



Fourth Session - Thirty-Sixth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Law Amendments

Chairperson
Mr. Jack Penner
Constituency of Emerson



Vol. XLVIII No. 8 - 3 p.m., Monday, June 22, 1998

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
STANDING COMMITTEE ON LAW AMENDMENTS

Monday, June 22, 1998

TIME – 3 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Jack Penner (Emerson)

VICE-CHAIRPERSON – Mr. Ben Sveinson (La Verendrye)

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Mrs. McIntosh, Hon. Mr. Toews

Mrs. Driedger, Ms. Friesen, Messrs. Helwer,
Mackintosh, Ms. Mihychuk, Messrs. Penner, Reid,
Mrs. Render, Mr. Sveinson

Substitutions:

Hon. Mr. Newman for Hon. Mr. Toews

Hon. Mr. Derkach for Hon. Mr. Newman
Mr. Leonard Evans for Ms. MaryAnn Mihychuk
Hon. Mr. McCrae for Mrs. Render
Hon. Mr. Gilleshammer for Hon. Mr. Derkach

APPEARING:

Mr. Steve Ashton, MLA for Thompson
Mr. Kevin Lamoureux, MLA for Inkster
Ms. Shirley Strutt, Legislative Counsel

MATTERS UNDER DISCUSSION:

Bill 10–The Mining Tax Amendment Act
 Bill 26–The Teachers' Society Amendment Act
 Bill 28–The Employment Standards Code and
 Consequential Amendments Act
 Bill 32–The Municipal Amendment and
 Consequential Amendments Act
 Bill 33–The Municipal Assessment Amendment and
 Consequential Amendments Act
 Bill 38–The Planning Amendment and Consequential
 Amendments Act

Bill 40–The Domestic Violence and Stalking
 Prevention, Protection and Compensation
 and Consequential Amendments Act

Bill 43–The Victims' Rights and Consequential
 Amendments Act

Bill 45–The Manitoba Public Insurance Corporation
 Amendment Act

Bill 54–The Engineering and Geoscientific
 Professions and Consequential Amendments
 Act

Bill 55–The Certified Applied Science Technologists
 Act

Bill 300–The Brandon University Foundation
 Incorporation Amendment Act

Bill 301–An Act to Amend an Act to Incorporate the
 Dauphin General Hospital
 Foundation

Bill 302–The St. Paul's College Incorporation
 Amendment Act

Bill 303–The Brandon Area Foundation
 Incorporation Amendment Act

Mr. Chairperson: Will the debate please come to order. Just as a reminder of the agreements that we had this morning: Bill 2, The Elections Amendment Act will be deferred to a future sitting of the committee; and the committee had also agreed to first deal with Bills 40 and 43 and to also move the consideration of Bills 34 and 53 to the bottom of the list, just so that we remember that.

**Bill 40–The Domestic Violence and Stalking
 Prevention, Protection and Compensation and
 Consequential Amendments Act**

Mr. Chairperson: Shall we now proceed to Bill 40, The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendments Act?

Does the minister have an opening statement? No.

Does the member of the opposition, the critic, have an opening statement?

Mr. Gord Mackintosh (St. Johns): We provided the minister with a number of amendments to this bill. The purpose of the amendments is to strengthen the legislation to be in accord with recommendations either made by the Law Reform Commission or based on the experience of the other three jurisdictions in Canada that have domestic violence legislation.

As we said at second reading, we are concerned that this bill in regard to the domestic violence sections is the weakest of its kind in Canada, and I think that we should be, rather than weakening, strengthening this kind of legislation based on the experiences elsewhere and studies and reviews that have taken place as a result of the innovative legislation in Saskatchewan, Alberta, and Prince Edward Island.

The main question I have for the minister at this point is why it is that the minister combined the issues of stalking and domestic violence into one piece of legislation. It is our view that as a result of that combination there are certain shortcomings that have been revealed, and it would appear that the best way to have proceeded would be to have separate bills with regard to domestic violence based on the Saskatchewan model, and then a separate piece of legislation to deal with stalking based on the Law Reform Commission report.

Hon. Vic Toews (Minister of Justice and Attorney General): I take exception to calling this the weakest legislation of its kind in Canada. That is simply not correct, and noting some of the amendments that have been proposed, which I thank the member for, by the NDP, I note that the amendments themselves indicate a lack of understanding of the bill. We can go through those amendments on a piece-by-piece basis as to why they are not appropriate amendments, but I want the member to know that there was a justice working group that went through the legislation and the proposals very, very carefully. What they wanted to ensure was that there be a consistency of remedies between people who are stalked and also people who are subject to domestic violence. There was a significant degree of overlap between the two types of victims, and it was their opinion that this be best served by an amalgamation of this type of legislation.

One of the things that I did not want to see happen was a domestic violence victim getting thrown out of court because they were in the wrong court or proceeding under the wrong act. Many people who are subject to domestic violence are also the subject of stalking. So, in order to reduce any chance that a victim would be revictimized by a court telling them that they are in the wrong court or proceeding under the wrong legislation, it was felt it would be better to amalgamate the two.

This was not just the opinion of the justice working committee, but indeed it was subject to extensive community consultation. There was a community advisory committee on civil remedies for stalking and domestic violence, which was established by the Lavoie implementation committee, which included Dr. Jane Ursel in October of 1997. Members of this committee were advised that they would be asked to provide input and advice to the Department of Justice working group respecting the development of legislation to provide or expand the civil remedies available to those persons who are the subject of stalking and/or domestic abuse.

I might indicate that the advisory group consisted of very, very, I think, significant people in this field, which is, I think, an important field and requires no small degree of expertise, expertise which I certainly do not claim to have. For example, Ms. Melanie Lott, chair of the family law subsection, Manitoba Bar Association; Ms. Karen Busby, Professor of Law at the University of Manitoba; Ms. Barbara Fisher, a former employee of Osborne House; Ms. Rikha Malaviya, that is M-A-L-A-V-I-Y-A, a law student and employee of Osborne House; Ms. Kim Spence, a violence abuse counsellor at the Nor'West Co-op Community Health Centre Inc.; Ms. Jackie Lavalley, the executive director of—and again, I will not do justice to the pronunciation, so I will spell it—I-K-W-E-[hyphen]-W-I-D-D-J-I-I-T-I-W-I-N Inc.; and Ms. Linda Wilcox, policy analyst, Manitoba Women's Directorate. I might indicate that Ms. Wilcox also sat on the justice working group that examined civil remedies for domestic violence and stalking cases.

Now the member again makes a very broad statement, which, I do not think, is justified, that it is the weakest legislation of its kind in legislation. Bill 40, in fact, contains numerous provisions unavailable

under the Prince Edward Island legislation, Saskatchewan's or Alberta's domestic violence acts. It applies to far more individuals including boyfriend, girlfriend, stranger and acquaintance stalking situations. I think it is important to note that the definition of stalking is wide enough to encompass most domestic violence cases. So persons in violent dating relationships, for example, will usually be able to apply for relief.

It also includes more types of behaviour in terms of domestic violence, such as psychological and emotional abuse. That is a very, very tricky issue, but the drafters of the legislation and the advisory committees and the justice working group, I think, felt comfortable with the final position that we arrived at in that—and, again, I do not want to get into the details. We can talk about some of the details.

So, again, Mr. Chair, I think the words of the member for St. Johns (Mr. Mackintosh) were uncalled for, just in the same way that they were uncalled for this morning in respect of Bill 39 when he suggested that the kind of legislation, The Highway Traffic Act, that we brought in through second reading was commonplace. In fact, as I indicated, and I checked again over the lunch hour, The Highway Traffic Act legislation is very unique in North America. All other legislation appears to be predicated on a criminal basis. Our legislation in The Highway Traffic Act, because of the very difference in the constitutional authorities between states and provinces, is predicated on an administrative law basis, which makes the statute very, very different and, I would say, much easier to enforce from an administrative basis.

I would prefer to deal with it on a clause-by-clause basis, and if the member has legitimate concerns where there are weaknesses in the bill, I think that discussion would be much more helpful than a wide-blanket criticism of legislation that members of the community have spent a long time putting together.

Mr. Mackintosh: I might add, of course, that the Law Reform Commission and other bodies have spent a long time as well developing this kind of legislation. I also note that it is my understanding that Prince Edward Island has moved in the area of emotional abuse.

I have another question for the minister before clause by clause, and it arises from a submission made to the

committee last week. That is with regard to the service of documents before there is a hearing as to whether there should be a revocation of an order made, and the advice from the minister was that service would be required of the Queen's Bench rules. Indeed, Rule 16 of the Queen's Bench rules talks about service there, but the service that appears must be triggered by the respondent. I just have concerns as to whether this legislation should instead require service by a party other than the respondent. We are probably dealing with situations where a woman is hiding from the respondent and, as well, where there are noncommunication orders. I am wondering if the minister has a view on that with a view to looking at improving the legislation in that regard.

* (1520)

Mr. Toews: Well, I have had occasion to speak with the director of the Family Law branch. Of course, the Family Law branch of my department is quite involved in not only the drafting and policy advice in respect of this particular legislation. If it is an issue of who is to serve whom, my understanding is—and I am not familiar with these rules—that a party can never serve a party in these types of situations. There will always be someone else serving that party. So I do not exactly know what the concern is, but there is an expressed prohibition against a party serving a party. Now, in respect of the person not knowing where the individual is, there can always be an order of substitutional service. The courts have broad jurisdiction to alter the service requirements, so I am quite satisfied that both the interests of the respondent and the other party are met in a very balanced and I think equitable way. So I do not think I have anything further to add.

Mr. Chairperson: Thank you very much. Before we proceed into clause-by-clause consideration of the bill, could I have agreement that both official languages parts of the bill will be passed and all amendments would also be considered in both languages. [agreed]

We will then set aside the title and the preamble of the bill, as well as the table of contents for consideration after the bill has been gone through clause by clause.

Clause 1—pass; Clause 2(1)—pass. Clause 2(2).

Mr. Mackintosh: Mr. Chair, I do not know if the amendments can all be given out. I move

THAT subsection 2(2) be amended by adding "or the safety of anyone known to him or her" at the end of the subsection.

[French version]

Il est proposé que le paragraphe 2(2) du projet de loi soit amendé par adjonction, après "sécurité", de "ou pour la sécurité d'une autre personne qu'elle connaît".

Motion presented.

Mr. Mackintosh: This amendment is based on the Law Reform Commission report and recommendation and indeed their draft legislation includes this phrase. Page 61 of the Law Reform Commission report, the Law Reform Commission urges and I quote: a stalker may target a subject's family or friends as a means of harassing the subject. For example, a stalker may repeatedly follow and threaten an ex-wife's new partner or her child. Our proposed act recognizes this by defining stalking to include situations where the subject fears for the safety of anyone known to them.

As well, I rely on the presentation of Ms. Peters who talked about her fear of her new partner from the former partner. I believe, as well, she talked about her concern about children. I know the minister had responded that Section 2(4) dealt with this situation. It does not appear to do that. It simply deems certain persons to have fear but does not include a person's children or otherwise in the definition of stalking in Section 2(2).

I wonder if the minister—and I know he has been able to look at this amendment—is able to agree to strengthening the bill in this regard and improving broadening the meaning of stalking.

Mr. Toews: Mr. Chairperson, I think my comments of the other day do cover the situation, and the situation especially in respect of children or mentally incompetent people is already addressed in the legislation, in Section 2(3) where it talks: communicating directly or indirectly with or contacting the other person or anyone known to the other person.

So that can be part of the conduct that can be prohibited against.

Now, in 2(4), it talks about certain people deemed to have fear, and that deals with children and mentally incompetent people, but what the import of the amendment that the member seeks to make is this: if one reads that then to fear for his or her own safety, or the safety of anyone known to him or her, that amendment would then mean that, if I thought that the member for The Maples (Mr. Kowalski) was the subject of stalking, I could make an order, or ask for an order, in respect of the member for The Maples, who, in my opinion, is otherwise competent to make those decisions for himself. So this is an issue that I think the committee has wrestled with. They have looked at the Manitoba Law Reform Commission proposal, and it is simply not workable.

I think, ultimately, mentally competent adults have to take some responsibility for their own actions. So I think the legislation here is as broad as it can be without starting to work very serious mischief. So, for that reason, regrettably, I cannot support the amendment by the member for St. Johns (Mr. Mackintosh).

Mr. Mackintosh: Well, the minister cannot have it both ways. He cannot, on the one hand, say that the legislation actually does cover other people by referring to section sub (3) and sub (4), and then, on the other hand, make the argument that it would achieve a mischief. The Law Reform Commission, of course, did include the same wording as in this bill for sub (3) and sub (4) and came to the conclusion that the broader definition was required.

But our concern is that the subjects of a stalker will not be protected without a multitude of separate orders in respect of that stalker. I do not think the Law Reform Commission had wanted that kind of result, so we are disappointed that the government has seen fit to expand that definition.

Mr. Toews: I think we are getting into a discussion here about who can apply for the stalking order and what conduct can be the subject of a stalking order. I think that is a distinction that needs to be borne in mind. It is for that reason I say that I cannot support

the amendment to 2(2) because it creates that mischief that we have adults, for example, such as myself making application for someone else, and when I do not have any fear about myself or any of my children or, indeed, let us say I have a mentally incompetent person that I am entrusted with taking care of. Now, there can, in fact, be stalking of another person that would then cause me to be frightened. For example, if a child of mine were being stalked, or if a wife or a partner of mine were being stalked, that may well cause me fear and allow me the grounds to apply for a stalking order.

But what the member does, by suggesting that kind of an amendment, is basically saying anybody can apply for an order in respect of anybody. There have to be some ground rules. I understand what the intent is, but, unfortunately, the mischief created, I think, would be very, very dangerous to the administration of the act.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: No.

Mr. Chairperson: No. Shall the amendment be defeated on division? On division. Clause 2(2)—pass; Clauses 2(3) to 4(1)—pass. Clause 4(2).

Mr. Mackintosh: I move

THAT subsection 4(2) be amended by striking out “or peace officer” in clauses (b) and (c) and substituting “, a peace officer or a person designated in the regulations”.

[French version]

Il est proposé que le paragraphe 4(2) du projet de loi soit amendé, dans les alinéas b) et c), par substitution, à “ou un agent de la paix”, de “, un agent de la paix ou une personne désignée dans les règlements”.

Motion presented.

* (1530)

Mr. Mackintosh: Actually, there has been an improvement to that. It should be “a peace officer or person designated in the regulations.”

The intent of this amendment is to attempt to ensure what Saskatchewan has done through their legislation. That is, in small communities, there may be no peace officer or lawyer who can perform this task. I understand in Saskatchewan, victim services personnel or other individuals designated, or perhaps even volunteers, although we are not pushing volunteerism for this kind of role, be available to assist someone in urgent need. So it is simply to accommodate the fact that there are small communities in Manitoba, remote communities, where the services or individuals contemplated by Section 4(2) are unavailable.

Mr. Chairperson: Shall the amendment pass?

An Honourable Member: No.

Mr. Chairperson: No.

Mr. Toews: I would just caution the member, I think the act already does essentially what he is suggesting that it should do. I had occasion to look at The Interpretation Act and the definition of peace officer. The definition of peace officer is as follows: “includes

“(a) a mayor, reeve, sheriff, deputy sheriff, sheriff's officer, and a justice of the peace;

“(b) a warden, deputy warden, instructor, keeper, gaoler, and guard of a penitentiary, gaol, or detention home, or any other officer or person who is in the service of the government and is employed in a penitentiary, gaol, or detention home;

“(c) a police officer, police constable, constable, or any other person employed for the preservation and maintenance of the public peace;

“(d) a member of the Royal Canadian Mounted Police Force; and

“(e) a person appointed under any Act for the enforcement of the Act; (“agent de la paix”)

So the definition of peace officer is very, very broad, and I think the member might be a little confused about the term “police officer” and “peace officer,” two very different things.

I think what we are trying to do here is to ensure exactly that an abuse of the process in a telephone kind of a situation does not occur. That is exactly what one of the presenters had said. There has to be some kind of official capacity that I think we need to be careful of. I would venture to say that in virtually every community in Manitoba, including First Nations communities, one or another of those types of people are going to be stationed in there. There can be band constables who are peace officers or others. So I do not see this as being an issue that we would want to further expand from the definition of peace officer already.

Mr. Chairperson: Shall the item pass?

An Honourable Member: Pass.

Some Honourable Members: No.

Mr. Chairperson: The item is defeated, on division? On division.

Clause 4(2)—pass; Clauses 4(3) to 7—pass. Clause 7(1).

Mr. Mackintosh: I move

THAT subsection 7(1) be amended by striking out the part before clause (a) and substituting the following:

Content of protection order

7(1) A protection order granted under subsection 6(1) may include any provisions that the designated justice of the peace considers necessary or advisable for the immediate protection of the subject, which may include any of the following:

[French Version]

Il est proposé que le paragraphe 7(1) du projet de loi soit amendé par substitution, au passage qui précède l'alinéa a), de ce qui suit :

Teneur des ordonnances de protection

7(1) Les ordonnances de protection rendues sous le régime du paragraphe 6(1) peuvent prévoir les dispositions que le juge de paix désigné estime nécessaires ou indiquées pour la protection immédiate de la victime, notamment n'importe quelle des dispositions suivantes:

Motion presented.

Mr. Mackintosh: This is an explanation. We think this is an important amendment in that it gives greater flexibility to a judge to meet the differing situations that a justice of the peace may face. This is based as well, of course, on the experience in Saskatchewan, the recommendation of the Law Reform Commission of Manitoba as well. It is already in the long-term order but not in this emergency order in Section 7. The current section restricts a justice of the peace to orders in respect of those matters set out in subsections (a) to (h); therefore, this amendment will give the justice of the peace the discretion to meet all the exigencies and differing circumstances that may well arise.

Mr. Chairperson: Shall the item pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Mr. Chairperson: The item is defeated on division.

Mr. Toews: I just wanted to make a comment on why it should be defeated. Very, very quickly, the problem with the amendment is that it would provide justices of the peace with open-ended discretion. This goes back to the purpose of the designated J.P.s' protection orders. It is to provide for immediate protection of the subject, and it would not be appropriate to allow for orders to be granted outside of these parameters. There are very clear constitutional concerns about the types of relief that a J.P. can order. I would just refer the member for St. Johns (Mr. Mackintosh) to the, I believe it is, B.C. Residential Tenancy Act that deals with the powers of provincial judicial officers as opposed to federal judicial officers. For example, why we have it in the long-term orders is because it is under a Queen's Bench judge who can give those kinds of orders.

So I just would not want to see a J.P. give these kinds of orders, such as custody, for example, on an interim basis for a few days.

Mr. Mackintosh: Just to respond then, if the concerns of the minister are procedural and constitutional, then I suggest that what should be the overriding concern is the protection of the battered person here, the battered

party. If there are constitutional issues with regard to the role of a Queen's Bench judge on affirming an order, then that can be looked at. But I think we should not lose sight of what the most important objective is here.

Mr. Toews: My objective is to get a piece of legislation that will be effective for victims. I do not want to deliberately pass legislation that is, by all good authorities, unconstitutional. It simply would not be wise.

Mr. Mackintosh: The answer to that, as I said in my earlier response, is you look to the other legislation in Canada which has the order affirmed by a federally appointed judge.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Mr. Chairperson: I declare the amendment defeated on division.

Item 7(1). Shall the item pass?

Mr. Mackintosh: I have an amendment to 7(1) still, Mr. Chair.

Mr. Chairperson: Another one to 7(1).

Mr. Mackintosh: I move

THAT clause 7(1)(b) be amended by striking out "or a specified person" and substituting "directly or indirectly".

[French version]

Il est proposé que l'alinéa 7(1)b) du projet de loi soit amendé par substitution, à "ou une personne désignée", de "directement ou indirectement".

Motion presented.

Mr. Mackintosh: I think the amendment speaks for itself. It is to ensure that there is no intimidation or harassment of a person indirectly.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Mr. Chairperson: I declare the amendment defeated on division.

Item 7(1). Shall the item pass?

Mr. Mackintosh: A further amendment

THAT subsection 7(1) be amended

(a) by renumbering clauses (d) to (h) as clauses (e) to (i) and adding the following as clause (d);

(d) subject to any order made under section 13 of The Family Maintenance Act, a provision granting the subject temporary exclusive occupation of the residence, regardless of ownership;

(b) in clause (h), by striking out "clause (g)" and substituting "clause (h)".

[French version]

Il est proposé que le paragraphe 7(1) du projet de loi soit amendé:

a) par substitution, aux désignations des alinéas d) à h), des désignations e) à i) et paradjonction, après l'alinéa c), de ce qui suit:

d) sous réserve de toute ordonnance rendue en vertu de l'article 13 de la Loi sur l'obligation alimentaire, disposition accordant temporairement à la victime l'occupation exclusive de la résidence, peu importe qui en est le propriétaire;

b) dans l'alinéa h), par substitution, à "l'alinéa g)", de "l'alinéa h)".

Motion presented.

* (1540)

Mr. Toews: Mr. Chair, very briefly, this would allow the justice of the peace to give the subject sole occupancy of the residence without notice to the respondent. My staff has advised me that this would not be a wise thing to do, and that is, there are constitutional concerns with allowing J.P.s to make orders of exclusive occupation. Again, it refers back to my earlier comments.

But I might indicate to the member that what we cannot do directly we believe that we can accomplish through other means, and that is the immediate safety of victims and children within their own homes has been addressed by allowing the J.P.s to make orders prohibiting the respondent from attending the home, and that is at 7(1)(c), and directing the respondent's removal from the residence. So what we are trying to do is to ensure that we are within our constitutional authority.

I cannot stress to the member enough how close to the line we are on this legislation, this in terms of the legislation being valid, because it does not do anybody any good to make these amendments and then the court says because it is riddled with constitutional problems, the act is gone. How does that leave our victims?

Mr. Mackintosh: I understand that the legislation is supportable. There is an opinion by Dale Gibson in the Lavoie report. In P.E.I. there has been a decision on this. But if there is any concern about the extent of powers of a J.P., as I say, the response then is to ensure that there is an affirmation of that by a federally appointed QB judge. But here the main point is not even the temporary exclusive occupation. It is to ensure that the respondent does not use any means to get the applicant kicked out of the residence by way of some exertion of power or authority or otherwise of a landlord, so it is a two-part concern.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: No. I declare the amendment defeated on division.

Item 7(1)—pass; 7(2)—pass; Clauses 8 to 13(3)—pass. Clause 14(1).

Mr. Mackintosh: I move

THAT clause 14(1)(f) be amended by striking out “and keys” and substituting “, keys and other necessary personal effects”.

[French version]

Il est proposé que l'alinéa 14(1)f) du projet de loi soit amendé par substitution, à “et des clefs”, de “, des clefs et des autres effets personnels nécessaires”.

Motion presented.

Mr. Mackintosh: The purpose there is to ensure that any specified personal property be the subject of an order and not limited by the clause which sets out certain types of personal property.

Mr. Chairperson: Shall the item pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: No.

Mr. Toews: Just very, very briefly, this clause currently provides that in fact the court can already do what the member is saying. Again, what the member is doing by adding these words, is duplicating what is already there which then causes all kinds of problems for other legislation. If you look at the wording, it says “a provision granting either party temporary possession of specified personal property,” and it is not restrictive. It says then “which may include vehicles, household furnishings, clothing, medical insurance cards, identification documents and keys.” If we add that phrase, we are being repetitive. Then what happens is a judge comes along in another statute and says, oh, they were repetitive here, it must mean something different, and then in other statutes we may be creating difficulties in interpretation.

So this is the regular way of including a broad list in provincial statutes. It is not an exhaustive list; it is suggestive. We could have basically ended at

“temporary possession of specified personal property,” but there are examples given which are not exhaustive but are indicative of all kinds of personal property that can be done. So I cannot support the amendment.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: No.

Mr. Chairperson: No. I declare the amendment defeated on division.

Clause 14(1).

Mr. Mackintosh: I move

THAT clause 14(1)(j) be amended by striking out the part before subclause (i) and substituting the following:

(j) a provision requiring the respondent to pay compensation to the subject or any child of the subject or in the care and custody of the subject for any monetary loss suffered by the subject or child as a result of the domestic violence or stalking, which may include

[French version]

Il est proposé que l'alinéa 14(1)(j) du projet de loi soit amendé par substitution, au passage qui précède le sous-alinéa (i), de ce qui suit:

j) disposition enjoignant à l'intimé de verser une indemnisation à la victime, à un enfant de la victime ou à un enfant dont le soin et la garde ont été confiés à la victime pour les pertes financières que la victime ou l'enfant a subies en raison de la violence familiale ou du harcèlement criminel, y compris:

Motion presented.

Mr. Mackintosh: This, like the previous amendment, is based on the Saskatchewan law. This, we believe, is very important to ensure that there be available to the court an order to ensure compensation for counselling of children. We know of the devastating impact that can occur and often occurs when children witness domestic violence. This is to ensure that the devastating fallout from witnessing domestic violence

is dealt with and to ensure that the compensation is paid for where appropriate by the respondent. As Ms. Peters said in talking to the committee last week, this was too good to be true in her view. So we think that it is important that the Legislature take whatever steps it can to deal in the best interests of children.

Mr. Chairperson: Shall the amendment pass?

Mr. Toews: No, Mr. Chairperson. I would indicate that the legislation already includes compensation for monetary losses incurred by the children related to domestic violence or stalking. The subject, for example, the mother can seek compensation for monetary losses incurred as a result of that activity because it is the subject who incurs these costs, and she can claim the compensation. The children do not pay the counselling; it is the parent who pays the counselling, and so the child expenses are already covered. It is also important to remember that the Queen's Bench judges on the permanent orders have the open-ended discretion under 14(1) to make such orders if they feel that, on the permanent basis, this is not being dealt with.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: No.

Mr. Chairperson: No. I declare the amendment defeated on division.

Clause 14(1)–pass; Clauses 14(2) to 20–pass. Clause 21(1).

Mr. Mackintosh: I move

THAT subsection 21(1) be amended by striking out everything after “prohibiting the publication or broadcast” and substituting “of a report of a hearing or any part of a hearing if the court believes that the publication or broadcast of the report

(a) would not be in the best interests of the subject, the witness or a child of the subject or in the care and custody of the subject; or

(b) would be likely to identify, have an adverse effect on or cause hardship to the subject, the

witness or a child of the subject or in the care and custody of the subject.”

[French version]

Il est proposé que le paragraphe 21(1) du projet de loi soit amendé par substitution, à tout le passage qui suit “interdisant la publication ou la diffusion”, de “du rapport d’une audience ou d’une partie d’audience s’il juge qu’une telle publication ou diffusion:

a) n’est pas dans l’intérêt de la victime, du témoin, d’un enfant de la victime ou d’un enfant dont le soin et la garde ont été confiés à la victime;

b) peut permettre d’identifier la victime, le témoin, un enfant de la victime ou un enfant dont le soin et la garde ont été confiés à la victime ou peut leur nuire ou leur causer des difficultés”.

Motion presented.

* (1550)

Mr. Mackintosh: This is based on the Saskatchewan model and seeks to broaden the information that can be kept confidential where it is in the best interest of the subjects.

Mr. Toews: Well, Mr. Chairperson, a sweeping ban on publication, as this in fact purports to do of any information about a hearing, rather than banning publication of information which might identify the parties or children, I think, is not constitutionally supportable. The courts are very, very clear in terms of that direction. I think that the most important thing is to ensure that the parties or the children are not identified, but I think that there is some educational value in the fact that these proceedings are going on and that the newspapers be allowed to cover these kinds of situations where, as long as the parties or the children are not identified, I think it serves a very, very important public educational function aside from the fact that I do not think that this kind of a sweeping ban is constitutionally supportable.

So I would prefer to see what happens in the Saskatchewan situation. We have to remember that, in a lot of these things the member has indicated, I believe

last day that there were some constitutional challenges. These constitutional challenges are at the trial division level. I do not believe that any of them have gone on to the court of appeal level. If they have, I am not familiar with them, but this is something that I know that the Supreme Court of Canada would look very, very carefully at, especially if you look at the areas, the publication bans for rape victims, for example, that Parliament has been struggling with over the last number of years only to have them consistently shot down by the Supreme Court of Canada. I think we need to be careful. I think this is a good balance. So I may in fact agree with the motion, but I cannot support it.

Mr. Chairperson: Shall the amendment as proposed pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I declare the amendment defeated on division.

Clauses 21 to 23—pass?

An Honourable Member: No.

Mr. Chairperson: Clause 21(1)—pass; Clauses 21(2) to 22—pass. Clause 23(1).

Mr. Toews: I have an amendment of 23(1). I move, THAT subsection 23(1) be amended by striking out “the name of the other person to the person being stalked” and substituting “to him or her the name of the other person, and any additional information necessary to identify the other person.”

[French version]

Il est proposé que le paragraphe 23(1) du projet de loi soit amendé par adjonction, après “harceleur”, de “ainsi que tout renseignement nécessaire à l’identification de ce dernier”.

Motion presented.

Mr. Toews: This is a matter that the police, in consultation with the department, felt would be important to ensure that appropriate information is brought forward so that the appropriate orders can be made, and I support their suggestion. That is why I am bringing this amendment.

Mr. Chairperson: Amendment—pass; item 23(1) as amended—pass; 23(2) to 26(2)—pass; 27 to 33—pass; title—pass; preamble—pass; table of contents—pass. Bill be reported as amended.

Bill 43—The Victims' Rights and Consequential Amendments Act

Mr. Chairperson: As per the other bills, the preamble and the title will be set aside, and the table of contents will also be set aside. The bill or amendments will be dealt with in both languages.

Are there any opening statements by the minister? No opening statements by the minister. By the honourable critic?

Mr. Gord Mackintosh (St. Johns): When we looked at the section on victims' rights in here, we thought, well, where do you stop proposing amendments? Clearly the government was able to look at our legislation that we proposed and rejected the basic philosophy that was set out in that legislation, and that is that victims should be given comprehensible and enforceable rights, including the right to participate in the case that affects them as well as have the ability to pursue, through cause of action, a remedy for a breach of rights and as well make a complaint to an independent body, which would be under our legislation, a crime victim investigator under The Ombudsman Act.

So, having accepted that the government does not view our approach as the one suitable for this government, let it remain that, rather than pursue amendments, we urge the reconsideration by this government of the legislation that is before the House.

Second of all, with regard to the other main part of this bill, and that is with regard to victim compensation, we are, of course, restricted in our amendments, because what we would do is propose putting back in

classes of compensation and taking out of regulatory power and putting into the detailed provisions of the act classes of compensation, which is beyond the ability of the opposition to do. Those would be money amendments. However, we do have some questions for the government as we go through this bill clause by clause.

Mr. Chairperson: Clause 1—pass. Clauses 2 and 3.

Mr. Mackintosh: With regard to Section 3, the most fundamental right of victims is to be advised of their rights, and the mandatory obligation on certain personnel to advise victims of their rights is characterized as a threshold right. If you do not know your rights, how can you enforce them? In Section 3, the government does not provide for victims to be given, as an immediate right, as an enforceable right, any pamphlet or information about their rights. Now I know with domestic violence we have moved in that direction on an administrative level, and now the law enforcement officials provide victims of domestic violence with a list of their rights and services.

I am wondering if the minister would not reconsider ensuring as mandatory the fundamental right of victims to be advised of their rights under this act.

Mr. Chairperson: Clause 3. Shall the item pass?

Hon. Vic Toews (Minister of Justice and Attorney General): Just in a quick response. There are quite a number of issues. I know that the member has brought forward a private member's bill in the House. He is relying on many of these—I might say, some of the objections that he has to the government's bill; there are very serious problems with a number of the proposals that the member has suggested in his bill.

I think that not only are the general rights of victims set out, but it is also in the statute. It is also important to remember that laws are not the only way to protect a victim's rights. I think there are a number of positive results that can be achieved through policy changes. We will continue to be diligent in that respect, not only in respect of policy or prosecutorial services, but victims' services generally, including correctional practices.

My concern is that assigning specific duties to particular people reduces flexibility, and such prescriptions limit the range of alternatives currently authorized. It sets in legislative form the one way goals are to be accomplished and does not accommodate sufficiently for change. I want to ensure, as the member does, that victims do receive appropriate services. Some of these will be in legislation, some of them will continue in policy. I do not disagree with the member that we need to ensure that victims receive the services, I think the only difference is how we accomplish this end. So it is in that light then that I will be opposing these types of amendments.

* (1600)

Mr. Mackintosh: This is an important question for the minister. What is his interpretation of the phrase "are entitled to"? I am looking at the bill where it says "victims are entitled to," and then it will go on to enumerate and argue too vaguely some victim right. It does not say victims shall receive or victims shall be given or the word "shall" is missing, because when I look at that, it seems to me when it says "victims are entitled to the following" rights, yes, or course, they are entitled to those rights, but the legislation does not provide any right to enjoy those rights.

Mr. Toews: Well, I disagree with the interpretation given by the member.

Mr. Mackintosh: Was the minister saying that the phrase "victims are entitled to" means that victims now have a legislated right that is now given by this statute?

Mr. Toews: Well, we can go through this line by line, if that is what the member wants to do, we can do that. It says "victims are entitled to the following." Look at sub (b) "to receive"—and he said the word "receive" is not there, there it is, the word "receive"—"to receive, on request, information about their participation in criminal proceedings."

They are entitled to the following: "to have their views considered and, where appropriate, to receive assistance throughout the criminal justice process." Now, they are not entitled to receive it if it is inappropriate. I think by the nature of it, this is general legislation. We cannot legislate in respect of every particular situation that we can conceive of.

That speaks to my concern about being over legislatively ambitious, that the system becomes more concerned about process and not substance of the rights of individuals. I believe that this does guarantee certain rights to victims, that they are appropriate rights, and that they will ensure that victims are, in fact, heard in the process.

Mr. Chairperson: Clauses 2 and 3—pass; Clauses 4(1) to 4(7)—pass. Clauses 8 to 10(2).

Mr. Mackintosh: With regard to Section 9, the presentations by Kim Futch and Citizens Against Violence spoke to the need and the benefit of being able to present an oral victim impact statement. My first question to the minister: is there a victim impact statement program now in the province of Manitoba?

Mr. Toews: I can indicate that in fact victim impact statements are used in our courts today, and members of my department are involved in that. The formal program will be in place September 1 of this year.

Mr. Mackintosh: The legislation appears to restrict the type of victim impact statement that can be given to the court to a written account. As the minister knows, the federal Criminal Code does not prohibit an oral account being given. Indeed, oral accounts are given from time to time both here and elsewhere in Canada. Of course, there cannot be an inconsistency between the provincial program and the federal Criminal Code, but it has been generally recognized across Canada, and indeed just in a recent report by a national victims' association, that oral victim impact statements can be made. I know, for example, that Beverley Frey was able to present an oral victim impact statement. I am wondering if the minister would not be amenable to allowing for an oral account of the impact of a crime in Section 9.

Mr. Toews: As much as I might be in favour of that, I cannot do that, nor can this Legislature do that. The federal Criminal Code, which governs criminal procedure, governs that. I cannot legislate and this House cannot legislate in respect of that matter. What we are ensuring is entitlement to participate in a written program. The extent to which the court might then decide to use it pursuant to the provisions of the Criminal Code is up to the court, and again the Crown attorneys will have an input in that.

I might just draw the member's attention back to Section 2 which says: "Nothing in this Act prevents the release of information, the provision of services or the consultation with victims that would have taken place before this Act came into force." So, in fact, we are recognizing that there may well be a right to—I should not say "right," that there may well be an opportunity to participate through oral presentation of victim's statements; but in our legislation, we cannot say that and demand that, because then it would be unconstitutional as being in conflict with the Criminal Code.

So I thank the member for his advice in that respect. I think it is an important concern. I share his concern, but the Criminal Code is very specific about that, and it is for that reason I cannot support his amendment.

Mr. Chairperson: Clauses 8 to 10(2)—pass; Clauses 10(3) to 11(1)—pass; Clauses 11(2) to 12(4)—pass; Clauses 13(1) to 14—pass; Clause 15—pass; Clauses 16(1) to 16(3)—pass. Clause 17(1).

Mr. Toews: I move

THAT subsection 17(1) of the French version be struck out and the following be substituted—I understand that this has been distributed, and I would ask that the committee take this as read.

Mr. Chairperson: Agreed? [agreed]

THAT subsection 17(1) of the French version be struck out and the following substituted:

Maintien

17(1) La Caisse d'assistance aux victimes est maintenue sous le nom de "Fonds d'aide aux victimes".

[French version]

Il est proposé que le paragraphe 17(1) de la version française soit remplacé par ce qui suit:

Maintien

17(1) La Caisse d'assistance aux victimes est maintenue sous le nom de "Fonds d'aide aux victimes".

Mr. Chairperson: Clause 17(1) as amended in the French language—pass; Clauses 17(2) to 17(3)—pass; Clauses 18 to 21(1)—pass.

Mr. Mackintosh: The Prairie Research Associates report identified a serious problem of collecting surcharges. I am just wondering why the minister does not impose an obligation on a justice in sub (4) to give a reason as to why a surcharge would be waived in the circumstance in order to make sure that the justice directs his or her mind to that issue and provides a good reason.

* (1610)

Mr. Toews: I think the suggestion made is a very good one. In fact, we have recommended that to the federal government to put into their Criminal Code. In fact, we did that, I recall, either under our Summary Convictions Act or The Highway Traffic Act, where a magistrate issues a discharge. This came out of what has been commonly referred to as the Ticketgate affair back in the late '80s, and that change was made so that magistrates would have to indicate the reasons why they imposed a discharge, if my memory does not serve me wrong. That is why it attracted my attention.

The only problem is that because this would then apply to Criminal Code proceedings, we are dealing with criminal procedure, and I am advised that it would be unconstitutional, but I think the suggestion is a good one. Perhaps in another draft of this bill in the future, this is something that I would ask my staff specifically to look at, because I think there might be ways of avoiding the criminal matters and dealing with provincial statutes alone. So I cannot recommend any amendment at this time.

Mr. Chairperson: Clause 21(2) to 21(4)—pass. Clause 22.

Mr. Mackintosh: The minister is aware of our significant concerns in this regard. Now what appears at first blush in this legislation is not what is to be. The legislation's impact can only be determined once you reference the current Criminal Injuries Compensation Act as well as The Workers Compensation Act, 1992. Only then, on the comparison of the legislation and some understanding of the meaning of the different terms used in the Workers Compensation Act, is it clear that there is now, in the mind of the government, clearly a very, very different view of the classes of compensation which should be available to victims as well as the role of legislation versus regulation.

Now what we see are two kinds of change. First, there appears to be an elimination of certain classes of benefits. The first class of benefit that is eliminated, in our view, is the surviving spouse's death benefit. Under Section 29 of The Workers Compensation Act, a surviving spouse will receive two kinds of benefits, one is what is known as the death benefit or the lump sum, and the second is the monthly payments in respect of wage loss. Going back to the first kind then, that is the death benefit, currently under The Workers Compensation Act the amount can be as high as \$45,500 which has been indexed to roughly up to I think about \$50,000, and it could be as low as about \$30,000 indexed, depending on different characteristics that The Workers Compensation Act describes in Section 29.

Now it appears that the wage loss benefits are provided for in this legislation under Section 25(a). The unfortunate thing there is that the amounts will be determined by regulation and very significantly the duration of those benefits will be determined by regulation rather than the certain legislated entitlement that is set out in The Workers Compensation Act. In that regard I say shame.

As well, there is now missing, in the new legislation, a provision for compensation for the spouse. The word "compensation" is used in the current Criminal Injuries Compensation Act under Section 12(3). There is no provision in the current legislation for the death benefit. It is gone. It is eliminated. Now, if by some trickery the government thinks that it can expand on certain meanings of words in this act under the regulation, then I would be impressed. But I have reviewed this legislation in detail, and I see nowhere where the Lieutenant Governor in Council is given the ability to provide for a death benefit.

Now I know where this comes from. The Prairie Research Associates recommended doing away with the death benefit, and the minister has said on record that this follows the Prairie Research Associates recommendations.

Mr. Chair, what is also eliminated is the explicit provision for the payment of retraining costs, and by taking that out, because it was in The Criminal Injuries Compensation Act, Section 13, in our view in no way

can retraining costs be covered because they are not expenses incurred by the victim in respect of the injury; they are not pecuniary losses. The courts, I understand, have looked at expenses to mean pecuniary losses and may include rehabilitation. I hope the minister will ensure that to the best of his ability in regulation, but whether that can be extended to retraining I really doubt it. I see nothing in this legislation to assure me that retraining costs, that is re-education or other kinds of costs, would be provided for.

Further, and I will just go through the list, the current legislation enables compensation to be awarded for the "maintenance of a child born as a result of sexual assault," and that is in Section 12(1) of The Criminal Injuries Compensation Act. It says there that compensation may be rewarded in that regard, and it is, of course, and I am sure the minister knows, board policy that "may" is interpreted as "shall."

For some reason that explicit provision was taken out of the new legislation. Now, is it somewhere available to the Lieutenant Governor in Council to pass regulation to ensure that a child born from a rape can be maintained by way of victim compensation? I know it was the view of some departmental officials that regulation would do that. I am not convinced whatsoever that regulation can be passed. Of course, regulations can only be passed if allowed for by the law, by the statute. Regulations cannot supersede or go beyond the powers given to the Lieutenant Governor in Council by the legislation.

Now, we know that injury includes pregnancy, but that is not enough, not in any way. The cost of a pregnancy does not mean the cost of the maintenance of a child. Are those expenses incurred by the victim? Those are expenses incurred by the child. So we have a real problem with that. Why would the government take out the assurance that maintenance of a child born of a rape would be covered if it was not for the reason of eliminating that class of benefit?

As well, and I find this to be very dangerous, is Clause 49(4), which gives the director the ability to "review and confirm, discontinue or vary an order" made under the current legislation. In other words, even if a victim went through all the stages of appeal under The Criminal Injuries Compensation Act and at

the end of the day was finally awarded compensation that was rightly an entitlement, the director now under this legislation can come along and say, no, you are not getting that. You can imagine an administrative officer overruling the final appeal decision under The Criminal Injuries Compensation Act. Presumably that section was put in there in order to eliminate and stop the further payment of benefits that are not now available under this current legislation.

What else is eliminated? Well, the time to apply for benefits is cut in half, and I know Prairie Research recommended this. I think it is wrong. Prairie Research said, well, Manitoba is the last province to have a two-year application period. I would say, hurrah, and let us maintain that. Of course, the independent administration of The Criminal Injuries Compensation Board is done away with and a level of appeal is eliminated. The review office is no longer there, as I can see, to a claimant, to an appellant under this current legislation.

* (1620)

So those are the matters that appear to be eliminated. As well, then, there is a second category of change. The formula and duration of wage-loss benefits is taken now from The Workers Compensation Act, where there is certainty and where it goes through the checks and balances of the Legislature or democratic system and given to the minister and Lieutenant Governor in Council.

The formula for dependants' monthly payments is gone. We know how critical it is that there be certainty in this regard. Payment of rehabilitation costs, as I said earlier, is taken out and may be still available, I am not sure, depending on these definitions, but what will be the limit of rehabilitation costs that can be paid for?

The formula for compensation for permanent impairment, sometimes called the meat chart, is now subject to the discretion of cabinet. Of course, the meaning of words in the act is given to cabinet. Even the criminal offences that give rise to a claim are taken out of the legislation, and what is currently in Schedule 2 of The Criminal Injuries Compensation Act now will be at the discretion of cabinet.

What we are concerned about as well, coming from the recommendations of the Prairie Research Associates, is a pending cap on any and total benefits, even including funeral expenses, as contemplated by Prairie Research Associates. Those caps will be there at the discretion of cabinet rather than in legislation. This is a monumental change in victim compensation. I know the minister has said, well, the funds will be directed to victims' services. He has admitted, of course, that there is an intention to reduce benefits available to crime victims through the victim compensation scheme.

Of course, the minister earlier went on this defence—the only one he had, I suppose—of saying, well, we supported the recommendations from the Prairie Research report, so he is surprised that we would be making such a criticism. Absolute nonsense. At the time of the release of the report of Prairie Research Associates, we supported the recommendations to get victims' services in order and to deal effectively with funds for victims' services, but as the minister well knows, in our press release of October 9, we said the report points to the need for the government to rebuild the justice system around the needs of victims instead of the broken promises on victims' assistance and cuts to victims' compensation. We concluded by saying we will continue to fight the constant cuts to victims' compensation. It is an explicit statement that we made. We have always been on the side of victims. We have been on the side of maintaining victim compensation in this province.

Last session when the government brought in legislation to do away with wage loss benefits to those that were not working on the particular day of the crime and injury, we stood up and opposed that legislation. Again, we ask the minister: has he now reconsidered the scheme? He seemed at a loss in the House when presented with our concerns as to what was taking place, and I am wondering if the minister understands—I trust he does—that this may well gut and indeed appears to gut victim compensation, if not on the face of it by doing away with the provisions of legislation that set out an entitlement, by transferring the important decisions as to eligibility and benefits from legislation to cabinet.

Mr. Toews: I find it curious the way the member now indicates that, because we are following Prairie Research Associates, he is against Prairie Research Associates. I think a reading of his press release in fact indicates that he thought that the recommendations were good ones and accused us of sitting on the report because he thought that they were good recommendations.

Now the member, I understand, for political reasons has to say certain things. We as government have to ensure that an appropriate program is run, so we took very seriously the recommendations of the Prairie Research Associates review of the victims' services including their recommendation of rescinding the present Criminal Injuries Compensation Act and including the program in a new victims' rights legislation.

The new act has established a process where the benefits paid to victims of crime are determined by regulation. Again the member expresses surprise that we would do this by regulation when he full well knows that many of these benefits are in regulation under The Workers Compensation Act. Now he indicates what a radical change.

I just was provided with a copy of The Workers Compensation Act which deals quite extensively with these matters in regulation. There was an adjustment in compensation in a 1998 regulation under The Workers Compensation Act, and I would direct the member to that. So to suggest on the record that we have wholesale taken legislation and transferred to regulation is not being completely accurate with the facts. So I would just leave the member with those comments in that respect.

The focus of the changes, as indicated, is to ensure that victims are appropriately compensated, bearing in mind the recommendations of the independent study that was conducted by the Prairie Research Associates.

The bald statement that he makes in dealing in some of his accusations that we are eliminating compensation, I would submit, is not correct. Indeed, the budget for criminal injuries compensation for the current fiscal year is \$2.68 million, and that is an increase of over \$487,000 over the last fiscal year. This

is, in fact, in keeping with the recommendations of the Prairie Research Associates.

So the benefits, as indicated, for criminal injuries will be outlined in the regulations that are currently being developed. I think the members made certain premature statements that are not factual. The benefits will in fact be outlined there. I would rather make those general comments than get involved in a step-by-step rebuttal of the, I think, somewhat inaccurate statements made by the member.

Mr. Mackintosh: Just to rebut, it could not be clearer when we say we continue to cut the constant fights to victim compensation when we leaked this government's report. In fact, our record speaks even louder in that we have opposed a recommendation coming from this Prairie Research report last session.

I ask the minister: what plans does he have in place for the department now to administer this compensation scheme? The Workers Compensation Board has volumes, as the minister knows, of policies, has binders on benefits alone. What is the policy of the department with regard to recurrences, for example, consequential injuries? The Workers Compensation Board, in looking at matters of victim compensation as well as worker compensation, developed a good solid body of policies based on experience. How will the new departmental organization deal with that? Is it intended that they will adopt the policies for interpretive reasons?

Mr. Chairperson: Clause 22—pass; Clauses 23(1) to 24—pass; Clauses 25 to 27(2)—pass; Clauses 27(3) to 29(2)—pass; Clauses 30 to 32—pass; Clauses 33 to 34(2)—pass; Clauses 34(3) to 35(2)—pass; Clauses 36(1) to 37(2)—pass; Clauses 38 to 41(2)—pass. Clauses 42 to 45.

Mr. Mackintosh: The legislation in Section 39 allows the minister to appoint an appeal board, and there is no assurance that, like with the members of the Workers Compensation Board, the members of that appeal board will have any independence from the government whatsoever. Given that section and the lack of an independent appeal board, it is our view that there should be a full right of appeal under Section 44.

The victim must be given that right otherwise we have an appeal board comprised of individuals who will be or who will appear to be tied to the government's fiscal agenda only and making decisions accordingly rather than considering the rights and needs of victims. Therefore, I ask the minister: will he remove the restriction on appeal rights set out in Section 44(2)?

* (1630)

Mr. Toews: Just very briefly. Again, the member is creating some mischief or is attempting to create mischief. He knows that The Workers Compensation Act has a much more restrictive, privative clause than even this privative clause. So it is not appropriate for, I believe, the Court of Queen's Bench to be dealing with issues of fact. The act in fact gives the Lieutenant Governor in Council the right to then designate a board, which could include the Workers Compensation Board. It was certainly our intention to create an appeal board, and I think it is appropriate from an administrative law point of view that the appeal to the Queen's Bench does not deal with facts but rather with questions of law or jurisdiction.

Mr. Mackintosh: I certainly understand, and I put that in my argument that the Workers Compensation Board has restrictive grounds for appeal, but that is because there is an independent appeal body. The Workers Compensation Board has some checks and balances in its composition. When you do not have that, and you have five or so members who are appointed by cabinet, then you should have full rights of appeal. That is our position. Hearing de novo is needed here to protect the needs and rights of victims. I ask the minister: will he do away with 44(2)?

Mr. Chairperson: Clauses 42 to 45—pass; Clauses 46 to 48—pass. Clauses 49(1) to 50—pass?

Mr. Mackintosh: With regard to Section 49, is it the intention of the minister there to ensure or to allow his director to take away and strip victims of their compensation granted under The Criminal Injuries Compensation Act ?

Mr. Toews: If the member takes a look at Section 32, that simply continues what is already in the act. If I could just add, it is an appealable decision.

Mr. Chairperson: Clauses 51 to 54—pass; title—pass; preamble—pass; table of contents—pass. Bill be reported as amended.

* * *

Mr. Chairperson: Can we determine now which bills to proceed with next? We have concluded the order of business that we had talked about before.

Mr. Edward Helwer (Gimli): I wonder, Mr. Chairman, if we could deal with one Education bill, No. 26, or can we deal with other Education bills or just the one now.

Mr. Chairperson: Do you want to deal with all of the Education bills?

Mr. Steve Ashton (Thompson): Yes, we were going to ask that Bill 10 be dealt with, then we deal with the Education bills and other bills in order. It might make it easier to organize. We can deal with 10 first. It is a very straightforward one.

An Honourable Member: Would it be all right if we did 34 and 53 at the end?

Mr. Ashton: Yes, with the exception of 34 and 53 which there was prior agreement to do at the end. So we do 10.

Mr. Chairperson: Item 10? Agenda 10?

Mr. Ashton: Yes, and then go down the list except for those two bills, 34 and 53.

Mr. Chairperson: The Education bills.

Hon. Linda McIntosh (Minister of Education and Training): We are doing those bills, but at the end of the day today.

Mr. Ashton: My understanding was that 34 and 53 had to have a prior agreement to deal with those at the end, 34 and 53. There was agreement, at the end.

Mrs. McIntosh: At the end of this agenda for today's meeting.

Mr. Ashton: Yes.

Mr. Chairperson: Mr. Ashton, do you want to repeat that just so we—

Mr. Ashton: I was not in the committee at the time, but I am advised that 34 and 53, the agreement was to deal with those.

Mr. Chairperson: Right, will be dropped to the bottom.

Mr. Ashton: If we could then proceed to the top of the order, which is Bill 10.

Mr. Chairperson: No. 10, and then proceed from there on. [agreed]

We will deal with Bill 10 now, The Mining Tax Amendment Act. Then we will deal with 11 and then 26 and 28. No?

Floor Comment: Mr. Newman is not here.

Mr. Chairperson: We will drop No. 11 then.

An Honourable Member: I will see if I can get him.

Mr. Chairperson: Okay. Let us deal with No. 10 then, The Mining Tax Amendment Act.

Floor Comment: But Mr. Newman is not here.

An Honourable Member: We do not have Mr. Newman.

Mr. Ashton: Mr. Chairperson, can I make another suggestion? Another suggestion just to arrange it is that while we are trying to get the minister for No. 10, we also get the minister for No. 53. These are ministers who only have—

Mr. Chairperson: As a suggestion, why do we not deal with No. 26 while we are determining whether the other ministers are in fact here?

Bill 26—The Teachers' Society Amendment Act

Mr. Chairperson: We will deal with No. 26 then. Madam Minister, do you want to come forward? The Teachers' Society Amendment Act, Bill 26.

Does the honourable minister have an opening statement? No?

Hon. Linda McIntosh (Minister of Education and Training): No, Mr. Chairman.

Mr. Chairperson: Does the critic have an opening statement? No.

As previously, we will set aside the title and the preamble and deal with the clause by clause first.

Clauses 1 to 3. Shall the item pass?

Ms. Jean Friesen (Wolseley): Mr. Chairman, I think the minister has an amendment on this bill. Could you indicate to us where it is coming?

Mr. Chairperson: It is subsection 17(3) and (4), Section 9. It will be in Section 9.

Mrs. McIntosh: It is No. 17, Mr. Chairman. It is on page 4 of the bill. How do these numbers go now?

Mr. Chairperson: It is under Clause 9. It is Section 17(3) under Clause 9. Can we deal with them clause by clause?

Clauses 1-3—pass; Clauses 4 and 5—pass; Clauses 6 and 7—pass; Clause 8—pass. Clause 9.

Mrs. McIntosh: Mr. Chairman, I move

THAT the proposed subsections 17(3) and (4), as set out in section 9 of the Bill, be amended by striking out “clauses (2)(a) to (c)” and substituting “clauses (2)(a) and (b)”.

[French version]

Il est proposé que les paragraphes 17(3) et (4), énoncés à l'article 9 du projet de loi, soient amendés par substitution, à “(2)a) à c)”, de “(2)a) et b)”.

Motion presented.

Ms. Friesen: I wonder if the minister could put on the record what the purpose and impact of those changes will be.

Mrs. McIntosh: Mr. Chairman, it is just a simple drafting error. What it will do is to make this amendment to our proposed amendments. It will mean that the trustees will not have to provide other information required by the by-laws of the society. It has been vetted through both the Manitoba Teachers' Society and the Manitoba Association of School Trustees. The trustees would appreciate it being taken out, and the teachers have no objection to it being taken out.

Mr. Chairperson: Amendment—pass; Clause 9, as amended—pass; Clauses 10 to 12—pass; title—pass; preamble—pass. Bill as amended be reported.

* (1640)

Bill 10—The Mining Tax Amendment Act

Mr. Chairperson: I call Bill 10 and the minister in charge of The Mining Tax Amendment Act. Mr. Minister, will you come forward.

Committee Substitution

Mr. Edward Helwer (Gimli): Mr. Chairman, with leave of the committee, I would like that the honourable member for Riel (Mr. Newman) replace the honourable member for Rossmere (Mr. Toews) as a member of the Standing Committee on Law Amendments, effective June 22, 1998, with the understanding that the same substitution will also be moved in the House to be properly recorded in the official records of the House.

Mr. Chairperson: That the member for Riel replace the member for Rossmere. Agreed? [agreed] And that it consequently be agreed to in the House. Agreed? [agreed] Thank you.

* * *

Mr. Chairperson: Can we deal then with Bill 10.

Does the minister have an opening statement?

Hon. David Newman (Minister of Energy and Mines): No.

Mr. Chairperson: No, the minister has no opening statement. Does the critic have an opening statement?

Ms. MaryAnn Mihychuk (St. James): No, it is my understanding that the minister is bringing an amendment and I will put my comments on the record at that time.

Mr. Chairperson: Again, as previously determined, the title and the preamble will be set aside and we will deal then with clause by clause.

Clauses 1 to 2(1).

Ms. Mihychuk: It is item 2(1) subsection (a)(1) that I will be speaking to, and I understand that there is an amendment on this clause? Or not? As it is now—

Mr. Chairperson: Let us deal then with Clause 1. Clause 1—pass. Clause 2(1), we have an amendment.

Mr. Newman: I would like to move an amendment

THAT the proposed clause 44(3)(a.1), as set out in subsection 2(1) of the Bill, be struck out and the following substituted:

(a.1) where the amount in the mining community reserve exceeds \$10,000,000., direct the expenditure from the reserve of the amount, or any part of the amount, by which the reserve exceeds \$10,000,000. to encourage and assist exploration projects that contribute to the welfare and employment of persons residing in mining communities;

[French version]

Il est proposé que l'alinéa 44(3)a.1), énoncé au paragraphe 2(1) du projet de loi, soit remplacé par ce qui suit:

a.1) lorsque le solde de la Caisse de soutien aux localités minières est de plus de 10 000 000 \$, ordonner que la totalité ou une partie du montant en sus du seuil de 10 000 000 \$ soit utilisée pour faciliter les projets d'exploration qui favorisent le bien-être et l'emploi de personnes résidant dans les localités minières;

Motion presented.

Ms. Mihychuk: This clause somewhat helps. It guarantees that \$10 million remains in the Mining

Reserve Fund. However, I do ask the minister, through the Chair, as to which communities or interest groups the minister consulted which led him to believe that there was support for the use of the Mining Reserve Fund for projects such as the Superior project, projects that are funded under MEAP. Perhaps he could articulate which interest groups indicated their favour for this amendment or the original clause.

Mr. Newman: The MEAP program has received approval generally, and, I might say, enthusiastic approval and support from the mining community itself and from all of the communities of the North. In fact, I do not know a single community that is subjected to the MEAP program as a means to try and overcome the negative goodwill generated by previous governments in relation to a willingness to invest in mining in the North. Specifically, as to whether or not the Mining Reserve should or should not be used to in part fund the MEAP program has not been a question that I have put or my department has put directly to anyone or all of the seven traditional industrial centres called mining communities in the North.

Ms. Mihychuk: For the record, I have had an opportunity to speak to labour groups as well as the Mining Association as well as numerous geologists and others in the mining and mineral sector. In terms of the specifics of using the Mining Reserve Fund for funding exploration programs, which this indeed allows, there has not been support. So I urge the minister to perhaps reconsider that. In his opening comments of introducing the bill, he said he would be open to listening to the communities. The minister knows consultations have in fact been occurring between the opposition, myself and various sectors of the mineral industry, and that support for use of the Mining Reserve Fund for MEAP has not grown, in fact, is not there. So I urge the minister to withdraw the amendment, withdraw Clause 2(1) which allows for the use of the Mining Reserve Fund.

We will not be supporting the amendment, and we urge the minister to withdraw this clause from the bill completely.

Mr. Toews: I cannot accede to that request, because I and my government were elected to make decisions that affect the whole province of Manitoba, and because there is a less concentrated population in the Northern

Superior Province, which has not had a voice on this or expressed a voice on this. But the mining exploration and consequential mining development is a benefit to all Manitobans. I am of the opinion that the people in the seven mining communities of the North are also benefiting greatly from this expenditure, which in part, two out of every three dollars comes out of the Mining Reserve to support. I also believe that it is fulfilling its mandate, its intention by making these kinds of investments. I go further and believe that these are the best kinds of investments for the fund to make proactively to address the inevitable diminution and, in fact, elimination of the mines as operable generators of wealth near to communities.

The only option available in all practical ways that I am accountable for would be to invest only \$1 million instead of \$3 million and take nothing out of the reserve or less out of the reserve for that purpose. There is no question that the merit of taking this approach will ultimately be evaluated by what ends up being found in terms of deposits in areas outside the immediate neighbourhoods of the traditional mining communities.

* (1650)

If there is a major find in the Northern Superior Province by someone that is doing MEAP, if there is a major find in the neighbourhoods by someone who is doing MEAP, the fact is that the reserve, then, is demonstrably used wisely, and every job that is generated can be attributed to an effective use of the Mining Reserve. That is my complete answer. I am prepared to accept accountability for taking this position, and I believe it is the right one. I believe it is the decision that the bulk of Manitobans, indeed most Manitobans by far, will be supportive of.

Mr. Kevin Lamoureux (Inkster): Mr. Chair, just very quickly, does the minister have an idea in terms of, out of the Mining Reserve funds that are there today, in excess of let us say \$10 million, what would be happening with that money today? In reality, is the amendment having an impact of change or is it more so just ratifying what is currently taking place today?

Mr. Newman: The most significant thing in the amendment is to, I think, clarify the \$10 million, what

used to be \$5 million, cannot be used for this purpose. I think it does make that point, whereas I think before it was arguable one way or the other. I think this clarifies that it is not because it is making directly a statement that I think removes that doubt in terms of express uses for this purpose. What it does do is it means that one will not have to go through the bookkeeping effort for amounts over \$10 million of shifting funds into general revenue to spend on MEAP-like programs. Now, very clearly, it can be done effectively directly out of the reserve for an approved purpose.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: No.

Mr. Chairperson: Shall the amendment pass on division?

An Honourable Member: Yes.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: I declare the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

* * *

Mr. Chairperson: Shall item 2(1) as amended pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Mr. Chairperson: On division.

Items 2(2) to 3—pass; title—pass; preamble—pass.
Shall the bill be reported as amended?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Chairperson: No? On division.

Bill 32—The Municipal Amendment and Consequential Amendments Act

Mr. Chairperson: Now the next one is Bill 32, The Municipal Amendment and Consequential Amendments Act. Mr. Minister, would you come forward?

While the minister is coming up, could I have agreement from the committee that the committee will rise at six o'clock for supper and it will sit again tonight at 7:30? [agreed]

Can we concur that we will do the municipal bills now while the minister and his staff are here, and then can we do the private bills, 300, 301, 302 and 303? Is that agreed? [agreed] Then we have an order.

Now, Bill 32, does the honourable minister have an opening statement? [interjection] Oh, Mr. Helwer with committee changes.

Committee Substitutions

Mr. Edward Helwer (Gimli): Mr. Chairman, with the leave of the committee, I would like to move that the honourable member for Roblin-Russell (Mr. Derkach) replace the honourable member for Riel (Mr. Newman) in the Standing Committee on Law Amendments effective June 22, with the understanding that the same substitution will also be moved in the House to be properly recorded in the official records of the House.

Motion agreed to.

Ms. Jean Friesen (Wolseley): Mr. Chairman, I would like leave to make a committee change.

I move, with leave of the committee, that the honourable member for Brandon East (Mr. L. Evans)

replace the honourable member for St. James (Ms. Mihychuk) as a member of the Standing Committee on Law Amendments (and will be reported in the House).

Motion agreed to.

Mr. Helwer: Also, I would like to, with the leave of the committee, move that the honourable member for Brandon West (Mr. McCrae) replace the honourable member for St. Vital (Mrs. Render) as a member of the Standing Committee on Law Amendments effective June 22, 1998, with the understanding that the same substitution will also be moved in the House to be properly recorded in the official records of the House.

Motion agreed to.

* * *

Mr. Chairperson: Can I have a concurrence that we go to 33 first while we are waiting for the honourable member for Brandon West, deal with 33? Oh, here he comes now. Back to 32. I should say to the committee that I am quite adept at making sausage. I am not quite sure whether I am quite as good at chairing the committee and making law.

We will deal with Bill 32 as we normally do. We will set aside the title and the preamble, and we will deal with the clause by clause.

Clauses 1 to 3(1)–pass; Clauses 3(2) to 6–pass; Clauses 7 to 13–pass; Clauses 14 to 15(2)–pass; Clauses 16 to 19–pass; Clauses 20 to 22–pass; Clauses 23(1) to 24–pass; Clauses 25 to 26(2)–pass; Clause 27–pass; Clauses 28 to 29(2)–pass; Clauses 31 to 32(2)–pass; Clause 33(1)–pass; Clauses 33(2) to 34–pass. Clauses 35 to 39.

An Honourable Member: No.

Mr. Chairperson: No. We have an amendment. Clauses 35 to 39–pass.

* (1700)

Hon. Leonard Derkach (Minister of Rural Development): Mr. Chairman, I have an amendment to 39(1).

Mr. Chairperson: It will be in addition to 39.

Mr. Derkach: Right. I move

THAT the following be added after section 39:

39.1 Subsection 431(3) is amended by striking out “the term of office for which the employee was elected expires or”.

[French version]

Il est proposé d'ajouter, après l'article 39 du projet de loi, ce qui suit:

39.1 Le paragraphe 431(3) est modifié par suppression de “tant que le mandat pour lequel ils ont été élus n'est pas terminé ou”.

Mr. Chairperson: I have been informed that we need leave of the committee to allow this amendment. It is in fact out of order because it is part of the old bill, the original bill, and therefore needs leave of the committee to consider this amendment. Is there leave? [agreed]

Mr. Leonard Evans (Brandon East): I was going to talk on the amendment very briefly, Mr. Chairman.

Mr. Chairperson: The amendment has been introduced to the committee, and we have leave to deal with the amendment. Therefore, you are allowed to speak to the amendment.

Mr. L. Evans: Very briefly, Mr. Chairman; I want to say that we support this particular amendment. As a matter of fact, as I indicated to the minister earlier, I had prepared one just in case the government was not ready to move on this and put it to the committee anyway for consideration.

As the minister knows and the committee or the Legislature should know, it applies to a very small number of people who are now sitting on city or municipal councils in Manitoba. I think there are only about three or four throughout the province, so it does not affect many people. But in the city of Brandon it does have impact on one particular councillor who is very popular, has served very well, who is supported by the incumbent mayor and council in terms of his

continued ability to serve the people of Brandon. I must say that was shown very vividly when I received, to present to the minister, a petition of over 800 names that were collected in a very short period of time in support of this type of move.

I appreciate the fact that the bill was amended previously, which made it impossible for incumbent councillors who happen to also be city employees to carry on. There are always exceptions to the rule, and this is something that accommodates at least this one individual in Brandon but also I think maybe one or two others around the province who have done very well in serving their communities and are very popular, very accepted by the people. If they put their names up again, there is no question that one or two of these people would easily be re-elected. So we are pleased to support this particular amendment, realizing that it is very limited in its scope, but nevertheless it has a great impact in Brandon and I know by and large in the community there is considerable support for this particular amendment. So we are very pleased to support it.

Mr. Chairperson: Shall the amendment pass?

Mr. Derkach: Mr. Chairman, just a comment on the amendment. What the member for Brandon East has just put on the record is in fact true. We had received a large amount of representation to make this amendment. The representation came from mostly the people in the city of Brandon, including His Worship and the member of Parliament for that area with many, many people. This was an amendment that I had discussed fairly extensively with the member for Brandon West (Mr. McCrae). We also discussed this with the opposition to ensure that in fact, although we are amending something that I think we all believe in, it is done, I believe, to reflect the wishes of the people who represent those areas and who are members of those particular areas, and so this amendment will be in place not only for the community of Brandon, but indeed, for all municipalities in this province. Specifically, it would affect, I believe, four municipalities within the province of Manitoba and I think all of the jurisdictions that will be impacted by it are aware of this amendment and have not voiced any opposition to it at this time.

Mr. Chairperson: Amendment—pass; Clause 39 as amended—pass; Clause 40.

Ms. Friesen: Mr. Chairman, we would like on this side of the House to register our opposition to this section of the bill. We have spoken at second reading. My colleague the member for Interlake (Mr. C. Evans) and the member for Swan River (Ms. Wowchuk) have spoken very strongly on this one, and we have also maintained the same principle in dealing with Bills 34, The Public Schools Amendment Act, which amends the term of office of trustees at the same time as well as, I believe, in The City of Winnipeg Act.

So, Mr. Chairman, I do not want to make a long speech, but we do want to vote against this section. We believe that the extension to four years in a term is not one which has been universally accepted and particularly in rural Manitoba where we believe that it does impose difficulties on municipal councils and school divisions where there is sometimes difficulty in finding people who will commit themselves to four years, whereas the possibility of committing oneself to three years of what becomes extensive work, enormous travel, in some cases very little compensation and a great deal of commitment to public service. We believe that three years would serve the province better than four and certainly the kind of consultation which needs to be done on this section, of not only this bill but the other bills that I mentioned, has not been done by the government, so we are opposed to this section.

Mr. L. Evans: Specifically, I want to endorse and support what the member for Wolseley has just put on the record and just state specifically, on behalf of the people in Brandon, the Brandon school board very specifically, are concerned that they will not be able to find sufficient people to allow their names to stand for office if the length of term is as long as being proposed here, namely four years. My colleague for Wolseley has indicated that. I just wanted to put on the record though that there are some very strong feelings in my area about this, that some very good people may not wish to commit themselves for the length of period that they will have to if this particular amendment passes, so we would like the government to reconsider it, perhaps withdraw it and reconsider this particular amendment.

Hon. James McCrae (Government House Leader): Mr. Chairman, thank you for the opportunity. I regret that I had other duties a few moments ago, and I am grateful for the honourable Minister of Rural Development (Mr. Derkach) for moving the amendment and also to all of the members who, I assume, supported the amendment respecting the grandparenting of members of councils who are presently members of councils and wish to seek re-election.

As the honourable member for Brandon East and the minister know, this has fairly limited application, and certainly we heard about one case in the city of Brandon that more or less cried out for this sort of amendment to deal with this. I am pleased with the level of co-operation that we found around the table on this, this afternoon, and certainly one councillor I know will at least have an opportunity to have his record judged by the people and to have his future decided by the people, which is an extremely appropriate democratic thing to do. Thank you.

Mr. Derkach: With regard to Clause 40 and the four-year term, Mr. Chairman, I would just like the committee to know that indeed we did consult with all of the organizations who are going to be impacted by this change. I would like to report that with regard to the MAUM organization, there was a resolution passed endorsing the four-year term. However, that was not the case with UMM. UMM did reserve their support of this particular move. However, the feelings out there through the district meetings are not ones which are overwhelmingly opposed to the four-year term. There was a resolution that was brought forward at one of the district meetings to oppose the four-year term. However, it was defeated.

At the other district meetings, there are comments, but they are certainly not overwhelmingly against the four-year term. I cannot speak for the school trustees across the province except that I do know the Minister of Education, through her consultation process, did inform the trustees that in fact we were moving ahead with this legislation. The intent was to try to standardize the way in which elections are carried out.

As the member will know, the problem specifically arises when you have boundaries of school divisions that are both within the city of Winnipeg and outside the city of Winnipeg, where certain wards of a particular school division that is urban may be outside the city limits. Then, because the terms of office of trustees in the city are tied to the terms of office of the city itself, you would have two differing terms of office within one school division if you did not standardize it and correct it.

So it was felt that for this reason, or these reasons, among others, that it would be beneficial to have school divisions and municipalities all on one standard time frame with regard to term of office. The term of office, of course, of four years was not one that was necessarily driven by government, but indeed we were listening to the representations that were made to government by both the city—specifically, I guess, the recommendation came through a report that was done for the city and I think endorsed by the city.

Whether it is three years or four years, I think it is a move forward if we have a standardized term of office where officials both at the municipal and the school board level can run on the same term whether they are inside or outside the city. I think it helps the electorate as well to become more familiar with the process, because it was somewhat confusing out there, especially in areas where you had both urban and rural representation on school boards.

So, with that, Mr. Chairman, I am hoping that we can move forward with this amendment. I understand the member's position and I respect it, but I do believe that we have to move forward to try and standardize the terms of office for both UMM, MAUM, and trustee officials. Thank you.

Mr. Kevin Lamoureux (Inkster): Mr. Chair, again, very quickly, is the minister aware of other provinces that have moved from three years to four years?

Mr. Derkach: Mr. Chairman, I cannot say that I am conversant with other jurisdictions who have moved from a three- to a four-year term, but I do know that other jurisdictions have attempted to standardize their terms of office for locally elected officials.

Mr. Lamoureux: Yes, finally, then would the minister be aware of any jurisdictions in Canada that would have four years as opposed to three years?

Mr. Derkach: The only one that I can report that we have information on is the Province of Ontario, who have moved to a four-year term. But I do not have any research at my fingertips as to what other provinces have with regard to their terms of office at this time.

Mr. Chairperson: Clause 40. Shall the item pass?

An Honourable Member: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of Clause 40, would you say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, would you say nay.

Some Honourable Members: Nay.

Mr. Chairperson: I declare that the item is passed. On division?

An Honourable Member: On division.

* * *

Mr. Chairperson: Clause 41—pass; title—pass; preamble—pass. Bill as amended be reported. Thank you very much, Mr. Minister.

Bill 33—The Municipal Assessment Amendment and Consequential Amendments Act

Mr. Chairperson: Now, Bill 33, The Municipal Assessment Amendment and Consequential Amendments Act, and the same procedures will apply, to set aside the title and the preamble.

Mr. Minister, do you have an opening statement?

Hon. Leonard Derkach (Minister of Rural Development): No.

Mr. Chairperson: No. Does the honourable critic have an opening statement? No.

Cluses 1 and 2. Shall the item pass? Have you got any amendments on this?

An Honourable Member: Yes, we have amendments on this.

Mr. Chairperson: Clauses 1 and 2—pass; Clauses 3 to 5—pass. Clause 6, the minister has an amendment.

Mr. Derkach: Mr. Chairman, I move

THAT section 6 of the Bill be repealed and the following substituted:

6(1) Subsection 14(1) is amended by striking out everything after “error or omission” and substituting “, authorize and direct a municipal administrator to amend the annual assessment roll that immediately precedes the annual assessment roll being prepared under section 9.”

6(2) Subsection 14(2) is amended by striking out everything after “error or omission” and substituting “, amend the last revised assessment roll as defined in section 205 of The City of Winnipeg Act.

[French version]

Il est proposé que l'article 6 du projet de loi soit remplacé par ce qui suit “

6(1) Le paragraphe 14(1) est modifié par substitution, au passage qui suit “modifier le rôle d'évaluation “, de “annuel qui a été dressé avant celui qui est prévu à l'article 9”.

6(2) Le paragraphe 14(2) est modifié par substitution, au passage qui suit “pour que soit “, de “corrigé le dernier rôle d'évaluation révisé, au sens de l'article 205 de la Loi sur la Ville de Winnipeg”.

Motion presented.

Mr. Derkach: Just very briefly, and I will read this: that the subject of the amendment that I just read is to limit the ability of municipal administrators and the city assessor to correct errors and omissions in the assessment roll for the current year only.

Mr. Chairperson: Understood? Amendment—pass; Clause 6 as amended—pass; Clauses 7 to 9—pass; Clauses 10 to 14(1)—pass; Clauses 14(2) to 16(1)—pass; Clause 16(2)—pass; Clauses 16(3) to 17(3)—pass; Clauses 18(1) to 18(2)—pass; title—pass; preamble—pass. Bill as amended be reported. Thank you.

Bill 38—The Planning Amendment and Consequential Amendments Act

Mr. Chairperson: Bill 38, the same process will apply. The title and the preamble will be set aside till the end of the bill. We will do clause-by-clause consideration.

Clauses 1 and 2—pass; Clauses 3 to 10(1)—pass; Clauses 10(2) to 13(2)—pass; Clauses 13(3) to 14—pass; Clauses 15(1) to 21—pass; Clauses 22(1) to 23—pass; Clauses 24 to 25(4)—pass; Clauses 25(5) to 26—pass; Clauses 27 and 28—pass. Clauses 29(1) to 32—pass.

Section 33, I understand the minister has an amendment. It is on page 27.

Hon. Leonard Derkach (Minister of Rural Development): No, it is Clause 43(1) where we have the amendment.

Mr. Chairperson: Shall Clause 33 pass? The item is accordingly passed. [interjection] That is in Section 33, Mr. Minister.

Mr. Derkach: Yes, it is in Section 33, but it is Section 33 of the bill, Clause 43(1).

* (1720)

Mr. Chairperson: Mr. Minister, you have an amendment.

Mr. Derkach: Now that we are all on the same page, Mr. Chairman, I would like to move

THAT the proposed clause 43(1)(b), as set out in section 33 of the Bill, be amended by striking out “serve” and substituting “give it second reading and serve”.

[French version]

Il est proposé que l'alinéa 43(1)b), énoncé à l'article 33 du projet de loi, soit amendé par substitution, à "signifie", de "il l'adopte en deuxième lecture et signifie".

Motion presented.

Mr. Chairperson: Amendment—pass; Clause 33 as amended—pass; Clause 34—pass; Clauses 35 to 37(2)—pass; Clauses 37(3) to 44—pass; Clauses 45 to 50—pass; Clauses 51 to 53(2)—pass; Clauses 53(3) to 57(1)—pass; Clauses 57(2) to 61—pass; Clauses 62 and 63—pass; Clauses 64 to 68—pass; Clauses 69 to 71—pass. Clause 72, I understand you have an amendment.

Mr. Derkach: Mr. Chairman, I move

THAT the proposed subsection 14(1), as set out in section 72 of the Bill, be amended by striking out “or the authority granted under section 28, 42, 53 or 55 of The Planning Act” in the part preceding clause (a) and substituting “or the temporary posting of a notice under subsection 28(3), 42(3), 53(3) or 55(5) of The Planning Act”.

[French version]

Il est proposé que le paragraphe 14(1), énoncé à l'article 72 du projet de loi, soit amendé par substitution, à "d'une autorisation accordée en vertu de l'article 28, 42, 53 ou 55 de la Loi sur l'aménagement du territoire", de "à moins qu'un avis soit affiché temporairement en vertu du paragraphe 28(3), 42(3), 53(3) ou 55(5) de la Loi sur l'aménagement du territoire".

Motion presented.

Mr. Chairperson: Amendment—pass; Clause 72 as amended—pass; Clauses 73(1)—pass. Clause 73(2), you have an amendment?

Mr. Derkach: Yes, we do.

Mr. Chairman, perhaps if you would allow me before I move this section to just give a brief explanation about this amendment and the one I made previously. They are basically sections that amend sections of The Highways Protection Act to allow for the temporary posting of notices under The Planning Act.

Mr. Chairperson: Proceed.

Mr. Derkach: So, I move, Mr. Chairman

THAT the proposed clause 14(1)(b), as set out in subsection 73(2) of the bill, be amended by striking out "section 28, 42, 53 or 55" and substituting "subsection 28(3), 42(3), 53(3) or 55(5)."

[French version]

Il est proposé que l'alinéa 14(1)b), énoncé au paragraphe 73(2) du projet de loi, soit amendé par substitution, à "de l'article 28, 42, 53 ou 55", de "du paragraphe 28(3), 42(3), 53(3) ou 55(5)".

Motion presented.

Mr. Chairperson: Amendment—pass. Clause 73(2) as amended—pass; Clauses 73(3) to 74(4)—pass; Clauses 75 to 78—pass; title—pass; preamble—pass. Bill as amended be reported.

Committee Substitution

Mr. Edward Helwer (Gimli): Mr. Chairman, I move, with the leave of committee, that the honourable member for Minnedosa (Mr. Gilleshammer) replace the honourable member for Roblin-Russell (Mr. Derkach) as a member of the Standing Committee on Law Amendments effective June 22, '98, with the understanding that the same substitution be moved in the House to be properly recorded in the official records of the House.

Motion agreed to.

* * *

Mr. Chairperson: Are we doing private bills first? No. 300, The Brandon University Foundation Incorporation Amendment Act.

Mr. Helwer: Mr. Chairman, I believe we were going to do, was it not 28, 54 and 55? Were we not?

Mr. Chairperson: The agreement that we had just prior to doing the municipal bills was that we would do the municipal bills, and then we would proceed to the private bills and do them, and then we would move on to the balance of the bills. That was the agreement that we had half an hour ago.

Thank you. Then we will proceed to the private bills.

**Bill 300—The Brandon University Foundation
Incorporation Amendment Act**

Mr. Chairperson: On Bill 300, The Brandon University Foundation Incorporation Amendment Act, we will first hear a report on the bill from the Legislative Counsel. Is the Legislative Counsel prepared with that brief report?

Ms. Shirley Strutt (Legislative Counsel): As required by Rule 118 of the rules of the House, I now report that I have examined Bill 300, The Brandon University Foundation Incorporation Amendment Act, which provides for natural person powers and modernized investment powers for the foundation and have not noted any exceptional powers sought or any other provision of the bill requiring special consideration.

Mr. Chairperson: We thank staff from the Legislative Counsel for that report.

I call on Mr. Evans (Brandon East) as the sponsor of this bill. Do you have an opening statement?

Mr. Leonard Evans (Brandon East): Very briefly, because we spoke on this bill in second reading in the House, simply to state that it does enhance the ability of this particular foundation to raise funds for the university. I think every member of the Legislature would be supportive of that particular objective. The people who are serving on the foundation are very dedicated people; they are volunteers by and large. They have done a good job. I am sure that, with this particular amendment, they will be able to do their job even more effectively in the future, so I certainly commend it to the members of the committee.

Mr. Chairperson: Thank you, Mr. Evans. Does anybody else have a few comments?

* (1730)

Hon. James McCrae (Minister of Environment): Adding my words to those of the honourable member for Brandon East (Mr. L. Evans), we tend to agree on matters related to the Brandon University Foundation. We have put words on the record at second reading, and I agree with what the honourable member said today. Thank you.

Mr. Chairperson: Thank you very much. As in all the other bills, the title and preamble will be set aside until final consideration. We will go clause by clause.

Clauses 1 to 3—pass; title—pass; preamble—pass. Bill be reported.

I understand, Mr. Evans, there is a motion.

Mr. L. Evans: As usual, I am moving the following motion. This is the usual motion in these instances:

THAT this Committee recommends that the fees paid with respect to Bill 300, The Brandon University Foundation Incorporation Act; Loi modifiant la Loi constituant la Fondation de l'Université de Brandon, be refunded, less the cost of printing.

I so move.

[French version]

Que le Comité recommande que soient remboursés les droits payés à l'égard du projet de loi no 300, Loi modifiant la Loi constituant la Fondation de l'Université de Brandon/The Brandon University Foundation Incorporation Amendment Act, moins les frais d'impression.

Motion agreed to.

Bill 301—An Act to Amend an Act to Incorporate the Dauphin General Hospital Foundation

Mr. Chairperson: We will first hear a report from Leg Counsel.

Ms. Shirley Strutt (Legislative Counsel): As required by Rule 118 of the rules of the House, I now report that I have examined Bill 301, An Act to Amend an Act to Incorporate the Dauphin General Hospital Foundation, and have not noted any exceptional powers sought or any other provision of the bill requiring special consideration.

Mr. Chairperson: We thank the staff of the Leg Counsel for that report.

Does the member sponsoring the bill have an opening statement? Who is sponsoring this bill? [interjection] Mr. Struthers. No opening statement.

As normal, we will set aside the title and the preamble of the bill and go to clause by clause. Clauses 1 and 2—pass; Clauses 3 to 6—pass; title—pass; preamble—pass. Bill be reported.

Mr. Leonard Evans (Brandon East): I move

THAT this Committee recommends that the fees paid with respect to Bill 301, An Act to Amend an Act to Incorporate the Dauphin General Hospital Foundation; Loi modifiant la Loi constituant la Fondation de l'Hôpital général de Dauphin, be refunded, less the cost of printing.

[French version]

Que le Comité recommande que soient remboursés les droits payés à l'égard du projet de loi no 301, Loi modifiant la Loi constituant la Fondation de l'Hôpital général de Dauphin; An Act to Amend an Act to Incorporate the Dauphin General Hospital Foundation, moins les frais d'impression.

Motion agreed to.

Bill 302—The St. Paul's College Incorporation Amendment Act

Mr. Chairperson: The next bill is Bill 302, The St. Paul's College Incorporation Amendment Act.

Ms. Jean Friesen (Wolseley): Mr. Chairman, I am a member of this committee at this time, and I would like to withdraw from the committee on the basis of conflict of interest. I have filled out the appropriate form.

Mr. Chairperson: Thank you, Ms. Friesen. You may withdraw.

On Bill 302, The St. Paul's College Incorporation Amendment Act, we will first hear a report on the bill from Leg Counsel.

Ms. Shirley Strutt (Legislative Counsel): As required by Rule 118 of the rules of the House, I now report that I have examined Bill 302, The St. Paul's College Incorporation Amendment Act, and have not noted any exceptional powers sought or any other provision of the bill requiring special consideration.

Mr. Chairperson: Thank you very much, Ms. Strutt, for your report. Did the sponsoring member wish an opening statement?

An Honourable Member: No.

Hon. James McCrae (Minister of Environment): Can I move a motion? I am not a private member in the sense of these sorts of things. When the bill is done, I want to do something for the member for St. Norbert (Mr. Laurendeau).

Mr. Chairperson: We will consider that after the bill is done.

Bill 302, we will do the same with this bill as we have with the others, we will set aside the title and the preamble. Clause 1—pass; Clauses 2 to 5—pass; title—pass; preamble—pass. Bill be reported.

Mr. McCrae: I would like to do something on behalf of my colleague the honourable member for St. Norbert (Mr. Laurendeau), who has so graciously assisted St. Paul's College with this particular bill and done yeoman service on their behalf.

Mr. Chairman, I move

THAT this Committee recommends that the fees paid with respect to Bill 302, The St. Paul's College Incorporation Amendment Act, be refunded, less the cost of printing. I do this in both languages, French and English.

[French version]

Que le Comité recommande que soient remboursés les droits payés à l'égard du projet de loi no 303 - Loi modifiant la Loi constituant en corporation le "St. Paul's College"/The St. Paul's College Incorporation Amendment Act - moins les frais d'impression.

Motion agreed to.

Bill 303—The Brandon Area Foundation Incorporation Amendment Act

Mr. Chairperson: We will first hear a report on the bill from Leg Counsel.

Ms. Shirley Strutt (Legislative Counsel): As required by Rule 118 of the rules of the House, I now report that I have examined Bill 303, The Brandon Area Foundation Incorporation Amendment Act, and have not noted any exceptional powers sought or any other provision of the bill requiring special consideration.

Mr. Chairperson: Thank you, Ms. Strutt, for the report.

Does the member sponsoring the bill have an opening statement?

Mr. Leonard Evans (Brandon East): Mr. Chairman, very, very briefly, this bill enables the Brandon Area Foundation to enlarge its membership by a small number, I believe around three. There is some flexibility there. The intent of that, of course, is to enable that foundation to carry on with its excellent work in raising funds for charities in the Brandon area. The organization has done an excellent job, but it wishes to step up its efforts in fundraising, and this particular move will certainly aid them in that particular objective. So it is my pleasure to see it through the committee stage as well, and trust that it will receive unanimous support of the members. Thank you.

Mr. Chairperson: Any other member.

Hon. James McCrae (Minister of Environment): Mr. Chairman, the foundation deserves the support of this committee in furthering its important work, and I commend it to all honourable members.

Mr. Chairperson: As in all other bills, the title and the preamble will be set aside till after clause-by-clause consideration. Clause 1 to 3—pass; title—pass; preamble—pass. Bill be reported.

Mr. L. Evans: I move

THAT this Committee recommends that the fees paid with respect to Bill 303, The Brandon Area Foundation Incorporation Amendment Act, Loi modifiant la Loi constituant en corporation "The Brandon Area Foundation" be refunded, less the cost of printing.

[French version]

Que le Comité recommande que soient remboursés les droits payés à l'égard du projet de loi no 303, Loi modifiant la Loi constituant en corporation "The Brandon Area Foundation"/The Brandon Area Foundation Incorporation Amendment Act - moins les frais d'impression.

Motion agreed to.

Bill 28—The Employment Standards Code and Consequential Amendments Act

Mr. Chairperson: Mr. Minister, do you have an opening statement?

Hon. Harold Gilleshammer (Minister of Labour): No, Mr. Chairman, I do not.

Mr. Chairperson: Mr. Minister, you have no opening statement. Does the honourable critic have an opening statement?

An Honourable Member: No.

Mr. Chairperson: No. Okay. We will then proceed to the clause-by-clause consideration of Bill 28. The title and preamble will be set aside and the table of contents and the summary parts will be set aside.

Clause 1(1). Mr. Minister has an amendment.

Mr. Gilleshammer: I move

THAT subsection 1(1) be amended by striking out the definition "working day".

[French version]

Il est proposé que le paragraphe 1(1) soit amendé par suppression de la définition de "jour ouvrable".

Motion presented.

Mr. Chairperson: Shall the item pass? Pass. Clause as amended—pass; Clauses 1(2) to 3(4)—pass; Clause 4 to Clause 8(3)—pass; Clauses 9 to 31—pass. Clause 32, there is an amendment.

Mr. Gilleshammer: I move

THAT section 32 be amended

- (a) in the section heading, by striking out "industry"; and
- (b) in the part preceding clause (a), by striking out "in the construction industry" and substituting "employed in construction".

[French version]

Il est proposé que l'article 32 soit amendé par suppression de "de l'industrie" dans le titre et dans le passage introductif.

Motion presented.

* (1740)

Mr. Chairperson: Shall the amendment pass? Pass. Clause 32 as amended—pass; Clauses 33 to 61—pass. Clause 62, there is an amendment.

Mr. Gilleshammer: I move

THAT clause 62(m) be amended by striking out "in the construction industry" and substituting "in construction".

[French version]

Il est proposé que l'alinéa 62(m) soit amendé par suppression de "l'industrie de".

Motion presented.

Mr. Chairperson: Shall the amendment pass? Pass. Clause 62 as amended—pass; Clauses 63(1) to 67(1)—pass. Clause 67(2), there is an amendment.

Mr. Gilleshammer: I move

THAT 67(2)(j) be amended by striking out “in the construction industry” and substituting “in construction”.

[French version]

Il est proposé que l'alinéa 67(2)j) soit amendé par suppression de "l'industrie de".

Motion presented.

Mr. Chairperson: Shall the amendment pass? Pass. Clause 67(2) as amended—pass. Clauses 67(3) to 99(7).

Do you have an amendment?

Mr. Daryl Reid (Transcona): No, I do not have an amendment. I just have a question I want to ask on 101.

Mr. Chairperson: Okay, I will take you to 101 then. Clauses 67(3) to 101—pass.

Mr. Reid: I just had a question with respect to Clause 101 and its limitations, or maximum, I should say, with respect to the dollar value that has been set out in there at \$2,500. I have not had an explanation given with respect to how it was arrived at, the maximum of \$2,500, for that particular clause. I am just wondering if the minister can describe for us why that was set at that level when other jurisdictions in Canada have a level that is significantly higher than that, and there are many Canadian provinces that have higher levels.

Mr. Gilleshammer: That was an increase that was reviewed by the LMRC and deemed to be appropriate. The LMRC consisting of a senior member of the Manitoba Federation of Labour and a member of the Winnipeg Chamber of Commerce, they concurred in this.

Mr. Chairperson: Items 102 to 143—pass. Item 144(1), there is an amendment.

Mr. Gilleshammer: I move

THAT subsection 144(1) be amended by striking out clauses (ll) and (mm).

[French version]

Il est proposé que le paragraphe 144(1) du projet de loi soit amendé par suppression des alinéas ll) et mm).

Motion presented.

Mr. Chairperson: Amendment—pass. Item 144(1) as amended—pass; 144(2) to 165—pass; title—pass; preamble—pass; summary parts—pass; table of contents—pass. Bill as amended be reported.

The honourable minister has inquired whether we can deal with the two professional acts. There are no amendments. Agreed?

Floor Comment: There is an amendment to Bill 55.

Bill 54—The Engineering and Geoscientific Professions and Consequential Amendments Act

Mr. Chairperson: Bill 54, the same procedure will apply, that the title and preamble will be set aside, the table of contents will be set aside, and we will deal then with clause by clause.

Clause l. Do you want to deal with the whole bill at once? Okay.

Ms. Jean Friesen (Wolseley): Mr. Chairman, the minister knows that I have had an interest in this bill for some time, going back to last year, the issue being the landscape architects. I wonder if the minister could give me some assurance that an agreement has been reached with the landscape architects that will enable them to accept this bill.

Hon. Harold Gilleshammer (Minister of Labour): Mr. Chairman, there has been a lot of communication between the professional groups who have had interest in this bill. I know that the landscape architects and the engineers have signed a memorandum of understanding and terms of reference of the joint committee. The joint committee process was put into the legislation to resolve any issues between them.

Mr. Daryl Reid (Transcona): It is general questions that I had raised during second reading of this bill, and I had some concerns with respect because this bill gives certain powers to this particular body of people now, and it gives the ability to have the powers to apply sanctions as well under this particular piece of legislation.

I had asked in second reading on what checks and balances were going to be in place, what standards or codes of practice and what level of monitoring will be undertaken by the Department of Labour since they are the sponsor of this bill. Perhaps, this will give the minister the opportunity to answer that particular question.

Mr. Gilleshammer: I think this bill is consistent with other professional bills whereby as a professional organization they do have the ability to monitor their members and discipline their members. We have also incorporated into the bill certain committees by which engineers that perhaps have professional disputes with other professional organizations can avail themselves of a joint committee process to iron out these details. This, of course, is based on the responsibilities they have as a professional organization. There may be breaches of standards that will have to be adjudicated by other bodies if in fact laws have been broken, but they do have abilities within their organization to set standards and provide some discipline if there has been a breach of the act.

Mr. Reid: One further question, Mr. Chairman. With respect to foreign-trained professionals coming into our province and our country and the granting of temporary licences as is allowed under this piece of legislation, can the minister tell me, because I had also raised this in second reading with respect to those foreign-trained individuals, is there an ability or some process under this legislation that will allow these individuals to challenge a certain test or standard allowing them to receive full accreditation within that particular chosen profession?

Mr. Gilleshammer: Mr. Chair, let me say that there have been improvements made in this piece of legislation so that immigrants and foreign-trained engineers will be able to establish their credentials and achieve the ability to work within Manitoba better than it was in the previous legislation.

Mr. Chairperson: Clauses 1 to 77—pass; title—pass; preamble—pass; table of contents—pass. Bill be reported.

* (1750)

Bill 55—The Certified Applied Science Technologists Act

Mr. Chairperson: I wonder if it would be with the committee's consent that we would move to Bill 45.

An Honourable Member: 55 first.

Mr. Chairperson: I am sorry. We will do 55, but after 55 we will deal with 45. Is that agreeable? This will not take very long. Bill 55.

The same principle will apply. We will set aside the title, preamble and table of contents. I understand that there is one amendment in the bill which is Section 21. Clauses 1 to 20—pass; Clause 21.

Hon. Harold Gilleshammer (Minister of Labour): Mr. Chairman, I move

THAT Section 21 of the French version of the Bill be amended

(a) in clause (a), by striking out “technicien agréé, technologue agréé,” and substituting “technician agréé en ingénierie, technologue agréé en ingénierie,”; and

(b) in clause (b), by striking out “des techniciens agréés, des technologues agréés,” and substituting “des techniciens agréés en ingénierie, des technologues agréés en ingénierie,”.

[French version]

Il est proposé que l'article 21 de la version française soit amendé:

a) dans l'alinéa a), par substitution, à “technicien agréé, technologue agréé,” de “technicien agréé en ingénierie, technologue agréé en ingénierie,”;

b) dans l'alinéa b), par substitution, à "des techniciens agréés, des technologues agréés," de "des techniciens agréés en ingénierie, des technologues agréés en ingénierie,".

Motion presented.

Mr. Chairperson: Amendment—pass; Clause as amended—pass; Clauses 21 to 48—pass; title—pass; preamble—pass; table of contents—pass. Bill as amended be reported.

Bill 45—The Manitoba Public Insurance Corporation Amendment Act

Mr. Chairperson: Mr. McCrae, would you come forward. We will proceed in the same manner. We will set aside the title and the preamble and then deal with clause by clause.

Mr. Minister, do you have an opening statement?

Hon. James McCrae (Minister charged with the administration of The Manitoba Public Insurance Corporation Act): Mr. Chairman, there has been debate about this bill to this point, and we are very pleased to be bringing it forward. The review was the right thing to do, and the results flowing from the review, when passed by this Legislature, will be the right thing to do as well. I look forward to seeing this bill achieve passage in this committee.

Mr. Chairperson: Does the honourable critic have a statement on The Manitoba Public Insurance Corporation Amendment Act.

Mr. Steve Ashton (Thompson): Yes, and I notice there is an amendment being distributed here which I will certainly deal with. I wanted to ask the minister—I have a couple of comments as well, but I am wondering if the minister has made any decision on dealing with a \$3,000 per month issue raised by the Paraplegic Association. I know they have been very concerned about that. I have an amendment, but I am wondering if the minister is looking at dealing with some of the—

Mr. McCrae: I am pleased to report to the honourable member not only what I was saying the last time we discussed this when we had our presentations as to our

intention but indeed in the intervening days there have been meetings between the corporation and the Department of Health. I am pleased to report to the honourable member and to all honourable members that the discounting that was part of the process will not be part of the process anymore.

The \$3,000, now indexed it is about \$3,200 from MPI, would be used as part of all of the costs that are involved in providing care to catastrophically injured persons. In other words, we now have \$5,200 maximum from the Health department and \$3,200 maximum from MPIC, which none of the people identified to the committee need more care than that amount would pay for.

So, in other words, those persons requiring care will not have to be subsidizing it anymore when taken in conjunction with the appeal panel for home care. I believe we have now resolved the situation without having to resort to amending the legislation.

Mr. Ashton: What I will do is I would like the opportunity to double-check with the Paraplegic Association. I have been in contact with them, so I will not be moving this amendment right now. If necessary, I will move it at report stage, but I just want to put on the record, on the bill as a whole, that I think the bill is a partial response to the PIPP report.

I want to put on the record I am disappointed that certain aspects of the report were not dealt with. This report was brought in in 1992-93. At our request, we moved an amendment. I think it was the right thing to do. We identified inadequacies with the so-called no-fault system at the time, not the principle but some of the poor coverage. This deals with some of those items.

I would like to put on the record to the minister that I as critic and our caucus, even though we will not be opposing the improvements in the bill, certainly do not feel that all the issues have been dealt with, certainly the issue of independent advocate. We believe there is an imbalance in the system. I want to commend the Bar Association for their presentation. I thought they pointed to that. I also want to note some of the other presentations I thought identified some ongoing weaknesses with the system, both the no-fault system as

it is and other systems at Autopac, mostly presentation by the chiropractors which I thought was very interesting.

There are certainly some longer-term issues such as limited tort which was recommended by Mr. Uskiw and rejected by the minister. I would suspect that will be the subject of ongoing discussion. I know the minister's views on this, so our decision rather than moving a series of amendments which we have done in the past is to support the bill as is. I want to put on the record again that we still feel that the current system of no-fault has problems, is not fair to victims in all cases, and particularly not fair in its current appeal process. We will be continuing to pursue that, probably in the standing committees and in the future as well, so we will be supporting the bill as is but not because we feel it is the end of the matter. It is simply another step along the way, and it does have some positive enhancements for injury victims. For that reason, we will not be voting against it.

Mr. Leonard Evans (Brandon East): Just very briefly. I just want to agree with what our critic has stated. Just make a couple of observations, and that is originally—

Mr. Chairperson: Mr. Evans, could I interject? As I indicated before, I will be very strict in my application

of calling the clock at six to adjourn this committee. I dispensed with that before, and I am not going to do that again.

Mr. L. Evans: Well, we can maybe not see the clock just for a minute. It is not a long statement.

I just want to say there was a lot of debate on whether we should bring in no-fault, and I know the government originally did not want to bring in no-fault. The minister at that time—it was over my dead body sort of thing, but we brought it in because of economic necessity, and I also believe because of moral necessity.

I want to say that it is very interesting that the commission that heard the people of Manitoba on this by and large supported the no-fault system, and I am very pleased with that. I agree with our critic. There are a lot of improvements that can and should be made in the future. There are some good ones here. There are more to be made, we think, but I just want to go on record that the people of Manitoba by and large support the no-fault system. There is only one group that is opposed to it and everybody knows who that group is.

Mr. Chairperson: Clauses 1 to 18(2)—pass; title—pass; preamble—pass. Bill be reported.

Committee rise.

COMMITTEE ROSE AT: 5:59 p.m.