 114, An Act to amend The Metropolitan Winnipeg Act (2), for second reading.

Madam Speaker presented the motion and after a voice vote declared the motion carried.

MR. McKELLAR presented Bill No. 137, An Act to validate By-law No. 4-63 of The Village of Crystal City, for second reading.

Madam Speaker presented the motion and after a voice vote declared the motion carried.

MR. ROBLIN: Madam Speaker, before I move the adjournment of the House I would like to say a word or two about our business. I think I will have to confess that proceedings tonight have taken considerably longer than I had anticipated. I thought we would be in the Law Amendments Committee by 9:00 o'clock at least, but it has not turned out that way. I am, however, prepared to adjourn the House now, that we may go to Law Amendments Committee and hear the representatives that I hope will be there. And the thought would be that we would sit until 11:00 o'clock in Law Amendments, and it might be that we would not exhaust the delegations by that time. If that were the case and there were still other people to be heard, then I would propose that the House would meet at 9:30 tomorrow in the usual way, but that we should adjourn immediately afterwards to return to Law Amendments Committee and continue the hearings with those who had not already appeared before us. I hope that would be the most convenient suggestion to the public at large and the members of the House.

I move, Madam Speaker, seconded by the Honourable Minister of Industry and Commerce, that the House do now adjourn.

Madam Speaker presented the motion.

MR. MOLGAT: Are there any other bills to come forward. Are there any other bills that need second reading or are we completed now?

Madam Speaker put the question and after a voice vote declared the motion carried and the House adjourned until 9:30 o'clock, Friday morning.