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of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 2, 2002

The House met at 10 a.m.

PRAYERS

Introduction of Guests

Mr. Speaker: Prior to calling Orders of the Day, I would like to draw the attention of all honourable members to the public gallery, where we have with us, from River Heights School, 28 Grade 7 students, under the direction of Mrs. Val Noseworthy. This school is located in the constituency of the honourable Member for River Heights (Mr. Gerrard).

On behalf of all honourable members, I welcome you here today.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I had discussions with the Opposition House Leader (Mr. Laurendeau). Is there leave of the House to waive private members' hour today?

Mr. Speaker: Is there leave to waive private members' hour today? *[Agreed]*

Mr. Mackintosh: Further to those consultations, Mr. Speaker, would you first call second reading of Bill 10, followed by debate on second readings with the bills in the following order: No. 8, No. 3, No. 7, No. 6, No. 2. That is 8, 3, 7, 6, 2.

SECOND READINGS

Bill 10—The Environment Amendment Act

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I move, seconded by the honourable Attorney General (Mr. Mackintosh), that Bill 10,

The Environment Amendment Act; Loi modifiant la Loi sur l'environnement, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Chomiak: I am very pleased today to have the opportunity to rise to speak on Bill 10, The Environment Amendment Act. Recently there have been concerns about the possibility of cases of West Nile virus occurring in Manitoba. This disease is carried by mosquitoes and can result in serious illness. In some cases it can be fatal. Although no cases have yet been confirmed in this province, available information indicates that occurrence of this disease is spreading westward.

I want to underscore by virtue of the introduction of this particular amendment that this is simply an effort on the part of the Government to be prudent and to be anticipatory and to ensure that should requirements be needed and necessary we can function quickly to deal with the health issue. But I want to underscore again what I said previously, that there have been no confirmed cases in this province, but the vectors clearly are indicative that at some point there is a high probability that some occurrence will appear in certainly the mosquito population and the bird population.

West Nile virus first appeared in the summer of 1999 in the New York City area and resulted in 62 human cases and unfortunately 7 deaths. By last year parts of southern Ontario and 27 U.S. states found evidence of the virus. The Government views this as a potential health threat and will be monitoring and is monitoring the situation closely. Although the impact is unknown, at this time it is important that we have the capacity to respond in the event that a health emergency appears imminent. Actions by local governments to prevent or minimize the threat presented by an existing or imminent health emergency may be required.

Except where an emergency has been declared under The Emergency Measures Act, at present the Province cannot ensure that local governments respond in the event of a health emergency. The amendments that we are proposing would give the Government, in these circumstances, the ability to call for municipalities to take specified actions to prevent, minimize, or alleviate a health emergency. These actions would only be taken when a health emergency appears imminent or when a health emergency has been declared. The Government recognizes the potential of a health threat caused by West Nile virus. We are moving proactively to provide the means of dealing with it effectively.

Mr. Speaker, in addition to The Environment Act changes, we are also working to implement a strategy to address the West Nile virus threat here in Manitoba. The strategy will entail measures such as increased dead-bird surveillance, mosquito surveillance and public education.

There have been a variety of responses to the appearance of West Nile in American states and in southern Ontario. All jurisdictions have consistently focused on dead-bird surveillance, mosquito surveillance and public education. These measures are consistent with the Clean Environment Commission's report on mosquito control programs in 1982, which called for an emphasis on public education in response to western equine encephalitis.

Again, I do not want to overstate, nor do I want to understate, the potential that is facing us with respect to this particular issue. I think rather the measures introduced in this bill are prudent, proactive measures to have the capacity and the ability to deal in the event of a health emergency in this regard. Again, I want to emphasize what I said in my previous comments, that there has been no evidence of this particular virus in Manitoba. It has been detected last year in southern Ontario. We want to be in a position to function quickly, and the ability to function in a public health fashion as soon as possible should the event arise.

* (10:10)

Like all public health issues, I want to emphasize to all members of this House that,

first and foremost, education is the predominant factor in terms of public health issues. Secondly, an ability to respond proactively is probably the second line of defence when it comes to public health issues. That has been the capacity and the credo of the Public Health branch and department of this province for decades under various political regimes and will continue to be the stance regardless of all the variety of other kinds of issues that we tend to have some moments in this Chamber when we tend to have disagreements on issues of policy. On occasion that occurs. Occasionally, Mr. Speaker, it occurs even in Question Period. On occasion members opposite find an issue or two that they raise to this Chamber and which we have an interesting discourse across the floor.

On the other hand, on public health matters, I am not trying to overstate it, but there has been actually very excellent co-operation always in this Chamber on all public health matters and matters that generally affect the health of all Manitobans. That certainly is recognized and appreciated.

With these changes, Mr. Speaker, we hope to be in a position to have the means to deal with such a threat should the situation occur, although one hopes that we will not require the occasion to have to declare such a state in Manitoba. So, with those few words, I look to the continuing discussion that will occur in this Chamber and look to speedy passage of this amendment to The Environment Act.

Mr. Glen Cummings (Ste. Rose): I move, seconded by the Member for St. Norbert (Mr. Laurendeau), that debate be adjourned.

Motion agreed to.

DEBATE ON SECOND READINGS

Bill 8—The Limitation of Actions Amendment Act

Mr. Speaker: Resume debate on second reading on the proposed motion of the honourable Attorney General (Mr. Mackintosh), Bill 8, The Limitation of Actions Amendment Act, standing in the name of the honourable Member for Fort Garry, who has 27 minutes

remaining and also standing in the name of the honourable Member for Arthur-Virden (Mr. Maguire).

Mrs. Joy Smith (Fort Garry): I am glad that I have the opportunity this morning to put some comments on record concerning Bill 8, The Limitation of Actions Amendment Act. This bill makes two changes to The Limitation of Actions Act. Firstly, it provides that an action for assault can be commenced at any time regardless of when the assault took place—No. 1, if the assault was sexual in nature; No. 2, if the victim had an intimate relationship with the person who committed the assault; or No. 3, if the victim was financially, emotionally, physically or otherwise dependent on a person who committed the assault. Secondly, the bill provides that a 30-year limitation period that arises if a person is or has been under a disability does not apply to specified actions.

The transitional provisions in the bill allow specified actions to be commenced even if a limitation period that applied to the action expired and even if a court had dismissed a previous action because a limitation period had expired.

Now, Mr. Speaker, as you already know, in my previous comments on Bill 8, I did cover the fact that this bill did address some of the questions and some of the concerns that people across Manitoba and indeed across Canada had when they were put at a disadvantage and when they were violated in a way that was emotionally very hard to cope with. I said in my previous comments that when an individual or a victim experienced sexual or physical abuse, that sometimes it takes a long time for this kind of crime to be able to come forward because of the victim's being traumatized by the event, because of the victim's problem with how to deal with it, because of the victim going through many periods in their lifetime where they have different kinds of thoughts. Sometimes it can be guilt. Sometimes it can be anger. Sometimes it can be just plain despondency. There have been cases of depression. So there are many reasons why this bill really can address some of these aspects of what happens to the actual personal victim that this happened to.

Now, a Manitoba Court of Appeal decision, Mr. Speaker, on September 26, 2001,

determined that the current Limitations of Actions Act of Manitoba precludes many claims of what are called historical, sexual or physical abuse, including claims arising out of child abuse in institutions and by implication from incest. This determination had been made on the basis of the unique language and earlier interpretations of Manitoba's Limitation of Actions Act, which is indeed a very complicated piece of legislation and appears to be different from the legislation and the case law that has developed in other Canadian provinces. So, under the current legislation, claims based on assault of any character must be filed within two years after the cause of action arose. Under Manitoba law, a cause of action arises when all the facts of the material character relating to the claim have occurred. The time period does not arise during the time in which a person was a minor or under legal disability.

So, Mr. Speaker, there are problems that had to be addressed. There are problems that had to be addressed because victims live with this kind of violation to themselves over a period of a lifetime. It is something that never leaves them. It is something that is horrendous and something that takes a while for the victim to come to terms with.

Current legislation in this province also provides a window for a person to apply to extend the limitation period but only where an application is made to court not more than 12 months after the date on which the applicant first knew or in all of the circumstances of the case ought to have known of all the material facts of a decisive character upon which the action is based. For an assault that occurred when the plaintive was a minor, the plaintive must, in most cases, apparently bring an assault claim within two years of becoming 18 years old.

Mr. Speaker, I must comment at this time that there are many young people who, when they reach the age of 18, have not come to terms with a lot of things, let alone a traumatic event that could have occurred by a person connected to their family, by a person whom they trusted, by a person who they were relying on. Maybe it could have been financially, maybe it could have been physically, there could have been lots of reasons, but, for that reason, currently, there is an ultimate limitation period for claims that

arose while the person was a minor or otherwise under a legal disability of 30 years after the occurrence of the act or omission that gave rise to the cause of actions.

Now I know the Attorney General (Mr. Mackintosh) himself of this province has actually been quoted as saying that it is now recognized professionally and indeed in the courts, including at the Supreme Court of Canada, that very often victims of abuse will not be able psychologically to initiate legal actions until they develop an awareness of the psychological harm that they have suffered and the cause of that harm being the act of abuse.

* (10:20)

Mr. Speaker, clearly, when a young person reaches the age of 18, in many regards, in many respects, the law and society claims that the young person is now an adult. Suddenly, the advent of a birthday causes this person to be able to understand everything and compromise anything or come to terms with anything that might have entered their lives.

Unfortunately, with sexual abuse and physical abuse, often young people do not come to terms with it after the age of 30 into the age of 40. It can take many, many years, and there are many reasons for it. It has to do sometimes with economic circumstance. It has to do sometimes with the family relationships. It has to do sometimes with life experience. I know I have spoken to victims of physical and sexual abuse who have felt that that is sort of a norm that happens to all people. So it is a growing kind of thing that victims have to come to terms with, and it comes with life experience. It can come with age. It can come with knowledge and understanding of what has happened to them.

Most people understand that young people, or the realization of what has actually happened to a young person or any person, the person does not come to terms with it until years after the actual occurrence has happened and often after the person has received therapy, so they have a third party, Mr. Speaker, that fully understands what has happened to him. In this case, this is a very serious bill, one that has many

ramifications to it and one that has to be addressed in a very thoughtful manner.

Basically, in a democratic society here in Canada, people move to this country because they believe that they do have the freedom to speak out, they do have the freedom of religion, they do have the freedom to have their rights guarded, and in this bill, in Bill 8, The Limitation of Actions Amendment Act, basically some of these issues are being addressed particularly with victims of sexual and physical assault. Strict limitation periods will often work an injustice to victims of abuse for these reasons—the victims of abuse cannot always start or stop what they are thinking or feeling on a certain day, whether it be 18 years of age or whether it be two years after something has happened to them.

In 1992, in the Supreme Court of Canada, there was a landmark case. This case recognized that the policy basis for strict limitation periods does not apply to abuse cases and sexual abuse as it would do to other civil cases where the plaintiff is not subject to the psychological effects of the abuse. Here, with sexual abuse, clearly the victim is definitely subject to deep-seated psychological effects of that particular abuse.

The court described the reasons in this case in 1992 in a very, very decisive manner. Firstly, the damages often remain latent until the victim is well into adulthood. Secondly, when the damages begin to become apparent, the casual relationship between the activity and the present psychological injuries are often unknown to the victim. Thirdly, a limitation period would not be an incentive to prosecute an action for a victim of an abuse if they have been psychologically incapable of even recognizing that a cause of action exists, and finally, Mr. Speaker, these issues exist in the social context that has discouraged these cases from coming to the fore.

Speaking about the social context, as with any case of rape or any case of sexual abuse, it is often more embarrassing for the victim to come forward than it is for the person who has violated the victim because, for social reasons, unfortunately, often the public does not always

accept the harm that has happened to the victim who was violated.

Mr. Speaker, the media, television, Internet, there are things that are becoming unfortunately acceptable in the public eye for a number of reasons, and it is unfortunate, when any young person, any victim, is violated in this manner. It is a criminal act, and it is something that is worse than just a court sentence. It is something that the victim does live with.

In the case right now, what we are seeing across the province of Manitoba as an increase in Internet child pornography, it is a case of adults feeling that they are in the privacy of their homes. They can do anything they want, and no one can see them, and yet there are young people today that are being violated over the Internet. I will refer to the young person who had a picture taken of her when she had removed her shirt. She was doing something that she did not realize she was doing. She did not realize pictures were being taken of her, and certainly she did not realize that these pictures were downloaded onto an Internet.

The dangerous thing about an Internet is it is forever there. There is no way of taking that picture off. That is somewhat what happens to victims who are sexually violated, that it stays with them forever, the experience, the violation, the anger. The doubt is with the victim forever. You cannot take it off the victim's psychological computer screen.

So, in this case in Bill 8, there are issues here that are being addressed. The Supreme Court of Canada and the Manitoba Court of Appeal have now both expressed the view that deficiencies in limitations legislation should be addressed through legislative amendment. I do agree on this side of the House that this bill is one that is very prudent, and it has come to a time now when these issues have to be addressed. This bill will provide that claims will not be precluded by a limitation period if they result from either assault of a sexual nature or other assault in circumstances where, at the time of the assault, the person bringing the action had an intimate relationship with the person alleged to have committed the assault or the person was financially, emotionally or physically dependent

on one of the persons alleged to have committed the assault.

* (10:30)

This is where I believe the strength of the bill is, Mr. Speaker, because when a person is violated by someone whom they trust or when a person is violated by someone who is physically larger than they are or by someone that is connected to the family or connected to the person in some respect, either financially or by whatever means, or even in a leadership role where the person is connected, there is a kind of thing that happens, especially in a young person's mind, where the role model is expected to be exemplary; the role model is supposed to be one who has a lot of credibility. So, when a young person is violated, what happens is a lot of confusion, a lot of doubt, even in some cases, unfortunately, a lot of blame.

I know that time limits for civil suits are something that are generally done, but time limits in this case, it has to be argued that there are elements of this act that are different than what a normal, if you would put it, civil action would be. Civil suits uphold a critical principle of justice that balances the rights of the victim against the rights of the accused. Some might argue that removing the limit would unduly harm the ability of a defendant to answer an allegation and undermine justice itself. Some might argue that. Some might argue that this bill would reach well beyond those who attend residential schools and into the general realm of child abuse, and it would capture an array of people, an array of circumstances within this bill, particularly in the area of domestic violence.

I must say that domestic violence, Mr. Speaker, has to be addressed as well. In a way, I know we have a zero tolerance policy here in Manitoba, and the intent of zero tolerance was definitely to obliterate domestic violence, particularly, I would say, for women and in many circumstances for men as well. Unfortunately, now it has to be time to review the domestic violence policy because it is common knowledge that some people have abused the zero tolerance policy and used it to their own ends, which is very unfortunate. This has resulted in the tying up of many police

officers and many cruiser cars and has taken over the main thrust here in the city of Winnipeg in that regard.

So, sometimes when laws are passed and bills are introduced, it has to be done with a lot of thoughtful consideration. It also has to go through a process of evaluation as, I believe, Mr. Speaker, that the zero tolerance policy has to be evaluated to see if it is achieving the objectives it originally set out to achieve. The objectives, I will put on record, were very good; the original objectives, extremely good. The intentions were extremely good.

Unfortunately, people and the public can learn how to use those laws for other means, and I will say on record right now that the zero tolerance policy, it is time to review it. It has been in place roughly 10 years, and now it is time to see if it is reaching its objectives and time to see whether there is an undue number of police officers tied up on the zero tolerance issue, where in actual fact there are no issues.

So there has to be, I would dare say, an opportunity for police officers in this regard to make judgments that would allow them not to keep going to the same homes with the same problems with known offenders to this act. Having said that, the fact is that victims of abuse often do not see the extent of the harm done to them for a long time, as we have seen in Bill 8. It gives a lot of credibility to the fact that these changes will help a great deal in being of assistance to these victims.

A child or a mentally disabled person is uniquely disadvantaged and beyond comparison to competent adults. I think that when some people do argue that there will be an abuse of justice because this bill has gone through, I would say that that can happen, and if it does happen, then we have to do the responsible thing and take a second look at how we can correct that, and I will refer it again to the zero tolerance policy that we have here in the province of Manitoba.

Again, as with Bill 8, the intent is very well defined. Bill 8 is a bill that provides an action for assault that can be commenced at any time if it is sexual in nature and provides that a 30-year

limitation period does not apply to specified actions. So it seems to be a very reasonable bill to put forward and a very prudent bill. However, I must put a cautionary note that when bills like this do go through, as with the zero tolerance, the intent is good, but sometimes we have to take a look and see, No. 1, what is it doing to the court system? and No. 2, is it effective, is it achieving the goals that it started out to do? All those variables have to come in place when we do put legislation through.

As I said with the zero tolerance issue right now, this has to be reviewed. It has to be addressed because zero tolerance in itself is good, but the fact of the matter is it is not working in the real world the way it was intended when it was first put in. Too many police officers are being caught up in people playing the system where they make phone calls and say: My husband or wife is hitting me, and immediately police cars are dispatched. There are four to five hours of paperwork involved and then they turn around to do it again and again just to get back at their partners, which is an unfortunate circumstance.

So it has taken some years to understand that the evaluation of zero tolerance has to take place. It should not be tying up police cars and police personnel to this degree this long. Having said that with Bill 8, I have to commend members opposite for the intent that is there to support victims of sexual abuse and to give them time to come to terms with that abuse and some closure to that abuse. I would also say that very carefully we have to take a look at the fact that there are some jurisdictions, whether it be the Catholic Church, whether it be different parties in child abuse, we must be very, very careful that the bill that will be passed is not misused. So, when it is out there in the real world, the intent that the bill set out to do will be recognized instead of having other things happen which will make things even worse. As with any legislation, as with any party, the intent, I am sure, by members opposite and from members on this side of the House is to ensure that victims are heard and victims can have some closure to a terrible event that happened in their lives.

Having said that, the other ramifications, as the comparison that I have given this House

today, as with zero tolerance in the area of domestic violence, sometimes does not always work out the way it was intended. The recommendation would be that this legislation in Bill 8, as with the zero tolerance policy here in the city of Winnipeg, be reviewed to see if, indeed, it is reaching the objectives that it did have. Our city in this province of Manitoba has many challenges when it comes to justice, has many challenges when it comes to the rights of victims, and I do think that Bill 8 does address some of these challenges that are there and does support many victims of horrendous crime. I do thank you for this opportunity to put my comments on record.

Mr. Speaker: This bill is also standing in the name of the honourable Member for Arthur-Virden (Mr. Maguire). Is there unanimous consent for the bill to remain standing in the name of the honourable Member for Arthur-Virden?

* (10:40)

An Honourable Member: No.

Mr. Speaker: Unanimous consent has not been given.

Prior to recognizing the honourable Attorney General (Mr. Mackintosh) who will be closing debate, are there any other members who wish to speak to this bill? None? The honourable Attorney General.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I am very pleased to hear today of the position of the Official Opposition on this bill. I do have some very serious concerns and regret about the position of the Leader of the Liberal Party on this bill. After reading his remarks, it appears that he in fact opposes this, when you read his remarks carefully. I think that is a very unfortunate statement, particularly for elders and those in Manitoba's Aboriginal communities who have been pursuing claims for justice with regard to residential schools, for example. I think, too, it is an unfortunate position because this bill is important for Manitobans. It says very, very clearly that the sexual and physical abuse of children cannot be tolerated and the

rules of society must enable them to access justice. It does not say in this bill that they will succeed in those courts. It says they should be able to access the justice system. Whether they will succeed will depend, of course, on the evidence that is available. Sometimes that can be very difficult after a period of time.

This bill is also the product not only of a sense of fairness expressed to us from many quarters in Manitoba, but it has been urged by the Supreme Court of Canada. This bill, as well, now puts Manitoba in a similar position to the effect of Limitation of Action statutes and their applications in other jurisdictions. Of course, the wording of it is virtually identical to the legislation in the province of Saskatchewan, but even in provinces with different wording, Mr. Speaker, the result of the application of the law has put survivors of abuse, of child abuse in Manitoba at a disadvantage and a very unfortunate disadvantage.

So this deals with that arbitrary cut-off that has been in law in Manitoba. I am very pleased to see movement on this bill here today. I think that we will all work together to expedite its early passage. We will now look at how we can schedule a committee hearing at the earliest opportunity.

Mr. Speaker: Is the House ready for the question?

Some Honourable Members: Yes.

Mr. Speaker: The question before the House is second reading of Bill 8, The Limitation of Actions Amendment Act. Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed? Agreed and so ordered.

Bill 3—The Highway Traffic Amendment and Summary Convictions Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Transportation and Government Services (Mr. Ashton), Bill 3, The Highway Traffic Amendment and Summary Convictions Amendment Act, standing in the name of the honourable Member for Gimli.

Mr. Edward Helwer (Gimli): Mr. Speaker, I just have a few comments on Bill 3. Then I am sure my colleague the critic will have something to say.

I guess I drive to work every day. Even though I live in a rural area it probably takes me 20 minutes to get to the Perimeter but then another half an hour from the Perimeter to the Legislature here. During that time I always see some infractions, of course, that drivers tend to make, especially in the area of red lights. I think some red light cameras that would increase the safety and make, I think, the drive for anyone, commuters who drive to work and whatever, whoever is on the road, much safer, are probably a step in the right direction. I think safety concerns are very important. They certainly have a large effect on what we should do and what we should not do.

I also think, though, Mr. Speaker, that the revenue from this should go toward driver education and making our roads safer and encouraging people to drive more defensively. I think the driver education program for our young people is an excellent one. I know it is supported by the Manitoba Public Insurance corporation, which is certainly a step in the right direction. I think it is important that we give our younger people who are applying for their first driver's licences proper education. I think the driver-ed program has worked very well in the past. I would like to see that extended, and, probably, even for new Canadians who apply for driver's licences. They should be encouraged to use some sort of driver education program so that we are all more aware of the rules of the highway. Unfortunately, I see a lot of us, a lot of Manitobans, a lot of Canadians who really break the law every day in driving.

I think, as a safety issue, both the photo radar and the red light cameras are probably a step in the right direction, to try to encourage people to drive more safely and to obey the rules of the road. Some of the issues that the report that was done by the deputy minister I think I could agree with: the fact that demerit points are not applied to the infractions under these particular two cameras, whether they be red light or photo radar, I think I would certainly agree with that. I do not think that should be imposed

upon people who do get tickets for that. They should also probably give drivers a little leeway.

One of the recommendations is that they use a threshold of 15 kilometres that went over on the speed limit. I have no problem with that. I think 10 kilometres may be enough, but 15 was the recommended number by the committee. I think that they did some research on that and I guess that is fine. I could agree with that. I do not have too big of a problem with that.

The minister also talked about the extra revenue that is going to come in, and they talk about \$8 million to \$10 million possibly that they are going to get in extra revenue from this. I think that has to be directed to traffic safety initiatives. I think that is probably a step in the right direction. If we can direct those funds into more safety issues and to training drivers or whatever the case may be to make our streets and roads safer, I see this as money well spent and probably going in the right direction.

One other aspect of the issue of safety and of the red light cameras and of the photo radar would be, of course, that we spend some, in the year 2000, \$19 million on health care to people involved in traffic accidents. I think, as a prevention measure, this is very important to reduce our costs regarding the health issue. If we look at other jurisdictions where red light cameras are already used: in London, England, fatalities have dropped 28 percent; in Australia, in the city of Victoria alone, traffic fatalities dropped some 51 percent in five years after the introduction of red light cameras. If we look at the safety and the money, we can, hopefully, save the hurt and everything else. If we can do anything to improve the health of people, this certainly is a step in the right direction, and I can certainly support that. I really believe that is a big number and maybe it is not inflated at all. When you look at \$19 million to \$20 million, that is a big number.

An Honourable Member: That is a lot of money.

Mr. Helwer: That is a lot of money. That is right. Also, Vancouver, I guess, has had red light cameras since 1996, and their fatalities also decreased by some 25 percent. These are only

fatalities, and then there are the injuries, of course. We are going to protect people from injuries.

I know the City of Winnipeg and the Mayor have talked about the revenue that they are going to receive from this, and I hope that both the City and the Province certainly would use their revenue that they do receive from these four safety issues in improving our streets and our roads and our intersections so that they are safer and that we can use the facilities and the roads in the city and the province and be proud of our safety record.

So, with that, Mr. Speaker, I will end my remarks, but I think that I can support Bill 3, and I understand that there could be some amendments, but we will look at those when they are presented. So, with that, I will end my remarks.

* (10:50)

Mr. David Faurichou (Portage la Prairie): It is a pleasure for me to rise in regard to the debate on Bill 3, The Highway Traffic Amendment and Summary Convictions Amendment Act, which was introduced into this House for first reading November 16, 2001. In regard to Bill 3, I have some concerns and aired those concerns during debate in first reading. I would like to complement the Minister of Transportation (Mr. Ashton) for heeding the call for amendments to the legislation which he introduced into the House and, on November 27, indicated to this Assembly that he would be introducing amendments at the committee stage to address some of those concerns.

Mr. Speaker, I have had a great deal of experience on the roadways of Manitoba and North America, both as a long-distance truck driver, and I also had the privilege of being employed in the capacity of an RCMP member on highway patrol in my youth and have seen the devastation that can occur through speed and those that are not well trained, those that are not prepared for the consequences of high-speed travel on the roadways.

I would like to reiterate those concerns which, on first reading, were aired in this House,

and I again want to emphasize the need to amend this legislation. This legislation was introduced to the House after a great deal of deliberation, both by committees and law enforcement agencies within the province and, I believe, have a great deal of support throughout that community. In fact, in the general public, surveys indicate that approximately 81 percent of the general population feel that photo radar and red light cameras are a good idea and would like to see this legislation passed.

I concur with the majority of Manitobans in supporting the introduction of the red light camera legislation, but I want to make it clear to all members in the House. It was previous administration that passed the red light camera legislation, and it has been on the books for quite a number of years. I believe it was 1997 that the legislation was passed. However, as one can appreciate, there has to be a great deal of preparation in regard to making certain that the legislation is followed through and can be enforced. So it has been a number of years in the making. I would like to see that bill proclaimed in advance of Bill 3 so that we can see both red light camera and photo radar installed on the basis of safety.

I believe this legislation is quite specific as to the areas to which this technology can be put in place. This legislation is pertinent to highway construction zones, playground zones, school zones, intersections and railway crossings that already have traffic control devices. I believe this legislation will augment already The Manitoba Highway Traffic Act that has legislation and regulation spelling out how speed zones and controlled intersections should be enforced. I believe this legislation will enhance that enforcement.

Mr. Speaker, as I stated, there are five areas to which this legislation is pertinent. I believe one area was not addressed, and I hope the amendment that the highways minister will be introducing at committee is one that will allow law enforcement agencies to place the photo radar equipment in the high-speed corridors. High-speed corridors are around the province, although reduced speeds from open highway travel. Studies by the highways department as well as the traffic enforcement agencies, whether

they be city or RCMP, have indicated a great deal of the traffic or a great number of vehicles on those high-speed roadways are exceeding the posted speed limit as well as the additional buffer that we have considered in the photo radar enforcement here, that being a tolerance threshold of 15 kilometres.

When studying this, we found persons in high-speed travel areas of the city that are posted at 80 kilometres per hour, there were a number of vehicles travelling in excess of 120 kilometres per hour. I believe that anyone upon examination would consider that a hazard to other motorists travelling those corridors. I believe that this high-speed activity should be part of this legislation and allow for law enforcement agencies to place this technology on those high-speed corridors in and around the city and other jurisdictions throughout the province.

Mr. Speaker, I do want to move onto the other point of concern which is not addressed in the legislation but once again is indicated to be introduced by amendment in committee, that being the allocation of the monies derived from fines from this technology. It was suggested when this particular legislation was being developed that the Province set up a traffic safety fund. Now, this traffic safety fund should involve not only individuals from the Manitoba Department of Transportation, but should also involve persons from the Manitoba Public Insurance corporation and should involve persons from the law enforcement agencies, as well, because each of those entities have statistics, have resource material to indicate where best to allocate the resources that are going to be derived from this technology, whether it be at a particular intersection, a high-speed corridor, at a railway crossing, underpass. It may even be suggested that road improvements will enhance the safety of the motoring public through this type of committee and their deliberations to identify where improvements should be made.

Mr. Speaker, we are gravely concerned that, without very specific language within the amendment, the Government that is introducing this legislation could perhaps consider this additional revenue for general expenditures of the Government and, in that way, not be made

available to improve the safety of the motoring public here in Manitoba. We on this side of the House are gravely concerned that the minister will not put forward the language required in an amendment, and for that reason we on this side of the House will propose amendments at the committee stage that will address both of these concerns: one, the allocation of the proceeds from the technology; and also consideration for the expanded uses of the technology into high-speed corridors.

* (11:00)

I trust that the Minister of Transportation (Mr. Ashton) will heed the call to address these two concerns, and we look very much forward to seeing his amendments.

I am astonished, Mr. Speaker, that currently the agencies that are involved in this province from law enforcement to insurance, to transportation and construction, are not consulted when identifying serious areas within the province that are contributing to a great deal of cost, not only in human tragedy but in insurance costs that cover the initial collision damage, as well as the long-term effects from injuries that the passengers and drivers sustain within those collisions.

Within the province of Manitoba, the Manitoba Public Insurance corporation personnel have expressed grave concern that long-term injuries and the monies that are being allocated to sustain individuals that have been impaired by injuries that have been received through collisions, accidents on the Manitoba roadways, is significantly climbing and is raising a great deal of concern that our insurance rates here in Manitoba will begin to push up our automobile insurance rates here in the province of Manitoba to a point where every Manitoban will be paying significantly more for their insurance, and our status as a low-cost insurance for the motoring public will be in jeopardy. It concerns me gravely that persons who are in that industry, are responsible for ensuring the motoring public, are not being consulted. It is vitally important that we address this in this legislation to make certain that the persons that live, eat and breathe this type of safety concerns within the province and are responsible for insuring the motoring public be consulted.

As well, the law enforcement agencies within the province are supportive of this legislation, however, do not want to see their hands tied as to where they are able to deploy this technology because they are the ones that know where the infractions are occurring and occurring in the greatest number. So that way then they are able to deploy this technology and make the greatest use of it in order to improve the safety of our motorists on our highways.

So, on those two points, it is critical that members from those agencies have an opportunity to put their wisdom to work and influence where the proceeds from this technology is deployed. I hope that the minister identifies the traffic safety fund and all proceeds, and I want to stress all proceeds. I hope members of the New Democratic Party understand that the people of Manitoba will not tolerate another tax to go towards general revenues. They will, however, support this legislation if the revenues, if the resources generated by this technology are put into play enhancing the safety of the motoring public of Manitoba. The only way that they can be assured that this takes place is that other persons from other agencies are involved in the process to effectively audit the expenditure of these proceeds. I believe it is vitally important that the persons from the RCMP and various municipal forces have the chance to identify where the safety issues are.

A little while ago, Mr. Speaker, I believe it was last week, it was mentioned by one of the editors of a major newspaper here in the city of Winnipeg that a fund has now been started that is to generate resources for the purchase of a helicopter. Other cities, such as Calgary, in western Canada, have deployed a helicopter as a mode of transit for law enforcement agents to enforce the laws. I believe it has shown a great deal of public support, and it has been able to enhance the law enforcement agency's effectiveness while reducing the safety concerns that all of us have in pursuit of violators that law enforcement agencies have to engage in on occasion where those persons do not recognize the law enforcement individuals and speed away. I believe that a helicopter would be able to pursue those in violation of the law and be able to track and ultimately apprehend those

individuals without causing concern to other motorists on the roadways of Manitoba.

Now this particular fund has been started by a young girl, and I really want to commend her. I am afraid I do not recall the young lady's name at this juncture in time, but I do know that there has been a committee struck to oversee this fund, and it is one that is gathering support throughout the community of Winnipeg. So I want to thank all of those individuals involved in this undertaking. I do want to see that particular purchase go forward because I personally believe that it would greatly enhance the effectiveness of our law enforcement agency here in the city of Winnipeg. I also believe that outlying areas could benefit from this helicopter and its ability to pursue and apprehend violators of the law.

So I wish them all well. But on that point I do believe that the traffic safety fund, if passed within this legislation, could be a resource to support the purchase of a helicopter by the Winnipeg Police Service. It is something that I believe is necessary because within the existing resources of the Winnipeg Police Service, there is not enough there to make this acquisition happen nor is there enough there to sustain the operation of the helicopter without additional resources. I believe the technology that will be put in place when passage of this legislation takes place will provide for that type of resource to the Winnipeg Police Service.

So I encourage the minister, when introducing his legislation at committee, that these particular concerns that are widely supported within our community and our province, that they come into place through this legislation.

Now, Mr. Speaker, this legislation has been a long time coming. I know that there is a great deal of support. This Government does not have an ironclad stranglehold on this language within the legislation. In fact, the members of the former administration had commented on a number of occasions as to the merit of the technology.

* (11:10)

But we must appreciate, as well, that technology today is not the same as was

available back in 1995 and 1997 when the previous administration was considering this type of legislation, but due to improvements through technology, photo radar and red light cameras have come to be fully possible at numerous intersections within the city of Winnipeg, other jurisdictions and, in fact, around the province, because the Manitoba Department of Transportation has been installing at a number of controlled intersections technology that gauges the traffic flow and knows how many vehicles are within that intersection area at any one time and through the microprocessing technology is able to determine when to engage that traffic control device so that the fewest number of motorists are impacted by a change in direction by that traffic control device.

So this is recent technology, recent installation, and I believe now is the time to introduce this legislation. I would like to compliment members of the previous administration. The honourable Member for Ste. Rose (Mr. Cummings) is on record as indicating his support when he was responsible for the Manitoba Public Insurance corporation. As early as, registered in Hansard, September 19, 1995, former highways minister Findlay stated that he was in support of photo radar, a former member of this Legislative Assembly.

I have to say that I hope the Government listens to members of its own caucus. The Minister of Family Services and Housing (Mr. Sale) states that he is in support of this type of legislation and also recommends that the proceeds of the legislation be placed towards the safety issues. He also said that he wanted to see the legislation passed far earlier than at current times. Even today other members such as the member from Elmwood also stated that he believes that members of the motoring public will comply with this technology and understands that the majority of people will support legislation passed by this Assembly. He cites the introduction of seat belts as well as helmet law for motorcyclists that have reduced the number of injuries on the roadways of Manitoba. I believe that this legislation does support that initiative.

Other members, former members, I would like to recognize. The honourable member for

The Maples, the MLA, Gary Kowalski, stated when he was a sitting member of this Assembly the support for this legislation and the technology. So I hope that now in his career as a member of the Winnipeg Police Services he will welcome the passage of this legislation. Perhaps he may himself be involved with the placement of this equipment and enforcement.

I want to make clear to all members of the House as well that the photo equipment does not photograph the driver and that individuals that are occupying and operating the motor vehicle that is exceeding the speed limit or driving through a red light, the photo equipment registers the vehicle. So therefore this legislation does not permit the allocation of demerit points to the individuals that own the vehicles, because it cannot be determined who was operating the vehicle.

So I think that this legislation will go beyond actually the operators of the vehicle. It will go to the vehicle owners. I think that they will be much more diligent and responsible in the act of handing over the keys, whether it be to a family member or others, that they may see fit to operate their vehicle. I think that they will be much more cautious, because as the registered owner they will be responsible for paying for the infraction that that vehicle is responsible for. So I think it will enhance on the responsibility side of registered vehicle owners here in the province.

I think also it will smarten up, if I can use that terminology, the drivers of the province to make certain that their vehicle licence plates remain clean and legible at all times, because the law enforcement agencies throughout the province will be initiating with their responsible drivers on the roadways that the driver's licence plates on the vehicles are readable by the photo radar equipment.

So, Mr. Speaker, I fully support the initiative by the Government in this regard. I know that they are just picking up on what the previous administration was studying and, in fact, had initiated through Bill 57, The Highway Traffic Amendment, Summary Convictions Amendment and Consequential Amendments Act, which was passed by this Assembly back in 1997. I believe

that this will augment or enhance and complement that legislation. So I hope the Minister of Transportation (Mr. Ashton) takes to heart the concerns that I have raised here in the House today.

I will just reiterate that if he does not satisfy the concerns that we have, we are prepared to introduce our own amendments at the committee to address the concerns that have been raised by the Winnipeg Police Service so that this technology can be deployed in high-speed corridors because there have been numerous infractions as has been recorded through survey equipment that has been placed on those roadways. There are vehicles exceeding 120 kilometres per hour on 80-kilometre-posted and 70-kilometre-posted areas within the city. It is vital to the enforcement of our laws on the roadways of Manitoba that this equipment have that ability to be deployed on that and very specific to the proceeds from this initiative being placed into a traffic safety fund. This traffic safety fund, after paying off all costs that are incurred through the purchase of this equipment and the operation of this equipment, these monies should be allocated through the consultation involving persons from Manitoba Public Insurance corporation, persons of the Manitoba Transportation Department as well as law enforcement agencies throughout the province so that they will have input on their first-hand experience as to where they can see improvements that will give the best bang for one's dollar on improving safety concerns here in the province of Manitoba.

So, Mr. Speaker, with those few words, I will conclude. I know that a number of colleagues on this side of the House, and I believe the minister himself, will address this second reading of Bill 3, The Highway Traffic Amendment and Summary Convictions Amendments Act, and I look forward to seeing the amendments as promised by the Minister of Transportation (Mr. Ashton) at committee. Thank you.

* (11:20)

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise today to speak to my opposition to this bill as it is written. I am not particularly

opposed to the use of technology. In fact, I am in most circumstances an advocate of the better use of technology, but believe that when we use technology that it needs to be effectively integrated into the social context of the province in which we live. It needs to be done in a way that will consider individual and human rights and that will provide the right sort of circumstance for managing highways, traffic flows and so on.

I have three particular concerns. The bill introduced by the Minister of Transportation (Mr. Ashton) proposes to provide convictions to cars instead of convictions to drivers. I believe that this is not a good principle, and that, indeed, this does two things: one, it downgrades the seriousness of this to something like a parking ticket when in fact speeding should be considered a more serious offence than a parking offence; second, that it is inappropriate to be providing conviction to an inanimate object like a car instead of convicting the drivers who in fact are committing the error. This is not to say that I think that there may not be ways that photo radar could be implemented and used, where the convictions are done in the appropriate way to drivers. But it is to say that, in the law and the bill as presented by the Government, I think that this is a fundamental flaw and that it takes away from the rights of individuals and that, in doing so, it makes a mistake.

Secondly, I believe that the proposal in this bill, which would allow notices to go out any time up to two weeks, is a mistake. With people driving around, with the mailing going out two weeks after the fact, and in rural Manitoba often being received a week later, that means you may not know of the offence for three weeks after. It will be difficult to determine who was driving the car, remember where it was, what are the circumstances. Basically, it will make it quite difficult for an individual to provide an adequate defence where there has been a mistake. I think we all know that, whatever the law, there are instances where there are mistakes made. Reading of the licence plate sometimes may be done in error. For a variety of other circumstances, there can be mistakes happening. I think that we need to recognize that in a human environment we are not perfect, that it is very important, indeed it is fundamental that

individuals be able to defend themselves and to be able to defend themselves well. The provision for notification as late as two weeks is just not satisfactory. In order for individuals to be able to defend themselves, notification would have to occur much more rapidly.

Thirdly, there has been, based on experience in other jurisdictions, a whole variety of problems with implementation of photo radar as a tool for law enforcement. I believe that is important in the legislation, that we should set out very clearly that we have a very substantive assessment at the end of six months to see how well this is working and have input from the public and that, in fact, this is an important aspect of putting in legislation like this in which there have been many difficulties in other jurisdictions.

For these reasons, Mr. Speaker, the problem is that the Government is proposing to convict cars instead of drivers; the problem is that the Government is proposing to operate this in a way that will make it difficult for individuals to defend themselves well; and the Government is not allowing a thorough review after a test period, so that I am opposed to the current legislation as it is being put forward by this Government. Thank you.

Mr. Jack Penner (Emerson): Mr. Speaker, I just want to take a few minutes to put a few comments on the record in regard to what we call the red light bill and indicate our support in part to this kind of legislation. I say "this kind of legislation" because I truly believe there needs to be some thoughtful consideration given as to what the final bill that is before the House will really look like and how it will affect the safety of the people of Manitoba. I, for one, am in favour of ensuring that the drivers and those that use our highways and streets in various communities in this province of Manitoba be assured that it be done in a safe and proper manner.

However, this piece of legislation being brought forward by this Government at this time, I think, demonstrates where its priorities lie. I encourage the minister of highways to take a real look at some of the things that the Member for Portage la Prairie (Mr. Faurshou) has put on the

record today, because the Member for Portage was the first person in this Legislature to bring forward a private members' bill that deals with traffic cameras, or photo radar, as I guess it is called, but I call it traffic cameras, to ensure that the laws would be abided by.

I think there is a much, much greater degree of concern in virtually all of Manitoba, whether it is in the city of Winnipeg or rural Manitoba, about a number of other safety issues that I do not see addressed before this Legislature at all, and I do not see any will by this Government to deal with other safety factors. When I look at the record of the past year, three police officers either killed or wounded by the use of firearms, one has to then think back of what the federal government said when they introduced the gun control legislation and the huge numbers of dollars that have been expended by the federal government to try and register all the firearms in this country. All the measures that have been taken under the registration process were done under the provisions or the auspices of creating a safer society. I believe some have indicated now that we have spent probably almost three-quarters of a billion dollars already on gun registration, and yet we see the killing and maiming of police officers and people on our streets, whether it is in Winnipeg or other parts of Canada, continuing at a much higher rate than we have seen before any attempt to register guns.

One is led to wonder whether the registration and/or the confiscation of weapons by governments to take them off the street or out of the hands of the general public is in fact leading towards a state whereby the criminals will have all the guns, and then the question comes: Do they register them or do they not? I think the answer is no. I do not see this Government of Manitoba, even though we have had three police officers killed or severely injured by gunfire in the last very short while, in the last six months, I believe it is, that no action is being indicated by this Government to try and intervene in that warfare that is going on in this province.

* (11:30)

I think this clearly demonstrates the priorities of this Government. They came and

said they would bring justice and law and order, and yet we have seen nowhere on their radar screen any attempt to bring law and justice and order to the people and security to the general public. I think that is what concerns me when their first priority is to try and enforce law measures on the general law-abiding citizens of this province through traffic actions and forget about all the other issues. I think that is where this Government needs to pay some attention.

I think the angst that has been created by the newspaper headlines over the term that this Government has been in office is clearly an indication as to what people would like to see, and yet this Government has been taking no action there. I think the photo cameras at intersections and high-speed corridors, as the Member for Portage has indicated, is supportable. However, there are many other issues such as home safety and all those kinds of things that should also be addressed by this Government and there is no attempt being made.

So I say, in all likelihood, that our caucus will bring forward some amendments to this bill and suggest some changes that will reflect probably the greater aspect of safety than just at some intersections in the city of Winnipeg, because we might be encouraged, if there is no action from the government side, to look at some private member's bill that will deal with justice and that will deal with safety and that will deal with safe streets in this province.

We will look very carefully for the agenda of this Government over the next while, and I suggest to the minister of highways that maybe, just maybe, he should be paying a bit more attention to building some roads out in parts of Manitoba where traffic flows have increased dramatically because the railways have been abandoned and taken away. I would suggest to the minister that he might pay some attention to that, yet he sits and flaps about things that they might have done. In every area of my constituency and rural Manitoba, we have seen a decline and deterioration of our roadways and that, Mr. Minister, has led to a greater degree of unsafety than any traffic infractions that I have seen. I have seen cars roll into ditches because of the neglect in the highway system that he has not looked at.

Mr. Speaker, I would suggest to you that we might implore upon you to meet with your minister of highways and maybe impress upon him the need to take some actions to bring a greater degree of safety and to reconstruct some of our roadways instead of ignoring them.

Mr. Marcel Laurendeau (St. Norbert): Mr. Speaker, before we move this bill to committee, I would like to put just a few words on the record. Last fall, this Government refused to give us the extension of a week or so to pass this bill, for which we were prepared. This Government could have called us back in January to deal with this bill for a couple of days.

It is interesting that the minister, after careful review, decided that there should be some amendments. We have not seen those amendments yet. We are looking forward to seeing those at committee. *[interjection]* Yes, we could have come before Christmas. You are right. If you would have extended, as we asked for leave last fall—we sought leave last fall, but this Government refused it because they did not find it to be important legislation. Let nobody be to blame for this legislation not being in place already, other than the people on that side of the House. If you check the record, Mr. Speaker, it was them.

Mr. Speaker, I spoke in favour of this back when I was on city council in '88-89 when we first brought it, '88-89. We brought in the red light camera legislation with the City's view that they would do a study on it, and, yes, it was not proclaimed, but the City never reported back at that time. I would like to thank the City of Winnipeg Police for the work that they did on doing their surveys and the information they were able to gather and the information they were able to bring to caucus.

But, Mr. Speaker, I am hoping that this minister will see clear to put in place some of the other things that the City of Winnipeg Police are looking for within this legislation, and that will be the high-speed corridors and a few of the other areas that will add some more security to this bill. We are looking forward to bringing these forward at committee stage, and, hopefully, the minister of highways will be supporting us when we get it to committee.

We are looking forward to seeing his amendments, and we are looking forward to having this committee as soon as possible. I will be dealing with the House Leader to see how soon we can get this committee together, so we can turn this into a law to protect our streets in the city of Winnipeg.

Question.

Mr. Speaker: Is the House ready for the question? The question before the House is second reading of Bill 3, The Highway Traffic Amendment and Summary Convictions Amendment Act.

Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed? Agreed and so ordered.

Bill 7—The Local Authorities Election Amendment Act

Mr. Speaker: To resume debate on the proposed motion of the honourable Minister of Intergovernmental Affairs (Ms. Friesen), Bill 7, The Local Authorities Elections Amendment Act, standing in the name of the honourable Member for Gimli.

Mr. Edward Helwer (Gimli): Mr. Speaker, I just want to make a few comments on Bill 7, The Local Authorities Election Amendment Act. I think this is an important bill for some parts of my constituency. First of all, I have a number of municipalities that have their elections in July. The town of Winnipeg Beach and the village of Dunnottar have their elections in July. It is important that we deal with this Bill 7, and it is important that we, hopefully, will pass it to make our elections fair.

A number of issues have come about. The main issue is the fact of allowing a maximum of two people to vote who are non-residents on a piece of property. I think the legislation does correct some of the inequities that happened in the municipal elections back in '97, I believe it was. I think it is a step in the right direction.

The Manitoba Municipal Administrators Association has some problems with the bill and one of the reasons is that they say it is going to be very difficult to enforce or for the enumerators, when they go out there, to try to enumerate the people who are going to vote. They say it is going to be very difficult for the assistant enumerators or the enumerators to come up with who should vote on a particular piece of property. I do not think it is a problem at all. It is outlined, I believe, in the legislation that, before placing the name of a person on the list of electors for a polling subdivision, an assistant enumerator shall satisfy himself or herself that the person is qualified to have his or her name placed on the voters list. I think it is very simple and very straightforward. I think, in most cases, most municipalities hire people to do the enumeration who are familiar with the area. They are familiar with the people in the municipality or in their particular ward, so I do not think there is a real problem in that. The people, the enumerators, the people working on the elections should not have a problem deciding who should be on the voters list. They take that position, and I am quite confident that the enumerators will be able to do a good job and make our election lists more up to date.

The mayor of Thompson also says, and I have to agree with him, that non-resident property owners should be allowed to vote. The Cottage Owners Association says that, yes, they should be allowed to vote, but they should not be restricted as to how many people on a particular property should be able to vote from that piece. I think, if we limit it to two, in most cases cottages are owned by a man and wife or two members of a family, so I do not think this would cause any inconvenience to most—99 percent of the cottage owners, I do not think, would have a problem with this.

* (11:40)

My areas of Winnipeg Beach, Gimli, the Rural Municipality of Gimli, and Dunnottar, St. Andrews, they are all areas where there are a lot of cottagers, and there are associations in each of the communities. Most of them, Dunnottar and Winnipeg Beach, have their own associations. I know that they have some concerns with this, but I think that they will probably be able to

address these by allowing two people per property.

The other issue that comes to mind that I get more calls on from cottage owners and people who own property in the area is that they are not allowed to vote. Cottage owners are not allowed to vote for school trustees, or they are not allowed to run for a seat on the school board. That is more of a concern in my area than I think limiting two people per property. So I really feel that the legislation is okay. It does address the main problems, and it corrects them.

One other item that the cottage owners have a concern with is the six-month rule. You must own a piece of property for at least six months before you can vote in that particular municipal election. I think that is fair. Provincial elections, federal elections, the same rule applies. You must be a resident of that constituency for I believe six months before you can vote. I think that is fair. I do not think that is putting anybody out too much. In this case, you should be a property owner for at least six months before you can vote in a municipal election.

So I really do not feel that that is an issue. Mainly, that will not cause a great deal of a problem in my constituency. Most of my electors I believe, the cottage owners, should not have too big of a problem with that.

The legislation does correct the problem where we probably do have a number of people on a voters list or on a piece of property, but it will only allow two to vote. So I do not really see that as a major problem.

One of the things that the Cottage Owners Association talks about is a mandatory four-year waiting period before residents can vote. I do not think that would be an answer to the question. I certainly would not be in favour of that. They also talk about harsher penalties for vote rigging. Well, that I do not have a problem with because anybody who breaks the law I believe should be penalized somehow or another. I am not sure how that would work.

One of the things that I think all municipalities are concerned with, they want to make the voters list, to improve it and to make it

as good as possible. Probably something we could do is strengthen the rules regarding identification. What happens in a lot of municipal elections, the staff of the municipality are probably both the enumerators, the revising officers and probably the returning officer in most cases. So they do quite a lot of the work that is taking place that it takes to have this election.

I think in most cases they know the people, they know their constituents, they know the people who are going to vote, they know the property owners, and therefore they are probably in some cases maybe a little lax. But I see nothing wrong with maybe increasing the provisions to strengthen the ID or the identification process for the provisions, I think especially in the city of Winnipeg, where maybe the enumerators, the people who work in the election, are not as familiar with the people. There I would think something to strengthen the identification provisions probably would be a step in the right direction.

There are other problems with The Elections Act. I understand that the Manitoba Chamber of Commerce brought up an issue at their annual meeting whereby they would allow some of the officers of a company that owns property to vote. I think that is probably something we should look at. That would I think be a step in the right direction whereby maybe you allow two of the officers of a corporation, probably the president and the secretary, to be able to vote where a corporation owns property.

Today this probably is becoming more and more relevant because farmers are incorporating their businesses. Farming today is a business, by the way, very large businesses in a lot of cases. They handle a lot more money than some of the people probably on Main Street here in Winnipeg, as a matter of fact, or on main streets in the communities that they live in.

Farming today is a big business, and a lot of these farmers are incorporated, and for good reasons. Therefore they should be allowed to probably have a vote on the properties that they own. So I see nothing wrong with the Chamber's recommendations that we do adopt maybe their rules or their suggestion and allow at least two

people from the particular corporations to be able to vote.

The other factor is that today a lot of the intensive livestock operations are owned by corporate entities whereby farmers got together to build this particular hog barn, as an example, or a feedlot. It could be anything. At the present time they are not allowed to have any votes whatsoever.

So there are some inequities in the system there. There again, if we at least allow two people from that company to vote, I think it certainly would correct that. Especially today, when farmers are getting larger and they have properties in a number of municipalities, not only in various wards in one particular municipality, they own property in a lot of different municipalities because of the proximity and larger farming operations.

I think that is one suggestion that I could make and that, hopefully, the minister would look at that or possibly some amendments can be made to address those issues.

I think, Mr. Speaker, that probably outlines some of the concerns that I have with the bill. I certainly believe that the main issue of the bill, where they would allow only two residents per property, I think is a step in the right direction and would correct a lot of inequities in the system and make our voting fairer. So I certainly would support this issue and support this bill. I think that will conclude my comments.

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, it is with pleasure that I rise in the House today to put some comments on the record in regard to The Local Authorities Election Amendment Act, Bill 7. I must commend the Minister of Intergovernmental Affairs (Ms. Friesen) for bringing forth this bill in the House. There was considerable debate on this bill or a similar bill last year in the Legislature with a bill, as has been indicated by my cohort from Gimli here, that there has been a bill that has come before the Legislature and is now law that demands that landowners must own property, that non-residents must own property within a municipal jurisdiction six months prior to the voting date of the municipal election.

Mr. Speaker, I moved amendments to this bill at that time, because I felt very strongly that there still needed to be some issues clarified in regard to the elections amendment act in the province of Manitoba. In fact, the Association of Manitoba Municipalities and a number of other jurisdictions in Manitoba agreed that there should be a limitation on the number of non-resident voters in municipal elections across the province of Manitoba. So I put forth a very similar amendment to that bill a year ago dealing with exactly what is before us in Bill 7 today.

So I take this opportunity again to commend the minister for bringing this forward in this forum and—

* (11:50)

An Honourable Member: For bringing my suggestion forward.

Mr. Maguire: For bringing my suggestion forward, yes, my amendment and putting it into this bill. I would say that, Mr. Speaker, while I will address some of the concerns, I will also outline the process that is being looked at in this bill. I would want to discuss some of the concerns of the opponents, as my fellow member from Gimli has just done, as well. I would like to clarify even further some of the discussions and concerns that perhaps some of the opponents might have. I know he has looked at the Manitoba Municipal Administrators Association as perhaps being one of those. I know I have read with interest the spokesperson for that association, Mr. Thorsteinson's comments, and I will address that as we move forward with the discussion today on Bill 7.

But, first, Mr. Speaker, I want to say that I fully support the idea of two non-resident landowners being the voters in a municipal election in Manitoba. It is, I think, a fair way of determining a mechanism for voting and to keep the process consistent and fair. As it has been noticed in the discussion previously, this bill is being brought forward to address and ensure fairness and consistency within municipal boundaries across the province of Manitoba.

Its purpose, as I have said, has been pointed out already, and the reason for that is that, in Manitoba today, any number, the number of

non-resident voters in any particular municipal jurisdiction is completely unlimited. I would think that common sense would prevail and say that perhaps there should be some kind of limitation to that particular kind of voting opportunity and any abuse that might be brought forward by allowing an unlimited number of non-resident owners to vote on a particular situation.

I also would like to point out that, in eight of thirteen jurisdictions, the provinces and the territories included in Canada today—and I have reiterated some of these remarks in previous discussions around the previous bill and this one, and certainly in committee last summer—but in eight of the thirteen jurisdictions that we already have in Canada, the restriction on non-resident voters is simply that you have to be a resident. Non-resident voters do not get to vote at all. In the province of British Columbia, there is one non-resident allowed to vote in a municipal election. So there are limitations in other jurisdictions. Manitoba is certainly not the only one that is bringing in this kind of legislation. I would say we are catching up with other jurisdictions in Canada in regard to The Local Authorities Election Amendment Act here by making this change.

I suppose, as has been named by some persons in the province and quoted in papers—even Mr. Errol Black from Brandon has indicated that it should be only resident voters that get a vote in municipal elections. I think that there may be the opportunity to further abuses, acknowledged in certain circumstances, that might come forward under the idea of having two non-resident voters with the bill that is before us today, that the next step towards dealing with this kind of a jurisdictional change would be to move fully to having only residents vote in ward elections. I would hope it does not come to that, Mr. Speaker. I would hope that this kind of bill will correct those kinds of difficulties that have taken place across Manitoba.

I know that there are some other circumstances that may need to be dealt with. If that is the case, I think they should be dealt with perhaps in another bill at some time, but I think this should be put forward and tried as a means

of a solution to this. In fact, keeping it as simple as it has been worded in this bill may allow it to be implemented in time for this fall's municipal elections across the province of Manitoba.

I would encourage the Legislature of Manitoba to move this bill on to second reading and get it looked at, hear the concerns of the citizens that may be out there that want to come before committee. I know there are some listed already that would like to come forward and air their views pro and con, against and for, this bill in the Legislature, as there is in all bills.

I think it is then incumbent upon us as members of the Legislature to either further amend it or bring the bill back to the House and put it forward as quickly as we can so that it is one that can actually be put in place and implemented to take care of the concerns that might arise every four years in municipal elections across the province of Manitoba.

This is in fact the year that there will be a municipal across the province of Manitoba. I think that that is incumbent upon us as legislators to try to clarify the issue. I want to deal with this issue across the province and have it in place.

Mr. Speaker, Manitobans have already commented on this bill and made some comments. They were not public, but they were presentations that were to be made to the committee to the minister's office before this bill was put into place and brought forward in last fall's session. Of course I believe as well that if there had been the urgency to have dealt with this—there was certainly the urgency last fall. We wanted to move this bill forward due to the short session and the opportunity that we have not had a House recalled here to have a Budget speech until the 22nd of April. There has been some concern about the timing in being able to get this done, but I think we still have time to deal with this bill and get it forward.

Mr. Speaker, we do not need a situation in Manitoba where abuses of this kind are put in place. I guess I would look at one one-hundredth of an acre as not a realistic parcel size to allow a particular vote to take place. I have had concerns on that. I think all citizens, even opponents of

this bill, for other reasons, would clearly indicate that a hundredth of an acre is not to be considered—I would even say a tenth of an acre is not to be considered—if we have to get into size. But we are not in a size discussion here. We are talking about abuse of the electoral system in Manitoba. I think that is what this bill will try to clarify and clear up. Hopefully, all jurisdictions will abide by that, and there will not be the abuses that we have seen in the past on this kind of circumstance.

The City of Winnipeg, I know, made presentations to the previous bill and, in questions that I have asked of their representatives, said that they were in favour of this bill. The municipal association's group came forward and also expressed support for this kind of a bill. Certainly the reeve and certainly the right passed, the municipalities down in the area where I am from, where this circumstance took

place. The Municipality of Winchester has been very supportive of this, as has their neighbouring municipality, the Municipality of Morton. Their member has; there their reeve has brought forward the opportunity to do it.

So I am going to make a few more points on this, Mr. Speaker. These people have been very supportive of this kind of a bill coming forward and dealing with the small parcels and the circumstances that might have taken place in that area.

Mr. Speaker: Order. When this matter is again before the House, the honourable Member for Arthur-Virden (Mr. Maguire) will have 29 minutes remaining.

The hour being twelve o'clock, we will recess and come back at 1:30 p.m. this afternoon.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 2, 2002

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