



**Legislative Assembly of Manitoba**

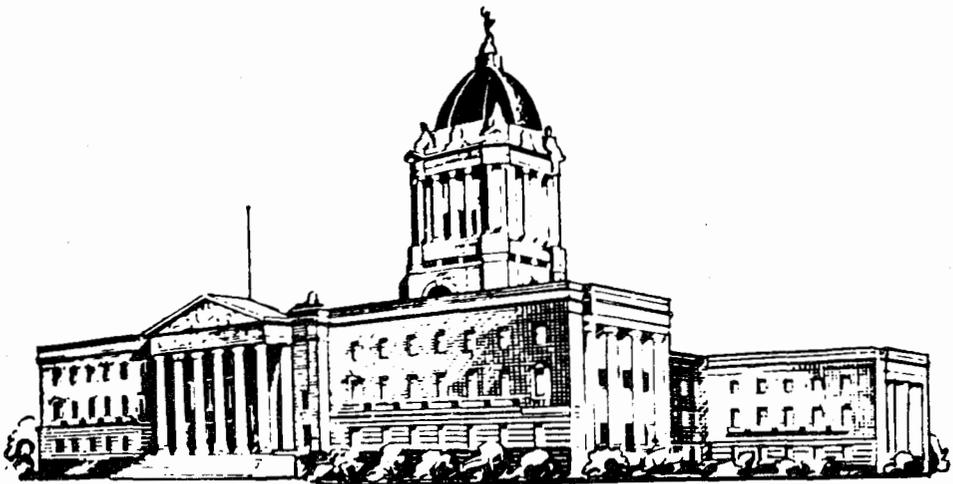
**STANDING COMMITTEE**

**ON**

**LAW AMENDMENTS**

**Chairman**

**Mr. J. Wally McKenzie  
Constituency of Roblin**



**Thursday, July 20, 1978 2:30 p.m.**

**Hearing Of The Standing Committee On  
Law Amendments  
Thursday, July 20, 1978**

**Time: 2:30 p.m.**

**CHAIRMAN: Mr. J. Wally McKenzie.**

**MR. CHAIRMAN:** We have Bill No. 29, The Commodity Futures Act; Bill No. 35, An Act to amend The Highway Traffic Act(2); Bill No. 47, An Act to amend The Law Society Act; Bill No. 57, An Act to amend The Public Schools Act; No. 60, An Act to amend The Liquor Control Act(2); No. 62, An Act to amend The Rent Stabilization Act; No. 65, An Act to amend The Human Rights Act(2); No. 66, An Act to amend The Teachers' Pension Act; No. 69, An Act to amend The Civil Service Act; No. 71, The Statute Law Amendment Act (1978).

We deal with Bill No. 29. If the committee will bear with us, Mr. Tallin has the amendments.

Would you turn then to 47, 66 and 69. I understand that there are no amendments to those bills.

**BILLS 47, 66 and 69** were each read page-by-page and passed.

**BILL NO. 29 — THE COMMODITY FUTURES ACT**

**MR. CHAIRMAN:** Gentlemen, are we ready to proceed with Bill No. 29, The Commodity Futures Act and there are amendments? Bill No. 29. Okay, proceed.

Section 1(1)(a)—pass; (b)—pass; (c)—pass; (d) — there is an amendment to (d). Mr. Brown.

**MR. BROWN:** Mr. Chairman, I move

That Clause 1(1)(d) of Bill 29 be amended by adding thereto, immediately after the word "member" in the first line thereof, the words "where used to refer to a member of a commodity exchange or a clearing house."

**MR. CHAIRMAN:** Agreed? (Agreed) (d)—pass; (e)—pass; (f)—pass; 1—pass; 1(1)—pass;1(2) (a)—pass; (b)—pass; 1(2)—pass; 1(3) —pass; 2(1)(a)—pass; (b)—pass; (c)—pass; (c)(i)—pass; (c)(ii) — Mr. Brown.

**MR. BROWN:** Mr. Chairman, I move

That subclause 2(1)(c)(ii) of Bill 29 be amended by striking out the word "contract" in the 3rd line thereof and substituting therefor the word "contracts".

**MR. CHAIRMAN:** —pass; (ii)as amended—pass. (The remainder of Section 2 and Sections 3, 4 and 5 were each read and passed.) 2 6(1)(a)—pass — Mr. Brown.

**MR. BROWN:** Mr. Chairman, I move

That subsection 6(1) of Bill 29 be amended by striking out the word "of" where it appears for the 1st time in the 2nd last line thereof and substituting therefor the word "for".

**MR. CHAIRMAN:** Agreed? Mr. Cherniack.

**MR. CHERNIACK:** Mr. Chairman, it seems to me that it's the word "or" that should be changed to "for". —(Interjection)— "For a term," okay, thank you.

**MR. CHAIRMAN:** Agreed, Mr. Cherniack?

**MR. CHERNIACK:** Yes.

**Law Amendments**  
**Thursday, July 20, 1978**

---

**MR. CHAIRMAN:** Okay (Agreed)

6(1)(a)—pass; 6(1)(b)— pass; 6(1) as amended—pass; 6(2)—pass; 6—pass; 7—pass; 8—pass;  
— Mr. Brown.

**MR. BROWN:** Mr. Chairman, I move

That clause 8(a) of Bill 29 be amended by adding thereto, immediately after the word "thereof" in the 2nd line thereof, the word "as".

**MR. CHAIRMAN:** Agreed? (Agreed) 8(a) as amended—pass; (b)—pass; (c)—pass; 8—pass; 9—pass; 10—pass; Preamble—pass; Title—pass; Bill be reported — the Honourable Member for Lac du Bonnet.

**MR. USKIW:** Yes, I just want to express our regrets that the government hasn't seen fit to further amend the legislation giving the government some authority over the operations of the commodity futures business in Manitoba.

I hope that the Minister was sincere when he indicated that this would be a bit of a trial period and that should the need arise for greater government involvement that he would not hesitate to further amend this particular piece of legislation. And of course we will be watching with a great degree of interest over the next period of time, just how the government is going to respond to the situation of the day as it arises.

I believe that we had a fairly reasonable presentation yesterday on this measure complaining about the idea of giving a private group such vast powers. This happens to be another bill in this session which is delegating the authority of the State to a private club, or a private organization, a principle that I find very difficult to accept.

So with those comments, I'm going to let the measure go, Mr. Chairman.

**MR. CHAIRMAN:** The Honourable Minister of Consumer and Corporate Affairs.

**MR. EDWARD MCGILL:** Mr. Chairman, the matter of our exerting a greater degree of authority over the operations of the Winnipeg Commodity Exchange, of course has to be considered in the light of the constitutional matters which pertain, and that is the supervision which is now being exercised by the Federal Government in that field. And the way in which this bill is designed is to give some consideration to the constitutional matters involved and to do, by way of providing for the protection of the public through insuring that the traders are themselves recognized members of a commodity exchange, is the way we feel is the best way in which to proceed without incurring greater expense and we are certainly going to, in the next months and years, consider how effective this approach is. As we said during the closing of the debate, we are certainly going to consider, if necessary, on the basis of experience, changes in the future.

**MR. CHAIRMAN:** The Honourable Member for Lac du Bonnet.

**MR. USKIW:** I would have hoped that the minimum provision that we would have had in this bill is the provision that would give the Securities Commission in Manitoba some powers to monitor what is going on so that we would be in a better position to decide upon future amendments. That would be a minimum position that we should have had in this legislation. However, I leave it for the moment.

**MR. CHAIRMAN:** Any further comments. Bill be reported.

Bill No. 35, An Act to amend The Highway Traffic Act (2). Section. . .

**A MEMBER:** I wonder if the committee would mind deferring this. Mr. Dygala and Mr. Balkaran are working out a further amendment to it right at the moment.

**MR. CHAIRMAN:** Bill No. 57, An Act to amend The Public Schools Act.

The Clerk just advises me that Mr. Charles Huband has indicated that he would like to come and speak on this bill. I am at the mercy of the committee. Mr. Brown.

**MR. BROWN:** Mr. Chairman, we agreed last night that we had heard all the presentations and I think that we should stand by that agreement.

**MR. CHAIRMAN:** Committee agreed? (Agreed) Proceed. Mr. Green.

**MR. SIDNEY GREEN:** Mr. Chairman, I am not going to oppose what the Committee is doing, but

**Law Amendments**  
**Thursday, July 20, 1978**

---

not for the reasons given. The reason that I would have to concede that nothing be done is that there were other people here who said that they would want to make presentations if somebody was making presentation. But we have opened up presentations, especially in the heat of notice being difficult to be given to people, etc., we have opened up presentations even after they have been closed. In this particular case, somebody else was here who said that he wanted to speak and he withdrew on the basis that there was no representations. So we would have to have the others back, too.

**MR. CHAIRMAN:** For the information of the members of the committee, this is the first indication I have had, right at the moment, that Mr. Huband was desirous of speaking to the bill.

**BILL NO. 57**

Bill No. 57, An Act to amend The Public Schools Act, Subsection 155(1) as amended 1(u)—pass; 1—pass; Subsection 160(2) as amended, 2—pass; 3—pass?

**MR. DESJARDINS:** No, Mr. Chairman, I have an amendment.

**MR. CHAIRMAN:** Mr. Tallin.

**MR. TALLIN:** Rather than do this minor thing by amendment, would it be all right if we did it by correction? In the second line of Clause (a) of 171(2) the word "board" appears right at the beginning. That should be "School Division", not "School Board"; is that all right to make that correction? (Agreed)

**MR. DESJARDINS:** Mr. Chairman, I am ready to make my amendment by correction, too.

**MR. CHAIRMAN:** 3. 171(2)(a) as amended. You have another amendment? The Honourable Member for St. Boniface.

**MR. DESJARDINS:** Well, I am told that my amendment should come after you have passed 171(b).

**MR. CHAIRMAN:** All right, 171(2)(a) as corrected—pass; (b)—pass; 3—pass?

**MR. DESJARDINS:** No, 3, I am wanting to make an amendment. Could I ask a question first? Is Mr. Green a member of this committee?

**MR. GREEN:** Mr. Chairman, I just became a member yesterday.

**MR. DESJARDINS:** It's just like becoming a Canadian citizen; it doesn't mean anything as long as you're a member.

**MR. GREEN:** That's okay, Mr. Chairman, as long as you don't question other people's membership.

**MR. DESJARDINS:** You have been there too long. It's time you left.

Mr. Chairman, I move that the proposed Subsection 171(2) of The Public Schools Act as set out in Section 3 of Bill 57 be amended by adding thereto at the end thereof the following:

"And where a private school requests the board of a school district or school division to enter into an agreement under the subsection and the parties cannot, within three months of the request, conclude an agreement, the private school may refer the request to the Minister and the Minister, after considering the matter, shall, within two months after the referral, make a recommendation with respect thereto to the Lieutenant-Governor-in-Council, who may direct the parties to enter into an agreement under the subsection, in terms described by the Lieutenant-Governor-in-Council."

**MR. CHAIRMAN:** The Honourable House Leader of the Official Opposition, Mr. Green.

**MR. GREEN:** Mr. Chairman, I asked that this amendment be declared out of order because it is not accompanied with a fiat from His Honour the Lieutenant-Governor, and this amendment could result in increased expenditures of money out of the Consolidated Revenues.

The honourable member is not a member of the Treasury Branch, nor does he have a fiat, and therefore cannot require the expenditure of these moneys.

**Law Amendments**  
**Thursday, July 20, 1978**

---

**MR. CHAIRMAN:** The Honourable Member for St. Boniface.

**MR. DESJARDINS:** Mr. Chairman, on the same point of order. I think that you will notice that the word "may" is there and it's strictly up to the Treasury Bench to decide, not up to me. This is only for permissive legislation.

So, Mr. Chairman, I think that you should accept the amendment.

**MR. GREEN:** Mr. Chairman, even the Treasury Branches require a message from His Honour to authorize them to expend money, and there is no message from His Honour attached to this amendment. Any permission to expend money from Consolidated Treasury requires a fiat from the Lieutenant-Governor.

**MR. DESJARDINS:** Mr. Chairman, I think I will await your decision.

**MR. CHAIRMAN:** I am advised by the Clerk that it raises the possibility of expending certain moneys for this particular program and therefore it would be out of order. The only one that could make that motion would be a member of the Treasury Bench.

**MR. DESJARDINS:** You see why I didn't want Green on that God damn committee, Mr. Chairman.

**MR. CHAIRMAN:** 3—pass. (Section 4 was read and passed.)

**MR. CHAIRMAN:** There is an amendment, now, to 5. Mr. Brown.

**MR. BROWN:** Mr. Chairman, I move that section 5 of Bill 57 be amended by striking out the word "and" immediately after the word "acquire" in the second line thereof.

**MR. CHAIRMAN:** 5 as amended—pass; 6(e)—pass; 6—pass; 7 — Mr. Brown.

**MR. BROWN:** Mr. Chairman, I move that section 7 of Bill 57 be repealed and the following section substituted therefor:

Section 285 rep. and by sub.

7 Section 285 of the Act is repealed and the following section is substituted therefor:

Minister may act as agent and deduct premium from grant.

285. The Minister may enter into an agreement, for and on behalf of, or as agent for, any one or more school districts, with an insurer licensed to carry on the business of insurance in the province, insuring the district or districts as herein provided; and the Minister may deduct the premium payable in respect of a district so insured from the moneys payable under Part IX.

**MR. CHAIRMAN:** Agreed? — the Honourable Member for St. Boniface.

**MR. DESJARDINS:** On a point of order, I don't think that the member is a member of the Treasury Board and I think that's out of order. It's a good cause — spending money.

**MR. CHAIRMAN:** The general procedure has been for a member that's not of the Treasury Bench to read the amendments into the record.

**MR. DESJARDINS:** No, no. I want the rules to be . . . I used to be a Minister too. That's doesn't count.

**MR. CHAIRMAN:** The Minister can move his own amendment if he wants.

**MR. DESJARDINS:** Well, let him, let's get this proper and . . .

**MR. CHAIRMAN:** Mr. Cosens.

**MR. COSENS:** Mr. Chairman, I move

That Section 7 of Bill 57 be repealed and the following Section substituted therefor:

Section 285 rep. and sub.

7. Section 285 of the Act is repealed and the following Section is substituted therefor:

Minister may act as agent and deduct premium from grant.

285. The Minister may enter into an agreement, for and on behalf of, or as agent for, any one

or more school districts, with any insurer licensed to carry on the business of insurance in the province, insuring the district or districts as herein provided; and the Minister may deduct the premium payable in respect to a district so insured from the moneys payable under Part IX.

**MR. CHAIRMAN:** The Member for St. Boniface.

**MR. DESJARDINS:** I find it odd that this amendment is brought in by the Minister himself at this time when my motion was pretty well on another subject but doing exactly the same thing, is acting for the school division, but apparently that was rejected by the government who did not want to take over from the school division. There's no concern at this time. I don't intend to oppose it, but I find it quite odd.

**MR. CHAIRMAN:** Any further discussion?

**(The remainder of Bill 57, as amended, was read and passed.)**

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

**MR. CHAIRMAN:** Subsection 124(4) added. 1 — pass: — The Honourable Member for Pembina.

**MR. ORCHARD:** I have an amendment:

That the proposed subsection 124(4) of the Liquor Control Act as set out in schedule 1 of bill 60 be amended by adding thereto at the end thereof the words "and subject to such terms and conditions as may be prescribed by the Commission, persons participating in athletic or sports recreation may have and consume liquor on that Sunday during the hours in which liquor may be had and consumed on that part of the premise on days other than Sundays and the licensee may sell and serve liquor to such persons on that part of the premise licensed as a cocktail room on Sundays during the hours in which liquor may be sold and served on that part of the premise on days other than Sundays."

**MR. DESJARDINS:** Mr. Chairman, I wonder if the member would define the word "sports" for this Act, for the implication of this Act. I don't know why "sports". Why not culture, why not . . . ? I'm serious.

**MR. CHAIRMAN:** It's for discussion? The Honourable Member for Pembina I don't think has moved this yet has he?

**MR. DESJARDINS:** Is it participating sports — watching or what?

**MR. CHAIRMAN:** The Honourable Member for Pembina.

**MR. ORCHARD:** The bill indicates participating in athletic or sports recreation, which would mean such things as racquet ball, hand ball, table tennis.

**MR. DESJARDINS:** No, well then he said the explanation was in recreation and sports. Well, recreation could be just watching an event.

**MR. CHERNIACK:** Absolutely.

**MR. DESJARDINS:** And recreation could be, you know, there's different forms of recreation. Any cultural activities could also be recreation. In fact, recreation could be just the act of drinking a cocktail, so it could be wide open.

**MR. ORCHARD:** Mr. Chairman, I think the amendment reads "persons participating in athletic or sports recreation."

**MR. DESJARDINS:** Recreation, participating in recreation.

**MR. ORCHARD:** That's recreation activities. I think that's fairly specific that it would be restricted to athletes and not spectators.

**Law Amendments**  
**Thursday, July 20, 1978**

---

**MR. DESJARDINS:** All right, with that explanation, I . . .

**MR. CHAIRMAN:** The Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Chairman, I would like clarification on the existing law in relation to any other licensed premises. As I understood the introduction to this bill, the only reason this bill was necessary is because the club for whom this whole thing is being done is privately owned rather than non-profit. I would therefore like to know what the law now is on this question of Sunday drinking without food, whether it is the way I understand it to be.

**MR. Tallin:** Are you asking me this?

**MR. CHERNIACK:** Anybody who knows.

**MR. CHAIRMAN:** Mr. Tallin.

**MR. TALLIN:** Dining rooms are allowed to serve liquor on Sundays; cocktail rooms are not allowed to serve liquor in cocktail rooms except to the extent that the cocktail room on a Sunday may be used as an extension of the dining room if there is a real dining operation going on there.

**MR. CHERNIACK:** Well then I gather, Mr. Chairman, the provision here does not make any distinction between what is proposed here for these special organizations or special companies than now exists for hotels, etc., except that they don't have to sell as much food as a restaurant does.

**MR. TALLIN:** The effect of the amendment . . . Are you talking about the effect of the amendment to the bill would be that in the cocktail room of the premises they would be allowed to sell d? liquor without foo

**MR. CHERNIACK:** Yes, which is what they're being given the right to do on any other day but Sunday and that is, in itself is contrary to a restaurant operation where they have to balance food with liquor.

**MR. TALLIN:** I don't recall whether any of these sections have to do with the balancing, I'm afraid.

**MR. CHERNIACK:** Well, if you look at the amendment itself, the bill itself I believe does exactly that. It permits that the food revenue does not have to balance the liquor.

**MR. TALLIN:** Yes, that's right.

**MR. CHERNIACK:** So there is a special provision being made for these privately-owned clubs to receive permission from the Commission to be able to sell liquor and no food, and now the proposed amendment by Mr. Orchard is to be able to do it on Sunday as well as every other day. In other words' as I understand it, anybody going into a restaurant on any day other than Sunday, may go to the liquor room, or the tavern part of whatever it is called, and drink liquor without food as long as the total revenue balances. But they can go to this club and drink oniy and not have food at all. That is a special concession that was made by the bill itself and I understand that that right did exist now for non-profit, membership-operated, cultural and sports organizations. Therefore, I understand, that because they are privately-owned clubs that we are dealing with, that permission is being granted.

But now Mr. Orchard is proposing, loudly and clearly, as I understand it, he is proposing that liquor may be had on Sundays without any food having been consumed or even sold on the premises and that it would be permissible for people to go in on Sunday and attend the event, or participate, and as Mr. Desjardins says, either by watching or by playing, and consume liquor on Sundays. That is the intent? I would like Mr. Tallin to confirm that that is the intent of Mr. Orchard's motion?

**MR. TALLIN:** That is the effect it would have, yes.

**MR. CHERNIACK:** Mr. Chairman, I am not a member of committee. I can't vote, I certainly don't approve. If Mr. Orchard and his group approve it, then by all means.

**MR. CHAIRMAN:** Mr. Boyce.

**MR. BOYCE:** Mr. Chairman, this is a broad-sweeping amendment that the government is introducing through Mr. Orchard, I assume.

**A MEMBER:** It is a Private Member's Bill.

**MR. BOYCE:** Well, through the Government caucus. I have to oppose it because it is, you know, just too broad an opening. This is an important matter and if it is someone's intention, it should be introduced at a proper time and debated properly. I mean, to discuss such an amendment at this late hour, I don't think it is in the public interest, because as pointed out by the Member for St. Johns, it really turns these private clubs into cabarets more than — well, they use the term cocktail room as a physical description, nevertheless it is granting a cabaret licence to certain clubs in the private clubs in the Province of Manitoba to operate on Sundays, and I'll have to oppose this particular amendment and I would ask others Members of the Legislature to oppose it also, if the Whips aren't on, because at this late hour, this can't possibly be debated properly.

**MR. CHAIRMAN:** The Honourable Member for St. Boniface.

**MR. DESJARDINS:** Mr. Chairman, I am concerned. The Member for Pembina said it is for those participating only. Well, all of us know and have been in a situation where one of the partners might be playing, let's say, curling, and then after curling, their wives are there with them, and they can sit down and they can't drink, only the ones who curled. It doesn't make sense. You know, that is making a law that is ridiculous, and if it is for those watching, I have no objection, I'll vote for that. But why discriminate against people who might be going to the theatre or somewhere else? I think that if it is recreation, if you want people in a recreation area. . . then you can carry that forever. You can say, "Well, my recreation is just going to this club and having a drink. I don't care if there are any sports being played. I don't have to watch; my recreation is going to have a drink." So are we trying to open this to everybody on Sunday? That is, in effect, what we are trying to do, or we are discriminating. I'm not against it. If somebody wants to make an amendment that Sundays be considered another day, I'll vote for it, but this is going to cause all kinds of problems, especially — this is on tape now, Mr. Orchard said it — it is only for those participating. —(Interjection)— Well, I know it, that's my concern; that's what it says.

**MR. CHAIRMAN:** The motion is before the committee. Mr. Boyce.

**MR. DESJARDINS:** Can I move a sub-amendment?

**MR. BOYCE:** —(Interjection)— No, you can't, I have the floor.

**MR. DESJARDINS:** I thought I still had the floor.

**MR. CHAIRMAN:** The Honourable Member for Winnipeg Centre.

**MR. BOYCE:** I wanted to ask, through you, Mr. Chairman, to Legislative Counsel. As I understand this amendment, if I wanted to establish a pong club where we sit there and watch a television set, pong-pong tournaments, and if I want to establish that kind of a tournament, then I could apply for that kind of a licence under this section?

**MR. CHAIRMAN:** The Honourable Member for St. Boniface. Mr. Tallin. One moment, Mr. Desjardins.

**MR. TALLIN:** Just what the definition of sport might be, from time to time, I suppose, would really be up to the courts, but I wouldn't think that one of those television sets would come within my idea of sports or athletic recreation.

**MR. DESJARDINS:** But it would for others.

**MR. TALLIN:** Nor am I a judge.

**MR. CHAIRMAN:** Mr. Desjardins.

**MR. DESJARDINS:** Not taking anything away from that, but doing away with discrimination, I would like to move a sub-amendment, and that is that in the sixth line, the words "participating in athletic

**Law Amendments**  
**Thursday, July 20, 1978**

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or sports recreation activities" be struck out.

**MR. CHAIRMAN:** Any discussion on the amendment as proposed by the Honourable Member for St. Boniface? —(Interjection)— Or sub-amendment, pardon me.

**QUESTION put on Mr. Desjardins' sub-amendment, MOTION lost. (Yeas 3; Nays 10)**

**MR. DESJARDINS:** Mr. Chairman, we have already voted and I don't think you should ask for voting. I'll just change my recreation to tiddly-winks and that's all.

**MR. CHAIRMAN:** The Honourable Member for Transcona.

**MR. PARASIUK:** Mr. Chairman, I did want to ask one question of the Legislative Counsel in response to his answer right now. I don't know if he has had a chance to watch ABC Wide World of Sports, and under that title they have everything from rattlesnake catching contests to snooker, to billiards, to all of that, and that's all considered sports. I think that is one of the difficulties in trying to establish what is meant by this. For example, billiards may in fact be validly considered a sport and the point is, if the proprietor of a billiard parlour applies to the Commission for this type of a licence, will it then be some type of an arbitrary decision on the part of the Commission to withhold this type of a licence for the proprietor of a billiard parlour, but allow it for the proprietor of a squash club? I think that is where you are going to run into great difficulties with this particular bill.

**MR. CHAIRMAN:** Mr. Tallin.

**MR. TALLIN:** There would be no reason why the Commission couldn't exercise exactly the same discretion with respect to billiard parlours that they can exercise with respect to any other type of sports recreation facility, which is an absolute discretion with respect to the issuing of licences.

**MR. PARASIUK:** So then, to clarify it, that would be a complete arbitrary discretionary power in their hands.

**MR. CHAIRMAN:** On the amendment as proposed by the Honourable Member for Pembina—pass? The Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Chairman, I just would like to make this comment. I spoke on this bill when it was first introduced on second reading. I am really not concerned too much about a privately-owned recreational facility having the right to operate a restaurant, operate a cocktail room, I don't find that a problem at all. What I find a problem is the fact that the Commission can discriminate as between various organizations or companies, private operations, and say, "you may, you may not," and there are no guidelines established. There is no appeal beyond the Commission. I think it is too arbitrary and too much power given to the Commission. If there were guidelines, if there were some kind of, maybe regulations passed by the Lieutenant-Governor-in-Council. I would rather put the onus right on the Lieutenant-Governor-in-Council if there is going to be this kind of a decision being made with authority to a small group of people who are appointed by the government and beyond which there is no appeal, as I understand it. My impression is that decisions of the Liquor Commission can be appealed back to the Liquor Commission, and on that basis, I sort of would like to hear a comment from the Minister responsible for the Liquor Commission — I believe it is the Attorney-General — to say whether or not he believes that this is a proper kind of discretion that can be used by the Commission whereby, without guidelines that I am aware of, without a rules or appealable authority, the power is given to that Commission. That is really all I object to. I do not object to the idea of a recreational facility having the opportunity to have a cocktail room, which is really what this is all about. I just don't like the arbitrary rights that are passed on to any appointed body.

**MR. CHAIRMAN:** The Honourable Attorney-General.

**MR. GERALD W. J. MERCIER:** Mr. Chairman, I believe that the discretion that is given to the Commission in this proposed amendment is exactly similar to the discretion that they now have in ruling on cocktail lounges and other licences. I believe there are many areas of The Liquor Control Act where they have the right to make very arbitrary decisions. I believe, also, that the Manitoba Hotel Association asked for a number of years, the right to have a provision inserted in the Act to be able to appeal many of these arbitrary decisions. That right was never granted and we don't have a bill to amend The Liquor Control Act at this particular time and haven't made any decision

**Law Amendments**  
**Thursday, July 20, 1978**

on that ourselves. But they do have the right to make very arbitrary decisions in many other instances. I don't know if that answers the question of . . .

**MR. CHERNIACK:** Mr. Chairman, all it says to me is that the Attorney-General has not yet had the opportunity to review all these various powers that are being given, in order to see whether they are fair, and I don't believe that he has had time in which to do it. He said we don't have an amendment to The Liquor Control Act before us, but we do. That is exactly what we are dealing with right now. What is now being suggested is that we broaden and enlarge the discretionary powers. Now, Mr. Chairman, I believe, not having had — I really haven't had any dealings with the Liquor Board on any of this kind of discretionary authority, but I believe that it would be pretty difficult for the Commission to refuse a licence in an arbitrary way for one restaurant and grant it to another restaurant if the nature of the facilities is the same as to all the requirements of lighting and sanitary facilities and whatever is required of that. I think they couldn't do it. But in this case they can discriminate as between applicants, and that is what concerns me. When it was permissible for membership-owned organizations, that is not quite as — I don't want to use the word "dangerous" — but not quite that broad that it cannot be misinterpreted so much as when it is dealing now with what I understand are profit-making organizations.

Now I am concerned because I suspect very much, Mr. Chairman, that in spite of the fact that they are now given the right to licence pool rooms, swimming pools, saunas Yes, we — (Interjection)— referred to various kinds of recreational, athletic or sports recreation centres — that they will discriminate. We were told by Mr. Steen that this was being brought on behalf of — he named one or two specific recreational places — and I am just afraid that there will be either a great deal of pressure on government and on the Commission to broaden it to include every privately-owned recreational facility, or there will be discrimination. And on that basis, as I say, I don't really object to the principle behind it, but I object to the fact that there is no recourse except through the back door, which is, go after your MLA, go after the Minister if you can get to see him, and try to put pressure on the Commission, which is wrong and which shouldn't be done. But I'm afraid it will happen because I don't believe the Commission is going to use this broadly and there are no guidelines set out in the legislation that would, in some way, inhibit the Commission and force it to be fair and equitable to all applicants.

**MR. CHAIRMAN:** The Honourable Attorney-General.

**MR. MERCIER:** Mr. Chairman, there now exists in The Liquor Control Act, the opportunity for the Commission to discriminate as between private organizations. Section 31(1) of the Act says, "Whereby this Act a licence or permit may be issued." The Commission may issue the licence or permit. But nothing in this Act compels the Commission to issue any licence or permit. So there has been, and is, the opportunity for discrimination between private organizations and private applicants. I'm not saying that that's a good thing and maybe in general there should probably be some provision to establish the principle that the decisions are made in good faith and perhaps clearly recognized principles and this is, I would say, something that should be reviewed and I would like to have an opportunity to review the Act with respect to the very arbitrary decision-making power that the Commission does have.

**MR. CHAIRMAN:** The Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Chairman, I am quite satisfied with the Attorney-General's statement. I believe that he will now be impelled to review this and bring in recommendations either at this session or the next one. I would just — (Interjection)— Monday? Well, that's time enough, Mr. Chairman. Some of us may be inclined to help him to make it possible for Monday.

I would only suggest one other thing, Mr. Chairman. One of the simpler ways of dealing with this is to provide an appeal authority outside of the Commission and that would be an easy way of making the change. If the Minister has time, and he usually has time between sessions — I find during a lunch break or a dinner break he can accomplish a great deal — maybe he can bring an amendment right here providing for an appeal authority. However, I doubt if he can do that, but I am pleased that he has given that undertaking.

**MR. CHAIRMAN:** Any further questions? 124(4) as amended—pass — the Honourable Member for Winnipeg Centre.

**MR. BOYCE:** I'd like a vote on this, Mr. Chairman.

**QUESTION put on the amendment, MOTION carried. (Yeas 14; Nays 3.)**

**MR. CHAIRMAN:** 124(4) as amended—pass; 1—pass; 2—pass; Preamble—pass; Title—pass; Bill be Reported.

Bill No. 35, apparently we are ready. We have some amendments to Bill No. 35. Maybe we should circulate them first. This is The Highway Traffic Act (2). We have a few amendments we would like to circulate first.

**BILL 35**

**MR. CHAIRMAN:** Bill No. 35, An Act to amend The Highway Traffic Act (2), Section 2 as amended, 1(2.1)—pass; 1—pass; Clause 2(8) as amended, (2)(a)—pass; (b)—pass; (c)—pass; 2—pass. Page 1—pass; Page 2—pass — the Honourable Member for Pembina.

**MR. ORCHARD:** I just have a comment on subsection (8) that I think might be appropriate. On an ordinary truck plate the operating radius under which a business person can use a truck plate, I believe, is 22 miles. I would just offer as a suggestion today that with increased size of trading areas, that that sometime be amended to increase the effective radius to 40 miles.

**MR. CHAIRMAN:** Page 3 — the Honourable Minister of Highways.

**MR. HARRY J. ENNS:** Mr. Chairman, just in connection with that, I am now advised that the appropriate place for some reconsideration of that area that the T licence can operate comes under the other Act, Bill 36, that sets out the different measurements. It's part of the conversions, although Bill 36 principally deals with the changeover to the metric systems and that's the appropriate time to deal with that question.

For the benefit of the member who asked the question, we did, in the converting, somewhat increase the radius, although not to the extent that he is asking for. But the point being, Mr. Chairman, is that we can't deal with the member's concern under Bill 35. That's fine, Mr. Chairman.

**MR. CHAIRMAN:** Section 10, Mr. Brown.

**MR. BROWN:** I move that Bill 35 be amended by adding thereto, immediately after section 10 thereof, the following section:

Subsec. 7(4) am.

10.1 Subsection 7(4) of the Act is amended by adding thereto, at the end thereof, the words "and in the case of a semi-trailer on the rear thereof".

**MR. CHAIRMAN:** Section 10.1 as amended—pass; 10—pass; Page 3 as amended—pass; Page 4—pass. Page 5, we have an amendment. The Honourable Member for Rhineland.

**MR. BROWN:** Mr. Chairman, I move that proposed new subsection 72(3.2) of the Act as set out in section 23 of Bill 35 be amended by adding thereto immediately after the word "Board" in the 7th line thereof, the words "and a sign".

**MR. CHAIRMAN:** Page 5 as amended—pass; Page 6—pass; Page 7—pass; Page 8—pass; Page 9 — the Honourable Member for St. Johns.

**MR. CHEIACK:** Section 45, I want to deal with that.

**MR. CHAIRMAN:** Proceed.

**MR. CHERNIACK:** Well, does that then mean you want to pass the other sections first.

**MR. CHAIRMAN:** Okay. (Sections 41-44 were read and passed)

45 — The Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Chairman, when I spoke on this bill and on this section, I think I gave Mr. Dygala a proper recognition for what I think has been a great record in Manitoba for safety precautions and enforcements, in order to create a greater safety for Manitobans. However, Mr. Dygala, too, I think, can be carried away and I suggested strongly that Section 45 was going a little bit beyond what I thought was reasonable.

I suggested then, and I suggest now, it ought to be voted down or withdrawn.

**MR. CHAIRMAN:** The Honourable Minister of Highways.

**MR. ENNS:** Mr. Chairman, in connection with that section and the concern that has been expressed by the Honourable Member for St. Johns, as well as members from my side of the House, I'd like to just, for the record, put the following on the record. That is simply this: That in Manitoba we treat our drivers who are indeed convicted of numerous criminal offences with considerable generosity. A driver previously convicted of a criminal offence has, in most cases, previously appealed and obtained a restricted licence, either from the Board or the court, invariably promising not to repeat a similar offence in the future. A driver convicted of a third such offence within five years, whose appeal has been denied by the Appeal Court, in our judgment should not be given a further right of appeal. The Board, in denying the appeal, does so because it feels it's not in the public interest to allow such a driver back on the road. We feel that the appeal process should stop at that point.

For the information of committee members, in Saskatchewan, Alberta and British Columbia, drivers convicted of criminal offences are subject to automatic suspension similar to Manitoba and there is no appeal from such a suspension, even in the case of a first offender. Nova Scotia has just enacted legislation this year providing for a five-year suspension for a second criminal offence and there is no appeal until three of the five years have elapsed. The person can then appeal to the court where the conviction was made.

The point that we're making is that at some point the line has to be drawn and drivers who repeatedly commit serious offences should know that there is a limit to the number of chances they can be given.

Now, Mr. Chairman, I accept the responsibility for not having fully used my influence, should I say, or lobbied this matter to the point where I think that it is acceptable to the Committee at this point, and I am prepared to withdraw Section 45. But I am making the point at this particular time to serve notice on the Committee and all of us that it would be my intention to re-examine this in the interim period and we could well be looking at this clause again, perhaps under certain different circumstances, in the coming year. But I did want to make that point that we are, in fact, providing greater mechanisms of appeal than do most other jurisdictions and I can't help but feel pretty strongly about the fact that if we are to maintain and hopefully improve safe driving in Manitoba, then this clause has to be considered at some point.

There is a habit that is formed in the courts that virtually in 90, 95 percent of the cases simply overturns the Licence Suspension Appeal Board's decisions and we believe that in some instances there has to be an education program done, or there has to be a second look at our Licence Suspension Appeal Board in this operation. We don't think that the virtually rubber-stamped approval of driving privileges after the Motor Vehicle Branch has demonstrated and documented a case of a hazardous driver, above and beyond all point of proof or contention, that that person ought to be allowed to continue driving to the jeopardy of other Manitobans on our roads.

So, Mr. Chairman, I'm not going to pursue it at this point. I move that Section 45 be deleted from the Act.

**MR. CHAIRMAN:** Agreed? (Agreed) Would the Minister or some other member make a motion that we renumber the subsequent sections accordingly. They will have to be corrected.

**MR. GREEN:** So moved.

**MR. CHAIRMAN:** So moved by the Honourable Member for Inkster that the subsequent questions be renumbered. Agreed? (Agreed)

It will be now 45, Page 10—pass. Page 11 — we have amendments. 51.

**MR. ENNS:** Mr. Chairman, on 51 we have an amendment.

**MR. CHAIRMAN:** At the end thereof.

**MR. ENNS:** Pardon me, at the end thereof, yes.

**MR. CHAIRMAN:** Proceed. Any discussion on the amendment? Mr. Green.

**MR. GREEN:** Before the amendment is put, I wonder if the Minister will permit me to say, Mr. Chairman, first of all that the Minister has made — and I have absolutely no argument — a conscientious attempt to deal with this problem, the problem related to automatic recognition of convictions in other jurisdictions on the driver's licence and on the insurance premiums which subsequently related to the insurance premiums of drivers. We dealt with this matter in the House

**Law Amendments**  
**Thursday, July 20, 1978**

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and indicated the difficulty with these automatics particularly in terms of insurance premiums.

Now the Minister has indicated to me that there is a great difficulty in not following the automatic convictions with regard to driving privileges from which there are appeals and other problems and that relates to reciprocal arrangements with regard to the use of driving licences and the recognition of driving licences in other jurisdictions. He has, however, agreed that the insurance premium shouldn't automatically go up and that the citizen should have some opportunity of making known to the insurance corporation that the conviction does not reflect what actually occurred in the other jurisdiction and his failure to fight the conviction dealt mainly from the fact that it was so difficult to do so in another jurisdiction. I say, Mr. Chairman, that the Minister has given conscientious recognition to that and I have absolutely no complaint.<sup>5</sup>

There are now two sheets of amendments. I don't know which one the Minister is going to put. The main difference between them, as I understand it, is as follows: What the Minister is saying and what I concur with is that when this is going to be an addition to a person's driving premium by virtue of a conviction in another province, that the citizen will have an opportunity of going to the insurance Rate Appeal Board, and explaining what has occurred and the Rate Appeal Board can decide not to increase the premium. The difference between the two amendments, as drafted, as I've understood it — and I looked at it I must say not very carefully but as I understand them, is that in one case the premium will go up, and the person will then have a right to appeal in which case he may be exempted.

In the other amendment, which I prefer, the citizen is given notice that unless he goes to the Rate Appeal Board, his premium will go up. I understand that the only difference is one of trying to be a little helpful to the administration and I really don't see why the administration, when they get a conviction from another province — and I'm not talking about it with regard to drivers' licences, but only with regard to insurance — that the insurance company notify the driver, "Your premium is going up; you have a right to come and appeal that. If you don't appeal, it will go up; if you do appeal, it may or may not go up." The only difference here is notice. Under the one amendment, the onus is on the citizen to come in after his premium goes up and say that he doesn't want it to go up; the other one he's given notice that it will go up. I certainly prefer the second and I don't see why it should be so difficult for a person whose premium is going up to be notified that this is going to happen and if he doesn't do something within a period of 30 days, it will happen, which is the essential difference, I believe, between the two amendments.

I must say, Mr. Chairman, I want to repeat because it's worth saying, that this has not been a part san, political argument. The Minister really wants to give weight to the considerations that were expressed by many members — both sides — to try and do something to protect the person who was convicted in another jurisdiction when he really had no opportunity of properly fighting the conviction.

**MR. CHAIRN:** The Honourable Member for Pembina.

**MR. ORCHARD:** Well, thank you, Mr. Chairman. Do I assume from the amendment that the only time a driver is notified of an out-of-province conviction being registered against his driving record is when that conviction will put him over the number of points required whereby he will be surcharged and not in the normal course, like . . . Okay, let's just pick figures out of the air. Say it takes 6 points before you are surcharged. If you get 2 points on an absolutely clear licence in Manitoba from another province, you won't be notified of those two points.

**MR. GREEN:** That's right, you won't be.

**MR. ORCHARD:** And then that means that if you have the misfortune of gaining four points immediately thereafter, in Manitoba, then your suspension or your surcharge will stand on the basis of those two points brought in from another province.

**MR. GREEN:** That's right.

**MR. CHAIRMAN:** The Honourable Minister of Highways.

**MR. ENNS:** Mr. Chairman, firstly, I suppose to be in order, we ought to place the amendment.

**MR. GREEN:** Which one?

**MR. ENNS:** We're speaking to an amendment. I would like to move an amendment, Mr. Chairman, and Mr. Green can do as he sees fit thereafter.

**MR. CHAIRMAN:** Proceed.

**MR. ENNS:** I move

That Bill 35 be amended by adding thereto, immediately after Section 51 thereof, the following Section:

Subsection 294(4) added.

51.1 Section 294 of the Act is amended by adding thereto, at the end thereof, the following subsection:

Application to Rate Appeal Board.

294(4) Where, by reason of the Registrar recording a conviction of the type mentioned in clause (1)(d), a driver is assessed an additional premium in respect of automobile insurance under The Manitoba Public Insurance Act and the regulations made thereunder, the driver may apply to the Rate Appeal Board established under that Act for an exemption from the additional premium; the Rate Appeal Board, after considering the evidence submitted on the application by the driver, the Corporation and the Registrar, may

(a) exempt the driver from the additional premium in respect of the conviction; or

(b) vary the additional premium; and order the Registrar to remove the conviction from the appellants record; or

(c) refuse to exempt the driver from the additional premium; and the Corporation shall coly with the decision of the Rate Appeal Board.

That, Mr. Chairman, is the exemption and it is correct, it is the amendment that places the onus on the citizen to plead his case before the Rates Appeal Board. But, Mr. Chairman, if I can speak to my own amendment very briefly, what is at issue here and what was raised by honourable members in the House was how automatic the procedure was that was in force up to now. By the way, that goes back to the last 30 years.

**MR. GREEN:** Oh, yes.

**MR. ENNS:** The issue was that there are instances, because of one travelling out of the jurisdictions where the citizen was in fact, or felt in his own mind, innocent and allwwed himself to accept the conviction simply for convenience sake. We're making it possible for that citizen to have his day in court or in front of a board.

The question raised by the Honourable Member for Pembina can also be dealt with in the fact that the notice that you receive that there is any change taking place, any notice that any driver would receive that an out-of-town or out-of-jurisdiction conviction is being registered against his driver's licence is immediately noticed on his new form. The demerit mark is shown. And if c that otherwise clean Manitoba plate, driver's licene, that you have now and you have a conviction out-of-province, and you get your renewal form and you see you have two demerit marks against it, you can appear before the Rates Appeal Board to explain and to attempt to have that conviction removed and those demerit remarks removed, not just at the six and above level. The reason why the six and above demerit level is talked about is because that's where it starts costing the citizen additional dollars in terms of the insurance rate.

Now, Mr. Chairman, I welcome the debate on this particular question. I think all of us have contributed to making our traffic regulations and laws somewhat more understanding of the individual citizen's need. I would have to indicate to the committee that at this point, to accept the position being put forward by the Member for Inkster, goes considerably beyond that in terms of the difficulties — and I know the member doesn't like me saying this — but we are in a computerized world and I'm told that the change in administrative practices are simply such that we could not accept at this time. I would ask the committee's recognition that this amendment does, to a large extent, acknowledge their concerns as expressed during the debate on the bill, gives the citizen an opportunity of pleading his case before the Rates Appeal Board. It makes it possible, if he thinks he is unfairly judged and consequently unfairly charged, to have that money refunded.

I might say that the position that Mr. Green takes is not entirely true because while the assessment is made, it is not paid. I would imagine that if I received my assessment notice, you know, you get the assessment notice seven weeks in advance and I see that as a result of an out-of-jurisdiction conviction, I am going to be asked to pay a \$100 surcharge because that has pushed my demerit marks from 6 to 8, I have seven weeks before any demand is made of me to pay that \$100 surcharge, to appear before the Rates Appeal Board and to argue my case. Now I really think that in that instance the citizen is not inconvenienced, is not out of pocket, that in that instance we can recognize the administrative difficulties that the other way around would present to the branch and we are not simply cowering or bowing down to bureaucratic convenience in this instance.

**MR. CHAIRMAN:** The Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Chairman, I'm fortunate, I guess, that I've never seen an assessment notice of a surcharge. What form does that take? Is it a separate notice altogether from the application for licence form which is sent out? Is it something that is saying, "Here, watch yourself. You've got to know now that you're being charged extra because of your record," or is it just that your licence application form has an additional amount or a larger amount assessed to it? I'd like that question answered before I deal with this issue.

**MR. ENNS:** Essentially, you notice it when you get your new licence form mailed to you some seven or eight weeks in advance. You see that you are being asked to pay an additional \$100, or \$200, or \$350.00. The other point being, the Registrar indicates to me that it would be a practice that we would, subject to this amendment passing, that we would enclose in every licence renewal form, a more noticeable notice, of the new provisions under the Act available to the citizens that would draw their attention to their license, to the demerit marks on the licence, that may or may not have increased, and to, of course, the additional surcharge. I would have to say that the question of the additional surcharge would hardly go by unnoticed by too many citizens because they are substantial; they are in escalators of \$100.00.

**MR. CHERNIACK:** Mr. Chairman, may I remind the Minister of Highways and honourable members that a court ruled very recently that I think where two persons failed to report something like \$25,000 income and did it inadvertently without really noticing. In other words, a tax form was prepared, it was signed, and it did not reveal that \$25,000 a year income — I think it was for more than one year — and the court said, "Oh, well, it's understandable that a person of that means, with that kind of income, should overlook the fact that he neglected to report \$25,000 of income," and he was found not guilty.

Now, Mr. Chairman, I was once in an income bracket of a Minister of the Crown and I would guess that when I was busy doing the work of the people of Manitoba, that I might have received a licence form from the Province of Manitoba saying, send in a cheque for "X" dollars, and I might have just sent in a cheque for "X" dollars. My point being, that I have always fought the concept that the machine will control us. I know very well that computers are programmed in a certain way and you have to tell the machine what to do, but, Mr. Chairman, machines usually do what you tell them to do if you tell them to do it properly, and I think that there has to be a real challenge to the programmer of that computer to see to it that what is done is what people want to be done, not what the machine wants to be done.

That's a nice general statement, but let's be specific. Apparently, because of an additional couple of points, some computer will throw out an instruction to the machine to add on a certain amount, a surcharge onto the licence. That is an instruction which the computer obeys, and when it sends out the driver application form, the amount is changed. It is changed because somebody instructed the computer to make the change. I am convinced, and I have no experience on which to base my conviction except that one has to challenge these, as the Minister said, bureaucratic or machinemade objection, I believe that a programmer can instruct the computer that when it receives a change in amount, it should first belch out a notice to the recipient of that licence saying, "You are being assessed an additional amount because of your record, and you have 30 days within which to challenge that statement."

Let me tell you, I once received a call, when I was Minister of Finance, from a person complaining he had received three letters from the Department of Finance, all in the same mail. One letter said, "You are late in filing your sales tax return, therefore you will be penalized if you do it again"; and the next one said, "You did it again, so you are being penalized"; and the third one said, "We have now reviewed the amount of your reporting and it doesn't warrant monthly reports, so we are changing you to a quarterly"; and I discovered that the computer did all these things in a matter of seconds, one after the other, so without knowing it sent three letters in sequence to this person correcting itself because of what it learned just a second after it did something. So I do not believe that it is difficult to comply with the concept that before a practice is brought in for an additional payment, notice shall be given. I should not have to dwell on the fact that there is an important principle in law and in dealings as between people, that notice should be given in advance of an act that affects a person. In every possible way, notice should be given in advance, because otherwise there will be an inadvertent assessment, and an inadvertent compliance, by people who don't take the care of knowing whether they are being overcharged or overtaxed or additionally taxed, and very often people pay what they are asked to pay.

**MR. CHAIRMAN:** The Honourable Minister of Highways.

**Law Amendments**  
**Thursday, July 20, 1978**

**MR. ENNS:** Mr. Chairman, I have to hold fast to the belief that a seven to eight week notice is, in effect, being given. Your application for renewal is sent out roughly two months in advance of your renewal date, of your birthdate, and I can undertake, and I have the Registrar of Motor Vehicle Branch sitting beside me, who has given that undertaking to the committee, that we can, by an additional . . . —(Interjection)— No, stuffer or something in the renewal form, draw this to the attention of the applicant, but I do believe that where the citizen is not being inconvenienced, and has not 30 days but seven weeks or eight weeks notice before he is being asked to pay or to pay the penalty or the surcharge, and we have set up by this amendment the appeal structure, that it is not unreasonable to ask that the computer be allowed to carry on its work in this way. We have built into the system, even prior to the eloquent appeal of the Member for St. Johns, the very notice that he seeks for citizens, and I would ask the committee's adoption of this . . .

**MR. CHERNIACK:** I would like to just ask a question, Mr. Chairman.

**MR. CHAIRMAN:** A question — the Member for St. Johns.

**MR. CHERNIACK:** The notice described, I assume, will go to all licences, not just to the ones who are affected, and that means that it will be a little circular which will be printed and not be directed to any . . . just to everybody. Notice to the world.

**MR. ENNS:** These are administrative problems that we would prepare to iron out as a result of some of the discussion around this table. The Registrar informs me that we could sort out or separate in some special way, either by advancing, for instance, the date to give some further time, these applications for licence renewals that have out of jurisdiction notices on them.

**MR. CHAIRMAN:** The Member for Inkster.

**MR. GREEN:** I believe that the Minister is making a sincere effort. I don't even care if it's in the legislation for the moment. The legislation, the amendment that he has introduced is fine. If the administrator is telling us that when a person is convicted in another province, in addition to the regular material, there will be a notice to him, "Look, you've been convicted in another province, there are two points added to your driver's licence, and this will affect your insurance by so many dollars," that's all we're concerned with. We'd accept that, Mr. Chairman, and go along with the amendment.

**MR. CHAIRMAN:** The Registrar, Mr. Dygala.

**MR. DYGALA:** Mr. Chairman, thank you. There's one additional piece of information that may be helpful and useful to the members of the committee, and that is that when the new computer system that is presently being designed comes into operation, hopefully in the early part of September, it will generate at the 4-point level, a notice to the driver indicating the nature of the offences that he has on his record, so that he will be alerted in advance of reaching 6 points, that he's at the 4-point level, the fact that if he gets convicted within the next 12 months of an additional offence raising him to 6, he's going to be subject to certain consequences, one of them being having to pay an additional insurance premium. So there will be advance warning to everybody, in fact, not just to those convicted out of province. —(Interjection)— Well, at 6-point level, certain things happen in addition to the additional premium. Normally, that driver called in for interview or some other action is . . .

**MR. GREEN:** At the 6-point they send out detectives with handcuffs and . . .

**MR. DYGALA:** Not quite.

**MR. GREEN:** . . . the computer goes into action. Mr. Chairman, we would of course prefer, and what Mr. Dygala has just said, indicates to me, or it would convince me that what is in the other one is not too difficult with the new computer that he is talking about. However, the Minister says that the administration is going to send out, with a separate notice, indicating the outside conviction and the effect on the insurance, and on that basis, Mr. Chairman, and because I know I can't get a majority to go the other way, I would be willing to accept this as a reasonable compromise.

**MR. CHAIRMAN:** 294 as amended—pass; Page 11—pass; Page 12 as amended — oh another amendment. Mr. Brown.

**Law Amendments**  
**Thursday, July 20, 1978**

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**MR. BROWN:** Mr. Chairman, I move that subsection 53(1) of Bill 35 be amended by striking out all the words and figures thereof immediately after the word "assent" in the second line thereof.

**MR. CHAIRMAN:** Agreed? (Agreed).

53(1)—pass; 53(2)—pass; 53—pass; Preamble —pass; Title—pass; Bill be reported.  
I've been requested now to call Bill No. 71 — The Statute Law Amendment Act (1978).

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

**MR. CHAIRMAN:** The Honourable Meer for St. Johns.

**MR. CHERNIACK:** You're not ready with 65 either?

**MR. CHAIRMAN:** Well, the House Leader just asked me to call Bill No. 71.

**MR. JORGENSEN:** Bill 71 is one of those bills that I have reason to believe will go through reasonably quickly, so I thought we'd get it out of the way before we go back to 62 and 65  
. . .

**MR. CHAIRMAN:** Bill No. 71, page by page.

**MR. GREEN:** Except there is a section of it that is coming out. —(Interjection)—

**MR. CHAIRMAN:** Bill No. 71.

**A MEMBER:** Do you know the section, Mr. Green?

**MR. GREEN:** No, I'll have to find it.

**MR. CHAIRMAN:** (Pages 1 to 21 inclusive were read and passed) Page 22 — Mr. Brown.

**MR. BROWN:** Mr. Chairman, I move that Section 73 of Bill 71 be renumbered as 73(2) and the following subsection added as subsection 73(1).

Clause 32(n) of Natural Products Marketing Act amended.

73(1) Section 32 of The Natural Products Marketing Act, being Chapter N20 of the Revised Statutes, is amended by adding thereto, immediately after Clause (m) thereof, the following clause:

(n) authorizing a producer board, marketing commission, or extra-provincial board

(i) to conduct programs to equalize or adjust returns received by producers from the marketing of a regulated product by conducting surplus removal programs, imposing fees, charges or levies on producers, or otherwise, and

(ii) to use any fees, charges or levies imposed by it pursuant to this clause for the creation of reserves, the payment of expenses and losses resulting from the sale or disposal of any regulated product, or the equalization or adjustment among producers of any regulated product of moneys realized from the sale thereof during such period or periods of time as the producer board, marketing commission or extra-provincial board may determine.

**MR. CHAIRMAN:** Any discussion on the proposed amendment? The Honourable Meer for Inkster.

**MR. GREEN:** Mr. Chairman, generally this bill is used to bring in corrections to statutes or changes to statutes which are necessitated to bring them into conformity with other statutes, they generally do not, or should not in any event, and there have abuses I would suppose under any administration, deal with substantive law. I am not sure just how far this intends to go. Authorizing a producer board, marketing commission or extra-provincial board, to conduct programs to equalize or adjust returns received by producers from the marketing of a regulated product. Would it give them the power to take from one producer and give to another producer? I am a believer in marketing boards, but I want to know what the marketing board is going to have the authority to do.

**MR. CHAIRMAN:** Mr. Tallin.

**MR. TALLIN:** This relates to the court case in which the Supreme Court ruled ultra vires the Federal

**Law Amendments**  
**Thursday, July 20, 1978**

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Government has the power to do these things in connection with, I think, it was the Egg Marketing Board, which was a problem of surplus removal programs. The method that it used was to try to get the provincial boards to exercise part of the jurisdiction in connection with the egg marketing schemes, but the actual scheme was done through the federal legislation. This is to authorize regulations to be made by the Lieutenant-Governor-in-Council, under provincial law, so that they can tie in the egg marketing scheme. The problem with this was that the first section that is presently in Section 73, was to validate what has been done in the past. This is to authorize the regulations to be done in the future.

**MR. CHAIAN:** Mr. Uskiw.

**MR. USKIW:** Well, Mr. Chairman, the only comment I would have is that I am amused somewhat because of the posturing of the Conservative Party when in opposition about these kind of regulations, so that it is strange to note that they are prepared to carry on in the same vein with respect to federal/provincial marketing plans which restrict production, which control sales, etc., etc., something which the Member for Morris would find very hard to accept, but I notice he is very silent today.

**MR. CHAIRMAN:** Page 22, as amended—pass; Page 23—pass; Page 24 — the Honourable Member for Inkster.

**MR. GREEN:** Mr. Chairman, I understand that 77 is being withdrawn.

**MR. CHAIRMAN:** Mr. Brown.

**MR. BROWN:** I move, Mr. Chairman, that Section 77 of Bill 71 be struck out. (Agreed)

**MR. JORGENSON:** And I think it should be also moved, Mr. Chairman, that the remaining sections should be numbered accordingly.

**MR. CHAIRMAN:** It is moved as well that the remaining sections be renumbered—pass.  
Pages 25 to 34 inclusive were each read and passed.

I'm sorry, there is an amendment on Page 33, I apologize. The Honourable Member for Rhineland.

**MR. BROWN:** Mr. Chairman, I move that Section 130 of Bill 71 be amended by striking out the word and figures, "and 29" in the second line thereof and substituting therefor the word and figures, "29 and 73."

**MR. CHAIRMAN:** Agreed, as amended, and that the other section be renumbered accordingly — pass.

**A MEMBER:** Is it just renumbered?

**A MEMBER:** It is to bring this egg marketing matter in accordance with the proclamation so they have time to make the regulations.

**MR. CHAIRMAN:** Preamble—pass; Title—pass; Bill be reported.  
Committee rise.