

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, July 18, 1978

Time: 2:30 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills.

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. EDWARD SCHREYER (Rossmere): Mr. Speaker, I'd like to ask the Minister of Finance, since I could not ask the sponsor of Bill 53, the Honourable Member for St. James — in any case, I couldn't ask under Orders of the Day — could the Minister of Finance indicate whether Bill 53 has been prepared in-house, that is to say, by solicitors in the direct employ of the Attorney-General's Department, and whether it is drafted in the light of the legislation passed by the Government of Canada, the Parliament of Canada — is it complementary thereto?

MR. SPEAKER: The Honourable Minister of Finance.

HON. DONALD W. CRAIK (Riel): Well, Mr. Speaker, the answer in both cases is yes.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Speaker, I'd like to direct a question to the Honourable Minister of Mines. Mr. Speaker, in view of the fact that the Liberal Federal Government at Ottawa was the government which insisted that the Manitoba Government expropriate land, or acquire land, for the purpose of exchanging land in Riding Mountain National Park, is Mr. Justice Wilson's decision quashing the expropriation, will that relieve the Province of Manitoba of any obligation to the Federal Government, or will the Federal Government still be insisting on the land, since it was the Liberal Federal Government that insisted that it would not proceed with the Vermilion Dam unless they had this replacement land?

MR. SPEAKER: The Honourable Minister of Mines.

HON. BRIAN RANSOM (Souris-Killarney): Well, Mr. Speaker, I cannot presume to tell the honourable member how the Federal Government will react to this situation. All I can say is that the construction of the Vermilion River Dam is well under way.

MR. GREEN: Mr. Speaker, in view of the fact that the construction could not be proceeded with until the province expropriated in accordance with the Federal Government requesting the expropriation, does the Minister anticipate that the Federal Government will be asking him to appeal the decision of Mr. Justice Wilson so that they can get the land that they insisted upon, before that dam could be constructed?

MR. RANSOM: Mr. Speaker, I have had no communication in this respect from the Federal Government, and I simply am not in a position to anticipate what their reaction will be.

MR. GREEN: Mr. Speaker, to the same Minister. I wonder whether the Minister can determine whether the Land Acquisition Branch made it clear, in their appearance, which is referred to in the newspaper as to their appearance before the court, that the Manitoba government was required by the Federal Government to obtain the land that is referred to in the expropriation in order that they were then enabled to proceed with the Vermilion River Dam.

MR. RANSOM: Well, Mr. Speaker, I'm uncertain as to whether that particular point was made. I believe it has been reasonably well understood, but I certainly will undertake to find out whether that point was in fact made.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. LLOYD AXWORTHY: Thank you, Mr. Speaker. I have a question for the Minister . . .

MR. SPEAKER: Order please. The honourable member has had three questions now.

MR. GREEN: Yes, Mr. Speaker, I have looked over Hansard very carefully and find that you permit one question and three supplementaries.

MR. AXWORTHY: Oh, really?

MR. GREEN: If you, Mr. Speaker, want me to verify that to you, I will certainly do so.

MR. SPEAKER: Order please. I want to inform the honourable member that I allowed seven successive questions the other day.

MR. GREEN: That gives me three more, I believe.

MR. SPEAKER: Order please. The Honourable Member for Fort Rouge.

MR. AXWORTHY: Thank you, Mr. Speaker. I will ask one question and two supplementaries, Mr. Speaker. I address my question to the Minister of Consumer Affairs and ask him if his department has been made aware of the problem of the children's diet book that has been asked to be withdrawn from bookstores throughout the United States and Canada because the advice it has given has led to the death of several children in the United States? Has the Consumers Bureau taken action on this particular book, and do we know whether in fact it's on sale in bookstores in Manitoba?

MR. SPEAKER: The Honourable Minister of Consumer Affairs.

HON. EDWARD MCGILL (Brandon West): Mr. Speaker, to the Member for Fort Rouge, I have not had this matter brought to my attention; I am not aware of any representations being made or undertaken by the Consumers Bureau. I will certainly accept the member's advice in this matter and enquire.

MR. AXWORTHY: Thank you, Mr. Speaker. I would ask, by way of supplementary, that the Minister might as well have his department contact bookstores to determine whether the book titled "Let's Have Healthy Children" — which seems somewhat ironic — in fact is on sale in their bookstores and should be withdrawn at the same time.

I would also ask the Minister of Consumer Affairs if he has an answer to the question I raised last week concerning the allowable rent increases that will be permitted in those apartment blocks in which the Supreme Court decided that the appeal by the landlords was to be rejected. Are the rents to be based upon the present rent scale that was based upon the inflated rents, or will they be reduced thereby to the original 4 and 5 and 6 percents that were under the original Phase I and II of the Rent Control Program?

MR. MCGILL: Yes, Mr. Speaker. This refers to the question asked by the member on Friday last, and relates to the Supreme Court denial of the appeal of Ruttan Corporation, I believe.

The Phase I and II decision issued by the Rent Stabilization Board established the allowable rent for Phase II of the Rent Control Program and the landlord currently has an application pending for an increase above the allowable for Phase III.

Mr. Speaker, that has not been dealt with by the Rent Stabilization Board. I presume pending the decision of the Supreme Court with respect to the appeal which had been lodged by Ruttan Corporation, that appeal of course was denied some weeks ago and I presume that the Rent Stabilization Board will now be processing the appeal with respect to Phase III. I can tell the member that then the allowable increases for Phase IV will depend upon that decision of the Rent Stabilization Board.

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MR. AXWORTHY: Mr. Speaker, a supplementary. The one item that was not clear in the Minister's answer is whether the base rent upon which the application for both Phase III and Phase IV will be accepted, will that be the original rent as decided under Phase II according to the rejection of the appeal or as is presently the case, as I understand it, and the lease is going out, upon the rents that the owner of the building was charging according to his own formula, or his own rent increase, not the base rent under Phase II and III?

MR. MCGILL: Well, my advice, Mr. Speaker, is, and my understanding is, that the application for Phase III by the corporation requested an increase above the guidelines and that that has not been dealt with and a decision has not been made pending the decision on their appeal. That having now been received, I presume this decision on the Phase III request for an increase above the guidelines will proceed. That will thereupon become the base for Phase IV.

MR. SPEAKER: The Honourable Member for Transcona.

MR. PARASIUK: Mr. Speaker, my question is directed to the Minister responsible for the Rent Stabilization Board. The other day, he informed members of the House that some \$318,000 in rent rebates was still outstanding. Would he clarify to members of the House whether that \$318,000 pertains to rent rebates outstanding because the landlords have appealed the Rent Stabilization Board's ruling in the courts or is that the total amount of rent rebates which are outstanding because some landlords just haven't complied with the Rent Stabilization Board rulings?

MR. SPEAKER: The Honourable Minister of Consumer Affairs.

MR. MCGILL: Well, Mr. Speaker, the member is requesting some detailed information. I would prefer to take the question as notice and respond in a very precise way.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I would like to direct a question to the Honourable Attorney-General. Mr. Speaker, in view of the fact that there is now a judicial ruling that says that where the province wishes to replace federal park land which is flooded as a result of a park project, it is not permitted to expropriate private land to replace the federal park land because the private land doesn't relate specifically to the project, is the Attorney-General going to appeal this case so that it's ensured that lands required in the public interest to satisfy federal park requirements are available to the public?

MR. SPEAKER: The Honourable Attorney-General.

HON. GERALD W. J. MERCIER (Osborne): Mr. Speaker, I've not yet had an opportunity to review the judgment in full. It will be reviewed and after that review we will decide on a course of action.

MR. GREEN: Yes, Mr. Speaker, in reviewing the judgment, I wonder whether the Attorney-General would report on whether the right of the public to take land to replace public park land, to take private land to replace public park land, is a form of feudalism.

MINISTERIAL STATEMENT

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. KEN MacMASTER (Thompson): Mr. Speaker, with your leave, I would like to make a statement. I have copies of them here if the House would permit that. I was just a few moments ago made aware of a situation I would like to notify the House of if that's permitted.

MR. SPEAKER: If the honourable member has leave of the whole house. (Leave) The Honourable Minister.

MR. MacMASTER: Mr. Speaker, I wish to make a brief announcement to the House that I regret to report that one of Manitoba Government's Air Division planes is down in the bush in Northern Manitoba. We know that only the pilot was aboard. The plane has been located and when further information is available, I will pass it on to the honourable members in the House.

MR. SPEAKER: The Honourable Member for Lac du Bonnet. Oh, the Honourable Leader of the Opposition.

MR. SCHREYER: Mr. Speaker, the brief announcement having been made by the Minister, it's understandably a very cursory statement or announcement. I think it would be appropriate for me to only ask whether the Minister can say whether the condition of the pilot is known. I might add, as an afterthought in this connection, that Manitoba has really been well served for a generation and more by those who initially very small in number have helped to open up the northern part of the province by way of professional and courageous flying, bush piloting through Northern Manitoba since World War II and even prior to that. There is much that should be said — perhaps now is not the occasion. On the other hand, we know that from time to time these kinds of incidents occur. It is part of the almost to be anticipated occasional accidents, sometimes tragedies that occur in what is oftentimes a risky occupation.

Can the Minister say whether he knows?

MR. MacMASTER: Mr. Speaker, we do not know the condition of the pilot at this particular time. And in relationship to what the Honourable Leader of the Opposition has said, I can only concur that the pilots that fly in the bush country are certainly of high profession and high character.

MR. SPEAKER: Order please. Before we proceed any further, may I suggest to the Honourable Minister that if he receives additional information at whatever time this afternoon, whether we be in the House or in Committee, that he relay it to all members of the Chamber.

ORAL QUESTIONS (Cont'd)

The Honourable Member for Lac du Bonnet.

MR. SAMUEL USKIW: Yes, Mr. Speaker, yesterday the Minister of Agriculture took as notice a question I put with respect to the control and eradication of Dutch Elm disease in Manitoba. I'm wondering if he's in a position to indicate to us just what his present program is.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY (Arthur): Mr. Speaker, I'm checking with the department and it is my understanding that there is a tree removal program that is cost-shared with the province, a cost-sharing agreement that the province and the towns or municipalities share in the cost of tree removal with the Dutch Elm disease.

MR. USKIW: Well, Mr. Speaker, further to that, I would like to know what the particular arrangement is with respect to individual property owners in which case the elm disease has been found and just how it is, or what the policy is, with respect to eradication and clean up.

MR. DOWNEY: Mr. Speaker, on discussing that with the department, to my knowledge, to this date, I don't believe there has been a program to work with individuals or to remove trees on private land. However, we will continue to see if that has been the case in the past, but my knowledge to this particular time is that there has not been — but not saying for sure that there hasn't been — we will still continue to check, and if it has been done, we will consider that in the future.

MR. USKIW: Well, Mr. Speaker, I can assure the Minister that that was part of the ongoing program. The former Attorney-General had his trees cut out without his being at home or having given permission, a year ago. This has been ongoing for three or four years now, and if there is a change of policy I think the people of Manitoba would want to be aware of it, Mr. Speaker.

MR. SPEAKER: Orders of the Day. The Honourable Member for St. Boniface.

MR. LAURENT L. DESJARDINS: Yes, Mr. Speaker, I have a question of the Honourable Minister of Health. I received a report or statement that worries me — I'll give the statement of this report to the House, but I would like to first of all ask the question of the Honourable Minister. Could he check to see if this report is factual, and then if so, what it will do to the care of patients and also the morale of the staff? Now, I'm talking about the Victoria Hospital, it apparently had a deficit of \$565,000.00. The Minister informed them that they would receive \$300,000 to help pay for this deficit, and since then the hospital has caused more layoffs — 2-1/2 in the housekeeping staff, 1 O.R. orderly, 1 X-ray technician, 1 lab technician, 1 in the teaching education department, and there are 9 nurses that have left that will not be replaced. And the contingency, they have no money

as we found out during the Estimates, in the contingency fund, and they have had trouble with some equipment that had to be replaced, so whatever little money they had is gone. And now they're — well, I guess the word is "practically" threatening their staff if this happens again, of if they need more money, that there will be more layoffs. And also, that no overtime will be paid, and if overtime has to be paid, well then, there will be more layoffs of personnel. I think that the Minister might probably want to take this to study this, but it concerns me, and it concerns me especially because I feel that the patient care will suffer, as well as the morale of the staff of Victoria Hospital.

MR. SPEAKER: The Honourable Minister of Health.\$

HON. L.R. (Bud) SHERMAN (Fort Garry): Well, Mr. Speaker, as the honourable member knows, the various hospitals have — that is, the budget hospitals — have gone through an exercise with the Health Services Commission in which their budgets and their programs for the year, and their deficits, have been looked at, and which the conversion to the fiscal year was taken into account. I have no information that would support the question asked by the honourable member, and have had no indications to that effect, but certainly the question deserves a quick study, an exploration, and I'll undertake to do that. I'll consult with the Board of the hospital, which would have the available information, and report back as quickly as possible.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: Mr. Speaker, I'd like to address a question to the Minister of Labour responsible for Workplace Health and Safety. On June 15 of this year, the Honourable Minister indicated that a very thorough study of the lead levels at Canadian Bronze had been completed by her department. The Minister also assured us that she would be giving that report to us as soon as it was completed. My question is, Mr. Speaker, is the Minister now prepared to table that report?

MR. SPEAKER: The Honourable Minister of Labour.

HON. NORMA L. PRICE (Assiniboia): Yes, Mr. Speaker. I've just had some word on it . . . a formal one, but I can table something for the gentleman tomorrow.

MR. SPEAKER: The Honourable Leader of the Opposition. The Honourable Member for Brandon East.

MR. EVANS: A supplementary. As I understand the Honourable Minister will be tabling a report tomorrow, I wonder if the Honourable Minister can confirm that a lead in air sampling was taken at Canadian Bronze in late March of this year, and that those results showed that all sites tested had excessive lead in air levels ranging anywhere from a little over two times the acceptable level to well over 65 times the allowable threshold limit value?

MRS. PRICE: Mr. Speaker, I'm prepared to table the report tomorrow with whatever the information is in it.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. PETER FOX: On the same subject, Mr. Speaker, I wonder whether the Minister can indicate if there were any work improvement orders given to Canadian Bronze by the Workplace Health and Safety Division for the reduction of lead in air levels?

MRS. PRICE: As far as I know, Mr. Speaker, after an investigation there, that the members of my department were quite satisfied with their production and their workplace habits.

MR. SPEAKER: The Honourable Member for Churchill.

MR. JAY COWAN: Yes, thank you, Mr. Speaker. My question is also to the Minister of Labour on the same subject. Can the Minister confirm that a number of other Manitoba workplaces, other than Canadian Bronze, have also been recently tested and show lead in air concentrations equal to or in excess of those found at Canadian Bronze, a workplace that was previously considered to be clean?

MRS. PRICE: Mr. Speaker, there hasn't been any detrimental reports come back to my department of high levels of lead poisoning in any workplace.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SCHREYER: Mr. Speaker, to the First Minister. Since it is now, I should think, considerably more than a month ago that the First Minister wrote to the Speaker of the U.S. House of Representatives and the President of the U.S. Senate with respect to the Garrison Diversion asking that the Congressional bodies take into account Manitoba's problems, interest and position vis-a-vis Garrison, can the First Minister indicate if he has received a reply that indicates accommodation of our position, or has he received any communication whatsoever in response thereto?

MR. SPEAKER: The Honourable First Minister.

HON. STERLING R. LYON, Premier (Charleswood): Mr. Speaker, in response to the Leader of the Opposition, no response has been brought to my attention. I'll make the further enquiry as a result of his question, but to date I have seen no response from either of the gentlemen concerned. Staff may well have been in touch through External Affairs and embassy sources with people in the U.S. Congress, but I have had no information on that — that is, no further up-to-date information on that.

MR. SCHREYER: A related question to the Minister of Mines. Some several weeks ago, according to a Press report, it intimated that a number of Members of Parliament from Manitoba in the House of Commons were attempting to make arrangements to communicate, to get directly in touch with U.S. Congressional counterparts to make representations relative to the Garrison Diversion. Can the Minister say whether he is aware whether in fact any Manitoba Members of Parliament have established such direct contacts, and can he say whether there have been discussions?

MR. SPEAKER: The Honourable Minister of Mines.

MR. RANSOM: Mr. Speaker, it's my understanding that there were no formal contacts made with Congress by Manitoba members of Parliament. Some of the members had had contact on a personal basis with individuals with whom they were familiar, and I think there also was contact made through — I believe it's the interparliamentary group, I'm not sure of the proper name of it, but no formal representation to Congress as such.

MR. SCHREYER: A final supplementary, Mr. Speaker. I would ask the Minister whether he can indicate, that since his last reference in this House to Garrison Project — his last statement in that connection here — can he say whether there has been any further developments of a kind that have come to his personal attention, and if so, what might these be?

MR. RANSOM: Mr. Speaker, it's difficult to interpret the degree of success of the representations that our government and the Canadian government have made, except that, in the absence of any unfavourable decision by the United States government, then we can only interpret that as being favourable from our point of view. The events which we did not wish to see happen, have not to this day happened, and we believe that the representations that we made have had a positive effect in deferring those decisions.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker, I have a question for the Minister of Finance. Could the Minister of Finance tell us when the Province of Manitoba intends to pay the \$1.9 million outstanding debt that it owes the City of Winnipeg, based upon a commitment made by the provincial government because of municipal contributions to hospital construction over the past four or five years?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, it's under consideration right at the moment, and has been discussed with the city as recently as two weeks ago, when we met with them. I imagine it will come to resolve very shortly.

MR. AXWORTHY: Supplementary, Mr. Speaker. I wonder if the Minister of Finance might undertake to accelerate that consultation based on the audit report that the City of Winnipeg received from

its auditors, that it is going to be \$1.9 million short in its revenue this year, and that will require a one and one-quarter mill increase in the property taxes for the citizens of this city unless the province is prepared to acknowledge and pay what is owing to the City of Winnipeg, based upon agreements and commitments made last year.?

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. MERCIER: Mr. Speaker, perhaps I could respond to that. I was delegated a few days ago, as Minister of Urban Affairs, to meet again with the city with respect to this particular matter, and in spite of the position taken by the Member for Seven Oaks, the former Minister of Urban Affairs, we expect to discuss this matter openly and reasonably with the city, and hopefully will arrive at a conclusion very shortly.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. HOWARD PAWLEY: My question is to the Attorney-General. Some time back, the Attorney-General took as notice my question dealing with the costs of the Review Committee which was appointed on his part to deal with Family Law. Does the Attorney-General now have the sum total of those costs that were involved in the work by the committee? **MR. SPEAKER:** The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I will enquire into the status of that matter.

MR. SPEAKER: The Honourable Member for St. George.

MR. BILLIE URUSKI: Thank you, Mr. Speaker. I would like to direct a question to the Minister of Mines, Resources and Environmental Management concerning his statements to me several weeks ago with respect to the amendments that he has included in Bill 27, The Clean Environment Act. Can he indicate now, with the bill virtually hurdled the House, whether this will change his position with respect to the statement that he made in this House about the Clean Environment Commission holding hearings to determine the responsible party in the gas pollution of soil and water within the community of Fisher Branch?

MR. SPEAKER: The Honourable Minister of Mines.

MR. RANSOM: Mr. Speaker, my understanding is that those hearings were delayed because of the decisions that have been made relative to the situation in Brandon and that subsequent to the passage of the Act, then it would be again my understanding that those hearings would not be held.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Thank you, Mr. Speaker. My question is directed to the Minister of Labour. In view of the findings of the inquest into the fatality on the City of Winnipeg street painting crew that indicated there were inadequate safety measures, will the Minister undertake to strengthen and check out the enforcement in respect to safety, through the Workplace Safety Health Division?

MR. SPEAKER: The Honourable Minister of Labour.

MRS. PRICE: Yes, Mr. Speaker, we will be looking into it.

MR. SPEAKER: The Honourable Member for Churchill.

MR. JAY COWAN: Thank you, Mr. Speaker. I would like to address a question to the Minister of Labour along the same lines as the the question that was proceeding previously. I would like the Minister to clarify that she is denying, or ask her, is she denying that her department found excessively high levels of lead in the air at Canadian Bronze, and is she further denying that the Workplace Safety and Health Division has issued improvement orders for Canadian Bronze to rectify that excessively high level of lead in the air?

MR. SPEAKER: The Honourable Minister of Labour.

MRS. PRICE: Mr. Speaker, I am not denying anything. I have offered to table the report to the

gentlemen opposite. I think that should be satisfactory.

MR. COWAN: Thank you, Mr. Speaker. My question to the Minister is then, when she table that report as she has indicated she will do tomorrow, is she also prepared to table any copy of work improvement orders issued by the Workplace Health and Safety Division for Canadian Bronze?

MR. SPEAKER: Order please. May I suggest to the honourable member he is asking for an internal document and perhaps it should be done by an Order for Return or an Address for Papers.
The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Speaker. I would ask the Minister then, when tabling her report tomorrow if she would include in that report any notice that has been given to Canadian Bronze, not specifically and in detail, but any general notice that has been given . . .

MR. SPEAKER: Order please. Would the honourable member care to rephrase his question?

MR. COWAN: Mr. Speaker, I am trying to rephrase my question. Would the Honourable Minister, when tabling her report tomorrow, include in that report —(Interjection)— I would like to make my question, Mr. Speaker, without interruptions from the First Minister. Would she include in that report . . .

MR. SPEAKER: Order please. The Honourable First Minister on a point of order.

MR. LYON: . . . the Honourable Member for Churchill, when he is told that he is out of order by the Speaker, Sir, he is out of order.

MR. SPEAKER: The Honourable Member for Inkster on a point of order.

MR. GREEN: Mr. Speaker, to the old man over there, although an Order for Return is a way of obtaining documents, there is no rule against asking for a document to be tabled. It has been done, Mr. Speaker, on numerous occasions and acceded to. If the Honourable Minister says she doesn't want to, that is one thing, but it is not out of order — to the old man — to request it.

MR. SPEAKER: The Honourable First Minister on a point of order?

MR. LYON: Yes, Mr. Speaker, on the same point of order. My honourable friend, with his usual deafness, conveniently avoids the fact which has already been pointed out by you, Sir, that the second document asked for by the honourable member is not callable.

MR. SPEAKER: The Honourable Member for Kildonan on the same point of order?

MR. FOX: In all deference to you, I would hope the Premier would recognize the fact that you can make your own decision and he shouldn't have to take your side in this case.

MR. SPEAKER: The Honourable First Minister on the point of order?

MR. LYON: Mr. Speaker, on the point of order, I quite recognize, Sir, your judiciousness in this House, and may I say, in the dying days of the House, Sir, the extremely fine way in which you have conducted the Chair of this House during this session. My only point in intervening, Sir, was to indicate that when you had made an order with respect to a matter of debate, that that order should be obeyed by all members of the House, including the Member for Churchill.

MR. SPEAKER: The Honourable Leader of the Opposition on a point of order.

MR. SCHREYER: Yes, Mr. Speaker, the point of order that I speak to is the same as has been spoken to by the previous speaker, and that is to indicate to you, Sir, that we too, on this side, feel quite satisfied that you have conducted and carried out the responsibilities of the Chair and of your office in a way that has been quite satisfactory most of the time, Sir, — most of the time. In this particular case, however, your task has been made doubly difficult by the First Minister rising on a point of order when you had the situation well in hand. The Honourable Member for Churchill was asked by you, Sir, to rephrase his question and was well on his way to doing so. The document in question, the First Minister alleges is not callable. That is, strictly speaking, not a proper interpretation under the rules. The Minister may refuse to provide it but it is a little different than

to say it is not callable.

MR. SPEAKER: The Honourable First Minister on the same point of order.

MR. LYON: Well, Mr. Speaker, I am sure the record will make this clear, and I can't obviously recapitulate all of the words that emanated from the Chair today, but it was my understanding, Sir, that you had already, long before I mentioned it, grasped that point which seemed to elude the Honourable Member for Inkster.

MR. SPEAKER: The question period is fast drawing to a close. Does the Honourable Member for Churchill care to rephrase his question?

MR. COWAN: Thank you, Mr. Speaker. With all due respect, I would care to rephrase my question. Is the Minister prepared when she's tabling her report to include all pertinent information that would relate to work improvement that has been done by Canadian Bronze at the request of the Workplace Health and Safety Division in order to alleviate the excessively high levels of lead in air in that plant?

MR. SPEAKER: The Honourable Minister of Labour.

MRS. PRICE: No, I'm not, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN: Mr. Speaker, I would like to direct a question to the First Minister. In view of the tri-government report Plan Winnipeg which predicts a gloomy future for the City of Winnipeg and I think by implication for the province, does the First Minister intend to set population goals for the province as a whole or for the City of Winnipeg in the next few years?

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, the people of Manitoba on the 11th of October last determined in their wisdom — and I may happen to agree, of course, with their decision — that they would elect a government that would not try to control people as much as my honourable friends opposite did, including population.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SCHREYER: Mr. Speaker, I think on reflection, Sir, you will agree that while the First Minister has an overworked sense of humour, or else mine is not fully developed, but the reference, Sir, to the previous administration, or any administration in our Canadian democracy having in mind some form of population controls, it is really taking great liberties with whatever political philosophy we may have resorted to in administering the affairs of this province. There never was any population goal or plan and accordingly —(Interjection)— Well, it is apoint of privilege, just to have the record straight, Sir, that the First Minister's bantering in the latter regard, at least, is just a wild exaggeration.

MR. SPEAKER: Order please. May I point out that any government has the right to explain, or former administration has the right to explain the policy of their government and I hope that, having had it explained, the present government will accept at face value the statement of that policy.
The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I was hoping that I would get a sensible answer from the First Minister, but I received his usual reply. I ask him again, the TED Report under his previous administration set population goals, I believe, for the City of Winnipeg, which have nowhere near been reached, for the rural area, and for the province as a whole. Under our administration, population of a million was achieved.

MR. SPEAKER: Order please. Has the Honourable Member for Elmwood got a question?

MR. DOERN: Yes, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: I say that by way of preamble, and I say to the First Minister, is he going to accept any population figures that arise in the course of events, or is he going to attempt to generate the economic well-being and the social well-being of the people of Manitoba through one measure, which is to retain a larger population rather than a smaller population?

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, if my honourable friend had been paying more attention to the legislative program of this government in the last several months he would realize quite readily, as do the majority of the people of Manitoba, that we are attempting in this province, after eight long years of drought, to improve industrial and work opportunities for the people of Manitoba, and thereby, through lower taxation, less big government, and some of the other legacies that we inherited from the socialist regime, to make Manitoba a better and a more fit place in which to live. That's with respect to the first part of his question.

With respect to his preamble, I can only say that I have been waiting in vain for the last eight months to hear a sensible question from the honourable member.

MR. DOERN: You know, Mr. Speaker, I don't know about the developed sense of humour. I do believe the First Minister has an underdeveloped brain. Mr. Speaker, I ask the First Minister whether he is aware of the fact that large numbers of people are leaving the province, that they are professional people who are going out west and going to Ontario because of high unemployment and because of stagnation in the Manitoba economy. Is he aware of that? Is he concerned about it, and what is he doing, because these people are leaving during his regime, not ours?

MR. LYON: Mr. Speaker, I am not aware of the allegations that are made by my honourable friend because they are a figment of his own peculiar imagination.

MR. SPEAKER: The time for Question Period having expired . . . The Honourable Member for Gladstone.

BUSINESS OF THE HOUSE

MR. JAMES R. FERGUSON: Thank you, Mr. Speaker. I have some changes to make on the Statutory Regulations and Orders Committee. It will be Mr. Orchard for Mr. Kovnats; Mr. Sherman for Mr. Spivak; and Mr. Anderson for Mrs. Price.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSON: Mr. Speaker, there seems to be an inclination to debate, as evidenced during the Question Period, so I will ask you to call Bill 47.

GOVERNMENT BILLS — SECOND READINGS

BILL NO. 47 — AN ACT TO AMEND THE LAW SOCIETY ACT

MR. WARREN STEEN (Crescentwood) presented Bill 47, An Act to amend The Law Society Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. STEEN: Mr. Speaker, the proposed amendment of Section 36 to The Law Society Act the intent and the effect of the proposed amendment is to clarify and to liberalize the statutory requirements as to citizenship or national status for admission as a barrister and solicitor in Manitoba. The amendment is proposed in response to a request from the Law Society of Manitoba following study of the matter by a special committee and a resolution of the benchers. The Act as now framed requires an applicant for admission as a solicitor and called to the Bar to be a British subject. Such a citizenship requirement, Mr. Speaker, as commonly found in this or some other form in similar legislation in other provinces is historically related to the required capacity of the solicitor on admission to take an oath Oath of Allegiance to the Crown. More generally, it recognizes the important

public role and responsibility of the legal practitioner in the entire administration of justice.

In the considered opinion of the Law Society of Manitoba, it is desirable to retain some appropriate citizenship requirement, however, the test of British subject status has become somewhat unclear and difficult of administration in the light of changes in the composition of the Commonwealth. Substantial amendments to the citizenship and immigration laws of Canada omitting use of the concept of British subject and indeed the United Kingdom. Moreover, it may now be thought too restrictive, excluding some persons academically and professionally qualified for admission to practice but not having the required personal status.

MR. SPEAKER: Order please. I wonder if the honourable members of the Chamber would give the Honourable Member for Crescentwood the opportunity of making his presentation.

MR. STEEN: Thank you, Mr. Speaker. Moreover it may now be thought too restrictive, excluding some persons academically and professionally qualified for admission to practice but not having the required personal status, and that the proper consideration should be the connection of the applicant to Canada rather than his or her original citizenship or country of residence.

It is, therefore, proposed that the Act be amended to permit the call and admission of otherwise qualified practitioners who are Canadian citizens or persons lawfully admitted to Canada for permanent residence, in effect, landed immigrants. It is proposed that the landed immigrant will be admitted to the Society if he or she gives an undertaking to become a Canadian citizen at the earliest possible date and shall cease to be a barrister and/or solicitor if he or she fails to become a Canadian citizen within four years after being lawfully admitted to Canada for permanent residence. It is the submission of the Society that the proposed amendment being fair and workable will open access to the profession to a wider number of qualified persons, who have demonstrated their intent to make their homes and professional contribution in Canada and, at the same time, will require significant evidence of the attachment to Canada and its institutions and welfare that may properly be expected of persons serving the courts, and the development and administration of the laws in this country.

As it appears, there may now be some qualified persons whose entitlement to the entry of the Law Society depends on the amendment of this Act. And I might point out, in closing, Mr. Speaker, that I have been informed by the Deputy Secretary of the Law Society of Manitoba that there is such a person that is currently concluding his or her articles, who, unless this amendment is passed by the Legislature, would not qualify to be a member of the Manitoba Law Society until that person becomes a Canadian citizen. So therefore the person academically would qualify to be a lawyer, but couldn't practice. So I am asking all members of the Legislative Assembly if they would give their approval to this particular amendment and do state once again that it has been proposed by the Law Society of Manitoba.

MR. SPEAKER: The Honourable Member for Selkirk.

Before I recognize the Honourable Member for Selkirk, may I take this opportunity to welcome to our midst 60 students from the University of Manitoba Summer Course under the direction of Mr. Alan Peterkin. On behalf of all the honourable gentlemen, we welcome you here today.

The Honourable Member for Selkirk.\$

MR. PAWLEY: Mr. Speaker, I want to speak briefly in support of this bill. I think, Mr. Speaker, if an individual becomes a landed immigrant and enters into an undertaking to become a citizen within a reasonable period of time, that the least that can be done insofar as our provincial community is concerned is to permit that individual, who has bona fide intentions to become a Canadian citizen to commence his or her particular occupation or profession.

That is the case in the instance before us of The Law Society. Mr. Speaker, I would only like to suggest that rather than deal with bills of this nature on an ad hoc or piecemeal basis we should attempt to develop some understanding that all professions and all groups that require the approval, licensing approval, of some form or other in the Province of Manitoba should be dealt with similarly, so that we can be sure that there is a universal method of approaching this question so that, for example, we don't deal with those that are to be called to practice at the bar in Manitoba in a way which is dissimilar from those, for instance, that might be called to practice medicine or dentistry in the province.

I think, personally, Mr. Speaker, that this is a forward step insofar as this particular profession and area is concerned. And I commend the Law Society for requesting this change. On the other hand, I do feel that we should develop a uniform, consistent approach so that we do not, in the future, face the allegation of having created an inconsistent approach from one profession or one skilled group to the next skilled group or profession. With those few words, Mr. Speaker, I indicate my support of the bill.

QUESTION put, MOTION carried.

MR. SPEAKER: Can I have some indication of the next order of business from the Government House Leader?

BILL NO. 53 — AN ACT TO AMEND THE INCOME TAX ACT (MANITOBA) (2)

MR. GEORGE MINAKER presented Bill No. 53, An Act to Amend the Income Tax Act (Manitoba) (2), for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Meer for St. James.

MR. MINAKER: Thank you, Mr. Speaker. Mr. Speaker, during debate on Bill 14, the Honourable Minister of Finance indicated that the government was reviewing Manitoba's income tax refund discounting provisions presently in the Act in light of recently enacted Liberal legislation covering similar problems, and in response to the Attorney-General's department, they completed investigations with regard to the effectiveness of the present legislation dealing with discounters and found that they were unable to apply the law in certain cases, and as a result, that some of our citizens were being taken advantage of by the discounters who operate presently in Manitoba. And Mr. Speaker, while the current provincial legislation establishes a maximum 5 percent charge which a discounter may levy, the limit applies only to assignments of the refunds. The investigations conducted by the Attorney-General's department indicated that the Manitoba discounters in actual fact were carrying out their activities by using powers of attorney, and that from the taxpayers which give discounters full access to the refunds, and unfortunately under these particular mechanics the transactions simply do not fit the legal description of assignments and therefore are not presently covered by current legislation. And accordingly, there is no reasonable basis for legal action under the existing legislation as it stands.

Mr. Speaker, in addition, the investigation conducted by the Attorney-General's department indicated that some discounters have taken the necessary steps to live within the 5 percent limit on the actual discounting of the refund, but have applied other fees for taxation preparation, accounting services and so on, and since tax preparation charges, accounting and miscellaneous fees are not dealt with specifically under the existing provincial legislation, the discounters remain free to levy apparently excessive total charges while living within the letter of the law on discounting activity itself.

Mr. Speaker, in reviewing the new federal legislation, there appears to be a similar definitional problem that may exist, and for this reason, Mr. Speaker, we are proposing the bill that is presented to the House at this time for second reading.

While the federal legislation limits the rates applicable on acquisition of the rights to refunds, this is somewhat broader than the assignments that we presently have in the legislation, but apparently transactions accomplished via powers of attorney will still be able to circumvent the federal legislation.

So, Mr. Speaker, because discounters appear to have been successful in circumventing the intent of our provincial legislation and because of the uncertainty that the federal legislation will be effective in recognizing the urgency, that legislation be placed into existence so that we can protect people in our society that have to take advantage of discounters, we are proposing the Bill 53.

The main provisions of Bill 53 are, one is that any discounter that will be practicing in Manitoba or in business in Manitoba will have to register with the province. Further to that, if a discounter is convicted of an offence under the Act, or the federal Act, he may have his registration revoked. That's one of the items and provisions in the Act that's before you.

Also, there is a more all-embracing definition of discounting to include all acquisitions of refunds whether by sale, assignment, power of attorney, or any other means. There is also, Mr. Speaker, a limit on the total charge which will include tax preparation charges, accounting fees and so on, which discounters may level of 15 percent of the refund. While the 15 percent rate may appear to be less restrictive than the current provincial legislation, the inclusion of the tax preparation and accounting charges ensures that an overall limit will apply to the total amount which the discounter may charge. Mr. Speaker, as well, the 15 percent rule parallels the existing federal legislation. It, as well, has the 15 percent charge.

Also, Mr. Speaker, there is a requirement that an upward adjustment in the refunds that are finally received by the discounter must be returned to the taxpayer or the Federal Government for crediting to the taxpayer's account.

Also, Mr. Speaker, the law requires that extensive record keeping will be required by the business firm taking part in the discounting. In addition, Mr. Speaker, the penalties of \$1,000 to \$10,000 on first offences and \$5,000 to \$25,000 on subsequent offences together with restitution of any excess charges to the taxpayer. These penalties are in addition to the authority to revoke the registration of any discounter convicted of an offence.

In presenting the legislation to the House, Mr. Speaker, I should perhaps mention that I would much favour other means of seeing this discounting thing controlled in that really I believe if the Federal Tax Department was able to correct some of its present problems of overtaxing some of our taxpayers and the lengthy time of refunds, that this would eliminate a lot of the problems but at the present time that does not appear to be the case so that it will happen and for this reason we are proposing the legislation before you and we hope that the House will support it and pass it. Thank you.

MR. SPEAKER8: The Honourable Member for Seven Oaks.

MR. SAUL A. MILLER: Thank you, Mr. Speaker. The bill before us follows on legislation introduced to the House, I believe it's two or three years ago. At that time, we kept waiting and had been in consultation with the Federal Government, but kept waiting for legislation which they kept promising but somehow never came about. As members know, there had developed a very serious problem of the tax discounters who, frankly, were gouging and ripping off at a phenomenal rate people who, for whatever reason, came forward and had to have some moneys in advance based on overpayment of income tax that they had made through tax deductions or through tax credit programs which were available in Manitoba. I am pleased that the Federal Government finally did move. Certainly this legislation, because it parallels the Federal Government and because it does plug up a loophole which obviously developed after our bill came into force and that loophole, as has been mentioned, was the ability of the tax discounter to hide their actual charges by charging accounting fees and tax preparation fees and I suppose counselling fees and you name it, they could make charges that weren't considered part of the tax discount and which, therefore, made it possible for them to exceed the 5 percent which our Act called for.

This bill does, however, permit them to discount, including the fees for servicing, that is the tax preparation, the counselling and so on, the accounting, it does permit 15 percent and you know, 15 percent on the surface may not seem that high but the fact is it's 15 percent and the tax discounter doesn't wait more than three months for the cheque to come from Ottawa, for the refund to come from Ottawa, perhaps four months if it's a somewhat complicated return. So that in fact what you're looking at is not a 15 percent per annum but something between 45 percent and 60 percent interest per annum, and that's a pretty healthy interest. It's as close to usury as you can come to without calling it usury.

So I'm not all that happy because I still think it's excessive. I think that in this day and age this kind of interest rate is excessive. Now I know that the tax discounters argue that they stand to lose some money because in some cases the information they are given isn't correct and when the final cheque comes from Ottawa, the rebate comes from Ottawa, it's not quite as much as they anticipated, but even allowing for the leakage, if you want to call it that, the losses which they incur, the kind of interest they're charging, as I say at 15 percent per quarter or 45 to 60 percent per annum, is hefty enough to more than compensate for any kind of losses. I don't know a businessman who wouldn't be happy with that kind of return on his investment. —(Interjection)— The Member for St. James says he would too, and I'm sure that applies to everyone.

So this is not the final answer, Mr. Speaker. The fact is that this is a step forward. I think it's an improvement over what was. It does, now that the Federal Government is involved and has shown its involvement by passing legislation, and this paralleling the legislation, I think it's just the beginning of an attempt to curb a pretty severe activity and a pretty vicious activity that had been taking place in the community. I know here in Manitoba, by acting unilaterally, not waiting for the Federal Government, we did curb the discounters considerably in 1976 and 1975, particularly by making available funds to a community tax group. I think it was called the Community Income Tax — CITS — the Community Income Tax something or other. I remember the initials; I don't remember the names. By funding them, they were able to assist people, particularly in the low income brackets, pensioners and so on, without having to pay this kind of severe penalty for asking for a tax advance prior instead of waiting for Ottawa to send them the cheque.

So although this is an improvement, I think that this is just a beginning and if we in this House and if Canada, the Federal Government, really is intent upon eliminating a very unhealthy kind of financial activity within our community, I think that we're going to have to take another step forward. Perhaps after one year the government can look at the experience and realize that even the 15 percent is too high and that in fact it could be brought down and people in this business, if you want to call it a business, are still making and can make a very good living. Instead of opening

up for four months, as some of them do, and go out of business immediately after the tax season so that they don't have any expenses for three-quarters of the year, they would have to work by operating for only the three or four month period, that if they were working on a 10 percent or a 5 percent margin, they are doing well if you amortize that and figure it out on an annual basis.

So, Mr. Speaker, with those few comments we will approve this bill and let it go to Committee, where there may or may not be any representation. If we were going to oppose it, I'm sure the two or three big operators in this field would be there in flying colours with reams of information which they have to show how poorly they are doing in the business and yet despite the fact that they are doing so poorly, they have opened up in province after province and I suspect that the return on their investment is something that every member in this House would like to have on their business.

QUESTION put, MOTION carried.

BUSINESS OF THE HOUSE

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Mr. Speaker, I would like to announce a couple of changes. On Law Amendments take Mr. Jenkins off and put Mr. Parasiuk on. On Statutory Regulations and Orders, take Mr. Corrin off and put Mr. Hanuschak on.

MR. SPEAKER: Do those changes meet with the approval of the House? (Agreed) The Honourable Government House Leader.

MR. JORGENSON: Call Bill No. 60, Mr. Speaker.

ADJOURNED DEBATES ON SECOND READING — PUBLIC BILLS

BILL NO. 60 — AN ACT TO AMEND THE LIQUOR CONTROL ACT (2)

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I wanted to make a few remarks and also mention that the Member for Wellington does not intend to speak on the bill and deferred to me.

I believe there are some problems associated with this bill, which may have escaped the honourable member who introduced it, and I would also hope that the Attorney-General would make his comments on this bill because I think there are certain problems associated with it. It sounds innocent enough, namely that the Unicity Racquet Club and the Court Sports Club — one an indoor tennis club, the other a squash and racquet club — want to have liquor licences and are having problems obtaining them, in view of the current legislation.

I would be quick to point out, Mr. Speaker, that many organizations and many clubs and operations are either unable to obtain liquor licences for what they consider to be their requirements, or unable to obtain the kind of licence that they desire. I would also point out that I believe these two clubs are both flourishing and are in fact excellent facilities, and we are very fortunate in having facilities like this in the City of Winnipeg. I am personally more familiar with the Unicity Racquet Club, since I occasionally play tennis there.

Mr. Speaker, I wish to look at some of the remarks made by the Honourable Member for Crescentwood when he introduced the bill. He commented on how the organizations were having a difficult time operating a suitable food and liquor facility because of the fact that it was difficult to obtain a licence and, in particular, difficult to obtain a licence only for liquor for if they were to obtain a licence that covered both liquor and food that the food percentage was too high for them to obtain.

My understanding and my experience with these clubs is that they simply have a cold sandwich operation from a dispensing machine. I don't believe that either one has any kitchen or catering facility. It's strictly canned soft drinks and cellophane-wrapped sandwiches, and chocolate bars. —(Interjection)— All health food in a health operation.

The problem is of course that their members would like to have a drink and the clubs, I suppose, could also use the revenue. But you know, Mr. Speaker, I have to point out that other clubs in the city have faced the same problems and have dealt with them. I'm sure that the Winnipeg Canoe Club and the Wildwood Club, and the Kildonan Club, just to mention a few of the racquet sports clubs, they have had to invest money to meet current liquor law legislation, in which they have had

to, first of all, construct kitchens, secondly, meet the stringent requirements of The Liquor Act and to meet in particular certain food requirements. It becomes essential for an organization, as it does for business, to work hard on attempting to get their food level up. Since it always seems easy to sell enough liquor, but it always seems more difficult to persuade people to have food with it.

I ask the Member for Crescentwood, and through him the Attorney-General whether or not they are going to also call for a liberalization of The Liquor Act in regard to other clubs and other organizations, or whether they are also going to consider a general revision of The Liquor Act, because I think there are areas in The Liquor Act which certainly could be altered. There are certainly other ways of allowing people to drink and allowing people to eat and drink that are found in other provinces.

So I think it would be a mistake, Mr. Speaker, to simply bring in an amendment that only satisfies the requirements of two clubs, and I would say worthy clubs and excellent sporting facilities, but by solving their problems you may in fact be breaking The Liquor Act or giving special dispensation or consideration to these organizations. And then I think you will immediately be met with requests from other clubs, who will come as soon as this legislation is okayed, assuming it is okayed as opposed to withdrawn. But I assume that immediately the other clubs will come and demand the same privileges and ask that their food operations be either discontinued or that their requirements be lowered.

Also, the Member for Crescentwood pointed out — but I don't think he really answered the question — he pointed out that these facilities may then be competing with hotels in the vicinity and other businesses who have to meet the requirements of The Liquor Act in terms of food and ratios, and this in effect would be unfair competition.

If I'm not mistaken, the members seem to be concerned about 24-hour tournaments and the fact that there couldn't be liquor served on a 24-hour basis to suit a particular weekend or special tournament that would just go around the clock, and I'm not too concerned with the fact that somebody can't have a drink at 3 or 4 or 5 or 6 o'clock in the morning. If they're drinking at that time, then they may have a problem. Maybe they should consider something else, like orange juice.

So Mr. Speaker, I attempt to sum up, to simply say that what starts out as a legitimate problem for two organizations can very quickly open up The Liquor Act and should open up The Liquor Act if this is approved, because their problem is that they want to serve alcoholic beverages to their customers and to their fellow members. And I might also point out this unusual feature, that one of these organizations is really a business, as opposed to a club or a voluntary organization. So you start out attempting to solve a problem, attempting to assist two sophisticated clubs to have what everyone feels is only their natural right, namely the opportunity to have a drink, but when you start on that basis then you run into other traditions and other requirements that other people are meeting, both in the sporting field, in rival clubs, and in other businesses. So I would like to know whether the Attorney-General approves these changes, and whether he is going to, across the board, make changes that will be more simple or more easy to meet on the part of clubs. To take as an example, will the Winnipeg Canoe Club, because of this legislation, now no longer be required to have dining facilities? Will they no longer be required to meet a food ratio? And so on, and so on. I think these are questions that have to be asked. And that once we open up the Act, is the government going to review the requirements for cocktail lounges, licensed dining rooms, cabarets, bars, etc.? Because all of these operations are tied to the sale and consumption of food, and once you start to tamper with that, Mr. Speaker, you strike out in a new direction, and I'm not sure that the government has thought through what this would mean.\$

So I would say that our position on this bill is negative, or at best unenthusiastic, but that we would allow it to go past second reading so that it could go into Law Amendments.

MR. SPEAKER: The Honourable Member for Crescentwood would be closing debate.

MR. STEEN: Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. STEEN: I just have a few comments to make in closing debate. I thank the Honourable Member for Elmwood for his contribution.

The purpose for this amendment to The Liquor Control Act is one very simple reason, that this particular sports facility that I have outlined in my introduction of the bill, and that has been referred to as the Court Sports Centre, is a privately owned facility. They don't meet the present Liquor Licensing Board regulations as do publicly owned sports facilities, nor do they meet the Liquor Licensing Board regulations as do privately owned public restaurants and lounges, and the purpose

for this bill is to let a privately owned sports centre apply to the Liquor Licensing Board for liquor serving privileges.

The sheer passing of this amendment to The Liquor Control Act, does not guarantee that this club gets a liquor licence; they must, after this amendment is made, apply to the Liquor Licensing Board and they must meet their requirements. Therefore, when they do apply to the Liquor Licensing Board, they must show the square footage that they are going to set aside within their facility for their lounge, for their dining facilities, what type of a menu they are going to have in the way of dining facilities, their hours of operation. And they must comply with the Licensing Board at that time. What we in the Legislature are doing is, if we pass this bill, is giving them an opportunity to go before the Licensing Board and prove their worthiness of having a liquor establishment on their premises.

This facility, if they were to get a liquor licence, would have to operate within the hours set down by the Licensing Board. If the Licensing Board said that they can operate from 12 noon to 12 midnight seven days a week they must comply with those hours of operation. If they have an all-night tournament that goes over a weekend, and they play right through the night, the liquor licensing regulation will say that they have to close down at the said stated time, whether that be midnight or 1 a.m. in the morning, whatever the licence so states.

The Member for Elmwood is quite correct when he says that current kitchen facilities are lacking and that what these two facilities on Taylor Avenue currently have are sandwich dispensing machines, but in order for the Court Sports Club to obtain a liquor licence they are going to have to prove to the Licensing Board that they are prepared to come in with a dining room and luncheon facility, more than just cold sandwiches out of a vending machine. They're going to have to meet the requirements of the Licensing Board. So I think what they will do is end up providing a small dining room facility that will more than serve their membership adequately.

The Member for Elmwood asked the question about, will this facility in any way impede with other facilities that are licensed in the nearby area. This facility is in a residential area, and the closest licensed facility nearby is a restaurant on Waverley Street South that operates on limited hours. The next closest facilities would be in Tuxedo, the Tuxedo Shopping Centre Hotel, or over on Pembina Highway, various outlets on Pembina Highway that are licensed. But the purpose of the Courts Sports Centre of trying to obtain a liquor licence is not to serve the general public, it's to serve the persons that are using their facility. They don't want to have each and every person that is driving by to have the right to stop in and use the facility. They want a liquor licence only to serve those persons using their facility, and guests of those persons that are within that facility. No different than the present Squash-Racquet Club on Donald Street at Stradbroke which the Honourable Member for Elmwood is familiar with their operation. The only difference between this facility and the Squash-Racquet Club on Donald and Stradbroke is that this is a privately owned facility and not owned by each and every member on an equal basis.

The Unicity Racquet Club, who have shown an interest in perhaps getting a liquor licence, is again, a similar operation. It's owned by a limited number of members, and do sell membership and playing privileges to persons, usually on a monthly basis. Sometimes it is on a semi-annual or annual basis. But if they were to apply and show renewed interest in getting a liquor licence, they would want to operate in the same vein as the Sports Court centre, just have a facility for their own members and guests of those members, or persons using the facility, not the general public off the street.

The Member for Elmwood asked about the Attorney-General's thoughts on this particular amendment. The Attorney-General has stated to me privately and in meeting with other members of our caucus, that he sees no real problem for the Liquor Commission with this amendment, that it will be dealt with by the Licensing Board and that if the amendment is passed, these facilities can go before the Licensing Board and try and prove that they are worthy of receiving a licence, meaning that they have the adequate space and that they are prepared to work within the guidelines set down by the Licensing Board.

The kitchen facilities would no doubt be improved at the facilities. I mentioned that in the location on Taylor Avenue, that these two facilities, if they were granted licences, in my opinion, would not do any harm to any other licensees. I mentioned about the all-night tournaments, that they could not keep the liquor facility open beyond the prescribed hours and that they must at all times meet with the Licensing Board requirements.

Two other concerns that were mentioned at the time I introduced the bill at second reading were the minors in the dining room. Minors in the dining room facility would be permitted but they would not be permitted to consume alcoholic beverages. They could be with their parents or with older persons and having a meal or a sandwich, but they would be restricted from using alcoholic beverages.

The other concern that was raised at that time — the Member for Elmwood also raised — was the hours of operation. Well, their hours of operation, as I have said, would be determined by the

Liquor Licensing Board.

So, in summary, Mr. Speaker, what we are really doing here with Bill 60, An Act to amend The Liquor Control Act (2), is permitting privately-owned sports facilities to go before the Licensing Board and prove up to see whether they are worthy of complying with the Liquor Control Commission's rules and be granted a licence.

One other concern that has been expressed in the past: Would this be opening up the door to a lot of other such facilities? I say that when the bill reads right in the special provision for sports centres, that that is fairly definite, that it would have to be a sports centre that would go before the Licensing Board to ask for a licence and we would be leaving the onus on the Licensing Board to determine whether the applicant is a sports centre or something other than a sports centre that isn't worthy of being licensed.

So I thank the Member for Elmwood for his contribution. I would like this very much to go to Committee so that the representation from the sports centre could make their representation and answer any questions of members of the committee at that time, and then we'll see what happens to it on third reading.

MR. SPEAKER: The Honourable Member for Elmwood with a question?

MR. DOERN: I wanted to ask a question, Mr. Speaker. The member intimates or suggests that this legislation is being introduced only for the benefit of the Court Sports Club, and that once they are allowed to apply, that all other provisions will apply. If so, I ask him, what is stopping the Unicity Club right now from applying for and obtaining a licence? I assume that if it is just giving Court Sports the right to apply, it would be the same privilege that Unicity has right now and obviously Unicity is being prevented right now from applying. So isn't it more than just giving them the right to apply? Isn't it also, as outlined in the bill, allowing a new ratio of food to liquor sales and vice versa?

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. STEEN: Mr. Speaker, neither the Unicity Racquet Club or the Court Sports Centre can apply and meet the Liquor Commission regulations now. The reason they cannot is that they are privately-owned operations. That is why they cannot. The food and beverage ratios that are being asked for in this bill are the same food and beverage regulations that are currently in operation at other sports facilities such as the club that I referred to, the Squash and Racquet Club on Donald and Ellice, or the Granite Curling Club across Osborne from the Legislative Buildings. The Liquor Commission in recent years has relaxed the rules a bit for sports facilities where they don't have to match dollar for dollar food and beverage sales, that they do have a ratio in there that they can vary. But the Liquor Licensing Board and the Liquor Control Commission do monitor food sales versus liquor sales very closely.

MR. DOERN: Mr. Speaker, I then ask the member if I understood him correctly, that there is no new ground being broken in regard to the ratio of liquor to food sales, and if there is, that these same privileges will extend to all other sporting facilities, including the Winnipeg Canoe Club, the Kildonan Club, etcetera?

MR. SPEAKER: Order please. May I suggest to the honourable member that perhaps his questions are more properly questions for Committee than they are at this particular time. But the Honourable Member for Crescentwood may answer if he so desires.

MR. STEEN: Mr. Speaker, it is my understanding that we are not changing the regulations as far as sporting and athletic clubs, as far as food and beverage ratios are concerned. As I repeat, the only reason that these two particular facilities must have an amendment to The Liquor Act is that they are privately-owned facilities as opposed to publicly-owned or membership-owned facilities.

QUESTION put, MOTION carried.

ADJOURNED DEBATES ON SECOND READING — PRIVATE BILLS

BILL NO. 63 — AN ACT TO GRANT ADDITIONAL POWERS TO THISTLE CURLING CLUB LIMITED

MR. SPEAKER: On the proposed motion of the Honourable Member for St. Matthews. The Honourable Member for Kildonan.

MR. FOX: Mr. Speaker, I adjourned this bill for the Honourable member for St. Johns.

MR. SPEAKER: The Honourable Member for St. Johns.

MR. CHERNIACK: Thank you, Mr. Speaker. I must say that I'm sorry that I missed the introduction of this bill by the Honourable the Member for St. Matthews, as a result of which I could not deal fully with what he may have said. But, Mr. Speaker, when I first read this bill, I became very much concerned by what appeared to me to be a cynical approach to solve a problem which came about, I suppose, by the affluxion of time and possibly by lack of attention by the directors of the day who did not keep a proper contact with their own shareholders. At least I assume that to be the case.

One of the reasons I'm sorry I couldn't have listened to the Member for St. Matthews introduce the bill is that I wanted to ask some questions which I will have to ask now, and presumably he will answer them when he closes debate.

I first wondered whether this was a non-profit corporation, but I then obtained copies of both the letters patent and the supplementary letters patent and they are simple shareholding corporations which do not have any limitation on their business aspects or profit-making rights and I therefore, as any other corporation owned by shareholders with very little information in the Letters Patent or Supplementary Letters Patent, as to the relative rights. For example, in most co-operative organizations or athletic organizations such as this might have been there would probably be a stipulation that one member has one vote, whereas under our corporation law one member has as many votes as the number of shares he holds. So I would have wanted to know how many shares there were. We know how many shares that were authorized and issued and outstanding. We don't know how many members there were. We know from reading the preamble that there are Class B shares and that there are also ordinary common shares. We don't know the difference in the powers and rights given, and limitations given, under each of these types of shares. I would have expected that the Honourable Member for St. Matthews would have had that information, would have given them to us. We, therefore, don't know what their comparative voting rights are, nor do we know how they can qualify for dividends as between the two types of shareholdings. It would be of importance to know what their assets are because one finds very commonly, Mr. Speaker, that an organization which, by its nature, owns land and has owned land for a considerable length of time must be owning land which has become very valuable simply by the appreciation of the location in which it existed. Now I have no idea where the Thistle Curling Club operates but I would guess that because of the fact that its charter is dated 1921, that probably the land owned by it was fairly central within the City of Winnipeg — I'm assuming that — and it may well be that as a curling club it may not have great profit-making opportunities, but it could also well be that the land and property they own could be of great value in terms of sale and development. That then could make a \$100 share worth a considerable amount of money and that is a matter of concern and that's why I would like to know what are their present assets, what are they worth on the market as compared to the number of shareholders.

Mr. Speaker, I started by saying that this is a rather cynical bill. The bill is created to give an authority which is not available in any other way, and I think it even says so — Yes, it says in one of the preambles: "Whereas the shareholders have authorized and instructed the directors to apply to the Legislature to obtain extraordinary powers for the corporation beyond those powers as granted by or under any other Act of the Legislature." So they are looking for extraordinary powers to do what, Mr. Speaker? To create an assessment, an annual assessment. Why, Mr. Speaker? Well, it may be to carry on the cost of operating but I don't think that's so, because to carry on the cost of operating they could say to all their active members, "You are expected to pay a fee of so much per hour or so much per use of the ice, or so much of an annual fee," but in this bill what they're saying is that they can create an annual fee for the purpose of taking the shares away from the registered owners. It is clearly an opportunity for them to eliminate from their records the obligations that they have to shareholders who are possibly lost, out of reach, out of touch, and I think that that is a very dangerous concept, that by a resolution of the directors a fee, an annual assessment may be established, which upon non-payment, will become a debt which would then be assessable against the share of the shareholder and taken away. That is the way I read it and I, therefore, Mr. Speaker, must look to the Attorney-General and I must look to the Minister of Consumer Affairs who is responsible for the Provincial Secretary's Department, to get guidance from them as to what are the principles involved and is it proper and correct to, in this arbitrary way, deal with shareholders and to restrict and take away their rights.

Therefore, I would expect that the Attorney-General will attend at the meeting of Law Amendments or Private Bills, wherever this is referred, and be available to explain to us what are the consequences of this Act — I suppose the Minister of Consumer Affairs should also be there — explaining the

consequences and telling us whether they approve of this. May I only suggest, Mr. Speaker, that I would be much happier if this whole problem — and I recognize that it is a problem if you can't find your shareholders — should be a matter which is referred to a court to deal with or a board to deal with, maybe the Public Utilities Board, maybe any other board or a department of government, or be dealt with to a great extent in the Legislature with a clearly spelled-out control which would protect the rights of the shareholders who might not be receiving notice of the assessment at all.

I would urge, Mr. Speaker, in the interests of a . . . I'm sorry the Minister of Labour is so bored as to . . .

MRS. PRICE: I'm just tired from being up all night.

MR. CHERNIACK: The Minister of Labour was up all night and I'm sorry she's tired but . . . Mr. Speaker, I would not like at this late date, especially when some members of the House have been kept working until as late as 3 o'clock in the morning and I don't know how much later than that, for us to start studying what is really a very important principle in this bill. One wouldn't think that it is that important but I think it's quite important. I think that when an action is taken, such as is suggested here, it does need a fairly exhaustive review. And I say in all seriousness, Mr. Speaker, that I can't conceive that there's any great urgency about this. The charter was granted in 1921, Supplementary Letters Patent came out in 1954, there are probably all sorts of shareholders who have owned shares for a considerable length of time who cannot be located and I think that there has to be a proper precaution that we must take because it is our responsibility in passing legislation to make sure that we do not adversely affect the rights of people without knowing that they have received proper notice, without knowing that there has been a proper review.

I would think that it might be advisable for the proposer of this bill or the government to withdraw, to hold the bill in abeyance, to refer it to a committee that may look at it between sessions, but not under the pressure of time as is the mood in these closing hours of the session, but rather to give it a more exhaustive review in order that we can protect their rights. I say that in the expectation that no harm will be done by delay. There can't be very much harm done. It's an attempt to clean up a situation; I don't think it's a good attempt and I would recommend strongly, Mr. Speaker, that it be held back and reviewed so that at the next session we could deal with it having discussed all the other possibilities which would be designed to protect the shareholders who might be adversely affected by the proposals as set out in the bill.

MR. DEPUTY SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I don't intend to speak for a long time. I think that my colleague, the Member for St. Johns, has indicated in a very succinct way what we see as some of the problems.

Mr. Speaker, I believe that there must be, although I haven't looked into The Companies Act. I do not believe that The Companies Act does not provide for dealing with this problem, that this is a short-cut. And of course there is always a temptation to take short-cuts, but I would like the Member for St. Matthews to read back what he said to us this morning. He said that this will enable the directors to levy an assessment against the shareholders, and of course if those people are sent notices at their addresses — I don't think he even said this — and they don't get it and they don't pay it, they can eliminate the share.

Mr. Speaker, I have never heard a socialist government advocate the confiscation of private property the way the Member for St. Matthews advocated the confiscation and elimination of those shares. I want him to read for himself what he said this morning, because he makes the Member for St. Johns look like a great protector of the sacred interests of private property.

I heard members on that side of the House say that the Member for St. Johns was a confiscator. Why? Because he levied a tax on mineral resources and when the tax wasn't paid, like any other taxing situation, the resources disappeared. And, Mr. Speaker, I have heard so many names called against our government — and I was part of it — particularly the Member for St. Johns, the Member for Seven Oaks, the First Minister and myself on this question, I ask the Member for St. Matthews to read his remarks as to how he was going to treat these shareholders, because they couldn't be found. And there are laws, Mr. Speaker, dealing with this question, and I want the Attorney-General to come to Committee. I don't know that a great issue is going to be made at this stage. I want the Attorney-General to be at Committee, telling us that this is the way he wants shareholdings in corporations to be disposed of. I don't know whether the Attorney-General is the guardian of the . . . It used to be the Provincial Secretary. —(Interjection)— The Minister of Consumer Affairs. He has to be there to tell us whether he agrees that shares in a corporation should be wiped out in accordance with this bill, because I don't think so, Mr. Speaker. I'm not, at this point, making

a crucial issue of it. I would ask the Member for St. Matthews to read his view as to how private property should be confiscated by the balance of the shareholders.

MR. DEPUTY SPEAKER: Are you ready for the question? The Honourable Member for St. Matthews will be closing debate. The Honourable Member for St. Matthews.

MR. DOMINO: Thank you, Mr. Speaker. I found the comments from the Member for St. Johns and the Member for Inkster interesting. I always find their comments interesting and I find that this House often hears from those gentlemen. In this case, I'll try to answer some of the questions they've raised, and I'm sure that if this House would see fit to pass this bill on to second reading that this evening when the committee on Private Members' legislation meets, that the solicitor for the Club and a representative of the executive of the Club who have requested legislation or a bill of this type will come and be willing to answer the specific questions.

I'll try to answer at least some of the questions that were brought up at this time. The bill was brought forward to try and facilitate the operation of the Club. As the Member for St. Johns mentioned, it is not specified in the Act or in the incorporation of the Club that it was an non-profit organization, but it certainly has functioned in that fashion for the number of years it has been in existence. The Club is having increased difficulty obtaining a quorum for their meetings and just generally functioning because they can't find enough shareholders; they aren't aware of the location of the shareholders and they can't contact them, or when they do contact them there is no response.

Originally when the Club was first established, there were . . . I'm not sure how many members there were, as the Member for St. Johns asked, but there were 265 common shares and 176 Class B shares. Again I'm not sure of the status of those shares, what rights or privileges or whether any dividends were ever paid. I'm under the impression that no dividends were ever paid.

A question was asked concerning the assets of the Club. I was told this afternoon by the solicitor for the Club, the Club really has no value at all except as a curling facility. They have a mortgage outstanding on the Club. Probably if the Club was torn down, they would hope at least that the mortgage could be paid off through the sale of the land, but certainly it's not a very valuable asset such as the Granite Curling Club might be.

At present, of the original 265 shares that were issued, less than 160 of those people can be found and the Club admits that it is due to their own neglect and the neglect of past directors of the organization that good records weren't kept, but at this point they are an organization which is barely financially viable. It's not a large profit-making organization. As I'm sure most members are aware, curling clubs in this province do not make large amounts of money. Should they be forced to seek out and search the estates and search through — I don't know by what matter of means — but try and obtain the locations of all of the former shareholders, they are under the impression this would be a financial burden that would be too heavy for them to undertake. It would be a costly undertaking and they don't feel that they have the resources so they have chosen to come and take this route, to ask the House to pass a special bill on their behalf.

As I mentioned earlier, this is not the first time it's been done. In 1969, when Mr. Mackling was Attorney-General and when the Member for St. Johns and the Member for Inkster were in this House, a very similar bill . . .

A MEMBER: What date?

MR. DOMINO: 1969, it was assented to May 22, 1969.

A MEMBER: Mackling was not here . . .

MR. DOMINO: Well, then we had a Conservative Government at that time, did we? However, at any rate, the Member for St. Johns and the Member for Inkster were both members of the House at that time. At that time the bill passed through all . . . It was brought in by the Member for Kildonan on behalf of the . . . Pardon me, originally this . . . Well, I have to depend on the research that was done by people in our office this morning. It was indicated to me that it was introduced by Mr. Fox and no debate in the house at any stage, no recorded vote at any stage, passed by a voice vote at all times. I could be wrong and I could stand to be corrected on that, but I believe that the original piece of legislation, the precedent that I'm referring to, was called An Act to grant additional Powers to Rossmere Golf and Country Club Limited. So there is a precedent, in my opinion at least, for this sort of thing.

I think that probably during committee stage it would be appropriate to discuss the principles behind this, but this legislation was brought forward by myself because this is a curling club in my constituency which requires this sort of assistance from us if it is to continue to exist and if it we

are not to place undue financial burdens on a barely viable club in terms of finances as it is at this time.

I would hope that members here would give second reading to this bill, and that when it comes before the committee this evening, if they have any other specific questions, I'm willing to try and answer them. I've already mentioned I have only limited knowledge but certainly the club executive and the solicitor for the Club should be able to answer all of the specifics and all of the details that are necessary for the committee and for the House at a later date to make a final decision on this.

So, Mr. Speaker, I would ask that this Assembly at this point give second reading to this bill and to pass it on to the committee stage.

QUESTION put, MOTION carried.

SOME MEMBERS: On Division.

MR. DEPUTY SPEAKER: On Division? (On Division) All those in favour?

MR. JORGENSON: No, on division.

MR. DEPUTY SPEAKER: Passed on Division. The Honourable Member for St. Boniface.

MR. DESJARDINS: Mr. Speaker, I don't think that you called the vote. I think that we said on division before so you'd still have to call a vote but we're not asking for a recorded vote.

BUSINESS OF THE HOUSE

MR. DEPUTY SPEAKER: The Honourable Member for Kildonan.

MR. FOX: Yes, Mr. Speaker, I would like to announce a change on Private Members' Bills Committee. The Honourable Member for Lac du Bonnet to be taken off and the Member for Winnipeg Centre to be placed on.

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

MR. JORGENSON: Mr. Speaker, in the remaining hour that is left, Statutory Regulations and Orders could be meeting. In the meantime, I wonder, Mr. Speaker, if I could confirm with the Opposition House Leader that the Statutory Law Amendments Act could be introduced, by leave, tomorrow morning.

MR. GREEN: Do it now.

MR. JORGENSON: All right, do it now.

MR. CLERK: Well, I haven't even distributed it yet. Well, wait a minute, I haven't even distributed the bill. Okay, you happy without the bill?

BILL NO. 71 — THE STATUTE LAW AMENDMENT ACT, (1978)

MR. MERCIER by leave presented Bill No. 71, The Statute Law Amendment Act, (1978), for second reading.

MR. DEPUTY SPEAKER: The Honourable Attorney-General.

MR. MERCIER: It will be distributed immediately, the bill plus the explanatory notes.

MR. DEPUTY SPEAKER: The Honourable Member for Inkster.

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

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

Tuesday, July 18, 1978

MR. JORGENSEN: Mr. Speaker, I suggest now that the House adjourn. There's no need to come back and I don't think there's any necessity of having the House sitting this evening. So the House will adjourn tonight. The Statutory Regulations and Orders Committee will meet in the remaining hour that is left and Private Bills will also meet this evening concurrently with Statutory Regulations and Orders.

Tomorrow morning, I expect it will be possible to have Municipal Affairs Committee meet and if Statutory Regulations and Orders have completed their work, then Law Amendments could be meeting in the afternoon. That is tentatively the arrangement that I am proposing at the present time.

Mr. Speaker, I move, seconded by the Honourable Attorney-General that the House do now adjourn.

MOTION presented and carried and the House adjourned until 10:00 a.m. Wednesday morning.