

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Thursday, March 23, 1967

MR. CHAIRMAN: Resolution 82 - 1 (a)--

MR. GREEN: Mr. Chairman, I just wanted to make some remarks with regard to the Telephone System and the Hydro Electric Board and to comment on the fact that these people belonging to Crown corporations, the employees, are not permitted to withdraw their services in concert and are subjected, as I understand it, to compulsory arbitration in connection with determining their wages and working conditions. I intend to deal with this matter far more fully when we come to the estimates of the Department of Labour, but in the meantime I would like to see whether the Minister can account for the fact - and I have a copy of the Manitoba Civil Service Superannuation Fund, 27th Annual Report for the nine months ended December 31, 1965, and I realize that that's an old report, and I'm referring to Page 10, Refunds to Contributors - this is pension refunds.

The reason I'm referring to these, Mr. Chairman, is that they give some indication of the number of people who leave the service for one reason or another. I realize that refunds to contributors also take place because of death, but in many cases - and I think that the deaths sort of would cancel themselves out, or at least they'd be the same number in each area - that it appears that there's a very high turnover of people in the Telephone System where we compare, Mr. Chairman, that the Hydro Electric Board is shown as having 148 refunds to contributors and I understand the number of employees was 1,731; in the Telephone System there were 74 refunds to contributors - and these are both male - and the male employees are 1,854.

So we have relatively the same number of male employees working for the Telephone System and the Hydro Electric Board and yet we have 148 refunds to contributors in the Hydro Electric Board and 74 in the Telephone System, almost twice the amount. I just wonder, Mr. Chairman, whether this indicates that the attempts at keeping people at work by compulsory arbitration - at least in the Hydro Electric Board - have the desired effect, or do we have in fact a fast turnover of employees, that is people leaving, with the resultant effect that you don't have a continuous experienced amount of people.

Another comparison, Mr. Chairman, in the Telephone System with female employees, there is 357 refunds to female contributors in the Manitoba Telephone System; 452 in the civil service. That is roughly 100 less, or roughly three-quarters as many refunds in the Telephone System as in the civil service, whereas there are only half, or roughly half the number of female employees in the Telephone System - that is roughly 1,300 as against 2,400 - which also indicates apparently a high turnover of the female employees in the Telephone System as against the civil service. I just wonder whether the Minister has been cognizant of this turnover or whether in fact possibly I'm wrong, whether the refunds to contributors is evidence of a high turnover. If it is evidence of a high turnover, is it because of the working conditions; and if it's not the working conditions, does the Minister have any idea as to why we have that comparison?

MR. CHAIRMAN: The Member for Brokenhead.

MR. SAMUEL USKIW: Mr. Chairman, I don't intend to speak at length on these estimates, I simply wish to pose a number of questions, and possibly some of these questions the Minister may not be able to answer without consultation with his department.

During the past summer in my particular area we had an extension of service by way of an underground cable, that is the telephone service is now provided by way of an underground cable, and at the same time as the service was being put in I made enquiries as to whether or not I could get a private line - in a rural area of course - and of course the answer was that it would cost me something like \$700.00 to have a private line. So I then wondered whether or not that if I was prepared to pay the several hundred dollars, whether or not the Telephone Company would have to uproot the existing cable, if you want to put it that way, and instal another cable to accommodate a private line for myself, or whether in fact that the cable now has sufficient volume by which means that sometime in the future we may have an extension of services such as private lines or semi-private lines. I was under the impression that although I may have chosen to pay the \$700.00 that there would have simply been a connection made from the existing cable to my house giving me a private service, and that it would not necessitate having another line put in all the way from the centre of the Telephone System or the building in the Town of Selkirk.

So I'm just not too sure just what the position is. I was left with the impression that

(MR. USKIW cont'd.) really what's involved is that the Telephone System is not in a position to enunciate this type of extended service insofar as private lines are concerned in rural areas, in that there was some complications that they weren't quite ready to do this, and I'm wondering whether this is because of the office administration or whether it's because it's simply not practical with the type of cable that they are installing. On the other hand, if I chose to pay the \$700.00, assuming the Telephone System a year later decided to extend this service to the people in the area, would I get a refund of this \$700.00 or would this be lost? These are some of the questions that I wish answered.

The other is: I wonder if the Minister is prepared to tell me how the salaries of Manitoba Hydro and Manitoba Telephone System employees compare with Ontario and Saskatchewan. I've heard talk - and I don't know that I can substantiate it - it's merely a question and I hope the Minister is in a position to answer it, whether we are comparable in terms of the other two provinces. There's been some talk of employees leaving Manitoba for the other provinces, and if this is so I would hope that it would be corrected. If the Minister is not prepared at this time to give me this type of information, I might suggest that I would be happy to get it some time later on.

MR. DOERN: Mr. Chairman, just a short comment. I don't know if the Minister has discussed this before or not, but just on the point of coloured telephones, if my information is correct I think that something like three-quarters of all the telephones installed, at least according to one telephone installer or repairman - whatever he's called - told me. If such a high percentage of all phones installed in homes are coloured, I don't see the point of having an extra charge. If black is only a 20 percent factor and the other 80 percent are in various shades, why don't we just abolish the additional premium, because I think we're simply perpetuating an older tradition and really it just doesn't make sense to me.

MR. SHOEMAKER: Mr. Chairman, I believe that the Minister some months ago suggested that he might have a further statement to make in respect to snow toboggans at this stage of the game didn't he, when we reached the Department of Motor Vehicles - Motor Vehicle Branch? - because it seems to me as if the subject matter is still very much up in the air. Last weekend going home I saw two of them running down the ditch. I have an Order for Return in, Mr. Chairman, in respect to the number of accidents, fatal and otherwise, involving snow toboggans and the amount of property damage and so on. I don't think I've received that Order for Return yet either, but I do have the date on which two people were killed. Apparently it was February the 7th last year - "Two men riding in an auto toboggan were killed near Riding Mountain National Park when hit by a car on Sunday. The accident was the first fatal one in Manitoba involving an auto toboggan." Now maybe that will help my honourable friend to supply me with the Order for Return that I expect to get.

And when I'm on the subject matter of the Motor Vehicle Branch, I am sure that everyone in the House has received at least - at least one brochure from the insurance industry pointing out that something has to be done to curb the accident rate in Manitoba, and they say that there's no one better able to do that than the government. I know that everyone here has received this and probably three or four copies of it, because I got one from about every insurance agent in my constituency. It's from the Free Press, Saturday, October 15th, headed: "12,000 Ruled Off the Roads." If you have not received a copy I'll be glad to supply you with one of the dozen or more that I got - at no cost.

But if some of the statements that are contained in here are true then it is certainly high time that we took a look at the repeaters, the accident-prone drivers, and do something about it. I am trying to find the propaganda sheet that was put out by my honourable friend - yes, here it is here - that suggests that - well, I don't know whether the propaganda sheet goes quite as far as another report in the paper here that says, and I'll just read one paragraph, and my honourable friend can deny the charges or otherwise: "There has been much talk about highway safety. What is missing is action. Last week a series of articles on the news pages of the Free Press showed that one-quarter of all Manitoba drivers have a tarnished driving record and that drivers with a record as long as your arm are allowed to drive on the roads and imperil the safety of innocent road users. This represents a severe indictment of the government, the civil service and of the judiciary." I think the propaganda sheet suggests that there are altogether too many accident-prone drivers on the road. The series of articles that were in the Free Press last September and October, I believe cited one particular case in which he had 36 different convictions over the last three or four years and he was still allowed to drive on the highways.

(MR. SHOEMAKER cont'd.) .

Now I suggested some years ago, Mr. Chairman, that I thought it wasn't a bad idea to be a little tougher on suspensions, that is suspend their driver's licence rather than fine them, because a lot of accident-prone drivers, if the penalty is five or ten dollars and they walk in and they pay that, it's not a very great hardship, but if you suspend their licence for two days even or three or four days on the first count and double it every time around, eventually you'd catch up to a lot of these fellows and it's a lot greater hardship on a young fellow, and an older fellow too, to suspend his driver's licence for a little while than it is to pay five or six or ten bucks. This article goes on to accuse the licensing authorities as being "tender-hearted" and so on. Now if it is a fact that one-quarter of all of the drivers in Manitoba have a tarnished record, then it seems to me that something should be done.

The article that I referred to, headed "12,000 Ruled Off the Road" points up the further statistics in this regard. They ask: "Is the driver with a chronic history of irresponsibility more likely to kill or cause damage than the driver with a good record? The answer is an emphatic yes." If you haven't read the article, I suggest to my honourable friends that they not only read it but do something for Heaven's sakes to try and improve that record.

There's another matter, Mr. Chairman, on the same item that I wonder whether something will have to be done, and you will recall that on or about December 1, 1965 at the junction of 4 and 1, about eight miles west of Portage, that two or three people were killed as a result of a collision there - a car colliding with a truck that was carrying ammonia nitrate fertilizer, I believe - and the truck completely exploded and burned up. It was a total loss by fire and it was the result of the impact of the ammonia nitrate fertilizer that was in the tank of the truck. I think my facts are correct on this.

Now all the insurance industry recognize that a lot of the fertilizers, commercial fertilizers that are on the market today, are very explosive products. In fact I have heard it said that some farmers are using it in place of dynamite to blow up stones and the like. Now this is what I'm told, that you can use it, you can use a certain commercial fertilizer. Now these trucks that are transporting this around, and there's going to be a lot more of it transported around - I see my honourable friend the Minister of Agriculture agreeing with me on that - because the Department of Industry and Commerce and the Department of Agriculture tell us that the sale of fertilizer will not only triple but probably -- (Interjection) -- explode, that's a good word to use because the sales will explode and so will the fertilizer, but there'll be a lot -- (Interjection) -- Pardon? The Deputy Minister or the Acting Minister of Agriculture I think wants to get into the act. But what I'm saying is that a lot of these trucks will be transporting fertilizer and we're going to have a lot more of them on the road. There should be signs, precautions, and every possible precaution taken to warn the travelling public of the fact that you are following a truck that is loaded with fertilizer or that it is dangerous and so on. So, Mr. Chairman, I would be very interested to know what my honourable friend intends to do to improve the driving record and other matters that I have raised.

Now I don't suppose that my honourable friend has any authority at all over aircraft flying around in the province. That doesn't come under -- well, I'll raise this matter when we get to the Attorney-General's Department then because I believe that it would. I was just going to refer to this accident in his constituency, I believe, Gilbert Plains, where the plane nearly crashed into a crowd at a picnic there, just missed them by feet, killed three people I think but could have killed 40, and was wondering whether there was some way of controlling this feature.

MR. CHAIRMAN: I think the Member for Rhineland had the floor before the lunch hour.

MR. FROESE: Thank you, Mr. Chairman. My remarks will be very brief this afternoon. While the former speaker was speaking on the suspension of licences, I might add a word on that myself, that I think we could probably suspend licences to people after hours. I think this would have a good effect. It would not require them -- or it would enable them still to go to work and so on but at least in after hours - and I think this would do the proper thing as far as our young people are concerned, who would then be off the road. I think this would be a matter that would be worthwhile looking into. I've had this told to me on numerous occasions by people in this province that this should be tried out. They think it would work.

Mr. Chairman, before we rose earlier this afternoon, I tried to make a few remarks in connection with the Water Supply Board. I feel that this particular utility should also come under this Minister's Department because as we're dealing with the other utilities such as Hydro and Telephone, why not the Water Supply Board? Since there was no item under the Highway Minister's estimates this was completely left without discussion of any kind. I feel that this is a

(MR. FROESE cont'd.) very important matter and I feel the members of the committee should have a right to discuss this utility with the Board that is in charge, like we do with the Telephone and the Manitoba Hydro, and I would urge the Minister that they give consideration to this matter of transferring it to the Minister of Public Utilities.

MR. CHAIRMAN: The Member for Portage la Prairie.

MR. JOHNSTON: Thank you, Mr. Chairman. I wish to raise a matter with the Minister that has to do with the advertising policy of the Manitoba Hydro Commission and this is the advertising with respect to electric heat. I think we've all seen the ads - it will show a picture of a nice home in a town and will give the name of the owner and the name of the town and it will say that this home was heated for \$200.00 a year. I'm not disputing the fact that the figure isn't correct, but I have had it brought to my attention that at least one of these ads, while it wasn't meant to be misleading, truly did mislead people in this respect, that this one home with the advertised yearly rate of heating, upon investigation it was found out that there were two people live in the house, both the husband and the wife and they both worked, and during the day when they went out in the morning they would turn down the thermostat to around 50 or 60 degrees. So it is quite true to say that their heating bill for the year was, we'll say \$200.00, but this wasn't a typical case of that size of a home having typical family use. Of course when they came home at night they would turn the heat back up to 72 or whatever temperature they desired, but the point is that the people were cutting down on their bills by lowering the temperature during the day.

Now I would like the Minister to take this up with the Hydro and to urge upon them the necessity of using more fair comparisons because I don't think a public utility should - and I don't know whether mislead is the word or not - but should not certainly take cases that aren't truly representative, especially when we have in this province a very competitive rate in natural gas and on oil usage, that people should not be subject to advertising like this.

Now another matter with electric heat that I'd like to draw to the Minister's attention, does the Hydro give a stamp of approval to types of equipment used in the electric heaters, the baseboard heaters that go in homes? Does the Hydro test this equipment first before it is allowed to be used, because I don't think the Hydro's responsibility stops when they deliver the electricity to the door. I know of a case in the Portage area, a new home has been built, electric heat has been installed, and there must be something in the metal in the baseboard heaters but the walls streak with black streaks. It's a brand new home and an expensive heating system, and it is true that the Hydro representative has been around and also the contractor is doing his best to correct this, but whether it's oxidization in the metal or whatever, it has completely ruined this home as far as being suitable and nice living goes. Every time the owner looks at the wall it must bother him something terrible. So I'm asking and I hope that if the Hydro do not already test every piece of equipment that they supply electricity to, there should be a testing system so that unsuitable baseboard heaters are not allowed on the market.

MR. CHAIRMAN: The Member for Kildonan.

MR. PETER FOX (Kildonan): Thank you, Mr. Chairman. I too have a number of points I would like to bring to the attention of the Minister. One is in respect to the policy and program of the Motor Vehicle Branch and the government in respect of safety testing of motor vehicles. I think this is an area that has been discussed and there are many organizations that have made presentations on this matter. I know the Greater Winnipeg Safety Council is one of the organizations that is solidly behind this idea and I think it's a rightful thing to look at for the simple reason that motor vehicle deaths, injuries, maimings, crippings, are one of the great factors in our present-day society which we are not having a very good close look at as we should. Every year in the summer you can have statistics by the press quoting how many -- forecasting that is to say, as to what is going to take place and they are fairly accurate. Now I think it is time we did have a look to see whether we couldn't devise a better system of having this eliminated.

In this same area, Mr. Chairman, I would also like to speak briefly on this business of driver licensing in respect of professional drivers, people who have to work for a living. This is one area where I'm sure the government has had presentations made to it by different organizations having different suggestions. Now I have no solution myself, but I do think that people who earn a living are penalized under the present system where they have their licensing removed from them the same as anyone else who drives maybe one-tenth or one-hundredth of the time as much as they do, and that there should be some policy enumerated here which would give these people at least the opportunity to earn a livelihood, if not to drive for pleasure, when

(MR. FOX cont'd.) they get involved in these areas.

One other area which I would like to bring to the Minister's attention and that is with regards to the gas hearings that are taking place before the Public Utilities Board. Now we've had good reports in respect to our Crown Corporations, Hydro and Telephone - and I appreciate these - and I was just wondering whether we shall be able to get any report on what takes place in regard to these hearings on the schedules and if this utility does provide any report to this Legislature. I was a little - not a little, I was disappointed that this government did make this a private monopoly for 25 years and probably they'll extend it. I'm just wondering whether they would at any time consider having a revision of this policy and creating a utility of this kind into a public utility. I think when an area of this nature is encountered this should be one of the criteria, that if it is serving a large segment and it is in the monopoly field, that it should be a public utility.

MR. DOERN: Mr. Chairman, I want to call to the attention of the Minister a question that I raised the other day with the Attorney-General about the sale of recording devices that are hooked up to tape recorders. It seems to me that this is ridiculous. For example, The Telephone Act apparently states that one cannot use an attachable recording device to record a conversation unless it has a warning signal or beep, yet it is possible to sell attachments that do not have this warning signal. This to me makes no sense whatsoever. It's like saying that we prohibit the use of heroin but we do not prohibit the sale of heroin. So I cannot understand why the Act isn't amended to include the prohibition of any sales, either the sale or use, because it seems to me you're taking a chance. If you're selling something which when used is illegal, why allow the sale of it?

The other item I'd like to ask a question of information from the Minister is regarding equipment to track what might be described as nuisance calls. This apparently is a growing menace in the United States and I think it's something that is common everywhere in the world. Wherever there are telephones, some people, usually with twisted minds, tend to bother other people; sometimes they're men bothering women, sometimes they're just people bothering anybody, and I would like to know whether or not the Manitoba Telephone System has equipment to track calls. If they don't, I'd like to know whether there is such a thing as equipment to track calls. If there is, I'd like to know whether we don't have it because the cost is prohibitive, but I'd like to know whether there's anything that can be done other than having your number unlisted.

MR. HARRY P. SHEWMAN (Morris): Mr. Chairman, just a question to the Minister. It's a matter of clarification. I have looked over The Highways Act and I cannot find it myself where there's any place in The Highway Act where it's compulsory to have a bumper at the rear of a truck or a semi-trailer, and we do read in the papers where, had there been a rear bumper on some truck or some semi-trailer, there wouldn't have been a death that was caused by the lack of a bumper. On the perimeter highway here in the month of November past there was two young men that were killed in this car accident - on a night that was foggy that's true - but they ran into the back end of this truck, and had this truck a bumper on it I think those lives could have been saved. I was just wondering whether there was any consideration being given to make it compulsory to have a bumper on the rear of any vehicle -- on every vehicle as far as that's concerned.

We're coming on to this time of the year and I was asking the Minister this question: what are we doing to make sure that all splash guards on trucks are in working order so the water that will be laying on the highways won't be splashed on our windshields as we're driving along.

MR. McLEAN: Mr. Chairman, I might make a comment or two about a number of points that have been raised. I wonder first if I could just say this. With respect to Manitoba Hydro and the Manitoba Telephone System, that to try and explain my position as I conceive it as a Minister and in the role which I have to play in relation to this Committee and to the Legislature itself, I am not a technician and I do not of course become involved in the internal administration of either the Hydro or the telephones, and indeed I believe it would be improper if I were to attempt to do so because that is the job of the management and the Board of Directors in each case, and if they were not acting properly then of course I presume it would be my function to recommend their replacement.

I mention that only to indicate that I'm not certain that I can answer all of the questions. Indeed I'm certain I can't answer a number of them and that brings me to another point, and that is that I believe the function of the Committee on Natural Resources and Utilities is to

(MR. McLEAN cont'd.) enable the members of the Legislature to ventilate these matters, and if there are any points which I cannot deal with and which the members would feel that there ought to be a further examination, then I would certainly be very happy indeed to have the Committee convened again in order that there might be that further expansion and questioning. I mention this to set the position as I understand it of the role of the Minister in his relation to this Committee and to the Legislature itself.

Now then, with that bit of introduction, I will start just at the beginning with the Honourable Member for Carillon about the fact that too many are on party lines. I know exactly how he feels because my home in my constituency, I'm on a party line and I understand the situation as indeed I'm sure does everyone. I can only say that the members of the Committee will be familiar with the attempts which are being made by the Telephone System to overcome this problem and their objective of lowering the number on a line. Of course as they improve their service naturally more people install telephones and you might have it down to -- I suppose you might have the number down to five this week only to have two new customers come on next week and you have seven on the line and there you are. I think though that it is a matter of which the Telephone System is thoroughly seized and that they are doing what they can to meet it, subject to the limitation of the money that is involved. This same general approach I think would have to do with lower rates for the sake of encouraging industry in the country. Here that is a technical question and I would think that it would be doubtful in my opinion if the economics of the situation would make it possible to lower rates, desirable as it might be, for the purpose as indicated by the honourable member.

Question re the advertising of the Manitoba Telephone System, certainly I think this is a fair matter. I have no observation. I'm not aware of how much they spend on advertising. I would think it would be very small in relation to their total budget, and of course we have to remember that they are in competition with the telegraph people or other people in the communications field.

The Centennial licence plates. He has suggested for 1970 - and I suppose there would be those who say we have a Centennial licence plate - not everyone uses them and I'm quite well aware of the distinction that has to be made between the Centennial plate that we are able to obtain voluntarily this year and one which might be part of our licence plate system. In that connection, the question of the front licence plate where you use the special plate, we recognize quite clearly that a situation has developed that we could not now require the use of the front licence plates where they have been lost or misplaced as a result of using the Centennial plate in the front of the vehicle. My own view is that it is the best arrangement if we put the Centennial plate on top of the regular licence plate. In other words, they are both at the front of the car, but that's just a private opinion and is certainly not obligatory upon anyone, but we recognize that if people cease to use the coloured Centennial plate or lose it or for whatever reason, that it will not be possible to require the return of the regular plate.

The Honourable the Member for Rhineland was very kind to suggest that the Water Supply Board should be under the Department of Utilities. That is a matter of policy. I am not, other than just in a general way, familiar with the work of that Board. I think there are some distinctions to be made between the operations of the Water Supply Board and other utilities, but that is a matter of government policy which of course can be considered, but I would not have any useful observation to make. It could of course be put under any department that might be suitable including the Utilities Department if that were thought wise.

The Honourable the Member for Inkster asks some questions about -- referred to employees being subject to compulsory arbitration. I'm not really certain that that's the case. This must be their collective agreement, I'm assuming. The I. B. E. W., that is International Brotherhood of Electrical Workers, is the union to which I understand employees of the Hydro belong. I'm not certain whether it's the same union to which the people in the Telephone System belong. That may well be or it may be a different one, but I really only want to say that I'm assuming that their arrangements in both cases are worked out in accordance with the provisions of The Labour Relations Act and I would have no further comment, that is, it isn't something that particularly comes under the purview of the Public Utilities Department.

The superannuation report. Now here the number of refunds, I can't be very helpful except that I would expect that in the case of the Manitoba Telephone System that because there are a number of girls or women who perhaps take employment and then marry or whatever, that that would give rise to the number of separations and the resulting refunds from the superannuation fund. But over and above that I'm sure that we are in a time - have been for perhaps

(Mr. McLEAN cont'd.) a few years - and are in a time now when people who have the qualifications in this sort of electrical and electronic and communications field where they are very much in demand, and I'm -- I personally know of many people who move perhaps to other employers and to other provinces because they believe that they can improve their position, and I would think that it arises more than anything else from the fact that often there are so many other opportunities for people with that particular training that one couldn't really draw any conclusions as to the reason simply from the laws or the rules as it may apply to their bargaining rights, the methods and means by which they arrive at their wages. I have the impression that the -- well I know that the people in the Manitoba Telephone System recently had negotiations which resulted in an increase in their wages and the union is presently negotiating with the Manitoba Hydro in respect of their salary rates.

Those negotiations are under way and until they are completed of course it would not be possible to make any comparisons as for example with other provinces. One of the other members asked about a comparison with Saskatchewan and Ontario, and in view of the fact that so far as the Hydro is concerned that they are under negotiation, one can't say. I would hazard the opinion that in the case of the telephones they're probably about the same, but here again this is a matter which would have to be reviewed at more detail with the people in the Hydro -- with the Telephone people themselves.

The Honourable the Member for Brokenhead with respect to a private line, again I can't really answer whether that line would have been in the buried cable or as to whether he would obtain a refund if everybody along the line had a private line. I'm inclined to think not; I think that the cost of the line would be the charge that would be made and there would be no refund later on.

Coloured telephones - and I wasn't born a Scotsman for nothing - I think black telephones work very satisfactorily and I never really could get greatly excited about coloured telephones. But I think your percentages are wrong, because as I recall the discussion at the committee meeting, the Chairman of the Hydro explained that to provide coloured telephone instruments on the same basis, that is without the surcharge that is made, would mean of course that everyone would be entitled to them and might lead to a very large number being required which would require a large outlay in the actual purchasing of the instruments and also the early retirement and obsolescence of a large number of telephone sets, that is black telephone sets that still have much useful service in them. I got the impression from his submission to the committee that one could foresee the possibility that assuming everybody but the Member for Dauphin eventually has a coloured telephone, I suppose that this matter of the surcharge will perhaps disappear or be absorbed in the charges and that there will be no distinction made. I think however that that is likely to be some good time away.

On the snow toboggans, I don't know that I can help the Honourable Member for Neepawa-Gladstone any more than I did by reading him the provisions of the Act before. The Order for Return is being prepared and will be provided to him. He asks that we be tougher on suspensions and of course this is one of the great problems that we face in this modern world where so many people drive, when so many have to drive as part of their earning their livelihood and their way of living, and when there are so many possibilities of breaking The Highway Traffic Act. You only have to look through the Act to realize how many opportunities exist for contravening it. In fact, I once said that about the only way I knew of to keep a completely clear record would be to lock a fellow in a room four by four and never let him out, because the best meaning person in the world is liable to have something occur that means that he has broken one of the provisions of The Highway Traffic Act, and so one can't just simply say that a tarnished record is -- a tarnished record in one instance may not be as bad as in another because they may be rather trivial matters.

This however is a problem that receives the very close attention of the Motor Vehicle Branch and the Highway Safety Branch and you may rest assured that it is under constant review. I would remind the honourable member that of course as a politician I am certain that he has received many requests for assistance from people who had their licences suspended or cancelled and my experience has been that perhaps we receive more complaints of that nature than we do the other way around.

Now I want to say something about the article entitled "12,000 Ruled Off the Roads", because I think there is something that ought to be said in connection with it. We have in the department prepared a formal statement with respect to it, and with the permission of the committee, Mr. Chairman, I would like to read it, because as we hope to indicate, some of the

(MR. McLEAN cont'd.) facts in the article are not correct and the article in our opinion is somewhat misleading, and I now read this statement which refers to this particular news article.

"The article points up a problem which faces every licensing jurisdiction, namely, that of keeping intractable and irresponsible drivers off the road. However, the writer's presentation is vitiated in large measure by his obvious lack of research. For example, he says, 'The Highway Traffic Act sets out the penalties the court may impose on drivers following conviction. The Act does not require or even suggest that the court consider revoking a driver's licence to protect other drivers.'

"The gross inaccuracy of this statement will be apparent to anyone who took even a cursory look at the Act" - that is The Highway Traffic Act. "The statute is replete" - and indeed it is - "with sections specifically conferring upon the Magistrate or Justice of the Peace the discretion to suspend a driver's licence for infractions of its provisions. For example, the penalty provision for Section 91, subsection (1), travelling at a speed in excess of the legal limit" - the Honourable Member for Gladstone-Neepawa won't have any personal acquaintance with that but it's one that bothers some of us - "reads as follows:

"Subsection (4)." - I am now quoting - "Any person who contravenes, disobeys or violates or refuses, omits, neglects or fails to observe, obey or comply with any provision of this section is guilty of an offence and is liable on summary conviction:

"(a) for a first offence to a fine of not less than \$10.00 or more than \$50.00, or" - and note this - "or in the discretion of the convicting judge or justice to suspension of licence for a term of not more than three months, or both such a fine and such a suspension; and
 "(b) for a second or a subsequent offence, to a fine of not less than \$25.00 or more than \$100.00, or in the discretion of the convicting judge or justice to suspension of licence for a term of not more than one year, or both such a fine and such a suspension.

"The same penalty applies where the offence is passing in a school zone or playground under the provisions of Section 91, subsection (2), or where the driver travels at a speed greater than is reasonable and prudent.

"Under Section 130, subsection (3), which involves the passing of a vehicle stopped for a pedestrian, the judge is again specifically given the discretion to suspend the driver's licence and the same specific authority is conferred in a number of other sections. Despite what the writer said, therefore, those powers are conferred by the Act and they are exercised.

"Further, where a person commits any one of a number of offences against the Criminal Code, Section 235 of The Highway Traffic Act provides that his licence is suspended automatically. The offences involved are violations of the following sections of the code" - that is the Criminal Code - "192, 193, 207, 221, 222, 223 or 225. These include, along with the more serious offences, such as causing bodily harm by criminal negligence, the driving while intoxicated or impaired sections of which virtually everyone is aware.

"So much for the writer's assertions that 'the Act does not require or even suggest that the court consider revoking a driver's licence to protect other drivers.' It is perhaps worth noting in passing that in the first sentence of this article that the author points out that, 'more than 12,000 Manitobans are currently ruled off the road by the Motor Vehicle Branch and the courts.' This picture of 12,000 drivers stripped of their driving privileges hardly squares with the subsequent allegations about the effectiveness of a 'good sob story' and the Magistrate's lack of power to suspend.

"The author cannot be challenged when he says at another point 'there are still areas in Manitoba where you can obtain a driver's licence without a test'." While this is not in this statement one might be pardoned for quoting in reply Franklin's aphorism "half a truth is often a greater lie."

"The fact is that only a small percentage of the province's drivers live in such areas and the number of these areas is being steadily reduced by our expanding program of mobile testing units. We already have testing agencies as far north as Thompson and Flin Flon. By the end of the summer mobile units will be testing in The Pas and other smaller northern centres, so that for all practical purposes it will not be possible to get a licence without a test.

"To sum up, we would be the last to say that Manitoba has no problem drivers on the road; every jurisdiction has it. Nevertheless, our legislation, enforcement and results, compare very favourably with those of other North American jurisdictions. The officers of the Motor Vehicle Branch participate actively and continuously in the affairs of the American Association of Motor Vehicle administrators and the Canadian Motor Transport authorities,

(MR. McLEAN cont'd.) maintaining a liaison which keeps us abreast of new legislation and practice in all the other licensing jurisdictions in North America. Far from being backward in the exercise of its motor vehicle licensing powers, Manitoba ranks with the most progressive."

I read that, Mr. Chairman, simply as a general reply to this article, and of course members will also remember - and indeed it was soon after I became the member of this Legislature - that there was considerable concern expressed that persons who had their licences suspended or cancelled often suffered a grave injustice to - not a grave injustice but a grave disadvantage in the earning of a livelihood and we established what is known as the Licence Suspension Appeal Board to provide some method by which persons could, under proper circumstances, have their licences restored in order not to work a hardship upon them. That board has been continuously in operation and many of these folks who get into these difficulties are presently driving either with restricted licences, or otherwise, as the result of decisions of the board.

Another member mentioned, for example, the matter of the Honourable the Member for Kildonan who said that professionals - I think he referred to them as professional drivers - that their licence is removed and that it was a very great penalty which they suffered and that they should have an opportunity to earn a livelihood. So somewhere in between these two positions we have to try and strike a happy balance and I think that the people concerned are doing their very best to achieve this result. It won't be perfect because we don't deal with perfect people, but within reason we try to do it.

This deals I suppose in a sense with the points made by the Honourable Member for Rhineland about suspended licences after hours, and here again the Licence Suspension Appeal Board oftentimes will give a licence back restricted as to hours, sometimes restricted as to distance, sometimes restricted to simply one's work or employment. There is ample authority for that and we are always hopeful of course that that judgment is exercised wisely and well.

With respect to the Hydro advertising mentioned by the Honourable Member for Portage la Prairie and the matter of electric heat, I'm sure that I'll be happy to discuss that with the Hydro Board. I think I could say immediately that I'm sure that they had no intention to mislead but it may well be that the advertisement was misleading. I'm also aware - let me say that I'm aware of the fact that there are those who are engaged in the sale of other forms of heating, that is oil, gas, coal, who are not very happy about the fact that Hydro presses the matter of electric heat, and there's an area there of concern. In any event, I will be more than happy to discuss this matter with the officials of Manitoba Hydro, keeping in mind what has been said here.

He asks whether the Hydro approved and tested equipment. I think I'm correct in this, that when you make an electrical installation you have to have a representative from the Hydro come and make a test and I assume they do that with the heating equipment. I think they test it for safety in order to ensure that the installation complies with the codes that are applicable. In fact I think we have to pay them a fee, if I remember correctly, for making that test for us. Now whether they deal specifically with -- well I'm sure they don't deal with the performance of the equipment after it has been installed, the defect may be something that arises from the equipment itself, but here again we'll have a discussion with them.

Safety testing of motor vehicles was raised by the Honourable Member for Kildonan and there is a provision, as members will know, in The Highway Traffic Act which contemplates this, but I have to report to the Committee that that section of the Act has never been proclaimed and at this moment we do not have any of the machinery for the testing of motor vehicles. I am aware of the desire, the desirability of it; it's a matter of getting the necessary funds in order to provide the buildings required or the equipment required and I simply have to report that as matters stand at this moment we do not have that arrangement.

The Honourable Member for Kildonan also raised the question of whether or not the gas should be a public utility and that's a matter of government policy. So far we have not decided to make it a utility in the same sense as the Telephones and the Hydro and that's, I'm sure, a good debating point as to whether it should or it shouldn't, but as matters stand at the moment there are no plans to do so.

The sale of recording devices and the suggestion that if it cannot be used then the sale should be prohibited, and I think that's a valid point. I'm not too clear on just what would be required in order to prohibit the sale, but I just offer this opinion that this is a good point and one well to be taken under consideration. I think I would say this, however, that in the electronic

(MR. McLEAN cont'd.) age in which we live we're going to have a lot more trouble with this question of these various devices, and I'm sure it's going to be that the most astute utility is not going to be able to keep much more than a short distance ahead, or probably always a distance behind the kind of gadgets that people will be able to manufacture, but it's a very valid point and I say that we will be glad to consider it and glad to discuss it with the Telephone people.

I had the impression that the Telephone System already has means of - that is the most modern means that there are if there are any - for tracking nuisance calls and that sometimes they are able to do this. As to whether it's a very satisfactory means or not I wouldn't be prepared to say, and I'm certain that they are not by any means able to track all of the calls of this general nature. And here again this is I suppose a problem that is part of our modern age, and I'm only saying that I'm certain that the Manitoba Telephone System has available to it the latest equipment to the extent that that may be useful. Now it may not necessarily meet the problem entirely at the present time.

The Honourable Member for Morris asked about bumpers on the rear of trucks and trailers and could consideration be given to making them compulsory. I would say yes, consideration can be given. I would not like to just say whether they're technically feasible or not but I'm sure that it would, if it were feasible, prevent those accidents that occur because a vehicle lower than the platform of a truck runs up behind a truck and under, as it were, the platform of the truck and causes serious injury. This sort of situation has occurred in one instance that I know of with a school bus, where the car ran under the rear of the school bus and caused the death of at least one person or maybe two.

And splashguards - this is something that is under surveillance by the inspectors of the Motor Vehicle Branch and I'm assuming that they do their very best to ensure that the requirements with regard to splashguards are complied with, especially during the spring of the year.

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MR. CAMPBELL: Mr. Chairman, I'm glad that the Honourable the Minister mentioned in his remarks the Licence Suspension and Appeal Board because it was the first body that I intended to mention in my few remarks on this part of the Honourable Minister's estimates.

In my opinion, Mr. Chairman, and I don't consider myself an expert on highway traffic and infringement matters, but in my opinion the Licence Suspension and Appeal Board shares with we members of the Legislative Assembly here and some of the courts, not all of them, but some of the courts and some of the court officers, the large responsibility for the increase in automobile insurance rates that we hear attacked so frequently, because if we in the House here simply won't make the penalties strong enough to deter some of these practices, if the courts in some cases simply will not impose the maximum or anything close to it that we give to them, and if the Licence Suspension and Appeal Board finds that they can ease the severity of the sentences that are given, as in my opinion they frequently, almost regularly do, then we're the the combination, or the ones who really are upping the automobile insurance rates, for it's a question of these companies - and goodness knows, Mr. Chairman, if there's any industry in Canada that really is competitive it's the automobile insurance - the number of companies and the competition that exists among them simply guarantees, in my opinion, that you can't have any one of them having an easy time and being able to raise rates beyond what is dictated by their own experience. And their experience, in turn, is directly related to the kind of Act that we have here about highway traffic and very definitely related to our laws about drinking drivers and such like. In my opinion, the Licence Suspension and Appeal Board has been too easy, as perhaps we have been too easy here too, some of the courts have been too easy, in dealing with the offences.

Now the Honourable the Minister says that there are occasions where the convicted person finds his car or truck driving necessary to his livelihood. Mr. Chairman, anybody who is in that position of making his livelihood from that means ought to be mighty careful of driving while he's impaired or drunk or in other ways subject to getting his licence cancelled, and I think we need a good bit more severity than we have at the present time.

Mr. Chairman, as some of the honourable members know, I had the opportunity and the responsibility of sitting in Cabinet council of this province for pretty close to a quarter of a century. During that period, or a lot of that period - I'm not certain it was all of it - we had a statute in the Province of Manitoba that made a jail sentence of one week mandatory for drunken driving, and I can speak with mathematical exactitude when I say that during the time that I was in the Cabinet that I know of no one case where we ever used the Queen's prerogative to exempt anyone from that penalty - not one - and I can certainly recall many cases where distinguished citizens attempted to get the Cabinet to exercise that Royal prerogative. Never once was it acceded to that I know of.

But what happened, Mr. Chairman - and I think perhaps this happened in our time too - what happened was that a less severe penalty was put in there of impairment - or perhaps both of them were in the Criminal Code, for all that I know it may not have been in Manitoba's statutes at all - but either a less severe penalty was provided or the courts began to act under the less severe one of impairment or the charges were laid under the less severe one because there was actually an outcry against the severity of that seven day jail sentence. But, Mr. Chairman, it worked. It really worked because that's what people don't like in cases of that kind, and whether it was this Legislative Assembly or whether it was the Government of Canada or whether it was the law officers in laying the charges or whether it was the courts in their sentencing, there was a definite and drastic change to the conviction being for impairment rather than drunken driving. I think that was one of the changes that has resulted in a breakdown of our traffic enforcement, and I would say let's get back to where we really - we really impose severe sentences for drunken driving, because this is the problem that not only the public faces but those who object to automobile insurance rates can very well lay a lot of the blame on the lack of severity in those cases.

Well I expect to bring up when the Attorney-General's estimates come before the committee a case that I want to discuss with the Attorney-General, but I am beginning to wonder if we ever will get to the Attorney-General's estimates, and so I'm encouraged by the fact that the Minister of this department is a distinguished legal light and so I can sort of kill two birds with one stone by bringing it up now and dealing with it here. Part of it I have to leave until the Honourable the Attorney-General's estimates, but one part of it I shall mention here.

Last November, November 2nd to be exact, at 4:20 in the afternoon there was a tragic fatal accident down here on Dunkirk Drive. A young girl was killed, and the young man who it

(MR. CAMPBELL cont'd), appears to me - although the courts may not have made a decision on this matter yet - but the young man who it appears to me was driving what we can properly call in this case the "death car" was a young man. He was driving without a licence - no licence at all - and driving an uninsured car. The car was registered in the name of his mother and I assume that likely his mother had paid the \$25.00 fee that is necessary in those cases.

MR. McLEAN: I wonder, Mr. Chairman, if I should just ask, is this a matter that is before the courts in any way?

MR. CAMPBELL: I don't know. My guess would be that perhaps it is.

MR. McLEAN: I wonder - I just ask the question whether it would be something that could be referred to here under those circumstances.

MR. CAMPBELL: If it is still before the courts I am unaware of it, but it's possible that it could be, and if my honourable friend thinks that, I certainly will give no further details than that if there's any question about it, but I would say to my honourable friend the Minister that it perhaps is impossible for his department to prevent people driving at times without a licence; it's impractical perhaps to guarantee that everybody shall have insurance; but what I do ask, and if this case is before the courts then I'll defer consideration of it now, but what I do ask is that when the case is dealt with by the courts that the officers of the department look carefully at a case of this kind, because it seems to me that we should be very very careful about it. Does my honourable friend know that the case is before the courts?

MR. McLEAN: I would have to say, Mr. Chairman, that I'm not -- the facts as recited don't give me any clue as to the particular matter and I'm sure I wouldn't know. I would say this, that if the honourable member would tell me in private the names of any of the parties so that I could check it I would be happy to inform him on that point and he might then wish to bring it up later on. I don't want to in any way impede, I just raised the question.

MR. CAMPBELL: a proper suggestion, Mr. Chairman, and I certainly will talk to my honourable friend privately and we'll find out whether it is before the courts. If it is then I can not take it up further on the Attorney-General's estimates, but if it isn't, then I shall develop it a little more fully there.

Mr. Chairman, I have a newspaper clipping here from away back several years ago - four years ago - that I am sure is not before the courts now and it certainly bears out the point that I was trying to make a little while ago about insufficient sentences in my opinion. I have had this clipping for a long time. I intended to bring it up before but the occasion passed by and I didn't raise it. The reason that I raise it now is that I am told that the same individual to whom it refers has recently again been in trouble.

This is a farmer in the Dauphin district who four years ago was sentenced to six months in jail. The headline is from Dauphin, Manitoba, although I believe the court case was -- "Magistrate J. C. Walker of Swan River, Man., heard the case." It doesn't say whether he heard it in Dauphin or in Swan River but I assume that it was in Dauphin. "This man, the father of six children, was charged following an accident January 8th that claimed the life of a young lady. Evidence showed that this person was driving on the wrong side of the highway and had consumed a quantity of alcohol prior to driving." My honourable friend the Minister of this department has many friends in that area. I have a few - not as many as he has - but my friends from the area tell me that just recently this particular individual has again been in trouble with the law, that this time his license has been suspended but they doubt that it was even suspended during the time that he served a jail sentence.

Now my point is - and goodness knows six months is a pretty long sentence, even I am not advocating that for every infraction - but the point is that here again what amounts to a murder was committed. Drunk, driving on the wrong side of the road, killed a young lady and gets six months, and not long after is driving again. Well I think that this needs to be looked into. I don't know whether this case came before the Licence Suspension and Appeal Board or not. I don't know how he comes to be driving, but I think that when there is a drunken driving conviction to start with that the penalty ought to be mighty severe and ought to be mandatory. I think when death is involved that there should be no question about the suspension, and for a long time, and I think that our laws and our practice in laying the charges and in the sentencing by the courts need to be looked at very very carefully with the idea of doing something about this menace. I would guess, although I don't pose as an authority, that the vast majority of the serious accidents are a combination of liquor and speed, with the second being the more frequent and the first one being the more serious of the two, and I would think that

(MR. CAMPBELL cont'd). . . . these two points need to be very carefully looked into.

Mr. Chairman, I appreciate the Honourable the Minister's suggestion re the case that I was going to discuss perhaps being before the courts and I will say no more about it at the moment, but I will talk to him privately to find out whether I can discuss it at a later date. If I can't this year, I'll be discussing it next year.

MR. GREEN: Mr. Speaker, I think we have just heard a very strong case made out for the prosecution and I almost am timid now to speak to the other side. There is always something to be said for the other side and I don't think that I can disagree materially with anything that the Honourable Member for Lakeside said. In knowing something of the workings of the law, I am not sure that the objects he seeks are achieved by a mandatory seven-day jail sentence for drunken driving. What happened, as I understand it in those times, is that it was very difficult to get a conviction because of the mandatory jail sentence and magistrates kept finding that people had been drinking but were not intoxicated, and the introduction of the new charge had some effect in resulting in more convictions although some for the lesser offence, and there still is of course the mandatory jail sentence of seven days for drunken driving.

However, that's not really the defence that I want to make. I do believe that the Honourable Member for Lakeside, who I have reason to believe has some confidence in the workings of our legal system, would agree that nobody should be punished who is not guilty of an offence, that is if a person is not found guilty and therefore is innocent, that he should not suffer a penalty of any kind. He should not only not have a jail sentence but he shouldn't have his licence suspended, and I want to bring to the attention of the Minister the fact that that now is the case; we have punishment without crime. I don't think that that was the intention of the Act but that is the result of the Act. Under our present Highway Traffic Act, if a person is convicted of driving while impaired or driving while intoxicated or other related offences, the Act provides that his licence becomes automatically suspended. I believe I am right in advising my clients that if they are convicted of such an offence that they can't drive home from the courthouse. They can drive to the courthouse but they can't drive home. They have to get somebody to take their car home because of the conviction. The conviction results in the suspension and therefore they have to get somebody to drive their car home, which is directly in accordance with the Act.

Now, Mr. Chairman, I know it is hard for some members to grasp or to accept this - not to grasp it but to accept this - but a person who is convicted by a magistrate is not necessarily a guilty person. I have had several cases where a person has been convicted by the magistrate; we have gone to the county court by way of appeal; the county court judge has acquitted the accused which means that that person has never committed any crime; but in the meantime, between the conviction by the magistrate and the acquittal by the court of appeal, the county court judge, he's been punished and the punishment has been the suspension of his driver's licence which then becomes reinstated upon his appeal being successful.

Now I know that honourable members will feel that if a person is convicted, then prima facie he has been guilty and it's the better side of caution to have his licence suspended. Perhaps that's why the Act is written that way, but we must remember, Mr. Chairman, that between the time of the commission of the offence, that is the date that the incident took place, and the time that he comes before the magistrate, there may be three or four as many as five months involved, and during that period, Mr. Chairman, we recognize that the man has committed no offence or is not guilty of an offence in any event and he can drive his automobile with impunity. We do this because we believe in our system of justice. We believe that a person is innocent until proven guilty and we think that it's in the interest of society generally that he not be punished until he is proven guilty.

Now my plea, Mr. Chairman, to the Minister is this: I don't think that upon conviction by a magistrate that there should be an indefinite wait or even a wait as long as the time for appeal has expired for a person to have his driver's licence continued. What I'm suggesting is this, that upon a person being convicted by a magistrate his driver's licence be suspended in let's say a period of two weeks. That means he does drive home; he makes whatever arrangements he has to make to not drive his motor vehicle; and after two weeks his driving licence becomes suspended. But if during that two weeks he does file an appeal to have his conviction reversed, that then his driver's licence not be suspended until he is actually convicted of the offence.

Now any other system, Mr. Chairman - and I recognize that there will be some prejudice against a person who has been convicted by a magistrate and I regret this because I have had

(MR. GREEN cont'd). . . . numerous cases, Mr. Chairman, where perfectly innocent people, and I say this not only in the legal sense but in my own belief, and there's a difference, that perfectly innocent people are convicted of an offense by a magistrate - magistrates can err; we all can err - and have had their conviction reversed by the court of appeal, which in this case is the county court, and during the interim have suffered the effects of a driver's licence suspension.

It used to be far more serious than it is now, and one of the mechanisms that makes it less serious is the Board that my honourable friend the Member for Lakeside referred to. In other words, you can try to get the suspension lifted but it takes, as I recall it, about ten days after the conviction to get before the Board. It used to be that his licence would be suspended for months, but even now, even if he can get before the Board, he is still an innocent person who has been put to an unnecessary and unjustified deprivation of his rights by virtue of the workings of The Highway Traffic Act.

Mr. Chairman, I'd like to recall to you that every person is entitled to pursue his innocence to the full extent of the law. We've had people who we've thought were guilty of the most horrendous crimes - . . . short of murder, who've been out on bail until their conviction had been confirmed by the Supreme Court of Canada. That is, we don't want to punish them until we are satisfied the law has taken its course, and I think that from the point of view of principle alone, that the Minister should change this section. Two weeks will not make a great deal of difference in terms of an accused who was involved in an accident or who was charged with an offence which allegedly took place three or four months before, and if we recognize this principle of law for the first three months, that is, the time between the alleged offence and the coming before the magistrate, then surely we can recognize this principle, which I feel that every member of the House agrees with, for a period of two weeks more for him to either make an appeal or, if he does have a case for having his licence reinstated by the Board, that he may be able to do that. But the present Act, as I've put it to you, puts him in the position where, although he's innocent - and I can cite you cases - his car must be driven home from the court house.

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MR. T.P. HILLHOUSE, Q.C. (Selkirk): Mr. Chairman, first of all I would like to express my thanks and appreciation to G.S. Rutherford, Esq., Q.C. for the excellent work he did in compiling this new Highway Traffic Act. I think it's one of the finest Acts that this Legislature has passed, and the form of the Act, in my opinion it has been arranged logically, the index is one of the best indexes I've ever seen, and the list of sentences and convictions on the back makes it very easy to find the section you're looking for. And I think that we owe a debt of gratitude to Mr. Rutherford for the excellent job that he did.

Now, my friend from Inkster has raised the question of a magistrate convicting an individual, say, of driving -- for any offence under the Highway Traffic Act or an offence under the Criminal Code involving the driving of a motor vehicle. Now there is a provision in the new Act and no doubt the honourable member knows it, Section 238, gives to a magistrate the right to give to a person who has been convicted, a permit which allows him to drive his car home or to drive it for another 24 hours. But I know that what my honourable friend is getting at is the fact that if a man is convicted of a driving offence under this Act or under the Criminal Code where his driver's privileges are suspended, that if he lodges an appeal there should be a lifting of that suspension until such time as the appeal is heard. The only difficulty about that -- and I think we discussed that very same point in the committee which was dealing with this new Act -- was that some of the members felt that there would be a great deal of stalling and it may take several months before the appeal could be heard, but what I would suggest to the Minister is this, that perhaps a provision could be put in the Act whereby an individual who was appealing a conviction under the Highway Traffic Act or under the Criminal Code for driving a car where suspension was involved, could apply to a judge of the Appeal Court to obtain a suspension of the driving privileges until the appeal was heard, and I think that that would take of what my honourable friend is after.

MR. GREEN: I thank my honourable friend for bringing my attention to 238. I didn't know about it. I see that you can now drive home from the courthouse if you get a permit.

MR. HILLHOUSE: Yes, but before you couldn't. So I think if an Appeal Court judge could, having regard to all the facts and circumstances of the case, grant a temporary suspension of the judgment of the court on the understanding, of course, that the appeal would be proceeded with with due diligence and there would be no stalling tactics, I think that that would fully meet the ends of justice.

Now getting down to the question of driving while impaired and driving while intoxicated. In my opinion both offences are the same in this respect. In both cases you're driving while impaired; only the degree of impairment is greater; and I realize and appreciate the difficulty sometimes in distinguishing between impairment and drunkenness because there are so many definitions of drunkenness. You've got Mark Twain's definition, where this chap was in the middle of a crowd and a stranger come up and he says, "What's happened here?" And he says, "Oh, he's drunk." He says, "No he's not; I saw him move his finger." Then you have the case of drunkenness in the Army. As long as you're properly dressed, well you weren't drunk. Drunkenness today, or impairment, in my opinion is just a matter of degree, and I think that the only way we're ever going to overcome the difficulties of distinguishing between drunkenness and impairment is to do away with the charge of drunkenness altogether and have different degrees of impairment the same way as they have in Sweden, where there's a graduation depending upon the amount of alcohol in your blood, and the sentence of the court in Sweden is based upon the amount of alcohol in your blood. But before we can do that, though, the parliament of Canada has sooner or later got to face up to the responsibility by enactment and by statute of determining what volume of alcohol to your blood contents constitutes impairment.

MR. CAMPBELL: That's providing the test

MR. HILLHOUSE: Yes. They've got first of all to determine what percentage does. Now so far they don't, and perhaps one reason why they don't is because some people can stand much more alcohol than others. I can remember when I was sitting on this committee and no doubt there's other members here, when a test was given, that breathalyzer test, and one of the individuals who took that test -- and I think he had about five shots if I remember correctly -- he was quite angry when the breathalyzer showed that he was impaired, and quite frankly to look at the man I didn't think he had a drink. If I hadn't seen him drink it I wouldn't have known he had a drink. Now I know there's that difficulty in determining what the effect of alcohol has on different individuals, but I think it would be quite safe for the Government of Canada, if they so decided, to strike a figure the same way as they have in Sweden, and stick

(MR. HILLHOUSE cont'd) to that figure and the different degrees would determine the amount of sentence you were going to get.

Another thing that I would like to mention too is this, that we hear a great deal today about accidents and about liquor being involved. Now that's a pretty loose way of expressing things. What I would like to know is - and I don't think we have these statistics - but I would like to know how many accidents were caused by alcohol, not how many accidents where alcohol was involved, and I think the sooner we get down and get statistics based on that specific reason for an accident the sooner we can tackle this question of impairment, because I think it's got to be tackled sooner or later; it's becoming all too prevalent.

One other matter, Mr. Chairman, that I would like to mention is this, that in connection with the driver's suspension Licence Suspension Appeal Board, I wonder if the Honourable Minister could advise us of the number of cases that have come before that board since it was formed, the number of suspensions that have been lifted by that board and the number of repeaters; that is, the number of individuals who have had their driving privileges reinstated either on a limited basis or fully and how many of these have appeared before the board a second or a third time. I think the board was set up in 1959, wasn't it? Shortly after you took over. But I think it would be interesting to know how many of these individuals who have been given a second chance took advantage of that second chance, and if the number of repeaters is very small I think perhaps the board has justified its existence, but until such time as the House or the Committee has the information along the lines that I've suggested, it's pretty hard for us to determine whether or no it was a wise move or otherwise to constitute this board.

MR. FROESE: Mr. Chairman, in my remarks earlier this afternoon I spoke on restrictive suspensions. When I did speak on those I surely didn't have those cases in mind where liquor is involved, because I feel personally that these cases where you have liquor involved that the sentences should be much stronger, and as already pointed out by the Member for Lakeside I think we should have jail sentences as a deterrent and I think this would work to the benefit of society. Too many innocent people are being killed on the road today because of drunken drivers and this is much more so when it hits your family or close relatives are being killed as a result; you feel it much more. And I certainly, when I mentioned restrictive suspensions before, this definitely should not apply to people who are charged with drunken driving and where people are getting killed as a result.

MR. PETURSSON: Mr. Chairman, I was sitting and listening and hadn't really intended to enter into this debate but I feel that I must. I don't know, I think I can say quite fairly that I don't know anything about the niceties of the law in this connection but I did read a headline in the newspapers not very long ago which stated that there had been during the last year 5,000 deaths, I think, in Canada as a result of motor car accidents, and I don't remember how many thousands of injuries. These were not attributed to alcohol directly but they were accidents. If you figure on an average of about 20 injuries to each one death you'd have over 100,000 injuries. The thought struck me that by comparison and relative to the number of people who travel by plane it would be interesting to know the number of fatalities in air accidents during the same period, that is in the same proportion, take the proportion of the number of people who travel by car, the number of people who travel by plane. The general impression is that there are far fewer accidents, far fewer plane crashes or deaths by plane riding than there are in car accidents, but when a plane crashes and people are killed there is always without exception a full dress investigation to determine all the contributing factors or as many as it is possible to uncover including such things as the air worthiness of the plane, the structure of the plane, whether the plane was structurally fit, whether there was a human error involved, either the pilot or others, and so on and so on. A complete and thorough investigation is made of every air crash because it is felt that it is important to know so that it may be possible to correct whatever was amiss or at fault.

In car accidents there is nothing like that kind of an investigation whether it is because there are many fewer people in each car accident that are killed than in a plane crash or not I don't know. But nothing, so far as I know, is done in connection with trying to evaluate the road worthiness of the car or of safety features in the car, whether there was something wrong with the condition of the road or whether there was a human error, namely, the driver of the car itself. Now air pilots, I understand, are not allowed to take even one drink within the 24 hours immediately preceding their taking charge of a plane, but car drivers drink and drive quite freely and deliberately, many of them. We all know that. I think many of the Members in the House here have done it themselves and I'm not pointing to myself as any

(MR. PETURSSON cont'd)....exception. But every man, every individual, it has been pointed out, who drinks to the point of impairment or even slight impairment, represents a threat to every other person who is on the highway.

During my remarks on the Liquor Bill I mentioned a man who had become stuck in a lane near my home and had come in to use the telephone, who was almost beyond control of himself let alone control of a car, and at the time that I was making these remarks I was suggesting that with the liberalization of the liquor laws there should also be the general public acceptance of greater responsibility in the use of liquor, and particularly with the driving of cars. We must accept responsibility and must accept and be prepared to accept restrictions on the use of liquor by people who are in charge of cars, and in this connection I think of the Scandinavian countries. They have never been known particularly for their temperate ways. Swedes, Norwegians, Icelanders, I think Danes too - I don't know about Finns - have been known for their heavy drinking, their hard use of alcohol, and they still I think drink as much as they ever did, but in the Scandinavian countries they have passed regulations to counteract the dangers that are involved in drinking and they restrict the driving of cars to those only who have not had a drink. If a man takes no more than one drink and gets into his car and drives it, and happens to be stopped whether for having been in an accident or not, if he is just stopped and the smell of liquor is noticed on his breath, his license is immediately cancelled. He has no recourse for three months on the first offense.

It is a little less than two years ago that I was in Iceland and visited a home; the host there passed around a few drinks. I know that he had a couple himself. But when we came to leave, to go back to our hotel, he called taxicabs for all the guests and explained at that time to me just why this was, that if he were caught on the streets of Reykjavik with the smell of liquor on his breath, his license would be cancelled. I know that if that were done here there would be a tremendous uproar in many places, and in some of the so-called best places, but people there recognize the dangers that other people, innocent people are put in by other people who drive cars while they are under the influence of liquor. It probably is that the roads are not quite as good there as they are here; in some instances they are far from being of an acceptable standard, or a standard that would be acceptable here, but nevertheless the liquor laws are very strictly enforced as far as drivers of automobiles are concerned, and I think that in this connection the Scandinavian countries could be looked to for a lesson in how to treat these things, and if necessary make the laws liberal but let it be known also that there must be responsibility accepted with these laws and not complete freedom, because the people who drive cars are a threat. They are operating an instrument of murder, a murderous instrument, on the highways that is a danger and a threat to everyone who drives.

MR. SHOEMAKER: Mr. Chairman, inasmuch as the Minister has read into the records his official reply to the charges made in the Free Press of October 15th, and inasmuch as it is his first attempt to make an official statement in reply to it, I wonder if he would be prepared to supply the insurance industry with a copy of the statement that he just read, and to the various insurance companies in the province, because the All Canada Insurance Federation I believe used this article as a brief to my honourable friend and he has just now made the statement that the statement that he read was a reply to this editorial. That's what he said; it's an official reply; and inasmuch as it is an official reply to the industry, and I suppose to the Free Press as well, he should be able to supply the insurance industry with his official reply to the brief that was presented to him and to every member of the House. It is only fair that they should receive it and it's not asking too much, I don't think, to ask him to do this. I hope that his answer will be in the affirmative.

MR. McLEAN: Mr. Chairman, I suppose I would be most ungracious if I were to not go along with that suggestion. I must say I didn't receive any brief although I was getting letters from individual insurance people and after the first two or three I saw that they were all the same words used, so I assumed that someone was suggesting that the letters be written. I don't know who the insurance industry is, but I'll be glad to give a copy of the statement to-- perhaps I could give it to the Honourable the Member for Gladstone-Neepawa and he would know where it ought to be placed.

I think that, just a comment that the contributions to the discussion by the Honourable the Member for Lakeside, the Honourable Member for Inkster and the Honourable the Member for Selkirk illustrates perhaps the differing viewpoints there are in this matter of suspensions and that type of thing, and illustrates the problem that is constantly facing the License Suspension Appeal Board and the Motor Vehicle Branch in dealing with this troublesome problem, and

(MR. McLEAN cont'd). . . . I think perhaps in their comments, all of which were most helpful, they illustrate the central problem that we face in this matter. I thank the Member for Inkster for his suggestion with respect to the two weeks and I would certainly assure him that that is a matter that can be examined. I have to confess I had not thought of that myself and will certainly be glad to look at it.

With respect to the question about statistics of the License Suspension Appeal Board asked for by the Honourable the Member for Selkirk, I think I'll have to -- I have some statistics here which relate only to one year and I'm not certain that they really give the type of information that was requested, and if I may, I'd just like to say that I'll try and have a statement made up along the lines that he has suggested and supply it to him as soon as I can.

I would agree with the Honourable Member for Wellington; it would be nice if we could -- and indeed I suppose some time we will -- have some means of having the same type of examination into investigation of a car accident as they do now in the case of air accidents. I would point out, of course, that in the case of death there are coroner's inquests at the present time, and in the case of other accidents we do investigate them through the Motor Vehicle Branch and with the assistance of the police authorities concerned, but certainly it would not compare in detail or depth with that which is carried out in the case of the air accidents, and I am sure that those who have responsibility with regard to motor vehicles would welcome anything of that sort if we had the funds and the people to do it.

MR. CHAIRMAN: (a)--passed; (b)--passed; (c)--passed. Resolution 82--passed. Resolution 83; 2. Public Utilities Board. (a)--passed; (b)--passed; Resolution 83--passed. Resolution 84; 3. Censor Board of Manitoba. (a)--

MR. HANUSCHAK: Mr. Chairman, with reference to the Censor Board of Manitoba, and in particular to the piece of legislation found in the Amusements Act setting this board up, I am wondering, Mr. Chairman, whether it is not high time that this government do give consideration to repealing this section and replacing it with something which is more workable, more meaningful, and more effective than this piece of legislation is.

The Act states that a Board of Censors may be appointed as provided in the Civil Service Act, this Board to consist of at least three persons; three persons or more. However, I suggest to you, Mr. Speaker, that the three appointees to this board are not the only censors under this Act, but in fact thousands of peace officers around the Province of Manitoba are also censors in a way. As a matter of fact, the censorship powers that rest within the jurisdiction of a peace officer are somewhat more severe than those entrusted to the Censor Board there is a right of appeal; there is a right of appeal to an Appeal Board that the Minister may set up; but the peace officer is in a position to pass judgment, and as a result of and pursuant to his judgment, action is taken which in some situations may be unjust, and I am referring specifically, Mr. Chairman, to Section 24 of the Amusements Act, which gives a peace officer the right to order the removal from all public places of any advertisements relating to any film or slide if the advertisement is of an immoral, obscene or indecent nature, and the advertisement so ordered to be removed shall be removed by the person or corporation holding the license for the theatre, and if it is not removed within 24 hours and this is reported to the Minister, then the right of the licensee to exhibit the film or slide shall thereupon be cancelled by the Minister. In other words, Mr. Chairman, there may be nothing objectionable about the film itself, absolutely nothing objectionable about the film, but the manner of advertising it may appear to be objectionable to some peace officer, and the peace officer has the right to tell the operator of the theatre to remove the sign or to have it removed from any public place, if it is not removed within 24 hours, report it to the Minister, and the Minister -- not that he may; it's not that he may cancel the right of a licensee to exhibit the film, but the Act specifically states that he shall. It's mandatory upon the Minister to enforce this piece of legislation. Now surely, surely Mr. Chairman, it is not the intention of this legislative body to appoint the thousands of peace officers in the Province of Manitoba to act in the capacity of censor. Surely it is not to be expected of a peace officer to exercise this power to determine what is proper or what is improper to be exhibited. And to add insult to injury, this gives him the power to act in relation to something which in itself may be quite acceptable to the general public. This is one of the main reasons, Mr. Chairman, why I suggest that the government do take a close look at this portion of the Amusements Act and revise it and bring it back to this House in some more acceptable manner and in a more enforceable manner, in a more meaningful form.

(MR. HANUSCHAK cont'd).....

It is also interesting that the Act states that a board of censors may be appointed but then when it comes to appointing the Appeal Board, the Act states that it must be reputable persons appointed to the Appeal Board. It's rather interesting; does this mean that the people appointed to the Board of Censors need not be reputable so long as the Appeal Board consists of reputable individuals. I'm certain that that is not the intent of this legislation, and if that is not the intent then it should not be contained in there.

And in a review of this portion of the Amusements Act I would also like to suggest that the government consider this matter very seriously as to how far, to what extent they could, or the government should legislate upon people's morals. This is one example. I'm just mentioning this here not with the intention of going into debate because this is dealt -- there's other opportunity to deal with that, but it's also my feeling that that is the type of legislation that is being considered in the Liquor Act, that we are basically concerned with legislating people's morals. Now are we saying to the people of this generation, to the people of today, that they are less capable of exercising good judgment than they were some time ago and therefore the Legislature must step in and perform that function, or what? Certainly Mr. Chairman, that is not the case.

MR. PETURSSON: Mr. Chairman, the word "censorship" always seems to rub me the wrong way because I don't like to be censored myself and I don't want others to be determining for me what I should see or read or think. It has been a matter of restriction on people down through the ages and we still have this bit of a vestige with us which would control, in effect, people's minds, what they -- at least what they are permitted to look at. Now if censorship with us means only grading or classifying pictures, then it isn't censorship; in effect it is regulation, or grading or classifying, and it should be called that and be nothing more than that. If it is to determine what is immoral or obscene or indecent then it becomes another matter. Because it is a thing that is put into the hands of a few individuals -- I think, in this instance, a censor board numbering three people -- it becomes a matter that is put into their hands to determine, and I don't think that the legal authorities have yet been able to define satisfactorily what is or is not immoral or obscene or indecent or pornographic, and for three men to sit in a dark corner at one end of the basement of this building and decide whether one picture or another picture should be released -- if that is what they do -- or not released, and based on whether they feel that it is any one of these several things, then they are usurping a right that each individual, each adult who is perfectly capable of thinking and acting for himself, should be left to determine.

Censorship; if you want to go into the background of that term, it has a bad connotation right from the beginning. The world has moved along over the centuries always dragging along protesting multitudes who would restrict rights, restrict privileges, restrict thinking, restrict the publishing or the reading which people would wish to do. At one time in England it was forbidden to read the Bible in English translation. It was forbidden to print the Bible in English for the public that wished to read it. And later and elsewhere in Europe there were such things as the Inquisition, which on a penalty of death prohibited other than the accepted religious documents. Later and elsewhere in Europe there were such things as burning people at the stake, torturing and imprisoning, because of their attempt to exercise what they regarded as their own rights.

Over the centuries there were many people who became the victims of this kind of prohibition and restriction. There were religionists; there were scientists, philosophers, reformers. The Roman Catholics persecuted the Protestants and the Protestants persecuted the Roman Catholics, and both joined together to persecute what they called the Infidels, and both together the Christian community persecuted the Jews. The world is a graveyard for countless martyrs who, but for these prohibitions that were put upon them and the death that was visited upon them, might have or could have led the world to an enlightenment that we can only now imagine or dream of. And censorship, as it still exists in whatever limited form, is a surviving vestige of those earlier times. It's a vestige that remains of earlier and darker ages when it was believed that men were not capable of thinking for themselves or determining what they should think or what they should read but that they must be directed in these endeavors as though they were children.

In our day it is felt that certain censorship is still necessary and so we have a censorship board, and the question that comes to my mind often is: who is it that censors the censors,

(MR. PETURSSON cont'd)...if such a thing is possible? Now codes can be established, principles can be set up and so on, which would govern the activities probably of people who produce things which we now think that we must refer to censors, and if the code is violated, or the principles, then those who feel that they have been an injured party have recourse to the law and have it decided then in the courts as to whether they have had a right to act as they have done or whether they have violated the code or the principle that has been set upon them.

But as far as censorship is concerned, I have serious reservations. Any restriction can be made a matter of law and argued in the courts but should not be placed in the hands of certain men or certain individuals who on their own authority determine what we should or what we should not look at, read, or, in some instances, think. By common consent, through elected representatives we can draw up and agree to certain regulations, rules, etc., but we should not be compelled to accept the dictates of another body over which we do not have real authority, or to which we give authority, that is to decide for us what we may or what we may not read or look at or think - or, in some instances, to say. The Censor Board is a vestige of past ages. It is a thing that should be eliminated as a censor board. If it is a board to regulate it seems to me that it is a different matter, and if it is such a board then the name should most certainly be changed and the Act given some serious adjusting.

MR. CHAIRMAN: (a)--passed; (b)--passed; Resolution 84--passed; Resolution 85; 4. Motor Vehicle Branch. (a)--passed; (b)--passed; Resolution 85--passed.

MR. McLEAN: Before we conclude, I have some information which bears upon two questions or two matters raised earlier and I perhaps would like to give it now so that we would be complete.

I was correct with - pretty nearly correct - with regard to the coloured telephones. There are 29 percent of the telephones now in use are coloured; 71 percent are black; so I'm still in the majority.

With regard to the salaries and wages in the Manitoba Telephone System, they are right in line with Bell in Ontario and the Saskatchewan Government wages. Relations are satisfactory with employees and compulsory arbitration has not been employed, as agreement reached by negotiation. Turnover is high with respect to female employees, but generally no higher than the industry generally. Male turnover is just normal.

And I wonder, Mr. Chairman, if I might - and again just to -- this really refers to a matter raised in the Public Works estimates but perhaps the Honourable Member for Lakeside would not mind if I answered his question with respect to the farm lands in Macdonald, because I have the answer here now. They are being managed by the Department of Health (and you know if I'd thought I should have remembered that) by the Department of Health and used as part of the farming operations of the Macdonald School for Retarded Children, and there is no lease rental. They use them and whatever they earn from them they get.

MR. CHAIRMAN: That completes the Department of Public Utilities. Department IX - Labour. We are on Resolution 52, 1. General Administration.

MR. BAIZLEY: Mr. Chairman, before opening in discussion on the estimates for the Department of Labour, I would like to pay tribute to the staff of the Department of Labour. While it is one of the smaller staffs within the public service, like all other departments it's interested in serving the citizens of Manitoba and I think that this last year has indicated that the Deputy Minister and senior officers and staff of the Department are sincerely interested in promoting and developing industrial peace in the Province of Manitoba.

I think it would be worthwhile if I took a few minutes on the introduction of the Estimates of this Department to review some of the traditional programs that are under the Department's jurisdiction and for which we are asking to have monies voted. I might say, Mr. Chairman, too, had I realized that I might have reached this stage today, I think it would have been a good time to have asked the Easter Bunny to come into the Chamber and leave an Easter Egg so that we could talk in this last social hour in conciliatory terms and....

Well, Mr. Chairman, some of our operations have been ...for quite a long while. The underlying principles of them are well understood and accepted, and are watched and reviewed from time to time to keep them in line with current practices. For instance, our Mechanical and Engineering Division covers regulations for the manufacture and use of elevators, gas equipment, electrical equipment and the like. The category of the Fire Commissioner's office is also a regulatory one and the objectives and goals of this department are fairly well established and accepted, and we merely keep these programs under review so that they are adaptable to the changing times and technologies. In the other fields that are thought of to be labour

(MR. BAIZLEY cont'd) . . . matters and our policies and programs appear to be understood and working well in these areas, I have in mind in this regard the Apprenticeship Training programs and certain aspects of industrial relations such as certification and rights of bargaining agents, the recognition of collective bargaining process, conciliation and mediation of labour disputes.

I'm not trying to suggest, Mr. Chairman, that all is love and light and sunshine in the area but the functions are understood and are used quite regularly. At the same time we are always looking for better ways to improve this service. For example, the principle of third party intervention in the settlement of labour disputes has been part and parcel of Canadian collective bargaining for over 60 years. When an employer and a union reach a deadlock in direct negotiation they usually ask for conciliation or mediation services because they believe in it, not just because the law requires it. It's become part and parcel of this practice. In this kind of established service that I have mentioned, Mr. Chairman, our aim is to use the funds made available to us to carry out these services as effectively as we can, and we feel generally that they are working quite well but we intend to adapt the services to the changing needs and to make such improvements as experience and knowledge indicate.

I might say that there are other important problems of our day, in fact some of the problems which have been under consideration in this House and certainly in other Assemblies, that are going to require review before public policy will be decided, and I would like at this time to identify some of the problems that fall into this category. We have under review appropriate methods for the settlement of public interest disputes without unduly affecting free collective bargaining. Now Mr. Chairman, we are well aware that this is a problem and a principle that concerns part of our own service. I have been in consultation with members affected and I am sure that in the months to follow we will be looking at procedures that will be mutually acceptable to the parties with a view of attempting to satisfactorily improve this aspect of bargaining.

We will continue to give careful attention to the matter of injunctions in labour disputes. This has been the subject of certainly spirited debate in this House this Session; as far as that's concerned it has been a spirited debate, I believe, throughout the country. In all fields of our work there are periodically strong demands for action of various kinds and the demands come from various quarters. Mr. Chairman, it cannot be emphasized too strongly that the perplexing problems in the field of Labour-Management relationships do not lend themselves to easy or quick solutions. We will take appropriate action and pass the necessary statutes after careful studying and consultation.

So, Mr. Chairman, there are items in our Estimates which will provide for the continuation and improvement of our traditional services, where experience and familiarity with the problems has enabled us to move with certainty, and there is also the provision in the Estimates for breaking new ground and pushing back new frontiers in Labour-Management relations, and there are areas that are unfamiliar at the present time but are under study and consultation, and this consultation, Mr. Chairman, has to precede any action to develop mutually acceptable attitudes in the matter of Labour-Management relations.

Mr. Chairman, before I sit down I would like to refer to the industrial relations experience in Manitoba this year. Certainly this year of 1966 has been referred to as Canada's Year of the Strike. We are all aware of the situation in the nation. There has been a considerable amount of conflict. There have been work stoppages on large scales and in many cases essential undertakings have been shut down because agreement could not be reached on terms and conditions of employment. In such a situation it is only natural that public feelings run pretty high. Various groups and individuals have been placing the blame on various other groups and individuals depending upon their point of view. Really, Mr. Chairman, placing the blame without consideration of all the factors concerned seems neither wise nor helpful. In fact, it frequently makes it difficult to help the parties to arrive at successful conclusions. So we were encouraged when the Federal Government recognized the seriousness of the national industrial relations situation and established a task force to look into the matter, and gratified indeed that it was headed by Dean Wood whose work in Manitoba as head of our Labour-Management Review Committee is well-known and certainly, I am sure, appreciated by Members of both this Assembly and by Labour and Management in Manitoba.

The Honourable Members will recall that some two years ago, after consultation with Labour and Management groups in Manitoba, the government set up a joint review committee under the chairmanship of Dean Wood, and this committee has since been studying industrial

(MR. BAIZLEY cont'd)...relations in this province. The Committee reached consensus on several matters and made recommendations for acceptance by this House. It is continuing with its review of a number of specific aspects of industrial relations in Manitoba that the parties themselves consider need to be thoroughly studied. The House has been informed of the Committee's work during the past year and its programs of future work have been tabled with its annual report. You will be glad, Mr. Chairman, I am sure, and Members of the House, to learn that Dean Wood has arranged to continue as Chairman of this Committee.

I have said that in the context of general Canadian industrial relations experience this year, various groups and individuals have blamed each other before adequate and reasonable study, and I have said I think this is a mistake and is not helpful. I think there is another mistake, Mr. Chairman, that might be made and that is to conclude that our industrial relations experience this year in Manitoba has also been bad, because the facts show otherwise. Our economy, Mr. Chairman, has been booming and we have had some strikes, but our total lost time due to strikes has been comparatively small. We all recognize that stable industrial relations are most difficult to achieve when there are high levels of employment, when there are labour shortages, and when unemployment rates are low, so Mr. Chairman, our record in Manitoba is all the more commendable when viewed in light of our employment conditions, but I would like to say a very special word of thanks, Mr. Chairman, and of appreciation for the patience and understanding and the restraint of both Labour and Management for their very good industrial relations record in Manitoba, for their ability to consult, for their ability to serve willingly on boards for the benefit of the community, and it has been extremely beneficial to the economy and the community of Manitoba in this rather stormy year in Canada's industrial relations history.

Mr. Chairman, I have touched on some of our programs that I think are working pretty well. I have touched on some of our plans for the future, and I am sure that Members of the House and of this committee will have some constructive and helpful suggestions for the improvement and workings of the department. I am sure that some of the weaknesses will be emphasized, and I sincerely hope that they would not be exaggerated and I hope that some of our strength will be recognized.

Mr. Chairman, I am now in the Committee's hands.

MR. STEVE PATRICK (Assiniboia): Mr. Chairman, may I first thank the Minister on the introduction of his estimates to the House and also express my appreciation to him for the cooperation that he has given me throughout the year. At any time that I needed any information pertaining to labour he was always most cooperative.

I would also wish to express my appreciation to the staff of the Department because during the year I had many people calling me pertaining to labour matters and Workmen's Compensation and other fields, and I have always found the Department and the staff most cooperative and they were able to supply me with the information that I requested in very short order, so it's wonderful that the Members of this House can have that type of cooperation from the Department.

Mr. Chairman, it is getting so each year that I look forward to the Minister's report, more so to see how it compares with the year before, because I believe he remembers - I spoke on it last year, and this year again I would have expected a less expensive volume and probably less costly, because if you go through it, through the first seven or eight pages there is nothing in it. It takes you seven pages to get to the introductory part and not until you get into Page 10 that there is some reference made to government-supervised strike vote, and if members don't believe me they can just go through the first ten pages. There is nothing in there and it seems to be almost the same repetition as it was last year.

Mr. Chairman, at the bottom of the page reference is made to the elimination of government-conducted strike vote, and it says that the statutory requirements are that votes must be secret ballot and that everyone is eligible to vote. What it does not say, that this provision means that every member of the bargaining unit must vote whether he is a member of the Union or not, and this is what I spoke about last year. As I said, I thought it was a stupid provision and has no meaning, especially when Section 21 says that the Union is not bound to proceed with the result of the strike vote. All this does, Mr. Chairman, it provides an to the bargaining agent because I don't feel the members that are not in the Union are or should be entitled to vote, and this is what I spoke on last year. I am sure the Honourable Member remembers that the Honourable Member from Selkirk and myself have presented

(MR. BAIZLEY cont'd)....resolutions to this House for the last four years that Section 21 Subsection (3) be repealed, and the Minister during those years refused to take any action on it until the Woods Committee has also recommended that this section be repealed, and only then the Minister did take some action on it.

Mr. Chairman, I welcome the reference in the Woods Committee of last year where on Page 13 it said they will be studying, amongst other things, injunction and labour board procedures, and I will make some remarks on it later on in my speech. Page 15 and 16 deals with a technological change and the work that the government is doing and the continued studies that the Minister spoke so highly of last year. And what I see in the report today, it seems like a small program to cope with the series of developments which have been described as equalling those of the 18th and 19th centuries that the Minister said last year.

Mr. Chairman, on Page 17 we deal with the minimum wages which received considerable debate in this House, and I will also make a few remarks on that later on in my speech. And when I did say that there was a lot of wastage because we then go from Page 17 to 36, through someand Page 37 deals with the Labour Research Division and studies it's made and the report given. I think this is the section that deals with the Manitoba Labour Board and I think it's time we asked questions about the functions and makeup of the board and how it is discharging its duties, because in the 1966 Session of this Legislature the government passed legislation giving to the Labour Board and its officers powers to detect and deal with unfair labour practices. I feel that this was good legislation and our group here should take credit for it, because in 1965 I proposed such legislation; the next year the Woods Committee made a recommendation along the lines as our own, and as a result legislation was passed in 1966, almost word for word in accordance with our proposals.

I would like just to make some reference to the resolution that I presented to the House at that time, and I would just deal with the operative part of it. I'm quoting: "Therefore Be It Resolved that the government give consideration to the advisability of (a) placing under the jurisdiction of Labour Board all matters respecting the enforcement of the Labour Relations Act and regulations enacted thereunder; (b) that the Labour Board's setting up of a procedure whereupon receipt of a complaint under the Labour Relations Act it immediately sends in an officer to investigate to attempt to resolve the dispute and to report; (c) if the complaint is not otherwise resolved the Labour Board should hold hearings and to make a determination to have the power to make a cease or desist order to reinstate an employee and to order compensation for loss of earnings."

This was my resolution at the time. I know that the Honourable Member the Leader of the New Democratic Party amended a couple of words in the last Section (c), but it did not change the resolution; it almost was identically intact.

Mr. Chairman, the Labour Board is made up of equal numbers of Management and Labour members, and the Chairman not connected with either. They are all part-time, even the Chairman. Each of the members has other duties not connected with Labour, so you can say not one of these people are full-time, and I feel that what this really means is there's only so much time any of these people can devote to labour matters. Since 1966 it had the duty of dealing with unfair labour practices. The field officers had the duty of investigating and attempting to resolve allegations of such practices, and I feel that applications for certification and respecting unfair labour practices must be investigated and dealt with quickly. I'm sure that the Chairman and every member of the Labour Board will agree with this statement. However, the board meets periodically. Not only must applications for certification wait, but applications re unfair labour practices must wait until the board is called to convene. The result is that there is too much delay between laying a complaint of unfair labour practice and it's being dealt with by the board. I feel there's still too much delay between filing of an application for certification and when the application is heard.

Mr. Chairman, until now, so far as I know the province has not made available personnel so that there could be field officers available immediately when required. I'm informed that each time an investigation is to be made the board must convene and appoint a field officer. I feel that this is insufficient and a slow way to do a job which I believe by law must be done quickly.

Mr. Chairman, I said that I would say something about Woods Committee and its investigation into labour injunctions, and as the members in the House know here that I have amended the resolution that was presented to this House by the Honourable Member for Inkster, and my amendment was as follows: that (1) Picketing is a legitimate bargaining weapon; and

(MR. PATRICK cont'd) (2) Legislation of picketing should clearly set out the manner in which picketing may legally be done. I have not changed my mind after hearing the honourable member; (3) Injunctions may be sought on notice to those involved and notice may be short; and (4) I've asked for the Woods Committee to make a study and to present a report to the Session. It doesn't appear that this will be done. I still feel that it should be done, and I also said that if this cannot be done, if the Woods Committee is not able to bring in a report, that the Industrial Relations Committee of the House study this matter and bring a report during this Session. It also appears that we may not be able to accomplish this because the Session may be over by that time, but it's still right to say that this Committee of the House may study this problem and could bring in their report for the next Session, and I can't see why the members would not agree because on an amendment to a minimum wage resolution this was the recommendation of the New Democratic Party in regard to the minimum wage.

I would say there was two parts to my amendment, that we believe that picketing is legitimate, and No. 2, that we were against ex parte injunctions. Both the Liberal conference in Ottawa and the Liberal conference in Manitoba last fall clearly stated these two principles.

Mr. Chairman, I wish to turn to two other areas, and that's minimum wages and automation. Last year I amended a resolution that was presented to this House, I believe, by the Honourable Member for Logan on automation, and my amendment was that the government establish a committee comprised of Government, Labour and Management to consider the effect of automation, and that parties be governed by the following guides: (a) - I wish to read to the record the guides that I suggested - (a) Maximum of gain and minimum of dislocation from automation requires wholehearted co-operation of government, organized labour and management. (b) Where a plant work force is to be reduced because of automation the employees affected to be given notice of intent immediately, in at least six months, of impending changes. (c) There must be flexibility in the interpretation of seniority and union jurisdiction. (d) Government to take leave in making retraining programs available. I feel that government must also make provision for relocation expenses for men displaced through automation.

Mr. Chairman, the Minister and this government have shown no leadership and are complete failures as far as automation is concerned. This is only true because of the resolution again that was presented to this House on automation, which I feel was a good resolution, was amended which actually calling a one day conference on automation would not really accomplish anything. I don't think that the Honourable Minister of Labour really feels that there's need for study on automation because the last couple of years we've had pretty well full employment and he feels that there isn't much dislocation because of automation, but I've had on quite a few occasions, people in industry themselves have told me that in their industry alone they had displaced as many as 18 people in one plant. However, they were able to place them in another location and as a result they did not lose the job, but what they were saying was that automation is displacing jobs. If it wouldn't have displaced these 18 people, naturally there would have been 18 new positions in that particular industry alone. So I say that really the Minister should be concerned and not wait until it's too late.

I feel the automation will be a success from the point of view we can teach people who are displaced new skills. The benefits of change will be fully and properly shared if we can consider the needs of the people who are affected and organize policies to reduce hardships. I don't feel that society should permit workers to be made jobless through no fault of their own. I think it's safe to say the future success of this province depends on the way we're able to plan to provide our people with opportunities to acquire new skills and to enable these people to take their place in the more technical world in which we are living. Mr. Chairman, it is our responsibility to prepare people for a new job if one is displaced, and I just wondered and would like to ask the Minister, how are we meeting these challenges in Manitoba? Because the new automated industry will grow where conditions are best for it, where, for instance, there is an abundant supply of men and women trained to use the new machines and equipment, and more important, where there are educational facilities equipped to adapt to the needs of new industry. Mr. Chairman, if we're not equipped as well as other parts of Canada we're not going to get new industry but we will stagnate and decline, and I feel that in Manitoba we have not begun to study the problems of automation in any organized way up to this date.

Mr. Chairman, the other area that I wished to touch on was the minimum wage, and I don't want to take too much time on this or on my remarks, because there has been a

(MR. PATRICK cont'd)....considerable amount of debate in the House on labour resolutions and particularly minimum wage, and the debate I would say on minimum wage came mostly from this side of the House. And I'm somewhat disappointed that the members on the government side, particularly the backbenchers and the city members have not seen fit to participate in this debate on minimum wages. I know that there's been suggestions by the New Democratic Party that the minimum wage, in amendment to the resolution, should be \$1.50, and at this time I could not go along with the amendment because if I would have been able to see the study and the report of the Minimum Wage Board maybe perhaps I would have changed my mind, but I think the increase would have been too great. It would have been 50 percent increase from \$1.00 to \$1.50, and I know many labour people themselves are asking for \$1.25 because -- I have a booklet here that was mailed to me and it's from the International Railway Brotherhoods and in there: "No. 13, Minimum Wage Act, Hours of Work and Vacation with Pay. We recommend that your government make amendments to the Minimum Wage Act and the Hours of Work and Vacations with Pay Act that will bring about uniformity in the areas of minimum wages with that of Canada Labour Standards Code," so here they themselves are asking for \$1.25. --(Interjection)--Well, this would be probably higher than anywhere in the North American continent, \$1.75, because I believe it's only \$1.40 in the States. In the United States it's only \$1.40. I am not saying that we shouldn't have a higher minimum wage. When I did introduce the resolution I know that some of the members took issue that I had two years. In my remarks, if you'll check back, I did say that it may be reviewed twice a year or more often, but must be reviewed every two years. I did say that in my remarks and I know the members will realize this, and I agree that with the sales tax coming people on fixed incomes will definitely be affected, so I do feel that the minimum wage should be increased immediately to \$1.25 and in June it may have to be increased more, and this is what I would like to see, that the Minister certainly get the Minimum Wage Board to pursue and make sure that the report will be tabled in the near future.

Mr. Speaker, we know that the average income of Winnipeg personal income tax shows that Winnipeg is in 49th place on the list of Canadian cities and much below the national average. We all know that our population has declined while other Western provinces have a substantial increase, and I'm inclined to believe that to some extent low wages is the reason, so I would urge the government to act immediately to raise the minimum wage to \$1.25 now, in line with that of the Federal Government. Since this government was seriously concerned about the effect of the increase in the cost of living on the people of Manitoba, of which the Minister spoke and we heard about the committees that are set up between the western provinces to study this matter, I can't see why the government does not demonstrate its good intentions and raise the minimum wage to \$1.25 immediately and at least some people that need it most will be assisted in some way.

These are my remarks, Mr. Chairman. I'll probably make more as we go along in the Estimates.

MR. HILLHOUSE: Mr. Chairman, would you entertain a motion for the Committee to rise?

MR. PAULLEY:Mr. Chairman, on this point, one of my colleagues will be making a contribution to this debate that I am sure will go over the 10 minutes that we have left for this afternoon, and in order that it doesn't break the continuity of his remarks, it might be an opportune time to wish everybody a Happy Easter and best wishes, and then we'll return on Monday.

MR. CHAIRMAN: Is the committee agreed?

MR. LYON: I believe the Minister has one or two remarks he wants to make to clarify something - not of any length, as I understand it. He'll explain what he has to say. We'll be rising momentarily.

MR. BAIZLEY: Thank you, Mr. Chairman. I think it might be helpful if I clarified some of the remarks and questions of the Honourable Member from Assiniboia concerning Unfair Labour Practices under Section 6 (a) of the Labour Relations Act, that there had been 25 complaints laid, 14 had been concluded under Unfair Labour Practices; 25 complaints had been laid and 14 had been concluded, 11 are pending.

I think we're pretty well all in agreement on automation and retraining, Mr. Chairman. It's a question of determining what guide lines have to be legislated. I note that every jurisdiction is a little reluctant to impose guide lines in an area and on a subject that the parties themselves seem to be dealing with quite adequately. I might say that this conference that we

(MR. BAIZLEY cont'd)...hope to have, we attempted to have representation last year of management and labour, and we did in fact have a meeting of the parties to consider establishing a committee to review and consider the possibilities of a continuing committee on automation. It was determined by the representatives at that meeting that it was a little premature; it was not timely; that, as the member pointed out, in times of full employment and with so many people undergoing training and retraining, that they could not see it serving a useful purpose, and this is why we would support the amendment to the automation resolution to hold a conference and have all parties once again take a look and determine what they feel might be done. It's fine to talk here that it's a problem and we're quite prepared to study it and have studied it here and in other jurisdictions, and we will continue to follow this course, Mr. Chairman. And, like every other member in this House we are looking forward to the report from the Minimum Wage Board and anticipate that that report will be coming soon.

MR. PAULLEY: ...on the subject under the resolution, I would suggest, Mr. Chairman.

MR. LYON: Mr. Chairman, I move the Committee rise.

MR. CHAIRMAN: Committee rise. Call in the Speaker.

MR. MOLGAT: Mr. Chairman, before the Committee rises I wonder if the Minister could indicate the sequence after. We now have only one department ahead.

MR. LYON: The next department after Labour is Municipal Affairs and the next department after that would be the Department of Mines and Natural Resources. Then we'll let you know.

MR. CHAIRMAN: Committee rise. Call in the Speaker. Mr. Speaker, the Committee has considered certain resolutions and has requested me to report progress.

IN SESSION

MR. J. DOUGLAS WATT (Arthur): Mr. Speaker, I beg to move, seconded by the Honourable Member from Springfield, that the report of the Committee be received.

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

MR. LYON: I move, seconded by the Honourable the Provincial Treasurer, that the House do now adjourn.

MR. SPEAKER: Before I make that, I'd like to make a short announcement. I realize that many of the members are not here but I would hope you would pass the word along. I'd like to alert the House that on Tuesday when we open at 2:30 there will be the photograph taken. As many of you know it's for posterity so I hope everybody will try and be here on that occasion.

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