

Fourth Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Mr. Daryl Reid
Constituency of Transcona

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Wednesday, May 24, 2006

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Daryl Reid (Transcona)

VICE-CHAIRPERSON – Mr. Harry Schellenberg (Rossmere)

ATTENDANCE – 11 QUORUM – 6

Members of the committee present:

Hon. Mr. Mackintosh, Hon. Mr. Selinger, Hon. Mr. Smith

Messrs. Dewar, Faurshou, Goertzen, Reid, Rocan, Mrs. Rowat, Messrs. Santos, Schellenberg

APPEARING:

Mr. Kevin Lamoureux, MLA for Inkster

WITNESSES:

Bill 15–The Emergency Measures Amendment Act

Mr. Ron Bell, Association of Manitoba Municipalities

Mr. Paul Clifton, private citizen

WRITTEN SUBMISSIONS:

Bill 15–The Emergency Measures Amendment Act

Mr. Jim Stinson, Emergency Co-ordinator, Rural Municipality of St. Clements

MATTERS UNDER CONSIDERATION:

Bill 15–The Emergency Measures Amendment Act

Bill 17–The Securities Amendment Act

Bill 23–The Safer Communities and Neighbourhoods Amendment Act

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Mr. Chairperson: Good evening, everyone. Will the Standing Committee on Legislative Affairs please come to order.

Our first item of business is the election of a Vice-Chairperson. Are there any nominations?

Mr. Gregory Dewar (Selkirk): Mr. Schellenberg.

Mr. Chairperson: Mr. Schellenberg has been nominated.

Are there any further nominations? Hearing no other nominations, Mr. Schellenberg is elected as Vice-Chairperson of this committee.

Order, please. This meeting has been called to consider the following bills: Bill 15, The Emergency Measures Amendment Act; Bill 17, The Securities Amendment Act; Bill 23, The Safer Communities and Neighbourhoods Amendment Act.

We have a small number of presenters registered to speak this evening, and the names are for Bill 15, The Emergency Measures Amendment Act: James Brennan, private citizen; Ron Bell, AMM; and Paul Clifton, private citizen.

If there are any other members of the public who are with us here this evening who wish to make a presentation, please, see the Clerk at the back of committee room here and we will add your name to the list.

Before we proceed with these presentations, we do have a few other items and points of information to consider. For the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials we ask that you provide 20 copies and our table officers here can assist us with photocopying if necessary. You can see the Clerk at the back of the room for that assistance.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members.

Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If a presenter is not in attendance when their name is

called for a second time, they will be removed from the presenters' list.

On the topic of determining the order of public presentations, I will note that we do have out-of-town presenters in attendance and they are marked with an asterisk on the list. With this consideration in mind, then in what order does the committee wish to hear the presentations?

An Honourable Member: In the order of the list.

Mr. Chairperson: Will of the committee, in the order listed? *[Agreed]*

We have also received one written submission on Bill 15 from Jim Stinson. This submission has been distributed to the committee.

Is it the will of the committee to include this brief with the Hansard transcript of the meeting? *[Agreed]*

I would like to inform all in attendance of the provisions in our rules regarding the hour of adjournment. Except by unanimous consent, a standing committee meeting to consider a bill in the evening must not sit past midnight to hear presentations, unless there are fewer than 20 presenters registered to speak to all bills being considered when the committee meets. As of now, there are three persons registered to speak to these bills; therefore, in accordance with our rules, this committee may sit past midnight to hear presentations. How late does the committee wish to sit this evening?

An Honourable Member: Until the work of the committee is done.

An Honourable Member: Or whatever the minister decides.

Mr. Chairperson: Is that the will of the committee, until the work is complete here this evening? *[Agreed]* Thank you, members of the committee.

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name to allow the Hansard folks behind me to turn on and off the microphones. This is a signal that they will receive from the Chair. Thank you for your patience.

We will now proceed with public presentations.

Bill 15—The Emergency Measures Amendment Act

Mr. Chairperson: First, we will call James Brennan, private citizen, on Bill 15, The Emergency Measures Amendment Act.

Is James Brennan in the audience this evening? James Brennan? Seeing that James Brennan is not here, his name will be dropped to the bottom of the list.

The next presenter registered to speak here this evening is Ron Bell, AMM.

Mr. Bell, would you please come forward, sir. Good evening, welcome.

Mr. Ron Bell (Association of Manitoba Municipalities): Good evening.

Mr. Chairperson: Do you have a written presentation?

Mr. Bell: We do.

Mr. Chairperson: Thank you. Please proceed, Mr. Bell, when you are ready, sir.

Mr. Bell: Thank you.

On behalf of Manitoba municipalities, I am pleased to appear before this committee today to outline the Association of Manitoba Municipalities' position on Bill 15, The Emergency Measures Amendment Act.

The wet conditions Manitoba communities faced again this past year and earlier this spring highlight the need for municipalities to have the necessary tools to deal with disaster situations. Our association held a series of meetings last summer to hear first-hand the challenges facing these affected communities and to see what help was needed. One of the major themes we heard at these meetings was the need for better prevention. For this reason, the AMM is pleased to see the provincial government introduce Bill 15.

Bill 15 will allow municipalities to issue emergency prevention orders in advance of a disaster's onset. This means that, instead of just reacting to the situation, municipalities will be able to take action ahead of time and prevent damages. By extending many of the state of emergency powers to municipalities in advance of the disaster's onset, municipalities will have the tools necessary to deal with the impending crisis.

* (18:10)

While giving municipalities the powers to take proactive measures is helpful, concerns remain with the restrictive nature of coverage under the current disaster assistance program. There is no guarantee that necessary preventative work will be covered under the current program. As well, when municipalities use their own equipment and labour they are only reimbursed for 16 percent of the costs while they are able to get 100 percent reimbursement of costs when the work is contracted out.

We are pleased that Bill 15 gives communities new tools to deal with disasters, but without accompanying financial assistance many municipalities will still be unable to take any meaningful action. Changes to the disaster assistance system must go hand in hand with the changes outlined in this bill.

Bill 15 also adds a requirement that municipalities provide information to provincial coordinators when requested. We understand the need to have information communicated but urge the province to ensure that this does not become an onerous process for municipalities. One of the major issues in any disaster is having adequate manpower and any additional requirements placed on municipalities must be tempered by this reality. We are pleased that in our preliminary discussions with the department it appears that this process will be relatively simple and straightforward.

Also, we are pleased to see Bill 15 outline improvements to the communications process between government departments. It is important that municipalities have confidence in the provincial system and confidence that the province is ready to act should a disaster strike. By ensuring that government departments have emergency plans, preparedness will extend to all levels of government.

While there remain concerns with the current disaster assistance program, municipalities will benefit from Bill 15 and the ability to enact emergency preparedness orders, as this will allow communities to take action and be proactive to prevent damages. Often communities lament the sense of helplessness they feel leading up to disaster situations, and Bill 15 will allow municipalities to take action to prevent damages when disasters are looming and to work to protect their communities.

Thank you for the opportunity to present our views to you today on this important bill. Emergency preparedness is a key issue for municipalities and the AMM appreciates the opportunity to provide a

municipal perspective on this proposed legislation. Thank you.

Mr. Chairperson: Thank you, Mr. Bell, for your presentation.

Hon. Scott Smith (Minister responsible for Emergency Measures): I would just like to thank you as well, President Bell, for your assistance in our questions and in your views regarding this bill. I am very happy that you have again raised the issue of the cost and the disaster financial assistance. That is something that the province has been suggesting to the federal governments for some length of time. Using your own resources to combat disaster, mitigations of a disaster, and getting 16 percent back we have never thought was certainly fair compensation. The previous government had, I believe, been leaning toward that, and I know in speaking with the new government they are quite interested in maintaining that process. Whether we get it up to 100 percent I could not be quite sure, but certainly 16 percent, we have always been of the view that that certainly is not something that is acceptable.

As well as the comment on the discussions on relatively simple and straightforward documentation, we believe that it is. Certainly working with you, we will put that together and I think it will be quite standard on getting that information back from municipalities. It will not be something different each time it is asked for. It will be a standard document for people to fill out and I believe it will be quite simple to do.

Mr. Chairperson: Mr. Bell, did you wish to comment?

Mr. Bell: Certainly, we appreciate that there is work to be done in disaster financial assistance, and I would have to say that from all the discussions we have had the Province has been on side. We do have to move our federal partners on this, and we do see all of us as partners in disaster financial assistance. So I am hopeful that that will happen.

Mr. Denis Rocan (Carman): First of all, thank you, Mr. Bell, for making your presentation here this evening and taking the time to outline some of your concerns which seem to be extremely positive. You make reference to disaster situations and I would submit to you, sir, that a flood, I would consider that to be a disaster situation. In the case of a flood in a particular area individuals, volunteers, I guess, individuals who would do all the sandbagging, those

individuals presently are not covered for any sort of compensation if they are injured. You make no reference to this. Is this a concern of yours, knowing that these volunteers actively give of their time to come and help protect a municipality from a particular disaster and do not have any sort of coverage whatsoever?

Mr. Bell: I think we are fortunate in Manitoba that we have such a strong volunteer ethic in Manitoba, and so when they are called upon, they respond on behalf of our communities. It does take a concerted effort by all involved in communities to make things happen. I think we recognize, though, that it is difficult to cover all of the circumstances. If there was a way to compensate communities and the volunteers for the work they did, we certainly would not be opposed. We just do not see, at this point in time, the mechanism through the program where that might come into effect.

Mr. Rocan: Thank you very much, Mr. Bell.

Previously, and I do not know which government, I am not sure at this present time, but at one time, an injured worker was covered through Workers Compensation Board. That was the body that granted some sort of compensation to a volunteer who was giving freely of his time. I do not disagree with you. The volunteerism in Manitoba is second to none. If you are going to throw your back out or do whatever, surely to goodness, there has to be some sort of compensation. I note that at this point in time there is no compensation, where at one time, Workers Compensation did do it.

I think I do and I have heard that the volunteer firefighters and the volunteer ambulance attendants are covered. They are covered, but anybody else in the municipality, who is giving freely of their time, does not have that same luxury. I am just wondering again, sir, because there are only those two organizations that are covered, would it not be wise for this committee or this minister or, indeed, a department to look at it, once again, to compensate an individual who does give freely, but should have some sort of compensation, God forbid, something would happen to the individual.

Mr. Bell: Well, again, I really believe that we have to depend on volunteers, especially in situations like this. So anything that could be done to encourage them to participate, such as having coverage under Workers Compensation, would probably be positive. So I would agree with you on that point.

Mr. Rocan: Would it not be feasible, sir, on another tone, if I was an RCMP member and I had to, for whatever reason, go through your facilities, I would need a search warrant would I not, to go through your home for whatever reason? I do not have that luxury just to walk up to your door and walk through it if there was an emergency. It seems to me, right now, there is something in this bill, and I have to refresh my memory, but it seems to me that in a particular emergency there will be no search warrants required. The minister, I believe, or somebody acting, would have that responsibility for designating somebody just to go through my home, at will, if you will. Were you not concerned that somebody would have that extraordinary power to do that?

Mr. Bell: I guess I do not see responding to a disaster as being in the same league as a search warrant for a community. I think that what communities are looking for and we need to be able to respond to are circumstances by which we can take measures to prevent more extensive damages and more expensive damages or, in fact, even damages where injuries may occur to the citizens. I know that in the past, municipalities have been frustrated in that they have been unable to take measures that would prevent the possibility of those things happening. So, I guess, I think in this circumstance, that the safety of the community takes precedence.

Mr. Rocan: I do not want to get into a debate here with you, sir, but it seems to me for whatever reason if a Mountie was going to have to ransack or go through your home, he has to go to a higher authority, which would be a judge or one individual, to get a search warrant signed that would give him that luxury and authority to go through your home. Whereas, I believe, under this legislation they are giving the power to an individual, at will, if you would, under a particular circumstance, just to have that opportunity to go through your home without notice. Am I right?

* (18:20)

Mr. Bell: I certainly do not think we are talking about ransacking a person's home. I think what we are talking about in this situation is ensuring that the safety of the community is taking precedence and that we may be able to, as community leaders, take actions that will benefit the community, that will prevent injuries, prevent significant damages. I certainly do not think that we are talking about

ransacking a person's home, going through their personal items. I think we are talking about ensuring that if the community needs to take action to prevent damage to the community, that we are able to do that.

Mr. Chairperson: Mr. Rocan, one brief question.

Mr. Rocan: Do not get me wrong. I do not disagree with it. I am just simply saying, would you not think that there should be a higher authority? Would you want to have that responsibility designating one individual to go through my home, or would you want to pass that along to somebody?

Mr. Bell: I guess the problem with a procedure to do that—and knowing that sometimes going through the court system may take some time—in the case of flooding, for example, you may only have hours or minutes to take actions that could significantly affect your response to those disasters. So, I would be afraid that any mitigating circumstances you may want to take would in fact slow down your response, and that you may in fact take longer than you would have under the old act. We certainly are not in favour of that.

Communities want to be able to do what is best for communities. We want to be able to do what is best for Manitoba. We do not want to step on the individuals and on their rights, but we have to ensure that we look after the community as a whole.

Mr. Chairperson: Thank you, Mr. Bell, for your presentation here this evening.

Next presenter we have on the list is Paul Clifton, private citizen. Is Mr. Clifton in the audience?

Please come forward, sir. Do you have a written presentation? I see you do.

Mr. Paul Clifton (Private Citizen): I wonder, Mr. Chairperson, could I sit down?

Mr. Chairperson: Yes, there is a chair at the end of the table. We will move the microphone there for you.

We will just take a moment to distribute your presentation. Then we will proceed.

Mr. Clifton: Is it possible, while we are distributing it, I enlighten the committee about what I had asked about—

Mr. Chairperson: Not at this point. When we allow the presentation to proceed, then you can add those comments in, if that is all right.

Good evening, sir. You may proceed when you are ready, Mr. Clifton.

Mr. Clifton: I just want to make sure that all folks have the package as distributed. The first package is a Manitoba Natural Resources letterhead, June 2, 1997. The second is an Access to Freedom of Information and Protection of Privacy Act request of the Premier (Mr. Doer) for executive committee records held in the archives. The next one is an e-mail to general@infocom.gc.ca, that is the e-mail address for the Information Commissioner of Canada, the adjudicator on behalf of citizens of Canada, under the access to information act.

The next thing is your gracious funding partner, Western Economic Diversification, as it relates to past flood protection infrastructure upgrades, unlicensed as they may be, and I will talk to that. The last one is really the reason why, in this particular amendment to the act, you are introducing a \$50,000 fine for not obeying an evacuation order, and I will simply be talking about that. That is just a means of the Province limiting liability, i.e., if you kill us in the valley, you will be criminally responsible from this new legislation since the Westray Mine disaster. So do we all have that?

Okay, while I am speaking to you, I had asked that I be allowed to present a 4.45 minute representation and it ties in very much with this. Apparently, in 1990, there was a request by a presenter to present in a video form and he was rejected. I made much the same request under Bill 23, The Red River Floodway Act, and I was rejected. I am asked to be able to present tying into this and I was rejected.

I wonder, Mr. Chair, could I ask how many people received the CD at Bill 23, The Red River Floodway Act? I provided 20 to the committee. How many people received it? Could I see a show of hands, and could I also ask for how many people actually viewed what was on the CD? Is that appropriate, Sir?

Mr. Chairperson: This is your presentation time and then members of the committee will have the opportunity to ask questions and you will be able to provide answers. If that is part of your answer, when we move to that stage, then you could ask that question during the give and take of this process; but,

normally, because the committee members can change from committee to committee, depending on the pieces of legislation we are dealing with, perhaps committee members may not have been present at that particular committee hearings at that time.

So that question, I would have to rule, would have to be out of order at this point.

Mr. Clifton: Thank you, Mr. Chair. I want to bring attention that this amendment to The Emergency Measures Act assumes that we have natural disasters. In my neighbourhood in southern Manitoba, we are talking about a man-made disaster, and, as it turns out, the best indication of that is the engineered disaster. I repeat, engineered disaster that we had in 1997.

I bring attention the second page of the first brief, and this is after a verbal request for information. I asked for the gate position logs of the floodway control structure through the flood of 1997. In that, I was told at the time, as the engineer went white in the face, that you will have to access the information. So I submitted an access information request and I received this gate position log. Sir, if you look from April 25, at eight in the morning, till April 29, at noon, there were no incremental gate movements of the floodway control structure. Then, if you look at April 30, there were two position moves, and if you look at May 1, there was a significant move of gate position at eight in the evening. It was dark in the spring. That was after the engineers in Manitoba had fortified, supplied, designed, installed facility to flood the valley assuredly.

If you read the Manitoba Water Commission report, you will find that they went into emergency operation. So, after designing, supplying and installing facility by the engineers under the direction of Lloyd Axworthy, Gary Filmon, Gary Doer was in the meeting, Jon Gerrard, the Leader of the Liberal Party, was in that meeting, so this was an engineered disaster. Now we are talking about a natural disaster.

I asked for the information, Sir, to try and help government through this, and I asked twice now through the environmental assessment process, through the Freedom of Information and Protection of Privacy executive committee records. If you gentlemen and ladies would look at Hansard records of May 17, 2004, you will find a question and answer back and forth with Jon Gerrard and the Premier of this province. In that, you will find that Jon Gerrard, who was the minister of WED at the

time of the 1997 flood, knew of the deal by Canada and Manitoba to flood the valley for the city of Winnipeg's exclusive salvation.

Sir, in the next package, I have been dealing with the Information Commissioner of Canada. I have also been dealing with Mr. Duncan Fraser, Justice Canada, a lawyer; Julie Frederickson, lawyer for the MFA; Tany's Bjornson, lawyer for the Government of Manitoba; Burzyk [*phonetic*], lawyer for Taylor McCaffrey; with the Ombudsman's office, with the Infrastructure Canada minister; with the president of the Canadian Environmental Assessment Agency. I have been dealing with them repeatedly.

* (18:30)

Folks, the Prime Minister of Canada Mr. Jean Chrétien came to town on October 3, of 2003, and told Mr. Doer to fix this. Mr. Doer did not fix it. I complained to the Prime Minister in February 29, 2004. Mr. Paul Martin, unelected Prime Minister, came to town, told Mr. Doer to fix it. I, subsequently, wrote to the Prime Minister of Canada on May 30 and asked the Prime Minister of Canada to intervene on the minorities' behalf. In this brief was executive responsibility brief. This executive responsibility brief was received by Premier Doer who was copied, and the Lieutenant-Governor of Manitoba John Harvard. They received this on the morning mail drop on the 31st of May, at nine o'clock. So it would have been in their in-basket about 9:30, or so, on the 31st.

Bill 23, The Red River Floodway Act, was signed into law on June 9 by the Lieutenant-Governor of Manitoba Mr. John Harvard, who was in the Cabinet of Jean Chrétien when they flooded us in the valley, and they knew that. Subsequently, I e-mailed the deputy minister of Environment Canada. Prime Minister Paul Martin came to town on December 12 during the federal election and told Mr. Doer, again, to fix this. It is unprecedented that the Prime Minister of this country, two of them, would come four times to talk to the Premier of a province to say, fix it.

Subsequently, Mr. Doer went to meet Mr. Stephen Harper. He went to meet Stephen Harper because he is short money. There is no more money available at this time. The money committed has been spent. The rest of it is in pledges. The Government of Canada has to respect minority rights, and you legislators in this very august establishment must respect minority rights. I have been trying to work very hard with you.

You have fortified the inlet control structure with \$1.666 million of federal money without an assessment under the Canadian Environmental Assessment Act. You have topped up the west dike for 15 kilometres, by 5.5 vertical feet, with money in the Manness control structure, money in the Domain control structure, by the federal government, without assessment under the Canadian Environmental Assessment Act.

You are going to wilfully and deliberately flood the people in the valley, having built structures with Canadian funds, and circumventing the Canadian Environmental Assessment Act. You have circumvented The Manitoba Environment Act, and you have put together a plan to flood the valley. You have also got a plan now that, if you do not leave the valley, I am going to fine you \$50,000.

I met this weekend with a litigant, Magnum Baird [*phonetic*] from Ste. Agathe, who is still litigating for 1997 and 2002 summer damages. He is litigating on a motion right now that the west dike is a drainage facility and, as such, a drainage project. He must make claim for damages within two years. That is the type of deal that you are dealing with the people.

Ontario OPG used to be Ontario Hydro. The operator of Ontario Hydro operated a spillway control structure on their dam. They flushed 30 people down the river; a mother and her son died; eight people were injured. They have been charged under the federal new law related to Westray. Not only is the operator of the dam charged, but the supervisor. So, essentially, the legislators, if these people are found guilty, and the operators that are going to flood the valley and potentially kill people—so what you plan to do is take them out. You have forced the people out for fear of a \$50,000 fine. The people in the valley live in the valley, and they are fairly self-sustained. If we had a water problem in the valley, our water does not work, we would call a plumber and get somebody to fix our well. If our septic system does not work, we would have to dig up our septic field.

I had a video I needed to present. I needed to tell you folks that if you leave your home, you lose it. You lose everything you own, not only the brick and mortar, but the ladies in this world: the wives, the grandmothers, the great-grandmothers. They lose their security. They lose what they had. There are only 20,000 people, maybe, at most. You should not

be dealing with draconian legislation amendments. You should be working with the people.

I have a half a minute, or am I done? One minute.

You need to talk to the people. You need to talk to the people, and you need to do what the Prime Minister of this country has said. I am assured that Mr. Jean Chrétien, when he came to town and he had a 45-minute meeting in the Fairmont Hotel with Mr. Doer, he did not tell him to brutalize the families. He told him to solve it.

I am pretty certain that when Paul Martin, unelected Paul Martin, came to town to make what was called a significant announcement, and Gary Doer was hiding out at the opening of the Brandon General Hospital in Brandon, that Mr. Martin did not communicate to Manitoba to say, screw the people in the valley. And I assure you, that the executive responsibility brief that is with Mr. Martin, so it is with the federal government, is with Mr. Doer; it is with the Lieutenant-Governor and it is with the Governor General of Canada.

Canada is a great nation because we treat the minorities well. Whether you accept it or not, we recognize gay marriage. You need to work with the minorities. Do not beat them up, and do not institute this legislation as it is. It needs to be amended. It is going to further complicate things. It is very hard to remove stuff once it is law.

Very quickly, there was a fire through northern Manitoba. They had to evacuate great areas. They talked to the people and said we need to leave. We need to take you out for your safety. And they worked with the groups, and they brought the planes in, and they took those people out willingly.

We do not need further draconian legislation in this province. We need to work with the minorities. We need to work with the damn hard hit that they take, and this is not a natural disaster. This is an unlicensed, federal, provincially-funded, unmitigated disaster, and it is not natural, Sir.

Mr. Chairperson: Thank you, Mr. Clifton, for your presentation. Are there any questions for the presenter?

Seeing none, thank you, Mr. Clifton, for your presentation here this evening.

The last name we have on the list, the recorded list of presenters on Bill 15, The Emergency Measures Amendment Act, the name was James

Brennan, was called once. This is the second call for James Brennan. Seeing that Mr. Brennan is not here with us this evening, then his name will be stricken from the list.

Are there any other presenters in the audience this evening that wish to make a presentation on Bill 15, The Emergency Measures Amendment Act? Seeing no further public presentations, we will close public presentations on Bill 15 and will call Bill 23, The Safer Communities and Neighbourhoods Amendment Act.

Bill 23—The Safer Communities and Neighbourhoods Amendment Act

Mr. Chairperson: Are there any public presentations on Bill 23? For the second time, are there any public presentations on Bill 23, The Safer Communities and Neighbourhoods Amendment Act?

Seeing no persons wishing to speak to Bill 23, we will close public presentations on Bill 23.

* (18:40)

Bill 17—The Securities Amendment Act

Mr. Chairperson: Bill 17, The Securities Amendment Act. Are there any persons in the audience wishing to make a presentation to Bill 17? Second call. Bill 17, The Securities Amendment Act. Anyone wishing to make a presentation? Seeing no presenters, we will close public presentations on Bill 17.

* * *

Mr. Chairperson: Seeing that concludes public presentations, in what order does the committee wish to proceed with clause by clause considerations of the bills? Is it the will of the committee to hear Bill 15, Bill 23 and then Bill 17? *[Agreed]* Thank you to members of the committee.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is an agreement from the committee for the longer bills, I will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]* Thank you.

We will now proceed with clause by clause consideration of the bills.

Bill 15—The Emergency Measures Amendment Act

Mr. Chairperson: Does the Minister responsible for Bill 15 have an opening statement?

Hon. Scott Smith (Minister responsible for Emergency Measures): Thank you very much, Mr. Chairperson. Just very quickly, six points, just addressing the bill.

Basically, the first point is the emergency prevention orders, which is a change. Creation of the emergency prevention orders will encourage, certainly, mitigation and prevention by municipalities. (b) It provides limited powers for a pre-disaster period when the emergency is possible, but not yet probable; and (c) Manitoba will be the first jurisdiction in North America with separate powers for disaster mitigation.

The second point, Mr. Chairperson, is a clarified mandate for Manitoba EMO. EMO's role and distinction between managing the emergency broadly and the emergency at its site will be established to ensure clear responsibility between municipalities, Province and federal governments.

Three, the emergency management within the provincial government, the requirement for provincial departments to develop an emergency plan, including a business continuity plan and (b) establishes EMO's responsibility for provincial government's emergency management program.

The fourth point, Mr. Chairperson, is the penalty for refusing an evacuation order. Presently, there is only one penalty for an offence in the entire bill, a fine up to \$10,000 and/or one year in prison. This change in the amendment creates a separate and strengthened penalty for refusing an evacuation order. It is a fine up to \$50,000 and one year in prison. Certainly, it highlights that this is a more serious offence than many of the others in the bill.

Number 5 is a requirement for municipalities to provide any information to EMO. Municipalities will be required to provide a situation report or impact assessment when requested. Certainly, it is timely information that is critical and needs to be provided to the Province for a province-wide assessment in the emergency.

Number 6 is a lot of housekeeping and organization for clarification, Mr. Chairperson. There are a number of small amendments, certainly to better organize and clarify parts of the act. These

are minor and do not change the present requirements of the sections in the act.

Mr. Chairperson: We thank the minister for the opening statement.

Does the critic for the official opposition have an opening statement?

Mr. Rocan: Thank you very much, Mr. Chairperson. I would like to thank the minister and those that took an opportunity here this evening to make a presentation on this particular bill. I want to take a moment just to thank those at EMO who have been diligent in working to put this together. I believe this government and emergency management program that has been put together on behalf of the people of the province of Manitoba, indeed, will be beneficial. I would have thought, having known this, that EMO individuals who work on behalf of the people of the province of Manitoba would have been somewhat easy to access, but we find in the last very short little while that it is getting extremely difficult, and yet I am somewhat comforted by the presentation that was just made where the Prime Minister, on four separate occasions, tried to resolve a situation. So, if the Prime Minister could not get there, it is no wonder that I could not get my situation resolved, but that is another issue.

The different orders, the prevention orders that the minister makes reference to, the support of AMM, of that I am greatly appreciative also, because these individuals, when we did contact them to find out whether or not there were major concerns, seeing there was a willingness on the part of the majority of municipalities that this was, indeed, warranted and needed, and it was wanted. So we thank all of those who took the time to work to put together this piece of legislation, Bill 15, and we are prepared now to move it ahead.

Mr. Chairperson: We thank the critic for the official opposition for his opening statement.

We will now proceed with clause by clause of Bill 15.

Clauses 1 through 3—pass; clause 4—pass; clause 5—pass. Shall clauses 6 through 10 pass?

Mr. David Faurchou (Portage la Prairie): I just wanted to ask the minister, in regard to the delegation of responsibility in emergency situations to municipal officials and personnel that are employed with the municipalities, is there some type of screening process to individuals who would be

authorized under this act to extricate individuals or to make certain a benched order was enforced? Being in a past life involved with the municipality of Brandon, all employees of the jurisdiction of Brandon would they then have the power and authority delegated to them without restriction? Are there certain screenings of personnel and their backgrounds before this would be allotted to them?

Mr. Smith: The local jurisdiction, the local authority can delegate either to their municipal employees or officials, or they can delegate to anyone that they feel they would like to make that delegation to.

Mr. Kelvin Goertzen (Steinbach): I just have a couple of points of clarification. Regarding the "Powers in emergency prevention order," the clause, to me, reads that the protection order is intended to prevent the disaster or reduce the effects. I mean, reading that, then the evacuations of persons, would it be a protection issue for the—is the point of giving the power to evacuate peoples, specifically, to protect those individuals from harm, or is it to help reduce the effect of emergency or disaster, overall? Is it specific to the protection of those individuals, and the harm they might incur from the disaster, or is it to remove them from a situation where they might be interfering with a situation that might make it worse?

Mr. Chairperson: Mr. Goertzen, for clarification, could you mention which clause you are referring to in the clauses?

Mr. Goertzen: Well, I mean, it specifically relates to 8.2(3). Yes. It specifically relates to 8.2(3).

An Honourable Member: Just a quick answer. *[interjection]*

Mr. Smith: Both.

An Honourable Member: Replace both

Mr. Faurchou: Just to follow up further on clarification of personnel who can be delegated with responsibility of carrying out evacuation orders under this legislation, you are leaving it to the local jurisdiction to determine the individuals or personnel delegated for this responsibility. Am I correct in that assessment?

Mr. Smith: Primarily, common sense would tell you it would be delegated to the local policing jurisdiction that were in the area, but they can delegate others, as well.

* (18:50)

Mr. Faurshou: So, further to that, then, you are leaving it to the jurisdiction to effectively do security checks on individuals that could potentially qualify for this delegated authority to enter principal residences, or are you making any stipulations that screening be done before the individuals and the employees of the municipality are delegated this responsibility?

Mr. Smith: The authority can be delegated. Certainly, common sense would tell you the local policing efforts would be the ones on the front line. The access to property can only be done to deal with the specific emergency that is in that area. It is not the intent to go in and search people's homes; certainly, to deal with the emergency to look after life, limb and body of people within that property, whatever means it took to make sure that was done. The delegation can be usually to the local policing authority, but they can use others to assist, and delegation can be made by the local authority to whomever they deem responsible for that effort.

Mr. Faurshou: I will leave, as a concern, that screening should be initiated by municipalities to make absolutely certain that, in an emergency situation—and I will in very common language, the Joe lunch bucket, as an employee of the municipal jurisdiction, is not granted the evacuation authority to enter a principal residence without having an adequate screening process to make certain that there are not individuals that could have had previous criminal involvement entering a principal residence.

Mr. Smith: The member seems to be putting a lot of hypotheticals for the screening, if you will, or the consideration by whom that municipality appoints. I have a lot of confidence in our local elected officials in our areas. They have proven, with their emergency plans and with the response to some of the legislation that we have drafted in being prepared for those emergency plans, that they are not going to, in your words, grab Joe lunch bucket off the street for an important issue in their emergency plan.

I have a lot of faith in the elected officials that they would be very conscious of the people they would be appointing to those matters. Certainly, as I mentioned, common sense would tell you in an area that it would be the local policing authority which would likely be the ones that would deal with the issues. If they needed assistance, it would be dealt with by the local municipalities. I have a lot of confidence in their selection processes in doing that.

Maybe if you do not, you could talk to me later. We could go over those issues with AMM and others, and we could look at how we could deal with that issue. But, quite frankly, the municipalities have proven to have excellent response plans, and proven to have many volunteers and people within the community that they know. Certainly, the jurisdiction is up to the local municipalities to appoint those people. I have a lot of faith in the local municipalities.

Mr. Goertzen: I thank the minister for his comments. I, too, have a lot of faith in municipalities and in their emergency co-ordination efforts. In fact, I note that the one submission that we had here in written form—and sometimes these do not get the attention they deserve because the individuals are not appearing in person—but it was written by Mr. Jim Stinson, who is the emergency co-ordinator for the Rural Municipality of St. Clements, one of the officials, I am sure, that the minister was allotting for their ability to make good judgment.

In Mr. Stinson's presentation, he also notes that he is an RCMP officer for some 30 years, which is impressive in and of itself. He raises the concern about evacuation and whether or not it is feasible and doable. In talking, he says from his relation or his work as 30 years as an RCMP officer and being personally involved in evacuation from a community, that it is a very emotional and highly volatile situation. So I gather he is expressing concern, not only as a law enforcement, one of the individuals the minister indicates the municipalities might delegate authority to, but also as an emergency co-ordinator for the Rural Municipality of St. Clements and, again, whom the minister allotted as having faith in.

So I think that the concerns that the Member for Portage raises in that regard do seem to have some validity. I wonder if the minister could indicate if he has had some discussions with anybody within a local law enforcement about the challenges that this might present in terms of an evacuation. Also, whether or not he has had consultation, or if this legislation is drafted on other jurisdictions. Certainly, we have seen experiences, horrific experiences in places like New Orleans where the evacuation, voluntary or involuntary, did not work so well. But I wonder if he could answer those two questions about the consideration of law enforcement, and also if this is based on other jurisdictions and what experience they had.

Mr. Smith: Certainly. Thank you very much for the opportunity to answer that question. As a matter of fact, it is a good, relevant question.

The reason a lot of this legislation is drafted is to support our emergency response personnel. Within the police service, I have a high regard for RCMP officers and, certainly, local police jurisdictions as well. Firefighters, paramedics and a lot of the military and response personnel that we utilize in a disaster, I have had an opportunity to speak with all of those people and, from their standpoint, they are very, very acceptant of these changes. They do realize that their lives are put at risk when they have to go back in. Certainly, once people are asked to evacuate, once people are asked to leave, many of the emergency response personnel, police, fire, ambulance, and military personnel that I have talked to, have said there is not time to go back in and look after individuals and be concentrating efforts that are needed in an emergency response situation. So they are very acceptant to make sure that people realize it is not something that is a flip of a coin when they are asking someone to evacuate. It is something that is calculated; it is something that is managed, and it is something that is co-ordinated between all those units. They realize that. They work within that system. They do know how critical it is to evacuate people out of homes once that decision is made.

They also realize that it is highly emotional. There are times when people do not want to leave their homes, but they also realize that people must leave their homes for their good and, certainly, for the good of the response personnel as well.

Many times police officers, RCMP in particular, firefighters as well and emergency paramedics have their lives put at risk to go back in to respond to people that have refused. New Orleans is a good example. It is an example that we can use, certainly, where they had to go back in. Life and limb was risked; a great deal of effort and energy and response time was split from the management teams that could be using their energy and efforts in dealing with a lot of other issues that are very pertinent to a disaster.

Yes, I have talked to the emergency response personnel. I have talked to many, many police officers. I have talked to firefighters and emergency responders all across Manitoba. The one thing that came back very loud and clear is that this is something that is very important in an emergency: to have people, once they are asked to leave, not have to put the lives of our emergency response people at

risk to go back into a situation that they know needs to be evacuated.

Mr. Goertzen: I thank the minister for those comments. It gives me some assurance that the appropriate legal authority has been consulted on the bill.

I had asked, also, in that question about other jurisdictions, if this had been compared to other jurisdictions, or what other jurisdictions in Canada or elsewhere have in terms of legislation. Could he just indicate that?

Mr. Smith: Certainly. When we looked at this bill, obviously, there was a piece in this bill that we are the first in Canada to initiate. There is a piece between regular everyday operations within a municipality, and then there is a position where you declare a natural state of emergency once it is imminent and actually happening. We have actually got an in-between now where there can be mitigating effects put forward so that they can prepare for an emergency. They can declare that state, and they can have some of the extraordinary powers that you can only have by going to a full-blown emergency situation.

So, in that category, we are the first to initiate that. It has been very well accepted and with some considerable views from other provinces in hopefully moving towards that themselves, because they have recognized, as we have, that, in an emergency, there is pre-prepared planning before it hits that full state of emergency, and you can stop a lot of the effects and causes of effects by having some of the extra powers that are needed to do that.

Looking at the templates and models right across Canada, there are different provinces that have different legislation that is out there. We believe that Manitoba is one of the leaders right across Canada because of the flood-fighting efforts that we have had in Manitoba, obviously. Going back to the '97 flood, a lot of information was learned and used. Certainly, part of that was taken into consideration in the drafting of this bill. Every province will have slight variations within their legislation, as the member would know, but we did look at the templates in different provinces. We believe that we came up with a solution for one of the best.

* (19:00)

Mr. Chairperson: Clauses 6 to 10—pass. Shall Clauses 11 through 14 pass?

Mr. Goertzen: Question regarding clause 20(3) dealing with a penalty, which is under 12(3). Can the minister indicate where the \$50,000, I know that is the high end of the maximum of the fine, but where does that \$50,000 go?

Mr. Smith: Obviously, when you look at the fines—and, as the member mentioned, it is certainly something that we did want to highlight, being something that has had the same limit of \$10,000 for a considerable amount of time over the years. To actually highlight that in the bill for people to recognize that, in fact, this is something that should stand out, it was something that was brought forward by emergency police and emergency response personnel to make sure that it was highlighted. It is up to \$50,000, obviously, the discretion of the severity that the judge in the seat would look at. Obviously, the extenuating circumstances of impeding that penalty, whether it was 50,000 or whether it was 5,000, would be at the discretion, obviously, of the judicial bench. That fine or those dollars do, in fact, go to general revenue.

Mr. Goertzen: I assumed that, but I am glad the minister clarified that. The reason I asked was, again, deals with Mr. Stinson's comments, who is the emergency co-ordinator for the R.M. of St. Clements, who indicates, and I think what he is probably suggesting is if somebody does not conform with the evacuation order, then there is an additional cost. If, in fact, somebody does act to try and get them out at a later point, there is an additional cost to that. His recommendation is that somehow, I guess, either the penalty comes back to the rural municipality to pay for that cost, or the fee be added onto their property taxes later on. I guess that is essentially a penalty in and of itself for not complying with the order, but instead of the money going to the government's general revenue, it would go to the municipality who, I am assuming, incurred the cost. I could be wrong. Maybe the cost has occurred somewhere else, and the minister can correct me if that is the case.

But, just in terms of trying to be fair, and assigning the costs to where the cost is driven from, I wonder if the minister could comment on Mr. Stinson's recommendation that either the fee go back or the fine go back to the municipality, or an appropriate fee be assigned to property taxes.

Mr. Smith: There are a lot of different views on the issue. Certainly, we believe that the severity had to be highlighted. It certainly had to be highlighted by

the Province. In fact, this is quite serious when you are dealing with evacuation orders. It is something that the policing authorities had said was very important to highlight in our legislation. And I know some of the local authorities would like to have a deterrent within their own municipality. We believe that the deterrent is quite clear in our legislation. The deterrent of dollars and amounts are reflected in what we have proposed. I know municipalities in many forms have looked for revenue sources in finings and many other forms. It was taken under consideration. We believe the best view is to have it through the Province into the Province.

Mr. Rocan: I thank the minister for that, and I thank the Member for Steinbach for raising the issue. The minister is very quick to point out this particular fine, and that would be, here it is, the fine of \$50,000 or in prison, whatever. I take the minister back in that he says: Every department must prepare an emergency prepared management program in accordance with directions from the minister. And then the department must, must, A, B, C, D. What sort of a reprimand or a penalty would a department have for not following through on the specific orders from the minister?

Mr. Smith: If, in fact, the department did not prepare that, it would be a breach of the act and would be subject to the legislation.

Mr. Chairperson: Any further questions?

Seeing none, clauses 11 through 14—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to the members of the committee for Bill 15.

Bill 23—The Safer Communities and Neighbourhoods Amendment Act

Mr. Chairperson: We will now proceed with Bill 23, The Safer Communities and Neighbourhoods Amendment Act.

Does the Minister responsible for Bill 23 have an opening statement?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Just very briefly, I want to thank, from our policy group, David Greening, for doing the analysis of this and putting together some pros and cons of these amendments. Notably, I also want to thank Al Cameron, who is the head of the team that enforces this legislation. It has been received very warmly by communities where it has

made a difference. Indeed, for the first time, I heard some of that feedback when the amendments were announced in the last several weeks.

The enhancements to the act as set out in the bill are, in large part, based on recommendations from those on the frontlines with the team, and from Mr. Cameron, specifically. As well, they have reflected, I think, on the feedback from people in the community who have had the experience of this going to work for them.

I think the success of the legislation is owed not only to the team in the department, but, as well, to the Winnipeg Police Service and, outside of Winnipeg, to other police services that have worked in co-operation with the Public Safety Investigation Unit. But, overall, we have to thank the members of the public and people in beleaguered neighbourhoods, or that have a hornet's nest next to them who have come forward and made a complaint because, of course, this legislation is complaint driven.

Mr. Chairperson: We thank the minister for the opening statement.

Does the critic for the official opposition have an opening statement?

Mr. Kelvin Goertzen (Steinbach): I do, Mr. Chairperson. I probably will not be fulfilling my role as a critic very well this evening because I will not be terribly critical about this particular piece of legislation. In fact, I think that the amendments that are being brought forward are good amendments. I think that they are needed amendments. They are an expansion of the bill.

I am not just saying that because the genesis of the bill came in 1999, I believe, under the former Attorney General, Mr. Vic Toews, who brought forward, essentially, mirror legislation. I know there is a difference in terms of how the orders were brought forward. I am, certainly, fine with how the changes came forward, but the idea of using property rights to enact what before, I think, had been seen as largely criminal issues was creative and it was innovative and it was bold. It was an idea brought forward by the former Attorney General here in Manitoba and it stood the test of time. There were some, I think, at the time in 1998, who wondered if this was going to be constitutional and whether it was going to continue on. I think it has stood the test of time. Other jurisdictions have looked at it as good legislation.

I am glad that the government has also seen it as good legislation, and decided to keep it after 1999. They proclaimed it. We were felled by an election in the fall of 1999, and were not able to proclaim the legislation, but I am glad to see that the minister saw the value of the legislation and continued on with it. It was, certainly, important that they use the same idea.

* (19:10)

But, you know, on a more serious note, I also remember when the legislation came forward in 1998. I believe it was at committee, Mr. Lehotsky came forward, Reverend Lehotsky, well-known to members of Winnipeg, to speak in favour of the original legislation back in 1999, sorry. I know he was one of the advocates in the department and bringing forward the need for it. I believe spoke in favour in committee and, certainly, in public for the bill. Later on, when the new government brought in similar legislation, or essentially identical legislation, he, again, spoke in favour. I think he came to committee as well. So I do believe Mr. Lehotsky probably deserves more credit than maybe any of us here or any among the former Minister of Justice or the current Minister of Justice (Mr. Mackintosh). I do not want to speak for Mr. Toews, but I think he would agree that advocates like Mr. Lehotsky, who saw the need for this bill, really are the champions of it. We appreciate the fact that he was supportive of it, was important, I think, in the development of it, and it will be a success that will last a long time that he should get credit for.

Mr. Chairperson: We thank the critic for the official opposition for the opening statement.

We will now proceed with clauses.

Clause 1—pass.

Shall Clause 2 pass?

Mr. Kevin Lamoureux (Inkster): Mr. Chair, I do just have one quick question. The minister did, I believe, reference it in his opening statement. From a practical point of view, if a Manitoban is aware of a situation, or believes that one of the situations as explained in the explanatory notes is taking place, is it then up to them to phone the respective law enforcement officer, and then actions would follow? Is that the idea, that this is just going to be a proactive tool for our many constituents that we represent?

Mr. Mackintosh: This was designed as a community driven tool. It was designed so that communities could identify what their problems were in terms of properties that were habitually used to disrupt the neighbourhood. It recognizes that the focus should not be only on the individuals where the criminal law could attach sanctions but also on the property and the use of the property and where we could attach civil sanctions, essentially, codifying a law of nuisance with a remedy that was driven by an investigation team, and an application by the government to the courts where necessary. That is why, of course, I know the critic—Mr. Filmon is smiling at the critic's statements here today, because, of course, we all know that the legislation of the former administration was repealed, I think, unanimously, because of its serious shortcomings, and it was replaced, not with essentially identical legislation, but radically different, based on the view that civil law did have a role in dealing with these properties. The former legislation would have required individuals who were victimized by these kinds of properties to hire a lawyer and proceed to court, which would be very expensive. We did not think that the proper response to these kinds of properties was to go and sue the neighbour and actually have to put on the door a notice with the name of the complainant. We did not think that was a good way to deal with gangitude.

Having said that, of course, the approach is one that crossed two administrations, and I think that gives it strength, but the legislation was radically different.

I just want to say that, similarly, there were a number of individuals consulted on this legislation. Reverend Lehotsky was certainly one of them and has continued to be a supporter of this approach. Indeed, both in terms of our legislation and our resourcing of this, we have taken into account his views. I say there are others, but I just wanted to follow up. I think at this time it is important to recognize that. The government will certainly be recognizing that publicly as well.

Getting back to the nub of the question, I was just wanting to talk about how it operates generally, with regard to the government taking the carriage of a complaint, but, to initiate a complaint, a person in a neighbourhood just has to call the branch at 945-3475. Of course, we are distributing those materials as best as we can. We are looking at other ways to get the word out.

There has been—sorry, I have this lozenge here. You think it is my new teeth, do you not. We have been looking at other ways to more effectively get out information about the Safer Communities act, but all it takes is a call to the office. There is a 1-800 number as well, and the registrar will receive the complaint.

Mr. Lamoureux: I guess, finally, because, like the Member for Steinbach (Mr. Goertzen), we are fairly supportive of the intent and so forth. Having said that, I did comment in second reading in regard to Reverend Lehotsky, and the minister has acknowledged the role that he has played. Quite often I have seen legislation, as the minister is aware, we even have some, I believe, before us where a bill is, in fact, named after an individual. I would suggest to you that Reverend Harry Lehotsky might be an ideal candidate for something of that nature. I throw it to the minister as a thing for a possible third reading.

Mr. Mackintosh: Those discussions perhaps actually took place elsewhere, but I can assure the member that we have had discussions with Reverend Lehotsky about how we can celebrate his contributions to not only his neighbourhood but the broader community. The members will be hearing of that very shortly.

Mr. Goertzen: We look forward to that announcement because it is well deserved.

The question I have for the minister, because I think it is good to sort of benchmark these things now that the legislation is changing; in terms of its scope, it is changing. Can the minister indicate how many of the complaints—and if he wants to go to the last year or whatever works for him in terms of the time frame—have been from Winnipeg as opposed to outside of Winnipeg or outside of Brandon? I guess what I am trying to do is to get an indication of how much use is used in rural Manitoba of the legislation?

Mr. Mackintosh: I am advised by the unit that approximately 20 percent of the complaints are from outside of Winnipeg.

Mr. Goertzen: Just for greater clarification, so would that be, if I was to exclude Brandon, and not that I ever want to exclude Brandon, but I think it is more of an urban sort of setting, outside of Winnipeg and Brandon, would it still be 20 percent? Were you including Brandon in that 80 percent?

Mr. Mackintosh: Yes.

Mr. Goertzen: You were? Thank you.

Mr. Chairperson: Any further questions? We will proceed then with Clause 2.

Clause 2—pass; clause 3—pass; clause 4—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you, members of the committee for Bill 23.

Bill 17—The Securities Amendment Act

Mr. Chairperson: We will now proceed with Bill 17.

Does the Minister responsible for Bill 17 have an opening statement?

Hon. Greg Selinger (Minister of Finance): Yes, thank you, Mr. Chairperson. This bill is the first in a number of significant steps to harmonize securities legislation across the country. As members might know, all the provinces are co-operating on trying to come up with a harmonized approach to securities legislation, including modernizing it in terms of how it is regulated, what is in the act, what is in the regulations, requiring the offering memorandum to be enshrined in legislation rather than only in contracts, to put a passport system in place so that you only have to issue through one jurisdiction, not 13, to get a national equity or fundraising effort underway. It also provides civil liability in secondary markets, which has never been done before, and it provides for increased fines for enforcement. So those are the main points of the bill.

* (19:20)

As I have discussed with the critic, there are several very technical amendments which are the result of all jurisdictions trying to use the same language in the bill. Earlier on we introduced the bill quite early, and some of the jurisdictions we are working with introduced their bills after ours and modified some of the language. So now, through these amendments, we are trying to get everybody back on the same page so that it reads the same and is understood the same across the country. I will be asking the indulgence and patience of the committee later on to pass these technical amendments.

Mr. Chairperson: We thank the minister for the opening statement.

Does the critic for the official opposition have an opening statement?

Mr. David Faurshou (Portage la Prairie): I do want to recognize at this time the extensive work done by department personnel and their diligence in bringing forward a complete rework of The Securities Amendment Act, and to focus on a legislation that harmonizes with other jurisdictions throughout Canada, so that we can, effectively, bring to business here, whether it be done in Manitoba or elsewhere, the ability to cost-effectively provide for the exchange of securities and the understanding of investments.

So I want to, at this time, recognize the long hours, travel, negotiation and understanding that goes into the bill that is before us tonight. I do also want to recognize one individual who assisted myself in evaluating the context of Bill 17, and that is Mr. Richard Yaffe, who has a lot of expertise and experience in the area of securities.

Mr. Chairperson: We thank the critic for the official opposition for the opening statement.

Shall we proceed with clause by clause consideration? *[Agreed]*

Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; clauses 5 through 8—pass; clause 9—pass; clauses 10 and 11—pass; clauses 12 through 18—pass; clauses 19 through 25—pass; clauses 26 through 29—pass; clauses 30 and 31—pass; clause 32—pass.

Shall clause 33 pass?

Mr. Selinger: This is where I have several amendments that I would like to bring forward here.

The first amendment that I would like to move

THAT the proposed subsection 163(1), as set out in Clause 33 of the Bill, be amended

(a) by replacing the definition "extra-provincial securities commission" with the following:

"extra-provincial securities commission" means a body empowered by the laws of another province or territory of Canada to regulate trading in securities, or to administer or enforce laws respecting trading in securities;

(b) by striking out the definition "foreign securities laws"; and

(c) in the definition "Manitoba securities laws", by adding "by reference" after "incorporated".

It means it is the same language as other jurisdictions. Yes, I was supposed to add ("autre commission canadienne").

Mr. Chairperson: It has been moved by the Honourable Mr. Selinger

THAT the—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense.

THAT the proposed subsection 163(1), as set out in Clause 33 of the Bill, be amended

(a) by replacing the definition "extra-provincial securities commission" with the following:

"extra-provincial securities commission" means a body empowered by the laws of another province or territory of Canada to regulate trading in securities, or to administer or enforce laws respecting trading in securities; ("autre commission canadienne")

(b) by striking out the definition "foreign securities laws"; and

(c) in the definition "Manitoba securities laws", by adding "by reference" after "incorporated".

The amendment is in order.

Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass.

Mr. Selinger: I move

THAT the proposed clause 163(2)(b)—I will start again.

THAT the proposed clause 163(2)(b), as set out in Clause 33 of the Bill, be replaced by the following:

(b) any person or company who, in respect of that extra-provincial securities commission, exercises a power or performs a duty or function that is substantially similar to one exercised or performed by the director under this Act.

I am going to have to clarify the introductory sentence,

THAT the proposed clause 163(2)(b), as set out in Clause 33 of the Bill, be replaced with the following:

Thank you for paying attention.

Mr. Chairperson: We thank the minister. It has been proposed by the Honourable Minister Selinger

THAT the proposed clause—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense.

THAT the proposed clause 163(2)(b), as set out in Clause 33 of the Bill, be replaced with the following:

(b) any person or company who, in respect of that extra-provincial securities commission, exercises a power or performs a duty or function that is substantially similar to one exercised or performed by the director under this Act.

Thank you to members. The motion is in order.

Is the committee ready for the question?

Mr. Kelvin Goertzen (Steinbach): I just want to ensure for the record, then, so the addition of the words "or company" is to bring it into compliance with other jurisdictions?

Mr. Selinger: Yes.

Mr. Chairperson: Any further questions?

Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass.

Mr. Selinger: I move

THAT the proposed subsection 164(1), as set out in Clause 33 of the Bill, be amended

(a) by replacing the part before clause (a) with "Subject to subsection (2) and the regulations, the commission may"; and

(b) in clause (b), by adding "or other transfer" after "delegation".

Mr. Chairperson: It has been moved by the Honourable Mr. Selinger

THAT the proposed—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The motion is in order.

Mr. Goertzen: If the minister could provide the rationale for the amendment.

Mr. Selinger: Yes. First of all, it simply clarifies the language to be consistent with other jurisdictions, but, in substance, it clarifies the process for how powers or duties can be taken on by the commission on behalf of other jurisdictions, and that the orders can affect classes of persons or companies, not just

individual persons or companies. So it allows a delegation of authority from one commission to another to allow for the passport system to operate properly, without having to go through 13 wickets.

Mr. Chairperson: Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass.

Mr. Selinger: I move

THAT the proposed subsection 166(1), as set out in Clause 33 of the Bill, be amended

(a) in the part before clause (a), by striking out "may adopt or incorporate" and substituting "may by order adopt or incorporate by reference";

(b) in clause (a), by adding ", or a class of persons or companies," after "persons or companies"; and

(c) by replacing clause (b) with the following:

(b) trades or other activities involving a person or company, or a class of persons or companies, referred to in clause (a).

Mr. Chairperson: It has been moved by Minister Selinger

THAT the proposed subsection 166(1)—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The amendment is in order.

Is the committee ready for the question?

Mr. Goertzen: The significance of adding the terms by reference.

Mr. Selinger: It simply consolidates two identical provisions into one provision. It is just a simplification.

Mr. Chairperson: Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass.

Mr. Selinger: I move

THAT Clause 33 of the Bill be amended

(a) in the proposed section 167,

(i) by replacing the section heading with "Exemption orders", and

(ii) in the part after clause (b), by striking out everything after "or trades" and substituting "satisfies the conditions set out in the order."; and

(b) by striking out the proposed section 168.

Mr. Chairperson: It has been moved by the Honourable Mr. Selinger

THAT Clause 33 of the Bill be amended—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The amendment is in order. Any questions?

Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass.

* (19:30)

Mr. Selinger: All right—

THAT the—

Mr. Faurshou: Just for the sake of repetition on asking the question, could the minister perhaps give a one- or two-sentence explanation as to the necessity of the amendment, please?

Mr. Selinger: Yes.

I move

THAT the proposed section 169, as set out in Clause 33 of the Bill, be replaced with the following:

Exercise of discretion, interprovincial reliance

169(1) Subject to the regulations, if the commission or the director is empowered to make a decision regarding a person, company, trade or security, the commission or the director may make a decision on the basis that the commission or the director considers that an extra-provincial securities commission has made a substantially similar decision regarding the person, company, trade or security.

Hearing not required

169(2) Despite any other provision of this Act, but subject to the regulations, the commission or director may make a decision referred to in subsection (1) without giving a person affected by the decision an opportunity to be heard.

This simply allows, the amendment has changed the language—

Mr. Chairperson: It has been moved by the Honourable Mr. Selinger

THAT the proposed section 169—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The motion is in order.

Mr. Selinger: This, once again, changes the language to be consistent with that of other jurisdictions. It also clarifies that the decisions can be made by the usual decision maker under the act, such as the director in certain circumstances, and not always just by the commission.

Mr. Chairperson: Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass.

Mr. Selinger: I move

THAT the proposed section 170, as set out in Clause 33 of the Bill, be amended

(a) in clause (b), by adding "or other transfer" after "delegation";

(b) in clause (d), by adding "by reference" after "incorporation";

(c) in clause (e), by striking out "sections 167 and 168" and substituting "section 167"; and

(d) by striking out clause (f).

Mr. Chairperson: It has been moved by the Honourable Mr. Selinger

THAT the proposed section 170, as set out in Clause—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The amendment is in order.

Mr. Selinger: These amendments change the language to be consistent with that of other jurisdictions, and to reflect the amendments to 167, which we have just done, and the deletion of 168.

I thank the committee for its patience on these very abstract amendments.

Mr. Chairperson: Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass.

Clause 33 as amended—pass.

Just for the information of committee members, clause 33 extends from page 16 to page 50, for your reference.

Clause 34—pass.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Mr. Chairperson: The enacting clause is accordingly passed. Shall the title—

Mr. Faurschou: Just in regard to the clause with the mature investor where prospectus is not required, are we now harmonized coast to coast with the same level of required investment to qualify for the exemption?

Mr. Selinger: It is certainly the intent to have the same level playing field across all the jurisdictions. Not everybody has passed their legislation yet, but when they do it will be the same.

Mr. Chairperson: Further questions?

Enacting clause—pass; title—pass. Bill as amended be reported.

Thank you, committee members, for Bill 17.

That concludes the business of the committee. What is the will of the committee?

Some Honourable Members: Rise.

Mr. Chairperson: Committee rise at 7:36 p.m.

COMMITTEE ROSE AT: 7:36 p.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Re: Bill 15

The Emergency Measures Amendment Act

Ladies and gentlemen, my name is Jim Stinson, I am the emergency co-ordinator for the Rural Municipality of St. Clements. I sincerely regret that I am not available to personally make this presentation on the 24th May at 6 p.m.

Bill 15 is an amendment to The Emergency Measures Act and I would like to bring forward three items for consideration by this committee.

(1) Injured Volunteers

Throughout the province, every municipality, city, town and village has been required by law to complete emergency plans for the protection of its citizens. In some jurisdictions these plans are co-ordinated by a single person or are added duties for a municipal employee. These co-ordinators have then secured volunteers to assist with these plans in various capacities, i.e., transportation, medical, social services, public information, communication, to name a few.

If an emergency was to occur within their jurisdiction, numerous volunteers would be required to protect and provide assistance to their citizens. In several of these emergencies, volunteers will be doing various functions. An example would be building dykes with sand bags. At present, there is no protection for these volunteers if they were injured building the dyke. In the past, a volunteer emergency worker was covered under The Workers Compensation Act, but through amendments, only volunteer firefighters or volunteer ambulance attendants are now covered under this act.

(2) Volunteers' Loss of Employment

Emergencies can last for a day, week or even months. The length of the emergency would

determine the length of time a volunteer would be required. Volunteers are essential to the emergency plans for a municipality. At present, the volunteer is at the mercy of their employer to obtain time away from their job. Any protection that could be afforded to the volunteers would assist in securing these volunteers.

(3) Penalty – failing to comply with evacuation order

This is section 20(3) of the proposed amendment. I speak to this section with my previous experience: Thirty years as an RCM Police Officer and being personally involved in the evacuation of a community.

The forced evacuation of people from their homes is a very emotional and a highly volatile situation. One can increase the penalty to whatever amount, but still people will hide or refuse to leave. It can become very expensive for a municipality to have to rescue persons who failed to comply with an evacuation order. It is recommended that if these costs could be automatically charged to the offender and placed on their tax bill, this would allow the municipalities to at least recover some of their expenses and may add as a deterrent.

Jim Stinson

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/index.html>