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ETHELBERT-PLAINS	M. N. Hryhorczuk, Q. C.	Ethelbert, Man.
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INKSTER	Morris A. Gray	406 - 365 Hargrave St., Winnipeg 2
KILDONAN	James T. Mills	142 Larchdale Crescent, Winnipeg 15
LAC DU BONNET	Oscar F. Bjornson	Lac du Bonnet, Man.
LAKESIDE	D. L. Campbell	326 Kelvin Blvd., Winnipeg 29
LA VERENDRYE	Albert Vielfaure	La Broquerie, Man.
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PEMBINA	Mrs. Carolyne Morrison	Manitou, Man.
PORTAGE LA PRAIRIE	Gordon E. Johnston	7 Massey Drive, Portage la Prairie
RADISSON	Russell Paulley	435 Yale Ave. W., Transcona 25, Man.
RHINELAND	J. M. Froese	Winkler, Man.
RIVER HEIGHTS	Hon. Maitland B. Steinkopf, Q. C.	Legislative Bldg., Winnipeg 1
ROBLIN	Keith Alexander	Roblin, Man.
ROCK LAKE	Hon. Abram W. Harrison	Legislative Bldg., Winnipeg 1
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ST. BONIFACE	Laurent Desjardins	138 Dollard Blvd., St. Boniface 6, Man.
ST. GEORGE	Elman Guttormson	Lundar, Man.
ST. JAMES	D. M. Stanes	381 Guildford St., St. James, Winnipeg 12
ST. JOHN'S	Saul Cherniack, Q. C.	333 St. John's Ave., Winnipeg 4
ST. MATTHEWS	W. G. Martin	924 Palmerston Ave., Winnipeg 10
ST. VITAL	Fred Groves	3 Kingston Row, St. Vital, Winnipeg 8
STE. ROSE	Gildas Molgat	Room 250, Legislative Bldg., Winnipeg 1
SELKIRK	T. P. Hillhouse, Q. C.	Dominion Bank Bldg., Selkirk, Man.
SEVEN OAKS	Arthur E. Wright	168 Burrin Ave., Winnipeg 17
SOURIS-LANSDOWNE	M. E. McKellar	Nesbitt, Man.
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WELLINGTON	Richard Seaborn	594 Arlington St., Winnipeg 10
WINNIPEG CENTRE	James Cowan, Q. C.	412 Paris Bldg., Winnipeg 2
WOLSELEY	Hon. Duff Roblin	Legislative Bldg., Winnipeg 1

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Thursday, April 9, 1964

Opening Prayer by Madam Speaker

MADAM SPEAKER: Presenting Petitions

Reading and Receiving Petitions

Presenting Reports by Standing and Special Committees

HON. STEWART E. McLEAN, Q.C. (Attorney-General)(Dauphin): Madam Speaker, I wish to present the fifth report of the Standing Committee on Law Amendments.

MR. CLERK: Your Standing Committee on Law Amendments beg leave to present the following as their fifth report. Your Committee has considered Bill No. 106, an Act to amend The Income Tax (Manitoba), 1962, and has agreed to report the same without amendment. Your Committee has also considered Bills No. 100, an Act respecting the Administration and Conservation of Forests in the Province; No. 105, an Act respecting Assistance in providing Elderly and Infirm Persons' Housing Accommodation, and has agreed to report the same with certain amendments; all of which is respectfully submitted.

MR. McLEAN: Madam Speaker, I move, seconded by the Honourable Minister of Education that the report of the Committee be received.

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

MADAM SPEAKER: Notices of Motion

Introduction of Bills

MR. SAUL CHERNIACK, Q.C. (St. John's) introduced Bill No. 119, an Act to amend The Public Schools Act (1).

MADAM SPEAKER: Committee of the Whole House.

HON. MAITLAND B. STEINKOPF, Q.C. (Minister of Public Utilities)(River Heights): Madam Speaker, I beg to move, seconded by the Honourable the Minister of Municipal Affairs, that Madam Speaker do now leave the chair and the House resolve itself into a Committee of the Whole to consider the following proposed resolutions standing in my name and those of the Honourable the Minister of Health and the Honourable Attorney-General.

Madam Speaker presented the motion and after a voice vote declared the motion carried and the House resolved itself into a Committee of the Whole with the Honourable Member for St. Matthews in the Chair.

MR. STEINKOPF: His Honour the Lieutenant-Governor having been informed of the subject matter of the proposed resolutions recommends them to the House.

MR. CHAIRMAN: Resolution 1. Resolved it is expedient to bring in a measure to amend The Highway Traffic Act by providing among other matters for payment of remuneration to members of The Highway Traffic and Co-ordination Board.

MR. STEINKOPF: Mr. Chairman, there are a number of clauses in this amendment to The Highway Traffic Act and the more important of them are the abolition of impoundment, the surcharge of \$25.00 on uninsured drivers and the authority to make payment to the members of the Highway Traffic and Co-ordination Board.

MR. CHAIRMAN: Resolution No. 2. Whereas the Legislative Assembly of Manitoba on Thursday, the 19th day of March, 1964, adopted the following resolution

MR. McLEAN: in the absence of the Honourable the Minister of Health. This Resolution followed the resolution which was adopted respecting the matter of Dental Health and the Committee and this is the formal resolution required to establish the Committee.

MR. CHAIRMAN: Resolution be adopted. Passed. Resolution No. 3: Whereas the Legislative Assembly of Manitoba

MR. STEINKOPF: Mr. Chairman, this Resolution also follows the one adopted by the House and is the formal resolution that goes with the resolution.

MR. CHAIRMAN: Resolution be adopted. Passed. Resolution No. 4: Whereas the Legislative Assembly of Manitoba

MR. McLEAN: follows the request of the Committee on Privileges and Elections who are part way through their work and ask permission to sit after prorogation.

MR. CHAIRMAN: Resolution be adopted. Passed. Committee rise and report. Call in the Speaker.

Madam Speaker, the Committee of the Whole House has adopted certain Resolutions and directed me to report the same and ask leave to sit again.

MR. W. G. MARTIN (St. Matthews): Madam Speaker, I beg to move, seconded by the Honourable Member for Springfield the report of the Committee be received.

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

MADAM SPEAKER: The Honourable the Minister of Public Utilities.

MR. STEINKOPF introduced Bill No. 118, an Act to amend The Highway Traffic Act.

MR. McLEAN: by the Honourable the Minister of Education, whereas the Legislative Assembly of Manitoba on Thursday the 19th day of March, 1964, adopted the following resolution -- I think we had agreed on a previous occasion that at least one person was to read the resolution: Whereas Dental Health policy is a matter of important concern to the people of Manitoba; and whereas substantial improvements in dental services have been put in train through the School of Dentistry, the Departments of Health and Welfare, and the Manitoba Denture Clinic; and whereas wide public interest has been evidenced as to the correct role of dental technicians and denturists in the dental service field; and whereas it is desirable to provide for a full investigation of this latter question; therefore be it resolved that a Special Committee of the House consisting of nine members be appointed to examine, investigate, inquire into, study and report on all matters relating to the determination of the proper role to be filled by dental technicians and denturists in the provision of dental services consistent with sound public health policy and to make such findings and recommendations as are deemed advisable with respect thereto; and whereas it is advisable that a Special Committee consisting of nine members of the House be appointed to examine, investigate, inquire into, and report on all matters relating to the determination of the proper role to be filled by dental technicians and denturists in the provision of dental services consistent with sound public health policy and to make such findings and recommendations as are deemed advisable with respect thereto and to sit during recess after prorogation and to report at the next sitting of this Legislature;

Therefore be it resolved that a Special Committee consisting of Hon. Messrs. Lyon, Witney, Messrs. Bjornson, Cherniack, Groves, Guttormson, Klym, Molgat and Stanes be appointed to examine, investigate, inquire into, study, and report on all matters relating to the determination of the proper role to be filled by dental technicians and denturists in the provision of dental services consistent with sound public health policy and to make such findings and recommendations as are deemed advisable with respect thereto; and be it further resolved that this Special Committee of the House have power to sit during the present session and in recess after prorogation and to report to this House in the matters referred to them at the next session of the Legislature; and that the Provincial Treasurer be authorized to pay out of the Consolidated Fund to the members of the said Committee the amount of expenses incurred by the members in attending the sittings of the Committee or expenses incurred by the members in the performances of duties ordered by the Committee in recess after prorogation as are approved by the Comptroller-General; and that the Provincial Treasurer be authorized to pay out of the Consolidated Fund all other expenses of a kind and nature required to assist the Committee in carrying out the provisions of this resolution and the said resolution adopted on the 19th day of March, 1964, and provided the same have received the prior approval of the Treasury Board.

Madam Speaker presented the motion.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party)(Radisson): Madam Speaker, I don't rise to oppose the Bill at all. I would like to point out to the House that there is the possibility that after the start of the deliberations of the Committee or indeed possibly prior to it we may request the substitution of the representative of our group. At the present time the Honourable Member for St. John's is named on the Committee; it is our desire that he be representative on that Committee but there is the possibility of a request being made to the Committee for a substitution of his name. I merely stand now, Madam Speaker, to inform the House; I don't know if it's proper for the Committee itself to make the substitution or whether the approval will have to be done after the deed is done at the next session of the House that the substitution be recognized, but I merely want to draw it to the attention of the members on the adoption of this Resolution.

HON. DUFF ROBLIN (Premier)(Wolseley): I can tell my honourable friend there is no way that I know of that we can deal with the matter now but our custom has been that in an event like this we simply ask for someone else to come and at the subsequent sitting of the Legislature the substitution is approved.

MR. ELMAN GUTTORMSON (St. George): Madam Speaker, a subsequent question. If a change is felt necessary after the Legislature prorogues that isn't seen at the present time, what change could be made then?

MR. ROBLIN: . . . technically no changes can be made but as a matter of convenience we have asked other people to substitute where the original person named, in one case died or something or other and couldn't perform the function; but in strict terms there is no procedure for this, it's something that we do as a matter of practice and it has to be regularized by a subsequent meeting of the Legislature.

MR. T. P. HILLHOUSE, Q.C. (Selkirk): . . . make this suggestion. Don't you think it would be advisable to make the provision in the resolution for a substitution because quite frankly I don't see how it can be corrected afterward.

MADAM SPEAKER: The Honourable the Minister of Public Utilities.

MR. STEINKOPF: Madam Speaker, I beg to move, seconded by the Honourable the Minister of Municipal Affairs, Whereas the Legislative Assembly of Manitoba at its second session of the Twenty-seventh Legislature adopted on Wednesday, the 4th day of March, 1964, the following resolution: Whereas the Government of Manitoba is conducting a continuing campaign to promote highway safety in the province; and whereas the Government of Manitoba is continuing to expand the driver qualification testing to all parts of the province; and whereas the ratio of fatal accidents in Manitoba on a mileage basis is the lowest in Canada; and whereas driver education and training for students has been advocated to promote safe driving; and whereas compulsory mechanical testing of vehicles has been advocated as an additional safety measure; and whereas it is in the public interest to take all reasonable steps which will reduce the highway accident toll; therefore be it resolved; That a Special Committee of the House, consisting of nine members, be appointed to examine, investigate, inquire into, study and report on all matters relating to highway safety and highway traffic administration, and control, and without restricting the generality of the foregoing, to report particularly upon: 1. Driver education and training for students and the method of providing funds therefor; 2. Compulsory mechanical inspection of licensed motor vehicles and the method of defraying the cost thereof; 3. Review of the adequacy of existing provisions for certification by used car dealers as to the mechanical condition of vehicles sold by them; 4. Review of the existing driver demerit point system; 5. Review of the existing penalties provided in The Highway Traffic Act for driving infractions; 6. Reflectorized licence plates; 7. Compulsory installation of seat belts; 8. The use of new techniques and equipment related to the apprehension and conviction of dangerous drivers and drivers under the influence of drugs or alcohol; 9. The establishment of a Provincial Highway Safety Council and an Accident Investigation Committee to conduct research and make recommendations on highway safety; 10. Pedestrian crosswalks.

And whereas it is advisable that a Special Committee consisting of nine members of the House be appointed to examine, investigate, inquire into, study and report Is it necessary to read this? on all matters relating to highway safety and highway traffic administration, and control, and without restricting the generality of the foregoing to report particularly upon: 1. Driver education and training for students and the method of providing funds therefor; 2. Compulsory mechanical inspection of licensed motor vehicles and the method of defraying the cost thereof; 3. Review of the adequacy of existing provisions for certification by used car dealers as to the mechanical condition of vehicles sold by them; 4. Review of the existing driver demerit point system; 5. Review of the existing penalties provided in The Highway Traffic Act for driving infractions; 6. Reflectorized licence plates; 7. Compulsory installation of seat belts; 8. The use of new techniques and equipment related to the apprehension and conviction of dangerous drivers and drivers under the influence of drugs or alcohol; 9. The establishment of a Provincial Highway Safety Council and an Accident Investigation Committee to conduct research and make recommendations on highway safety; 10. Pedestrian crosswalks, and to sit during recess after prorogation, and to report at the next session of this Legislature.

Therefore be it resolved: That a Special Committee consisting of Hon. Messrs. Steinkopf,

(Mr. Steinkopf, Cont'd.) . . . Weir, Messrs. Bilton, Hamilton, Hillhouse, Lissaman, McDonald, Patrick, and Peters shall have power to sit during the present session, and in recess, after prorogation, and to report to this House on the matters referred to them at the next session of the Legislature.

And that the Provincial Treasurer be authorized to pay out of the Consolidated Fund to the members of the said Committee the amount of expenses incurred by the members in attending the sittings of the Committee, or expenses incurred by the members in the performance of duties ordered by the Committee, in recess, after prorogation, as are approved by the Comptroller-General. And that the Provincial Treasurer be authorized to pay out of the Consolidated Fund all other expenses of a kind and nature required to assist the Committee in carrying out the provisions of this resolution and the said resolution adopted on the 4th day of March, 1964, and provided the same have received the prior approval of the Treasury Board.

Madam Speaker put the question.

MR. MORRIS A. GRAY (Inkster): . . . question to the Honourable Minister. Whether he considered adding one more section. This is limiting the age when they could get a licence and the age when they could turn in their licence. I think I've spoken to him about it. I think I'm on the wrong side of the fence.

MR. STEINKOPF: Madam Speaker, I think it came from the right side of the fence, but we discussed this previously and I believe it's a matter that could be brought up before the Committee as it is now established.

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

MADAM SPEAKER: The Honourable the Attorney-General.

MR. McLEAN: Madam Speaker, I beg to move, seconded by the Minister of Education; Whereas the Legislative Assembly of Manitoba at its second session of the Twenty-seventh Legislature, pursuant to Rule 67 of the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba, appointed a Standing Committee of the House on Privileges and Elections on Thursday, the 13th day of February, 1964; and whereas the Legislative Assembly of Manitoba on the 24th day of February, 1964, ordered that the Standing Committee on Privileges and Elections be instructed to study and review the provisions of The Election Act with a view to making such recommendations respecting amendments thereto or improvements in the law relating to the election of members of this House as may seem to the Committee to be appropriate;

And whereas this Standing Committee on Privileges and Elections met during this session on Tuesday, February 27th, 1964; on Friday, March 6th, 1964; and on Friday, March 20th, 1964, to study and review the provisions of The Election Act; and whereas the said Committee has not completed its work; and whereas it is deemed advisable that the said Committee sit during recess, after prorogation, to complete its work and report at the next session of this Legislature; therefore be it resolved that the Standing Committee on Privileges and Elections appointed by the House on Thursday, the 13th day of February, 1964, shall have power to sit during recess after prorogation and to report to this House on matters referred to them at the next session of the Legislature; and that the Provincial Treasurer be authorized to pay out of the Consolidated Fund to the members of the said Committee the amount of expenses incurred by the members in attending the sittings of the Committee or expenses incurred by the members in the performances of duties ordered by the Committee in recess after prorogation as are approved by the Comptroller-General.

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

MADAM SPEAKER: Before the Orders of the Day, I would like to attract your attention to the gallery on my left, where there are seated some 20 Grade 7 students from St. Girard School under the direction of their teacher, Mrs. Rauth. This school is situated in the constituency of the Honourable the Member for Elmwood. In the Speaker's Gallery, there are some 30 ladies from the Women's Institute of Brandon. This Institute comes from the district represented by the Honourable Member for Brandon. We welcome you here this afternoon. We hope that all that you see and hear in this Legislative Assembly will be of help to you in your studies. May this visit be an inspiration to you and stimulate your interest in provincial affairs. Come back and visit us again.

Orders of the Day.

MR. HILLHOUSE: Madam Speaker, I would like to address a question to the Honourable the Attorney-General. And in asking him this question, I am assuming that he read an article which appeared in last night's Free Press under the byline of Michael Olver, dealing with, "Child beating increasing. Doctors discuss reporting." And if the Honourable Minister did not read the article, I would ask him to take my question as notice of intention to ask a question. This article written by Michael Olver deals with a meeting of the Winnipeg Medical Legal Society held the other night, at which Dr. Medovy, senior member of the Children's Hospital, Winnipeg, showed certain slides regarding cogent evidence of child beating going on in Manitoba, and there were certain discussions taking place there -- certain recommendations were made. Now, recently during your estimates, you were asked a question by the Honourable Member for St. John's, whether or no you intended to take any specific or definite action regarding child beating in Manitoba, and your answer was "no". My question is, in the light of the information disclosed in this article, is it still your intention to take no further specific action in respect of the child beating which is going on in this province?

MR. McLEAN: Madam Speaker, I have no government policy to announce on the subject at the present time.

MR. K. NELSON SHOEMAKER (Gladstone): Madam Speaker, before the Orders of the Day are proceeded with I would like to direct a question to the Minister of Education in the absence of the Minister of Health. Does the government in any way shape or form govern the rates charged by the Manitoba Medical Service? -- (Interjection) -- Well, a subsequent question, Madam Speaker, do the administrators of MMS have to make application to any board or commission before they establish their rates?

HON. GEORGE JOHNSON (Minister of Education)(Gimli): After the last increase by MMS an arrangement was made -- an agreement was reached between the government and the Manitoba Medical Service that they would inform the Minister and support with actuarial data etcetra, before they requested a general premium increase.

MR. GILDAS MOLGAT (Leader of the Opposition)(Ste. Rose): Madam Speaker, I'd like to address a question of the First Minister. Could he inform the House whether he has received the Michener Report as yet?

MR. ROBLIN: I have not received it as yet, Madam Speaker.

MR. MOLGAT: I wonder if the Minister could indicate when he hopes to receive the Michener Report, Madam Speaker. . . . I wonder if the Minister could give us the assurance as to when we will get this, and why the delay.

MR. ROBLIN: I have already given that assurance, Madam Speaker. It will be coming down very shortly.

MR. MOLGAT: Madam Speaker, will this definitely be before the conclusion of the regular estimates.

MR. ROBLIN: It will be in time for discussion in the regular estimates.

MR. MOLGAT: Madam Speaker, I'd like to address a question of the Minister of Agriculture. I'm referring to a news release that appeared in the Free Press, Saturday 28th of March, 1964. The headline is: "Two miles of ice seen threat to dike system." This is headed "Carman" -- "two miles of solid ice has formed in the Norquay Dike System northeast of Home-wood, posing a serious problem for the drainage from this area. The ice, eight feet deep in most places along the two miles was formed from water continually flowing into the dike from the Boyne River. The Norquay Dike has been under construction during the past two years. Municipal officials had warned government officials of the danger of ice forming in the ditch because of the design of the banks." And then goes on to say that the government never had carried on . . . these troubles have developed. I wonder if the Minister could indicate whether it is correct that this situation exists and whether it's correct that the department had been advised by municipal officials of this danger and did not act?

HON. GEORGE HUTTON (Minister of Agriculture)(Rockwood-Iberville): Madam Speaker, we are aware of the problem in the area and have been for some time. I don't think that the problem is associated with the design of the drain, nevertheless the problem does exist through the winter flow which arises out of the Boyne river and springs on the Boyne river. Nevertheless it's been under surveillance for -- oh, a matter of weeks now that the engineers have been watching it and have taken all necessary precautions to save the structures on the river and it

(Mr. Hutton, Cont'd.) . . . is hoped that we will negotiate the spring without any serious incidents.

MR. MOLGAT: Madam Speaker, the Minister did not answer my question as to whether or not the government had been advised by the municipal officials of the danger prior to construction and whether it's correct the government did not follow their recommendations.

MR. HUTTON: I don't know that, Madam Speaker. I don't know that the government was advised and I don't know if they were advised that the engineers deliberately or otherwise neglected the warnings of the municipality. There are a great many considerations that have to be taken into account in the design of these channels and I expect that the engineers designed the project taking into consideration all the factors that engineers do in the design of these structures. Nevertheless, as I understand it, this is a problem due to the nature of the flows and the climate that we have in this province and this isn't the only drain in Manitoba where we have a continuing problem of this kind.

MR. MOLGAT: Madam Speaker, I wonder if the Minister then could inform me whether the balance of the statement that appeared in the newspaper is correct, because it goes on to say: "that the former drainage ditch had been engineered to enable winter water to flow along a small ditch in the bottom of the larger excavation; with the widening of the Norquay dike the ditch has been widened but no allowance was made to dig a narrow channel in the bottom to handle the winter flow. Consequently the water has been running into the larger channel, spreading out and freezing, with the result that some six to eight feet of ice has been built up for two miles." Is that statement correct?

MR. HUTTON: Madam Speaker, I don't know. I am not an engineer. The honourable member should direct his questions to an engineer.

MR. MOLGAT: Madam Speaker, I cannot direct my questions to any engineers. The Minister is responsible for the department and my reasons for bringing this up, Madam Speaker, is that I believe that this is extremely important, because for this drain it is important in itself, but in addition to that the Minister presently has under project a very much larger project, the Winnipeg Floodway being one of them. He has proposed the Portage diversion. Now if this is what's happening on this project, what assurances have we on these others? This is why I must address my questions to the Minister.

MR. HUTTON: Madam Speaker, I'll try and . . .

MADAM SPEAKER: The Honourable the Minister of Agriculture and Conservation.

MR. HUTTON: I move, seconded by the Minister of Welfare that Madam Speaker do now leave the chair and the House resolve itself into a Committee of the Whole to consider the following bills.

MADAM SPEAKER: Moved by the Honourable the Minister of Agriculture and Conservation seconded by the Honourable the Minister of Welfare that Madam Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the following bills: No. 32, No. 93, No. 98.

Madam Speaker put the question and after a voice vote declared the motion carried and the House Resolved itself into a Committee of Whole with the Honourable Member from St. Matthews in the Chair.

Bills No. 32 and 93 were read section by section and passed.

Sections 1 to 14 of Bill 98 read and passed.

MR. HUTTON: . . . I'm just a little previous.

MR. CHAIRMAN: Section 14 passed and then the new section 15.

MR. HUTTON: I move that the Bill be amended by adding thereto immediately after section 14 thereof the following sections. 15, section 60 of the Act as enacted by Chapter 10 of the Statutes of Manitoba 1961 first session, is amended by adding thereto immediately after subsection 5 thereof the following subsection: 5(A) where the supervisory committee fails to appoint an auditor under subsection 5, the directors of a society may, with the approval of the director, appoint a qualified auditor who is not a member of a society or central credit union to assist in auditing the books of a society; and 2, that the sections of the bill as printed No. 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 be renumbered as sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26 respectively.

MR. M. N. HRYHORCZUK, Q.C. (Ethelbert Plains): words "a qualified auditor?" Would that be a certified accountant? If you wouldn't mind, is there anywhere you could find what you mean by those two words?

MR. CHAIRMAN: Are you ready for the question?

MR. HUTTON: I don't think we necessarily need a chartered account, no.

MR. HRYHORCZUK: Well, that is the point, Mr. Chairman. We'd run into difficulties with it in the future if that particular term isn't defined.

Mr. Chairman put the question and after a voice vote declared the motion carried.

Renumbered sections 16 to 25 of Bill No. 98 were read and passed.

MR. J. M. FROESE (Rhineland): Mr. Chairman, 25 as numbered in the printed bill the following section. New section 26: that the Act is further amended by adding thereto immediately after section 81 thereof the following section: (1) Any fifteen or more societies in the province may, with the consent of the director, establish and administer a stabilization fund for the purpose of providing financial aid to credit unions. (2) Where a society is participating in a stabilization fund established pursuant to subsection 1, it may in each year contribute to the stabilization fund an amount not exceeding five percent of its net earnings in the next previous year and the amount to be set aside in any year as a reserve under subsection 2 of section 46 may be reduced by the amount contributed to this stabilization fund in that year.

MR. ALBERT VIELFAURE (La Verendrye): Mr. Chairman, I rise to support the amendment moved by the Honourable Member from Rhineland. The credit unions in the past have showed a great deal of concern in maintaining their high standards and their good name and I think this amendment is just permissive legislation to permit them to establish a stabilization fund which they could use to help any of their -- member credit union I should say in case of unforeseen trouble. For example if one credit union should see a great number of its members move away and the balance wanting to cash their shares this stabilization could be used in order to cash these shares until the money on loan is collected. This is as I said just permissive legislation and very permissive in that it says, "with the consent of the director," therefore I would support this amendment.

MR. FROESE: Mr. Chairman, in speaking to the amendment proposed, the credit unions of this province have been seeking enabling or permissive legislation now in this respect for years. It has been decided at annual conventions now for a number of years and re-endorsed, since we didn't get this on the books. Now the Credit Union League which supports this legislation has some 68,000 members in the Province of Manitoba. These members belong to some 165 different credit unions which are members of the league and which have supported this legislation. The Credit Union League is the official educational and promotional organization for credit unions in this province. They have people on their staff that go out and promote credit unions; they service them; they give advice and when credit unions run into trouble they are to assist them in whatever way possible. They're also the official body that goes out and promotes interest and organizes credit unions wherever possible. As already mentioned by the Honourable Member for La Verendrye, the Caisse Populaire group in this province, that have some 38 or 40 credit unions, are supporting this legislation so that we have support from other groups who are in accord with what we are trying to do.

Now the object of this amendment, or this legislation that we are seeking, is to endeavour to stabilize credit unions needing rehabilitation and generally by rendering financial assistance to permit the efficient and orderly liquidation of the assets of those credit unions which may liquidate or disorder. The purpose of the fund shall in no way replace good credit union management, nor shall it eliminate the need for constant adequate bonding coverage on all credit unions. Now the reason why there is a need for this legislation is ably demonstrated by the requests that we receive in the office from time to time for assistance. These could be of various types; one of them is lack of interest in a certain credit union, where the membership has lost interest. It might be a small one and therefore not making the necessary progress and as a result they have lost interest. Here it is necessary to reactivate this credit union and to give assistance, and assistance could be provided through this fund, probably through interest free loans that might be paid off over a period of years, grant-in-aid, or low interest loans. I might cite another example where a credit union through a few bad loans involving more money than the credit union has in reserves and consequently their assets might be

(Mr. Froese, Cont'd.) . . . frozen. It would impair the share capital of the credit union and therefore they could not pay a dividend under the Act or might even be suspended under the Act, and we have at the present time credit unions in this very particular condition.

Then it could also involve industrial credit unions through a dislocation that can bring about the tying up of share capital by moneys being out on loan and therefore not withdrawable. As a result the credit union gets in difficulty. Invariably members could be stampeded to run on the credit union making it unable to cope with the situation -- so that we have ample need for this very legislation. I think it's very simple legislation; it's permissive and it will enable the setting up of such a fund by 15 or more credit unions in the province. So I appeal to the members in this House, this Assembly, to give support to this amendment.

MR. HUTTON: I am sorry to have to oppose this motion because I'm not opposed to the principle of a stabilization fund -- as a matter of fact we have had legislation drafted for preparation for two sessions. But this is not the way to do it. Yesterday morning when the Agricultural Committee met there was representation there, strong representation, from one credit union group in the province and it just happened that the secretary of another credit union group, representing a large number of people in the province, was there as well. He outlined the position of their group but he wasn't even prepared to deal with the subject in a formal way, but even dealing with it extemporaneously, I think he made it plain to the Committee, the Agricultural Committee, that there is a difference of opinion, not on the principle of a stabilization fund but the manner in which it should be established. I don't think that it would be right for us now, here, to move this amendment knowing that there was a difference of opinion amongst the credit unions, the different groups, as to how this should be done.

I want to emphasize that we're not against this in principle; we are prepared to move on it as soon as there is some consensus of opinion amongst the Credit Union League, the Credit Union Federation and the Caisse Populaires. When we get a consensus of opinion we are happy to provide the legislative means for the establishment of stabilization funds. There is a definite difference between the legislation that will satisfy the Credit Union League and the legislation which would satisfy the Credit Union Federation, and I think this is not the way to do it without giving all parties a fair hearing on the subject.

MR. PAULLEY: of the suggested amendments by the Honourable Member for Rhineland and I can't understand my friend the Minister of Agriculture and his reasons for apparently rejecting the proposed amendments of the Honourable Member for Rhineland. In his opening sentence the Minister indicated to the Committee that his Department had legislation prepared on it for two years. Now having done that the Minister tells us that the reason he hasn't done it was because he hasn't had requests or hasn't had any real consensus of opinion from the various components of the credit unions in the Province of Manitoba as to how the fund should be set up. I wonder what the Minister is waiting for. He's had the legislation, he said, prepared twice already; he is still waiting apparently for some indication of what the credit unions desire insofar as the stabilization fund is concerned. I would suggest to him, Mr. Chairman, that he has a proposition, and to me it's a very mild proposition, before him in this amendment. Why can he not accept the amendment as proposed now, which as I say, Mr. Chairman, is meek and mild in my opinion, to some degree at least, in that it is calling upon the necessity of 15 separate credit unions having to mutually agree to the establishment of the fund before it's set up. This to me will be quite a task in the first place and would be a safeguard, and then if that is not deterrent enough to anybody rushing into a stabilization fund the amendment further states that this can only be done with the consent of the director. So I suggest, Mr. Chairman, that there's ample safeguard and there would be no harm at all for the Minister to accept the proposition of the honourable member, for now, because certainly it's not going to harm anybody, accept it for now and then if there are other opinions to be expressed -- and I suggest if there are other opinions Mr. Chairman, it will be to make it a little bit more loose -- to use that term -- than the proposition as proposed by the honourable member here this afternoon. So I would suggest to the Honourable Minister in all deference that he withdraw his objection and I would say I would agree with his objections if there seemed to be great controversy between the credit unions and if this was a tighter type of a stabilization fund; but surely, Mr. Minister, as I mention, when first of all you have to have 15 or more societies in the province; secondly, that even after having gotten 16 to agree to setting up a

(Mr. Paulley, Cont'd.) . . . stabilization fund you must have the consent of the director, is safeguard enough and there should be no harm at all in the Minister accepting the amendment proposed.

MR. HRYHORCZUK: Mr. Chairman, I'd like to support the amendment. I was glad to hear the Minister say that he's in favour of the stabilization fund and he believes in the principle. I would like to put a little emphasis on the fact that this is not compulsory, it's permissive legislation; and if there are 15 credit union societies that are prepared to protect each other's members in the event we have a situation as has been pointed out by the Honourable Member for Rhineland, I think it should receive our wholehearted support. After all, these societies are doing wonderful work throughout the province that no other association is doing and if they want to further their efforts and build themselves up to a stronger position the least we can do is to grant this request. I think it's a reasonable request and I agree entirely with the Honourable Leader of the NDP Party, that if you have 15 credit union societies that are willing to join hands and assist in the protection of their shareholders or their members, that we should give them every support in that direction.

MR. HUTTON: Mr. Chairman, I just don't think this is a very democratic way to do things. I think if we're going to do a thing like this and we know that there's a controversy between the major groups representing the credit unions in the province, that we should give them due notice that we intend to do this and they should be able to make their representations to the agricultural committee in the proper way. I think that this is just riding rough-shod over the interests of one large group. There are a lot of people that belong to the Federated Credit Unions in Manitoba, the Federation of Credit Unions. I'm not objecting to doing this but I don't think that this is the way to do it. I don't think that it should be introduced "after" the opportunity for representation has been given. After all, the other day, at agricultural committee, we listened to the representative of the Credit Union League. It only happened that a representative was there from the other group, but without any preparation or knowing that this was going to come before the committee, he was called upon to give his opinion.

Now I'm certain that this was referred back to the agricultural committee and notice was given to the three groups -- Caisse Populaire, the Credit Union League and the Federation, that they would all be there and express their opinion and then the members of the Legislature on the committee could make up their mind having heard the case. But there is a very fundamental difference between what the Federation wants and what the Credit Union League wants, and its in the control of the funds. The Credit Union League, the amendment that's before us now would provide for the vulcanization of the funds in the province and the Credit Union Federation wants a stabilization fund but they want one strong central fund and this is the controversy that is going on over this principle, and I just don't think it's the right thing for us to unilaterally here, without giving everybody an opportunity to be heard, to take action. If somebody wants to move that the bill be referred back to committee and that the parties concerned be given an opportunity to be heard and to be able to prepare their briefs and then we want to take action, that's different, but I think it's completely wrong for us here on the representations of one group to take unilateral action.

MR. PAULLEY: Minister of Agriculture talking the way he does, first of all said it would be undemocratic for us in this Assembly to pass this piece of legislation. Heavens to Betsy, isn't it because we believe in a democratic system of government that we're here to pass legislation? I think that is the purpose, and I certainly don't think it's undemocratic if we pass an amendment in this Legislature, because we're passing them all the time, and if we had to have complete agreement in opinions prior to passing legislation I doubt if we'd ever get any passed at all.

Now I appreciate very much as the Minister says that there may be differences of opinion between the various groups of the credit unions in the Province of Manitoba, but again Mr. Chairman, I suggest that the amendment that we have before us today will not preclude changes in the type of stabilization fund that is set up in the future. Now it could well be, it could well be that eventually there would be in the Province of Manitoba a stabilization fund to which all credit unions would become a part, but in the meantime, in the meantime this would be the start for those credit unions that are desirous of starting now.

My honourable friend mentions the fact that he would be prepared for this matter to be

(Mr. Paulley, Cont'd.) . . . referred back to the committee to hear representations. May I suggest, Mr. Chairman, that by virtue of the announcement that the Minister made to this committee this afternoon, that for two years he's had legislation prepared in his department dealing with the setting up of this fund, he's had two years opportunity to present a bill for the consideration of the House and the credit unions himself, and he hasn't taken any action. He now suggests because he's got an amendment before him presented by the Member for Rhineland that the matter should now be referred back in the dying days of this session it appears for the consideration of the committee and asks that maybe the various credit unions could compile briefs for presentation to the committee at this stage. Now I say, Mr. Chairman, this just simply doesn't add up, it's just simply not good enough. So I suggest, I suggest again to the Minister that there would be no harm at all in adopting the amendment as proposed by the Honourable Member for Rhineland, now; then, let my honourable friend through his department of co-operatives; credit unions, notify all of the credit unions in the Province of Manitoba that here we've made a start for the setting up of a stabilization fund; we would like your comments in order that we may build from the start that we are now making.

MR. HUTTON: Mr. Chairman, just a word on the wordy explanations that are given to us on the question of democratic procedure by the Honourable Leader of the NDP. I'm absolutely amazed.

MR. PAULLEY: I am too!

MR. HUTTON: Can anyone imagine us passing labour legislation for instance and giving management and industry an opportunity to give representation and then denying the labour representative an opportunity to speak. -- (Interjection) -- Oh. Oh, yes! Mr. Chairman, the Honourable the Leader of the NDP knows very well that due to the fact that this wasn't in the Bill and only one group appeared and were prepared to speak to this point, they're the only ones who have their opinion, and their attitudes and their views before the committee at this time, and all I'm saying is that normally, traditionally, whenever the committee here makes up its mind on a matter its after they have heard everybody that wants to make representation. The very fact that we haven't acted on this is because there wasn't a consensus of opinion; there is a real controversy here on this point, and we were hoping that there would be a reasonable consensus of opinion before we introduce legislation. I am willing to have this bill go back to the agricultural committee to give these people an opportunity to be heard and then on whatever committee agrees to, to act on this. And I'm not even going to anticipate what the amendment will be at this time.

MR. PAULLEY: Mr. Chairman, I'm prepared as an individual in this to agree with the Minister to let this bill go back to the committee for further consideration and would now ask the Minister to get his staff, as quickly as possible, to get in touch with the various credit unions or their representatives, so that they would be heard and that the stabilization fund may be started at this session.

MR. D. L. CAMPBELL (Lakeside): Mr. Chairman, this has been such an engaging little private battle between my honourable friend the Minister of Agriculture and Conservation and the Honourable Leader of the NDP that I've been wanting for quite a little while to get into the free fight but it's pretty hard to break in on that pair. As a matter of fact, before the session began this afternoon a few of us in this corner were talking about how much longer we were going to go and somebody looked at the Order Paper and said we would likely really make some progress this afternoon if neither Hutton nor Paulley speaks, and I said, "What a hope there is of that," and how quickly my prognostication was justified. But I must say that I think that the Honourable the Minister has made a reasonable suggestion here. I was heartily in support of the amendment that is proposed but I do see his point of view that if possible we should get a representation of all the groups concerned and not leave anyone with the feeling that they have been in any way ignored. I think that this legislation should be proceeded with but certainly I think that we should all be prepared to hear everybody on it. I would like to compliment the Minister on going as far as he can, as far as he has, in suggesting that the Bill go back to committee.

I wish I had spoken earlier because if I had I would have been able to comfort myself with the fact that for once I had some persuasive effect on my honourable friend. I don't usually seem to be too successful in that regard. But I think we should accept his suggestion

(Mr. Campbell, Cont'd.) . . . without any more speeches from any of the three talkative people, the Minister, the Leader of the NDP, and myself. Get on with the business.

MR. FROESE: I would like to make a few more comments. Certainly in the amendment that I am proposing it wouldn't bar anyone from taking part in the stabilization fund. It's wide open to all credit union societies in the province, and even any 15 could set up their own fund if they so liked. I take it that the Bill that is before us was public knowledge. It's been introduced in the House and had two readings, so that anyone could have appeared in committee. Then also I might say that the Federation group of which the Minister is speaking also endorsed the matter of a stabilization fund. It's not something that they are averse to; they are endorsing such a fund; so that I'm quite happy -- let it go back to committee and we can discuss it further.

MR. SHOEMAKER: . . . that has gone on in here this afternoon I think points up what I have said on several occasions in the past, in regard to legislation. I believe that after every bill is given second reading in the House and referred to a committee that somehow or other we should advise the people that Bill number so and so and so and so and so and so, will appear in committee on such and such a day, and give any interested body or group or organization the opportunity to come and be heard, and to say what they have. Now my guess is that had these three organizations known that the bill was going to be before the House, had they known well in advance of the day, not the hour perhaps but the day, they would have been there and we would have avoided all this. I'm wondering if there is some way that will more or less guarantee that the people will be advised when bills will be in committee.

MR. HUTTON: . . . people are advised. The thing that happened here was that the point that is under consideration now wasn't included in the original bill and of course nobody knew that it was going to be raised. I am told by the Clerk of the House that we can't refer this bill back to the agricultural committee, but what we can do is to have the bill held in committee and we can notify the people who are concerned and have them make representation to the agricultural committee in respect to the matter that is . . . I think we can have the opportunity to get the representations that we want to hear before we make a decision here.

MR. HRYHORCZUK: . . . the right. We'll hold the bill and let interested parties know that the bill is being held for further presentation.

MR. HUTTON: Yes.

MR. CHAIRMAN: Madam Speaker, the Committee of the Whole has considered certain bills and directed me to report as follows: Bill No. 32 and No. 93 without amendments; and Bill No. 98 to be held in committee.

MR. MARTIN: Madam Speaker, I beg to move, seconded by the Honourable Member for Rhineland, that the report of the Committee be received.

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

Bills Nos. 32 and 93 were each read a third time and passed.

MR. MOLGAT: Madam Speaker, I wonder if I may ask a question of the Minister on a point of order. When does he want to have the representations with regard to Bill No. 98? We're meeting in committee I think tomorrow morning. Will this be an adequate time to the groups who wish to make representations to be ready tomorrow?

MR. HUTTON: I don't know, Madam Speaker. I expect that there will be fairly lengthy representations on Bill 76. I think we'll have to give notice of it for 10 o'clock tomorrow and hope that we get to it, that's all.

MR. S. PETERS (Elmwood): Madam Speaker, it occurred to me if people were here tomorrow morning, could we hear them first, knowing that Bill 76 is going to take a long time? -- we could hear them first if they were here so we could let them get away.

MR. FROESE: I would ask for a little more time so that these people could be prepared to speak on it. If we could have it for Monday or so, I think it would be appreciated.

MR. ROBLIN: On a point of order, Madam Speaker, I think we'll put it on the order for tomorrow and see how we get along. We should try and get the people in tomorrow and perhaps we could dispose of it first thing, other things being equal. If they didn't turn up, couldn't get here in time, then I think we'd have to look at it and see what we could do after that. Let's put it on for tomorrow morning first thing and see what happens. If it turns out all right, fine and dandy, and if it doesn't we'll have to make some other arrangements.

MADAM SPEAKER: The next order of business?

MR. ROBLIN: I'm sorry, Madam Speaker, I was so bemused by this question of procedure I've lost my place. I would suggest, Madam, that we might consider dealing with the second reading only of the municipal bills and the three private bills which stand at the end of the Order Paper, and if we dispose of them we can then go into Supply.

MR. JAMES COWAN, Q.C. (Winnipeg Centre) presented Bill No. 57, an Act to Amend the Winnipeg Charter, 1956, and to validate By-laws Nos. 18854, 18872, 18883, and 18884 (1) for second reading.

Madam Speaker presented the motion.

MR. COWAN: Madam Speaker, this Bill contains quite a large number of sections. There are four main principles involved. Many of the sections have to do with amendments that are required if these main principles are passed. These include an amendment which would change the minimum age for electors from the present requirement of 21 years to 18 years; an amendment that will enable the councils to provide by law for pensions on a contributory basis for the present and future members on their retirement from councils; and another provision whereby persons entitled to vote on money by-laws shall be the electors generally instead of being limited to the ratepayers as at present. Then there's another principle that would provide for Sunday sports and concerts -- rather, not Sunday sports but Sunday concerts, moving pictures and theatres being allowed to remain open after 5:30 p.m. along with the sports and various other activities as approved at a referendum to be allowed after 1 p.m. An Act already before this House to provide for certain exceptions to the Lord's Day Act, generally speaking, covers pretty well what is requested by the city in this proposal in this Bill.

HON. ROBERT G. SMELLIE, Q.C. (Minister of Municipal Affairs)(Birtle-Russell): Madam Speaker, I do not rise to oppose the sending of this Bill to committee, but I must say that it contains some provisions with which I cannot agree and I would like to reserve the right at this time to introduce any amendments felt necessary in committee.

MR. PAULLEY: Madam Speaker, I'm somewhat of the same opinion, maybe in different respects of the Honourable the Minister of Municipal Affairs. I can see a lot of merit in a lot of the sections in the Bill. There are other sections however that I reserve my judgment on, but certainly I agree with the principle that when a Bill is introduced from a municipal corporation or a school board or the likes of that, at least the Assembly should give it the courtesy of being passed on for second reading in the Committee, and if any adjustments or deletions or amendments are to be made, that is the time it should be done. So on that basis, Madam Speaker, I'm supporting the second reading of the Bill.

MR. GRAY: Madam Speaker, there are so many good things in the Bill that I hate to oppose second reading of other sections or other principles to which I am definitely opposed, so I leave it to the Committee. But at the moment I just want to express my annual opinion. The City of Winnipeg has 18 elected representatives by an intelligent electorate, and it's time, and we urge them -- at least I have urged them in this House for over 20 years, that they should ask for a Home Rule Charter. I think they can be trusted with all the sections and items that they are applying for through this amendment to the Bill. There must be a reason and I would like to have someone, some other body perhaps to protect items or suggestions in legislation and amendments which they themselves, the council, couldn't agree. I don't think it's fair to this House coming around year after year with small items, ridiculous items for amendments to permit them to build a sidewalk here or a sidewalk there or put a building up and so on which is necessary. So I said, while I'm going to support the second reading, I definitely state there's a few items I shall oppose.

MR. CAMPBELL: Madam Speaker, this is the one point on which the Honourable Member for Inkster and I agree annually, that both of us would be inclined to grant to the City of Winnipeg a greater measure of home rule, but I don't use the same logic that the Honourable Member for Inkster does, because he seems to me to say in the one breath that the aldermen of Winnipeg can be trusted to do all the things that are necessary for the good of the people of the City of Winnipeg, and in the next breath he says that he thinks there must be some reason for which they want to shove their responsibilities over here on to us. I won't say which one of those I agree with -- which I don't -- but I think one of them is rather self-evident. So I

(Mr. Campbell, Cont'd.) . . . must say too that in agreeing to the second reading of this Bill, like the others who have spoken, I would have to reserve my position and I believe that applies so far as our group is concerned generally on some other matters.

MR. FRED GROVES (St. Vital): Having perused this Bill rather carefully, and listening to the comments on it this afternoon and also the debates on some of the matters earlier in the session respecting provisions of this Bill, it seemed to me that the City of Winnipeg might be lucky if it gets through the sections dealing with the correction of typographical errors.

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

MR. COWAN presented Bill No. 85, an Act respecting the Profession of Medicine, for second reading.

Madam Speaker presented the motion.

MR. COWAN: Madam Speaker, the Bill before the House is a modernized version of the present Medical Act. The number of sections in the Act will be reduced from 84 to 57. It is, one might say, a consolidation. As you are aware, The Medical Act is a public statute but any amendments in the Act may be brought about through the initiative of the College of Physicians and Surgeons which is the governing body of the medical profession in Manitoba pursuant to the provisions of the Act.

The present Act, except for amendments passed by this House in 1923, 1953 and 1962, has not been changed to any degree since its enactment. Over the years many inconsistencies have been noted and many small changes have occurred in the method of operation of the college. Also, many of the sections have become unworkable and difficult of application merely through the passage of time. Thus the College of Physicians and Surgeons has, over the last year in conjunction with its legal counsel and in close liaison with the Legislative Counsel, prepared a complete new Act and the same is now before us.

Representatives of the college and the legal counsel of the college will of course be present at committee to answer any questions which you may have and to generally comment on the Bill. However, in general, I wish to advise you that no new principles are enunciated in this Bill. The Bill merely brings the present Act up-to-date. A copy of the proposed new Act was forwarded to every member of the college in January of this year.

The following is a summary of the changes. Some additional definitions have been added; all of the objects and powers of the college have been consolidated into one section; and various matters relating to the calling and holding of meetings, the election of officers and the appointment of committees have been eliminated and will henceforth be dealt with by the rules of the college. A new section has been added setting forth the various matters that are within the jurisdiction of the council, which is the governing body of the college. The provisions relating to the discipline of members of the college have been completely revised and reconstructed and are now generally in line with the comparable provisions in The Law Society Act. The penalties under the Act for such matters as unauthorized practice have been increased.

MR. MOLGAT: Madam Speaker, I presume that this Bill is, judging from its appearance on our Orders of the Day, is going to be referred to the Municipal Affairs Committee.

MR. ROBLIN: Madam Speaker, I rise on a point of order because I had intended to suggest, but it slipped my mind, that all the Bills we are dealing with now should now go to Law Amendments so we have them all in the one committee and can deal with them more expeditiously.

MR. MOLGAT: I thank the First Minister for that suggestion because I think it's a good one, Madam Speaker. It's going along with some of the things I was going to suggest because we're faced at this moment with another Bill which is up for second reading, having to do with a specific medical case. I'm referring to Bill No. 80, and it seems to me that it would be useful to have these two Bills appear at the same time at committee because we will be involved there, the medical profession will be present, and in this particular Bill, No. 85, we're faced with Section No. 43.

I think that maybe the time has come, Madam Speaker, when we should look at Section 43 and the limitations that it imposes upon legal action against the medical profession. It seems to me that somewhere along the line, Madam Speaker, this House should look at some means of having a standard practice for all the professions and for all sorts of action whereby it isn't up to the House each year to decide whether or not an action can be entered by special

(Mr. Molgat, Cont'd.) . . . appeal to the House and that it should be standardized. Now it seems to me that this could be done for all of the professions. I don't know why it's necessary to have a different one for lawyers and a different one for architects and so on down the line.

So I would recommend that these two Bills appear in committee at the same time, that we see if we can't establish some rule, possibly the Attorney-General in this regard might undertake to check on what the limitations are for various types of action, and see if we can't arrive at some standardization so that the House wouldn't be faced forever each year with requests for suspension of rules of this type.

MR. CHERNIACK: Madam Speaker, the point raised by the Leader of the Liberal Party is one which I too had in mind dealing with the entire question of the limitation of action as referred to in one of the sections. I wasn't aware that there is a limitation in The Law Society Act, but maybe I should feel more secure now that I've learned from him that there is.

I would like to suggest that we do give this the kind of thought that he referred to in order to prevent the continual recurrence in this House of Bills for the relief of any particular person. The point that will be discussed, I trust, will be the question as to when the limitation period ought to commence rather -- not necessarily at the time that the services have terminated but possibly at the time when the trouble has occurred, and I say this without too much fear because I'm not aware of the fact that doctors have suffered so badly in our courts. I think that justice has been meted out very carefully and doctors have not been made liable with just a casual view as to the problem.

The other matter which I would like to draw to the attention of this House is the section in particular dealing with discipline, which the Honourable the Member from Winnipeg Centre pointed out was a revision of the former Act and somewhat in line -- I don't know if he said "somewhat", but in line with what is in The Law Society Act. Now I don't think that that is quite correct, Madam Speaker, and I would point out that there is a provision in this Act to the effect that where an enquiry into the conduct of a member has been directed by the council -- that's the medical council or a committee -- then the council may suspend such a member pending disposition of the enquiry.

Now I think that that's an important section -- I mean an important thought, that certainly the danger of the patient must be considered, and if there is reason for concern as to the ability of a doctor to practice during a certain time when he is being investigated, be it for the fact that he has become an alcoholic or has become incapable of performing his work, then there should be the ability for immediate suspension, but, Madam Speaker, as I read it, there is no provision for an appeal from that suspension until after the disposition of the final matter and this can take any length of time because there is no time limit for the suspension. Therefore, I fear that injustice may be done to a particular doctor against whom there is a suspicion only -- not confirmed yet -- but because an investigation is being held there is a suspension which may continue for an indeterminate period and is not subject to review or appeal until the actual matter has been disposed of.

So I want to repeat I am in favour of the right of the council to suspend when it's an urgent matter, but I question whether there is sufficient protection for the individual. And here I must point out that in The Law Society's Act the Society may only suspend when there has been an indication that there is a shortage in the trust funds of the client or suspicion that there are moneys of clients that are being adversely handled, but there are many other occasions for disciplining a lawyer where the Law Society has no right to suspend him until after his matter has been disposed of, and to that extent there is a much greater restriction on the Law Society than there is on the medical council in this Bill. So I do urge members of the committee, when they deal with this in particular, to make sure that they are protecting the rights of the individual doctor who may be under process of being investigated by the committee.

MR. PAULLEY: I rise, Madam Speaker, to support the contention of my colleague from St. John's. I'm glad he's said it now rather than me. This is what I was intending to say. Further to this, and my colleague touched on it, was the wording, and we must refer to Section 34, the word "conduct" could mean, my colleague indicated, almost anything in the opinion of a small committee or an executive committee of the council, and I do suggest, Madam Speaker, that we look very closely at this when the matter is before the committee.

MR. COWAN: Madam Speaker, this portion with regard to suspensions is not new. It was put into the Act not too many years ago and it followed a case when an order was made taking a man off the rolls. He appealed against it and he kept practicing while the appeal was being considered. It was about a year and a half before the appeal was finally disposed of, and he continued to practice during that period of time. The college didn't think that he should be able to and so the power was given for the college to make suspensions. If the Honourable Member for St. John's has some solution to this problem whereby a suspension period might be shortened, I'm sure the College of Physicians and Surgeons would be glad to consider it.

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

MR. LAURENT DESJARDINS (St. Boniface) presented Bill No. 102, an Act to amend The St. Boniface Charter, 1953, for second reading.

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

MR. PAULLEY presented Bill No. 103, an Act respecting The Transcona-Springfield School Division No. 12, for second reading.

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

Continued on next page

MADAM SPEAKER: Second reading of Bill -- The Member for Winnipeg Centre.

MR. COWAN: Madam Speaker, I would ask leave of this House to allow this Bill to stand.

MR. ROBLIN: point. I'm sure we'd be glad to have it stand but we would expect to call it tomorrow and have it proceeded with then if possible.

MR. COWAN presented Bill No. 108, an Act to amend the Winnipeg Charter, 1956 (2), for second reading.

Madam Speaker presented the motion.

MR. COWAN: Madam Speaker, this bill has been drawn up after numerous meetings involving representatives of the Manitoba government, the City of Winnipeg, Metro, and Central Mortgage and Housing Corporation. It is felt that the passage of this bill will assist in the improvement of housing conditions in Winnipeg and will help to prevent the deterioration of housing in the future. This program of rehabilitation and conservation will help to remove the necessity of large scale slum clearance programs in the future and so save the taxpayers millions of dollars.

The present slum clearance program for the Jarvis Avenue area is involving an expenditure of about \$7 million just to acquire the land and demolish the buildings. This expenditure does not include the cost of building one new housing unit. The proposed program of rehabilitation and conservation contemplated by this bill is being encouraged by Central Mortgage and Housing Corporation and it is hoped that their National Housing Act may be amended to assist such a program. In any event, assistance is available through Home Improvement Loans at a reasonable rate.

It has been found that most of the buildings that are in a poor state of repair are owned by absentee landlords who care little about the appearance of their buildings but who can well afford to rehabilitate them. In the Winnipeg Tribune issue of October 14, 1959, there is a story telling about the incomes that four of these landlords have, which information was assembled by the City of Winnipeg Welfare department. It refers to landlord A, collected an annual rents of \$75,405 from 13 buildings; landlord B collected \$35,124 from 21 buildings; landlord C collected \$70,890 from 18 buildings; and landlord D collected \$29,282 from 29 buildings. Certainly they would have some expenses, but at that time for instance the landlord that collected \$75,405 in rent, he only paid \$7,442.93 in taxes, so it gives you an idea of the profit that comes from renting slum dwellings in this city.

You will note that this bill doesn't apply where use is made of a dwelling only by the owner of the building and the members of his family. Accordingly, there's no chance that this bill will impose any hardship on the small pensioner or low wage earner who owns and occupies his own home. As an added safeguard, you will note that the bill provides for the Better Housing Commission, which upon the hearing of an appeal may rescind or suspend any notice issued by the enforcement officer, or may extend the time within which the notice may be complied with or may make such other orders as in the circumstances of each case seems just, so that they are not bound by any rules of law. If there's any hardship on some landlords, the Better Housing Commission will be able to consider that and deal with it accordingly. There's further protection in that if the man is prosecuted, then in the court at the time of the prosecution he may raise as his defence the fact that the building at the time the notice was given did comply with the standards established under this Bill. So there is ample protection for the landlords in respect of this proposal.

Many cities in the United States have greatly improved their cities with extensive conservation and rehabilitation programs and they have found that it is seldom necessary to go to court. In a booklet entitled "Urban Renewal Notes," published by the Housing and Home Finance Agency of the Urban Renewal Administration in Washington, in its November-December 1960 issue there is this statement: "Niagara Falls in four years of concentrated housing code enforcement, this city of 101,000 people has brought about the up-grading of over 2,600 housing units in the community. An additional 294 are in the process of being brought up to code standards; and 206 have been demolished. In four years it has not been necessary for the city to go to court in order to obtain compliance with code or demolition of structures beyond repair."

Another item in this same booklet from Birmingham, Alabama, shows that from April 1958 to September 19, 1960, 1,215 houses have had work completed on them and 475 have work under way. It has been found that when poor looking houses on the street are rehabilitated that neighbours without any order will take steps to improve their houses. A rehabilitation program

(Mr. Cowan, cont'd)... encourages everyone to improve their buildings. Each house that is renovated helps to raise up the district and make it more desirable. If the poor housing that can be rehabilitated is put in good condition and if buildings that are beyond repair are demolished, then we in Winnipeg may in the not too distant future be able to say like some European cities, that we have no slums. Furthermore, with the assistance of the proposed legislation before us, this could be accomplished at a very small cost to the taxpayers.

MR. GRAY: I am opposed to this bill for several reasons. One is that if one puts up voluntary and has the money, a nice front, a better building -- and if he rents this building he wants also to get a little higher rent -- on a voluntary basis he improves his home compared to the next door, but compel them to do it, for a committee to compel them to do it, I think it will affect the rental situation. As long as the house is secure from fire hazard, which I think they are now, and secured from health, there's no law should compel them to do it. I believe that we have enough compelling laws now for the sake of commercial benefit and not for the benefit of having housing at a reasonable cost.

Secondly, it's a very very serious matter and we should have more time to consider it. It's come in now at a late date. Inspection of those homes who should be rehabilitated and improved should be inspected and the honourable members here should know whether there's a necessity or not. I intended to move a six months' hoist on this bill but I'm not going to do it, but I'm opposing it.

MR. CHERNIACK: I have occasion, Madam Speaker, to disagree with my colleague from Inkster, so I would like to refer to the fact that this bill does attack the property rights of people but in a way which is for the benefit of the general community. I think that possibly my colleague from Inkster overlooked the section which dealt with the protection for the owner-occupant of a building, because I think it's clear that the owner-occupant is one who may not be in a position to improve, and certainly one can generally assume that an owner is a person who will want to do the best for his home if he is capable of doing it, so that I think it's proper that he should be excluded until we find that there are outstanding examples of deliberate neglect due to reasons other than economic abilities, when I suppose it might be necessary to review the thinking on this.

However, I do feel that this is a progressive form of measure which is, in the long run, designed to protect the property of all people and, more important than that, protect the housing standards and increase them, so that I think the principle behind the bill is one we should approve. I think that the appeal provisions must be made and are of a nature that make it easy for a person questioning the application of the standards to have the appeal heard, because this could be a fairly costly measure and one which an over-zealous official could use to endanger or to exaggerate the importance of the work which he wants done.

I question more than anything why it is an amendment to the Winnipeg Charter, because if all the benefits described by the Honourable Member from Winnipeg Centre are correct, and I believe they are, then I don't see why the other municipalities in and around the City of Winnipeg are not anxious to have the same type of protection. It seems to me if this measure is good then one need not necessarily wait for each and every municipality to come along and ask for a change in its own charter. It seems to me that one of the reasons why this government and all the parties in the government -- I mean in the House -- supported the introduction of The Metropolitan Corporation Act was to see to it that standards be maintained of a certain level throughout the Metropolitan area of Greater Winnipeg, and it seems to me that this belongs better in The Metro Act.

Furthermore, I'm not quite sure just what department of the city would be used to enforce this, because the city has a Health Department but it's not a question of health standards. The building department is not a metropolitan responsibility. The inspection service for repairs and for maintenance of standards of safety are in the Metropolitan Corporation. Therefore, again it seems to me that this might have the effect of building a form of duplication in the City of Winnipeg duplicating the inspectors in the work of the Metropolitan Corporation, and I find it difficult to believe that the City of Winnipeg which screams so loudly about duplication of services should be asking for an amendment in this Bill to give it additional work which I feel could be better handled by the Metro Building Inspection Department.

So I would suggest that there ought to be an opportunity given to hear from other municipalities and to hear from the Metropolitan Corporation as to its approach to the problem and

(Mr. Cherniack, cont'd)... certainly to hear from the City of Winnipeg as to how it will handle the problem without the creation of a new department. I'm sure the City of Winnipeg is not in a position where it can afford to create a new department with a new department head, involving all the costs that are brought about by this type of additional responsibility which the city appears to want to accept.

MR. R. O. LISSAMAN (Brandon): I don't want to make a lengthy speech. I want to just briefly touch on the principle which has caused this Bill to be brought forth, that is the dawning realization of this tremendous cost of slum clearance where the buildings are simply wiped out of the way, and this of course may, in some small way, prevent that from occurring because it prevents the deterioration of the dwellings. What I mainly want to recommend to the House, in the current Readers Digest there is a very good practical article on -- I believe the title is "How To Save Our Cities," something of that nature -- and deals with the problems of slum clearance, what the cost of mistakes, what mistakes have been made. In some cases with their new creations, they've created far worse problems than ever existed in the slums, and it's an article that I think every member of this House should read who has been interested in the re-building of slums.

MR. CAMPBELL: Here again I share some of the views of the Honourable Member for Inkster. I want particularly to ask the sponsor of the Bill to comment on the subsection (a) of 1 of 707 (a) -- no, (a) of 2 of 707 (a), the part dealing with the owner of the building or structure because the Honourable Member for Winnipeg Centre who introduced the Bill laid some stress on the fact that it is not the intention to take this action, or they couldn't take action if the owner of the building was living in it. I want to ask him if it is intentional or is it an oversight that in the latter part of that subsection (a) that this provision in my opinion does not apply to a childless couple or to an old couple whose family have all grown up and left them.

MR. FROESE: Madam Speaker, I'm not prepared to speak on this Bill -- at length, anyway -- but I would be prepared to let it pass second reading and then to hear further representation in committee.

MR. COWAN: Madam Speaker, with regard to the question of the Honourable Member for Lakeside, it's certainly the intention that this section would include childless couples and old age pensioners, where there's just the two of them. I brought that to the city solicitor's attention and he was of the opinion that as it is drafted that it included the case where the couple having no children, that the word "and" can be read as "and/or", so that it could just be occupied by one person who was the owner, and it would be exempt.

With regard to the enforcement of the Act, the City of Winnipeg don't intend to set up a new department. They have in their Health Department a number of housing inspectors and they intend to have the housing inspectors enforce this Act. They may require the employment of one or two more inspectors, but they're certainly not going to set up another department and it's not going to be a great expense to the city.

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

MRS. MORRISON presented Bill No. 109, an Act respecting the Town of Morden, for second reading.

Madam Speaker presented the motion.

MRS. CAROLYNE MORRISON (Pembina): This Bill, Madam Speaker, requires very little explanation, owing to the fact that through the years the Town of Morden has been increasing in size. Additional land is now needed to accommodate further expansion and the purpose of this Bill is to provide this additional land.

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

HON. GURNEY EVANS (Minister of Industry & Commerce) (Fort Rouge): Madam Speaker, I wonder if you would now kindly call the adjourned debate on second readings at the end of the Order Paper.

MADAM SPEAKER: The proposed motion of the Honourable the Member for St. James. The second reading of Bill No. 80. The Honourable the Minister of Mines and Natural Resources.

HON. STERLING R. LYON (Minister of Mines & Natural Resources) (Fort Garry): Madam Speaker, I desire to say a few words in connection with this private Bill and point out to the House my reasons for not supporting it and for opposing it at second reading. I should say at the outset that my remarks will have nothing to do whatsoever with that of the plaintiff

(Mr. Lyon, cont'd)... or the defendants in the case, because I base my argument on the principle that is involved in this Bill. I do not know the parties involved; that is from the plaintiff's side. I think I owe it to the House to say that I do know one of the defendants, Dr. Rennie, and that as a matter of fact I consult him professionally and have for many years, and I think the House is entitled to have that information notwithstanding the fact that it has no bearing on the argument that I am going to present.

The facts of the case very briefly have been outlined by some of the previous speakers, but because it is a few weeks since we last dealt with this matter, perhaps I can point out some of the highlights. The female plaintiff in question had an operation on her kidneys in 1944. In 1959 there was another operation in that same region, and subsequent to that operation in 1959 she began to suffer from disabilities which took some considerable time to be rectified. In the 1961 operation, really the third major operation, it was discovered that there was a foreign body, a piece of gauze, found in the vicinity of one of the earlier operations. This swab was removed and I understand that since that time that the female plaintiff has been restored to reasonably good health.

The matter was tried in the Court of Queen's Bench before one of the distinguished judges of that Court who found on the balance of probabilities, which is the test that must be applied in these cases, that the plaintiffs had not proved in their action against the defendant that the swab in question had been left in the plaintiff's body in 1959. There was no finding as to when it had been left, but the judge merely said that on the balance of probability he was not convinced that the plaintiffs had proved their case; namely, that the swab had been left in 1959 when I believe Dr. Macbeth was in charge of the operating procedure.

The plaintiff then took an appeal to the Manitoba Court of Appeal where this judgment in the Trial Division was sustained with one dissenting judgment by that Court. The next action that took place was the petition to this Legislature for the Bill that is presently before us. I should point out at this stage that the remedy that remained open to the plaintiffs -- the further remedy that remained open to them in the Court, namely an appeal to the Supreme Court of Canada, was not followed by the plaintiffs or by their solicitors in this case. I'm going to come back to that point a little later on, but I suggest here with the greatest of respect that this petition should not have been presented to this House until such time as all remedies through the Court, all remedies available to the plaintiffs had been utilized by them, and that in effect that if this matter should come here at all -- and I doubt that very much -- if this matter should come here at all, it should not come here until all the remedies, the traditional remedies through the Courts have been utilized and the decision of the highest court of the land has been had on this situation.

What is the principle that we are talking about here? We are talking essentially about the question of limitation. How do we have limitation? Some men, some members of this House, Madam Speaker, are businessmen; some I suppose are contractors; some are in professional businesses; others are in other businesses where they must deal with the public; and in any dealing, whether it be a professional service, whether it be the building of a house or a shed or a barn, or whether it be the sale of goods from A to B, there must be some point where there is a termination of a liability on the part of the person who is providing the service or selling the piece of goods to the customer or to the person in receipt of the service. If this were not the case, why then people would have no protection whatsoever during their lifetime for actions that might be brought for matters that occurred 10, 20 or 30 years before, and it would lead really to chaotic conditions in whatever form of business or enterprise or professional service that you want to think of. I think that this really needs no amplification -- this argument -- because it is manifested by the fact that we have in fact a Statute of Limitation, and the purpose of the Statute of Limitation is to provide some finality to liability for the different acts or services that are mentioned in the statute and some that are mentioned outside in particular acts.

Let me mention just a few of these limitation periods. For the benefit of members who may wish to take a look at this statute, it is Chapter 145 of the Revised Statutes of Manitoba, 1954, and Section 3, which is the guiding section, and this doesn't relate to medical matters, but here is the guiding section that gives us the limitation periods for various other transactions that take place in our mercantile world and in other fields. "Actions for penalties

(Mr. Lyon, cont'd)... imposed by any Statute brought by an informer suing for himself alone or for the Crown or by any person authorized to sue for the same not being the person aggrieved, must be brought within one year." An action for penalty must be brought within two years after the cause of action arose. An action for defamation must be brought within two years after the occurrence of any alleged damage from the defamation. An action for trespass to the person must be brought within two years; trespass to the property must be brought within six years; actions for money, actions for an account or for not accounting within six years after the cause of action arose; actions grounded on fraudulent misrepresentation within six years; actions grounded on accidents or other equitable grounds of relief not hereintofoer specifically dealt with, six years; actions on judgments must be brought within ten years after the cause of action arose. And so on down we go, all of these different forms of relationships that occur, whether contractual, tortuous or whatever, have definite periods set aside for them in a Limitation of Actions Act.

When we come down to professional Acts, you find that in The Dental Association Act there's a limitation of action for negligence or malpractice of a dentist in that Act; and you find in The Chiropractic Act, the Osteopathic Act, that there are limitations of actions for negligence or malpractice of osteopaths and chiropractors. Dealing particularly with the case in point here, when you come to The Medical Act you find that there is a limitation of action for negligence and malpractice of medical practitioners and that period is one year. And as well, dealing with hospitals, because that is relevant to the Bill before us, actions for damages against a hospital is defined in The Hospitals Act where the owner or board or management thereof or any of his or its officers, servants and employees, whether arising out of tort or contract in respect of any act, whether of misfeasance or nonfeasance in the operation of a hospital or in providing any service therein, within one year after the cause of action arose.

So we see that this limitation period that has been conferred upon the medical profession is one of a number that have been conferred upon various professions, various people in the mercantile field, because of this basic doctrine that there must be some finality to liability regardless of the type of work, the profession or calling, that a person carries on.

In those cases, Madam Speaker, where there is no provision in The Limitation of Actions Act -- let me take as an example the case of a contractor -- if a man builds you a house you can contract with him as to the period for which he will be liable for any negligence or poor workmanship or whatever in the course of the work that he does for you, because if this is not provided by statute then it will become or can become a matter of contract between the person contracting and the person doing the work. So if it's not covered by statute it then becomes a matter of contractual arrangement between the two parties concerned.

The whole fields of commerce, Madam Speaker, the whole fields of professional responsibility are dependent upon this doctrine of finality or liability. If we consider just for one moment the question of insurance companies and their reserve, the reserve funds that they must set up in order to assure that they have sufficient moneys held back to cover any judgment that may come against their reserve, particularly for instance in the field of Motor Vehicle Acts, there must be finality and there is finality of liability in that field of one year. The whole question of reserve funds and so on in that one particular aspect of everyday business is geared to this one year limitation, and if you make changes in it -- these are arbitrary rules, granted-- but if you make changes in them why then whole vast fields of our mercantile world must make adjustments accordingly in order to make their funds correspond with the increase or the decrease as the case may be in the period of liability in question.

So we see that these are not matters that are arrived at lightly. While the period of limitation must be necessarily an arbitrary one -- an arbitrary one set by this Legislature -- still there must be some period and there must be some period set down by statute, particularly in cases dealing with the medical profession. I suggest that the wisdom of this type of legislation is proved by the fact that it is provided by statute as a convenience to obviate an individual contract being made in each case with a professional man or with a businessman or whatever the case may be, because but for the want of such limitation periods you would have doctors, lawyers, businessmen, contractors, anybody you wish to name, having in each transaction that they undertake, to make a contract with the person involved to set some finality to liability for the service or the contract that they are performing.

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

Well, Madam Speaker, having gone over that general background, let us look again at what is before us. We are asked in this Bill to do away with the one-year period of limitation provided in The Medical Act and to permit the plaintiff to bring an action against specified medical defendants based upon an operative procedure which took place 20 years ago -- 20 years ago. We are asked by this Bill to confer this right upon these people when they have not of their own volition exhausted all of the remedies that are available to them through the courts.

Now some people may say, well a wrong was done. Laymen may say, well there's obviously negligence because a piece of gauze was found in this plaintiff's person and this gauze was thought to be the approximate cause of the illness that she suffered after 1959. Madam Speaker, let me point out, and I think this has been pointed out by the member for Selkirk already, that the mere finding of the gauze by itself in the body of the female plaintiff does not immediately connote negligence on the part of either doctor or hospital. The doctrine, as the lawyers call it, the doctrine of *res ipsa loquitur*, the thing speaks for itself, does not apply in such cases. In other words, there is not an automatic finding of negligence just because there was a foreign piece of material in this female plaintiff's body. That doesn't connote negligence at all. Negligence must be proved. So following upon that, this Bill says, let it go to the court and let the court determine whether or not there was negligence in an operating procedure that took place 20 years ago.

Now I've had the opportunity, as I know some others in the House have had, of reading all of the judgments in this case, that is the trial judge's judgment, the judgment delivered in the Manitoba Court of Appeal as well, and I can say after reading all of those judgments that -- the information is freely available to all -- that the only evidence apparently available of this 1944 operation is half of a sheet that was filled out after that operation and which was photostated and half of the photostat remains. The only other thing remaining is the recollection, and how vague it must be, of one of the doctors that this was a routine operation for which the swabs were probably counted, and there's a notation by the nurse in charge that the swabs were accounted for from that operation.

Now I merely suggest to members of the House, Madam Speaker, that it would be grossly unfair to place anybody in jeopardy in a civil court on the basis of such flimsy evidence in support of negligence. There is no further evidence that we are aware of at all and none further has been alleged in this House, and so why should people be put in jeopardy on the basis of this almost lack of evidence that is available to prove anything substantive. I'm suggesting, Madam Speaker, that on second reading we would really be doing the plaintiff a favour if we were to defeat this Bill, because we would first of all be doing them a favour; and secondly, we would not be putting in jeopardy a person for certain procedures that took place 20 years ago for which he can only account by long memory at least.

How many of us in this Legislature would want to have to testify about certain procedures that took place 20 years ago in connection with our business? I would find it hard, personally, to testify about things professionally that I might have done a year ago, two years ago, three years ago, because that is one of the great reasons for having a statute of limitations. Time erodes the memory and time takes away those vital recollections that are needed if a proper determination is to be made by a court.

Well, Madam Speaker, some have said that there are precedents in this Legislature for this type of Bill. There are no precedents, Madam Speaker, for extending or renewing a cause of action for something that took place 20 years ago. I can say that unequivocally. There's no question about that at all. Last year when we had occasion to look at three Bills of a somewhat similar nature, although the periods involved were a year or eighteen months beyond the limitation period, the Legislative Counsel then was in touch with other provinces in Canada to determine what the practices were in these other Legislatures, and I am told that he found in consulting with the Legislative Counsels in other provinces that in their memory -- in their memory in the other provinces, no Bills of this nature had ever been presented, let alone passed in other provinces. I think that this goes to show that there is some wisdom being displayed by other Legislatures who do not -- well if they receive them were not aware of them, but certainly they don't pass them. They don't pass this kind of legislation in other provinces. It's unknown; it's unheard of. I suggest that that's a fairly

(Mr. Lyon, cont'd). . . compelling precedent that we should look at here because what we are being asked to do would be creating, I suggest, a very dangerous and a very shattering precedent if a person, whether he be doctor, lawyer or Indian Chief, can be put into jeopardy for some alleged action that he committed some 20 years before.

Well Madam Speaker, I've probably gone on long enough, but I do want to indicate that I feel very strongly in principle about this matter and it is only the principle that concerns me. If I were to let my heart rule my head I'd say yes, let this Bill pass, because I have nothing, as an individual, nothing but compassion for the plaintiff who suffered some illness as a result of these operative procedures. But I suggest, Madam Speaker, that members of this House must give deliberation not only with their hearts but with their heads, and they must realize that to permit the limitation of actions to be set aside in this one case and permit an action to be brought for an alleged act of negligence that took place twenty years ago would be permitting a precedent that this Legislature would not long want to live with. Because it will have some ramifications. It could possibly have serious ramifications in our whole medical profession in this province and certainly will have ramifications with respect to the type of indemnity insurance and so on that is available to medical practitioners, indeed any other person who wants to receive protection of some sort for negligence in the operation of his profession or his work.

Madam Speaker, I'm more concerned in Manitoba when I call the doctor, I'm more concerned with that doctor's mind being rivetted entirely on what is right or what is wrong with my physical being. I don't want him to be concerned about whether or not he's going to have to get a release signed by me so that even if the legislature won't accord him limitation of liability or finality to liability that he can get it contractually from me. I don't want the medical doctors of this province or indeed of any part of Canada to have to become preoccupied with liability questions. I want them to be preoccupied with the patient and preoccupied with doing the best job that they can on behalf of the patient, and I suggest that if you pass this type of legislation you are inviting just exactly that type of preoccupation with liability questions which really have no part in the proper practice of medicine -- and I say that not as a condemnation in any way of the medical profession but I say that as a commentary on human nature, because in fact if no protection or no limitation of liability is going to be accorded by this legislature why then the doctors or the other professional people or the contractors or whoever must seek it themselves, and must seek it through releases through contractual arrangements with their clients or with the people with whom they are doing business.

So, Madam Speaker, I make my points again in summary. I say that this bill should not be passed because first of all the persons involved, the plaintiffs seeking it have not exhausted all of the remedies that are available to them. They should, with respect, have gone to the Supreme Court of Canada before they sought remedies from this legislature. I suggest number two, Madam Speaker, that this bill if it were passed would be setting a most dangerous precedent, one that we would find it hard as a group of legislators to live with in years to come. I suggest thirdly, Madam Speaker, that it would be doing a disservice to the medical profession of this province -- again I'm speaking in principle -- because it would lead to possibly doctors having to consider in each of their doctor-patient relationships whether or not they should get releases, whether or not they should get sign-offs from each patient if they could not be assured that the protection accorded to them in the medical act was going to be followed in each case, because if the medical act says one year the medical act should mean one year, and it shouldn't mean only one year except, or where a case comes like this case or except where a case comes like that case, because what's going to be the next case? They don't know. They don't know. They've got to have some guarantee of finality and if they can't get it from this legislature, Madam Speaker, they're going to get it from release signed in their own offices.

Now I don't think this is right. I don't think the medical profession would want it. I don't think that they would -- perhaps they don't even want to consider it so far as I know, and what I am saying is speculation on my own part. I'm not saying what has been told to me by doctors or anything like that at all, but I know if I were a lawyer in practice giving advice to a medical client this is what I would tell him to do. If the legislature won't protect you you've got to protect yourself, and if we pass this bill we are taking that bulk of protection away, which should not be taken away.

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

Well, Madam Speaker, if this bill as I say is passed it could have very serious ramifications in this province, and it is for this reason and this reason alone that I am opposing it on second reading and suggesting that the bill should not even go to committee. I am opposing it in principle and I come back again to repeat what I said at the outset -- I have nothing but compassion for the people who bring the bill before us. I have no prejudice against them whatsoever, but dealing with it strictly on this matter of principle I do not feel this is good legislation. I think we should deal with this bill with our heads, and defeat it at second reading.

MR. CHERNIACK: Would the Honourable Minister permit a question? In the light of what the Honourable Minister dealt with in The Limitation of Actions Act, I wonder if he could deal with those portions of that act in sections 4, 6, 18, 29, and 48 which give a different form of time limitation based on when the act is discovered or when the disability from taking proceedings is overcome and relate it to this.

MR. LYON: Madam Speaker, the honourable member raises a very valid point, that in certain cases certain of the limitations that are set forth in The Limitation of Actions Act, there are saving clauses set forth whereby if the cause of action becomes known at a certain time then the action can be brought outside of the limitation period. That raises the point which I'm glad he reminded me about, the point that this matter has been discussed before the Law Reform Committee and I understand that there has not been a final paper on it from that Committee, but it certainly has been a matter of deep concern to the members of the committee and indeed to the legal profession of Manitoba, as my honourable friend will know.

I understand that some consideration is being given by the members of that committee to a review of the type of legislation which I believe recently came into force in Britain where in matters of this nature a general amendment has been made, as I understand it, to the law in Britain which in effect says that a cause of action for personal injury should not be deemed to accrue until the plaintiff could, with reasonable diligence, have discovered that he suffered injury. Now we're getting onto a different principle and if this were made a matter of general application to the whole province -- then fine. This would be a fine thing, but I still say it would be wrong to make this apply in one case unless you're prepared to have a matter of this nature apply by way of general application to all people in the province.

MR. FROESE: Madam Speaker, I listened with great interest to the Honourable Minister speak on Bill 80. I feel, however, that I would support the bill because I have great confidence in our courts and no doubt the courts would take into consideration I think most of the points that were mentioned by the Honourable Minister.

MR. McLEAN: on this bill. I think perhaps in my capacity as Attorney-General I should just remind the members that there is an important matter concerning The Limitation of Actions Act and matters related to that involved in this Bill, and if the bill goes to committee that that is a matter which may be and should be properly considered by the committee.

MR. MOLGAT: Madam Speaker, I'd just like to say a few words before the bill is voted on. I'm not a lawyer nor am I a medical man, and I find the situation extremely difficult with which we are faced. I spoke earlier this afternoon on the overall medical bill in the hopes that we might reach some conclusion to this whole matter of the House having to decide year by year to open up actions that have been previously closed.

I appreciate much that's been said this afternoon by the Minister of Mines and Natural Resources insofar as what effect this might have on medical practice in the Province of Manitoba. I share with him completely the view that our doctors must be concerned first and foremost with the health of people and not with the legal implications of any action that they may undertake. I believe that this is certainly the case in Manitoba. I think that in certain other jurisdictions there's the danger that this situation is eroding. I would not want to see that happen here.

On the other hand, Madam Speaker, we are faced here with a situation where a patient, certainly through no fault of hers, has suffered and suffered grievously. That patient is in no position, Madam Speaker, to know who is responsible and who is not responsible, but she certainly is not the one who is responsible. It's not her fault. That is one thing that is eminently clear, and I cannot see, Madam Speaker, how I could refuse her right of redress in such circumstances. And on this basis, fearing as I do the dangers in re-opening a question of

(Mr. Molgat, cont'd) . . . this type, I nevertheless feel that I must support the bill and send it to the committee, but I would hope, Madam Speaker, that this House will take action to set up some limitations that will be reasonable, that will be acceptable to all parties concerned, and that will treat all cases on a similar basis.

MR. D. M. STANES (St. James): Madam Speaker, I would like to thank those who have taken part in this debate for and against. In explaining this bill at the outset I was purposely brief. My brevity was intentional because I did not wish to get into the details of the case because I felt that was not the purpose of our discussion in this House; and secondly, which is obvious to all members, not being a lawyer, I felt not competent to get into the details.

The purpose of this bill I think, is not to prejudge the details of this case, although I have read them personally and I know a number of members of the House have, but to examine the situation and to see whether this is different, whether this demands some exceptional treatment. I fully agree with the principles of limitations. I do also agree with the Attorney-General when he stated on March 6 that it is probable that some investigations were being made by the Law Society to make some revisions to The Limitation Act, but I do fully support the principle underlying the limitations. We have to draw the line somewhere. We can't have people taking actions against each other almost at will. So really the question in this case is not the details of the material which went before the court but rather is this an exceptional case. Many speakers have already pointed this out quite clearly but I just want to make this point quite clear: is this different? Could action have been taken before, and I think we're all convinced that action could not be taken before because the female plaintiff was not aware of the case, neither her or her husband. In fact it was made aware of after the operation in May '61, and action was taken -- I beg your pardon -- after the gauzes found in May '61, and action was taken two or three months later, so there was no delay once the information was received.

I might correct the Honourable the Attorney-General, if I may, in saying that the impression you left that she had recovered to some degree is not correct. She will never recover, unfortunately. She will be an invalid the rest of her life. That I think is the main point and this is the reason why I did not go into great detail on the case. I'm sorry if I misled the members.

I think the point brought up by the member for St. John's is a very valid one, in that the Acts, both medical and time limitation, does give exception to cases of fraud and I think this is an important point to recognize. Great stress has been played on the fact that we're setting a precedent. Well we have a number of precedences in this House already on these cases, in fact cases of mistakes, which really is quite different to this and yet they've been permitted.

But this comes back to what is the purpose of this Bill, which seems to be misunderstood, Madam Chairman. The purpose of this Bill is to permit a court to examine all the facts, evidence, and everything else I presume, and if they decide that there is sufficient basis for it to go before a court, they may allow it to do so. In other words, by us passing this Bill it does not automatically get into court, that just because of the distance of time, evidence has been lost and so on, I would imagine, not being a lawyer, that this is one of the things that would probably make the judge decide not to allow it to go to court. So this Bill is to give permissive legislation to a judge to allow it to go to court if he so decides. It does not automatically go to court.

I feel, Madam Chairman, at a great loss not being a lawyer, therefore I cannot argue the case as I think it should be argued. I have made the members perhaps aware that I have known of this case for some years. This is not the basis I support this case on. I support this case because I think it is right and should be considered. Therefore, I do urge the members to please let this matter go to second reading, and in committee in order that there may be people there competent to answer the questions which I am sure should be asked.

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

A MEMBER: Yeas and Nays please, Madam Speaker.

MADAM SPEAKER: Call in the members. The question before the House is the second reading of Bill No. 80.

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

YEAS: Messrs. Baizley, Barkman, Campbell, Carroll, Cherniack, Cowan, Froese,

(YEAS, cont'd).... Gray, Groves, Harris, Harrison, Jeannotte, Lissaman, McGregor, McKellar, McLean, Martin, Mills, Molgat, Paulley, Peters, Shoemaker, Smellie, Stanes, Strickland, Tanchak, Watt, Wright, and Mrs. Morrison.

NAYS: Messrs. Bjornson, Desjardins, Evans, Hamilton, Hillhouse, Hryhorczuk, Hutton, Johnson, Johnston, Klym, Lyon, McDonald, Moeller, Seaborn, Smerchanski, Vielfaure, and Weir.

MR. CLERK: Yeas, 29; Nays, 17.

MADAM SPEAKER: I declare the motion carried.

MR. FROESE presented Bill No. 88, an Act to incorporate Eden Mental Health Centre, for second reading.

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

MR. GRAY presented Bill No. 90, an Act to incorporate The Winnipeg Hebrew Free School, for second reading.

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

MR. ROBLIN: I beg to move, seconded by the Honourable Minister of Welfare, that Madam Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

Madam Speaker presented the motion and after a voice vote declared the motion carried, and the House resolved itself into a Committee of Supply with the Honourable Member for St. Matthews in the Chair.

MR. CHAIRMAN: Department XV -- Administration, Item (1). The Member for Inkster.

MR. GRAY: Madam Speaker,we also have in mind the honourable members of this House and we do not want a particular itemlike keeping them here very much longer than necessary, so I shall be very very brief.

Last night I had mentioned about a great improvement in the welfare situation of this province from years gone by. Last year the estimates of \$4 million more -- around \$4 million dollars more than they were a year ago, and this is all to the good. Welfare is a very very great insurance for the state. It pays back a lot of dividends. So very little was left to add to yesterday, but the exception is I thought perhaps the government should not think that, as the estimates are here an improvement is shown, and we cannot deny it -- it's no use, the figures speak for itself -- I would urge them to carry on and not stop, thinking that this is the highest in over 20 years -- the highest estimates. The program as outlined is the best so far, not the best but they make improvements -- I always said a half loaf of bread is better than none -- that they should not stop right there and then, but continue, searching how to improve, particularly -- every department is important -- but particularly Health and Welfare. We're not discussing health any more, Madam, but welfare is very very important. To take proper care of a case, even if it requires more welfare workers, that case has a better chance to rehabilitate, and God knows this is very much cheaper than having the patient or the case or the problem on our hands for many years -- too many years. As I said, an ounce of prevention is worth a pound of cure.

I would suggest firstly that a study -- by the way we cannot do anything now, we have no authority and no power under the rules to suggest increased estimates, to increase the estimates and we do not intend to decrease the estimated revenue -- but a study should consider for the future -- the future maybe next year -- and make a study of taking over the treatment, the program, the cure, and maybe also the expense of the Cancer Institute, or anything we have now to help remedy and prevent if possible the disease that takes away so many lives and the suffering of the patients. I visited some of those patients and they're simply begging, praying for death to come as fast as possible. They cannot stand the suffering and the suffering of their families. I realize that everything is being done the world over, but I am speaking here to this House and I cannot go to London, England or to Ottawa or anywhere else and speak to them about the very same dreadful disease. Why not take it over? Why not have private Canadians-- let's have one authority, then if they don't do enough then we know whom to blame.

For instance, there are so many patients now from the City of Winnipeg. Cancer is considered a welfare. Now the City of Winnipeg spends \$3 1/2 million on welfare generally and they receive from the province \$2 million, so they've got to pay their own \$1 1/2 million and still have the full say about it. Let's co-ordinate disease at least and have the province take

(Mr. Gray, cont'd)... over and put a little more importance -- I don't suggest that they are not interested -- God forbid no -- but put a little bit more, many diseases where they have given a little bit more attention have been, not entirely treated, but at least we make progress. This way, one depends on the other -- duplication in the welfare people that look after it and duplication may cost money. The City of Winnipeg -- I'm taking the largest city here as an example -- the City of Winnipeg may decide on one thing, may treat a welfare case in a different way which the provincial welfare department would do, and there's a tremendous amount of duplication, particularly I regret in two diseases, cancer and TB.

I notice, by the way, an increase -- not an increase in the regional figures but an increase the last year or two in the situation on tuberculosis. The Minister of Health in his estimates, or in an enquiry as to the number, emphasized so many of them are Metis and Indians. So what? They're human beings. It wasn't even necessary to emphasize this. There are human beings in this province who died -- unfortunately too many of them died on these two diseases alone which apparently one -- I'm not a medical man, but I say one could be treated like TB, or prevented. I don't know how we could do very much more on cancer but it would be a relief to the population in this province and a relief to the patients if they know that everything possible is being done, irrespective of cost, for the cancer research and tuberculosis.

I promised, Mr. Chairman, that I shall not take away time, and believe me I am one of those welfare cases -- not to be looked after by the state but a welfare case in the length of the session we have. I also would like to get away as quickly as possible, but at the same time the other situation is very much worse. I thank you very much for the attention given in this few minutes. Whether I have exceeded it or not others will speak and will probably cover the subject in connection with the relief estimates which I did not.

MR. SHOEMAKER: Mr. Chairman, this in my estimation is one of the most important departments that we have to deal with. As you know very well, Mr. Chairman, every day and sometimes twice a day we ask for Divine guidance to direct us in the framing of our laws to tend to the welfare and prosperity of our province, and the welfare of all our people.

At the opening I would like to pay tribute to all of the civil servants of this department. Yesterday, the Honourable Member for Winnipeg Centre suggested that there was really no need for a public protector or an ombudsman in this province because we already had 57 of them. I agree with him to this extent, that I do a certain amount of this work myself but it is in the field of welfare I believe that 90 percent of my time as an ombudsman is taken up, and I have a great deal of communication with the social workers, particularly from the Portage office, and I would like at this time to pay tribute to them. I have found them most courteous and most co-operative, and this goes as well for the social workers in the Health Unit in the Town of Neepawa and all of those with whom I come in contact.

Now, Mr. Chairman, it seemed to me last evening that the Minister felt that there was an apology due the House for the increase in the amount of money to be spent in his department. The Tribune even sensed this I believe, when on Page 1 at the bottom of the page, an article headed, "Prosperity Begets Welfare Problems" it goes on to say and quote: "The vast pace of prosperity in the province is actually disrupting family life the Minister explained in presenting his spending estimates for the coming year. That was one of the reasons that his 21.4 estimates were up 4 million over last year."

Well this is exactly what I thought odd about the presentation that was made by my honourable friend. Why in this day and age of prosperity should we have all of the problems in increasing amounts that the Minister told us of last evening, the tension and the disruptions in the family affairs; that the many social problems of society have adversely affected the lives of a larger number of our people and particularly our children. Well what has prosperity got to do with increasing, disrupting and tensions and so on that was spelled out by the Minister? It seems that we have altered our course to some degree over the years in the field of welfare, there is no question about that, but I always thought that there was some relationship between the prosperity of a nation or a province and the cost of welfare services. There used to be, Mr. Chairman, back in the days ten years ago.

I have before me a little booklet called "The Municipality's Role in the National Economy" put out by the Canadian Federation of Mayors and Municipalities and they apparently presented certain briefs here recently. I would just like to read one paragraph from Page 117 of

(Mr. Shoemaker, cont'd)... this booklet: "The Canadian Federation of Mayors and Municipalities made a report on municipal and inter-governmental finance with an analysis of the financial problems of municipal governments in Canada. The report covered the years from 1930 to 1951 and it showed that in 1930 the municipalities expended 11.2 % of their budgets on public welfare; 22.9 percent in 1939; and back to 12.2 percent again in 1951."

Now it clearly points up here that in the so-called "dirty thirties" that about 25 percent of the budget of the municipalities was taken up for what was called relief in those days. We have better words to describe it now, but as the economy improved in the '50's, well then the cost of welfare again declined, but apparently this whole pattern has changed in light of what the Minister had to say last evening.

HON. J. B. CARROLL (Minister of Welfare) (The Pas): Was it 1961 that it went back to 11 percent?

MR. SHOEMAKER: No, this was 1951, and I'll read the last sentence of that paragraph: "The 1959 figure is an example of what economic conditions can cause and points up the necessity to seek a solution." What they were pointing out, I take it, in this book is that if we are going to be faced with depressions of this kind again, then we'll have to take a new look at finances. This is what they're pointing up I believe, Mr. Chairman.

Now I would like to thank my honourable friend and his department and the government for at long last coming forward with Bill 105. I have been looking for this Bill for -- the Minister of Education will tell you -- for about five years. Well it's about the length of time the government has been in office, so I think it's only fair that I should commend them for at long last bringing it out. It's better late than never. However, there are certain clauses of it that probably need some clarification and some improvement on yet and no doubt will be amended in future years.

I was interested, Mr. Chairman, in what the Minister said in committee this morning in regard to the qualifications of an elderly person, that is subsection (d) of 2 of the Act, defining an elderly person and the income that limits his admission there. We did amend that it is true, but the way it stands at the moment is to me, if I read it correctly, is that you can -- interjection -- no, but this has to do with the welfare of the people, and the whole point is this, that we probably need some improvements here but my guess is, if I interpret this correctly, is that you could earn five times the rental of a suite in a hostel or a unit.

MR. CHAIRMAN: I call it 5:30 and leave the Chair until 8:00 o'clock.