

THE LEGISLATIVE ASSEMBLY OF MANITOBA
2:30 o'clock, Monday, July 12, 1971

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements; Tabling of Reports; Notices of Motion; Introduction of Bills. The Honourable Member for Morris.

ORAL QUESTION PERIOD

MR. WARNER H. JORGENSEN (Morris): I should like to ask the House Leader if he could advise us if amendments to bills that will be proposed in committee can be provided to the Opposition today, if that is possible.

MR. SPEAKER: The Honourable the House Leader.

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management)(Inkster): Mr. Speaker, I believe that the Attorney-General has -- some of the amendments can be distributed today and others will be distributed as soon as they are available.

MR. JORGENSEN: I wonder if the Attorney-General could advise me if he has prepared the amendments to Bill 36 and if those are among those that will be ready for distribution.

HON. A. H. MACKLING, Q.C. (Attorney-General)(St. James): Mr. Speaker, in response to those questions, the Legislative Counsel has brought to me all of the amendments that he is aware of that have been prepared in respect to the various bills, other than Bill 36, and I confirmed that it would be in order to distribute all of those known amendments immediately and I expect that they will be distributed either now or as soon as it's possible to have them distributed. I would think they could be distributed to the caucus rooms if distribution isn't made while we're here in the House. In respect to Bill 36, the amendments are being brought together in one group and will be distributed as soon as they're ready. I understand my colleague the Honourable Saul Cherniack is working on getting them ready for that purpose. I would think also that they would either be distributed in the House or, if it's more expeditious, they could be given to each caucus.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: May I ask, those amendments to the bills other than Bill 36, will they be distributed in total or will there be still further amendments to come after today?

MR. MACKLING: Mr. Speaker, so far as possible, those amendments that have been readied will be distributed. Now there may be other amendments that Ministers have determined are necessary that Legislative Counsel had not readied or for some reason are not available or, you know, little things, but any of the substantial amendments certainly that Legislative Counsel has been asked to prepare, will be distributed.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, before the Orders of the Day, I wish to direct my question to the Minister of Mines and Natural Resources. Will the Minister or the government be tabling in the House the agreement between the government and Sherritt-Gordon Mines in developing the townsite of Leaf Rapids near Lynn Lake?

MR. GREEN: Yes, Mr. Speaker, I believe it's been indicated on several occasions that when the agreement has been finalized, signed, that it will be tabled in the House.

MR. PATRICK: So what the Minister is saying, there is a feasibility study going on right now. Would he feel that it would be this session it would be tabled?

MR. GREEN: The agreement with regard to the development of the townsite and the nature of this in principle was announced to the House some time ago. The actual document has not been signed but it has nothing to do with the feasibility study. It is an agreement for the development of the townsite. The Sherritt-Gordon Mine is proceeding with its mining operations in that location.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: I wonder if the House Leader could advise the House if the remaining Orders for Return that have yet to be answered will be available before the House recesses or prorogues.

MR. GREEN: Mr. Speaker, I couldn't give my honourable friend that assurance, I know that the Orders for Return are always presented as soon as they are available, but what we did do is I agreed, either by government undertaking or by rules, that the returns would be made available between sessions if they are not available before the session ends.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Could the Honourable House Leader indicate when the Municipal Affairs Committee will be called?

MR. GREEN: Yes, Mr. Speaker, we've called the Municipal Affairs Committee for Wednesday at 9:30, as was indicated would likely be the case. The notices will probably appear shortly but the fact is that we are confirming that Municipal Affairs will meet on Wednesday morning at 9:30. While I'm on my feet, there are some bills that are being distributed now so perhaps the House can remain seated until those bills are distributed.

MR. SPEAKER: The Honourable Member for Charleswood.

MR. ARTHUR MOUG (Charleswood): Well, to the same Minister, are the municipal councils affected, are they going to get their 48 hours' notice as was suggested by the Minister?

MR. GREEN: Mr. Speaker, I'm not sure what notice my honourable friend is referring to, but I did indicate to him that all of the people who have indicated that they wish to appear at any committee meeting would be notified through the Clerk's Office. That has been done. I don't know whether it's been done with regard to Municipal Affairs but it will be done. The news media in today's newspaper cooperated admirably by indicating that that would be the case. It will again be announced, and I hope that all honourable members who are aware of anybody who wishes to appear would also notify them of the meeting of the Committee.

Mr. Speaker, I believe that some bills are now being distributed and I trust that they will be put on every member's desk. Maybe the members can get them when they come back from the meeting. — (Interjection) — Well, they're being distributed right now; hopefully they'll be completed before we're through. The intention is now to proceed to committee hearing to whom private bills have been referred, with the members of the Assembly on call, and when the buzzer sounds we would come back into the House and, if leave is given, we will proceed to have third readings of those bills that were dealt with, and then to adjourn the House till tomorrow morning at 9:30.

MR. SPEAKER: In that case, I shall leave the Chamber and return at the will of the Assembly.

2:30 Session Resumed

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, I believe there's a report from the Standing Committee on Private Bills to be presented. By leave, Mr. Speaker, I would ask that this report be now given.

REPORTS BY STANDING COMMITTEES

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): I understand that leave is granted. Mr. Speaker, I beg to present the First Report of the Standing Committee on Private Bills.

MR. CLERK: Your Standing Committee on Private Bills, Standing Orders, Printing and Library begs leave to present the following as their First Report.

"Your Committee met for organization and appointed Mr. Barkman as Chairman. Your Committee recommends that for the remainder of the Session the Quorum of this Committee shall consist of nine (9) members.

Your Committee considered Bills:

No. 24 - An Act to incorporate Strathcona Curling Club.

No. 35 - An Act to amend An Act respecting "The Midland Railway Company of Manitoba."

No. 55 - The St. John's Cathedral Chapter Act.

No. 56 - An Act to provide for the Merger of Credit Union League of Manitoba 1967

Limited and Co-operative Credit Society of Manitoba Limited.

And has agreed to report the same without amendment.

Your Committee has also considered Bill No. 43 - The Occupational Therapists Act.

And has agreed to report the same with certain amendments.

Your Committee recommends that the fees paid with respect to Bill No. 36 - The Manitoba Sports Federation - La Federation Manitobaine des Sports, passed at the Second Session of the 29th Legislature, be refunded less the costs of printing.

Your Committee also recommends that the fee paid in connection with Bill No. 55 - The

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(MR. CLERK cont'd)

" St. John's Cathedral Chapter Act, of this Session be refunded less the costs of printing.

Your Committee further recommends that the time for presenting the Petition of The Manitoba Mental Health Research Foundation for a Private Act of the Legislature be extended to the 19th day of July, 1971, and that the time for presenting this Private Bill to the House be extended to the 26th day of July, 1971."

All this is respectfully submitted.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BARKMAN: Mr. Speaker, I beg to move, seconded by the Honourable Member for Assinibola, that the report be received.

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

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BARKMAN: Mr. Speaker, I beg to move, seconded by the Honourable Member for Assinibola, that the fees paid with respect to the following bills be refunded, less the cost of printing: Bill No. 36, An Act to incorporate The Manitoba Sports Federation - La Federation Manitobaine des Sports, Second Session, 29th Legislature; and also No. 55 The St. John's Cathedral Chapter Act.

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

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BARKMAN: Mr. Speaker, I beg to move, seconded by the Honourable Member for Assinibola, that the time for presenting the petition of the Manitoba Mental Health Research Foundation for a Private Act of the Legislature be extended to the 19th day of July, 1971, and that the time for presenting this Private Bill to the House be extended to the 26th day of July, 1971.

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

GOVERNMENT BILLS

MR. SPEAKER: The Honourable the Attorney-General.

MR. MACKLING presented by leave, Bill No. 96, An Act to amend The Small Debts Recovery Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Before leave is granted, I wonder if I might make just one observation. We have no objection to leave being granted to introduce the four bills that are in question. I'm assuming that what the government intends to do is to explain the purpose of these bills but I think I should advise the House Leader we do not intend to proceed beyond that stage today.

MR. SPEAKER: Are you ready for the question? The Honourable the Attorney-General.

MR. MACKLING: I would like to explain very briefly, Mr. Speaker, that the purpose of this bill as it has been distributed - and it's a very short one - is to increase the monetary amount that can be claimed under the provisions of the Small Debts Recovery Act as is now provided. As the statutes now exist, the limitation is to claims, liquidated debts of \$100.00 or less. The provision in the bill that is before you is to increase the amount that may be claimed for recovery pursuant to that procedure to \$500.00.

Now, I think that honourable members would be concerned to know that what's involved are only liquidated sums of money, not claims as such; claims where things other than money are concerned, or debts; that is, where there's a claim as to infringements of rights, quantum of damages or anything else is involved. These are not covered by the Small Debts Recovery Act now, dealing with claims even though they may be less than \$100.00 if they're not for sums certain, or liquidated sums, so that it's a relatively narrow field that is dealt with now under the Small Debts Recovery Act, and that the jurisdiction - that is the area, the variety of claim that may be dealt with - is not being expanded, only the amount.

Now honourable members may well say, well, there was something in the Throne Speech indicating that at this session there would be legislation considering the question of a much more economical and expeditious technique of handling small claims, and this does not appear to provide an answer to that and if that sort of thought was in your mind I would agree that that reservation that they might be making is absolutely true.

(MR. MACKLING cont'd)

Earlier, I think last week, first reading was given to County Court Act (3), and it proposed that under that Act the amendments that will be brought in - and I hope the bill will be distributed within the next day or so - honourable members will find that we are proposing a technique for handling small claims in an expeditious and economical way, and I don't think that I at this stage ought to indicate too much of the principles involved in the amendments provided for under that bill which you have before you, except to assure you that there will be legislation which will be a companion piece to the expansion of jurisdiction that's provided under this Act, which is a very simple increase in the dollar evaluation of the liquidated claims that may be processed under the Small Debts Recovery Act.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, I beg to move, seconded by the Honourable Member for Charleswood, that the debate be adjourned.

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

MR. SPEAKER: The Honourable the Attorney-General.

MR. MACKLING by leave presented Bill No. 98, An Act to amend The Manitoba Evidence Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, the basic provisions of this bill, when honourable members will review it they will find could be described in the nature of housekeeping. There are, however, changes in the techniques allowable that I ought to make brief comment on. The provisions of this bill will provide for the designation of a Minister who may appoint Commissioners for Oaths and Notaries Public without these appointments having to be made by Order-in-Council by the Lieutenant-Governor-in-Council. There is quite a large number of appointments to be made and there's a good deal of paper work that unnecessarily burdens the operations of the Lieutenant-Governor-in-Council, and it's been considered advisable that the administrative process could be handled within the department itself, and so this is one of the recommendations. Also, provisions extend certain financial institutions other than chartered banks the provisions of Section 50, thus permitting a simplified mode of proof of a copy of any entry in a book or record kept therein. It facilitates proof of entries in financial institutions.

A further section provides a simplified mode of proof of business records and, by adding a new section, enables medical reports to be received as evidence without the necessity of calling a medical practitioner to give oral testimony. Now some of you who maybe have been involved in litigation will be aware of the complaints that both the medical profession has and the legal profession and the courts, as to the frustrations and uncertainties of calling expert witnesses, particularly doctors, the time that's taken, the frustrations that necessarily arise in making sure that the doctors are available to give their evidence. Now what this will permit is the giving of evidence by way of certificates, letters and so on, by medical practitioners. This, I might assure honourable members, is the procedure followed in some of our other provinces in Canada and it does relieve the terrific time and wastage - and it's very expensive time - of medical practitioners for relatively simple evidence. This does not mean that a doctor cannot be subpoenaed by counsel if the counsel feels that he needs the medical practitioner to expand on what is a written statement, to elaborate, to elucidate, to bring out the areas of injury if it's a difficult case. It's not prohibited at all, but what it does give the court and the parties to litigation, the right to use this sort of documentation which will for the purposes of the litigation be considered the best evidence without the necessity of calling the medical practitioner himself or herself.

Further sections will facilitate the admissibility of evidence in court proceedings by photocopies of court records. Further provisions are largely housekeeping in nature, and I think that with those few remarks, Mr. Speaker, I will commend the provisions of this Act to the members of the House.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Brandon West.

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

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

MR. SPEAKER: The Honourable Minister of Youth and Education.

HON. SAUL A. MILLER (Minister of Youth and Education)(Seven Oaks): Mr. Speaker, I wonder if we could ask leave of the House to perhaps give third reading to the bills that were dealt with at the morning session on private bills.

MR. SPEAKER: Agreed? The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, before leave is given to do that, I wonder if I may raise a point of order here. I don't intend to make this as an issue because we are for the first time operating under our new rules so far as reporting bills from the Standing Committee, and Section 68 (a) subsection (2) of the new rules states that all amendments made in any committee shall be reported to the House and every bill reported from any committee, whether amended or not, shall be received by the House on the report thereof. In other words, the report that was submitted by my friend the Member for La Verendrye should have contained reference to the bills that were considered in that committee and, although I was not on the committee, I don't know whether there were any amendments. Perhaps the Member for La Verendrye could tell us whether there were any amendments, and if there were, perhaps it would be an appropriate time for him to report that after I sit down. 68 (a) (3) says: "Unless otherwise ordered by the House, the report stage of any bill reported by any Standing or Special Committee shall not be taken into consideration prior to 48 hours following the presentation of the Report of the Standing or Special Committee with respect thereto." So, in giving consideration and giving agreement to proceed at this stage, we are in fact doing so by leave. We're not objecting to that, we're prepared to do that, but I think that, you know, we should have a clear understanding of what the new rules involve and what they entail so that we can proceed properly in the consideration of the committee's reports as well as third reading of the bills.

MR. SPEAKER: The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour)(Transcona): Mr. Speaker, if I may, on the point of order raised by my honourable friend from Morris, I agree entirely with him that under the operation of the new rules, and particularly in respect to the point he raises on the new rule 68, if I understood him, (3), that it should be by leave and the record of the House should indicate that leave has been granted for the purposes of the future.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BARKMAN: Mr. Speaker, on that same point of order, I would then like to report that on Bill No. 43, Section 6, (a) was deleted and subsections (b) and (c) were re-worded (a) and (b).

MR. SPEAKER: Agreed to carry on by leave? (Agreed) Since it's by leave and I have no rotational order for these bills, I will recognize the honourable members on the Private Bills as they rise in their place.

THIRD READINGS

BILLS NOS. 43, 24, 35, 55 and 56 were each read a third time, by leave, and passed.

GOVERNMENT BILLS (CONT'D)

MR. PAULLEY: I wonder, Mr. Speaker, whether now, by leave, we may allow the Honourable the Minister of Consumer Affairs to give second reading to Bill No. 97 dealing with an Act to amend The Change of Name Act.

MR. SPEAKER: The Honourable Minister of Consumer and Corporate Affairs.

HON. BEN HANUSCHAK (Minister of Consumer, Corporate and Internal Services) (Burrows) presented, by leave, Bill No. 97, The Change of Name Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister.

MR. HANUSCHAK: Mr. Speaker, the present Change of Name Act has been administered by my department and its predecessor, the office of the Provincial Secretary, for many years and has been the subject of considerable criticism due to the difficulty experienced by people obtaining a change of name, the expense involved and the length of time required to complete a simple change of a person's name. A complete review of our practices has been undertaken and the bill before the House at the present time has been drafted with a view to reducing the cost of the applicant, or the cost to the applicant rather, and generally simplifying the procedures involved. At the present time, both the Department of Consumer, Corporate and Internal Services and the Department of Health and Social Development through its Vital Statistics Branch,

(MR. HANUSCHAK cont'd) are involved in the process which a person must go through for a change of name. As the change of name affects birth and marriage records primarily and is quite properly a Vital Statistics matter, an important change in this bill will place the administration of the Act solely with the Recorder of Vital Statistics in the Department of Health and Social Development.

At present, Mr. Speaker, a preliminary application must be submitted to the government office for approval before a formal application is made. This bill will provide for one application to be made and, if properly completed, a certificate of change of name will be issued.

Now while not spelled out particularly in this bill, it is intended to supply printed forms of application which can be completed by applicants and which will enable a person to apply for a legal change of name without the assistance of a solicitor except in complicated cases. It's hoped that the cost of such changes of name will be reduced by at least 59 percent and should be processed in a matter of days and not weeks or months as at present. Prior advertisements in the Manitoba Gazette and the local newspaper will be dispensed with. One notice supplying more detail as to age and residence will be published in the Manitoba Gazette upon the granting of a certificate changing a person's name.

The bill will permit either the wife or the husband to apply for a change of name but the other marriage partner must consent, as well as all children included in the application who are over 14 years of age and under 18 years of age. Specific provisions are made for the change of name of unwed mothers and their children, as in most instances it is the children who suffer from having to bear the maiden name of the mother.

A new provision is also added to deal with the change of name of children of a legally separated couple where one party has custody of the children and the other is providing support.

As I have said, Mr. Speaker, the aim of this bill which is now before the House is to establish a reasonable, simple, economic procedure for effecting change of name, and on this basis I recommend the bill to the members of the House.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Sturgeon Creek.

MR. FRANK JOHNSTON (Sturgeon Creek): Mr. Speaker, I would like to move, seconded by the Honourable Member from Birtle-Russell, that debate be adjourned.

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

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, I believe that there was an undertaking given regarding certain amendments that they were in the hands - to legislation - that will be dealt with at committee stage. I understand that the Honourable the Attorney-General has some amendments and I would like to ask the indulgence of the House for him to make a brief statement dealing with amendments. (Agreed)

MR. SPEAKER: The Honourable the Attorney-General.

MR. MACKLING: Mr. Speaker, I trust that honourable members have seen the mimeographed or duplicated copies of the amendments that Legislative Counsel had readied for Ministers and others in respect to bills that are being readied for committees. Pursuant to the undertaking, therefore, you have as many of the amendments in the printed form as Legislative Counsel has available. There may be, as I indicated, some other amendments which are very technical in nature and that aren't here, and they'll be dealt with at committee. Therefore, other than the amendments to Bill 36, which I believe my colleague the Honourable Minister of Finance will have readied and will be distributed, as I've indicated, as soon as possible, those are the amendments that we've been able to provide at this date. -- (Interjection) -- No, I'll ignore that.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: It appears to me, Mr. Speaker, that we have come to the conclusion of the business of the House for today, but I do want to remind honourable members that this evening at 8:00 o'clock the Committee on Industrial Relations will meet in Room 254. I believe that the Honourable the Minister of Mines and Natural Resources indicated to the House that we will not meet in the House at 8:00 o'clock but go directly to Industrial Relations Committee, and I ask all members to be present. I also understand, Mr. Speaker, that tomorrow morning the Committee on Law Amendments will meet at 9:30. I believe it is the intention to convene the House at 9:30 and then to proceed from here to the Committee on Law Amendments. If there are any questions regarding this, I would attempt to answer them. If not, Mr. Speaker,

(MR. PAULLEY cont'd) then I beg to move, seconded by the Honourable the Attorney-General, that the House do now . . .

MR. SPEAKER: Order.

MR. PATRICK: Just one question, Mr. Speaker. Should the Law Amendments Committee finish its work before tomorrow night, what is the course of business for tomorrow night, say, if we're finished by 6:00 o'clock or 5:00 o'clock?

MR. PAULLEY: Well, may I suggest to my honourable friend the Member for Assiniboia, I do believe that there is sufficient business in Law Amendments to at least go through the whole of the morning, and I would like to defer to my honourable colleague the Minister of Mines and Natural Resources as to whether or not a session will be called for 2:30 tomorrow afternoon and possibly tomorrow evening as well, Mr. Speaker, and I will undertake to draw to the attention of my colleague the point raised by the Honourable Member for Assiniboia. If that is agreeable then, Mr. Speaker, I beg to move, seconded by the Honourable the Attorney-General, that the House do now adjourn until 9:30 tomorrow morning.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 9:30 Tuesday morning.