



Fourth Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

LAW AMENDMENTS

42 Elizabeth II

Chairperson
Mr. Jack Penner
Constituency of Emerson



VOL. XLII No. 1 - 7 p.m., WEDNESDAY, JUNE 9, 1993

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHEEMA, Gulzar	The Maples	Liberal
CHOMIAK, Dave	Kildonan	NDP
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Clif	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
GRAY, Avis	Crescentwood	Liberal
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALLOWAY, Jim	Elmwood	NDP
MANNESSE, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
ORCHARD, Donald, Hon.	Pembina	PC
PALLISTER, Brian	Portage la Prairie	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP
<i>Vacant</i>	Rossmere	
<i>Vacant</i>	Rupert'sland	

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS**

Wednesday, June 9, 1993

TIME — 7 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRPERSON — Mr. Jack Penner (Emerson)

ATTENDANCE - 10 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Ducharme, McCrae, Hon. Mrs. McIntosh

Ms. Barrett, Messrs. Cheema, Helwer, Maloway, Pallister, Penner, Rose

MATTERS UNDER DISCUSSION:

Bill 6—The Real Property Amendment Act

Bill 7—The Builders' Liens Amendment Act

Bill 8—The Insurance Amendment Act

Bill 12—The International Trusts Act

Bill 19—The Court of Queen's Bench Amendment and Consequential Amendments Act

* * *

Mr. Chairperson: Will the Standing Committee on Law Amendments please come to order.

Maybe what I should do is just first of all apologize for being late. We were out of the building for a few minutes.

The bills that we will be considering tonight are: The Real Property Amendment Act, The Builders' Liens Amendment Act, The Insurance Amendment Act, The International Trusts Act, and The Court of Queen's Bench Amendment and Consequential Amendments Act.

For the committee's information, copies of the bills are available at the table behind me.

It is the custom to hear presentations from the public before the detailed consideration of the bill. At this time I have before me a list indicating that we have one person registered. I wonder if that person is here at this time. His name is Mr. O'Brien.

An Honourable Member: He is not here.

Mr. Chairperson: He is not here.

Are there any other people here that have not registered that would like to make presentations? Seeing none, what is the will of the committee? To proceed? We thank you then.

Did the committee wish to consider the bills in consequential order as listed? Is it the will of the committee to start with Bill 8 first? Agreed. We will then proceed to Bill 8.

**Bill 8—The Insurance
Amendment Act**

Mr. Chairperson: Bill 8 is The Insurance Amendment Act. Is it the will of the committee to pass the bill? I understand that the minister has an amendment to bring forward.

Hon. Linda McIntosh (Minister of Consumer and Corporate Affairs): Mr. Chairperson, there is one typographical error which I would like to correct.

I move

THAT the English version of section 7 of Bill 8 be amended by striking out "of" where it occurs for the second time.

[French version]

Il est proposé que la version anglaise de l'article 7 du projet de loi 8 soit amendée par suppression de "of" à sa deuxième occurrence.

Motion agreed to.

Mr. Chairperson: Clause as amended—pass. Bill as amended—pass. Bill be reported.

* (1910)

**Bill 6—The Real Property
Amendment Act**

Mr. Chairperson: What is the will of the committee, to pass the bill as presented? I understand that the minister has some amendments.

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Chairperson, I have amendments to Bill 6, The Real Property Amendment Act, and there are three of them. The amendments are the result of working this bill out with the Real Property section of the Canadian Bar Association, Manitoba branch. The amendments are purely grammatical wording amendments. They have no impact on the meaning or the intent of the bill.

The honourable member for Wellington (Ms. Barrett) will, I am sure, immediately see the sense of these amendments.

Mr. Chairperson, I move

THAT clause 2(b) of the Bill be struck out and the following substituted:

(b) by adding, "and takes effect from the day the instrument is assigned a serial number" after "district registrar".

[French version]

Il est proposé que l'alinéa 2b) du projet de loi soit remplacé par ce qui suit:

b) par adjonction, après "loi.", de "L'enregistrement prend effet à compter du jour où un numéro de série est attribué à l'instrument."

Motion agreed to.

Mr. Chairperson: Clause 2 as amended—pass.

Will you proceed then to the next amendment.

Mr. McCrae: Mr. Chairperson, I move

THAT the proposed subsection 52(3.1), as set out in subsection 3(2) of the Bill, be amended by striking out "presented for registration or entered in the data storage system" and substituting "assigned a serial number,".

[French version]

Il est proposé que le paragraphe 52(3.1), énoncé au paragraphe 3(2) du projet de loi, soit amendé par substitution, à "l'instrument menant à sa délivrance est présenté aux fins d'enregistrement ou stocké dans la banque de données si l'instrument", de "un numéro de série est attribué à l'instrument menant à sa délivrance, si cet instrument".

Motion agreed to.

Mr. Chairperson: Clause 3 as amended—pass; Clause 4—pass.

Mr. McCrae: I move

THAT section 5 of the Bill be struck out and the following substituted:

5 Subsection 72(4) is amended by striking out "exercising the function of a notary public or having jurisdiction or authority as a notary public in Canada, (hereinafter referred to as an officer) that officer" and substituting ", referred to in subsection (5) as an officer, the officer".

[French version]

Il est proposé que l'article 5 du projet de loi soit remplacé par ce qui suit:

5 Le paragraphe 72(4) est modifié par substitution, à "exerçant ses attributions ou ayant autorité de le faire au Canada, ci-après dénommé "procureur", ce procureur", de ", dénommé procureur au paragraphe (5), le procureur".

Motion agreed to.

Mr. Chairperson: Section 5 as amended—pass; Sections 6 to 10—pass; Preamble—pass; Title—pass. Bill as amended be reported.

**Bill 7—The Builders' Liens
Amendment Act**

Hon. James McCrae (Minister of Justice and Attorney General): The honourable members will be pleased to know, Mr. Chairperson, we have no amendments to this bill.

Mr. Chairperson: I understand that there are no amendments to Bill 7. What is the will of the committee? Shall we pass the bill as presented—pass.

Bill 12—The International Trusts Act

Mr. Chairperson: The next bill is Bill 12. Are there any amendments to Bill 12?

Hon. James McCrae (Minister of Justice and Attorney General): No, Mr. Chairperson.

Mr. Chairperson: What is the will of the committee?

Mr. McCrae: Did you report the last one?

Mr. Chairperson: No, we will get back to it. Just a minute.

We will revert to Bill 7.

**Bill 7—The Builders' Liens
Amendment Act**
(continued)

Mr. Chairperson: Preamble—pass; Title—pass.
Bill as amended be reported.

Bill 12—The International Trusts Act
(continued)

Mr. Chairperson: Now, Bill 12. What is the will of
the committee? Shall the bill as presented pass—

pass; Preamble—pass; Title—pass. Bill be
reported.

**Bill 19—The Court of Queen's Bench
Amendment and Consequential
Amendments Act**

Mr. Chairperson: The Court of Queen's Bench
Amendment and Consequential Amendments Act.
What is the will of the committee? Shall we pass
the bill—pass; Preamble—pass; Title—pass. Bill
be reported.

Thank you very much. Committee rise.

COMMITTEE ROSE AT: 7:20 p.m.