

Post Office Act

Mention was made of the position of publishers in respect of liquor advertisements. I am referring to publishers who have their printing plants in Ontario and who then, in order to comply with the Ontario law, actually carry out the technical function of publication in another province, and mail the publications in that other province. In the case commonly referred to, it is Montreal. Will the parliamentary assistant make it clear—because I understand it is clear in the bill—that the bill will have no effect, either in its terms, its application or administration, upon that situation so far as the law of the province of Ontario is concerned; and that no magazine or other publication containing liquor advertising can comply with the law of Ontario if it is printed or published or mailed in Ontario, addressed to an Ontario destination.

Mr. Kirk (Shelburne-Yarmouth-Clare): Mr. Chairman, I really feel that several hon. members have very kindly answered the question, when they have carried on their own private debate. To the extent that this has relieved me of further comment, I am deeply appreciative.

But I wonder if I might say briefly to the hon. member for Eglinton that the answer to this problem, introduced by the hon. member for Winnipeg North Centre, is in my opinion very briefly this: That such advertising as is referred to is not prohibited by federal legislation. As I said when replying to the hon. member for Hamilton West, the Post Office Department does not censor publications for liquor advertising. The reference made by the hon. member for Eglinton to the Ontario act, which was quoted previously, was absolutely accurate. It states:

No person, unless authorized by the board—

And that is the board in Ontario.

—shall exhibit, publish or display, or permit to be exhibited, published or displayed any other advertisement, or form of advertisement, or any other announcement, publication or price list of or concerning liquor, or where or from whom the liquor may be had, obtained or purchased.

Mr. Fleming: The parliamentary assistant has not come through with what I hoped would be a clear answer to the point I raised, because I think it is the only point seriously raised in the course of the discussion. It is the sort of point that could easily be misconstrued; therefore I hoped there would be a clear statement upon it. Let me just state my own understanding of the effect of this bill. This is federal legislation. What has been introduced into the discussion is a law of the province of Ontario, which has the

effect of banning the display of liquor advertisements. We do know that at the present time magazines containing liquor advertisements do come into the province of Ontario, but they have to come from outside the province of Ontario. They cannot comply with the law of Ontario if they are printed, published and distributed in the province of Ontario, without going outside.

Now, my understanding is that the effect of this bill is such that that situation will continue so far as the law of the province of Ontario is concerned, and that there is nothing in this bill which will remove the prohibition now imposed upon the publication in Ontario of magazines containing liquor advertisements. In other words, if magazines containing liquor advertisements are to be circulated in the province of Ontario they must come in from outside.

Mr. Kirk (Shelburne-Yarmouth-Clare): I can say that this bill does not change anything in so far as the Ontario act is concerned to which the hon. member for Eglinton has referred. The act to which he referred is a provincial act. This bill does not change the provincial act. We have nothing to do with it.

Mr. Diefenbaker: Does it change the practice?

Mr. Fleming: It is a little more than that. We all appreciate that laws passed here cannot as such change laws of the province of Ontario or of any other province; but the point that needs to be clarified is one that I think can be simply done. If my understanding of the bill is correct the parliamentary assistant should be able to say very clearly that there is no change in the Ontario law and practice. It is not simply a change in the law; it is a question whether the change that is now proposed in the Post Office Act will facilitate what is today a technical compliance with the law of the province of Ontario.

Now, my understanding is—and I should like a simple confirmation of this from the parliamentary assistant—that the situation that obtains today under the law will continue after this amendment becomes law. In other words, in the case of publications which are printed in Ontario, if they do contain liquor advertisements they cannot simply be circulated in the province of Ontario; they will still have to be posted outside Ontario and enter Ontario from a source outside the province if they are intended for distribution within Ontario or to Ontario destinations. That is the point.