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of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

MUNICIPAL AFFAIRS

35 Elizabeth II

Chairman
Mr. S. Ashton
Constituency of Thompson



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**MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Third Legislature**

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS

Thursday, 14 August, 1986

TIME — 8:00 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. S. Ashton (Thompson)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Desjardins, Doer, Evans

Messrs. Ashton, Baker, Downey, Ducharme,
Ernst, Maloway, Pankratz, Scott

APPEARING: Mr. Andy Balkaran, Deputy Legislative
Counsel.

WITNESSES: Bill No. 17

Mr. Norman Rosenbaum - Manitoba
Association for Rights and Liberties

Bill 31

Mrs. Ursula Goeres - Solicitor - City of
Winnipeg

MATTERS UNDER DISCUSSION:

Bill (No. 10) — The Manitoba Hazardous
Waste Management Corporation Act; Loi sur la
Corporation manitobain de gestion des déchets
dangereux. (Hon. Mr. Lecuyer) Bill (No. 11) —
An Act to amend The Planning Act; Loi modifiant
la Loi sur l'aménagement du territoire. (Hon. Mr.
Bucklaschuk)

Bill (No. 15) — An Act to amend The Highway
Traffic Act; Loi modifiant le Code de la route.
(Hon. Mr. Plohman)

Bill (No. 16) — An Act to amend The
Snowmobile Act; Loi modifiant la Loi sur les
motoneiges. (Hon. Mr. Plohman)

Bill (No. 17) — An Act to amend The Taxicab
Act; Loi modifiant la Loi sur les taxis. (Hon. Mr.
Plohman)

Bill (No. 18) — The Statute Law Amendment
(Elections) Act (1986); Loi de 1986 modifiant le
droit statutaire en matière d'élections. (Hon. Mr.
Bucklaschuk)

Bill (No. 28) — An Act to amend The Northern
Affairs Act; Loi modifiant la Loi sur les Affaires
du Nord. (Hon. Mr. Harapiak - The Pas)

Bill (No. 31) — An Act to amend The Social
Allowances Act, The Municipal Act and The
Mental Health Act in relation to liens; Loi
modifiant la Loi sur l'aide sociale, la Loi sur les
municipalités et la Loi sur la santé mentale en
matière de privilèges. (Hon. Mr. Evans)

Bill (No. 33) — An Act to amend The Municipal
Act; Loi modifiant la Loi sur les municipalités.
(Hon. Mr. Bucklaschuk)

Bill (No. 37) — An Act to amend The City of
Winnipeg Act; Loi modifiant la Loi sur la Ville de
Winnipeg. (Hon. Mr. Doer)

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CLERK OF COMMITTEES, Ms. T. Manikel: Good
evening. May I have your attention please? Before I
can begin this meeting, we must elect a Chairman. Are
there any nominations?

Mr. Storie.

HON. J. STORIE: I nominate Mr. Ashton to the Chair.

MADAM CLERK: Mr. Ashton has been nominated. Are
there any further nominations? Seeing none, Mr. Ashton,
will you please take the Chair?

MR. CHAIRMAN: Before proceeding with the first
presentation, I would ask that anybody who wishes to
make presentation on any of the bills before us please
identify themselves to the Clerk.

The first presentation is on Bill No. 17, Mr. Norman
Rosenbaum from the Manitoba Association for Rights
and Liberties, if you would please come forward to the
mike.

MR. H. PANKRATZ: Mr. Chairman.

MR. CHAIRMAN: Mr. Pankratz.

MR. H. PANKRATZ: Go to the presentations first.

MR. CHAIRMAN: The first presentation that's listed
is for Bill No. 17, that's why we haven't listed the others,
but we will be discussing those once the presentations
are over.

Mr. Rosenbaum.

BILL NO. 17 - THE TAXICAB ACT

MR. N. ROSENBAUM: Yes.

MR. CHAIRMAN: Please proceed.

MR. N. ROSENBAUM: I'll just wait until the bill is
distributed.

Good evening. My name is Norman Rosenbaum, and
I'm appearing on behalf of the Manitoba Association
for Rights and Liberties, and wish to comment upon
Bill 17, An Act to amend The Taxicab Act.

Manitoba Association for Rights and Liberties is a
non-profit organization dedicated to the protection and
enhancement of human rights and civil liberties. We
wish to express our concerns regarding Bill 17, An Act
to amend The Taxicab Act, and specifically regarding
Section 10(2), Certificate of Good Character.

This section states that the board shall not issue a licence under subsection (1) unless the applicant for licence meets a number of requirements.

Our specific concern is subsection (a) which requires that the applicant receives a character reference from the Chief of Police of the City of Winnipeg or from such other person as the board may designate. This section fails to set out what information is sought in the letter of reference.

MARL believes that the contents of such a letter of reference should be objective rather than subjective, and should contain only information which has a direct bearing on the ability and/or fitness of the applicant to carry out the duties for which she/he is asking to be licensed. Without such criteria clearly established, it may be possible for discrimination versus an applicant, since there is no outside standard by which the reference may be judged.

MARL therefore recommends that an objective criteria be set forth for letters of good character required by applicants for licenses.

Thank you very much for hearing this brief presentation.

MR. CHAIRMAN: Do any of the members of the Committee have any questions for Mr. Rosenbaum? - Mr. Plohman.

HON. J. PLOHMAN: I just wonder if Mr. Rosenbaum is aware that the certificate of good character is the same as was required previously. There's been no change, no amendment; it's the same provision that was there before.

MR. N. ROSENBAUM: I understand that and in fact this criteria is very common to many of the professional and board acts throughout the legislation. For example, under The City of Winnipeg Act, there are also requirements for letters of reference for many types of occupations.

MARL's comments in the past, for example, regarding the City of Winnipeg Review Committee, in regard to letters of reference, were taking basically the same position that there should be objective criteria set out in legislation.

As it is now, there are no set criteria. In fact I believe there have been occasions upon which applicants have complained about the fact that there have been no criteria set out and have complained about discrimination under the legislation. As it is, the City of Winnipeg Police can simply refuse letters of reference for a wide range of occupations. There's no manner of review and points out basically a difficulty of carrying out a trade.

MR. CHAIRMAN: Are there any further questions for Mr. Rosenbaum? Thank you for your presentation.

MR. N. ROSENBAUM: Thank you very much.

MR. CHAIRMAN: Is there anybody else wishing to make a presentation on Bill No. 17?

Since there is nobody, we'll move to Bill No. 31. The Solicitor for the City of Winnipeg, Mrs. Ursula Goeres is next.

MRS. U. GOERES: Good evening, Mr. Chairman and members of the Committee. My name is Ursula Goeres. I am a solicitor in the City of Winnipeg Law Department and I am attending on behalf of the City of Winnipeg to address the contents of Part II of Bill 31. These deal with the amendments to The Municipal Act in relation to social assistance liens.

The purpose of my submission is not to deal with the overall intent of the bill, which is to eliminate certain existing social assistance liens and restrict the criteria under which municipalities may continue to file liens. Rather, I wish to comment on the specific wording of certain sections of the bill which may present administrative difficulties or give rise to legal challenges against the right of the city to file liens under the new restricted criteria established by Bill 31.

I will be commenting on five aspects of Bill 31 and the text of my comments I believe has been circulated.

The first point centres upon the fact that under the existing legislation, The Municipal Act, the city is empowered to file liens where monies have been "paid out or expended for or on behalf of" a person; is the wording used. Similarly, section 21 of The Social Allowance Act permits the Provincial Government to file liens where it "has provided or paid assistance to a person or for a person." And I emphasize the word "for."

By contrast, the wording that appears in Bill 31 to describe the circumstances under which a lien may be filed simply refers to circumstances "where a municipality has provided assistance to a person" or "has made payment to a person." The word "for" or "on behalf of" has been eliminated.

I point out that under current city policies, most of the types of assistance which would fall under the new lien criteria would not be paid under normal circumstances to the social assistance recipient but rather would be paid directly to some third party on behalf of the recipient.

For example, mortgage payments would normally be made directly to the lending institution involved. The cost of major building repairs would normally be paid to a building contractor. It is therefore desirable that the legislation provide clearly that a lien can be filed in such situations whether the assistance has been paid to the recipient or to some other person on their behalf.

A further problem that strikes me in relation to the wording in this particular section is that the legislation in its present form would seem to give rise to arguments that where a husband and wife receive assistance under a joint application, the city may only be able to file its lien against the spouse who actually receives the payment, the spouse to whom the payment is actually made.

These problems, I suggest, can be overcome by expanding the wording of several sections of the bill, specifically those sections set out, sections 721.1(1) and 721.1(2), and we would ask that the words "provided assistance to a person" be expanded to read "provided or paid assistance to or for a person."

Similarly, in 721.2(1) we would ask that the words "made any payment to a person" be expanded to refer to "made any payment to or for a person."

The second point I wish to address involves section 721.1(1). This is a section that creates a debt in certain circumstances in relation to "a person, the spouse of

a person or, where that person is an infant, the infant's parent or guardian." It's interesting to know that the debt creating section refers to the person or their spouse and, if the person is an infant, the infant's parent or guardian.

This is the wording that is presently contained in The Social Allowances Act, but we are concerned with the use of the word "or" in connection with the person and their spouse.

The right to file a lien under section 721.2(1) arises because of the debt created under section 721.1(1). We are concerned that the use of the word "or" may place the city in a situation where it is forced to choose which of the spouses is going to have the lien filed against them. This would be extremely undesirable. The city, of course, is not interested in collecting the debt twice over from each of the spouses, but we are interested in having legislation which clearly establishes a joint debt on behalf of both of the spouses involved. So we ask that the word "or" be replaced by the word "and."

The third point that I would address involves section 721.2(1) and this is the section that sets out that a lien may be filed in certain circumstances including those where a municipality has made payment to a person to cover "arrears of real property taxes.

It's interesting that the section just before it allows the city to file a lien if the city has made payments in relation to the principal portion of a mortgage "or any portion thereof" is the wording used.

However, when we get to the section dealing with arrears of real property taxes, the wording is where a payment has been made "to cover" - and I emphasize the words "to cover" arrears of real property taxes. This to me implies that full payment of the real property taxes perhaps must be made.

Unlike section 21(1) of The Social Allowances Act which provides that a lien may be filed by the Province of Manitoba when payment has been made for arrears of real property taxes or any part of those taxes. The legislation relevant to municipalities appears to contemplate a total payment.

So it's therefore requested that this section be brought into line with Section 21(1) of The Social Allowances Act and that the words "or any part of those arrears" be inserted in clause (b).

The fourth point and the fourth concern relates again to clause 721.2(1)(b)(iii) and this clause permits municipalities to register liens in relation to payments for the cost of major building repairs. The concern expressed here is that no definition is contained in the legislation which would specify what a major building repair constitutes. Here it is feared that the city may continually be faced with legal challenges in attempting to uphold its administrative decisions as to what a major repair would constitute.

It is noted that regulations have been passed under The Social Allowances Act which have defined major building repairs for the purposes of The Social Allowances Act and those regulations provide that any building repair having a cost exceeding \$200 would be lienable. In the city's case, the legislation is silent and we would ask that this be clarified either by way of a direct amendment to the act or by way of reference to be applicable regulations.

Finally, the fifth concern that is raised involves section 721.3(2) which provides that in certain circumstances

municipalities may renew their liens and the wording is used "without any variations." The words that are of concern are "without any variations."

In certain circumstances where the City of Winnipeg has registered liens against both a husband and wife, one of those spouses - perhaps in a situation where the marriage has broken down - will approach the city or has approached the city and will reach a settlement as to their portion of the responsibilities secured by the lien.

In those circumstances, a Partial Discharge of Lien as it affects the particular name of the spouse making the settlement would have been provided and registered in the Land Titles Office, so in effect one name is gone from the original registration. When that happens, it becomes appropriate, upon renewing the lien, to vary the form to include only the remaining name. This would be something that seems impossible under the present legislation as the provision relating to renewals provides that they must be filed without any variations. So we would therefore request that the words "without any variations" either be deleted or perhaps modified to be replaced by the expression "without the necessity of any variations."

The five matters that I have just addressed represent outstanding concerns regarding Bill 31 after taking into account certain motions to otherwise amend the bill which we understand will be before your committee. Many of those amendments, specifically those relating to The Municipal Act, came about as a result of discussions between counsel for the city and Legislative Counsel, and we urge that those amendments be proceeded with as well.

I conclude by noting that the five areas which I have addressed all require amendments which are of very technical nature. They do not go to the intent of the legislative package. In several cases we are asking the wording simply be made consistent with the existing provisions of The Social Allowances Act. We ask this, mindful of the fact that the courts have stated where two similar pieces of legislation use different wording, it will be presumed by the courts that the legislators intended a different result to arise. We are concerned that the legislation be precise and unambiguous from the outset in order to avoid interpretive problems at a later date.

Thank you.

MR. CHAIRMAN: Thank you. Any questions?
Mr. Ernst.

MR. J. ERNST: Thank you, Mr. Chairman.

Mrs. Goeres, can you advise the committee, if these amendments are not proceeded with, do you foresee a significant problem to arise?

MRS. U. GOERES: I think they very well might. I would definitely foresee legal challenges in any or all of these areas. Our experience in enforcing social assistance liens has been that people are extremely litigious, that lawyers will very frequently bring actions to avoid the application of a lien, that in a situation where a public body is enforcing a recovery of this type, the courts have been extremely protective of the rights of an individual unless the legislation is extremely precise in

its terms. So I would foresee potential difficulties, certainly.

MR. J. ERNST: Have these concerns, Mrs. Goeres, been communicated to the province in the process of preparing this bill?

MRS. U. GOERES: I'm sorry, I'm having trouble hearing.

MR. J. ERNST: I'm sorry, Mrs. Goeres, have these concerns of yours been expressed to the province at the time the bill was in preparation?

MRS. U. GOERES: Yes, they have. Letters were sent to the Deputy Minister of Economic Security and I did as a matter of fact have a meeting with the Legislative Counsel concerning them only yesterday.

There have been some communication problems that do with the timing of the date that the city received the draft. But these concerns have been expressed, yes.

MR. J. ERNST: I hesitated to ask, I suppose, but have you had beyond the communication problems any difficulty in dealing with the wording of this matter with the department?

MRS. U. GOERES: The one matter that some discussion was held between myself and Legislative Counsel over was the wording outlined in my Point No. 1. This is the concern that assistants be lienable where it is paid for or on behalf of a person.

Legislative Counsel alerted me to the fact that perhaps a defence to an argument of that sort can be made by virtue of the fact that The Social Services Administration Act, I believe it is, defines assistance as including assistance paid to a person or for a person.

The Social Services Administration Act's definition would apply, I believe, through a reference to The Social Allowances Act and then again by reference to The Municipal Act. It's sort of a three-step process that has to be used to bring that definition into place. That may be of some assistance to the city's position in relation to two of the clauses noted: Section 721.1 (1) and (2) do use the term "assistance."

That argument and logic would seem not to apply to Section 721.2 (1) which refers to the making up of payment as opposed to the providing of assistance. There was specific discussion on that point.

MR. J. ERNST: A final question, Mr. Chairman. Mrs. Goeres, can you advise the committee how long you have been dealing with social assistance liens?

MRS. U. GOERES: In administering the liens, or in working on the draft.

MR. J. ERNST: In dealing with liens on behalf of the city law department?

MRS. U. GOERES: I've been involved in administering social assistance liens since 1977.

MR. CHAIRMAN: Mr. Downey.

MR. J. DOWNEY: Mr. Chairman, a couple of questions that I would have been asking have already been asked.

But possibly the Minister would like to clarify whether or not he's prepared to make these amendments or, if in fact not, it would nullify some of the questions which I may be asking. There is only one question.

Mrs. Goeres, when were you first contacted that these changes would be made so that you could prepare yourself? Has this been ongoing for some time or was the assistance back and forth, or has this just come upon you in the last short while?

MRS. U. GOERES: City administrators met with representatives of the Provincial Government in March of this year, I believe, and discussed the general content and intent of the bill as the province perceived how it would be brought about. I received a copy of the draft bill I believe in June.

MR. CHAIRMAN: Mr. Evans.

HON. L. EVANS: Thank you, Mr. Chairman.

I appreciate the brief presented by the delegation and I appreciate the fact that the individual has a lot of experience and expertise in . . .

I understand that you have discussed this with our officials and also with the lawyers of the Government of Manitoba. My understanding, and I would just like to get this clarified, that you've provided us with a number of very useful technical suggestions and changes. I understand that we've adopted quite a number of them. Is that correct?

MRS. U. GOERES: That's correct, yes.

HON. L. EVANS: What you have here are another five suggestions in addition to those then?

MRS. U. GOERES: Yes, that's correct. These were five of the suggestions that were not acted upon.

HON. L. EVANS: Just very simply then, was there any reason given to you for not acting upon these five suggestions?

MRS. U. GOERES: My understanding was that Legislative Counsel felt, for various reasons, they were not necessary. And also, I suppose I might add, had no instructions to proceed with them. That was also expressed to me.

HON. L. EVANS: I guess then, it seems that it's a matter of legal differences; differences of opinion on rather technical matters. As I understand it, you're fully in agreement with the intent of the bill, the principle of the bill, but that you have these concerns with regard to technical administration?

MRS. U. GOERES: I have no instructions at this point to speak against the intent of the bill; that's certainly correct.

HON. L. EVANS: Thank you very much.

MR. CHAIRMAN: Thank you, Mrs. Goeres.

Is there anyone else wishing to make a presentation on any of the bills before us? That is all we have in the way of public presentations.

The first bill we're dealing with then, in terms of the committee itself, is Bill No. 10.

**BILL NO. 10 - THE MANITOBA
HAZARDOUS
WASTE MANAGEMENT CORPORATION
ACT**

MR. CHAIRMAN: We're on Bill No. 10. Is it the will of the committee to proceed page-by-page? Page No. 1.

MR. A. KOVNATS: No, Mr. Chairman, clause-by-clause.

MR. CHAIRMAN: There seems to be some difference of opinion in terms of how we proceed. We can proceed clause-by-clause if . . .

MR. A. KOVNATS: Actually, it doesn't matter, Mr. Chairman, but I think it's probably a little bit more . . .

MR. CHAIRMAN: Mr. Desjardins.

HON. L. DESJARDINS: Mr. Chairman, I'd like to make a suggestion. You ask if there's any connotation or changes on anything and if not, we can go page-by-page. You're not preventing anybody from making any amendments or giving any remarks.

MR. CHAIRMAN: I think Mr. Desjardins is correct.

MR. A. KOVNATS: I have comments on every page, Mr. Chairman, and page-by-page is satisfactory.

MR. CHAIRMAN: Okay, page-by-page. Page 1 - Mr. Kovnats.

MR. A. KOVNATS: First of all, the first question I would ask: Where is the number on Page 1 to identify it as Page 1, Mr. Chairman?

MR. CHAIRMAN: I'm afraid we're going to have to refer that question to Legislative Counsel. It could have some legal significance, so I don't think I should comment on it myself.

Okay, it's a printer's practice, thank you.

MR. A. KOVNATS: I'm sorry, Mr. Chairman. The sound system in this room is atrocious and I just didn't hear. Would the honourable counsel please repeat?

MR. A. BALKARAN: Mr. Chairman, it's a printer's practice to start at Page No. 2.

MR. A. KOVNATS: I see.

MR. CHAIRMAN: I suppose we could add "1" on the first page, if the committee desired, but there appears to be a consensus we not have "1" listed on Page 1. Mr. Kovnats.

MR. A. KOVNATS: Mr. Chairman, on Page No. 1, even though there's not a number on Page No. 1, the title of the bill is Manitoba Hazardous Waste Management Corporation Act. I want to ask the Minister why we are presenting this act at this time. Is the Environment, Workplace Safety and Health Department doing anything now in regard to hazardous waste

management? What are we doing? Is it the first time that we've been presented with this type of a problem? What problem are we correcting?

MR. CHAIRMAN: Mr. Lecuyer.

HON. G. LECUYER: Mr. Chairman, let me say first of all that I didn't understand at the time we introduced the bill, we debated the bill. It's not my belief that we debate the bill at this point in time. We debate the clauses of the bill.

At this time, we proceed with an act to create a Crown corporation. As the member knows, as I indicated when we introduced the bill in Second Reading

SOME HONOURABLE MEMBERS: Oh, oh!

A MEMBER: I can't hear.

MR. CHAIRMAN: Could I ask members of the committee to please be quiet so that members of the committee, without mentioning names, could please listen?

MR. A. KOVNATS: Mr. Chairman, I'll ask the question over again. I'm not looking at . . .

HON. G. LECUYER: I've got the question, Mr. Chairman, I've got the question.

MR. CHAIRMAN: Okay, Mr. Lecuyer, in answer to the question.

HON. G. LECUYER: To repeat for the Member for Niakwa who didn't hear the beginning of my reply, just by way of comment, I was saying that it was not my understanding that at this point we debate the bill, but that we discuss the various clauses of the bill.

My rationale for the bill was indicated when I introduced it in Second Reading, but to briefly answer the question is to say that any legislation, new legislation has to have a beginning.

The department responsible has a regulatory function in environmental matters has, up till now, acted as both a proponent and an enforcer of the regulations. It is our belief that at some point, the roles of proponent and regulator have to be separated. Otherwise, if not in fact, at least in perception, we could create a perceived conflict of interest.

MR. A. KOVNATS: Are we managing somewhat in a half decent manner right now under the system of your department without bringing in this new bill? Have we come into any sort of problems that we haven't been able to manage is really what I'm trying to get across, the actual intent of this bill?

If we're running into problems then I think we require a hazardous act. If we're not, then could we not carry on in the manner in which we were before and save all the problems of hiring new staff and things of that nature? Could your staff handle it without this bill?

HON. G. LECUYER: Up till now in Manitoba, there is not in existence any body, never mind a Crown

corporation, which is responsible for handling of hazardous wastes. What the department does is store these hazardous wastes temporarily and once a year, contracts to have these disposed by having them transported out-of-province for final disposal.

That is clearly not satisfactory on the basis of the studies we have done. We know, based on some of the reports which have already been made public, when the first phase of the hazardous waste management system was introduced in its first phase through a symposium, the first round of Clean Environment hearings, and a number of reports which were prepared by the department are fully knowledgeable of the fact that there are some 23,000 tons of hazardous waste produced in this province annually.

Presently most of this goes in sewers and landfills. Although up till now this has not created any substantial problems, we cannot obviously for the future carry on in this manner.

MR. CHAIRMAN: Before going any further, I would remind members of the committee, first of all, to please curtail private conversations. If they wish to have private conversations, there's plenty of room outside the committee room.

Second of all, I would remind members too that, in committee where you're normally discussing the specifics of the bill - in fact we're on Page 1 - rather than the general principles. The Second Reading debate is the more appropriate time for which to express opinions on the broad principles of the bill.

Mr. Kovnats.

MR. A. KOVNATS: Thank you, Mr. Chairman.

I thought when we were going page-by-page, it allowed me just a little bit of extra privileges of being able to move a little bit wider in scope. That was the only reason that we've extended to this part.

All I was trying to establish is - and I was trying to work with the Minister so that he could advise the group that we are trying to dispose of all of these hazardous materials that have been stored over the years. I thought I was trying to be of some help to the Minister, because I do agree with this act that's coming through. There's some minor changes, and I hope I would be allowed the leeway in support of this Minister and this bill.

Page 1—pass.

MR. CHAIRMAN: Page 1, unnumbered—pass; Page 2 - Mr. Kovnats.

MR. A. KOVNATS: I understand the process of this bill, and that's to dispose of hazardous materials. I think we established that in that sort of roundabout manner in which we opened up the discussion on it.

Can the Honourable Minister advise whether this bill approves of setting locations for the disposal of hazardous waste?

HON. G. LECUYER: Mr. Chairman, the bill merely creates the Crown corporation whose mandate will be, in part, to do just what the member asks. So, in no way does this bill address the question of where or in what fashion will these hazardous wastes be disposed.

MR. A. KOVNATS: So what I'm led to believe now is that we have a bill to dispose of the hazardous wastes,

but we have no location to dispose of it. It seems like putting the cart before the horse. Has there been any discussion? I know that we go through this nimiety process, you know, not in my back yard. The Minister is probably having some meetings to have people advise him as to where these locations are going to be but, as the Honourable Minister knows, he will have to finally make that final decision.

Will it be this new board, under The Management Corporation Act, that will make the decision as to the locations? Or will it be the Minister shirking his responsibility and putting it onto somebody else's shoulders to make that decision?

HON. G. LECUYER: The disposal of the hazardous wastes is controlled under The Handling and Transportation Act. This bill is for the creation of the Crown corporation which will manage the system which will carry out that operation. Therefore, as part of its mandate, it will, in itself, have to proceed to - as the member knows, we've announced already in the past, that there will be a final round of Clean Environment hearing this fall to determine the criteria by which site selection will take place - it is our hope that the board of a Crown corporation will already be in place to take advantage of the input that will be provided at that hearing so that they can better address that function when the time comes.

I'm advised, under clause 6 on Page 3, the Crown corporation has the capacity of a natural corporation to carry on the powers of an individual as necessary to exercise those rights to perform the duties outlined under the act.

MR. A. KOVNATS: Yes, just a comment. I agree with the intent of the disposal of the hazardous wastes. I've been after the Minister for quite some time to come up with some idea as to how we are going to dispose of this hazardous waste. I think it's a wonderful idea of the Minister to come up with an idea of having a Crown corporation to dispose of the hazardous waste and in that manner is able to shirk some of the responsibilities that were originally his.

Might I ask the Minister at this point, are plastic bottles considered hazardous waste?

HON. G. LECUYER: No, Mr. Chairman.

MR. A. KOVNATS: The only reason was I was going to ask some questions on plastic bottles and we're under Hazardous Wastes so that kind of curtails my questions on hazardous waste and plastic bottles, although I was reading an article not too long ago about how there are thousands of plastic bottles disposed of in oceans and it's a real danger to the fishing industry. So I thought that there might be some connection, but if the Minister says there's no connection with plastic bottles and hazardous waste, I say Page 2—pass.

MR. CHAIRMAN: Page 2—pass. Mr. Kovnats, are you . . . ?

MR. A. KOVNATS: Page 2—pass.

MR. CHAIRMAN: Just making sure; Page 2—pass.

MR. A. KOVNATS: It was my suggestion, Mr. Chairman.

MR. CHAIRMAN: Just making sure.

Page 3 - Mr. Kovnats.

MR. A. KOVNATS: On Page 3 we are talking about the processing or recycling of hazardous wastes and - oh, let me start at the top of the page. Under section (b) it says, "sell or otherwise dispose of any product produced in conjunction with the generation, treatment, processing or recycling of hazardous wastes; . . ."

We had an incident in Churchill where we had some waste, whether it was hazardous or not, let's just assume that it was hazardous waste and it had to be recycled. We hired somebody to recycle the hazardous waste, ship it into Winnipeg and it was recycled. I would imagine that the people who did the recycling sold the product under the terms of this act. Under the terms of this act, we would be recycling and selling our own recycled product. Am I correct in so assuming?

HON. G. LECUYER: If we're talking about hazardous wastes, the Crown corporation would be in power to put on the exchange market, for instance, even without recycling. If there was a demand for reuse or recycling, it could put on the market some of these hazardous wastes. The Crown corporation itself will not be establishing a recycling system, but will negotiate with those who are in a position to recycle these wastes if there is a market for them.

MR. A. KOVNATS: Might I just ask a specific question? Let's talk about transformers with hazardous wastes in the transformers. Would it be the responsibility of this Crown corporation to recycle the liquid inside, the PCB-laden liquid and be able to take advantage of a non-PCB transformer for whatever it's worth?

HON. G. LECUYER: The Crown corporation that's being created is not being made responsible for - doesn't have a mandate to the effect that it has to recycle these products; some of these cannot be. Simply what is being enacted is the power to do so if that's the route to go. So the Crown corporation could sell the product or negotiate with someone else who's in a position to recycle it, or to put in place the system to destroy, to neutralize that substance if it cannot be recycled. So PCB transformers that the member mentions depends on conditions, whether there's a market for that substance, whether it has to be destroyed because there is such a market, but the Crown corporation has to put in place a system that will deal with Manitoba's hazardous products.

MR. A. KOVNATS: Then I'm to assume that it's the responsibility whoever owns those transformers with PCB's in them to do their own recycling. It's not really the responsibility of the Crown corporation, but it will be their authority to see that it's done. Am I correct in that assumption?

HON. G. LECUYER: The Crown corporation, Mr. Chairman, will be there to handle these hazardous wastes that are produced in Manitoba. Those corporations or industries that have the - to use the

member's example - PCB transformers, if they are of a high level content, for instance, there is no mechanism to recycle this kind of product so it would be taken to the Crown corporation to destroy these in a manner that will be protective of the environment and the health of Manitobans.

MR. A. KOVNATS: On Page 3 we're talking about priority in Manitoba. Is it the intent of this Crown corporation to operate only on hazardous waste for Manitoba or is it their intent to make it into an organization that could possibly turn a profit if other hazardous wastes were shipped into the province? Is it the intent for this bill to cover bringing in hazardous wastes from outside of the province?

HON. G. LECUYER: The legislation is intended to provide for the needs of Manitoba primarily. Other provinces to the east and the west of us are also considering putting in place systems to deal with hazardous wastes. It is not said that down the road it will not be more economical, more cost-efficient, to have some form of systems in place whereby we cannot provide some type of assistance to one another and, therefore, what this does is states that it's to deal with Manitoba's hazardous wastes, first and foremost; but it leaves the door open for negotiations or discussions with these systems that will be in place in other provinces as well.

MR. A. KOVNATS: On Page 3 it says, "Capacity of a natural person.", clause 6, ". . . corporation has the capacity and the rights, powers and privileges of a natural person, . . ." Does this mean that the corporation can be sued as a person? We go through a routine - I don't mean to keep bringing it up, but under Workers' Compensation, the Minister has been breaking the law because of the class fund that's been operating as a deficit. If this act was in effect, could the Minister be sued for breaking the law if the comparison, as far as the Workers Compensation class fund being in a deficit, was similar? It's my chance at getting after you for the Workers Compensation that we're breaking the law there, but how are you protected and how is the government protected in this particular act?

HON. G. LECUYER: There's a provision later on in this act that requires that this corporation operates within the laws of the Province of Manitoba, as the member will notice.

To get back to the other comment, the member alludes to the breaking of law with regard to compensation; and it's being done with the approval of all those concerned.

MR. CHAIRMAN: Before proceeding, I would have to rule any further debate or discussion on the Workers Compensation Board or any other side issue to be out of order. It's certainly not related to the specifics of Page 3 and would urge members to address the matter before us, Page 3 of this particular act.

MR. A. KOVNATS: Not to get into any great discussion on it, but we're talking about the capacity of a natural

person and we have lots of natural persons in Manitoba we're covering under Workers Compensation, and I thought that it just might be - but the Honourable Minister was able to get back at me on the question, so we'll let it pass.

MR. CHAIRMAN: Page 3—pass.
Page 4 - Mr. Kovnats.

MR. A. KOVNATS: On the top of Page 4, Board of Directors. "The affairs of the corporation shall be managed by a board of directors not fewer than seven members appointed by the Lieutenant-Governor-in-Council." I would imagine that the Honourable Minister would be most interested in seeing that this board of directors is non-political and we have had some previous discussion and I'm inclined to think that's his intention because he's searching for people to serve on that board.

Would the Honourable Minister allow suggestions from the Opposition to serve on that board?

HON. G. LECUYER: Mr. Chairman, I will welcome suggestions from all sources. I think that what we're looking for is that on the board would be members who are technically conversant in the area of hazardous wastes, people who are environmentally conscious and people who possess a good business acumen.

As well, it would be my intention that these would include varied socio-economic backgrounds so that we do have, on such a board, a board that represents the cross interests of Manitobans generally.

MR. CHAIRMAN: Page 4—pass; Page 5—pass.
Page 6 - Mr. Kovnats.

MR. A. KOVNATS: On the top of Page 6 we talk about the corporation employing and hiring a secretary and a treasurer or a secretary-treasurer. Would this position be filled through the Civil Service or would there be a competition for the positions or would it be just appointments from the Minister's Department of Environment, Workplace Safety and Health? By what manner will employees be chosen?

HON. G. LECUYER: On Clause 2(2), it's stated "the corporation is an agency of the government, within the meaning of The Civil Service Act."

MR. A. KOVNATS: So therefore they will be chosen through the Civil Service.

HON. G. LECUYER: Civil Service.

MR. A. KOVNATS: I would like to ask the Minister, and I imagine this requires some sort of a legal opinion, but on Section 11 it says, "MLA's may be a member of the board." It says, "Notwithstanding The Legislative Assembly Act, a Member of the Legislature may be a member of the board and it may accept from the corporation, salary or remuneration." We're going through a conflict-of-interest bill right now and even though this act says that there's no conflict, would the other bill take preference over this bill and say that there is a conflict and members of the Legislature would not be allowed to serve on the board?

HON. G. LECUYER: Mr. Chairman, as far as I understand it, this is the clause that is common to many of the other existing corporations and that creates no particular conflict per se. If a member gets into a conflict-of-interest situation, it's not because of this particular clause. It's because he gets beyond that clause; he goes beyond that clause.

MR. A. KOVNATS: I'm satisfied with the answer, Mr. Chairman.

MR. CHAIRMAN: Page 6—pass.
Page 7 - Mr. Kovnats.

MR. A. KOVNATS: Mr. Chairman, on the top of Page 7, it says, head office, under Clause 12: "The head office of the corporation shall be at such place in Manitoba as the board may, from time to time, determine." Why do we leave it open in that regard? Two-thirds of the Province of Manitoba, all of the hazardous waste that we're talking about, if it's ever going to travel anywhere, has to travel through Manitoba. I would imagine that 95 percent, and I'm just taking a fast guess, of the hazardous waste, has to be in Winnipeg. Why are we even considering any place other than Winnipeg for the head office? All transportation goes through Winnipeg - land, by transport, from the highways, the rail, the air, the sea, if we're going to ship up to Churchill or anything like that or bring something in through Churchill, it all has to come through Winnipeg. Why are we considering any other place but a head office in Winnipeg?

HON. G. LECUYER: Mr. Chairman, we're not considering, by this clause, any particular location, but by the very fact that we're creating a Crown corporation and empowering the board of directors to establish the criteria and eventually proceed to develop the system, that system may be located outside of Winnipeg and the board of directors may determine that is where the head office most appropriately should be located. Therefore, that leaves the door open for that kind of decision to be made.

MR. A. KOVNATS: I was just trying to save the Minister any embarrassment of being accused of political appointing of location other than Winnipeg, because I can't for the life of me see any reason at all why it could be anywhere else but Winnipeg, considering that this is the place that most of the hazardous wastes are located. Actually, I guess I was pushing for the Minister to make a decision as to where the head office would be, seeing as he hasn't been able to make a decision as to where the disposal situation is going to be.

MR. CHAIRMAN: Page 7—pass.
Page 8 - Mr. Kovnats.

MR. A. KOVNATS: Mr. Chairman, at the top of Page 8, we're talking about surplus funds to be paid over to the Minister of Finance. What surplus funds are we talking about?

HON. G. LECUYER: Mr. Chairman, the corporation can, as indicated under Clause 21, for instance, receive

contributions from any source by way of grant, gift or bequest or from proceeds of disposal of property, etc. Therefore this clause simply makes it possible to determine how these surplus funds are to be handled, if there should be such bequests or gifts made to the corporation. It is my hope, Mr. Chairman, that the critic, the Member for Niakwa, will be so favourable, seeing he has indicated that he has supported this bill for so long, that he will leave in his will a large sum of money to be bequeathed to this Crown Corporation.

MR. A. KOVNATS: Mr. Chairman, when we discuss this large sum of money, I would be happy to match the Honourable Minister's contribution, dollar-for-dollar.

HON. G. LECUYER: I will do my best. I don't know that I can come up with that kind of money.

MR. A. KOVNATS: We were talking about surplus funds. I was thinking, and the Honourable Minister didn't suggest it, there's going to be fines and services and sales. Is this going to be a business venture where the fines will be going into a pot that will be turned over to the government? Are we going to be controlling it to that point or is it just going to be from donations?

HON. G. LECUYER: The Crown Corporation is not the regulatory body. The Crown Corporation's responsibility is to deal with the hazardous wastes that are produced and are available in Manitoba. The department retains the regulatory functions. The Crown Corporation has no authority to impose any fines, so we're talking only about the other category of funding that the member referred to.

MR. A. KOVNATS: Section 18(1): "The accounts of the corporation shall, at least once each year, be audited and reported on by an auditor, who may be the Provincial Auditor . . ."

We've had some problems in the last little while and I imagine it comes under the same Provincial Auditor and the same scrutiny when we're talking about a couple of Crown Corporations. I'm making reference to the Manitoba Public Insurance Corporation, and the Workers Compensation Board. We don't have any proof on the Workers Compensation Board at this point and I'm not making any accusations, but there is the possibility that things go wrong.

Do we have an audit system that will deter these practices happening in the future? Will we be able to control it in a better manner than what we have been able to control it, under this particular act?

HON. G. LECUYER: Mr. Chairman, the Crown Corporation, as it should be, is required to be audited, whether by the Provincial Auditor or, as some other Crown Corporations, through the tendering process, by some outside auditor. As the member will notice under 18(2), notwithstanding that section (1), the Lieutenant-Governor-in-Council or the Provincial Auditor may order an audit of, or an investigation into the accounts or affairs of the corporation, which is additional to the annual audit.

MR. CHAIRMAN: Mr. Baker.

MR. C. BAKER: I was just going to ask if this Crown Corporation will be also handling wastes from private concerns, will they not?

HON. G. LECUYER: Yes, Mr. Chairman.

MR. C. BAKER: Then I would believe that should there be any surpluses - that's what you're talking about at the top of Page 8, is that right?

HON. G. LECUYER: Yes, Mr. Chairman.

MR. C. BAKER: Thank you.

MR. CHAIRMAN: Pages 8 to 11 were each read and passed. Page 12 - Mr. Kohnats.

MR. A. KOVNATS: I only have one question on Page 12. It says, "Commencement of the Act," and I know this is the normal procedure: "Clause 28, This Act comes into force on a day fixed by proclamation."

Can the Minister give us any idea as to when this act will come into force? Before the Minister answers, I've had answers and I've had replies to questions as to when we're going to pick locations, when is the act going to come into place. I've made just a partial list of some of the answers that I've got from the Minister as to when things are going to happen. Some of this list: This is under review; we're looking into; it's on hold; seeing the results of studies; under investigation; under consideration.

Can the Minister give me a reply right now as to when this act will come into force and, if he can, where the main location of handling the hazardous goods is going to be?

HON. G. LECUYER: Mr. Chairman, if I were facetious, I would say we're planning to do so somewhere in the area of east Windsor Park, but that's where the member lives.

The Crown corporation, it is my hope that this will be enacted - I don't know how quickly these things are done - but it would be my hope that this is enacted or is proclaimed as quickly as humanly possible.

MR. A. KOVNATS: Might I just suggest to the Minister that I agree, we've got these hazardous wastes that we've been sitting on a long time. I don't blame the Minister completely, although it has been his responsibility and nothing has been done. It's been the responsibility of Ministers even before this particular Minister and I'm glad that the Minister has brought in this bill. I have supported the bill and I'm not against the bill at all.

We had some points to bring out and we brought them out. I hope that it's successful. I wouldn't want to see the problem be extended any longer than what it has been extended.

MR. CHAIRMAN: Page 12—pass; Preamble—pass; Title—pass - Mr. Desjardins.

HON. L. DESJARDINS: I would just like to make the statement, we've had so much fun, but I hope we don't start a precedent here. This is the type of - what we've

done now is usually done on Second Reading. You can just imagine, we've got 11 bills and if we keep an hour a bill, and if there's some we don't agree with, we're going to be here a long time.

MR. CHAIRMAN: The member is quite correct. In fact, earlier on, I did remind all members of the fact that this is not Second Reading.

HON. L. DESJARDINS: You don't want to start a precedent here.

MR. CHAIRMAN: This is not Second Reading. This is the committee stage and discussion is normally confined to the specifics of the bill, not the generalities or the principles.

I should also remind members that there is still debate on Third Reading, at which they have the opportunity to raise more general concerns about the bill.

MR. A. KOVNATS: Mr. Chairman, is this bill to be reported? Have we passed the bill completely?

MR. CHAIRMAN: We are just in the process of doing that.

MR. A. KOVNATS: I would suggest that if we've got to move along, let's move along. I think some of the remarks from some of the other members are uncalled for at this point. If I enjoy discussing the bill, I think that's my privilege.

MR. CHAIRMAN: Bill be reported.
The next bill is Bill No. 11.

BILL NO. 11 - THE PLANNING ACT

HON. L. DESJARDINS: . . . bill-by-bill. They've saved a lot of ink on that. There's no pages numbered.

MR. CHAIRMAN: I did not recognize the member, but the member is quite correct. There are no page numbers. Perhaps we could receive some explanation of that before . . .

The suggestion is we proceed bill-by-bill on this one. There is one amendment, I understand, the last section.
Mr. Downey.

MR. CHAIRMAN: Mr. Downey.

MR. J. DOWNEY: Mr. Chairman, I may expedite the passage of this bill if the Minister is prepared to respond to a couple of questions that were put . . .

MR. CHAIRMAN: Could I, before you proceed, Mr. Downey, just ask members once again to please not have private conversations at the committee hearing, please. If you have conversations, hold them outside in the hall.
Mr. Downey.

MR. J. DOWNEY: Thank you, Mr. Chairman.

One question was dealing with the removal or the restricting of one municipality from forming a planning

district, what the purpose of that change was? That was one area of concern.

The other one was the need for the municipal board to consult with the municipalities, why that change was made.

Those are two basic questions I have. I asked them during the Second Reading. I thought the Minister may be prepared to respond to them at this time.

MR. CHAIRMAN: Mr. Bucklaschuk.

HON. J. BUCKLASCHUK: Okay, perhaps we can deal with those one by one. The existing provision in the act enables the Minister to delegate approving authority to a single municipality and, as we've all agreed, there is no single municipality currently which is an approving authority.

It was suggested, I believe by the Member for St. Norbert, that a single municipality should under some circumstances have the opportunity to become an approving authority and I believe he referred to Springfield in his contribution to the debate.

The current provision enabling single municipalities to acquire approving authority was included in the 1980 amendments. I understand this amendment was needed because a number of municipalities appeared to be unable to reach agreement with neighbouring municipalities to form planning districts.

At that time, though, due to the recent approval of development plans and basic planning statements and the availability of planning staff in the new offices, it appeared desirable to consider delegation of the approving authority function to planning districts and, in some cases, to individual municipalities such as Brandon.

Now the City of Brandon, though, has since entered into a planning district. It is now the Brandon and area planning district, which may mean that the comments or the concerns that the Member for St. Norbert had, or the Minister of Municipal Affairs, at that time do not appear to have the same degree of validity that they had at that time.

One of the reasons for proposing the possibility of a single municipal approving authority, that this be removed, the reasons are as follows. One of the principal objectives of The Planning Act is to encourage the formation of planning districts. If a municipality can become an approving authority on its own, there is much less incentive for that municipality to join a planning district.

Secondly, the approving authority acts as a second level of review after a council decision regarding a subdivision. If council is also the approving authority, the second level of review doesn't exist. I mean it wouldn't itself review its own decision; it doesn't make any sense.

I should also indicate that in making staff commitments regarding planning, we have given priority to planning districts. Up until now, when we transfer approving authority we have supplied staff assistance to the approving authority in order to administer the review of the subdivisions. If we were to delegate approving authority to municipalities, we would also have to review whether we would be able to provide the necessary staff support to those municipalities who

wish to take over the approving authority. There are financial implications by allowing a single municipality to become an approving authority.

I may not have indicated, but it's certainly our long-term objective to transfer the administration of subdivision review process to the approving authority as well as a decision-making power. We are currently negotiating with the Brandon and area planning district with a view to turning the whole subdivision review process over to the district to administer. It actually goes counter to what the Member for Arthur was concerned about, the centralization decision making. In fact we are decentralizing and trying to make the decision-making level at the local level by the people, as the member indicated, were the ones who were in the best position to make those decisions, no argument there.

It is our hope that we will be able to transfer this process to other districts in the future, and once a district assumes responsibility for the process the district will need staff resources to carry out the review and it's highly unlikely that a single municipality, which would be an approving authority, could provide the necessary staff to carry out this process.

Finally, as it is not our intention to grant approving authority to single municipalities, it seems somewhat misleading to leave in a provision which would enable the Minister to do so when he doesn't have any intention of doing so. It is our view that it should be made clear in the legislation that approving authority will not be granted to single municipalities.

I should also mention that in the debate on this bill the Member for Ste. Rose made reference to removing the provision allowing a single municipality to become a planning district. There is no such provision currently in the act. I think what the member was really concerned about was approving authority.

So those are my comments on that one. I can go onto the next one if you want, but we may have some more debate on this one.

MR. J. DOWNEY: The second point was the consultative process between the board and the municipalities.

HON. J. BUCKLASCHUK: I'm just trying to find that section.

MR. J. DOWNEY: It's gone from "shall" to "may."

HON. J. BUCKLASCHUK: That's right. That certainly does not preclude any consultation, but that's right, I recall the remarks by the Member for Ste. Rose who made reference to the value of the consultative process and his concern that we were removing those provisions which require the Municipal Board to consult with municipalities regarding the formation of a planning district prior to the Municipal Board's public hearing on the matter.

The amendment was included in this bill at the suggestion or at the request of the former chairperson of the Municipal Board, Mr. Acthim, who has had a long experience in this field. He felt that in practice it was often unnecessary for the board to meet with municipalities prior to the hearing, but the existing act

says that the board shall meet, I believe, with the municipal body. He stressed that in most cases municipalities saw no need for such a meeting. Therefore, the proposed amendment states that the Municipal Board may consult with the councils of the affected municipalities. It allows for, but it doesn't require. It can happen and, certainly, if there are situations where we feel that there may be some concern by the municipality the consultation would take place.

MR. J. DOWNEY: Mr. Chairman, I'm not going to make a big issue out of it, but I don't think there's any need to have removed the ability for one municipality to form a district as it has been said by the Minister. There really hasn't been a problem up till now. I don't know why it has to be struck out or put in the legislation and I just want to register that. I'm not going to make any further issue of it. As well, the consultative process changing from the "shall" to "may" I don't think does anything as far as the government's record as far as making sure that the rural planning individuals are fully notified by the Municipal Board. I know our feelings are that the more you consult with and keep in touch with the local elected and appointed people that you have a better working system.

Those are the only concerns I'll register, Mr. Chairman. I'm prepared to proceed unless some of my colleagues have further comments.

MR. DEPUTY CHAIRMAN, D. Scott: Pass. Are there any questions on the rest of the way through the bill until the amendment? There is one amendment proposed by the Minister, so can we go straight to that amendment or do members have any questions? Page-by-page? (Agreed)

Pages 1 to 15 were each read and passed.

No, it's the very last page. What number was I up to? 15, 16? Pages 15 to 20, inclusive, were each read and passed.

A MEMBER: What clause are you on now?

MR. DEPUTY CHAIRMAN: 70. The next one is 71, okay?

What page are we on? Pages 21 to 29, inclusive, were each read and passed.

Page 30, the very last clause, we have an amendment.

HON. J. BUCKLASCHUK: There is an amendment that has been circulated, I believe, in Section 21, to read that: "This Act comes into force on a day fixed by - I'm sorry . . ."

MR. DEPUTY CHAIRMAN: You don't need a seconder.

MR. C. BAKER: I move

THAT Section 21 of Bill 11 be struck out and that the following section be substituted therefor:
21 This Act comes into force on a day fixed by proclamation.

MR. DEPUTY CHAIRMAN: Pass? Oh, and French equivalent, Mr. Baker, la version en française. No, just say the French equivalent.

MR. C. BAKER: And the French equivalent.

MR. DEPUTY CHAIRMAN: Preamble—pass; Title—pass; Bill be reported—pass.

**BILL NO. 15 — THE HIGHWAY
TRAFFIC ACT**

MR. DEPUTY CHAIRMAN: The next bill before us is Bill No. 15, An Act to amend The Highway Traffic Act.

Mr. Plohman, I understand there are some changes. I believe the photocopies of the amendments are being done right at the moment. The Clerk should be back in a couple minutes. Are these the amendments here?

Are we ready to proceed? Bill 15, are there any comments? Shall we proceed page-by-page?

Yes - Mr. Rocan.

MR. D. ROCAN: Right.

MR. DEPUTY CHAIRMAN: Right?

MR. D. ROCAN: Oui, okay. (Yes, okay)

MR. DEPUTY CHAIRMAN: D'accord. (All right)
Page 1 . . .

MR. D. ROCAN: Attends un peu, Monsieur le Président. (Wait a moment, Mr. Chairman).

MR. DEPUTY CHAIRMAN: Excusez. Sur quelle page, une ou deux? (Excuse me. On what page, one or two?)

MR. D. ROCAN: Monsieur Orateur, je voudrais simplement dire que si l'on va lire page par page, j'ai simplement deux choses à dire dans le projet de loi quinze. C'est quand l'on parle des essieux, j'aimerais que l'on parle en même temps . . . (Mr. Chairman, I would simply like to say, if we read page-by-page, that I have two things to comment on in the amendment to Bill No. 15. When we speak of axles, I would like to speak at the same time . . .)

MR. J. DOWNEY: Mr. Chairman, on a point of order.

MR. DEPUTY CHAIRMAN: On a point of order.

MR. J. DOWNEY: The Minister of Highways sitting there whistling while my colleague is making a presentation to this bill is absolutely rude, and I would expect him to apologize.

A MEMBER: Who is this?

MR. J. DOWNEY: The Minister of Highways, rude and ignorant, because my colleague was speaking in French.

HON. J. PLOHMAN: Go blow, you were whistling.

MR. J. DOWNEY: I was not. You were whistling. I heard you whistle.

MR. DEPUTY CHAIRMAN: Order please, gentlemen, order.

Monsieur Rocan, you have the floor, sir. You said you had one point or one comment to make on the bill.

MR. D. ROCAN: No, it was two I had. I had two.

MR. DEPUTY CHAIRMAN: You have two comments.

MR. D. ROCAN: I had a couple comments. We are going to go page-by-page, I would hope.

MR. DEPUTY SPEAKER: Yes we are.

MR. D. ROCAN: Basically, it's like the Minister has said once before. This is actually just motherhood and apple pie, cleaning up the act and whatever. One of my main concerns basically is the axle group which we have here before us and also . . .

MR. DEPUTY CHAIRMAN: Which pages are these on? Can we pass the pages up to . . .

MR. D. ROCAN: That will be right on Page 1.

MR. DEPUTY CHAIRMAN: Right on Page 1. "Axle group," definition?

MR. D. ROCAN: Now, due to the fact we're suffering right now economic hard times in the farming community and we've been given a date which basically all tag axles will have to be off the road, I'm just wondering at this time if the Minister would be so kind as to give us an extension on the date, which I believe is April in '87, because at this time I don't think that there is a farmer out there right now who can afford the \$10,000 which in order to make that changeover to go from his tag axles to a set of bogies. I quote him \$10,000, but that would be just on used parts. Right now, I don't think the farmer is capable with the \$3 wheat coming in. There is just no way on this earth that he's going to be able to afford such a thing. I would just hope that the Minister would take this into consideration.

MR. DEPUTY CHAIRMAN: Okay, Mr. Minister, do you have any comments?

HON. J. PLOHMAN: Mr. Chairman, if we're going by the first section, that section only makes the law more lenient with regard to tag axles. It makes provision for assemblies to distribute the weight somewhat between the two axles, as long as one axle does not exceed the weight allowed for the single axes, for each individual axle, which is more lenient than at the present time where there's a requirement that they be equalized. That means exactly distributed. So, it's a more lenient provision.

If the member is talking about Section 16, I believe, which deals with the moving of an axle or activating from the cab of the truck, that one will not be proclaimed until April 1, 1987, according to the current plan, but I don't believe he is dealing with the proper section on Page 1 in his point.

So the appropriate time to raise that would be of course further down when we get to the appropriate section.

MR. DEPUTY CHAIRMAN: Which section is that?

HON. J. PLOHMAN: 68(15) is the section, on Page 8, the member's point was relevant.

MR. DEPUTY CHAIRMAN: Can we move on? Can we go page-by-page and continue page-by-page?

Page 1—pass? No. Mr. Rocan.

MR. D. ROCAN: Is the Minister telling us right now are tag axles or are they not going to be legal after the set date at the end of April, 1987? Will they or will they not be legal?

HON. J. PLOHMAN: If this is proclaimed, the section 68(15), dealing with the activation of the tag axles from the cab, if that is proclaimed April 1, 1987, that would mean, of course, that any that can be activated from the cab would be illegal at that point and would have to be changed. Now this was announced in 1982, five years ago, to give the owners of such trucks five years' notice that this would be coming in place in 1987.

So there has been that notice, and we'll have to consider it as we approach April 1, 1987 as to whether there should be any change depending on the economic conditions at that time I would think. The idea, of course, at the present time, is that this would be proclaimed as of April 1, 1987.

MR. D. ROCAN: So the Minister is saying there will be no changes required in the way the tag axle is affixed on the truck, that only the control lever will have to be changed in April, 1987 and no change to the tag axle wheels themselves?

HON. J. PLOHMAN: Yes, that's what I'm saying - no change in the requirements as to how they are being enforced at the present time. In 1981, the previous government put in place an amendment that required that tag axles equalize the load between both axles. That was put in place, but it was not enforced. So we have a provision in the statute that was there, but it wasn't being enforced because of the outcry that was occurring and the costs incurred.

So the Minister of the day in 1982, my predecessor, announced that they would start enforcing that section of the act in 1987. However, in 1984, as a result of complaints and concerns that we had from people, we started enforcing a more lenient approach which would allow for tag axles to continue to be operated provided that they could distribute the weight somewhat as long as there was no exceeding of the allowable weight limits for each individual axle, but they did not have to equalize the weight. That has been enforced with some degree of leniency since 1984.

So this provision then now makes it legal in the statute for that to be taking place. In fact, we were enforcing something that wasn't even provided for in the statute, because what was provided for in the statute was too rigid. So what we have in place then is a process already of enforcement that has been fairly lenient and we'll continue with that.

Then on April 1, 1987, we intend to put in place that provision that will require that the activation, those trucks that have tag axles that can be activated from cabs, will no longer be allowed. They must have that activation mechanism outside of the cab.

MR. DEPUTY CHAIRMAN: Page 1—pass; Page 2.
Mr. Pankratz.

MR. H. PANKRATZ: On the top of Page 2, my question that I have of . . . do we allow an axle group that can be of three axles?

HON. J. PLOHMAN: Yes, we do. We do it by special permit at the present time. There is no provision in the act so now we're including it in the act.

MR. DEPUTY CHAIRMAN: Page 3—pass.
Mr. Rocan.

MR. D. ROCAN: Just for clarification, the Minister said that we're going to allow three axles. Right now on a 2-axle assembly we're allowed 35,000 pounds. What are we going to be allowed say on three axles?

HON. J. PLOHMAN: There's not going to be any change. What's allowed is simply they'll be provided for in the act, rather than having a special permit required to allow them.

MR. D. ROCAN: No, just for say, like a gravel truck or whatever, and if he decided to have a third axle, is he going to be able to carry more on account that he's got extra tires?

HON. J. PLOHMAN: No, the same as before 35,000 pounds.

MR. D. ROCAN: It'll still be 35,000 pounds. Okay.

MR. DEPUTY CHAIRMAN: Mr. Pankratz.

MR. H. PANKRATZ: No, I don't know whether I understood the Minister correctly, Mr. Chairman. On a cluster, you're now allowed 35 gvw. With the third axle do you not increase the gvw?

HON. J. PLOHMAN: Apparently this will not allow more than 35,000, according to the information I have from the staff. The simple amendment here is that it's replacing or putting back in place in the act provision for the spacing for three or more axles which was omitted when amendments were made a few years ago, it was an oversight. So now we're just putting back that provision that will allow for three or more axle assemblies and the spacing for those assemblies. But it doesn't change any of the enforcement with regard to allowable weights, which I understand is still 35,000 pounds.

MR. H. PANKRATZ: That's on your double axle, we're talking about triple axle now.

HON. J. PLOHMAN: What I understand, these are for overweight purposes when there are special permits issued, then they can go higher than 35, and there are special permits issued, and that's where you would use the clusters.

MR. D. ROCAN: Basically, I was saying that we're running on permits right now, and this way we'd not have to run on permits all the time . . .

HON. J. PLOHMAN: No, what this does, I'm sorry if I wasn't clear. The act provides for, through this amendment, the required spacing for three or more axles which wasn't in the act before, but they will still be authorized by special permit. But there was no

mention of the distances allowed for triple axles or more.

MR. D. ROCAN: Basically, is this going to help someone who wants to put on a third axle during restriction time in order that he can carry more weight, that he'll be able to put on more pounds per square inch, instead of saying going at 350 restriction, 350 pounds per square inch of tire; now if he has an extra eight tires, at 10 inch rubber, is he going to be allowed to haul another, say, whatever the figures are, 12,000 pounds or whatever during restriction time?

HON. J. PLOHMAN: The 2 metre spacing for axle assemblies is what applied before. What we're doing now is allowing 3 metres. So it simply allows for greater spacing for these 3 or more axles, it doesn't change any of the provisions for loading allowances.

All it does is allow them to be spaced at 3 metres instead of the previous 2 metres, which applied because there was no special mention or provision made for 3 axles; therefore, the 2 metres applied.

MR. D. ROCAN: Then the argument being that if we got four more tires carrying a load on the road, would we not be allowed that much more during restriction time if we have that 80 more inches of rubber on the road?

HON. J. PLOHMAN: Mr. Chairman, if there's more square inches on the road, obviously up to the legal allowable limits, you would be able to carry more on that particular vehicle because you have more rubber, yes.

MR. D. ROCAN: So then the Minister is saying that on a 350 restriction a person will be able to carry that 80 square inches more per rubber?

HON. J. PLOHMAN: Yes, but that hasn't changed. We're dealing with the provisions in the amendment here. We're not changing any of that. That was always there.

MR. D. ROCAN: That was always there on special permits. Now we're going to make so that it's going to be, say like in Ontario and the pulp haulers, where they're going to be able to have that extra 3rd axle and they're going to be able to haul that extra weight then.

HON. J. PLOHMAN: Well, the special permits don't apply during spring road restrictions. There's no special permits allowed during that time but up to the allowable weights, it will facilitate more weight, obviously with 3 axles than 2.

All we're doing now is providing for the spacing for those axles. Nothing has changed from what is happening right at the present time.

MR. DEPUTY CHAIRMAN: Gentlemen, can we proceed? Page 3—pass; Page 4—pass; Page 5—pass.

Pardon me, is there someone saying hang on?

Page 6—pass; Page 7 - Mr. Rocan.

MR. D. ROCAN: On top of Page 7, "width of tire" means (i) in the case of pneumatic tires, the nominal

width of the tire marked thereon by the manufacturer; and (ii) in the case of all other tires the actual width of the tire surface in contact with the road."

Michelin, when they come out with their tires, they're 13.8 tires. Can the Minister tell us how many square inches do we allow on that 13 inch when it's marked width of tire, width marked 13.8? The road inspectors were not allowing the truckers to have that 13.8. They were taking them down to 13. Now we're saying that they're going to be able to go at that 13.8?

HON. J. PLOHMAN: I'm advised that they are allowed 13.8, Mr. Chairman.

MR. D. ROCAN: Okay, as long as they're allowed.

MR. DEPUTY CHAIRMAN: Page 7—pass; Page 8—pass; Page 9—pass.

MR. D. ROCAN: Wait a minute. Page 9 there's amendments.

MR. DEPUTY CHAIRMAN: Do you have something on Page 9? At the top of page 10 there will be an amendment. Do you have a question on 9, or 9—pass?

MR. D. ROCAN: 9—passes.

MR. DEPUTY CHAIRMAN: 9—pass; thank you. Page 10 - Mr. Minister.

HON. J. PLOHMAN: The Member for Lac du Bonnet is going to move.

MR. DEPUTY CHAIRMAN: Mr. Baker.

MR. C. BAKER: On the proposed motion that the proposed new clause 219(1)(c) to Highway Traffic Act as set out in section 23 of Bill 15 be amended by striking out the words "gross vehicle weight rating" in the 7th line, and thereof substituting therefore the words "registered gross vehicle weight".

MR. DEPUTY CHAIRMAN: Agreed? Pass.

The French Language version, same amendment—pass?

Mr. Baker.

MR. C. BAKER: Yes.

MR. DEPUTY CHAIRMAN: Pass. Page 10 as amended—pass.

Page 11 - Mr. Rocan.

MR. D. ROCAN: Page 11, is there where it comes in like suspending a driver's licence, somewhere in this act it's a drug addict. My question to the Minister is simply, how do we know if a drug addict is say, like on the alcohol, .08? How can we register a drug addict? How do you measure it?

MR. DEPUTY CHAIRMAN: What section are you referring to, Sir?

Is it 264(7)? That's referring to the impoundment of drivers' licences.

HON. J. PLOHMAN: I think, Mr. Chairman, that the member is just asking a general question. There are many sections that refer to drug addiction or drug use, where previously there was only reference to alcohol.

This particular page doesn't have it, it doesn't seem. But the member is raising a question that is referenced in a number of other sections.

MR. DEPUTY CHAIRMAN: Does it appear in other sections of this bill?

HON. J. PLOHMAN: Oh yes.

MR. DEPUTY CHAIRMAN: It does. Okay.

HON. J. PLOHMAN: The fact is that this is a judgment call that is made by the police officer when the charge is made, whether the person is under alcohol or use of drugs. Then that person is then referred to the AFM. This will allow us to refer those people for counselling and for taking rehabilitation courses, the same as those now who are under alcohol or having difficulty with alcohol and driving.

It is becoming more and more of a serious problem on the roads with people using drugs and that's why now the reference will be there so that the registrar can indeed refer people, who are using drugs, to a recognized agency such as AFM in the same way that the registrar has been able to refer people who are having difficulties with alcohol.

Now, I don't know what section the member is specifically asking about. As I said, on Page 11, I don't see any reference to it.

MR. DEPUTY CHAIRMAN: There is an amendment on Page 11? I thought there was.

Okay, Mr. Baker, on Page 11, the first motion, please.

MR. C. BAKER: It's a motion,

THAT section 29 of the French version of Bill 15 be amended by striking out the figures and the word "236 ou 238" in the third line thereof and substituting therefor the figures "238, 239."

MR. DEPUTY CHAIRMAN: French language version—pass; Page 11, as amended—pass; Page 12—pass; Page 13—pass; Page 14—pass.

Page 15, we have another amendment.

Mr. Baker.

MR. C. BAKER:

MOTION:

THAT proposed new clause 232(3)(d) to The Highway Traffic Act, as set out in Section 50 of Bill 15, be struck out and that the following clause be substituted therefor: "(d) contained in a report furnished to the Registrar by the Alcoholism Foundation of Manitoba or a recognized agency or person engaged in the diagnosis and treatment of persons suffering from alcoholism or from drug addiction."

HON. J. PLOHMAN: This may be, Mr. Chairman, the reference that the member was making.

MR. DEPUTY CHAIRMAN: Mr. Rocan.

MR. D. ROCAN: Mr. Chairman, I'd just like to know, right now is there any kind of apparatus or whatever that they can detect if a person is on drugs or not? Right now the RCMP are walking around with their breath analyzers. Is there anything at the present time that we can measure drug addiction?

MR. C. BAKER: You can be impaired for more reasons than just alcohol or drugs. There are other ways. You can be on medication or be a diabetic.

HON. J. PLOHMAN: Mr. Chairman, the only way that this can be done is through the taking of the blood tests accurately.

MR. DEPUTY CHAIRMAN: Amendment—pass; French version—pass.

MR. C. BAKER: A motion to the French version:

THAT section 54 of the French version of Bill 15 be amended by adding thereto, after the word "Manitoba" the word and figures "du 1985-86."

MR. DEPUTY CHAIRMAN: Motion to the French version—pass.

Page 16 - Mr. Rocan.

MR. D. ROCAN: Mr. Chairman, just for the Minister, the safety inspection for commercial vehicles, do we presently right now have anybody who is capable of inspecting commercial vehicles?

HON. J. PLOHMAN: Yes, we do. On our own staff are you asking about?

MR. D. ROCAN: Yes.

HON. J. PLOHMAN: Yes. This provision, of course, is allowing for the inspection of commercial vehicles and will be done by certified shops as opposed to the staff from the department.

MR. D. ROCAN: So you're saying by a certified garage then, but I understand that previously we'd be notified by a letter saying that we had to bring the truck in or whatever to a garage. Are we not at the present, now, going to, say, stop trucks on the road or whatever and inspect them there?

HON. J. PLOHMAN: This will be done, and my understanding, Mr. Chairman, is in a random way from time to time up to this point.

In the future we're going to be adhering to the agreement that was put in place by the Ministers a number of years ago that will require the inspections, I believe two inspections per year, for all commercial trucks in the province. Up to this point, though, as I said earlier, there's only been a random sampling occasionally of trucks for testing.

MR. DEPUTY CHAIRMAN: Page 15 and 16—pass; Preamble—pass; Title—pass.

Bill be reported.

**BILL NO. 16 -
THE SNOWMOBILE ACT**

MR. DEPUTY CHAIRMAN: The next bill before us is Bill No. 16, An Act to amend The Snowmobile Act. We have an amendment to this act as well. We'll proceed page-by-page on this since we have an amendment, I believe, on Page 2.

Page 1 - Mr. Rocan.

MR. D. ROCAN: Basically, I support this bill 100 percent because it is what I asked the Minister for and he came across, and he came across in a good way.

My only concern on this, Mr. Chairman, is that when this bill comes into effect on Royal Assent, right now, a snowmobile licence is \$30 for three years. Are we going to make some kind of an allowance here now if people come in now to register their four-wheelers and whatever? Are they going to end up having to pay that full \$30.00?

HON. J. PLOHMAN: As of October 1, I believe it will be \$20.00. It's \$10 a year is what it amounts to. I think it's \$10 a year taken off. It's a three-year registration.

MR. G. DUCHARME: If they register now, what is it?

HON. J. PLOHMAN: For two years, \$20.00. No, October 1; you can't register now.

MR. G. DUCHARME: Well, once the commencement of the bill, though.

HON. J. PLOHMAN: Just a minute, I'll just check. I think it's October 1.

Mr. Chairman, it's a good point and we'll have to look into it. If the Session was to end September 1 and a person went in and therefore registered his vehicle for that one month, the way the system is set up right now you'd pay the full three years of registration; in other words, the \$30.00. If you waited till October 1, you would then have to pay only \$20.00. So we're going to have to look at that.

MR. G. DUCHARME: Will they be enforcing it before that date?

HON. J. PLOHMAN: The bill is proclaimed as of September 1, it's obviously then to be enforced, but we're going to have to have a period of time for people to come in so that there will be some leniency obviously during that period of time.

MR. G. DUCHARME: Okay, thank you very much.

MR. DEPUTY CHAIRMAN: Page 1—pass.
Page 2, we have an amendment.
Mr. Baker.

MR. C. BAKER: Yes.

MOTION:

THAT Section 3 of English version of Bill 16 be amended by adding thereto immediately after the word "and" in the third line thereof, the word "to."

MR. DEPUTY CHAIRMAN: Page 2 as amended—pass; Page 3—pass. French version of the amendment—pass; Preamble—pass; Title—pass.

Bill be reported.

BILL 17 - THE TAXICAB ACT

MR. DEPUTY CHAIRMAN: Bill No. 17, An Act to Amend the Taxicab Act. We have an amendment. Page No. 1—pass; Page 2 - Mr. Desjardins, s'il vous plait français.

HON. L. DESJARDINS: Do you want me to read this in French?

MR. DEPUTY CHAIRMAN: The amendment is partially en français.

HON. L. DESJARDINS: I move,

THAT proposed new clause 10(2)(a) to the French version of The Taxicab Act as set out in section 2 of Bill 17 be struck out and the following clause be substituted therefor:

- (a) ne produise un certificat de bonne réputation établi
 - (i) soit par le chef de police de la police de la Ville de Winnipeg;
 - (ii) soit par toute autre personne que la Commission désigne.

MR. DEPUTY CHAIRMAN: Pass? Mr. Rocan.

MR. D. ROCAN: Just on a point of order. Larry, fine, you and I we understand this, but for the Anglophones, they don't have a clue what we just said.

HON. L. DESJARDINS: That's why they've got the French down on one side and the English on the other.

MR. DEPUTY CHAIRMAN: Mr. Rocan, the English version, I believe, in the act is correct. The French version in the act as was originally printed is not correct, so the unilingual Anglophones may refer to the English section of the act and you will have it there. Any unilingual Anglophones?

Page 2 as amended—pass; Page 3—pass; Page 4—pass; Preamble—pass; Title—pass.

Bill be reported.

**BILL 18 - THE STATUTE LAW
AMENDMENT (ELECTION) ACT**

MR. DEPUTY CHAIRMAN: Bill No. 18, The Statute Law Amendment (Election) Act. Is there a Minister here? Mr. Bucklaschuk. I have three different amendments. One being in the title on Page 1. Okay, go straight to the motion, please. Okay, who is moving the motion? Okay, Mr. Baker.

MR. C. BAKER: The first motion:

THAT the title of the French version of Bill 18, be amended by striking out "de 1986".

MR. DEPUTY CHAIRMAN: The French version of the same act—pass.

MR. C. BAKER: The second motion:

THAT subsection 1(2) of Bill 18 be amended by striking out the figures "2(47)" and substituting therefor the figures "2(1)(47)".

MR. DEPUTY CHAIRMAN: The version en français—pass.

MR. C. BAKER: The third motion:

THAT subsection 1(9) of Bill 18 be amended by striking out the figure "9" and substituting therefor the figure "8".

MR. DEPUTY CHAIRMAN: The version en français—pass; Bill — pass; Preamble — pass, as amended; Title — pass.
Bill be reported.

MR. DEPUTY CHAIRMAN: Bill No. 28.

HON. L. DESJARDINS: Mr. Chairman, the Minister is not here, but could we find out if there is any controversy in that; if not, we can pass it?

MR. J. ERNST: We have 252 questions.

HON. L. DESJARDINS: 252 in French?

MR. J. ERNST: Yes.

MR. DEPUTY CHAIRMAN: Gerard, are you going out to find Mr. Harapiak? If you would please.

BILL 31 - THE SOCIAL ALLOWANCES ACT, THE MUNICIPAL ACT AND THE MENTAL HEALTH ACT IN RELATION TO LIENS

MR. DEPUTY CHAIRMAN: The next one we will proceed to is Bill No. 31, An Act to amend the Social Allowances Act, The Municipal Act, and the Mental Health Act in relation to Liens.

Mr. Evans.

HON. L. EVANS: Earlier this evening we heard a presentation by a councillor for the City of Winnipeg wherein five technical amendments were suggested to the bill. I can advise members of the Committee that my departmental staff and legal counsel for the government have discussed this at length with the councillor for the City of Winnipeg and there has been agreement on certain amendments, three of the five have been accepted. The Councillor for the City of Winnipeg has agreed that the other two need not be proceeded with. They are all of a relatively minor technical nature and I believe we've got the amendments which we will read into the record at the appropriate place.

MR. DEPUTY CHAIRMAN: Okay, can we proceed page-by-page, please?

Mr. Ernst.

MR. J. ERNST: Mr. Chairman, could I ask the Minister just in terms of the amendments, the typewritten amendments that are submitted. Were they in effect agreed to previously by a councillor from the City of Winnipeg?

MR. DEPUTY CHAIRMAN: Yes, he indicated that earlier.

MR. J. ERNST: I'm sorry, but I didn't catch it.

MR. DEPUTY CHAIRMAN: And we have a couple in addition to that as well from tonight. Very good.

Page-by-page on 31. Page 1—pass; Page 2—pass. Please stop me when we come to amendments. Are there any amendments on Page 2?

MR. J. ERNST: I'm going to stop you right now.

HON. L. EVANS: Mr. Chairman, Page 2, subsection 21(1) am.

HON. L. DESJARDINS: If there's no objection, Mr. Chairman, if we go to the resolution it would be a lot easier, unless there is some objection.

MR. DEPUTY CHAIRMAN: Pardon me, I didn't catch that.

HON. L. DESJARDINS: If there is no objection, I suggest that we go to the amendments immediately. It'll be a lot easier. Then we can pass the bill as amended.

MR. DEPUTY CHAIRMAN: Okay. Agreed. We shall deal with the amendments, amendment by amendment and then pass the bill, as amended, unless other people have any comments they want to make.

MRS. C. OLESON: Will that still allow me to make a comment on Page 5?

MR. DEPUTY CHAIRMAN: Once we have finished with the amendments, certainly.

Okay, on Page 2, we have an amendment. Is there someone to read the amendment, please?

MR. C. BAKER: Is that the French one, the Page 2.

MR. DEPUTY CHAIRMAN: The Section 3.

MR. C. BAKER: On the proposed MOTION
THAT section 3 of Bill 31 be struck out and that the following be substituted therefor:

Subsec. 21(2) rep. and sub.

3 Subsection 21(2) of the Act is repealed and the following subsection is substituted therefor:

Lien.

21(2) From the time of its registration, a statement registered under subsection 1 forms a lien in favor of the Crown against the estate or interest in any land of the person named in the statement for the amount certified in the statement together with the amount of

(a) any debt that becomes owing from the person to the Crown under section 20 after the statement is certified; or

(b) any payment of a kind described in clause (1)(b) made after the statement is certified.

MR. DEPUTY CHAIRMAN: The motion — pass; French version — pass.

MR. C. BAKER:

MOTION:

THAT section 6 of Bill 31 be amended by striking out proposed subsection 21(7).

MR. DEPUTY CHAIRMAN: Pass; French version—pass.

MR. C. BAKER:

MOTION:

THAT subsection 721.1(3) of The Municipal Act as set out in section 10 of Bill 31 be amended by adding immediately after the word "municipality" when it appears for the 2nd time in line 7 the words "or a person that the municipality may designate by by-law."

MR. DEPUTY CHAIRMAN: Pass; French version—pass.

MR. C. BAKER:

MOTION:

THAT clauses 721.2(2)(a) and (b) of the Municipal Act as set out in section 10 of Bill 31 be struck out and the following clauses be substituted therefor:

- (a) any debt that becomes owing from the person to the municipality under section 721.1 after the statement is certified; or
- (b) any payment of a kind described in clause (1)(b) made after the statement is certified.

MR. DEPUTY CHAIRMAN: Pass; French version—pass.

MR. C. BAKER:

MOTION:

THAT subsections 721.3(2), (3) and (4) of The Municipal Act as set out in section 10 of Bill 31 be struck out and the following subsections substituted therefor:

Lien may be renewed.

721.3(2) Prior to the lapsing of a lien, the municipality in whose favour the lien was created may, without paying any fee therefor renew the lien without any variations where the lien secures in whole or in part an amount that was paid or expended for any of the purposes set out in section 721.1 or in clause 721.2(1)(b) and that remains outstanding at the time of renewal.

Discharge.

721.3(3) Upon receipt of payment of the indebtedness secured by a lien under subsection (2) that relates to the purposes set out in section 721.1 or in clause 721.2(1)(b), the municipality may discharge the lien.

MRS. C. OLESON: That was really "shall," not "may" to make a correction.

MR. C. BAKER: Sorry.

MR. DEPUTY CHAIRMAN: "The municipality shall discharge the lien." Yes, correct.

MR. C. BAKER: Yes, "shall discharge the lien," I'm sorry.

MR. DEPUTY CHAIRMAN: Pass. Thank you, Mrs. Oleson.

That motion carries on. We haven't finished that motion yet, sorry.

MR. C. BAKER: Previous payments.

721.3(4) Where partial repayments of assistance were made to a municipality prior to the coming into force of this section, the payments shall be deemed to have been applied to the portion of the assistance which was provided earliest in time without regard to the restrictions on liens set out in section 721.1 or in clause 721.2(1)(b).

MR. DEPUTY CHAIRMAN: Pass; French language version—pass.

HON. L. DESJARDINS: All these amendments, I think a question was asked, and I want to make sure with the Minister. This has been worked out and checked with the City of Winnipeg.

HON. L. EVANS: Prior to today's meeting, there have been extensive discussions. Earlier this evening, after the presentation, there was further consultation.

HON. L. DESJARDINS: Then could I move that we pass these motions as printed? It's the same thing. We can do that, can't we? We don't have to read it . . .

MR. DEPUTY CHAIRMAN: No, I believe we have to read through — (Interjection) — Yes, they have to be read into the record.

HON. L. DESJARDINS: That's been done before, but anyway, all right.

MR. DEPUTY CHAIRMAN: Well, with leave of the committee, if the committee so orders, we may be able to do it, but it can only be done by - whether the term is leave or not of the committee. Is it the will of the committee to accept all of the amendments as . . .

MR. C. BAKER: Another MOTION:

THAT section 10 of Bill 31 be further amended by adding at the end of the proposed section 721.3 the following section:

Offence and penalty.

712.4(1) Every person

- (a) who makes a false statement in any form, application, record or return required by a by-law of a municipality which provides for the granting of assistance; or
- (b) who fails to inform the person designated to administer a by-law of a municipality which provides for the granting of assistance of a material change in circumstances affecting his entitlement to assistance, within 30 days of the change;

is guilty of an offence and is liable on summary conviction to a fine not exceeding \$500 or to imprisonment not exceeding 3 months or to both.

Repayment of moneys.

721.4(2) A justice who finds a person guilty of an offence under subsection (1) may, in addition to any penalty imposed under that subsection, order the person to pay to the municipality any moneys obtained by that person by reason of the commission of the offence.

Filing of order in court.

721.4(3) Where an order is made under subsection (2), the municipality may file a certified copy in the Court of Queen's Bench and thereupon the order shall be deemed to be, and enforceable as, a judgment in favour of the municipality.

Limitation.

721.4(4) Notwithstanding anything in this Act or in any other Act of this Legislature, no prosecution in respect of an offence under this section shall be instituted after the expiration of 4 years from the time when the matter giving rise to the prosecution arose.

MR. DEPUTY CHAIRMAN: I have one correction to make on that. There is a mistake in the printed bill, and I guess it's lucky that we did go through and read them. At the very first, under "Offence and penalty," it's printed "712.4(1)." It should be printed "721.4(1)."

With that alteration, that Motion—pass; French version—pass.

MR. C. BAKER:

MOTION:

THAT the French version of Bill 31 be amended by striking out the word "relevé" wherever it appears and substituting therefor in each case the word "attestation" and by making all consequential grammatical changes.

MR. DEPUTY CHAIRMAN: Pass; French version—pass. There are a couple of hand-written ones here now as well, Mr. Baker.

MR. C. BAKER:

MOTION - somebody will have to correct me if I'm not interpreting his writing properly.

THAT subsection 721(1) of The Municipal Act as set out in section 9 of Bill 31 be amended

(a) by adding at the end of the definition of "assistance" the words "provided or paid to or for a person"; and

(b) by adding after the definition of "court" the following definition:

"major building repairs" has the meaning given to that expression by regulations made under The Social Allowances Act.

MR. DEPUTY CHAIRMAN: Pass; French version—pass.

MR. C. BAKER:

MOTION:

THAT clause 721.2(1)(b) of The Municipal Act as set out in section 10 of Bill 31 be amended by adding immediately after the word "cover" the words "in whole or in part."

MR. DEPUTY CHAIRMAN: Pass; French version—pass.—Mrs. Oleson, please.

MRS. C. OLESON: Thank you, Mr. Chairman.

On Page 5, 721.1(2) they're dealing with maintenance. I wonder could the Minister clarify just who the lien will be placed on, for instance, in the event that a person is living in a house that's in their name, but the spouse who's supposed to be paying maintenance defaults on the maintenance. In whose name is the lien placed? Is it placed on the property in which the spouse who is supposed to be receiving the maintenance, is it on their property?

MR. DEPUTY CHAIRMAN: Mr. Minister.

HON. L. EVANS: Mr. Chairman, it's placed against the spouse who's defaulted on the maintenance payment.

MRS. C. OLESON: So in that case, it could not fall on the property in which the person is living if their spouse defaulted on the payment?

HON. L. EVANS: Mr. Chairman, no.

MRS. C. OLESON: Thank you.

MR. DEPUTY CHAIRMAN: Bill as amended—pass; Preamble—pass; Title—pass; Bill be reported—pass.

Okay, let us return to Bill No. 28. The Minister of Northern Affairs is present.

BILL 28 - THE NORTHERN AFFAIRS ACT

MR. DEPUTY SPEAKER: Bill No. 28, An Act to amend The Northern Affairs Act. We have one amendment.

Mr. Maloway. Is there going to be any commentary on the bill for the Minister, or should we just do the amendment first and pass the bill as amended? — (Interjection) — We'll go directly to the amendment then — Mr. Maloway.

MR. J. MALOWAY: Mr. Chairman, I move the MOTION:

THAT the French version of proposed new subsection 28(2) of the Northern Affairs Act, as set out in section 5 of Bill 28, be amended by striking out the word "légal" in the 3rd line thereof and substituting therefor the word "local."

MR. DEPUTY CHAIRMAN: Pass; version français—pass; Bill—pass; Preamble—pass; Title—pass; Bill be reported—pass. Thank you, Harry.

. . . ladies and gentlemen is Bill No. 33, An Act to amend The Municipal Act.

Members of the committee, I suspect from past experience that the people down in Hansard are going to have some difficulty in recording the transactions and the business carried forward in this committee because of the amount of talking and hubbub that is going on. So if we could try and restrict it a little bit, it makes their job an awful lot easier trying to pick out what is on the record and what is off the record, and differentiate — Mr. Downey.

BILL 33 - THE MUNICIPAL ACT

MR. J. DOWNEY: Mr. Chairman, I would like to just again reiterate a couple of concerns to the Minister.

One is the reaction that he, I'm sure, received and that came forward from the municipal councillors with the residency portion which he was striking out, forcing the individuals to come from within the municipal boundaries as to which they were going to be nominated or elected. I guess, the No. 1 thing - and I again register it with the Minister - is that he did not, and I say did not, discuss it fully with them prior to the implementation of this act. I understand that there have been some recent discussions with them and their concerns have been somewhat alleviated. I'm sure from the amendments that have been tabled, that we don't have the concern dealing with that being passed. But the whole concern that I have is that they weren't fully discussed prior to the changes in the bill, and it caught them somewhat by surprise.

There's one other concern that I want to register, and I don't plan on taking a lot of time on it, Mr. Chairman, but it again flows from the concern brought forward. When The Municipal Act is now opened, dealing with Section 41.4 - and I appreciate I may be somewhat out of order in this, but you're not paying any attention anyway, Mr. Chairman.

On 41.4, dealing with the population variances within a municipality where, in fact, the Municipal Board in allowing the municipalities to determine their ward boundaries, "shall the population of any ward in a municipality as a result thereof vary from the quotient obtained under subsection 2." But I'm saying, the word "shall," I wished he would have amended it and opened that portion of it up to put "may" in. It would have alleviated the concerns of that municipality and also the concerns of the Municipality of Swan River and it would have been in line with, I'm sure, The School Board Act.

I'm disappointed that the Minister hasn't proceeded to bring in an amendment to the act at this particular time because there was a good case made by the Reeve of the Municipality of Harrison, and the representative from Swan River, and it's unfortunate that he hadn't proceeded to do so.

I want to register that, Mr. Chairman, and would hope that the Minister would reconsider and introduce an amendment at this time. All it would be is the changing of the word "shall" to "may" and we could do it when the act is opened up.

HON. J. BUCKLASCHUK: Just in response to that, I would like to thank the members of the Opposition, the two or three that made me aware of the concern about our proposed amendment. I must indicate, though, that a copy of the legislation did go to the Union of Manitoba Municipalities. I gather it did take some time to react to it and I've discussed this with the president, Mr. Beachell, and we do have an amendment to delete that proposed amendment.

However, I should say, though, that there still does appear to be an anomaly in the principle establishing certain qualifications for residents of a town or village without corresponding privileges for a rural person.

I think the problem with this proposed amendment is not the substance as much as the timing. For that reason, I'm quite prepared to have that withdrawn but I will indicate that — (Interjection) — No, well, caved in to pressure.

I want to refer this matter to the Advisory Committee for further discussion and certainly it will not impede on those persons wanting to seek re-election or election this fall.

On the other matter, on the representation by population, the R.M. of Harrison problem, the Member for Arthur well knows this problem has been around for a number of years. I think about four, or five, or six Ministers have grappled with this issue. This is another issue I want to take to the Advisory Committee and see what they come up with. Certainly I sense there is a problem out there but it's not one that one can just rush into and correct without considerable consultation and I intend to do that. Maybe there will be some way of dealing with the problem in the spring Session.

Those are my remarks.

MR. J. DOWNEY: I just want to thank the Minister for seeing the need for withdrawing section 45 of Bill 33 to further have it discussed with the municipalities. I'm sure they will appreciate his backing off on that particular portion. Thank you.

MR. DEPUTY CHAIRMAN: Mr. Minister, did you want to make a comment? Well, we've got some changes coming to the act. We should start off with the one and do it in proper form because it's the first motion that's being amended. We've got some changes to that as well. It's being written right now and you'll have it in two or three minutes.

While we're waiting for that amendment to come forward, would you like to move ahead to Bill 37? (Agreed)

BILL NO. 37 - THE CITY OF WINNIPEG ACT

MR. DEPUTY CHAIRMAN: No amendments to Bill 37. Preamble—pass; Bill—pass; Title—pass. Bill be reported.

BILL NO. 33 - THE MUNICIPAL ACT (Cont'd.)

MR. DEPUTY CHAIRMAN: Back to Bill 33, folks, An Act to amend The Municipal Act.

MR. J. ERNST: On a point of order, Mr. Chairman. The members here, Mr. Chairman, at the table, are honourable members, not "folks."

MR. DEPUTY CHAIRMAN: Honourable folks. Mr. Baker.

MR. C. BAKER: I'll read the motion again: THAT Section 1 of Bill 33 be struck out.

MR. DEPUTY CHAIRMAN: Pass. French version—pass.

MR. C. BAKER:
MOTION:
THAT Section 2 to 20 of Bill 33 be renumbered as Sections 1 to 19.

MR. DEPUTY CHAIRMAN: Pass? (Agreed) French version—pass.

THAT Schedule to Bill 33 be amended by striking out Section 19 in the second line and substituting therefor Section 18.

MR. C. BAKER:

MOTION:

THAT renumbered section 1 of Bill 33 be amended by striking out the words, "The Act" and substituting therefor the words "The Municipal Act" being Chapter M225 of the Continuing Consolidation of the Statutes of Manitoba.

MOTION:

MR. DEPUTY CHAIRMAN: Pass. The last two motions in French—pass.

Comments on the bill?

Preamble—pass; Title—pass; Bill as amended—pass.

Bill be reported

That concludes the business of the committee.

Committee rise.

COMMITTEE ROSE AT: 10:30 p.m.