



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

STANDING COMMITTEE

on

LAW AMENDMENTS

42 Elizabeth II

*Chairperson
Mr. Bob Rose
Constituency of Turtle Mountain*



VOL. XLII No. 3 - 7 p.m., TUESDAY, JUNE 29, 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
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, Cliff	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
MALOWAY, Jim	Elmwood	NDP
MANNES, 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>	Rupertsland	
<i>Vacant</i>	The Maples	

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Tuesday, June 29, 1993

TIME — 7 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRPERSON — Mr. Bob Rose (Turtle Mountain)

ATTENDANCE - 9 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Derkach, McCrae

Ms. Barrett, Messrs. Helwer, Pallister, Mrs. Rander, Messrs. Rose, Sveinson, Ms. Wowchuk

APPEARING:

Arthur Braid, Q.C.

MATTERS UNDER DISCUSSION:

Bill 14—The Personal Property Security and Consequential Amendments Act

Bill 39—The Provincial Court Amendment Act

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Mr. Chairperson: Order, please. Will the Standing Committee on Law Amendments please come to order. This evening the committee will be considering the following bills: Bill 14, The Personal Property Security and Consequential Amendments Act; and Bill 39, The Provincial Court Amendment Act.

For the committee's information, copies of the bill are available on the table behind me.

It is our custom to hear presentations from the public before the detailed consideration of bills. At this time, we have no persons registered to speak. Is there anyone in the audience who wishes to make a presentation at the committee this evening?

Seeing none, is the committee ready to proceed with clause-by-clause consideration of the bills?

I have been instructed by one member of the committee to move expeditiously but maintain the high quality of work that we are accustomed to on this committee, so I hope we can proceed in that manner.

Does the committee wish to consider the bills in sequential order? Is that agreed?

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Chairperson, if it is felt that these bills will move forward expeditiously, then I do not have any concerns. If it is felt that Bill 14 might take some time, then I would prefer to deal with Bill 39 first.

Mr. Chairperson: Is it the committee's wish to deal with Bill 39 first? Is that agreed?

Mr. McCrae: Any problem? No. Very well.

**Bill 39—The Provincial Court
Amendment Act**

Mr. Chairperson: We shall consider Bill 39, The Provincial Court Amendment Act. Does the minister or do any of the critics have an opening statement? Hearing none, the bill will now be considered clause by clause.

During consideration of the bill, the Title and the Preamble are postponed until all clauses have been considered in their proper order by the committee.

Clauses 1 to 4 inclusive—pass; Title—pass; Preamble—pass. Bill be reported.

That completes consideration of Bill 39.

**Bill 14—The Personal Property Security
and Consequential Amendments Act**

Mr. Chairperson: We will now move to consideration of Bill 14. Does the minister or do the critics for the opposition parties have an opening statement?

Hon. James McCrae (Minister of Justice and Attorney General): I have no opening statement, Mr. Chairperson.

Ms. Becky Barrett (Wellington): I wanted to make one brief comment, if I may.

Mr. Chairperson: You certainly may.

Ms. Barrett: Mr. Chair, I have only one brief comment and actually I wanted to put on record, as

I believe I did in my discussion in the House on second reading, the thanks I have for Professor Braid and Alexandra Morton, who gave us a very complete and thorough and easily understood analysis of Bill 14. For someone like myself, who has absolutely no legal training, nor do I ever care to have any legal training, it was a very interesting morning and I appreciate the time and energy that you took in clarifying this large bill for me. So, thank you very much.

Mr. McCrae: Mr. Chairperson, on behalf of the department, I would echo the comments made by the honourable member for Wellington (Ms. Barrett) to Professor Braid and to Alex Morton, our Registrar General for Property Rights. They have been extremely helpful to us in getting this extremely bulky piece of legislation to the point that we have arrived at.

As a matter of fact, there will be a couple of brief amendments which we will discuss when we get to Clauses 24 and 49. Once more I will ask Professor Braid to help us with those when we get to that point, but I would echo what the honourable member has said.

Mr. Chalrperson: As is customary, we will postpone consideration of the Preamble and the Title until after all clauses have been considered.

Clauses 1 to 23 inclusive—pass.

Clause 24.

Mr. McCrae: Mr. Chairperson, I move

THAT subsection 24(1) of the Bill be amended

(a) in the part preceding clause (a), by striking out "or repossession" and substituting ", repossession or seizure"; and

(b) in the part following clause (f), by striking out "or repossession" and substituting ", repossession or seizure".

[French version]

Il est proposé que le paragraphe 24(1) du projet de loi soit amendé:

a) dans le passage introductif, par substitution, à "ou la reprise de possession", de ", la reprise de possession ou la saisie";

b) dans la partie qui suit l'alinéa f), par substitution, à "ou la reprise de possession", de ", la reprise de possession ou la saisie".

I move this amendment in both the French and English languages.

If there is any explanation required, I would call upon Professor Braid to assist me in this regard.

* (1910)

Mr. Arthur Braid (Q.C.): The only purpose of this was to make it cover all situations. We had "repossession," which is what Ontario has, and it has been pointed out that someone may seize goods, never having possessed them. A bank, for example, on default, may seize goods. It is not repossessing. A seller repossesses; a bank does not. So to cover that, we added the word "seizure."

Mr. Chalrperson: Thank you. The amendment is in order. Are there any further questions or discussion?

The amendment—pass; Clause 24 as amended—pass; Clauses 25 to 48 inclusive—pass.

Clause 49.

Mr. McCrae: Mr. Chairperson, I move

THAT subsection 49(3) of the Bill be amended by striking out "or the condominium plan".

THAT subsection 49(4) of the bill be amended by striking out "or condominium plan".

[French version]

Il est proposé que le paragraphe 49(3) du projet de loi soit amendé par suppression de "ou le plan de condominium".

Il est proposé que le paragraphe 49(4) du projet de loi soit amendé par suppression de "ou le plan de condominium".

I move these amendments in both the French and English languages.

Mr. Braid: The reason for that is, we do not have condominium plans under the Land Titles, so it does not fit for Manitoba.

Mr. Chalrperson: The amendment is in order. Is there any further discussion or questions?

The amendment—pass; Clause 49 as amended—pass; Clauses 50 to 93 inclusive—pass; Title—pass; Preamble—pass. Bill as amended be reported.

That completes consideration of Bill 14. I thank the committee for their expeditious and good-order handling of these two bills. Committee rise.

COMMITTEE ROSE AT: 7:11 p.m.