

LAW AMENDMENTS COMMITTEE
10:00 o'clock, Tuesday, June 4, 1974

CHAIRMAN: Mr. D. James Walding.

MR. CHAIRMAN: Order please. The Committee will come to order. The bills before the committee this evening are as follows:

- No. 20 - An Act to amend The Highway Traffic Act.
- No. 23 - An Act to amend The Liquor Control Act.
- No. 65 - An Act to amend The Law of Property Act.
- No. 67 - An Act to amend The Public Printing Act.
- No. 69 - An Act to amend The Embalmers and Funeral Directors Act.
- No. 72 - An Act to amend The Clean Environment Act.
- No. 73 - The Buildings and Mobile Homes Act.
- No. 76 - The Heritage Manitoba Act.
- No. 79 - An Act to amend The Provincial Police Act.
- No. 80 - An Act to amend The Real Property Act.
- No. 81 - An Act to amend The Department of Public Works Act.
- No. 88 - An Act to amend The Liquor Control Act (3).

Are there any members of the public wishing to make representation to the committee this evening? If so, would you come forward to the microphone and give your name, please?

BILL NO. 73

MR. THOMPSON: My name is Ralph Thompson and I'm here on behalf of the Manitoba Association of Architects in connection with Bill 73.

MR. CHAIRMAN: Would you spell the last name for the record please.

MR. THOMPSON: Thompson, T H O M P S O N.

MR. CHAIRMAN: Thank you. Is there anyone else wishing to address the committee this evening? Mr. Thompson, would you come forward please. Go ahead.

MR. THOMPSON: Start right now? Just one second. This is hardly a report, gentlemen, it's just a few comments on the bill which a few members of our association have looked at but which we haven't had enough copies to actually circulate amongst our membership.

Bill 73. In the Free Press issue of Thursday, May 30th, the report was published entitled "House Standards Bill Unveiled". It indicated the processing of legislation with respect to building codes and occupancy controls which would have precedence over any other such controls in the province and which would apply everywhere in the province. A number of members of the Manitoba Association of Architects noticed the news item and inquired as to whether the association was aware of and involved with this legislation. It appeared not, and further inquiries by our secretary revealed that other associations in the building industry were similarly uninformed. I am appearing before you on behalf of the Manitoba Association of Architects to make a preliminary inquiry and hope that my presence here is in order.

There is an inference in the news report and in the text of Bill 73 that we have been able to scan, that the Province intends to establish a uniform building code for the entire province and that this will be based on the National Building Code of Canada and will be administered by competent professionals. If that is the case, our association heartily approves, for it is a program which we have long advocated. We are, however, somewhat surprised that we have received our first information through the newspapers and the bill from the hands of members of the Legislature. We have ascertained that neither the Professional Engineering Institute of Manitoba, the Winnipeg Housebuilders Association, the Winnipeg Builders Exchange, nor the Manitoba Association of Architects have been officially advised by the Government concerning this bill. These associations have a long tradition of constructive co-operation with government authorities at all levels on matters of public interest, and it would appear we could make a useful contribution with regards to the matter of Bill 73.

Does the Government intend that these various associations named have a role to play as participants in the proposed Building Standards Board? It is hoped that Bill 73, when it becomes legislation, the MAA will be called upon to assist in drawing up the working regulations and amendments. The majority of the members of the Executive Council of the Manitoba Association of Architects are presently away at an annual assembly in Alberta, and consequently are not advised of this legislation. The next full meeting of our council is June 11, 1974.

BILL NO. 73

(MR. THOMPSON cont'd) This bill has received two readings. Will there yet be time for our association to review Bill 73 and make a constructive submission before final passage?

Presented on behalf of Lou Plotkin, Executive Vice-President, MAA.

MR. CHAIRMAN: Are there any questions of Mr. Thompson by members of the committee? There appear to be none, Mr. Thompson. Thank you for appearing.--(Interjection)-- Oh, Mr. Green.

MR. GREEN: Is there anything in the bill, as you now see it, that you object to or you would like to see amended?

MR. THOMPSON: Well, there were a number of items that are sort of open but we've been given to believe that it will be the National Building Code which will be used as the basis of the code, and with the use of permits and proper inspection, I think that the bill will do a great deal to provide the public with better buildings and proper safety.

MR. GREEN: That's fine.

MR. CHAIRMAN: Thank you, Mr. Thompson. I've had requests from different members of the committee to deal with bills first, and since we cannot deal with all of them first I'm informed that Bills No. 67 and 69 are presented without any amendments and that the Minister, who is not a member of the committee, is anxious to get away. Can we deal with those two first? No. 67.

BILL NO. 67

MR. CHAIRMAN: Bill No. 67. Page by Page? (Agreed) (Bill 67 was read page by page and passed.)

Bill be reported.

BILL NO. 69

MR. CHAIRMAN: Bill No. 69, page by page? (Bill 69 was read page by page and passed.)

Bill be reported. Mr. Henderson?

MR. HENDERSON: We're going a little too fast. I was wondering on this Embalmers and Funeral Directors Act, how come this one is under the Minister of Consumer and Corporate Affairs when other provinces it's under the Minister of Health?

MR. TURNBULL: Well, Mr. Chairman, if I may, the original Act entitled The Embalmers and Funeral Directors Act was transferred from the Department of Health to my department in the summer of 1971, and the purpose of transferring it at that time was that the original Act entailed the Department of Health in certain functions relating to licensing of commercial operations of embalmers and funeral directors, and it was thought at that time that these commercial operations were more appropriately the function of regulation by the Department of Consumer and Corporate Affairs than of the Department of Health.

MR. HENDERSON: Mr. Chairman, is it not so that there's only one other province that has it under a different Minister than the Minister of Health?

MR. TURNBULL: Yes, I think that may well be the case, Mr. Henderson, but it's my understanding these other bills do not have the same kind of commercial licensing provisions in them that this original bill and the regulations under it do in Manitoba.

MR. HENDERSON: One further question. Were you in touch with the funeral people and the embalmers before this was changed?

MR. TURNBULL: I think that the Act, as I explained in the House, does no more than was done by regulations under the original Act. In other words, the imposition of fees for the operation of a funeral home were imposed under the regulations previously and these were challenged, and as there is no clear-cut authority under the original Act, we're now bringing in an amendment to provide that statutory authority.

MR. CHAIRMAN: Preamble and Title passed. Bill be reported.

BILL NO. 76

MR. CHAIRMAN: Bill No. 76. Page by page? Page 1--pass; Page 2--pass; Page 3--

MR. BILTON: Mr. Chairman, I haven't even got to the bill yet. Could you give us a little time? (Pause)

MR. CHAIRMAN: Are you ready, Mr. Bilton?

MR. BILTON: Thank you for your consideration. We may proceed.

MR. CHAIRMAN: (Bill 76 was read page by page and passed.) Bill be reported.

BILL NO. 20

MR. CHAIRMAN: Bill No. 20. Page by page? There are amendments on a later page. (Pages 1 to 4 were read and passed.) Page 5, Section 16. Mr. Uruski.

MR. URUSKI: Yes, Mr. Chairman, in 213(2)(c) of The Highway Traffic Act, I move that the proposed clause 213(2)(c) of The Highway Traffic Act, as set out in Section 16 of Bill 20, be amended by adding thereto at the end thereof, the words "committed by means of a vehicle".

MR. CHAIRMAN: Do members of the committee have copies of that amendment? Is there any discussion? Mr. Dygala, would you come forward and use the microphone please?

MR. DYGALA: Mr. Chairman, the amendment to the amendment is necessary to make it clear that the provisions of Section 213 do not apply to other things than vehicles - don't include bicycles, for example.

MR. CHAIRMAN: Agreed? So ordered.

MR. URUSKI: Mr. Chairman, there is another amendment in regard to 213(2), and I move that the proposed subsection 213(2) of The Highway Traffic Act as set out in Section 16 of Bill 20 be amended by striking out the last four lines thereof and substituting therefor the following lines: "and a fine is imposed, if the convicted person does not pay the fine and costs within the time permitted for payment thereof, the court shall notify the registrar and the registrar shall thereupon suspend the license of the person convicted or disqualify him from obtaining a licence." --(Interjection)-- Yes, the copies I believe were distributed by the Clerk, those two amendments.

MR. CHAIRMAN: Mr. Dygala.

MR. DYGALA: Mr. Chairman, the amendment is necessary because at the moment the provisions of this section, which deal with suspension of licences upon default of payment of fine, is very ambiguous, in fact if the section comes into operation, the moment default occurs, before there's an opportunity of giving notice to the individual; the intent of the amendment is that the court will notify the registrar when default occurs and then a notice to the individual is issued and suspension will commence from the date of receipt of notice.

MR. CHAIRMAN: Any questions or discussion on that point? Amendment passed. That's all the amendments that the Minister has. The remainder of Page 5 -- pass. Page 6 -- Mr. Brown.

MR. BROWN: Page 6. I wonder if the Minister could explain 258.1 - leasing of certain drive-yourself trucks.

MR. CHAIRMAN: Mr. Dygala.

MR. DYGALA: Mr. Chairman, if I may, the objective of the provisions of Section 258.1 are to bring about some degree of control of the so-called pseudo PSV operation, where a person under the guise of leasing a truck is really engaged in a PSV operation. He rents the equipment; he doesn't own it; he frequently acquires a driver from another company. In other words, he doesn't pay the driver directly and yet he's involved and engaged in transporting goods for hire. They are not his own goods. The provisions of this section will not prohibit the straight CT type of operation or leasing of trucks, but merely will require that anyone wishing to lease a truck in excess of a certain weight will have to obtain a permit from The Traffic Board or the Motor Transport Board and disclose certain information on that application which will enable the Board to regulate this aspect of the business. I might add, Mr. Chairman, that Ontario has introduced similar legislation; they have taken a somewhat different tack with the same objective in mind.

MR. BROWN: So this will relate to trucks with PSV licences only eh?

MR. DYGALA: No, it doesn't affect the PSV licensing, it affects people who lease trucks registered as commercial trucks; not PSV but CT trucks, and a commercial truck is entitled to transport the owners own goods, not someone else's. What the operator does, he leased a truck, he acquires a driver from someone else and, you know, he's competing with a legitimate PSV operator without having to pay the fees that a PSV operator has to pay with respect to his registration, insurance and so on. There is no regulation with respect to

(MR. DYGALA Cont'd) insurance coverage on the cargo he carries because he's not required to file a bond as a PSV operator is required to file a fidelity bond and carry insurance and so on. So, you know, he escapes all of these provisions that apply to PSV through the guise of leasing.

MR. CHAIRMAN: Mr. McKenzie.

MR. MCKENZIE: Mr. Chairman, through you to Mr. Dygala. If a person wanted to rent a drive-yourself truck, how long would it take me to get a permit from the Board under normal conditions.

MR. DYGALA: Mr. Chairman, it will be noted that there is a limit imposed as to weight of trucks. Any truck under 28,000 lbs. gross weight is not covered. In other words, if an ordinary individual wants a truck for his own private use, wouldn't be carrying anything in excess of 28,000 lbs. -- no permit is required.

MR. MCKENZIE: Right.

MR. DYGALA: In the other case, the application can be straightforward and processed within a day or the same day. If an inquiry has to be made, as in some cases it might have to, depending on the information disclosed on the application, I could see a week.

MR. CHAIRMAN: Any further discussion on that point? Mr. Minaker.

MR. MINAKER: Mr. Chairman, I wonder if the gentleman could advise what would happen in a case where a trucking company might want to rent such a truck as we're discussing at this point with a CT license as an emergency measure; in other words, where their vehicle's failed or something. It was a temporary measure on the part of that particular company. Will it be the intent of the licensing party to allow this and allow them under emergency conditions to have a vehicle for use?

MR. DYGALA: Well there is a section in here that covers that particular problem, and the section simply doesn't apply to a licensed PSV operator who wants to lease a truck because he required additional equipment or one of his pieces of equipment is broken down. He doesn't have to go through the permit route. He simply goes out and leases because he has been licensed by the Board as a legitimate PSV operator.

MR. CHAIRMAN: Mr. Uruski.

MR. URUSKI: Mr. Chairman, I think the intent of the section is really to look out for operations that are possibly trying to circumvent the application of a PSV license where operators just come on the scene and start up an operation with a total leased operation. And that's the intent of the section.

MR. CHAIRMAN: No further discussion on that point? (The remainder of Bill No. 20 was read page by page and passed)

I just have one other bill that I've been asked to take out of sequence, and there's someone who has an interest in this one from out of town. There are no amendments indicated - Bill No. 88.

BILL NO. 88

MR. CHAIRMAN: Mr. Jorgenson. Do you have any amendments on Page 1, Mr. Jorgenson?

MR. JORGENSON: No, Mr. Chairman. The amendment that I have is on Page 2.

MR. CHAIRMAN: Page 1 -- pass, Page 2, Section 4 -- pass, Section 5 -- pass, Section 6 -- pass, Section 7 -- Mr. Jorgenson.

MR. JORGENSON: Mr. Chairman, on Section 7, I should like to move that Section 7 of the proposed bill be amended as follows: in the third line thereof by deleting the words "half past one o'clock" and substituting therefor the words "half past twelve o'clock midnight"; and in the fifth line thereof by deleting the words "half past one o'clock" and substituting therefor the words "half past twelve o'clock midnight"; and in the seventh line thereof by deleting the words "half past one o'clock" and substituting therefor the words "half past twelve o'clock midnight."

I have a few copies of that amendment if the Clerk would like them.

MR. PAULLEY: Have you got copies of the amendment, Mr. Chairman?

MR. CHAIRMAN: Yes we have.

MR. PAULLEY: Have we got copies, just so we can follow it?

MR. CHAIRMAN: Because there seems to be some doubt whether the amendment is in order, could we just hold on for a moment please. Mr. Pawley.

MR. PAWLEY: Mr. Chairman, it's my understanding that there is a Mr. Syms, the Chairman of the Liquor Control Commission is here this evening and has been aware of the control factors that are inherent in the present system. There are certain control problems involved in the present situation.

MR. CHAIRMAN: Order please. Are you speaking to the amendment itself or as to whether it is in order?

MR. PAWLEY: Yes. No, to the amendment.

MR. CHAIRMAN: Well the amendment hasn't been accepted by the Chair yet as being in order. Is there any discussion on that? Mr. Jorgenson.

MR. JORGENSEN: To the point of order, Mr. Chairman. If somebody intends to rule that it's out of order, I'd like to know first of all the reasons why it is being ruled out of order. It's difficult for me to speak on a point of order unless I know precisely the reasons why it is not acceptable.

MR. CHAIRMAN: Mr. Uruski.

MR. URUSKI: Mr. Chairman, I believe that the Act reads in this fashion right now as the way that the amendment that Mr. Jorgenson is proposing, and I would assume that in order not to change this section or to remain as is in the Act, all that one would have to do is vote against the section that is presently being amended.

MR. JORGENSEN: No. No, that is not the point at all, because what is actually happening is that I'm changing the hours from half past one to half past twelve.

MR. TALLIN: No, because what the section does is change the hours from half past twelve to half past one. So all you do is vote against Section 7 being passed, and you would end up with what you have here. It's just a negative vote.

MR. JORGENSEN: That's fine. All right. I'll accept it on that basis then, on the understanding that it reverts back to the original clause in the bill.

MR. CHAIRMAN: On that basis, I will rule that the amendment is out of order, Mr. Jorgenson.

MR. JORGENSEN: Well, that's fine. Then we're just simply speaking on the clause itself then.

MR. CHAIRMAN: Do you wish to speak to the clause, Mr. Jorgenson.

MR. JORGENSEN: Yes, my purpose in being opposed to this particular section was the reasons that I outlined in the House: That I think that there is a conflict between what the Highways Traffic Act and the Law Enforcement Agencies are attempting to achieve in the way of better traffic control and reduction in the incidence of highway traffic accidents. And I submit, Sir, that the proposed amendment would do precisely the opposite of what our law enforcement officers and what the Highway Traffic Act is attempting to do in minimizing and cutting down on the incidence of traffic accidents due to intoxication. And it seems to me that if you're going to leave the beer vendor establishments open half an hour after the licensed outlets close, it's just going to encourage rather than discourage the very thing that we should be attempting to do. I don't think that the Liquor Control Commission should be making it their business to encourage intoxication. I have no objections to amendments to the Act that bring it up-to-date in the sense that human rights provisions are observed and things like that, but it seems to me that this provision is one we could well do without and I would strongly urge members of this committee to vote against it.

MR. CHAIRMAN: Mr. Marion.

MR. MARION: Mr. Chairman, I listened to the argument when the bill was first presented in the House, and I can't help but feel that if one really wants to acquire liquor for off-premise consumption, there's nothing that would really stop him even if the hour were 12:30. One would merely predetermine that at that time he would have to make assurances that there was plentiful stock in his hands for the hours after which the bar was closed. So I think that the argument in itself is not really a valid one. I think that if one is intent on having four sheets to the wind, one can carry out that plan.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: I gather - and Mr. Pawley you may have answered this in the House, and Mr. Syms may be in a position to give the information; Professor Rea's study with respect to sales outside of the present facilities - did he indicate a particular need for this section? Was there anything in his study which indicated or justified this position?

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Mr. Chairman, if the committee concurred, I would like to ask Mr. Syms to just say a few words on this if it met with the concurrence of the committee on this particular amendment.

MR. CHAIRMAN: Would you identify yourself for the record, please.

MR. SYMS: J. Frank Syms, Chairman, Manitoba Liquor Control Commission, Manitoba Licensing Board.

Mr. Chairman, this particular amendment was inadvertently omitted a couple of years ago when the amendment was passed expanding the hours of sale in the beverage rooms, and what it does is bring back into perspective the conditions that prevailed prior to the passing of the bill which allowed beverage rooms to open till one o'clock. In other words, the Act then in regards to the operation of the beverage room and the beer vendor in a hotel, if this amendment is passed, will be the same as it was for years. The exception, as I said, was that we inadvertently forgot to extend the hours of the beer vendor when the Government put in the - or whoever - the section extending the hours of the beverage rooms. We're running into a controlled problem, and have been - that is, the licensees for the past couple of years - in that the liquor that is purchased under a particular license - for example, beverage room license - must be sold and can only be consumed within the beverage room, whereas beer purchased under a liquor vendor license is a take-home beer and may not be taken into the beverage room. So the situation now is that those patrons who wish to stay until the beverage room closes may not buy their take-home beer and bring it into the beverage room, because that's against the policy; and secondly it presents a control aspect, in that where some people endeavoured to do this, it places the licensee in jeopardy because it's not allowed, and it also interferes with our efforts at control. As you know, a person who could sneak a six-pack or what have you into the beverage room, could be sneaking from the six-pack if he could get away with it, unknown to the waiter, waitresses or the licensee. So that it has this control aspect and also it bolsters the position of the beverage room licensee.

Another factor is that we do have long winters in Manitoba, and some patrons have tried leaving the beverage room, buying the beer, putting it in the trunk of their car and coming out when the beverage room closed to find that their product froze. --(Interjection)-- Yes, Sir.

MR. CHAIRMAN: Mr. Bilton.

MR. BILTON: When Mr. Syms is finished.

MR. SHERMAN: Must be an inferior beer.

MR. SYMS: Well, it's five percent alcohol by volume, Mr. Sherman, which will indeed freeze in our winters.

The other thing is, that this beer is transported almost without exception to the residence of the patron, in our experience.

MR. CHAIRMAN: Mr. Bilton.

MR. BILTON: Mr. Chairman, through you to Mr. Syms. Mr. Syms, what is the feeling of the Hotel Association with regard to this section?

MR. SYMS: Well, very favourable, because we have penalized certain hotels which have allowed patrons to bring into the beverage room alcoholic beverages which were not sold under that particular license. And again this is part of the control factor, Mr. Bilton.

MR. BILTON: You don't anticipate any problems in rural Manitoba where people live a distance from the hotel and this sort of thing, and they're taking it home for Sunday.

MR. SYMS: Mr. Bilton, rural Manitoba is the least of our problems taken in perspective.

A MEMBER: Well that's right we're all good people.

MR. CHAIRMAN: Order please. Mr. Adam.

MR. ADAM: Mr. Chairman, just on a point of clarification; I want to know whether the amendment or the Act as it now reads, are you extending the beverage room hours or just the vendor?

MR. SYMS: Just vendor sales.

MR. ADAM: Vendor Sales.

MR. SYMS: Yes, to bring back the relationship that was in fact in effect for quite a number of years prior to the extending beverage room sales time a couple of years ago.

MR. MCKENZIE: 12:30 in the morning.

MR. SYMS: There's a half hour grace, Mr. McKenzie.

MR. MCKENZIE: Not at 1:30.

MR. CHAIRMAN: Order please. Mr. Adam had the floor.

MR. ADAM: The beverage room closes at 12:30, is it?

MR. SYMS: Sales terminate at 1:00 o'clock.

MR. ADAM: In the beverage room?

MR. SYMS: In those beverage rooms, a great majority of them, which have approval to stay open until 1:00 o'clock. Well then, there is a half hour grace during which time the patron may consume what he has. For example, if he bought a bottle of beer at five to 1:00, and he's a leisurely drinker as most Manitobans are, there is that half hour grace in which to consume the product. It's the very same situation as did exist.

MR. CHAIRMAN: Mr. F. Johnston.

MR. F. JOHNSTON: Mr. Chairman, we've had some problems outlined - or the reasons for the amendment because of problems that have been outlined. I really am not overcome by the problems outlined, and I don't really feel sorry for the problem of the vendors in any way, shape or form in this respect. I think the problems you are going to give other people if this amendment is passed are going to be far greater than the problems you have at the present time. As I said in the House, you are only kidding yourselves if you think that young people who can come out of a beverage room after having had too much to drink and then purchase beer, another 24, up until 1:30, and drive around or drink it in the parks or drink and then get involved in traffic accidents, which is possible; and not only young people, it could happen to older people as well -- and I think I can speak on this because I'm not a teetotaler of any kind as most of you know -- but I certainly don't believe that at 1:30 in the morning it is a necessity or it should be available to be able to purchase more liquor. I think that we are just asking for more problems when we do it and I think the problems that were outlined at the present time are not great enough to take on the new ones.

MR. CHAIRMAN: Mr. Pawley, Selkirk.

MR. PAWLEY: Well, Mr. Chairman, it is my understanding, as Mr. Syms pointed out, that what this is in fact doing is remedying an inadvertence, an omission which had occurred in '72 when other amendments were being provided for the Liquor Control Act and that this really makes consistent the situation which existed insofar as hours are concerned - beverage room as to vendor sales from 1956 to 1972. Now I'm informed that in making the vendor sale closing time one-half hour later than the beverage room time, that there has been no - during that period of time '56 to '72 that there was no noticeable abuse or evidence to verify that this in fact had created a problem in that stretch of time, some 16 years, which was out of proportion with the experience of the past two years. So that I think, Mr. Chairman, that we can only relate to the experience, and the experience of 16 years prior to '72 does not bear out the arguments and we are attempting to remedy that which happened by omission back in 1972.

MR. CHAIRMAN: Mr. Johannson.

MR. JOHANNSON: Mr. Chairman, I would tend to agree with Mr. Jorgenson's concern regarding drinking and driving but I don't think that his opposition to this particular amendment will achieve his objective. If he were to propose an amendment to the Highway Traffic Act providing for a jail sentence for drinking drivers, I would be prepared to support him and I think that would achieve his objective. I think that would be some kind of deterrent, but I really don't think that the particular amendment that he's proposing is really going to have any effect one way or the other.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, there has been some substantial reference to the fact that the exercise or the provision that we are studying here is aimed at remedying an inadvertence, to use the Attorney-General's words, and at restoring a consistency to practice and that may be admirable, but I think the point that my colleagues Mr. Johnston and Mr. Jorgenson are raising here is one that goes beyond the mere question of restoring a consistency. They're concerned and I think many of us on the committee are concerned with the availability of more beer, more alcohol at a time when in the ordinary course of events, in the course of an ordinary working day, there is liable to be less regard perhaps for laws, less regard for red lights, traffic laws and that kind of thing, less regard for family considerations, simply because of the lateness of the hour.

(MR. SHERMAN Cont'd)

Now admittedly a lot of people work at night and work over night and certainly there should be some consideration given them, but generally we're speaking here about a schedule, a daily living schedule at which you reach a point in time where perhaps there is a tendency to generally disregard some laws, some behavioural patterns, and I think that's really what Mr. Jorgenson and Mr. Johnston are concerned with. And when the Chairman and the Attorney-General talk about restoring a consistency, I would just like to ask them the question, through you, Sir, as to whether the consistency of five years ago is parallel to the consistency they're talking about today.

The hours of operation of beer parlors and other drinking places were shorter in those days. In fact, I can well remember when the beer parlors closed at 10:00 p.m. and to keep a vendor operating till 10:30 was one thing; to keep a vendor operating till 1:30 or later is an entirely different thing and I think that's the point here. It's not so much the consistency that we're concerned with, that is desirable all things being equal, but I'd like to ask the Chairman and/or the Attorney-General whether going back 3, 4 and 5 years whether the closing hours were the same as they are now and I think the answer to that question is no.

MR. CHAIRMAN: Mr. Syms do you want to answer that?

MR. SYMS: Mr. Chairman, in reply to Mr. Sherman, I can only say that the members of the Manitoba Legislature over the years have seen fit to upgrade and update the laws I think compatible to changes in society, and the relative dangers that have been mentioned I think are no more now than they were then; in fact I believe they are less. Our main concern when it comes to abuse of alcohol and insofar as licensed premises are concerned is in the areas of sale to minors, admission of already intoxicated persons, service to already intoxicated persons, and whether we looked at it from a per capita basis in population or in licensees, Manitoba does lead all of Canada in the issuance of suspensions in this regard.

The final remark I would like to make is that in my opinion the administration of this Commission - and I was going to say I don't mind saying it, I'm rather proud to say it - that the Guardian Angel looking over our shoulder actually is a former premier of this province, the Honourable John Bracken, and it's to his Act, his realistic credible Act and the principles and philosophies contained therein that I refer to.

MR. CHAIRMAN: Mr. Johnston.

MR. FRANK JOHNSTON: Mr. Chairman, I would, first of all to Mr. Johansson - I don't really know that I want to encourage somebody to drink more so I can throw him in jail or fine him more. Mr. Chairman, it's all very well to say the legislators of this province have been keeping up to date with the legislation regarding liquor and the changes in society, and as Mr. Sherman brought out, it used to be 10 o'clock or 10:30. I don't think any of us, or certainly I wouldn't, if the parlors closed at 10 o'clock and you kept the vendors open till 11 it's fine. It's quite true we have changed, we have changed to the point that now we're getting up to 1:30 in the morning. The drinking age has been dropped to 18 years old which was not a case at that time. Now previous to the drinking age being changed, young people, you had the right to say come home. The age of majority is 18 at the present time and I know that they have the opportunity to drink and do the same as anybody else, young people; and I'm saying the rules should be abided by by older people as well. At 1:30 in the morning you don't need to go out and buy more booze. It's just as simple as that. And if you haven't been able to get it beforehand, that's your fault. The Liquor Commission will deliver it to your house, you can pick it up, the convenience of the stores are there; and at 1:30 you don't need to buy more booze.

MR. CHAIRMAN: Mr. Bostrom. Order please.

MR. BOSTROM: Yes, Mr. Chairman, originally I had intended to ask a question of the Liquor Control Commission Chairman, regarding the practice. I understand from the comments of Mr. Pawley that it has been the practice for some 16 years for the hours of the vendor to be open one-half hour later than the hours of the beverage room. So I think what opposition we have heard here tonight is really of the nature of nitpicking in that really what we are talking about is the matter of convenience. It's a matter if someone is sitting in the pub drinking beer or hard liquor, they have a table full of beer or booze at the end of the serving hour and they have either one-half hour to drink it up, if in fact they can go out afterwards to pick up booze if that is their intention, or they have to drink it up within the next 5 or 10 minutes if under the present system they are not allowed to pick up their vendor after the closing of the beverage room.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: I just wanted to make one observation on what Mr. Johnston just said, Mr. Chairman. Mr. Johnston said the drinking age has been lowered to 18. I just make the observation that the drinking age has been lowered effectively to 15. The law says 18 but that means, and I don't think there is any point in deluding ourselves in this Legislature, that means that 15 and 16 year olds are drinking, as we knew would be the case when the age was lowered.

MR. CHAIRMAN: Mr. Johnston.

MR. FRANK JOHNSTON: Mr. Chairman, again, if it's nitpicking to say you go from 10:30 to 11:30 at night, all right I'm nitpicking, but that's a silly argument. But I would say that the problems that you're talking about are problems of the Liquor Commission, the problems of the hotels; what about the problems of the police and people who are continually working because there is too much liquor around when cars are being driven and it's too late at night?

MR. CHAIRMAN: Mr. Adam.

MR. ADAM: Thank you, Mr. Chairman. I just wanted to ask the Minister or the Chairman how this compares with other jurisdictions insofar as . . .

MR. CHAIRMAN: Mr. Syms.

MR. SYMS: It is relative to other provinces in which the vendoring of beer is similar to ours, because liquor is a provincial jurisdiction you find many different ways across the country in methods of sales and service. For example, in the Maritimes you buy beer in liquor stores. At the same time the incidence of bootlegging in the Maritimes is far, far greater than one finds in Manitoba, and that relationship pretty well stands across the country in relationship to the situation about which we are now speaking.

MR. CHAIRMAN: Mr. Bostrom.

MR. BOSTROM: Just to respond to the comments of Mr. Johnston. I believe that the question we have before us is one of designing a law which will apply to those responsible members in our society, responsible drinkers, and I believe that the law as such should be the way it is proposed. We should not be making laws which are applying to the irresponsible drinkers in our society. The responsible drinkers are the ones that the law should apply to. If we are to make all of our responsible drinkers have laws applied to them which will apply to the irresponsible drinkers then we would have to go back to prohibition and have laws against drinking altogether.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Just one brief comment, because I think we've had pretty extended debate on this subject. But it seems to me that insofar as the concern in regard to driving and drinking that really this would not be the situation here because the beverage room hours remain as they are now, closing at 1 p.m. All that we're doing here is that insofar as those that obtain their vendor that they can obtain it in a convenient way rather than having to, as Mr. Syms indicated, get it and then find somewhere to put it until the beverage room closed. If for one moment one felt that it was going to contribute to additional difficulties and problems insofar as the highways, I'm sure that no one would press this, but surely it's a question of convenience and also attempting to check some of the control problems that are recognized by the hotel - I gather by the Hotel Association, by the Liquor Control Commission and in general with the present inconsistency in the Act.

MR. CHAIRMAN: Mr. Minaker.

MR. MINAKER: Yes, Mr. Chairman, I have two questions for Mr. Syms. I wonder if Mr. Syms could advise us how late you can buy beer in the Province of Ontario from a vendor sales, and also how late do the beverage rooms stay open in Ontario?

MR. CHAIRMAN: Mr. Syms.

MR. SYMS: In Ontario the beer is vended by the breweries via co-operative retail outlets owned co-operatively by the brewers - brewery retail - and therefore the towns that are serviced in Ontario by take-home beer are those in which such stores can be a viable operation. And despite the fact, again, that we are more widely serviced in Manitoba in this regard, our people are, than Ontario, Manitoba nevertheless has a far better record re abuse. And I don't take any credit for this, this just happens to be Manitoba and the way the people are and I think the Act, that the Bracken Commission and the Act emanating therefrom, to my knowledge the hours are midnight.

MR. MINAKER: Mr. Syms you're saying that you can buy beer in the town of Kenora at midnight?

MR. SYMS: No, again, this varies from centre to centre across Ontario.

MR. MINAKER: And what time would the beverage rooms be open til?

MR. SYMS: I believe it's as Mr. Paulley whispered to me here, 12:30, and 1:00 o'clock to go out.

MR. CHAIRMAN: Mr. Jorgenson.

MR. JORGENSON: Mr. Chairman, I don't want to prolong the discussion but it just seems to me that our laws should have some consistency. If it is right, and we seem to believe it is, to attempt to stop the slaughter of people on the highways and we pass laws - indeed this Legislature is contemplating passing one now that's going to compel people to wear helmets when they ride motorcycles - that is ostensibly for the purpose of preserving a life in the event of an accident - we are told, and I shouldn't be surprised if before long there will be legislation compelling us to wear seat belts in our automobiles. If we're going to pass legislation to achieve those things to save lives then I don't see why we're passing legislation that does the very opposite, and what this amendment is doing is encouraging the very thing that we're attempting to stop elsewhere. I just think that it's inconsistent and I think we should vote against this . . .

MR. CHAIRMAN: Mr. McKenzie.

MR. MCKENZIE: I have one question for the Chairman. I wonder at the supper hour, why does the hotels close up at the supper hour?

MR. CHAIRMAN: Mr. Syms.

MR. SYMS: The hotels close up at the supper hour because it's in the Act and because the beverage room is the mass consumption licensed premises that we have in the province. For example, dining rooms are smaller in capacity as are cocktail lounges and so on, and we still feel, and we disagree with the Hotel Association on an annual basis on this, that because of this fact that the beverage room is the massive consumption licensed premise that there is a need for an hour to clean up, there's a need for the employees to get their breath and get a little re-oriented, and there is still some argument for the fact that it does send some people home to their families.

MR. CHAIRMAN: Mr. Petursson.

MR. PETURSSON: Mr. Chairman, I don't have any strong feelings about the urgency of extending the hours, I have the feeling myself that people can accommodate themselves to whatever hour is set. I know that when I go down to the grocery store on an evening I make sure I get down there before the store is closed so that I can buy what I need and I think the same thing should apply to this kind of groceries that they're selling by the vendors. If they know what time the place is going to close up then with very few exceptions probably the individuals that want to purchase a beer could accommodate themselves to that time.

MR. CHAIRMAN: Order please.

MR. PETURSSON: I don't feel myself that there's any particular urgency about this change in time, but then there's a little facetious remark I would want to make, or a question about the beer freezing out in the trunk of the car. If a case of beer freezes and the bottles break then is the man who owns them accused of carrying open bottles in his car?

MR. CHAIRMAN: Mr. Henderson.

MR. HENDERSON: Thank you, Mr. Chairman. You know I think we're skirting around the real problem. I live in a rural area and I really feel that the problem is that not only must you purchase it before closing time but you must take it out of the hotel, that the hotelman cannot stack it for you. Now I come from a rural area where people - their wives maybe have the car and they're doing something else or some of the family have the car - They find it very difficult to make their purchase and take it out and put it in a car, and I think if we could come to a place where the purchases could be made before closing time but where it could be stacked in the hotel and then just picked up at closing time as they go out. Because we find people in rural hotels that have to get out and put on their clothes and their rubbers and go out to their car just to . . . If we could go halfway in between here, if the hotel men were allowed to make the sales before times and stack it for the people so as when they go to go out they could take it and go right to their car, I think it would be a sensible approach on it.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Chairman, I think that this debate has gone on for many years and probably will go on for many more in a different form. If I was to agree with Mr. Jorgenson that the enactment of his amendment would stop or minimize or even make less the amount of slaughter on the highways I would vote for the amendment.

I think that the Member for Pembina has just indicated that the restrictive legislation does not prevent drinking. I mean the fact that it closes at a certain time is not going to prevent people from therefore buying the beer and having it available to themselves when they want it or drink in unusual places.

The Member for Fort Garry says that we've lowered the drinking age from 21 to 18. Well as I recall when I was growing up the drinking age was 21 but that didn't stop us from drinking at 18 and therefore -- well that's right. And therefore the notion that the age limit has been the prevention doesn't really hold true and I don't think that reducing it to 18 has made it 15. If people wanted to drink at 15 when the age limit was 21 they would do so.

I am merely concerned that the restricted drinking, that is the illegal drinking, will make people just as drunk as the legal drinking and I'm not convinced that the legal drinking is any more of a problem than the illegal drinking and therefore on these cases I have tended to vote - give the benefit of the doubt to more freedom rather than to more restrictions and I cannot see any justifiable suggestion that greater restriction has resulted in less problems.

MR. CHAIRMAN: Are you ready for the question? Mr. Johnston.

MR. J. FRANK JOHNSTON: Mr. Chairman, the first amendment was not accepted because it was in the Act at the present time so we are debating the change. So therefore I would move that Section 7 of the proposed Bill be amended as follows: In the third line thereof by deleting the words "half past one o'clock" and substituting therefor the words "one o'clock"; in the fifth line thereof deleting the words "half past one o'clock" and substituting therefor the words "one o'clock"; and in the seventh line thereof by deleting the words "half past one o'clock" and substituting therefor the words "one o'clock".

MR. CHAIRMAN: This amendment is in order. Is there any debate?

MR. J. FRANK JOHNSTON: Mr. Chairman, if I might speak to that.

MR. CHAIRMAN: Mr. Johnston.

MR. PAULLEY: Well, Mr. Chairman, I might ask what is the purport of it?

MR. CHAIRMAN: Mr. Johnston.

MR. JORGENSEN: . . . that the beer vendor hours coincide with the closing hours of . . .

MR. CHAIRMAN: Mr. Johnston.

MR. J. FRANK JOHNSTON: Mr. Chairman, as Mr. Jorgenson says it will coincide with the closing hours; there will be no problems with beer freezing in cars and if the person wants to purchase liquor before the bar or beer parlor closes up he can leave ten minutes earlier and he can do so.

MR. CHAIRMAN: Mr. Henderson.

MR. HENDERSON: Mr. Chairman, I don't think we're really solving the problem because the problem that we have in the rural area, and we may as well face it, is that there's people have their cars parked or somebody else is using their car and they can't take out their liquor before and put it in the car sometimes or else even if they have their car parked they have to go out and then come back. I think if there were provisions made where the sales could continue to cutting off time but the hotel people could stack beer, you know, if it was ordered in time, and then the man could pick it up as he went out, I think this would be a sensible approach to this. I haven't got an amendment drafted but I really think this would be somewhere in the middle of the road and it would be a sensible approach because this is the problem in our area.

MR. CHAIRMAN: Mr. Johannson.

MR. JOHANNSON: Mr. Chairman, I would oppose this amendment of Mr. Johnston's and I would support the amendment of the Minister. I'm frankly in favour of eliminating drinking laws entirely; I believe in self-control in the area of human morality and the further we can move towards this the happier I am. So therefore I am with the Minister. It's not a very big move but at least it's one slight move in the area of greater freedom.

MR. CHAIRMAN: Mr. Dillen.

MR. DILLEN: You know the amendment that we have before us now doesn't really solve anything, it just opens up the -- I believe that it may extend the hours to the time that the hotels will close but you have different sections of a hotel that may be closing at different times. I really like the proposal that the Member for Pembina has introduced in that there should be a place to store it, and I think really that's what the intent of this amendment is. The only difference is that the hotel is allowed to store it in their facilities and that you pay for it over an extended period of time and I would be opposed to the amendment that was introduced and would support the amendment that was introduced by the Minister.

MR. CHAIRMAN: Are you ready for the question? Mr. Pawley.

MR. PAWLEY: Well I would just going . . .

MEMBERS: Question.

MR. PAWLEY: Okay.

MR. CHAIRMAN: Those in favor of the amendment moved by Mr. Johnston to change the figures from one-thirty to one p. m. - 9. Those opposed - 14. The Amendment is defeated.

Section 7 on division - pass. Balance of Page 2 -- pass? Mr. Jorgenson.

MR. JORGENSEN: As I understand the amendment it simply removes the prohibition against female waitresses in beverage rooms?

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: That's correct.

MR. CHAIRMAN: Section 8 -- pass - oh, Mr. Dillen.

MR. DILLEN: I just want to ask a question for clarification, Mr. Chairman. Did we vote on the amendment?

MR. CHAIRMAN: There was one amendment and we voted it down and then the vote was taken on Section 7 and passed on division.

MR. DILLEN: Fine.

MR. CHAIRMAN: Balance of Page 2 -- pass. Do you have any further amendments, Mr. Jorgenson?

MR. JORGENSEN: No, but I have a question on 103(2).

MR. CHAIRMAN: 103(2) -- Mr. Jorgenson.

MR. JORGENSEN: That's on the top of Page 3. The amendment suggests that the Commission may by written order subject to such terms and conditions as it may prescribe in the order authorize a beer parlor licensee named in the order to serve beer or permit beer to be served to and consumed by men and women together in his beer parlor. I wonder how a licensee receives that order. Does he have to submit an application to conform with this particular amendment to the Act? Is it given to him whether he wants it or not or just what are the moves that are necessary for him to apply?

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Mr. Chairman, it would be expected that the licensee would submit a letter to the Commission indicating its desire to alter to a mixed beverage room. The Licensing Board of the Commission would then examine the application and would approve, subject to conditions which the Commission would establish, and would depend on each individual case as to the type of conditions that would be attached.

MR. CHAIRMAN: Mr. Jorgenson.

MR. JORGENSEN: Mr. Chairman, I wonder if we could find out whether it will be necessary then for the licensee to conform to regulations that are far in excess of what a particular locality may require. It may be that in the City of Winnipeg some people like to drink in Taj Mahals with one-foot pile rugs and things like that; surely it is not necessary that those conditions be applied in rural establishments. I hope that those people who are examining the premises are not going to compel him to conform to such standards that it's going to be impossible for him to transform his establishment from one that is currently in use to one that he would like to have as a mixed beverage room.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Mr. Chairman, the conditions and standards that would be required would be those conditions and standards that would be expected in mixed beverage rooms everywhere in Manitoba and it would be along that line that any approval would be given. The conditions would have to meet the reasonable requirements that would be required of mixed beverage rooms elsewhere with whatever reasonable flexibility was required to meet the particular circumstance.

MR. JORGENSON: That's the point I wanted to make. Is there any flexibility at all or must they conform to one specific standard laid out by the Liquor Control Commission applicable equally across the province or is there that amount of flexibility taken into consideration in the various communities in which these places are located?

MR. CHAIRMAN: Mr. Syms.

MR. SYMS: Well the same standards apply Mr. Chairman, insofar as approval for mixed drinking is concerned. The same requirements would apply as would apply for mixed drinking in any hotel which would not have approval for the service of liquor. As you know, when the Legislature passed the amendment giving the Commission authority to approve sale of liquor we attached the requirements of the carpet and the arm chairs, and we do not ask for citizens across Manitoba the same facilities for all in perspective to the particular licence or approval that's being applied for.

MR. CHAIRMAN: Mr. Petursson.

MR. PETURSSON: I just wanted to ask, Mr. Chairman, whether the initiative is with the operator of the beer parlor?

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Yes, the initiative would remain here with the operator to apply and thus it can be readily seen that there will continue probably for some time to be men only beer parlors. But the initiative does therefore rest with the operator to make an application to the -- I was wrong before, it is the Commission and not the licensing board that would issue the licence.

MR. PETURSSON: And no pressure is being put on these particular beer parlors to change them from what they are, if they are for men only.

MR. PAWLEY: No, there is no pressure, Mr. Petursson.

MR. CHAIRMAN: Mr. Paulley, Transcona.

MR. PAULLEY: Mr. Chairman, I must say in all deference to my colleague who has the same name as Paulley, and the Attorney-General being charged with the responsibility of the Human Rights Act, I wonder whether he and his advisors have taken a close look at 103 (2), wherein reference is made to the male and not to either sex - and particularly in line 4 Section 103 (2) the words "by men and women together in his beer parlor", I am wondering whether or not my honourable colleague, the Attorney-General, would not suggest that it should read "consumed by men and women together in that beer parlor" rather than direct reference to the male. And also may I say to my colleague, I note further on in some of the subsections there is reference to male and female, and I am wondering whether my colleague - who is a great supporter of the liberation of women - whether he would not consider changes in the verbiage in these sections so that there is no discrimination against either male or female. I note for instance, Mr. Chairman, in passing 12 subsection 166(3), subject to the regulations, does not prevent a brewer giving his employees - it can be a female, who may be the employer, and casual visitors to his brewery, I'm wondering whether my honourable colleague would suggest amendments so that there is no violation of the Human Rights Act of the Province of Manitoba by reference to "he" or "she".

MR. PAWLEY: Mr. Chairman, my heart is really warmed this evening to find that my colleague is the Paulley who fails and neglects to spell his name correctly has been won over to the spirit of Human Rights legislation and the rights of women and femininity in general. I think however - I see Mr. Balkaran shaking his head - I think he has some concerns about this new found enthusiasm by the Minister of Labour and maybe will bring us down to earth.

MR. CHAIRMAN: Mr. Balkaran, Mr. Paulley.

MR. PAULLEY: If I may, Mr. Chairman, I do know too that in section 165 (8) dealing with the question of service of liquor in rooms on trains, a male apparently can have liquor delivered to his room. I am wondering if the room is in the name of a female, whether some guy can go into the room and get the liquor. Now I know the Interpretations Act where you deal with a male as female, but they are getting so picky these days in the area of Human Rights, whether or not we should be more definitive in the legislation of my honourable friend the Attorney-General who doesn't know how to spell his name.

MR. BALKARAN: Mr. Chairman, I would only say that I don't think that this piece of legislation is any different to the ones administered by the Honourable Minister of Labour in, for instance, the Labour Relations Act where the masculine term is used in preference to the feminine. All I can say is, I refer the members of this committee to the Interpretation Act,

(MR. BALKARAN Cont'd) in which the masculine is deemed to include the feminine. As a result, it avoids a lot of drafting problems, otherwise we would never be able to finish all our work on drafting - and believe you me, Mr Tallin will agree, that I think we are overworked as it is.

MR. CHAIRMAN: Mr. Paulley.

MR. PAULLEY: Mr. Chairman, could I just on this point, notwithstanding the work that the Legislative Counsel may have, and the Interpretation Act, we are still confronted with the Human Rights legislation that does not take into consideration legislative counsels.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Well I've head of such matters as individuals changing sex nowadays with neuter. I'm wondering if we could use a neuter here, Mr. Paulley.

MR. CHAIRMAN: I have three other members on the list wishing to speak.
Mr. Adam.

MR. ADAM: I wanted a bit of clarification from the Chairman or Mr. Pawley on I believe 103 (2). We were talking about - it was mentioned about flexibility as far as premises were concerned, carpeting as such, whether there was a rigid regulation on carpeting where mixed drinking is concerned. In my constituency I have had two representations on the rigidity of the regulations from hotel keepers about the carpeting that they're required to install in their premises. For instance, to give you an illustration -- am I on? I can't hear myself, I don't know whether . . .

MR. CHAIRMAN: Proceed, Mr. Adam.

MR. ADAM: For instance, in Ste. Rose the hotel has a divider down the centre of the beverage room - and for instance, we have heavy cattle sales in the fall and we have the ranchers coming into town, and it takes about three or four days to truck the cattle in. There are literally hundreds of trucks that come into town and unload livestock and they work very hard all week. Sales are held on Thursday, every Thursday in the fall there's about five or six heavy sales where there may be a thousand or fifteen hundred or up to two thousand head of cattle are sold. Can I have order, Mr. Speaker? They are all laughing and . . .

MR. CHAIRMAN: Order please.

MR. ADAM: I want the members to know that I am quite serious what I'm talking about. The divider tends to divide the patrons who come in to patronize the beer parlor. The fellows that come in from the stockyards come in with their work clothes, they come in with their rubber boots and . . .

MR. CHAIRMAN: Order please, gentlemen.

MR. ADAM: The boys that come in in their work clothes to have a beer after the day's work, they do not like to go into the more whatever it is, the more upgraded part of the hotel; they would rather stay on the one side because they know they are not dressed to mix in with ladies and so on. They prefer to stay on the one side, and the operator has a difficult time with this, and this is - you may laugh and joke about it - this is a problem for that operator.

On Thursday after the sale, you know, these fellows have worked from Monday right until Thursday, and when they come in after the sale is over, they all come in and they have a big - I'm telling you, they take on a big bash, if you want to put in that way, and I don't blame them either. But they come in with their work clothes, they've worked all week, and the operator has a hard time - and here I understand the Commission comes in and says look, you've got to have posh carpeting here this high. They come in with rubber boots out of a stockyard and he has a hard time to keep his premises, and I would like some clarification on that.

MR. CHAIRMAN: Mr. Syms.

MR. SYMS: The only clarification I can give you, Mr. Adams, is that we have found that the carpeting in the beverage rooms adds greatly to the comfort and the decor and the facilities of the beverage rooms, and that even where there is carpeting you can still have a divider line. There are, of course, times when - I don't think every day the place is full of cattle buyers just out of the stockyard. We also find that carpeting actually is easier to maintain. It keeps the premises looking better, and I don't think that any honest work man should have any hesitation in going into one of our, I think, very modern facilities because it's intended for them as well as for everybody else.

(MR. SYMS Cont'd)

Now I would like to make the final comment, that we do allow some flexibility for example where a licensee may be financially strained, and we know this because we have all the records of their purchases and their mortgage commitments and what have you. The final comment I would like to make is, that in the first full year of the service of liquor in the beverage rooms, it meant an extra revenue for that year of some \$13 million, so we feel that by and large the beverage rooms that have approval from the Commission for service of liquor in the beverage rooms can afford the facilities which we feel also the citizens deserve.

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MR. CHAIRMAN: Mr. Bilton.

MR. BILTON: Mr. Chairman, it is not my purpose to delay the committee, but there is one thing I would like to discuss. I appreciate what Mr. Jorgenson brought up, and I agree with him entirely. When these commitments come out that they have to have this carpet and chairs and so on, I've had my problems with the Commission. When you think of Mafeking, with 75 residents, having to put an elaborate carpet on the floor, take out the chairs that they've got which are perfectly good, and have to put in chairs with arms on them and all the things that you've got in the Mall Hotel. I wonder if the Chairman - and I'm glad of this opportunity to speak to him directly - if he wouldn't consider some of these things in the smaller communities where these hotels are, that don't do a great deal of business. Their sales, he knows better than I do - their sales are reasonably good at different seasons of the year, but for the majority of the time it's a carrying operation, and this tremendous expense that these community hotels are put to to meet the regulations seems to me to be a little out of place on occasion. I wonder if the Chairman wouldn't take these matters into consideration when a license is asked for and they are converting the hotel, that they don't have to go to this enormous expense - to me, something like the Mall Hotel or the St. Regis Hotel or what have you - because as the Minister said a few moments ago, it's standard throughout the province, and I believe that in fairness to the small operator some consideration should be given to it.

MR. CHAIRMAN: Mr. Syms.

MR. SYMS: Well Mr. Bilton, again as I said, we do take particular circumstances into consideration. We grant extension of time and so on, and we do know about the viability and the profitability of licensed premises and we feel that we have been as fair and as compassionate and as honest as we can in those regards. I know of several MLA's who asked for extensions, for example on the carpeting, and indeed elimination - and having then seen the carpeting in the premises, were very pleased with the upgrading of the facility for the people of their constituency or for that particular town. I can't think of any particular licensee whom we have penalized unduly in this regard, keeping in mind the cost benefit relativity re the size of the various licensed premises and relative sales.

MR. CHAIRMAN: Mr. Bilton.

MR. BILTON: Well I must say, Mr. Chairman, through you to Mr. Syms, that with malice toward none, I must say that some of your inspectors really ride these fellows herd on this situation that we're discussing, and that has a considerable effect on the proprietor of a hotel. He's probably doing his best to meet the commitments, but boy oh boy, they're there every week or every month and they do make things uncomfortable.

MR. PAULLEY: We are told, Mr. Bilton - if I may make this final comment, Mr. Chairman - that 99 percent of the beverage rooms in Manitoba do have approval to serve liquor; they are carpeted, and that in practically every case the licensee finds it easier to maintain - as well as the fact that I think across-the-board, and again I can get back to the Bracken Commission, that we provide across-the-board in Manitoba better facilities to our citizens than any other province, without unduly penalizing any licensee.

MR. CHAIRMAN: Mr. Bostrom.

MR. BOSTROM: Mr. Chairman, I must say that I agree completely with Mr. Bilton on this, that much of the reason for some of the rural and northern hotels which have remained in a Men Only situation as far as the beer parlours are concerned is the undue high cost of renovations to bring them up to the standards of the south. And really it's very difficult for a small sort of local corner store almost type hotel to spend in the neighbourhood of \$100,000, or half that amount even in some cases, to renovate a hotel; to put in the carpeting and all the other facilities that are required in southern Manitoba, and then only to have that beautiful carpet almost knee deep in mud when a situation somewhat similar to Mr. Adam's comments, only instead of the refuse from the stockyards, you have the local mud off the ungravelled roads in your hotel.

In addition to that, I would like to ask a question relative to the section 103 (2). I notice in the comments by the Minister and the Chairman that this section appears to apply only to those hotels which apply for an order to make them a mixed men and women premises. I wonder how this would apply, considering the Human Rights issue in remote communities in northern Manitoba which have only a Men Only situation beer parlour, where women desire to partake in consuming of beer or alcohol in premises where in fact in many cases the only alternative is hundreds of miles away, in some cases not by road but by air. So I wonder if in these cases, considering the two facts, the Human Rights issue and also the undue cost of

(MR. BOSTROM cont'd). . .renovating the facilities, whether some kind of compromise situation could be worked out whereby a local Men Only beer parlour could be ordered to bring the hotel up to some standards so that the women in the community could also enjoy the same opportunities as the men.

MR. CHAIRMAN: Mr. Minaker.

MR. MINAKER: Mr. Chairman, I too like my colleagues, Mr. Bilton and Mr. Bostrom, feel that there should be some kind of a more liberal approach to the regulations, particularly surrounding carpets in hotels, and not necessarily just in the northern regions. Because I know, in particular I have had a complaint in my own constituency, where it was a curling rink involved - that they had placed down a brand new tile floor and it had been down for a year and they had to replace it with a carpet. The ironical part of the whole thing was, that when they did hold a "do", where they held a dance, they got permission to roll back part of the carpet so that they could utilize the tile that was underneath. So that I think if there was some option to the hotel owners or in the case of curling rinks, that they had an option as long as they provided some kind of a standard of either a properly tiled floor that was kept clean - and I think really one of the criteria that the Commission wants is cleanliness for health standards and looks - that possibly the Commission could give consideration to this because of the high initial costs when you first put the carpeting in. And further, contrary to what Mr. Syms said, one of the complaints I had received from the hotel owner was that the carpets in the beverage rooms are relatively short in life because of cigarette burns and tears, and they are continually replacing these. So I would hope that the Commission would give consideration to what the elected members are saying here tonight, because it is a problem, and I would hope that they might become a little more lenient on this particular regulation and take into consideration each case.

Another area where there was a complaint - well not a complaint, but an indication that this regulation didn't seem to be right, was that in a new spot in Winnipeg where it's a very authentic type of room, where it's simulating a similar type of room in Germany. It has beautiful clay tile on the floors, and it was my understanding that these were going to have to be covered with carpeting, and probably the authentic clay tile on the floor was more expensive and easier to keep clean than the carpeting and would lose the effect that they were creating in this particular location. So I would hope that they wouldn't stick rigorously to the rule because it says so in the book, and try and come forward with a regulation that is more realistic for the particular situation that they're dealing with.

MR. CHAIRMAN: Mr. Adam.

MR. ADAM: I just wanted to make one further comment on the carpeting. I would like to suggest to the Commission and the Minister that there should be some flexibility taking into consideration the comments made by the Member for Rupertsland and other members here. I would like to leave you with this thought, particularly in some areas, maybe more so in the North - I agree that I would like to go to premises that were, you know, very highly upgraded and all that, but I ask you this question seriously - in some communities where there is a small hotel that serves a small community, how many ladies who go to that hotel have carpeting in their homes? You know, they don't have carpeting in their homes, never mind going to a hotel, you know - and I just want to leave you with that thought, and let's not be too rigid on that.

MR. CHAIRMAN: Mr. Bostrom.

MR. BOSTROM: Mr. Chairman, I asked a direct question regarding the particular section 103(2), the way in which it could be applied to northern communities with a Men Only beer parlor. I'd like a comment on that if I could please.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Well, Mr. Chairman, the section as it reads leaves the initiative solely with the licensee, so that there is no way as it presently exists that the Commission would be able to compel the conversion of a Men Only to a mixed parlor. Of course the standards would have to be of a proper level in that hotel for it to continue as a Men Only parlor, otherwise the Commission could insist upon an improving of the services in the hotel itself. But at the present time, the initiative rests with the licensee.

Just one brief comment to the areas - and I certainly understand the concerns expressed insofar as small communities what-not are concerned - but I think we have to guard ourselves against the easy route of lowering standards of the service in a hotel. I think that the very surroundings themselves can contribute to some degree towards moderation or lack of moderation, I think there is some relevancy there. And to Pete Adam, when he mentioned that some

(MR. PAWLEY cont'd). . . of the ladies waiting on the hotel wouldn't even have carpeting in their own homes, I would just say to him that there's likely quite an income differential too between the licensee and the patrons in many instances, in the hotel. Just warn that there is a danger in lowering the standards, once you start to lower the standards in several instances, I don't know where you stop. Where is the line that you draw? Before you know it, thinking and intending in good-will to lower those standards in only a few communities, you might lower the standards in a much more widespread fashion than you might ever imagine. I think this is something the Commission will certainly have to watch, keep a good look at and examine. A specific answer to Harvey's question is, the initiative is in all instances at the present time under 103(2) with the licensee to request.

MR. CHAIRMAN: Mr. Bostrom.

MR. BOSTROM: Well, Mr. Chairman, I think there are two issues that are still unresolved, one is the human rights issue; that if a town of 150 people, 150 air miles from another alternative source, beverage room source, that the women in that town are effectively cut off from the opportunity of consuming alcohol within a licensed premises.

The other issue is the one of actual cost, viability of a small beverage room type operation in a community of 100, 150, 200 people, whereby a beverage room under the present standards is just absolutely not viable in that kind of community, whereby a less elaborate standard may in fact make available to that community a beverage room facility.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: I would just wonder, in answer to Mr. Bostrom, if in fact one might not be surprised at the amount of income that is generated in some of the hotels in the communities that he has in mind, and whether or not the gross is of such a nature that would not permit a conversion. I suppose the Human Rights Act could be made superior to this Act, so that all hotels in the province could be forced to convert, but I can see in doing that likely we would have some very difficult problems occur, because we certainly would insist upon some raising of standards if we did that.

MR. CHAIRMAN: Mr. Marion.

MR. MARION: Well, Mr. Chairman, I have listened with great interest to this debate, and I'd like to make my modest 15-minute contribution to it.--(Interjections)--No? Really I do have at least a 12 1/2 minute then, if I can't have a 15-minute contribution to make.

I can't help but sympathize with the question that was brought out by Mr. Bostrom, there is a factor there that should be looked at. I can't get carried away with the cost factor though, because I think that today many of us have had the opportunity of purchasing floor coverings and believe me carpeting is not that much more expensive than regular floor carpeting. So I must say to my colleagues of the Legislature who have been spending a great deal of time on the cost factor, that you're really not up to snuff on costs themselves, because I don't think that they are a factor. With respect to reasonableness and lower maintenance, with respect to the reasonableness of approach, I have not at any time received complaints from any of my constituents with respect to the approach of the Liquor Control Commission on reasonableness of approach with respect to regulations applying the Act. But it would seem to me, aside from the one facet that was brought out, the Human Rights' factor, I don't think that any of the matter we have been discussing is really or should have really taken the amount of time that it has.

MR. CHAIRMAN: 103(2)--pass. Mr. Pawley.

MR. PAWLEY: Mr. Chairman, could I just add for information of members, that there are only two hotels in Northern Manitoba that have Men Only parlors.--(Interjection)--Three? Well, we know Sherridon and Ilford - oh, Manigotagan. I see. Now I understand Mr. Bostrom's . . .

MR. CHAIRMAN: 103(2)--pass. Page 3--Mr. Paulley.

MR. PAULLEY: Mr. Chairman, on Page 3, I note there is reference here to the serving of liquor on trains - and I note reference is directed toward "his" room, and I presume it's his or her room, roomette or compartment on the train - with or without a meal. I note that there is an advancement or a change in travel at the present time, where day coach passengers have what they call day-room, night-room accommodation - and my question would be to the Commissioner, Mr. Chairman, whether that would be considered in the context of reference to the roomettes and compartments on the train, because there is a changing accommodation in transportation with the railways where a passenger really has a combination of a day-bed, night-bed in a day coach. Would this apply to that? I don't know, Mr. Chairman. I don't want to pursue this, but I'm wondering whether or not the Chairman and his advisers may take this

(MR. PAULLEY cont'd). . . up with the railway because of this change in accommodation that is relatively new, and certainly I don't think those people should be deprived of similar accommodation. So I'm not raising it for question of this particular amendment, but I do suggest to Mr. Syms that this may be taken into consideration with the railways.

MR. CHAIRMAN: Page 3--pass; Page 4--pass; Page 5--Mr. McKenzie.

MR. MCKENZIE: With these wide-ranging amendments that we're passing, Mr. Chairman I wonder if I can ask the Chairman of the Board a question that now we can be able to grant a license to a little restaurant in Pine River that wants to sell beer and wine.

A MEMBER: Well we've had that before and the answer is still no.

MR. CHAIRMAN: (The remainder of Bill No. 88 was read and passed)

BILL NO. 81

MR. CHAIRMAN: Bill No. 81. Section 1--pass; Section 2(22)(a)--pass; (b)--Mr. Doern.

MR. DOERN: Under (b), that clause 22(b). . .

MR. CHAIRMAN: Would you get someone to move it for you?

MR. DOERN: Someone to move this bill? Will you move that?

MR. CHAIRMAN: Mr. Petursson.

MR. PETURSSON: I move That clause 22(b) of section 2 of Bill 81 be amended by adding thereto, at the end thereof, the words "and under the control of the Minister under this Act."

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, the purpose of this is simply to clarify. It's sort of ambiguous at present as to whether this applies to all lands - the Member for Morris, I think, raised this question of whether it was including all Crown lands - we're just trying to be more precise here. It includes all lands under the control of the Minister of Public Works.

MR. CHAIRMAN: The proposed amendment--pass. Balance of Page 1--pass; Page 2--pass; Page 3--Mr. Jorgenson.

MR. JORGENSON: Section 25 (1). I notice that in the definition section there is nothing that defines the word "things", and the section is entitled: "Removal of unauthorized persons or things. The Minister may remove or cause to be removed from any Crown property, any person, vehicle or thing," and I wonder since the Minister owns the biffy on Memorial Park, if it is his intention to . . .

A MEMBER: Move that thing.

MR. JORGENSON: That things are going to be removed from there as well. Barring that, could he give us a definition of what he means by "thing"?

MR. CHAIRMAN: Mr. Doern.

A MEMBER: It does not include the biffy on Memorial Park.

MR. DOERN: This would be some thing other than a person or a vehicle - like a member of the Conservative Party, for example.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: I wonder if the Minister can explain why 23(6) is in there if the Regulations Act does not apply to any thing done or any order made or direction given under this section.

MR. CHAIRMAN: 23(6) ?

MR. SPIVAK: 23(6)

MR. CHAIRMAN: Would you identify yourself for the record please?

MR. SILVER: My name is Isaac Silver, I'm legislative draftsman in Legislative Counsel's office. The purpose of this subsection is to avoid the problem of having to pass a full fledged regulation published in the Gazette, when an order or a direction is given under this section by the Minister.

MR. SPIVAK: It's only with respect to parking.

MR. SILVER: Yes.

MR. DOERN: Traffic control.

MR. SILVER: Yes. It's with respect to details regarding the control of traffic and the control of parking, matters that might have to be changed from day to day and even from hour to hour, as the occasion may arise.

MR. CHAIRMAN: Mr. Adam.

MR. ADAM: Mr. Chairman, on that point, I think we're talking about the difficulty of parking in the Legislative grounds. I think - is that what we're on? No?

MR. CHAIRMAN: It's not this section, Mr. Adam. Page 3--pass; Page 4--Mr. Spivak.

MR. SPIVAK: This now deals with the, I think, a basic problem with not only this Act but many of the other Acts, and that has to do with the regulatory power asked by Cabinet--(Interjection)--dealing with Section 29. I would like to, because it relates to an explanation of the general clause which would give the power of regulation and the specifics dealing with the (a) (b) and (c) on Page 5--(Interjection)--well we're on 29 now. . .

A MEMBER: I don't know what you're on, but we're on Page 4.

MR. SPIVAK: Well Page 4, but 29. Yes. As an example, I bring this up now at this point. If I understand correctly respecting or prohibiting the use of any public work for purposes other than those for which it was constructed or acquired, or by persons other than those authorized by the Minister. This would mean that a rally could be prevented by the Minister from occurring on the Legislative Building in protest or in connection with something.

A MEMBER: That's right. Or permit.

MR. SPIVAK: Well I don't think, Mr. Chairman, that this really should be subject to the approval of Cabinet or its control or regulation. I think that there are permits for somebody that are required from the City, I guess for parading purposes or what have you, but I don't think that there should be any restriction, or any Cabinet authority, to be able to restrict a particular rally or any. . . There are rules that have to be related to the parking and to the entry into the ground, but I wonder if this should be an ability for the use of the public word for the purposes to be determined by Cabinet.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, this particular section is brought up like a number of the other sections from the existing legislation. I don't know if I can answer any other way than in a general way that in terms of - I don't know what assurances you require in terms of rallies that are held, and so on, I'm not aware, at least as long as I've been Minister, of any rally ever being turned down. I think that when people come to us, and they sometimes outline the conditions of their meeting or their gathering, and this occurs every day - for example, sometimes we have horses, sometimes we have vehicles, sometimes we have parades, and so on. I think it's the responsibility of ours to determine what's involved in any particular rally, or any public gathering, but I'm not aware of any group of any kind that has ever been turned down.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: First of all, can I ask the Legislative Counsel, is this the exact wording as in the previous. . .

MR. DOERN: Yes. It's been simply brought forward.

MR. SPIVAK: Exactly the same?

MR. TALLIN: Well you can compare it if you wish. The present authorities may make regulations respecting or prohibiting the use of any public work for purposes other than that for which it was constructed or acquired, or by persons other than those authorized by the Minister.

MR. SPIVAK: That's from the old Act.

MR. TALLIN: Yes. Enacted in 19--(Interjection)--16.

MR. SPIVAK: Well can I ask you, is there anything in 29 that's different from the previous Act?

MR. TALLIN: Clause (c) is the same as Clause (e) was before. Clause (a) is expanded to be more clear as to what they can do with respect to traffic.--(Interjection)--Before it just mentioned respecting the restriction and control of vehicular or pedestrian traffic on grounds appertinent to any public building belonging to or controlled by the government. This is just to make it more specific.

MR. CHAIRMAN: Mr. Adam.

MR. ADAM: Yes, Mr. Chairman, to the Minister. I notice that, you know, we have one-way traffic signs going around the building and during the daytime there's not too many infractions but I notice that during the evening sittings, even when we're leaving after the session, after 10:00 o'clock, we often find when we're leaving the grounds we have to - we've parked on the front of the building - we have to go around the front, go out towards the east, and out through the Broadway, and it's not uncommon to find two or three cars coming in the front of the building heading west. And I don't know where we can talk about this, I don't know under what section we can discuss this, but I think this is a problem, and how do you enforce this here.--(Interjection)--We're going to have some accidents in there. You know there's a . . .

A MEMBER: . . . on staff to look after it.

MR. ADAM: . . . a one-way street, in other words, where they would be fined if they were going down a one-way street in the City of Winnipeg, but they're going up a one-way street in front of the building here, and all around the building. In fact last year I don't know we had one that clipped off a couple of trees and knocked the assistant to the Leader of the Opposition's car right up the steps.

A MEMBER: He was drunk.

MR. ADAM: That was a, you know. . . How do you control these things?

MR. DOERN: Mr. Chairman, that particular section falls - you know, what you're suggesting is simply in line with this Act. The Act is asking for authority which was in effect held through regulations before, where it was challengeable and subject to question as to whether we had any authority in that direction over a considerable period of years. We're simply moving from the regulations existing and traditional powers into the Act itself. Now you say the question of one-way streets. We implemented a one-way street system here to speed the flow of traffic, and I think make it more desirable. You're raising an enforcement problem. If those people are caught, then they will be fined. Or your raising the question of why aren't there more guards on duty to enforce the Act. Well up to this point I have to tell you that I haven't received any complaints to that effect. But what you're saying basically is in line with what we're attempting to do here.

MR. ADAM: Another point is that I notice that there's a lot of traffic coming off of Assiniboine and just cutting across the Legislative grounds which creates another, you know, more congestion, more traffic going through the Legislative grounds. I don't know why this should be. If this is not a metro street or city street, and they're taking these short-cuts off of Assiniboine and going across, and don't stop on the grounds anywhere, just go on to Broadway, and away they go. And there's another problem.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, on that point I don't think it's possible to ask people as they enter our property whether they are there for the purpose of parking, or whether they are cutting through. Obviously when you come down Assiniboine if you want to make a turn onto Broadway you either have to take it on Edmonton or go up to Osborne, so if you pass Kennedy then you either have to advance up to Osborne or you can cut through our grounds, and many people do in fact use our grounds to cut through. I don't object to that providing they respect the speed limits which are posted, and low.

MR. CHAIRMAN: Mr. Bilton.

MR. BILTON: I'm sorry, Mr. Chairman. 29. I'm a little concerned, Mr. Chairman, with regard to Sub paragraph (a) (i) the use by any person of, or (ii) the doing of specified things on or in. In the beginning, Mr. Chairman, through you to the Minister, these grounds and this building do not belong to the Minister. In my opinion they belong to the people to be used to the best advantage. And I've seen some peculiar specified things going on on the lawns during the summer months, but I don't think we should do it. I don't think we should - I'd rather see those two particular sub paragraphs taken out of there. It doesn't say anything about traffic in either one of them, Mr. Chairman.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Well, Mr. Chairman, I think that my instructions to my staff are quite clear, and that is to our own forces and to our, if you will, rent-a-cops, namely that they should take a liberal attitude to the behaviour of people on our grounds, and on the Memorial Park grounds as well. If people are indulging in criminal activities or illegal activities, then that's one thing. They will be . . .

MR. BILTON: Why didn't you say it here then?

MR. DOERN: Well just a minute. They will be handled in that manner. This Act does not deal with criminal matters. It deals with things like special advance, we are - don't forget as a public centre, and so on, we have all sorts of requests for special activities, there are times when we have to close our building. I think we have very very liberal hours and liberal policy within the building and within the grounds. People aren't shoved around. They're allowed to walk around in this building with . . .

MR. BILTON: Well that's important.

MR. DOERN: . . . with quite a bit of freedom. They're allowed to walk around on their grounds with the same freedom. But in the event that say the Royal Family was here, or there was a particular ceremony, then we need the authority to say "on these grounds for these hours

(MR. DOERN cont'd). . .you're not allowed to come, etc., etc., or we're closing it for so many hours, or we're blocking it for so many hours, or we're blocking the driveways because we're having the Princess Pat Regiment here, etc., etc., etc."

MR. BILTON: Mr. Chairman, I appreciate the Minister's opinion and I realize his intent but when it gets down to the lower echelon you know, some funny things happen, and there is pushing around, and I would hope he would see to it that that doesn't happen.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: I'd like to establish a couple of things. The regulation provision doesn't apply here, and obviously the hours and Order-in-Council will be published in the Gazette relating to any specifics.

A MEMBER: Yes.

MR. SPIVAK: Okay. We had one situation a few years ago where the Minister closed the building. He closed the building and did not allow someone into the building, and without getting into the detail of it, it happened.

MR. PAULLEY: The Irish Republican.

MR. SPIVAK: I'm not sure if it was the Irish Republicans. In any case there was an arrangement made whereby I was not the Irish Republic

MR. DOERN: Are you talking about a demonstration or an individual.

MR. SPIVAK: No, they had. . .

MR. DOERN: Something about a press conference?

MR. SPIVAK: No. They had made arrangements for use in the building, I believe it was in this committee room, I'm not sure whether it was this room or not, but the fact is the building was closed by order of the Minister at the time.

A MEMBER: Motorcyclists.

MR. SPIVAK: No. In any case the point is that the Minister exercised that authority, and one way or the other whether, without getting into detail, it did happen, and that power should not exist. There should not be a capability within the rules that are set for a Minister to be able to exercise a discretion for the building not to be available, or open, when it should be open, and I indicate this because obviously that power does not exist within the rules if it has to be by Order-in-Council. So therefore it's not an explicit thing to be put in here, but I want it understood from a point of view of our approving what is substantially the same form of the regulatory clause in the previous Act that while there can be a change, that change would have to be by Cabinet order rather than a Ministerial order so that it would be clearer and the Government would be prepared to give an undertaking, but the rules as they are set will apply except in those situations where there has to be an exercise of some judgment in some situation. It cannot be just the arbitrary act of the Minister who may be unhappy with the particular group or an individual who may be in the building, assuming that they are not, you know, acting in a way that would be contrary to whatever rules are set for admission and for permission to be in the building.

MR. CHAIRMAN: Mr. Green. Would you come up to the microphone please.

MR. GREEN: I rather sympathize with the Leader of the Opposition's remarks except that sometimes hard cases make bad law, and then you get yourself into a position where you did something that you never expected to do. I mean the Minister might some day be confronted with the fact that there is an armed assault, or a very very unusual circumstance arising where he says that the doors have to be closed, and at that time you will judge the minister as to whether he should have said that or not, and I don't think that the guards are going to question whether he has the authority or not.

Now I tell the honourable member at the time there was as much displeasure expressed about that particular occasion from all sides as would indicate that it was found to be a displeasurable circumstance, but I do not think that it would be wise to have a general rule relating to that circumstance. So if it's clear to the Honourable Leader of the Opposition that the powers at least should not give that kind of authority, then I think that he will have to await whether some minister abuses the powers that are there, and then make an issue out of it, which I agree with him he should. But I do not know whether it should be a general law which prevents a Minister from exercising common sense when the times comes.--(Interjection)--I agree with what the member is saying, Mr. Speaker. I think that we are not in disagreement with each other, but that we shouldn't try to make a situation which precludes the exercise of common sense in an unusual situation. My feeling is that even if the thing did preclude it, it's almost like Dr. Klass described when he was talking about the blood transfusions,

(MR. GREEN cont'd). . .that even if he is prohibited by law from doing it and a child is dying he'd probably do it and then face the criticism when the time came. So that that kind of thing will have . . .

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, I agree with the Minister's concept of this building, and these grounds, as being places for . . .and for public access, and public enjoyment, and as much public freedom as possible. I'd just like to ask him two questions. One of them may already have been covered when I was out of the room, so I may be out of order. Sir, I would like to ask one, whether the Minister is contemplating any specific steps to beef up the safety of vehicles, parked vehicles, and others, belonging to either the civil servants or to MLAs, on the grounds in the light of recent incidents of theft which seem to have expanded into quite an activity; and secondly, I'd like to ask about the - and this question was raised at the time that the Governor-General was here - the presence of plain clothes RCMP in the Legislative Chamber, whether that sort of thing is going to become a regular practice, and whether he would not agree that that kind of thing is bad for the kind of image of public access and public freedom that he, I think, is admirably trying to promote.

MR. DOERN: Well, Mr. Chairman, on the first point of stolen vehicles, you know, we ultimately cannot protect people from their own folly, and I made an appeal, I made an appeal to the MLAs in the Chamber pointing out to them that if they are going to leave their keys in their car, if MLAs are going to leave their keys in their car, and the car is unlocked, that I don't offer any guarantees on; also they are endangering their own possibility of recovering insurance costs or costs on their vehicle.

What have we done in regard to that? First of all when we were informed of this, I've done a number of things. I've asked our people, to - first of all we've taken on more staff for just the remainder of the session. I think two more staff who are specifically asked to oversee MLA's vehicles; and secondly, we have asked those staff to inspect the cars as best they can and if they find keys in them to bring the keys in, inform the member that they're there, and turn them over.

On the second point in regard to the RCMP, I have never been contacted by the RCMP and asked whether or not they could come in under plain clothes or any other condition. I was aware of the fact, I guess, when we had our evening ball that they were there; it's pretty easy to recognize some of the members of the force even in casual clothes. But no one has ever come to me and said, could we or couldn't we? I have just realized, or after the fact quite often, or during the time that the RCMP was there. I don't really know how to deal with that, whether we should legislate that, or put something in the Act, but the policy just seems to be that the RCMP does what they want. They don't come and request whether they can enter the building.

MR. CHAIRMAN: Mr. Paulley.

MR. PAULLEY: Well, Mr. Chairman, I do appreciate we've got more staff around this building than we ever had in all my history, and I am very sympathetic to the point raised by the Honourable the Leader of the Opposition.

I do think that there should be some licence to the Minister to have some over-all control in extenuating circumstances. Now I appreciate the fact that it may be rather hard to precisely define "extenuating circumstances" when somebody should be brought in, as suggested by the Honourable Leader of the Opposition. Now whether or not in the legislation some provision can be made for that, I leave it to the legal authorities. But I can conceive of instances where it may be necessary for the Minister, and in this particular case, Mr. Chairman, I'm not just thinking of the Minister of Public Works, because from time to time in the operation of government the Minister may be the duty Minister of the day, and I'm sure that the Honourable Leader of the Opposition will recognize this, that we have our tours of duties where from time to time each of us, who happen to be of the Executive Council, are charged with the responsibility of being available for the purposes of good government or call it whatever you will.

MR. BILTON: Orderly Officer.

MR. PAULLEY: Well in effect yes, Mr. Chairman, I would agree with my honourable friend from Swan River, basically we're orderly officers, that we are charged and on call for 24 hours each day for a period of seven days, and it might be necessary for certain directives to be given by whoever may be the Orderly Officers of the day, he may not be the Minister charged with the responsibility of the Act. I would suggest that maybe this is something that should be considered by the Legislative Counsel to make provision so that this can be an ongoing

(MR. PAULLEY cont'd). . .function of a Minister, or the Minister who is the duty Minister, rather than the precise Minister charged under The Legislative Administration Act of the Department of Public Works. I can see, and I concur, with the suggestions made by the Honourable the Leader of the Opposition that there may be circumstances arise that is necessary.

MR. CHAIRMAN: Mr. Johnston.

MR. DOERN: Mr. Chairman, I wanted to sort of make a general reply to that, and others, that essentially what is being done in this Act is this, that many of the powers under the previous legislation - the difference between sort of greater authority between this Act and previously is almost negligible. The difference is, that previously it was in the regulations and that was subject to question as to whether we could in fact do those things through regulations. We are now moving them up from the regulations into the Act proper.

The second point is, that over the past few years the Government has acquired more property and we now have, you know, additional buildings that we lease, additional buildings that we own, etc., and for example, we have had problems at Gimli in the Industrial Park and by enacting legislation like this it simply gives us the legitimate authority to exercise control over vehicles, etc., etc. If we don't have that, then there could be chaos, and there could be challenge in the courts, etc., etc.

MR. CHAIRMAN: Mr. Johnston.

MR. F. JOHNSTON: Mr. Chairman, I am not going to comment. It doesn't pertain to the bill, so I'll leave it out.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: With respect to the Minister's response to my question, I wasn't talking so much about human folly. I know that he can't protect members against leaving their keys in their cars, but there have been incidents where cars - attempts have been made to jimmy car doors. Now that is something that takes a fair amount of effort, and a fair amount of time, and that can't be undertaken without putting some time and obvious effort into it, and it seems to me that there should be some defensive measures against that sort of thing.

The point on the RCMP, I wasn't concerned about their being in the building, I was concerned about their presence in the Chamber, in the Chamber. I think those matters should be referred to the Minister, the duty Minister, or the Minister of Public Works, before entry of that kind is sanctioned.

MR. DOERN: Well I think that the member is raising a valid point. Maybe we will undertake to discuss it with the RCMP.

MR. CHAIRMAN: Mr. Johnston.

MR. F. JOHNSTON: Mr. Chairman, is not the Chamber under the jurisdiction of the Speaker while the House is in session?

A MEMBER: Yes, absolutely.

MR. F. JOHNSTON: So then they should ask the Speaker.--(Interjection)--

MR. CHAIRMAN: 29--pass; Section 3--pass - Mr. Paulley.

MR. PAULLEY: Well, Mr. Chairman, is there going to be any delineation or clarification on that point that I raised?--(Interjection)--Okay, pass.

MR. CHAIRMAN: Section 3--pass; Preamble--pass; Title--pass; Bill be reported.

Mr. Pawley.

MR. PAWLEY: Mr. Chairman, I think that Mr. Bostrom would probably like to make a comment at this point, if he could have the indulgence of the Committee.

MR. CHAIRMAN: Agreed? (Agreed) Mr. Bostrom.

BILL NO. 88

MR. BOSTROM: Mr. Chairman, I would like the permission of the Chair for the Committee to revert back to Bill No. 88 to consider an amendment to Section 103. That is on Page 3 of Bill No. 88 Section 103(2)

MR. CHAIRMAN: What is the wish of the Committee?

MR. BOSTROM: I have sought the advice of the parliamentarian in our caucus and he assures me that I can make an amendment at the Committee at this time. Mr. Paulley, Mr. A. R. Paulley not H. Pawley. Section 103(2).

A MEMBER: Section 9 really.

MR. BOSTROM: Section 9 in the bill, Page 3.

MR. CHAIRMAN: Mr. Jorgenson. Would you use the microphone please?

MR. JORGENSEN: There's one of two alternatives. He can either get the unanimous consent of this Committee to revert back to this bill, or he can introduce it on the report stage when it's brought into the House.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: No. May I suggest that it probably will be easier to find out whether you've got unanimous consent if you tell the people what you intend to do, and then if they are prepared to consider it, then they may open the bill up. If it's controversial you may have a problem.

MR. BOSTROM: With the permission of the Chair I will proceed with the motion.

MR. GREEN: No, I am suggesting. . .

MR. JORGENSEN: I'd like to hear the motion, what it is, to determine whether or not we want to hear it here, or whether you'd have to do it in the report stage.

MR. CHAIRMAN: Mr. Bostrom.

MR. BOSTROM: Mr. Chairman, I make the motion that Section 103(2) of the proposed bill be amended as follows: In the second line thereof by adding after the word "authorize", the words "or require".

MR. PAWLEY: So in fact what Mr. Bostrom is indicating that besides authorizing upon request, that the Commission would have the authority to order a men's beer parlor to convert to mixed.

MR. JORGENSEN: Now, that's going to be a little controversial. I think you'd better bring that in in the report stage.

MR. GREEN: Then the only alternative for the member to - if he wishes to make that amendment he has a right to make it at the report stage of the bill, and we'll get some parliamentarian to explain how he can do that.

MR. CHAIRMAN: I assume that Mr. Bostrom does not have the unanimous consent of the Committee.

MR. GREEN: You see, we've passed the bill. We've passed the bill. Unless the Committee gives unanimous consent it can't be gone back to, but he will be able to make that amendment in the House.

MR. CHAIRMAN: Mr. Dillen would you come forward to the microphone if you're going to speak.

MR. DILLEN: I realize that we can change this bill tonight, or we can do it in the other stages, but I am sure that if Mr. Bostrom explained the situation to the Committee members here that they may not find anything that controversial about what we are attempting to do. It only applies to, I believe, three hotels in the northern part of Manitoba.

MR. BOSTROM: Well it may apply in fact to a number of hotels.

MR. JORGENSEN: I think that it would be preferable if he brought it in at the report stage. There's nothing stopping him from doing it then.

MR. GREEN: And it will be considered in full by the whole House.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Mr. Jorgenson, the next bill on the list is Bill 23 which is your amendment.

BILL NO. 23

MR. CHAIRMAN: Would you use the microphone please. Mr. Pawley.

MR. PAWLEY: Just a moment. Mr. Tallin is concerned that it may be that your bill is not taken care of here, Mr. Jorgenson, so we'd better hear what Mr. Tallin has to say.

A MEMBER: Mr. Chairman, may we deal with this gentleman's bill. . .

MR. PAWLEY: Mr. Tallin is pointing out that under our provision here it only provides for the mixing of the men's only to a mixed beer parlor, whereas Mr. Jorgenson's bill would also provide for the restaurant, or any other class of licence. So it may be, Mr. Jorgenson, that you would want to still proceed with your Bill 23 to provide for this additional facility.

MR. CHAIRMAN: Would you use the microphone please.

MR. JORGENSEN: Well if the Committee is prepared to proceed with it, I have no objection to that. If that's satisfactory, let's pass it.

MR. CHAIRMAN: Proceed. (Bill No. 23 was read and passed)

MR. F. JOHNSTON: Mr. Chairman, I wonder if we could deal with Bill 73 next. There's a gentleman has been sitting here a long time waiting for that bill to come up. Bill 73.

BILL NO. 73

MR. CHAIRMAN: Bill 73 - The Buildings and Mobile Homes Act. (Pages 1 to 4 of Bill 73 were read and passed) Page 5 - Mr. Johnston.

MR. F. JOHNSTON: Mr. Chairman, on Page 5 we start with Section 8, and the whole section goes on the type of review by the Minister, and as I read this section it basically says that an inspector can go in and close down a job until some changes are made, or if the contractor is using wrong practices, the Minister then can back-up this decision of the inspector, and as you carry on it's the Minister then, if there's an appeal it's the Minister that hears the appeal.

Further on again down in Section 8(3) the Minister hears the third appeal, so that the person is continually appealing to the Minister, who has on three occasions here, who has backed up the inspector as far as the decision is made.

When you get to 9(1), it also looks as if the next appeal is to the Minister again. Of course further on in the bill we get to the appeal through the courts, but it looks like we have three appeals back to the Minister who made the first decision, and I really don't know whether we should be going through all of that rigamarole - and I notice the Minister isn't here to explain that - but that seems to be quite a few appeals going to the man that has made the decision in the first place, or the second place.

MR. CHAIRMAN: Mr. Minaker. Mr. Green.

MR. GREEN: Well, Mr. Chairman, I am not sure that the point raised is very vital if there is ultimately appeal to the courts. But if it is a point that the Honourable Member for Sturgeon Creek wishes to pursue, then I would really recommend that we put the bill aside so that it will come up next time at Law Amendments Committee and the Minister will be able to deal with the considerations. If he does not wish to pursue it then maybe make whatever amendments he feels are necessary at the report stage, then we pass the bill and he can do it then.

MR. CHAIRMAN: Mr. Johnston.

MR. F. JOHNSTON: Mr. Chairman, when the Minister used the word "pursue" I was hopefully looking for an explanation, but . . .

MR. GREEN: No, I can't give. . .

MR. J. FRANK JOHNSTON: . . . if we could put the bill aside then and look at it again.

MR. GREEN: I move the bill be deferred for the moment, Mr. Speaker.

MR. CHAIRMAN: Agreed? (Agreed)

BILL NO. 65

MR. CHAIRMAN: Bill 65 - Law of Property Act. Page by page? (Bill No. 65 was read and passed)

BILL NO. 72

MR. CHAIRMAN: Bill 72 - The Clean Environment Act. There are some amendments to this Act being distributed. If we all have amendments can we proceed page by page until the--(Interjection)--Page 1--pass, Page 2--Mr. Brown.

MR. BROWN: Page 1, you have the (a.1) over there and I don't know I find something rather confusing over here and that's your definition of "air". It says, "air means the atmosphere but does not include the atmosphere within a mine or within a building other than any building designated by the minister."

MR. CHAIRMAN: Mr. Green.

MR. GREEN: The reason for that is that the environmental control within a mine is not subject to the authority of the Clean Environment Commission, that's within the internal part of the mine, it is subject to other labour regulations and therefore the air within the mining property is not included, nor does it include it within a building premises unless a building is designated by the Minister as being an area which should be subject to the Clean Environment Commission. That's the only reason for it.

MR. CHAIRMAN: Page 1--pass; Page 2. Section 2 -

MR. BOYCE: Mr. Chairman, may I just move the amendment. :

MR. GREEN: Just let me say, Mr. Chairman, that I have to congratulate the Member for St. James. He spotted this and had told me that this amendment would have to be made, so I think that that's pretty good observation.

MR. BOYCE: I would move the proposed new subsection 14 (1) to the Act as set out in Section 2 of Bill 72 be amended, (a) by striking out the letter "(c)" in the 10th line thereof and substituting therefor the letter "(b)"; and (b) by striking out the letter "(d)" in the 14th line thereof and substituting therefor the letter "(c)".

MR. CHAIRMAN: Agreed. 14 (4) Mr. Boyce.

MR. BOYCE: I would further move That the proposed new subsection 14(4) to the Act as set out in section 2 of Bill 72 be amended by striking out the letter "(c)" in the 12th line thereof and substituting therefore the letter "(d)".

MR. CHAIRMAN: Agreed. Balance of Page 2--pass. (The remainder of Bill 72 was read page by page and passed) Bill No. 79.

BILL NO. 79

MR. CHAIRMAN: (Bill 79 was read and passed).

BILL NO. 80

MR. CHAIRMAN: The Real Property Act. On Page 1 there is a correction under section 13 (4) the last line but one, where it says "so authorized to sign"; that should be "so authorized signs".

MR. PAWLEY: Strike out to sign.

MR. CHAIRMAN: Strike out "to sign" and insert "signs". The last but one. The penultimate line in 13 (4)--(Interjection)--and it will then read "and when a person so authorized signs any memorial, etc." Agreed. (The remainder of Bill 80 was read page by page and passed)

MR. CHAIRMAN: That completes the bills before us with the one exception that was held over. Committee rise.

MR. PAWLEY: Which one was held over?

MR. CHAIRMAN: 73